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## RESTORATION ADVISORY BOARD

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FORT MCCLELLAN, ALABAMA

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Taken before DEBORAH L.

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BANKS, a Court Reporter and

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Commissioner for Alabama at Large,

14

at Building 215, Fort McClellan,

15

Alabama, on the 21st day of October

16

2003, commencing at approximately

17

6:30 p.m.

18

19

20

Deborah L. Banks, Court Reporter

21

399 Rainbow Haven

22

Rainbow City, Alabama 35906

23

256 442-6005

1	I N D E X	
2		
3		
4		Page
5	CAPTION SHEET .....	1
6		
7	REPORTER'S INDEX .....	2
8		
9	RESTORATION ADVISORY BOARD .....	3-86
10		
11	CERTIFICATE .....	87-88
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		

1 DR. STEFFY: I'm sitting in  
2 for Monty Clendenin who has a family  
3 emergency, I guess. I'm David  
4 Steffy the new vice-chair. I  
5 already rose to power.

6 I'd like to call roll call.  
7 Monty's absent. Gary Harvey?

8 MR. HARVEY: Present.

9 DR. STEFFY: Mr. James  
10 Buford?

11 MR. BUFORD: Here.

12 DR. STEFFY: Pete Conroy.

13 (No response.)

14 DR. STEFFY: Not here.

15 Jerome Elser?

16 (No response.)

17 DR. STEFFY: Curtis Franklin.

18 MR. FRANKLIN: Here.

19 DR. STEFFY: Mr. Joe McCary?

20 MR. MCCARY: McCary. Here.

21 DR. STEFFY: Mr. Craig  
22 Branchfield.

23 (No response.)

1 DR. STEFFY: Ms. Cheryl  
2 Bragg?  
3 MS. BRAGG: Here.  
4 DR. STEFFY: Mr. Dwight  
5 Mitchell?  
6 MR. MITCHELL: Here.  
7 DR. STEFFY: Mr. Jim Miller?  
8 (No response.)  
9 DR. STEFFY: Mr. Ron Grant.  
10 MR. GRANT: Here.  
11 DR. STEFFY: Ron Levy?  
12 MR. LEVY: Here.  
13 DR. STEFFY: Mr. Doyle  
14 Brittain?  
15 (No response.)  
16 DR. STEFFY: And Mr. Phillip  
17 Stroud?  
18 MR. STROUD: Here.  
19 (Mr. Miller enters the  
20 meeting.)  
21 DR. STEFFY: And at this  
22 time, I would like to invite the  
23 guests that are present at this

1 meeting to introduce themselves.  
2 Nice and clearly so she can record  
3 your name and who you're  
4 representing.

5 MR. DAFFRON: I'm Bob Daffron  
6 with the Alabama National Guard  
7 Training Center.

8 MR. BASS: I'm Louis Bass.  
9 I'm a homeowner here on Fort  
10 McClellan.

11 THE COURT REPORTER: And your  
12 last name is?

13 MR. BASS: Bass. B-a-s-s.

14 MR. BOLTON: Scott Bolton,  
15 Transition Force.

16 THE COURT REPORTER: Scott?

17 MR. BOLTON: Bolton.

18 B-o-l-t-o-n.

19 MS. CUNNINGHAM: Brenda  
20 Cunningham, Transition Force.

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

1 MR. BIGGS: Todd Biggs

2 (inaudible).

3 THE COURT REPORTER: Excuse

4 me?

5 MR. BIGGS: Biggs.

6 B-i-g-g-s.

7 THE COURT REPORTER: What was

8 the first name?

9 MR. BIGGS: Todd.

10 MR. COPELAND: Dan Copeland,

11 Corps of Engineers, Huntsville.

12 THE COURT REPORTER: Excuse

13 me?

14 MS. CUNNINGHAM: Huntsville.

15 THE COURT REPORTER: I'm

16 sorry. I can't hear you.

17 MR. COPELAND: Dan Copeland,

18 Corps of Engineers, Huntsville.

19 MS. HOLSTEIN: Lisa Holstein,

20 Transition Force.

21 MS. PINSON: Karen Pinson,

22 Transition Force.

23 MR. DOYLE: Joseph Doyle,

1 Transition Force.

2 MS. CLEMENCE: Sara Clemence,  
3 Anniston Star.

4 DR. STEFFY: Anybody else?

5 (No response.)

6 DR. STEFFY: Do we have a  
7 quorum?

8 MS. CUNNINGHAM: No.

9 DR. STEFFY: So we cannot  
10 approve the -- people who are  
11 officially excused are Donna Fathke,  
12 Mayor Kimbrough, Monty Clendenin,  
13 Barry Cox, Mary Harrington. And we  
14 do not have a quorum, so the minutes  
15 cannot be approved. Am I right?

16 MS. CUNNINGHAM: Right.

17 DR. STEFFY: But please look  
18 over the minutes anyway. They  
19 should be in your packets if you  
20 have not done that.

21 And now I'd like to invite Gary  
22 Harvey of the Transition Force to  
23 address the status of the work.

1                   MR. HARVEY: You have a  
2                   briefing slot in your packet there.  
3                   Sara, do you have one? What if I  
4                   just start it off? I'm Gary Harvey.  
5                   I'm not new here. I'm new to the  
6                   RAB meetings. I'm the site manager  
7                   here now before the transition  
8                   coordinator and the operations  
9                   officer before that even began here.  
10                  What I thought I would do is give  
11                  you a quick update on where we are  
12                  at this time. I know you haven't  
13                  seen this particular chart for a  
14                  couple of three years as a matter of  
15                  fact. This is what we call the  
16                  property. All the green is  
17                  transferred property. Transferred  
18                  via deed. All gone. I didn't know  
19                  if you knew this much was gone. I  
20                  didn't say environmentally cleaned  
21                  up, but this is all gone. The white  
22                  spots you see here is Jim Miller's  
23                  property. It's twenty-six acres for



1           the pumping benefit conveyance for  
2           the water sewer board. And this, of  
3           course, is the Eastern By-pass right  
4           here. And I'll say more about them  
5           in just a moment. But I know most  
6           of you don't know that this much of  
7           Ft. McClellan is gone. Via deed.

8                     Next slide, please, Brenda.  
9           Here is civilian personnel, and you  
10          can see we're almost gone to. We  
11          started out in '00 with eighty-eight  
12          people. With the reductions over  
13          the years, we're down to twenty.  
14          And by the end of this year -- now,  
15          '05 starts for us next 1 October.  
16          So we're talking fiscal years with  
17          the army. We will be down to eight  
18          people. And how long those eight  
19          last is as good a guess as you can  
20          make. It may or may not be right.  
21          I have no idea when the final date  
22          will go.

23                     Next slide, please. Can you

1           see this over here? Okay. Let me  
2           explain these charts first and we'll  
3           go up to a lot of the same.  
4           Projected means when Fort McClellan  
5           closed and whatever plans went into  
6           effect, whatever RC Enclaves were  
7           approved or PBCs, that's projected.  
8           Actual means we have transferred  
9           that land or those facilities to  
10          them. USAR you see there for  
11          example, they were projected at  
12          eighteen point five eight acres and  
13          seventy-four thousand square feet of  
14          facility and four buildings. And  
15          you can see over in the actual,  
16          those numbers matched. That is  
17          done. The national guard is  
18          essentially done. Ron Levy is  
19          doing some site investigative type  
20          work in with the BCP thing. And  
21          whenever that agreement has been  
22          fulfilled, we'll transfer that land.  
23          But the national guard is operating

1           and maintaining and spending money  
2           on those facilities right now. So  
3           it's just a matter of them signing a  
4           1354 and taking control of the  
5           property.

6                     Fed to Fed transfers. We had  
7           Fed to Fed transfers to the credit  
8           union; Department of Justice, which  
9           is now Homeland Security; Health and  
10          Human Services; Noble Army Training  
11          Center; and Fish and Wildlife. You  
12          see projected and actual. We are  
13          done with those Fed to Fed  
14          transfers.

15                    Next slide, please. PBC is  
16          public benefit conveyances. You see  
17          all these with the fire station, the  
18          water and sewer board. We're not  
19          showing your additional twenty-six  
20          acres, Jim, but we will. You're  
21          going to get it. If you look at the  
22          fire station, we still owe them half  
23          an acre. That's the building over

1           here, Building 228. In fact, we've  
2           had the deed for that ready for two  
3           months waiting on the city to sign  
4           the deed. So maybe they'll catch up  
5           here pretty quick. Anniston Parks  
6           and Rec. The recreation facilities,  
7           the golf course. That's all gone.  
8           The golf course came out of the  
9           Eastern By-pass as you can see.  
10          We're projecting giving six and  
11          seven acres. We've only given two  
12          seventy-one right now. That's this  
13          bottom part right down here that's  
14          green. It comes from the  
15          intersection. It comes up here to  
16          around Yahoo Lake. As you can see,  
17          those are all done.

18                 Next slide, please. Other  
19          transfers, we transferred the  
20          telecommunications, electric, and  
21          gas, and those were primarily  
22          easements, although, there was one  
23          building with the

1 telecommunications. And those are  
2 all completed.

3 Next slide, please.

4 Transfers to the JPA, the joint  
5 powers authority, show here thirteen  
6 deeds totaling eight hundred and  
7 sixty-eight facilities, four point  
8 seven million square feet and  
9 ninety-seven hundred and five acres.  
10 And that is done.

11 Next slide, please. Eastern  
12 By-pass. We're showing another side  
13 separately. We have three tracts.  
14 We had to work this way because of  
15 environmental reasons. Tract One,  
16 which is lower part here,  
17 (indicating) was always clean after  
18 we finished our initial  
19 investigation. We transferred that  
20 29 June. I'm sure you all saw that  
21 there, all the trees taken out and  
22 the grass put in.

23 Tract Two, right here, the

1 Flying J and Summerall Road. That  
2 deed has been sent down to ALDOT  
3 since early September, a draft deed,  
4 just waiting for them to accept it.  
5 And we did have an article in the  
6 paper about ALDOT going in there and  
7 cleaning again after we did. And  
8 they didn't find anything but what  
9 we found. So hopefully, they'll  
10 sign that soon.

11 Tract Three is right here.  
12 (Indicating.) The UXO clearance has  
13 been done and we're waiting for  
14 paperwork. We hope we're still on  
15 track for February '04 for transfer  
16 via deed.

17 It should be the last one,  
18 and I'm sure some of these things  
19 you haven't seen before. We do have  
20 a couple of other things going on.  
21 Now, the early transfer  
22 documentation, which I understand  
23 Joe and Ron gave y'all probably more

1           than you wanted briefing on detail  
2           of that. We will continue the RAB  
3           for another year with the army in  
4           the lead. I don't know what will  
5           happen next year with phase two. I  
6           would expect that maybe the JPA  
7           would take that over and then we  
8           would input. Don't know. That's  
9           all subject to negotiation. But for  
10          this year, for sure, we are  
11          continuing the RAB just like it is.  
12          And hopefully JPA will input what  
13          they're going to do with the phase  
14          one cleanup. And we'll try to get  
15          them to start making presentations  
16          to you.

17                   Any questions?

18                   (No response.)

19                   It's quick and dirty, but  
20          it's all gone. We need to brief you  
21          real quick before we're all gone.  
22          Thank you.

23                   DR. STEFFY: Any questions?

1           Okay. Thank you.

2                   New business. We have two  
3           vacancies on the RAB and four  
4           applicants now for those two  
5           vacancies. And listed in your  
6           packet, you will see applications.  
7           And since we don't have a quorum,  
8           we cannot vote on the applications.  
9           We have to wait until we get a  
10          quorum to vote on that. At least  
11          you have it in front of you and  
12          maybe you can review before the next  
13          meeting. There is a ballot within  
14          your packet but again, that's a moot  
15          point. So there are four  
16          applicants. Did I do that right?

17                   MS. CUNNINGHAM: Yes.

18                   DR. STEFFY: Only voting  
19          members can vote on applicants and  
20          we don't have a quorum.

21                   DR. STEFFY: And now for our  
22          reports. ADEM and EPA.

23                   MR. STROUD: I did hear from



1 Doyle, and he said couldn't make it  
2 today. I don't see his report here.  
3 Has he sent it to you?

4 MS. CUNNINGHAM: I haven't  
5 heard from him. The last time I  
6 checked my mail was five thirty.

7 MR. STROUD: All right. Well,  
8 as promised, we're moving ahead very  
9 quickly on several reports and  
10 comments and concurrences and --  
11 I'll pass these this way and this  
12 way. And we're continuing with  
13 these reviews. We're also having  
14 several reports coming in as you can  
15 look on the back, whatever you call  
16 the back here, but that's the ADEM  
17 activity report to the Restoration  
18 Advisory Board. Let's see. These  
19 are documents received, and as you  
20 can see, they are still coming in  
21 and we're to respond to these. As a  
22 matter of fact, we are well on our  
23 way to responding to these already

1           also. If you have any questions on  
2           these, feel free to talk to me about  
3           it.

4                     Just want to make a note that  
5           we are staffing up for ADEM, looking  
6           at new employees coming in to  
7           prepare for the next, I guess,  
8           period, we're going to be going  
9           through. Since we've gone through  
10          privatization, I understand we need  
11          to beef up a little bit. So ADEM is  
12          looking at new employees coming in.  
13          That's all.

14                    DR. STEFFY: Any questions?  
15                    (No response.)

16                    DR. STEFFY: Okay. The JPA  
17          report? They are absent. TRC  
18          report? Not here?

19                    MR. LEVY: The TRC was  
20          supposed to have met, but it never  
21          occurred. Something needs to be  
22          brought up here. Again --

23                    THE COURT REPORTER: I'm not

1           getting that. Are you just talking  
2           to him?

3                   MR. LEVY: The TRC didn't  
4           meet. It needs to occur. There was  
5           some discussion about finding how  
6           they were going to divi up some  
7           reviews on documents. But as far as  
8           I know, there has not been any  
9           agreement on that.

10                   DR. STEFFY: Are there  
11           actually members of the TRC?

12                   MR. LEVY: Yes. They are  
13           defined.

14                   DR. STEFFY: They know who  
15           they are. Okay. Is there a  
16           chairman of the TRC?

17                   MR. LEVY: Right off the top  
18           of my head, I don't --

19                   MS. CUNNINGHAM: Barry Cox is  
20           the chairman and Pete Conroy and  
21           Craig Branchfield are on it with  
22           them. But they're not here tonight.

23                   MR. HARVEY: So they're

1           supposed to meet once a month or  
2           what? Do you know?

3                   MS. CUNNINGHAM: They meet  
4           amongst themselves. I mean, they  
5           don't have a special meeting.

6                   MR. HARVEY: Okay.

7                   MR. MCCRARY: What is the  
8           TRC?

9                   MR. LEVY: Technical Review  
10          Committee. It was set up to help  
11          the RAB review technical documents.  
12          They were meant to be the persons  
13          that had the most knowledge and  
14          understanding of technical  
15          background, so as documents came  
16          out, they could review and provide  
17          input. They were chosen based on  
18          that. Part of the issues have been,  
19          we've got a TAPP contract, and we've  
20          got a TOSC -- I wouldn't call it a  
21          contract -- but a TOSC agreement  
22          with the EPA group. All technical  
23          people that are supposed to provide

1 technical support to this RAB in  
2 terms of reviewing documents. But  
3 what we've not seen is direction  
4 from the RAB to these individuals.  
5 This does not come from the army.  
6 It's not the army's role. The RAB  
7 itself, the RAB members, that have  
8 to direct them as to what work they  
9 want to be done in terms of the  
10 documents. And there was the  
11 planned meeting. I don't think  
12 anything came out of that that I'm  
13 aware of. Right now, what we've  
14 really got is Ron Grant who is the  
15 TAPP really just for the most part  
16 attending meetings, and that's about  
17 it. He's not been reviewing any  
18 documents.

19 DR. STEFFY: Is there a stack  
20 of documents to reviewed?

21 MR. LEVY: There are  
22 documents in the repository and  
23 there are documents out there that

1           we have provided to the TRC in the  
2           past.

3                     DR. STEFFY:  Have they been  
4           identified by the RAB as wanting to  
5           be reviewed?

6                     MR. LEVY:  Again, that's a  
7           RAB decision.  If you look at the  
8           agreement that was done for the  
9           TOSC, there is some definition of  
10          what they wanted to review and look  
11          at.  Some of them had to do with  
12          sites.  But we have not gotten any  
13          movement.  And from the army's side,  
14          we're prepared to support that.  But  
15          the RAB's got to come together and  
16          tell us what it is they want to give  
17          to them for review purposes.

18                    DR. STEFFY:  So we need to  
19          get the TRC motivated?

20                    MR. MCCARY:  Good word.

21                    DR. STEFFY:  None of the  
22          members are here, though.

23                    MR. HARVEY:  I think you're

1           probably right. They need to be  
2           motivated.

3                   MR. DOYLE: I don't recall,  
4           maybe Brenda can pipe in on this,  
5           if ther was a vote by the full RAB.  
6           I'd have to go back and check the  
7           minutes. But I don't recall, do  
8           you?

9                   MS. CUNNINGHAM: It was a  
10          ways back when June was still here.  
11          It was a long time ago. Yes, I  
12          think they did.

13                  MR. DOYLE: Was there a vote?

14                  MS. CUNNINGHAM: I think they  
15          volunteered.

16                  MR. DOYLE: Or was it by  
17          direction of the co-chair.

18                  THE COURT REPORTER: If  
19          everybody is going to talk, they're  
20          going to have to tell me who they  
21          are before they say anything.

22                  MS. CUNNINGHAM: That's Joe  
23          Doyle.

1                   MR. DOYLE: We can give you  
2                   that information, it would be easy  
3                   if you have that authority. I mean,  
4                   I think you have that authority.  
5                   But I don't have any recollection,  
6                   maybe some of the other RAB members  
7                   do, as to how that review committee  
8                   was set up, if it was done by a vote  
9                   of the full RAB or if it was just  
10                  done by the direction of the  
11                  chairman with his inherent authority  
12                  under the bylaws to set up  
13                  committees. I just don't recall at  
14                  this point it's been so long ago.

15                 MR. LEVY: Seems to me there  
16                  was the some movement either at the  
17                  last RAB meeting or the one before  
18                  that where they were going to  
19                  discuss some review and then we  
20                  never heard anything more.

21                 MS. CUNNINGHAM: We may have  
22                  to wait and speak with them.

23                 DR. STEFFY: We can't do



1           anything without any of the members  
2           here. Can we make it a point to get  
3           this idea to Monty that the TRC  
4           needs to be motivated.

5                   MR. GRANT: If they had a  
6           meeting, they haven't made me aware  
7           of it. According to the terms of my  
8           contract, I'm supposed to attend the  
9           meetings.

10                   DR. STEFFY: When was the  
11           last meeting you attended?

12                   MR. GRANT: Haven't ever had  
13           one.

14                   DR. STEFFY: Never had one.  
15           It seems to be a committee at a  
16           standstill there. Any other  
17           comments about the TRC?

18                   (No response.)

19                   MR. STEFFY: Action summary  
20           sheet.

21                   MR. LEVY: That's me. The  
22           intent of the action summary sheet  
23           is to give you a snapshot of what's

1           going on from to month to month in  
2           terms of activities that are  
3           occurring in the field with the army  
4           on the cleanup side. We send it out  
5           electronically to members so that  
6           you can read ahead before coming.  
7           My intent is not to go into great  
8           detail over it, just to kind of  
9           cover it lightly. But to move  
10          through it and take any questions  
11          as to what's going on.

12                 First, I'll just say that the  
13          work has slowed down considerably  
14          since the spring given the hand over  
15          of the phase one cleanup to the JPA.  
16          And the JPA who are in the midst of  
17          trying to staff up and put their  
18          program management team together is  
19          kind of in a transition period too  
20          trying to get to the field to do  
21          some of the work that was defined in  
22          the technical services agreement.

23                 But what you see in front of

1           you is kind of a snapshot of where  
2           we are. As it relates to landfill  
3           three and the groundwater situation  
4           there, for the most part, the army  
5           has completed all its fieldwork in  
6           terms of groundwater monitoring. We  
7           just finished our last sampling of  
8           that and the results are not in.  
9           Those will be presented to the RAB  
10          at some point in the future. Under  
11          the terms of the agreement, the JPA  
12          is responsible for future  
13          groundwater monitoring requirements  
14          as part of the remedy.

15                 In the OE or explosives and  
16          ordnance side of the house, relating  
17          to the Alpha area, the Alpha area  
18          has also gone the way of being  
19          transferred over for work to the  
20          JPA. To this point, there is still  
21          come correspondence going back and  
22          forth between the army and ADEM as  
23          it relates to Alpha. But the work

1           now, which involves some  
2           characterization and removal action,  
3           this has all been part of, it's all  
4           part of the cooperative agreement  
5           that's now before the JPA.

6                     In the Bravo area, the one  
7           action that we are working on in  
8           terms of the removal is the Y area.  
9           Do you know where the Y area is?  
10          It's directly north of the Eastern  
11          By-pass. This green area in here.  
12          (Indicating.) It's in there. And  
13          the reason it's being done as an  
14          integral removal is because the JPA  
15          is concerned of inability to develop  
16          that area up there in the north,  
17          i.e., the housing area, without  
18          removal of the ordnance in that  
19          area. So the army made an effort to  
20          move in there and start an integral  
21          removal action.

22                     We have finished with the  
23          fieldwork out there. We're still

1           going through a QAQC process. So  
2           the action is not complete, although  
3           for the most part, any ordnances in  
4           there should have been removed  
5           because of the clearance to depth.

6                     As you all know, the Bravo  
7           area, look over this map over above  
8           Sara's head, that's the Bravo area  
9           in orange. All that was part of the  
10          early transfer. It has not been  
11          negotiated for clearance to go to  
12          the JPA yet. We are still involved  
13          in the characterization phase on  
14          that. Part of that characterization  
15          phase is dealing with the JPA --  
16          excuse me, not the JPA -- dealing  
17          with ADEM on that. We're working  
18          through some stuff now. We've not  
19          published the document publically  
20          yet for the Bravo area. That's  
21          still to be published. It's also  
22          slated at some point in the future  
23          to become part of the cooperative

1           agreement and turned over to the JPA  
2           for cleanup. But the way it's  
3           probably going to work now is we'll  
4           complete the characterization and  
5           work through that. We're expecting  
6           to send the Bravo area shortly to  
7           the regulatory agencies and the JPA  
8           for review concurrently. That  
9           hasn't occurred yet.

10                   In the Charlie area, we have  
11           provided the EE/CA to Fish and  
12           Wildlife. Until we get to the Fish  
13           and Wildlife piece, we've not  
14           provided to ADEM yet, but they are  
15           just now starting to look at the  
16           documents themselves. We'll get  
17           through some comments on that and go  
18           to ADEM with the document of the  
19           following.

20                   The M1.01 in the army is  
21           really a position that has completed  
22           that area. And it's been  
23           transferred. The M1.01, let me see

1           if I can't point that out again.  
2           That brown area right here.  
3           (Indicating.) You'll see it. It  
4           was part of the FOSET in the early  
5           transfer so it did go to the JPA.  
6           We're still working through some  
7           issues on the M1.01 with ADEM.  
8           We'll continue to work through some  
9           of that.

10                   For the Eastern By-pass, the  
11           fieldwork is complete. We did  
12           provide ADEM with the draft removal  
13           report. And ADEM came back with  
14           some comments and the army just went  
15           back to ADEM with some comments,  
16           response to those comments, so we're  
17           working back and forth with ADEM on  
18           the Eastern By-pass. But the  
19           fieldwork essentially is all  
20           complete for that. We are going to  
21           look toward the transfer on that  
22           property.

23                   For most part, in the

1 landfill EE/CA, the work is  
2 essentially done. We will finalize  
3 a report.

4 Lisa, what are we calling  
5 that report again? A report of --

6 MS. HOLSTEIN: Report of  
7 findings.

8 MR. LEVY: A report of  
9 findings on that. But the work has  
10 been only negotiated to go to the  
11 JPA less one site in Fish and  
12 Wildlife area an one site in the  
13 ALDOT area, both of which we're  
14 working with ADEM and Fish and  
15 Wildlife on.

16 I think Gary gave you an  
17 update on essentially the transfers  
18 and where FOST and the deeds lie.  
19 Those are all listed in your sheets.  
20 I don't know if anybody's got any  
21 specific questions about that. The  
22 significant thing there was the FOST  
23 was signed or the CERCLA Covenant



1           was signed on the 30th of September  
2           by the governor. That was a real  
3           coup for everyone. So that was  
4           done. And Gary went through the  
5           deeds you see on the transfers.

6                     Contractors on the  
7           installation are listed. The number  
8           of contractors is listed. There are  
9           also -- there is a downward trend  
10          going on there based on the  
11          workload.

12                    And as always, we talked  
13          about the safety issues. People  
14          walking around back in the  
15          restricted where we are still  
16          investigating and have not finished  
17          clearance of UXO items. We take  
18          that seriously.

19                    That's all I've got. Anybody  
20          have any questions about work that  
21          is going on?

22                    DR. STEFFY: I have a  
23          question about landfill three. When

1           you transferred the property to the  
2           JPA, you knew the plume was leaving  
3           the site going on Highway 21. Is  
4           the JPA now responsible for that  
5           plume moving off site?

6                   MR. LEVY: The JPA is  
7           responsible for completing the  
8           remedy for that groundwork.  
9           However, there's limitations to what  
10          they would be required to do if the  
11          plume were to move extensively  
12          outside of what we defined in the  
13          cooperative agreement. In which  
14          case, the army may have what is know  
15          as a "retained commission," we'd  
16          have to come back and do something  
17          about it. I don't know how to  
18          explain it in the sense that there  
19          is still an army component there if  
20          it goes beyond the scope of what was  
21          defined in the ESCA. In other  
22          words, if there is extensive  
23          movement beyond what we defined in

1           the ESCA, the army would have some  
2           responsibility in that.

3                   DR. STEFFY:  If the JPA  
4           thinks another well needs to be  
5           drilled to help monitor the movement  
6           of this plume, it's their  
7           responsibility to drill the well and  
8           to do environmental monitoring, then  
9           come back to you and say, hey, this  
10          plume is moving beyond the scope of  
11          the agreement, so you come back in  
12          and help us out.

13                   MR. LEVY:  Exactly, that  
14          would be the case.  And there is  
15          moneys involved in the ESCA for that  
16          fact if it needed to happen for them  
17          to put additional wells in there if  
18          needed, if they're needed.

19                   MR. MCCARY:  That brings up  
20          something you had said earlier, by  
21          principle basically, anything that  
22          were to say show up years down the  
23          road that could be traced back to

1           the army's presence, then you know,  
2           if the JPA finds this and pulls  
3           back, the army is responsible for  
4           coming back at some point and doing  
5           something about it.

6                     MR. LEVY:   Simply put, yes.  
7           That's true.

8                     MR. MCCARY:  But it's their  
9           responsibility to monitor this.  
10          Because, I mean, there's stuff out  
11          there that, you know, there's no  
12          record of where it was, and it may  
13          turn up at some point in the future.

14                    MR. LEVY:   When we transfer  
15          that property that was in the FOSET  
16          that was in the early transfer, we  
17          transferred without the covenant.  
18          But generally, when we transfer the  
19          property, there is a covenant in  
20          there that says, if you find  
21          something that's related to previous  
22          army activities, then we would have  
23          to come back and clean it up.  With

1           the property as it stands now, when  
2           they complete the cleanup of what's  
3           been negotiated, we then will give  
4           them the covenant. And we can do  
5           that in pieces as they conduct their  
6           cleanup.

7                     MR. DOYLE: And the deed is  
8           amended to reflect the covenant.  
9           The army has not transferred it's  
10          liability. What the army has  
11          transferred is the responsibility  
12          for the cleanup primarily to the  
13          JPA. If the JPA was to default on  
14          the grants program, the army is  
15          still on the hook for the  
16          responsibility and the liability for  
17          producing the cleanup. But the  
18          thought was in this transfer that  
19          the JPA made assurances that they  
20          would do this quicker, cleaner, and  
21          cheaper than the army could. So  
22          that's why the army bought into this  
23          program and through the grants

1           process gave them X-amount of money  
2           and then set up the parameters of  
3           the cleanup. So certain assumptions  
4           had to be made where  
5           characterization was not complete.

6                     Now, in many cases,  
7           characterization was complete, so  
8           via ADEM, we believe we know what  
9           the remedy will be and it's just  
10          merely executing the remedy and then  
11          when the completion of the remedy  
12          and the cleanup is done, we will  
13          amend the deed to give the covenant.  
14          And if there is any further  
15          environmental contamination that was  
16          not addressed under the terms of  
17          that agreement.

18                    Now, if they did not do  
19          everything in accordance with the  
20          agreement and that comes at some  
21          later time, that's why there's an  
22          insurance component that kicks in  
23          that would cover the army's

1 liability to a great extent. And  
2 the bonds and surety would come in  
3 completing that remediation.

4 MR. HARVEY: And the  
5 important part is, which Joe stated,  
6 we did not transfer liability. We  
7 always had that under the law.

8 MR. MCCARY: So it's  
9 essentially the job of the JPA to  
10 follow through.

11 MR. HARVEY: Yes.

12 MCCARY: To make sure --

13 MR. HARVEY: Yeah, that we  
14 monitor.

15 DR. STEFFY: Any other  
16 questions?

17 (No response.)

18 DR. STEFFY: Let's see. The  
19 TAPP report.

20 MR. GRANT: I have no  
21 documents to review. I have charged  
22 four hours for my time.

23 MR. LEVY: And with that,

1 I'll say we started out with five  
2 hundred hours available under Ron's  
3 contract. There is still a total of  
4 three hundred and sixty-six hours  
5 that has not been expended yet under  
6 his contract. The contract ended in  
7 May 2003, but we did extend it a  
8 full year to 2004, May of 2004, 14  
9 May, 2004, per the RAB's request.

10 DR. STEFFY: Is there a  
11 problem carrying over money from one  
12 fiscal year to the next?

13 MR. LEVY: As long as it's  
14 obligated. Actually, it's --  
15 (inaudible).

16 THE COURT REPORTER: It's  
17 what? I'm sorry. It's actually  
18 what?

19 MR. LEVY: (Inaudible) money.  
20 Meaning that it really doesn't go  
21 away. But we still want to get it  
22 obligated. They still track our  
23 dollars, and it's possible for them



1           to take it away from us if we're not  
2           spending it.

3                     DR. STEFFY:  The TOSC report.  
4           I understand Bob Schmitter could not  
5           attend.  They have nothing to  
6           report.

7                     RAB work session.  I don't  
8           what that's about.

9                     MR. LEVY:  Ken, the RAB work  
10          session?

11                    MS. PINSON:  I don't think  
12          that -- that was something that we  
13          were going to let y'all discuss  
14          things in the TAPP contract.

15                    MR. LEVY:  Yeah.  It was  
16          about the TAPP.  It's the issue I  
17          brought up earlier.

18                    MS. PINSON:  What direction  
19          you wanted to go with that.  You  
20          don't have everything here tonight.  
21          You want to put that off.

22                    MR. HARVEY:  So what the plan  
23          was is to stimulate conversation on

1           the TRC, you know, getting TAPP work  
2           done or what?

3                     MR. GRANT:   Yes.   Yes.

4                     MS. CUNNINGHAM:   What the RAB  
5           members wanted to do.   Because they  
6           really don't get a chance to talk to  
7           each other.

8                     DR. STEFFY:   Is that supposed  
9           to be done tonight?   As a working  
10          group.

11                    MR. LEVY:   As a separate  
12          group from the RAB.   They get  
13          together.   Really, the intent here  
14          was so that they could address the  
15          issue of the TAPP and TOSC to see  
16          where they were going.   But since we  
17          don't have a quorum and nobody is  
18          here from the TRC, it's kind of  
19          difficult to do.

20                    MR. MILLER:   Let me ask a  
21          couple of questions about that  
22          because obviously we're not getting  
23          a lot done here.   We're spending a

1           lot of time, and it's not being very  
2           productive. And I don't mean to be  
3           critical. It's just a fact. What  
4           kind of requirements does the army  
5           have concerning this RAB, and what  
6           are your obligations as far as the  
7           RAB? I mean, obviously, I guess, we  
8           are advisory board, and I understand  
9           that. But do we have a particular  
10          number of meetings that we must  
11          fulfill to meet your requirements  
12          that the army places on you.  
13          Because it seems like to me, we're  
14          spending a lot of time doing nothing  
15          here.

16                 MR. LEVY: No. Only the  
17          requirements of what the RAB set up  
18          in the bylaws. There isn't any  
19          specified amount of time that the  
20          RAB has to meet.

21                 MR. MILLER: I think it would  
22          remain for another day when we have  
23          more members here, but I think

1           there's a more efficient way to use  
2           our time than, I think, coming here  
3           every month and sitting here and  
4           listening to you guys tell us what  
5           you did is frankly not getting us  
6           anywhere. I think we could meet  
7           less and accomplish more. Just one  
8           guy's opinion.

9                     MR. HARVEY: I disagree with  
10           that. There are the things that --  
11           the TRC is not here, they didn't  
12           meet. We were assuming that they  
13           wanted to do something. We've got  
14           Ron Grant supporting with lots of  
15           hours left.

16                    MR. MILLER: Right. And I  
17           understand we're wasting --

18                    MR. HARVEY: We're ready, you  
19           know, if you want a briefing. Were  
20           you here Jim? I wasn't.

21                    MR. MILLER: I think I was.

22                    MR. HARVEY: PSRS, all that  
23           sort of things.

1 MR. MILLER: Right.

2 MR. HARVEY: If there are any  
3 briefing requirements and we know  
4 the month before we put stuff  
5 together.

6 MR. MILLER: And I think you  
7 guys are doing a good job, and I  
8 don't mean to be critical.

9 MR. HARVEY: I'm not trying  
10 to be --

11 MR. MILLER: We can't  
12 absorb -- I mean, this group, a  
13 bunch of laymen, can't absorb what  
14 you're doing and what your briefing  
15 us on in a month. I think we'd be  
16 better off if we met bi-monthly or  
17 quarterly. It would be a little  
18 more thorough and have a background  
19 and were better prepared than we are  
20 coming here and meeting. And most  
21 of us, frankly, don't know what the  
22 heck is going on.

23 MR. HARVEY: Right.

1                   MR. MILLER: I mean, that's  
2 something I put out to the other  
3 members to consider. You know we  
4 would do a little bit better job  
5 preparing and just get together less  
6 and maybe a little earlier in the  
7 afternoon too.

8                   MR. HARVEY: Do you like less  
9 technical and more summary type  
10 stuff.

11                  MR. MILLER: Yeah, really.  
12 I mean, you know, I was sitting here  
13 wondering a few minutes ago what  
14 "clearance to depth" meant. Now, I  
15 don't want to slow the meeting down.  
16 But, you know, y'all use a lot of  
17 acronyms and a lot of terms that we,  
18 frankly, don't have a clue as to  
19 what you're talking about. And that  
20 may be the design, and if it is,  
21 that's okay.

22                  MR. HARVEY: The army is bad  
23 on that.

1                   MR. MILLER: That's y'all's  
2                   culture.

3                   MR. HARVEY: But we can do  
4                   different -- when you heard them up  
5                   there, you heard PBC, public  
6                   benefits conveyance.

7                   MR. MILLER: Well, I  
8                   understand that one.

9                   MR. HARVEY: You understand  
10                  that one. But that's something we  
11                  do all the time that we need to stop  
12                  doing when we're talking with  
13                  civilians.

14                  MR. MILLER: Well, frankly,  
15                  from my point, I'd like the see you  
16                  dumb it down just a little bit. You  
17                  won't be insulting me if you explain  
18                  those terms. I'm a late member of  
19                  the RAB, but I'd rather make this  
20                  worthwhile and have some  
21                  constructive input than just to show  
22                  up out here and waste you  
23                  gentlemen's time. Your time is

1           valuable. And these guys come up  
2           here from ADEM, and they're away  
3           from home overnight and the same  
4           thing from EPA. And we're just  
5           wasting people's time. Frankly,  
6           that's my opinion, and, you know,  
7           everybody's got one.

8                     MR. HARVEY: Any other ideas?  
9           I'm not defensive.

10                    MS. BRAGG: Was that a  
11           question for the agenda for the next  
12           meeting?

13                    MR. MILLER: Yeah. Mr.  
14           Chairman, would you consider that  
15           that be added as an agenda items for  
16           a future meeting that we look at  
17           fewer meetings and possibly higher  
18           quality meetings. And I'll commit  
19           that I'll work harder to get up to  
20           speed on the issues if I have a  
21           little more time in between meetings  
22           to do that.

23                    DR. STEFFY: Hopefully, we'll



1           get a quorum next time, next month.

2                   MR. HARVEY: We probably need  
3           to bring some of the stuff together,  
4           Jim. Because we've got Ron, who is  
5           totally qualified. In fact, he was  
6           the director or risk management,  
7           wasn't it, of the depo.

8                   MR. GRANT: Right.

9                   MR. HARVEY: He knows all  
10          this stuff and he can probably --

11                   MR. MILLER: Well, what I  
12          would actually like to see is on the  
13          meeting night -- and y'all tell me  
14          if y'all think is lame brained -- is  
15          for us of the thirty or forty  
16          minutes maybe starting at five  
17          thirty, where the RAB meets with  
18          Ron, and we discuss these technical  
19          issues and get him to educate us on  
20          some of these issues. We don't know  
21          enough to even know what kind of  
22          stuff we need for him to review.  
23          And it's wasting his time and it's

1           wasting our time. So you know, if  
2           we could have a few minutes alone  
3           with him. Not that you guys are a  
4           problem. So we can ask him  
5           questions and not be embarrassed  
6           about being ignorant and see if we  
7           can do something to help this be a  
8           little more constructive.

9                     MR. DOYLE: If I can just  
10           interject here. To a certain  
11           degree, and please don't take this  
12           wrong. You know, the old saying is  
13           you can lead a horse to water, but  
14           you can't make him drink.

15                    MR. MILLER: Yeah.

16                    MR. DOYLE: And I kind of  
17           feel and I've stated this as the  
18           site manager back four months ago  
19           when I first took over, that very  
20           first meeting when we set up the  
21           grants program through EPA. I  
22           forget the gentleman's name. And I  
23           told you it was a fast moving train.

1           In fact, I made some suggestions  
2           that probably first one of the  
3           things was the FOSET was to really  
4           transfer itself and the whole  
5           concept. I knew that the likelihood  
6           was great that that document would  
7           be in place come 1 October, and sure  
8           enough it was. I throw that out as  
9           a suggestion. The problem is that,  
10          from my perspective, is that  
11          Mr. Grant was there to review those  
12          documents associated with the FOSET  
13          and as well as the other programs  
14          through EPA.

15                 MR. MILLER: Yeah. But he  
16                 never got any direction to do that.

17                 MR. DOYLE: No direction was  
18                 made --

19                 MR. MILLER: Well, if you'll  
20                 forgive me for being a little late  
21                 waking up, I think I understand what  
22                 you're saying now.

23                 MR. DOYLE: And my

1 perspective is that all the tools  
2 are in place. And it's a matter of  
3 the RAB needs to grab hold of those  
4 reins.

5 MR. MILLER: I see the  
6 picture here. I mean, I think you  
7 guys are doing the job. Y'all are  
8 doing a great job. The RAB is  
9 sitting on it's keester and doing  
10 nothing. And all I'm saying is is  
11 my time is valuable and either the  
12 RAB needs to do something, or we  
13 need to go to the house and forget  
14 about it. I just don't believe in  
15 coming and having meetings and  
16 wasting your time and our time. And  
17 in the start, it would be helpful if  
18 people showed up.

19 MR. HARVEY: Let me offer a  
20 suggestion, rather than five thirty,  
21 and I'm just offering a suggestion.  
22 Of course, I don't have a vote or  
23 anything, is start at six thirty

1           next time. Let's give y'all the  
2           first half hour or so or however  
3           y'all want, forty-five minutes,  
4           hour, or whatever that y'all meet  
5           and hash this out as to what you  
6           want to do with Ron here.

7                     MR. MILLER: I'm fine with  
8           that and six thirty is okay. I said  
9           five thirty because six thirty seems  
10          awful late in the day. I've gone  
11          home and coming back. I had rather  
12          tack it on to the end of my business  
13          day and not have a trip home and  
14          back, frankly. That's a personal  
15          thing. It seems like an hour and a  
16          half of wasted time to me. I mean,  
17          for my part, we could meet at lunch.

18                    MR. MCCARY: Does this need  
19          to be put in form of a motion?

20                    MR. MILLER: Well, we don't  
21          have enough people here to vote on  
22          it. I just wanted to plant the  
23          seeds tonight for you guys who are

1           here to be thinking about it and see  
2           what fits you. But I really do  
3           believe -- I just believe in being  
4           productive. And as much as I want  
5           to see the Fort cleaned up right, I  
6           mean, I want to make sure the legacy  
7           we get here is a good one. And my  
8           purpose here -- and I don't think  
9           anybody's purpose here is to be a  
10          pain in the tail. We just want to  
11          be sure that things are being done  
12          right. And I think that's our role.  
13          But right now, we're worthless.

14                 DR. STEFFY: I don't think  
15          we're worthless. My personal  
16          opinion.

17                 MR. MILLER: But I don't  
18          think we're having a lot of impact  
19          because we're not prepared and we're  
20          not educated. I mean, I'm talking  
21          for myself.

22                 MS. BRAGG: I'm with you.

23                 MR. MILLER: And I think the

1           only justification for our existence  
2           is constructive criticism. And I  
3           just don't feel like we're being  
4           very constructive.

5                     MR. STEFFY: Do you want to  
6           add that to agenda next time?

7                     MR. HARVEY: Yeah, we can do  
8           that. Whatever you want us to do.  
9           If you want to make it an agenda  
10          item, we start with it. If you want  
11          to start the meeting early with just  
12          y'all. Whatever you want to do, we  
13          can do that.

14                    MR. MILLER: So would those  
15          present agree to that, just taking  
16          thirty minutes and meeting with Ron  
17          and just reviewing the issues and  
18          getting input from him. I mean,  
19          that is, after all, what he's being  
20          paid for, and I'm sure he would be  
21          more than happy to do it. Ron, I  
22          assume that would be the case.

23                    MR. GRANT: Sure.

1                   MR. MILLER: And let him earn  
2                   what he's getting, number one. And  
3                   us get a little bit up to speed. If  
4                   that's within everybody's pleasure,  
5                   then I would move that we do that  
6                   whether it be official or not.

7                   DR. STEFFY: That's worth a  
8                   try.

9                   MR. MILLER: We've got to do  
10                  something.

11                  MR. HARVEY: If it's not  
12                  enough, you can just say, stay out,  
13                  we're not done yet. We declare the  
14                  first half hour for the RAB and Ron  
15                  to plan how you want to use the TRC  
16                  and all this other good stuff and  
17                  use some of his hours.

18                  MR. MILLER: Right.

19                  MR. HARVEY: And of course,  
20                  let us know what it is we need to  
21                  do. And I understand your part.

22                  MR. MILLER: And I think  
23                  y'all are doing your job. We're the



1           ones that's not doing the job. I  
2           hope you understand that.

3                   MR. HARVEY: Yeah. But we're  
4           supposed to help you.

5                   MR. MILLER: Well, you've  
6           tried.

7                   MS. CUNNINGHAM: I need to  
8           ask, are y'all going to do this at  
9           five thirty? Because I'll have to  
10          send it out. If you do it at five  
11          thirty, it won't change -- you know,  
12          you don't have to vote on that, I  
13          guess you could just --

14                   MR. MILLER: Show up.

15                   MS. CUNNINGHAM: -- am I  
16          right? You could just do it as RAB  
17          members. And I could let everybody  
18          know if they want to participate in  
19          this discussion to be here at five  
20          thirty.

21                   MR. MILLER: Yeah. Tell them  
22          if they want input to show up;  
23          otherwise, we're going to make the

1 decisions.

2 MS. CUNNINGHAM: But you  
3 can't vote on it. But you could do  
4 that. Am I right, Joe?

5 MR. DOYLE: Yes. It's a  
6 working group.

7 MS. CUNNINGHAM: You can do  
8 that.

9 MR. HARVEY: If you want us  
10 do that, we'll do that.

11 MS. CUNNINGHAM: Five thirty.

12 MR. HARVEY: Do we hear the  
13 vice-chair say that?

14 DR. STEFFY: Yes. I guess  
15 so. That sounds good.

16 MR. MILLER: Okay. Thank  
17 you.

18 DR. STEFFY: Upcoming  
19 programs. I don't know what this is  
20 about.

21 MR. LEVY: It's also on my  
22 input agenda. We need input: What  
23 is it you want to know about; what

1           is it you're concerned about; what  
2           would you like us focus on? I mean,  
3           that's what we need to hear. I know  
4           it's tough. Some of you are not  
5           sure what you think we should focus  
6           on.

7                     MR. DOYLE: There's another  
8           component to that now. It's not  
9           just what you want to hear from the  
10          army. The other component of that  
11          is what you want to hear from the  
12          JPA vis-a-vis they're cleanup  
13          responsibilities.

14                    DR. STEFFY: It seems to me  
15          they should be a major part of this  
16          now.

17                    MR. DOYLE: That's correct.

18                    MR. MILLER: And there is an  
19          issue in that about whether or not  
20          the JPA is going to play. Are they  
21          going to participate and use the RAB  
22          or are they going to start in their  
23          own direction?

1                   MR. DOYLE: That's under the  
2                   ESCA. Even though the army is  
3                   carrying the burden for this coming  
4                   fiscal year, there is a component to  
5                   that that the JPA participate in and  
6                   using the RAB in the same vehicle  
7                   that the army uses in putting  
8                   information out there. And then  
9                   answering questions that the RAB has  
10                  in regards, what are the  
11                  environmental issues, what is the  
12                  cleanup, whatever it might be.

13                 MR. LEVY: Their cleanup  
14                 agreement with ADEM says that they  
15                 will, in fact, do that. It says  
16                 they have a responsibility.

17                 MR. HARVEY: They have a  
18                 responsibility to keep the public  
19                 informed. And it maybe something  
20                 y'all want to talk to us. We'll  
21                 tell you what the ESCA says, what  
22                 everything says. And then y'all  
23                 talk to the JPA and say you want a

1           briefing every month about what's  
2           going on and JPA, what are your  
3           plans as to phase two negotiations.  
4           And this is the place to do that.

5                   MR. MCCARY: I'd like the  
6           know what the JPA is.

7                   MR. HARVEY: Excuse me?

8                   MR. MCCARY: Who are they?

9                   MR. HARVEY: They are you  
10          local community representatives.

11                   MR. MCCARY: Is it a  
12          council? Is my neighbors?

13                   MR. HARVEY: It's the local  
14          redevelopment authority review board  
15          controlled by the locals to manage  
16          the redevelopment of Fort McClellan.

17                   MR. MILLER: And they have a  
18          staff. They have a director and at  
19          least three others that I know of.

20                   MR. HARVEY: Yes. They have  
21          a staff.

22                   MR. MCCARY: Do they send a  
23          representative?

1                   MR. LEVY:  Actually, on this  
2                   board themselves, there's two voting  
3                   members that are actually a part of  
4                   the JPA, Pete Conroy and Ed  
5                   Kimbrough.  And then their staff  
6                   member, Mickey Snyder, who is not a  
7                   board member but is part of their  
8                   staff and works at the environmental  
9                   (inaudible) --

10                  MR. MITCHELL:  I would like  
11                  to speak up and make one comment.  
12                  Not to defend the TRC for anything.  
13                  But as I recall, the TRC brought  
14                  this up in the past about draft  
15                  documents not being visible by  
16                  anybody here.  I mean, how do you  
17                  approach that?  If the documents go  
18                  directly to ADEM and EPA.  And you  
19                  know, they discussed this as I  
20                  recall a few months back.  How does  
21                  the RAB see these documents when  
22                  they are waiting for comments from  
23                  EPA and ADEM?  And I'm not blaming

1           you, Phillip, I mean, I'm not  
2           pointing a finger. But somebody has  
3           got to know where these documents  
4           are and where they're at in relation  
5           to the RAB meetings as far as  
6           waiting for comment to come back  
7           from ADEM or EPA. And we don't know  
8           that. And that was a major point  
9           that was brought up before.

10                  MR. LEVY: We have been  
11           handing these out.

12                  MR. MITCHELL: Right. But  
13           there are also draft documents that  
14           have gone to ADEM and EPA.

15                  MR. LEVY: But we told you  
16           that any documents that's not on  
17           this list, we'll provide to the TRC  
18           or the RAB members on request.

19                  MR. MITCHELL: Okay.

20                  MR. LEVY: So I mean, it's  
21           just a matter of asking for them.  
22           Even a draft, the army agreed that  
23           we will provide you with any

1 documents and drafts that's at ADEM.  
2 So there shouldn't be any question  
3 as to whether a document is being  
4 just reviewed at the regulatory  
5 level or whatnot.

6 MR. MILLER: And we could  
7 have that outlined when we meet with  
8 Ron so we can go through that and  
9 look that over. I can understand  
10 that because obviously you would  
11 have an eighteen-wheeler full of  
12 paper if we copied all that.

13 MR. LEVY: The only thing I  
14 don't want to do is like you said,  
15 is not give every single RAB member  
16 a copy of the documents.

17 MR. MITCHELL: I understand  
18 that.

19 MR. LEVY: Let's be selective  
20 because it's very costly to produce  
21 them.

22 MR. MILLER: Right. And we  
23 don't want waste your time.



1                   MR. MITCHELL: But about the  
2 documents that we were discussing  
3 that are going to ADEM and EPA, just  
4 for example, on your front sheet,  
5 the front page, it's got "draft  
6 investigation report for the former  
7 decon site, status and comments from  
8 Devin Bevel."

9                   MR. STROUD: Yes.

10                  MR. MITCHELL: And they are  
11 waiting on comments from him. Is  
12 that the way I understand that?

13                  MR. STROUD: Waiting on  
14 comments from EPA?

15                  MR. MITCHELL: No. From --  
16 or he had some comments on those  
17 documents.

18                  MR. STROUD: Yes.

19                  MR. MITCHELL: But they are  
20 not final yet?

21                  MR. STROUD: These are final  
22 and have been sent to the army.

23                  MR. MITCHELL: Okay.

1                   MR. STROUD: Yes. Again,  
2                   just to reiterate, if you were to  
3                   get these reports and do a, you  
4                   know, coming up with comments, my  
5                   line is wide open. And I would  
6                   really encourage, you know, any kind  
7                   of camaraderie. I enjoy getting  
8                   comments from the public.

9                   DR. STEFFY: So it would be  
10                  the function of the TRC to go  
11                  through this and pick out the  
12                  important documents to review? Is  
13                  that the idea?

14                 MR. STROUD: Actually, I  
15                 think you mentioned this is a --

16                 MR. LEVY: This is document  
17                 status check.

18                 MR. STROUD: This is the one  
19                 you want to pay attention to. This  
20                 is what comes out -- these are the  
21                 ones that we've just responded on.  
22                 We haven't responded to all of them  
23                 here. So if you pick out ahead --

1                   MR. LEVY: And I apologize.  
2                   We should have provided handouts for  
3                   this meeting.

4                   MR. MILLER: I apologize. I  
5                   wouldn't have looked at it if you  
6                   had.

7                   MR. LEVY: It's available for  
8                   you, and we can send that  
9                   electronically too to a request for  
10                  any document on there.

11                  MR. HARVEY: Let me offer a  
12                  suggestion as far as that stuff.  
13                  Ron, maybe you need to get with us  
14                  and see whatever you think you need  
15                  to get ready for their meeting. And  
16                  maybe we ought to show you one of  
17                  these and show you some of the other  
18                  documents we have and let you kind  
19                  of help with the framework.

20                  MR. GRANT: Getting ready for  
21                  me is not going to be easy for me  
22                  because I think, as Jim pointed out,  
23                  one the problems that the RAB seems

1           to have is not knowing what to ask.  
2           So when we meet, you know, if I  
3           want to do any kind of preparations  
4           for the meeting without a clue what  
5           your concerns are, I'm going to have  
6           a hard time getting ready for that.

7                     MR. MILLER: Yeah. And I  
8           don't know that you can prepare for  
9           that, Ron, in all fairness. I think  
10          that's something that's going to be  
11          kind of free-wheeling. We're going  
12          to have to pick up and go as best we  
13          can because I think what's  
14          inhibiting this group is the  
15          formality of this meeting and being  
16          a little bit reluctant to show our  
17          ignorance and get educated on these  
18          things. And that's what we're  
19          asking you to do. You may have to  
20          field a lot of questions that  
21          aren't' strictly related to those  
22          documents, but you know, we've got  
23          to find some ground to stand on here

1           so that we can be more effective. I  
2           don't think anybody on RAB really  
3           knows what the heck is going on.

4                   MR. HARVEY: Well, Ron, my  
5           suggestion for the first time with  
6           the work session is make you aware  
7           of what the various spreadsheets we  
8           do have so you can better talk  
9           during the work session and see what  
10          they may want and not try to come up  
11          with all the answers for next  
12          meeting, but show you what we have,  
13          not every document. But we have  
14          spreadsheets -- we've got  
15          spreadsheets from hell. We we've  
16          got spreadsheets that tell you how  
17          long your toenails are. And that  
18          one you don't need. But if we show  
19          you what we have, and then you'll  
20          know when you're in the work session  
21          with them, yeah, that's available.  
22          I'm not trying to plan your first  
23          meeting for you but just give you

1           some more background.

2                   MR. LEVY:  Maybe, you could  
3           prioritize the seriousness of these  
4           reports for us, which ones you think  
5           are important for us to even  
6           consider making available.

7                   MR. GRANT:  I'm wondering --  
8           I see Ron looking at me.  You've got  
9           to keep in mind I have a contract  
10          that has a very limited scope.  And  
11          if you're not careful here, you're  
12          going to have me working in an area  
13          that I'm not really supposed to be  
14          in.

15                   MR. LEVY:  You've got two  
16          resources.  It's not really Ron's  
17          function to tell you what you should  
18          be concerned with.  You should be  
19          saying:  This is what I'm concerned  
20          with.  After having looked at some  
21          of this stuff and say, I'd like to  
22          hear Ron review this and come back  
23          and tell us what it means.  And

1           that's really what he's supposed to  
2           hear. He's there for technical  
3           assistance. And it's really meant  
4           to be able to explain to you in  
5           layman's terms what a document says,  
6           what it means.

7                     DR. STEFFY: Was that the  
8           person from EPA that we have a  
9           contract with his purpose.

10                    MR. LEVY: Yeah. It's also  
11           his purpose.

12                    MR. MILLER: And is that  
13           strictly limited to documents, or  
14           can it be a concept? For instance,  
15           I'm thinking that if we elect these  
16           new RAB members at next many  
17           meeting, it would seem certainly to  
18           me that we ought to have a RAB 101  
19           for those new members. Whether  
20           Ron's the responsible guy for that  
21           or you are, you know, I've been on  
22           this thing now for going on a year,  
23           and I stay lost all the time. I can

1           imagine what four new people coming  
2           in are going to be like.

3                   MR. GRANT:  And I agree.  I  
4           understand what you're going  
5           through.  I was on the RAB at the  
6           depot, you know, for its, when we  
7           had a TRC, which we had a TRC at the  
8           depot before we had a RAB.  And when  
9           it was established and I was an  
10          integral part of all that.  And you  
11          ask people to volunteer to be on the  
12          RAB, and they come in here and all  
13          of a sudden because the RAB votes,  
14          they're a RAB member.  Okay.  So  
15          what?  You know, they have no clue  
16          what does a RAB member do?  There is  
17          no training course.  And all of a  
18          sudden you're an expert in RABs.

19                   MR. MILLER:  And the thing  
20          about the depot to me, and I served  
21          on both, is the problems at the  
22          depot are a little more discrete.  I  
23          mean, they are little more defined.



1           They are a little bit easier to get  
2           your arm around. From my  
3           standpoint, I know exactly, you  
4           know, what some of the major  
5           problems are.

6                     But here, you know, you're  
7           talking about different actions in  
8           different areas. It's like a  
9           scatter gun approach. I mean, you  
10          guys deal with this everyday, day in  
11          and day out. We've got, you know,  
12          probably, the average guy here  
13          spends fifteen minutes and preparing  
14          to come to this meeting. And to me,  
15          that's what Ron is all about. If  
16          you just do it from a common sense  
17          standpoint, it's helping wade  
18          through all that technical stuff and  
19          get to the real meat of the issues.

20                    MR. STROUD: I have had RAB  
21          members call me in the past at ADEM  
22          and they asked me what reports  
23          should they be looking at, which

1           ones are you seriously concerned  
2           about. And naturally, I would turn  
3           to more of the complex reports  
4           versus just a site investigation  
5           with five wells out there or  
6           something. So I've had some pretty  
7           intelligent questions come at me  
8           from the RAB. I know it can be done  
9           amongst each other. And I'll be  
10          glad to tell you which ones I'm most  
11          concerned about.

12                 MR. MILLER: And I hope  
13           everybody will understand that what  
14           I'm trying to do is be more helpful.  
15           And I just don't feel like I'm able  
16           to contribute very much right now  
17           because I don't understand what the  
18           heck y'all are talking about.

19                 MR. LEVY: I totally agree  
20           with you.

21                 MR. HARVEY: From the common  
22           sense part, if Ron's not with them  
23           at the start of the first work

1 session, then what's the point of  
2 having them review documents or do  
3 anything if you can't be there and  
4 understand their concerns. I would  
5 think it fits to --

6 MR. MILLER: Well, that seems  
7 to me to be kind of a no brainer.

8 MR. GRANT: I'm willing to  
9 make a stab at it.

10 MR. MILLER: We're not going  
11 to crucify you if we're not experts  
12 in thirty minutes. I feel like we  
13 ought to give something a try.  
14 We're wasting everybody's time.

15 DR. STEFFY: We've got some  
16 agenda items for next time. And  
17 hopefully, people from the TRC and  
18 TOSC will be here. Upcoming  
19 programs.

20 MR. HARVEY: That's what we  
21 were doing. I think we got a jump  
22 start or something.

23 MR. GRANT: And Ron, if

1           you'll just look at your calendar  
2           and tell me when you can spare me  
3           some time, I'll come out and gather  
4           together some of the background  
5           information you've got and use it to  
6           try to put together something that I  
7           think that I can kind of initiate  
8           some dialogue at the work session.

9                     MR. MILLER: I don't know how  
10           Dwight feels about it, but I would  
11           think one of the things that would  
12           be kind of interesting in the group  
13           is just to kind of review the  
14           reports of the off-site migration of  
15           BLCs out of the landfills. And not  
16           to reopen that whole issue. But  
17           there are some issues there that I  
18           would like to know. How far and how  
19           fast would be two good questions.

20                    DR. STEFFY: Any other  
21           comments?

22                    MR. FRANKLIN: A few minutes  
23           ago it was mentioned dumbing down a

1           little bit with the acronyms and, of  
2           course, I'm sure all of us here know  
3           all of these acronyms. But we've  
4           got new people coming on the board.  
5           Would it be asking too much to put  
6           as the last sheet on our handouts  
7           like this; a dictionary or  
8           interpretation of the acronyms? It  
9           wouldn't have to change every  
10          meeting. Just one time.

11                 MR. STROUD: I have a suggest  
12          using what we use in all our  
13          reports. It's a three or four page  
14          comprehensive list of acronyms. I  
15          mean, it's a pretty special list.  
16          And I would highly recommend let's  
17          grab one of those, use it to make  
18          enough copies for everybody. I go  
19          to it still today.

20                 MR. FRANKLIN: We notice  
21          people's eyes glaze over at some of  
22          these presentations. And they're  
23          very good, and I know that y'all are

1           used to working with them all the  
2           time. It loses a little something  
3           when you don't understand the  
4           language. It's just a suggestion  
5           for the new members coming on.

6                     MR. HARVEY: We do have a  
7           method in the army and use can see  
8           it even with at ADEM's comments  
9           where he has "findings of  
10          suitability to transfer," he then  
11          has it FOST, which is the acronym.  
12          Each time you use it or the first  
13          time in any kind of document, you're  
14          supposed to use that in brackets.

15                    MR. MILLER: Yeah. I think  
16          probably the first time y'all used  
17          it was about ten years ago.

18                    MR. HARVEY: The first time  
19          it's stated any time.

20                    MR. MILLER: I know what  
21          you're saying. I'm sorry. I was  
22          being a little bit facetious. I  
23          know that is the proper form. It's

1           hard for us to keep going back and  
2           finding it in the document to remind  
3           ourselves what it is. I think the  
4           glossary idea is an excellent idea.  
5           It would be very helpful. I know  
6           y'all don't need nothing else to do  
7           and I wouldn't ask, but I just think  
8           it would be helpful.

9                   MR. LEVY: We've already got  
10           one. I can tack it on to that list.

11                   DR. STEFFY: Give it to  
12           everybody.

13                   MS. CUNNINGHAM: I can e-mail  
14           it or put it in the packets or I can  
15           do both.

16                   DR. STEFFY: I would do both.

17                   MR. MILLER: It's just  
18           convenient.

19                   DR. STEFFY: Let's open it up  
20           for audience comments. Are there  
21           issues?

22                   MR. BASS: I have a question.  
23           I just purchased a new home out here

1           on Fort McClellan on Avery Drive. I  
2           understand that there's a dump up  
3           the street from it. Is that just a  
4           construction dump that they're  
5           talking about where some houses were  
6           built up on the other end of Avery  
7           Drive? It's my understanding they  
8           are going to have to remove three  
9           houses because they can't build on  
10          it anymore because there is some  
11          kind of dump in that upper area.

12                 MR. LEVY: I can answer that.

13                 MR. STROUD: Landfill One.

14                 MR. LEVY: I'm sorry, sir.

15           What's your name?

16                 MR. BASS: Bass.

17                 MR. LEVY: It shows up in  
18           this spot right here. (Indicating.)  
19           This is where the housing is in  
20           here. Historically, it was the  
21           installation's first sanitary  
22           landfill. And when we started  
23           investigating sites up there or



1           started investigating all the fill  
2           areas up there, we noticed one of  
3           the houses, which when it was  
4           originally built, probably didn't  
5           realize that the foundation --

6                     MR. BASS: Foundation is all  
7           cracked.

8                     MR. LEVY: So from a safety  
9           measure, the property is being  
10          restricted and that house is going  
11          to be demoed.

12                    MR. BASS: Yeah. I  
13          understand the first three are. But  
14          basically what was in that?

15                    MR. LEVY: It was sanitary  
16          waste from the installation. We've  
17          completed an investigation up there.  
18          To make it short and simple, we  
19          really have not found anything. And  
20          there are documents if you're  
21          interested in seeing it at the  
22          public library that you can read  
23          about the history and the sampling

1           that we've done up there, what we  
2           discovered or not discovered at the  
3           site.

4                   DR. STEFFY:  Is there any gas  
5           emission to worry about?

6                   MR. LEVY:  No.  We've also  
7           done some landfill gas up there as  
8           well.  In fact, that was recent  
9           reports or what ADEM desired and the  
10          EPA wanted.  So we're not seeing any  
11          methane issues.

12                  MR. HARVEY:  There's no  
13          methane at all.

14                  MR. LEVY:  Now, in fact, the  
15          age of that land, you wouldn't have  
16          seen it this late.

17                  MR. BASS:  Early '60s or late  
18          '50s.

19                  MR. LEVY:  What were the  
20          dates on it, Bill?

21                  MR. SHANKS:  '40s.

22                  MR. STROUD:  I've actually  
23          seen some of the material when they

1           were excavating. And pretty much  
2           all that's left are bottles and  
3           maybe some metal tin cans. It's  
4           hard to find any kind of paper.

5                     DR. STEFFY: Is it partly  
6           capped? No?

7                     MR. LEVY: It's part of our  
8           ESCA agreement. The JPA has some  
9           money to do some cover work up there  
10          and put some monuments around it.  
11          And it will be restricted property,  
12          so it can't be built on. But there  
13          isn't an infiltration problem  
14          because the groundwater is clean  
15          that's underneath it.

16                    MR. BASS: That's what I was  
17          looking for, to see what was  
18          initially put there because I  
19          learned about it being a landfill.  
20          And owning a home just down the  
21          street, I was --

22                    DR. STEFFY: So you don't  
23          have any concerns with that.

1                   MR. LEVY: Not from an  
2                   exposure standpoint. You certainly  
3                   wouldn't want anybody building on  
4                   top of it.

5                   MR. GRANT: Ron may want to  
6                   shoot me because of these comments  
7                   here because I may be out of order  
8                   saying this. But those are the kind  
9                   of questions that the RAB needs to  
10                  be curious about because one thing  
11                  you need to know is in 1940 when  
12                  this landfill was in operation,  
13                  there were not hazardous waste  
14                  regulations. And I'm not even sure  
15                  if there were any solid waste  
16                  regulations at that point in time.  
17                  So it's really important then what  
18                  you look for when you do that  
19                  investigation at a site like that  
20                  because you know there weren't a lot  
21                  of rules governing how it was  
22                  managed at that point in time. So  
23                  those are key issues that the RAB

1 needs to understand and give you  
2 some focus for. Okay, what kind of  
3 investigation are you to do? How  
4 are you going to prove to me the  
5 kind of things that went in there  
6 and what's still there? You know,  
7 that gives you an avenue of  
8 questioning and the kind of things  
9 you want studied.

10 MR. BASS: That was one of  
11 the reasons that I asked my question  
12 because the gentleman who brought it  
13 up to me was on Fort McClellan. And  
14 he would bring it up that that  
15 always used to be a waste dump out  
16 there. The contents of it was  
17 unknown and that's basically why I  
18 asked the question.

19 MR. HARVEY: Well, we can  
20 probably answer all those you have.  
21 You heard parts of it. And Jim just  
22 wants it not in milligrams minutes  
23 per cubic meters, he wants it in

1           just plain English.

2                   MR. MILLER:   Exactly.

3                   DR. STEFFY:   Any other  
4           comments from the audience?

5                   MS. CUNNINGHAM:   I need to  
6           let everybody know that Monty's  
7           father passed away yesterday.  
8           That's why he is not here tonight.  
9           He is on his way to Oklahoma to be  
10          with his family.   And also, Scott  
11          Beckett has turned in his  
12          resignation to the RAB and your  
13          co-chairs have signed a letter  
14          thanking him for his services.  
15          That's it.

16                   MR. STEFFY:   Meeting is  
17          adjourned.

18

19                   (Whereupon the meeting was adjourned  
20                  at 7:45 p.m.)

21

22

23

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

2

3

4 STATE OF ALABAMA )

5 ETOWAH COUNTY )

6

7

8 I, DEBORAH L. BANKS, a Court Reporter and Notary  
9 Public in and for the State at Large, duly commissioned and  
10 qualified, HEREBY CERTIFY that this proceeding was taken  
11 before me, then was reduced by me to shorthand, afterwards  
12 transcribed by means of computer-aided transcription, and  
13 that the foregoing represents a true and correct transcript  
14 of the proceeding to the best of my ability.

15

16

17 I FURTHER CERTIFY that I am neither of counsel,  
18 nor of relation to the parties to the action, nor am I  
19 anyway interested in the result of said case.

20

21

22

23

1           IN WITNESS WHEREOF, I have hereunto set my hand  
2   and affixed my seal at Gadsden, Alabama, on this the 28th  
3   day of October 2003.

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DEBORAH BANKS

9

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MY COMMISSION EXPIRES: 10-12-07

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