

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before SAMANTHA E. NOBLE, a
Court Reporter and Commissioner for Alabama at Large,
at Building 215, Fort McClellan, Alabama, on the
19th day of July, 2004, commencing at approximately
6:30 p.m.

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1 MR. MONTY CLENDENIN: We'll start
2 with roll call and see if we have a quorum today. I am
3 here. Gary Harvey?
4 MR. GARY HARVEY: He's here.
5 MR. MONTY CLENDENIN: Cheryl Bragg?
6 James Buford? Phillip Burgett?
7 MR. PHILLIP BURGETT: Here.
8 MR. MONTY CLENDENIN: Pete Conroy?
9 Barry Cox? Jerome Elser?
10 MR. JEROME ELSER: Here.
11 MR. MONTY CLENDENIN: Donna Fathke
12 has an excuse. Curtis Franklin is excused.
13 James Hall? Mary Harrington is excused.
14 Robert Jackson? Mayor Kimbrough?
15 MAYOR KIMBROUGH: Here.
16 MR. MONTY CLENDENIN: Joe McCary?
17 MR. JOE McCARY: Here.
18 MR. MONTY CLENDENIN: Jim Miller?
19 MR. JIM MILLER: Here.
20 MR. MONTY CLENDENIN:
21 Dwight Mitchell? I thought I saw him come in.
22 David Steffy?
23 DR. DAVID STEFFY: Here.

1 MR. MONTY CLENDENIN:
 2 Miki Schneider? Doyle Brittain? Ron Levy?
 3 MR. RON LEVY: Here.
 4 MR. MONTY CLENDENIN: And
 5 Shana Decker?
 6 MS. SHANA DECKER: Here.
 7 MR. MONTY CLENDENIN: We have to
 8 have nine to have a quorum. One, two, three, four,
 9 five, six, seven, eight, nine, who counts in all these
 10 folks? We don't have nine.
 11 MS. BRENDA CUNNINGHAM: You need two
 12 more.
 13 MR. MONTY CLENDENIN: What do we do,
 14 procedurally? Does anybody know? See you later? Do
 15 I hear a motion that we adjourn?
 16 MAYOR WILLIAM KIMBROUGH: We can
 17 have the reports. We just can't take any action.
 18 MR. MONTY CLENDENIN: We can't take
 19 any action, okay. I suggest we go ahead and just do
 20 it --
 21 MR. GARY HARVEY: See if someone
 22 shows up.
 23 MR. MONTY CLENDENIN: -- and see if

1 somebody shows up. All right.

2 All guests and contractors are asked
3 to sign a sheet that -- is it going around, yet? It's
4 coming around. So, if you would let's sign it.

5 And if you would, let's start back
6 here and introduce yourself.

7 MR. RON GRANT: I'm Ron Grant, I'm
8 just an interested citizen tonight.

9 MR. GARY HARVEY: Did you say
10 interesting or interested?

11 MR. RON GRANT: I'll let y'all
12 decide that.

13 MR. ART HOLCOMB: Art Holcomb,
14 Foster Wheeler.

15 MR. PAUL JAMES: Paul James, the
16 Alabama National Guard Training Center,
17 Environmental Center.

18 MR. BILL SHANKS: Bill Shanks,
19 Transition Force, Environmental Office.

20 MR. DAVID BUSH: David Bush, ADEM.

21 MS. CHRISTEN HENDON:
22 Christen Hendon from the Anniston Star.

23 MS. KAREN PINSON: Karen Pinson,

1 Transition Force, Environmental.

2 MS. BRENDA CUNNINGHAM:

3 Brenda Cunningham, Environmental.

4 MS. LISA HOLSTEIN: Lisa Holstein,
5 Transition Force.

6 MR. MONTY CLENDENIN: Welcome all of
7 you. Most of you are regulars. Can we approve the
8 minutes?

9 MS. BRENDA CUNNINGHAM: No.

10 MR. MONTY CLENDENIN: Okay. Well,
11 the minutes are in your packets. They're there.
12 We'll have to put them on hold until the next time.

13 Old business, letter to local rep,
14 Dale Marsh, regarding ADEM travel. Was I supposed to
15 do that? I didn't do it. So, we'll have to work on
16 that letter, I suppose. I don't have a report on
17 that.

18 EPA attendance, does that --

19 MR. RON LEVY: The RAB had asked me
20 to check with the EPA about --

21 THE COURT REPORTER: I --

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

23 THE COURT REPORTER: I'm sorry.

1 MR. RON LEVY: The RAB had asked me
2 to check, at the last meeting, about the attendance to
3 the meetings. I did send a letter out to
4 Doyle Brittain and he responded back that funding
5 constraints --

6 THE COURT REPORTER: The what?

7 MR. RON LEVY: -- funding
8 constraints, meeting dates, travel were all problems
9 for him. So, he was unable to attend because of that.

10 MR. MONTY CLENDENIN: Okay. Again,
11 new business, we cannot -- I see Mr. Jerome coming in.

12 MR. JIM MILLER: We might be able to
13 in just a minute.

14 MR. MONTY CLENDENIN: The
15 vice-chairman is David Steffy; is that correct?

16 MR. DAVID STEFFY: (Nods head.)

17 MR. MONTY CLENDENIN: You will be
18 coming on in the October meeting, do I understand that
19 correctly? You will be sitting here as of October?

20 MR. DAVID STEFFY: And I'll get your
21 pay; is that right?

22 MR. MONTY CLENDENIN: Yeah,
23 actually, we'll double it.

1 MR. GARY HARVEY: We're probably
2 going to double it.

3 MR. MONTY CLENDENIN: They'll
4 probably double it for you.

5 Let the record show that Mr. Elser,
6 right --

7 MR. DANIEL BUFORD: Buford. --

8 MR. MONTY CLENDENIN: -- Mr. Buford
9 is here, James Buford. I still don't think that makes
10 a quorum.

11 The next thing on the docket is the
12 election of a vice-chairperson. Still don't have a
13 quorum.

14 Let's hear some agency reports.
15 ADEM?

16 MS. SHANA DECKER: ADEM has been
17 working on documents that the Army has brought to our
18 attention as being priority documents regarding the
19 National Guard -- transfer of property to the
20 National Guard. And I think we've just about finished
21 all of those. And we are starting to catch up on
22 other past work that does not have to do with
23 National Guard, so, we're going to be caught up,

1 relatively quickly with everything other (inaudible.)

2 We've had several field trips in the
3 past few months, to come out and to observe well
4 digging and to observe tank pulling that the JPA has
5 done. We've also had two BCT meeting conference
6 calls, and some UXO work that we've been doing, so,
7 we've had a busy three months.

8 Anybody have any questions?

9 MR. MONTY CLENDENIN: That little
10 tractor that's been out on the median right by the
11 Star, is that one of our drills or is that somebody
12 else drilling?

13 MR. GARY HARVEY: That's ALDOT.

14 MR. RON LEVY: That's ALDOT. ALDOT
15 is doing some coring for the highway.

16 MR. MONTY CLENDENIN: I was just
17 wondering.

18 All right. Any questions? Okay.

19 How about EPA?

20 MR. RON LEVY: Not here.

21 MR. MONTY CLENDENIN: Not here.

22 JPA, not here.

23 MR. GARY HARVEY: Not here.

1 MR. MONTY CLENDENIN: Action summary
2 sheet, that's on the -- is that on the back? Where is
3 that?

4 MAYOR KIMBROUGH: If you want to go
5 back to the JPA --

6 MR. MONTY CLENDENIN: Yes.

7 MAYOR KIMBROUGH: Since I serve on
8 that, there is some information, I think she mentioned
9 that the tanks -- I think we pulled -- recently, we
10 pulled some tanks that were -- I think they were
11 cleared, and then they have found some contamination
12 in that area, so, I don't know -- I think you'll have
13 to go back and renegotiate or something on the -- I
14 don't know -- is that in Bravo or Alpha?

15 MR. RON LEVY: It's in --

16 MR. GARY HARVEY: Actually, now, the
17 one that was in D-12, which will be (inaudible) on the
18 transfer. And we've got the JPA's letter -- I tell
19 you what we're talking about -- and, Ron, correct me
20 if I'm wrong -- when they pulled the tanks over here
21 in the POL farm, the tanks were cleared, but over on
22 the pump side, where the pumps were, there was some
23 contamination in the soil, I don't remember the

1 amounts from that -- that property transferred in D-12
2 through JPA with the appropriate FOSTs and NFAs and
3 things.

4 And since they pulled them, they
5 found them, they sent us a letter. We've sent it up
6 to Hampton. In fact, they sent the letter to Hampton,
7 and our contractor is looking at it now, so, I don't
8 have a report for you now and I doubt if we got
9 anything this afternoon, do you, Ron?

10 MAYOR KIMBROUGH: My understanding
11 is that they can use some of the money that we've
12 already received to clean that up and then negotiate
13 on the next phase to try to recover that money.
14 That's --

15 MR. GARY HARVEY: And that might be
16 the longest (phonetic) route to do. I'm not sure if
17 we can do that. That may be a possibility.

18 The other possibility is, if we're
19 to clean it up, we may be able to do it before the
20 next negotiation. And I still owe the JPA an answer,
21 as soon as I get one on that.

22 MAYOR KIMBROUGH: Okay. And then
23 another thing was the Auburn transfer that the Army

1 came in and did a cleanup for some of the properties.
2 There is still a large section of properties that, in
3 the original agreement, that Auburn will get, but it's
4 not -- it's not clean, yet. They requested, Gary,
5 correct me -- was it three and a half acres that --
6 and the Army came in and cleaned it, I believe, at
7 depth, so that they could come in, at first they said
8 it was on emergency basis, because they were in the
9 process of a contract with the Justice Department to
10 train additional dogs for the Homeland Security money.

11 And so, that has been negotiated.
12 And I think that was temporarily cleared, but I think
13 there is some other issues that have to be done. But
14 that was an ordeal that we dealt with there, because
15 of several different things.

16 And also, they're in the process of
17 what we call the Towers. There is a group that are
18 trained to get some HUD money to develop the Towers
19 into a senior citizen's complex. And then they're in
20 the application process, at this time, for that. I'm
21 trying to -- I can't recall the group that's involved
22 in that.

23 MR. MONTY CLENDENIN: Is that the

1 Episcopal Church?

2 MR. GARY HARVEY: No.

3 MAYOR WILLIAM KIMBROUGH: No. It
4 starts with an M (inaudible) --

5 MR. GARY HARVEY: It was along the
6 same --

7 MAYOR KIMBROUGH: In the --

8 MR. GARY HARVEY: The same section
9 type of property, doing the Episcopal -- their grant
10 didn't get approved, so --

11 MAYOR KIMBROUGH: David Christian
12 is involved in it.

13 MR. GARY HARVEY: Yeah.

14 MAYOR WILLIAM KIMBROUGH: But it's a
15 private concern that has developed several big
16 complexes and a reputable company that has the option
17 on that right now.

18 And so, you know, I think things are
19 moving, as soon as we get more properties cleaned up.
20 There is also progress on a new access road that will
21 be an industrial access road to come in off of
22 Highway 21. And we have received funding for that,
23 from the State. And I think they've got, I believe,

1 75 percent of the funding for construction, and
2 they've got all of the funding for the -- our
3 engineering to go in. So, that will open up some
4 areas around the airport and come in and will connect,
5 go around, back behind Hyundai and connect eventually
6 into the bypass.

7 And then on the eastern bypass, I
8 think is still hung up in Congress, the thirty million
9 dollar appropriation -- but there was a thirty million
10 dollar appropriation and there also was a commitment
11 from the Governor to get in more money.

12 In addition, ALDOT is revising the
13 plans to cut out fifteen to twenty million dollars on
14 that. They're taking the median out of the road.
15 They're cutting some of the elevated exit ramps out of
16 the road. And so, hopefully, with that cut, in
17 addition to the thirty million, plus the commitment
18 from the Governor, then we'll have the money, as soon
19 as Congress -- if the thirty million is still left in
20 that.

21 So, if that opens up, then hopefully
22 that will open some more properties to The Fort. So,
23 that is -- that's what's going on from the JPA, at

1 this point.

2 MR. MONTY CLENDENIN: Okay. Any
3 questions?

4 MR. JOE McCARY: I want to know
5 something more about these tanks, and what they
6 contained, and what the contamination was supposed to
7 be.

8 MR. RON LEVY: Well, I can talk to
9 you a little bit about that. The area is over at 265.
10 In fact, if you go down here a block and take a left,
11 it's where the Army had its refueling operations for
12 military vehicles. And there was a total of, Bill,
13 eight, ten thousand gallon tanks? Eight, ten
14 thousand gallon tanks, gasoline and diesel for
15 military vehicles. And there was an island out there
16 with various pumps, you know, somewhat for large scale
17 bulk, just large scale bulk distribution for Army tank
18 trucks and whatnot, to fuel the (inaudible) and units
19 coming through here.

20 But back in the early '90s, we
21 replaced the original tanks that were in the ground,
22 that were fiberglass, the fiberglass interstitial
23 monitoring -- really, we upgraded them to meet the

1 standards. In the process of doing that, we
2 discovered that the original tanks that were in the
3 ground had leaked. We knew there was contamination in
4 the ground.

5 We knew there was contamination in
6 the groundwater, ADEM knew that, as well. So, that
7 wasn't really a surprise to anybody. In fact, we had
8 received a no further action letter from ADEM back in
9 '96, Karen --

10 MS. KAREN PINSON: (Nods head.)

11 MR. RON LEVY: -- on that site, and
12 we knew what contamination was in the ground.

13 Well, the JPA now, wanting to reuse
14 the property, having removed the tanks, went through
15 another closure. They had to take out actually the
16 new tanks that we put in there. So, they removed
17 them.

18 In the process of removing them,
19 they're trying to meet the compliance requirements
20 under ADEM. And that contaminated soil is still in
21 the ground, so, some of it has been removed. And
22 they're talking to us about what may happen to the
23 rest of it, at this point. And we're doing that.

1 Right now, we're working estimates
2 up, and we've been talking to the JPA and their
3 contractor about it.

4 DR. DAVID STEFFY: Do you know how
5 far the groundwater is contaminated?

6 MR. RON LEVY: I think groundwater
7 averages three to five feet in that area, it's fairly
8 high.

9 DR. DAVID STEFFY: Have you mapped
10 the lateral extent of the groundwater contamination?

11 MR. RON LEVY: We actually have
12 mapped the groundwater, the lateral extent of the
13 groundwater contamination, and it's pretty much in
14 that area. And where we've seen -- I think when we
15 did some of our monitoring over a three-year period --
16 we're required by ADEM to do monitoring -- we've seen
17 decreasing levels. But there is still some product in
18 the soil. So, over time, I gather, it will eventually
19 be eaten by the naturally-occurring microbes, but
20 there is product in the groundwater at certain levels,
21 and there is product in some of the soils there. But
22 that was all known going into this, as a result of
23 those original tanks that were in the ground that we

1 removed and replaced them with -- the ones there that
2 they pulled out, there wasn't anything wrong with
3 them. In fact, the JPA is moving to re-sell them, I
4 think, right?

5 MS. SHANA DECKER: That's right.

6 MR. RON LEVY: And I know Shana has
7 been involved in it, too, she's been doing some
8 oversight with them, so --

9 MR. MONTY CLENDENIN: Gasoline and
10 diesel?

11 MR. RON LEVY: Yes, gas and diesel.

12 MS. SHANA DECKER: And they found in
13 the dirt -- in the soil was thirty-five hundred to
14 five thousand PBM of total petroleum hydrocarbons,
15 TPH, right?

16 MR. RON LEVY: Yeah, TP- --

17 MS. SHANA DECKER: And then they --
18 but before they even dug the tanks up, they had done
19 groundwater -- they were doing a well downstream, I
20 guess, of the tanks and the pumps where the
21 contamination in the soil was found, that had a high
22 hit of Benzine in, I think, three of the five water
23 monitoring wells. Anyway, it had a high hit of

1 Benzine. I can't remember the exact number it was.

2 And that was a changed condition
3 from before, when ADEM had given them the no further
4 action, because at the time we gave the no further
5 action, the level was lower. We don't know what the
6 water level was, at that point, compared to now, why
7 the changed condition.

8 But it's obvious now that we've dug
9 up the tanks, that the soil around the pump stations
10 was the culprit. Now, if they dig up that soil, it
11 will be rid of the source, right? So, it should --

12 MR. RON LEVY: Yeah. In fact, in
13 the process of doing the removal of the dispensing
14 units that were out there, the JPA and their
15 contractor have already removed almost two hundred
16 cubic yards of contaminated soil. It's actually
17 sitting on the ground underneath there on --
18 (inaudible) 5 (inaudible). Depending on what we work
19 out with them, we may dispose of on the Army's dime or
20 however that works. So, more to happen out there.

21 MAYOR KIMBROUGH: From my
22 understanding, are there instances in which no further
23 action will be given and properties transferred when

1 there is known contamination in that area?

2 MR. RON LEVY: Yes.

3 MAYOR KIMBROUGH: Okay.

4 MR. RON LEVY: It's happened before,
5 not just at McClellan, too, it's happened at sites
6 across the state where there were contaminates still
7 left in the ground after the tanks were removed.
8 They're based on -- right now, they're based on risk
9 levels, but you'll -- you'll still see levels in the
10 ground that they look at impacts, whether migration
11 for groundwater or exposure potential to folks.

12 That area has been restricted. Well,
13 there is land-use control on it, at least part of it,
14 that restricts it for non-residential use.

15 MAYOR KIMBROUGH: The reason I
16 asked, I was under the impression that it was
17 explained -- it was explained that there wasn't
18 anything detected and therefore -- this is just a
19 recent thing that there was no knowledge. So, there
20 was previous knowledge in the transfer and everything
21 like that, there was previous knowledge that the
22 contamination was there?

23 MR. LEVY: It --

1 MS. SHANA DECKER: There was
2 contamination there, but it would be at a level that
3 was lower than what our screening level -- not
4 detected as none, but just low -- below our screening
5 levels would be our flag. And this -- when we gave
6 them the no further action, it was below the screening
7 levels. And then, when they tested again, it was
8 above the screenings levels.

9 MAYOR KIMBROUGH: Okay. That
10 answered my question.

11 MR. DAVID STEFFY: What is JPA's
12 intended use of that land?

13 MAYOR KIMBROUGH: I can't -- you
14 know, we've got a detailed plan. And I -- right
15 offhand, I'm not sure. There is all kind of different
16 areas, so, I'm not sure, are y'all?

17 MR. RON LEVY: It was -- Bill, do
18 you remember what it was?

19 MS. SHANA DECKER: I think Miki told
20 me it was industrial.

21 MR. GARY HARVEY: Yeah, it was
22 industrial.

23 MAYOR KIMBROUGH: Yeah, we've got a

1 master plan, and I don't remember what that area --

2 MR. JIM MILLER: It's available for
3 you to look at, I think, if you want to --

4 MR. RON LEVY: I thought it was part
5 of the town center, wasn't it? So, there was some --

6 MAYOR KIMBROUGH: There is a town
7 center below the golf course and this way of the golf
8 course, which would be businesses, certain types of
9 businesses and things like that.

10 MR. RON LEVY: I thought it was
11 commercial in there, too.

12 MR. GARY HARVEY: Initially, it was
13 industrial, though, in the very first one.

14 But to make a long story short,
15 we're still in the process. I mean, I think we owe
16 you an answer at the next RAB meeting what we're
17 doing. We got a letter from JPA a week, week and a
18 half ago?

19 MAYOR KIMBROUGH: This has just
20 happened.

21 MR. GARY HARVEY: This has just
22 happened.

23 MAYOR KIMBROUGH: And I just didn't

1 know if we got the results back.

2 MR. GARY HARVEY: The letter was a
3 surprise to us and ADEM, because those levels weren't
4 there before. The letter went to Hampton, stating the
5 JPA's concern, and we owe them an answer.

6 What we've done here at McClellan,
7 is Ron has had our environmental contractor talk with
8 the JPA's, and they got a common understanding, what's
9 going on over there. Now, we're putting together an
10 estimate of what we think it would cost to clean it
11 up, or do whatever, whatever the options are. So,
12 it's early.

13 MR. RON LEVY: I do want to be clear
14 on this, just so that everybody understands it. The
15 Army and ADEM was aware of the TPH levels that were in
16 there, it was documented in the phase one and phase
17 two reports.

18 Now, Shana has mentioned the Benzine
19 issue, and we understand that to be something
20 different. But we all were aware, to include the JPA,
21 because we defined it in the FOSTs, of those TPH
22 levels and where it occurred.

23 MR. JOE McCARY: How big of an area

1 are you talking about?

2 MR. GARY HARVEY: Actually, it's a
3 pretty small area.

4 MR. RON LEVY: Two acres, less?

5 MR. GARY HARVEY: Less than two
6 acres.

7 MR. RON LEVY: Where the actual
8 contamination is at, probably less than an acre.
9 We're thinking there may be another four hundred cubic
10 yards of soil down there that may still have TPH
11 contamination above the screening levels.

12 MR. GARY HARVEY: That's pretty
13 small.

14 MR. JOE McCARY: So, it wouldn't be
15 that big of a deal, just to dig up that area and
16 (inaudible)?

17 MR. GARY HARVEY: No, probably
18 with -- I know there would probably be four hundred
19 cubic yards of paperwork, that would be the only thing
20 that would be even with it. You're right, it's a
21 small area.

22 So, we owe you an answer on that.
23 We can't give you a definitive answer now, because

1 it's all being worked up.

2 MR. MONTY CLENDENIN: Okay. Any
3 other questions for clarification on that? Is that
4 all from JPA?

5 Okay. Action summary sheets, we got
6 those?

7 MR. RON LEVY: Yeah. Everybody
8 should have a handout on that. Let me stand up so I
9 can point it out on the map again.

10 Again, let me mention the areas that
11 we're talking about. Going to the status, the first
12 one I want to talk about is the "munitions of
13 concern", new term. Bravo, being this orange area,
14 Charlie would be the Fish & Wildlife area, and Alpha,
15 which is actually now in an area that the JPA has
16 under their ESCA, to do the work.

17 Within the Bravo area -- again,
18 that's this big area down here -- we are still in the
19 process of doing some additional characterization,
20 based on what's on your action summary sheet here. We
21 met with ADEM and the JPA back in November and again
22 in February to discuss ADEM's concerns. We wanted
23 ADEM to tell us, from the standpoint of what we had

1 already done in the Bravo area, if it was adequate to
2 characterize.

3 ADEM went back and looked, and
4 essentially, they gave us some guidelines on what we
5 consider some additional sampling to get the
6 characterization that they would feel comfortable
7 with.

8 Anyways, there has been an addendum
9 issued to the Bravo area work plan, which has a
10 requirement for us to do some additional sampling.
11 Right now, Foster Wheeler Tetrattech is -- well, you're
12 out in the field, now.

13 MR. ART HOLCOMB: 60 percent in
14 place.

15 MR. RON LEVY: Say about, what,
16 another two weeks --

17 MR. ART HOLCOMB: Four weeks --

18 MR. RON LEVY: -- for completion, to
19 do the additional sampling. It varies throughout this
20 area, what sampling. There is additional transects in
21 there. Areas that were identified that ADEM felt
22 weren't fully covered, where we put additional
23 transects for additional sampling to verify what we

1 saw there.

2 Essentially, what we went after is
3 the NFA areas, the areas we determined, based on our
4 original sampling, that there wasn't any ordnance
5 there, and then what we're doing now is additional
6 sampling to validate that or to give ADEM that comfort
7 feeling that in fact that is true. So -- and there is
8 a number of areas in the Bravo area that have fallen
9 out completely as not requiring any additional work
10 from our present draft document, now.

11 The Y area, which is this area up
12 here -- (pointing) -- the work was done. ADEM sent us
13 some comments. We're in the process of preparing
14 responses to those comments. So, we're addressing
15 some issues that are in there. That was a clearance
16 to depth in that area.

17 The tank sites, which are the water
18 board's tank sites, those areas which are flagged for
19 future -- and I don't have them up here -- for future
20 use of water tank sites, they're scattered
21 throughout -- there's about two acres -- since I don't
22 have a map -- they're scattered throughout. We
23 haven't completed the clearance on those sites.

1 MR. GARY HARVEY: Just UXO
2 clearance, Jim.

3 MR. RON LEVY: Yeah. That's really
4 all I've got. There was only three sites in there --
5 there was a total of --

6 MR. BILL SHANKS: Almost twenty
7 acres.

8 MR. RON LEVY: -- twenty acres.
9 You heard Mayor Kimbrough talk about
10 the dog kennel area. For those of you who don't know,
11 it's an area off of what used to be the old MP School
12 area, down here in the thirty-seven hundred area.
13 There originally were some dog kennels in place there
14 where the Army MP School trained handlers and dogs
15 there.

16 The kennels are still in place,
17 there was some agreements between the JPA and Auburn,
18 because Auburn had entered into some additional
19 training requirements with Homeland Security to train
20 dogs, and they needed a place to put them. What we
21 were told, it was going to be temporary for a year.

22 The area was cleared, but it was
23 only surface clearance. And we did it as a

1 time-critical removal. So, it was an interim action,
2 the action, which is an area -- it's actually in the
3 Bravo area. So, it falls right here in the Bravo
4 area -- (pointing).

5 And so, it's not clear, it's just
6 surface cleared. The intent was to allow -- to get --
7 to allow Auburn to go in there and use those kennels,
8 so they could house their dogs for a period of time
9 before they built their new kennels. Ed, is that
10 right?

11 MAYOR KIMBROUGH: Yeah.

12 MR. RON LEVY: So, this time next
13 year, they should be out of there. But there is still
14 a requirement to do a full clearance out in that area.

15 The Charlie area, the
16 Fish & Wildlife area, we did complete some
17 characterization or EE/CA there. The document is
18 still influx, in terms of being changed. We have
19 submitted it to Fish & Wildlife for comments. We
20 received comments. We responded to the comments. We
21 received some more comments.

22 But we're trying to incorporate
23 those comments and publish the document. The document

1 has not been submitted to the regulators -- although,
2 the RAB got a copy of the draft, I believe it was back
3 in January, was it, time frame? Because I think Ron
4 reviewed it during that time frame. But we're in the
5 process of redoing the document.

6 And since ADEM hasn't seen it, you
7 know, what becomes of additional characterization
8 remains to be seen. What else can we say about that?

9 Also, within that area, we have done
10 some early removal actions on the roads in the fire
11 breaks, you can see them spread throughout the area.
12 And the intent there was again, to allow
13 Fish & Wildlife to have access to -- for its burn
14 management purposes, i.e., be able to do prescribed
15 burns, that they felt was necessary. So, that action
16 is nearing completion. All the fieldwork has been
17 done, and there is still an QA piece that needs to be
18 completed, but for the most part I want to say
19 95 percent of the roads and fire breaks have been
20 cleared in that area. I think there was another
21 5 percent or so of area that was adjusted because of
22 additional property brought into the refuge that will
23 eventually also be accounted for when they do the

1 final clearance for the rest of the refuge.

2 MR. JOE McCARY: Bains Gap is a part
3 of the Charlie area. How far do the burn --

4 MR. RON LEVY: Bains Gap Road?

5 MR. JOE McCARY: Yeah.

6 MR. RON LEVY: This is
7 Bains Gap Road, right here -- (pointing).

8 MR. JOE McCARY: Have there been any
9 plans to reopen that?

10 MR. RON LEVY: Well, that's an issue
11 right now with Fish & Wildlife, and I think, the JPA,
12 so, I don't know. Gary, do you know anything?

13 MR. GARY HARVEY: What's the
14 question?

15 MR. RON LEVY: He asked if there had
16 been anything going on about opening Bains Gap Road
17 again.

18 MR. GARY HARVEY: There's
19 discussions been going on with the JPA and
20 Fish & Wildlife about it. I don't know where they're
21 at on it.

22 MAYOR WILLIAM KIMBROUGH: JPA --
23 it's at Fish & Wildlife right now, in their hands.

1 And I don't think they're really willing, until they
2 get a clearance of a certain area -- that's the issue
3 right now -- is because there has not been the cleanup
4 in some areas, and so to contain and provide patrols
5 to prevent people from going into that area is an
6 issue that Fish & Game are not willing to take that
7 responsibility, is what's been communicated to us.

8 MR. GARY HARVEY: They had two
9 things happen. They brought in some federal folks
10 that study roads going through the areas and see if
11 there's Fish -- and I haven't seen their final report.
12 Plus, the other issue they have is once you open --
13 all of our security, our signs, the security we do to
14 keep people out of potential unexploded ordnance areas
15 come from this side, okay. (Pointing.) When you open
16 up that back gate, then you're allowed access to the
17 entire place, to include the JPA's area.

18 So, they've got to work through
19 that, too, on the security thing. And I can't tell
20 you where they're at, and Steve is not here tonight.
21 Maybe he'll be here next meeting. I know they are
22 working with the JPA.

23 MAYOR KIMBROUGH: It's going to be

1 awhile.

2 MR. GARY HARVEY: Right.

3 MAYOR KIMBROUGH: They're not
4 willing to -- liability is the issue.

5 MR. GARY HARVEY: Right. And see,
6 it opens up the whole back way. You can get in around
7 all the fences, all the signs, all the UXO gates. But
8 it is working, and Ed says not quickly.

9 MR. JOE McCARY: Is that included in
10 the EMA, as part of the escape route from an accident
11 at the Depot?

12 MR. GARY HARVEY: Actually,
13 Calhoun County never did anything about using
14 Bains Gap. It wasn't in any of their plans. If there
15 is an emergency, somebody is going to go through there
16 and knock down that gate, and I'll probably do it.
17 That was always going to happen, we know that.

18 But see, that was never part of
19 Calhoun County's plan. I used to be program manager
20 for CSEP on this installation. That was our route
21 out, and if the gate was locked, you just go right
22 through it. In an emergency, that's what you do. And
23 that's what the guard folks will do here on post,

1 they'll go and knock the gate down.

2 MR. RON LEVY: We, the Army, did
3 clear Bains Gap Road twenty foot off the center line?

4 (UNIDENTIFIED MALE): Twenty foot
5 off the edge.

6 MR. RON LEVY: (Inaudible) off the
7 edge. So, we have cleared Bains Gap Road. But I know
8 that they've got federal highway requirements to meet,
9 so, there are issues with guardrails and what they
10 think the actual clearance is, so --

11 Eastern bypass, OE area two, which
12 we also call tract three here, that's this piece right
13 through here -- (witness pointing). We did the final
14 report on that, that was completed in March. We
15 issued a statement of clearance. We did clear to
16 depth. There are some pieces within there, about
17 forty-eight grids where -- because of previous work
18 that was done out there, essentially, a lot of
19 construction to be building a road on top of an area
20 that was once used as an impact area. There is -- we
21 weren't able to actually fully investigate or clear
22 about forty-eight grids.

23 There is some discussion about that,

1 ADEM has an issue with it, that they've written to us
2 about, but we have a solution, construction support
3 needed to -- we have not had a chance to talk with
4 ADEM about what construction support means and what
5 that entails. But we are pursuing the transfer on the
6 property. We will take the construction support plan
7 there and actually construct the road, which means
8 essentially, we'll be there to clear it as they do the
9 lifts.

10 We're moving to, again, transfer
11 that property. Talk about it, there is a FOST coming
12 on that. We have some ongoing discussions still with
13 the State, ALDOT. Actually, we plan on meeting with
14 them in August to discuss the actual transfer and the
15 characterization of work that we've done out in the
16 eastern bypass.

17 Training area T-38. T-38 is right
18 here -- (pointing) -- on this map. It's an area that
19 historically was used by the Army and the
20 Chemical School for training soldiers in chemical
21 warfare material. We, in the past, have characterized
22 it in an EE/CA. Defined the area for a remote risk.

23 We went in there to remove the 3X

1 and scrap ordnance metal, and we came across a vial --
2 most of you remember that -- contained diluted
3 mustard. We destroyed the vial.

4 We've gone through some gyrations
5 with the safety side to make sure that what we're
6 doing up there is adequate, in terms of protection,
7 but we still believe there is a remote risk of
8 encountering (inaudible). So, we're prepared now to
9 go back out there. Right now we're looking at
10 starting our pre-ops in August -- like the 2nd of
11 August?

12 MR. GARY HARVEY: Yeah.

13 MR. RON LEVY: Actually, starting
14 the fieldwork on the 6th and completing before the end
15 of September, so -- and that's really just to get rid
16 of the 3X material, the scrap metal that's associated
17 with previous training, not because of the training
18 agent-related issue that --

19 MR. GARY HARVEY: And that's
20 important to you, at the JPA, when we get the 3X out
21 of there, and then you all go in -- you've got the
22 site characterization piece of it. So, we've got to
23 get in there so -- Matrix has been wanting to get in,

1 so -- and I'll tell the JPA Board about that tomorrow,
2 to give them roughly our schedule that we're ready to
3 go.

4 MAYOR KIMBROUGH: I don't know that
5 they're aware --

6 MR. GARY HARVEY: They're not. We
7 just got the --

8 MAYOR KIMBROUGH: I mean, I don't
9 know if they're aware that -- we have contracted with
10 Matrix as our contractor that is handling the
11 properties that has been transferred --

12 MR. GARY HARVEY: Yeah.

13 MAYOR KIMBROUGH: -- to us for the
14 cleanup. And I'm upset that somebody from the JPA is
15 not here, because there is -- they could go in to some
16 stuff --

17 MR. GARY HARVEY: Well, I'm going to
18 give y'all a copy of the letter that we're sending to
19 the chairman, vice-chairman, Dan Cleckler. We'll make
20 sure all the members get it. And I'll brief them
21 tomorrow, saying, hey, we're getting ready to start,
22 and this is why you want us to get done soon, so y'all
23 can get in there. Because Matrix is chomping at the

1 bit to get after it.

2 And, of course, Ron, we'll have the
3 letter coming out to you, too. We just finished the
4 letter today. So, that's why you don't have it. I
5 can get you one, if you'll press me real hard for it.

6 MS. SHANA DECKER: We'll wait.

7 MR. RON LEVY: The reason that's
8 being discussed is, this a site where the Army did see
9 that the trend -- what we're seeing essentially, is
10 the groundwater contamination associated with the
11 deconning process of the agent and the material that
12 was up there. We are still on the hook -- the Army is
13 still on the hook for doing the removal of the 3X
14 material.

15 But what we've given to the JPA,
16 under the ESCA, is dollars to complete the
17 investigation at T-38. That's really the groundwater
18 issue that's up there. We're not doing that, the JPA
19 is doing that.

20 There is also a retaining condition
21 up there for the future cleanup, based on the
22 groundwater, because we didn't have that identified in
23 the ESCA. So, at some point in the future, maybe

1 under phase two, they may have to come back and
2 negotiate with us for additional monies to do
3 groundwater cleanup, depending on what that turns out
4 to be.

5 They have not characterized the
6 groundwater to the extent that we know about a -- it's
7 definitely migrated off that ridge, and there is the
8 direction -- there is more groundwater wells that are
9 going to be put in and some monitoring will be done,
10 I'm sure. That's it for T-38.

11 T-24 Alpha, that was another area
12 similar to T-38 where we conducted training. We did
13 remove -- go in there and remove all of the scrap, we
14 shipped it off. And so, that's complete. And we're
15 preparing the closure report for T-24 Alpha.

16 MR. GARY HARVEY: That's the one --
17 Ed, remember those were 155 rounds that we had trouble
18 seeing through with all the X-rays, but that's all --
19 they're all gone and they're burnt.

20 MR. RON LEVY: Yeah. That's in the
21 Charlie area, and that's right in here -- (pointing).

22 MR. GARY HARVEY: Right down there,
23 uh-huh.

1 MR. RON LEVY: Landfill
2 investigations, we did do an EE/CA. The majority of
3 the work involved with the landfill investigations was
4 turned over to the JPA as part of the ESCA. There
5 were several sites that are still in the Army's
6 prelude. Stump dump, which was in the Charlie area,
7 one that was down in here in the eastern bypass area
8 that was really obliterated when we did some work up
9 there.

10 And landfill three, which is up in
11 the north up here. Actually, this is it here.
12 (Pointing.) These are the sites.

13 We are still working closure reports
14 on the fill area west of Iron Mountain Road, at range
15 nineteen, and the fill area at range thirty, we're
16 working through those with the regulators.

17 We did complete a report of findings
18 for landfill three. I know the JPA is up there,
19 working additional characterization, which we funded
20 before for the -- under the ESCA. You've probably
21 seen the majority, Foster Wheeler (inaudible) over
22 there, by the Korean church.

23 FOSTs that are still out there,

1 Highway 21, the piece of Highway 21 that really is
2 this that falls along the periphery, originally, that
3 was actually Army property that ALDOT had a
4 right-of-way easement --

5 MR. GARY HARVEY: They had an
6 easement.

7 MR. RON LEVY: -- had an easement,
8 so, we still own the fee title (phonetic). We have
9 moved to FOST that property -- or actually, we have
10 FOSTed the property. We're working the deed issue
11 with ALDOT right now. Hopefully, we can get it
12 transferred before the end of the fiscal year. I
13 think we're discussing language that's in the actual
14 deed, at this point.

15 And the eastern bypass, tract three
16 property, that's what I was just mentioning to you
17 before, this is OES-2, it's also called the tract
18 three property. We've got draft FOSTs internally
19 that, we're working.

20 We will -- as we've discussed some
21 of these things about what's going on with ALDOT and
22 ADEM, we'll probably try to get the draft FOSTs out.
23 We were trying to get that piece of property also

1 transferred by the end of the fiscal year, but it
2 looks like it will be sometime maybe the first quarter
3 of next year that we get it transferred, after we work
4 out all the issues that are still attendant to it.

5 I don't have anything else. Does
6 anybody have any particular questions about work or
7 actions that are ongoing?

8 MR. DAVID STEFFY: So, landfill
9 three is officially JPA's (inaudible)?

10 MR. RON LEVY: In terms of
11 characterization, yes.

12 MR. DAVID STEFFY: And --

13 MR. RON LEVY: And the actual
14 cleanup.

15 MR. MONTY CLENDENIN: Okay. Anymore
16 questions for Ron? Do we have a TAPP report?

17 MR. RON GRANT: Nope, don't have a
18 TAPP contract.

19 MR. MONTY CLENDENIN: Don't have a
20 TAPP, okay.

21 MR. RON LEVY: I could just say to
22 you that we're working on a new contract, a sole
23 source, trying to get Ron back. I can't give you the

1 status of it. I haven't heard back from the Corps on
2 that, yet.

3 MR. MONTY CLENDENIN: Okay. The
4 TOSC report?

5 MR. RON LEVY: Apparently, they're
6 not here.

7 MR. MONTY CLENDENIN: Okay.
8 Upcoming programs? Anybody have a particular interest
9 they would like to hear some information about?

10 Question: Will there be a pre-RAB
11 meeting in October? We did not have one today. Is
12 there any need for that?

13 MR. JIM MILLER: As long as it's not
14 under contract, I can't see there would be a need for
15 it.

16 MR. MONTY CLENDENIN: All right.
17 Chances are then we will not have one next time.
18 October the 18th is our next meeting.

19 Any audience comments?

20 MAYOR KIMBROUGH: The only thing the
21 committee needs to understand, when you talk to JPA,
22 the JPA has a separate entity that is handling the
23 cleanup, and that's a program management team, which

1 is made up of some of the members of the JPA and some
2 citizens. The two citizens are Ken Joiner and --

3 MR. RON LEVY: Craig Branchfield.

4 MAYOR WILLIAM KIMBROUGH: -- and
5 Craig Branchfield that was here from Monsanto, and
6 then I'm on it, and Mayor Howell is on it. And we're
7 the -- this committee is the one that oversees the
8 cleanup, and the contracts, and the reports, and
9 communicates with JPA. So, there is a separate entity
10 that is handling, as far as the monies that are
11 received there.

12 And again -- and I'm sorry, but like
13 I say, I wish somebody from JPA would be here on the
14 staff, but there is a clause in there for public
15 participation, and I have, time and again, asked them,
16 you know, to include this and to be here for the
17 reports, because there's several things that are
18 coming up, and I will assure you that I will
19 reemphasize that to the staff, because I'm very
20 concerned about that.

21 And if any of you have any concerns,
22 you need to contact some of the members on the JPA and
23 let them know you're concerned because it calls for

1 that public participation, and you have dedicated your
2 time, and you are citizens, and I think you are the
3 appropriate people that that needs to be done with.

4 MR. MONTY CLENDENIN: I agree with
5 you, sir.

6 Any audience comments? Do I hear a
7 motion for adjournment? Let's just stay.

8 MAYOR WILLIAM KIMBROUGH: Can't take
9 any action so --

10 MR. MONTY CLENDENIN: We're not even
11 here, are we?

12 MAYOR WILLIAM KIMBROUGH: No, we're
13 not here.

14 MR. MONTY CLENDENIN: The next
15 meeting is October the 18th.

16 (Whereupon, the meeting was adjourned at 7:18 p.m.)

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

2 STATE OF ALABAMA)

3 CALHOUN COUNTY)

4

5 I, SAMANTHA E. NOBLE, a Court

6 Reporter and Notary Public in and for The State of

7 Alabama at Large, duly commissioned and qualified,

8 HEREBY CERTIFY that this proceeding was taken before

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

10 transcribed upon a computer, and that the foregoing is

11 a true and correct transcript of the proceeding to the

12 best of my ability.

13 I FURTHER CERTIFY this proceeding

14 was taken at the time and place and was concluded

15 without adjournment.

16

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IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my seal at Anniston, Alabama,
on this the 22nd of August, 2004.

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

MY COMMISSION EXPIRES: 11-19-2005.