

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before KELLI K. LOWERY, a Court
Reporter and Commissioner for Alabama at Large, at
Building 215, Fort McClellan, Alabama, on the 20th day
of October, 2008, commencing at approximately
5:00 p.m.

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1 SCOTT BOLTON: Well, I guess let's
2 call the meeting to order, and we'll begin.

3 Usually, Dr. Harrington shows up, so
4 hopefully, she'll arrive and Dr. Cox too so we can
5 have a quorum because right now, we don't have a
6 quorum. We'll go ahead and start and call the roll.

7 Obviously, Dr. Cox is not here. I am.
8 Ms. Bragg?

9 CHERYL BRAGG: Here.

10 SCOTT BOLTON: Mr. Buford?

11 JAMES BUFORD: Here.

12 SCOTT BOLTON: Mr. Burgett?

13 Reverend Clendenin?

14 MONTY CLENDENIN: Here.

15 SCOTT BOLTON: Mr. Elser?

16 JEROME ELSER: Here.

17 SCOTT BOLTON: Mr. Hall?

18 And we know Dr. Harrington is running
19 late usually.

20 Mr. Howard?

21 Dr. Kimberly?

22 DR. MICHAEL KIMBERLY: Here.

23 SCOTT BOLTON: Ed Kimbrough, and

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1 Jim Miller are both excused, and they won't be here.
 2 Mr. Pearce?
 3 JOHN PEARCE: Here.
 4 SCOTT BOLTON: Dr. Spain?
 5 Dr. JOHN SPAIN: Here.
 6 SCOTT BOLTON: Dr. Steffy, he's
 7 excused -- no, he's not excused this time. I'm sorry.
 8 I'm reading in the wrong column.
 9 And Mr. Wilson?
 10 PENN WILSON: Here.
 11 SCOTT BOLTON: Do we have any
 12 visitors here?
 13 Karen, you can be the first visitor.
 14 KAREN PINSON: I'm Karen Pinson.
 15 I'm with the Fort McClellan Army National Guard
 16 Training Center.
 17 RON GRANT: I'm Ron Grant. I'm the
 18 TAPP contractor.
 19 NICK SINIGEN: Nick Sinigen with the
 20 Anniston Star.
 21 BRENDA CUNNINGHAM:
 22 Brenda Cunningham with the Transition Force.
 23 LISA HOLSTEIN: Lisa Holstein with

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1 the Transition Force.

2 SCOTT BOLTON: I'm Scott Bolton,
3 Transition Force.

4 MICHELLE KLOMP: Michelle Klomp,
5 Matrix.

6 BRANDI LITTLE: Brandi Little, ADEM.

7 ASHLEY TOELLNER: Ashley Toellner,
8 ADEM.

9 KANESHIA TOWNSEND:
10 Kaneshia Townsend.

11 SCOTT BOLTON: Were you able to get
12 all the soft spoken names down here in the corner?

13 THE COURT REPORTER: I did.

14 SCOTT BOLTON: Hold on. Let's see
15 what John's got for us since you've got an actual
16 voice on the phone and not voicemail.

17 Have we got an update? No.

18 DR. JOHN SPAIN: No update. I was
19 seeing if we could get -- if we need Gene to get in
20 here for a quorum, I'll call him back and tell him
21 he'll just have to come.

22 SCOTT BOLTON: Well, I expect Mary
23 to get here because usually it's just difficulty with

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1 her schedule to get here right at 5:00, but usually
2 she's here.

3 I guess with the members agreement here,
4 I would suggest that we, instead of trying to approve
5 minutes, maybe we should just go ahead and start with
6 the program. Does that make sense? And then if we
7 have some other members show up to where we have a
8 quorum then we can conduct business and then return
9 back to the approval of minutes and business. Does
10 that make sense?

11 DR. JOHN SPAIN: Do we need to make
12 that -- well, we can't vote on a motion.

13 SCOTT BOLTON: We'll just do it by
14 consensus.

15 So, Ron, have we totally messed up your
16 schedule because we want you to do it, like, six
17 minutes early?

18 RON GRANT: Whenever.

19 Are you going to advance the slides,
20 Brenda.

21 BRENDA CUNNINGHAM: I can.

22 RON GRANT: That'll be fine. I'll
23 nod or something.

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1 Some of you may remember that I made a
2 similar presentation to the RAB on November 17th,
3 2003. I don't know how many of you may have been here
4 at that point in time, but I used a document as
5 reference material at that time called the -- it was
6 prepared by the Army Environmental Center. It was the
7 US Army Restoration Advisory Board and Technical
8 Assistance for Public Participation Guidance, and the
9 latest version of that is dated October 2005.

10 Since then, something called the RAB
11 Rule has been promulgated, and the latest guidance is
12 something called the Restoration Advisory Board Rule
13 Handbook put out by the office of the Secretary of
14 Defence, and it was put out in February of 2007, so
15 there is some later information.

16 Next slide.

17 These two pages, this one and the one
18 following are just an outline of the things I'm going
19 to try to cover. I won't bore you by reading off
20 those titles on page one.

21 Go ahead and go to page two or page 3.

22 SCOTT BOLTON: Ron, would it be
23 easier for you to use the mouse and click it as you

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1 want? That should work. That may -- otherwise we
2 could just have Brenda click.

3 DR. JOHN SPAIN: Do you need it any
4 further in there where it's more convenient?

5 RON GRANT: I think I'm okay. I've
6 got a copy of the slides here anyway if you I get
7 lost.

8 SCOTT BOLTON: And I think most
9 everybody has got a copy in their handouts as well.

10 RON GRANT: Under
11 "responsibilities," there are a couple of things that
12 have changed from the original. There's the one done
13 back in 2003, and there's some specifics in this one
14 regarding the BRAC installations.

15 The last question on this outline down
16 there will come to a decision tree on it because that
17 question has come up several times, and you'll see a
18 decision tree showing the guidance document response
19 to that question. It's pretty simple to follow and
20 understand.

21 What is a RAB? Okay. A RAB, that's you
22 all. It's a group of people that's interested in the
23 environmental restoration.

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1 There are some conditions that have to
2 be met in order to form a RAB. It has to be regarding
3 a specific piece of property. In this case, it's Fort
4 McClellan, of course. It has to be property that is
5 either currently or formerly owned by the Department
6 of Defense, and the DoD has to have an interest in
7 what's going on. DoD is still managing the ER
8 process.

9 I know a lot of that is in the process
10 of being handed over, but as of now, in order to make
11 the RAB a viable organization, it's necessary that
12 they maintain some oversight in that process.

13 Membership of a RAB.

14 Of course, it's composed of the people
15 that you see here today, DoD, Scott and his staff,
16 EPA. You'll see an astrict there. I guess the reason
17 for the astrict, there is, I guess, some qualifying
18 information on the later slide regarding BRAC
19 installations. I'll just say that so that you'll know
20 this is not an error.

21 But you'll notice down at the bottom it
22 says a Non-NPL site, EPA will generally not be
23 represented. EPA is typically a part of the Fort

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1 McClellan RAB, but Fort McClellan is not an NPL site.
2 There's a distinguishment between it and Anniston Army
3 Depot. Anniston Army Depot is an NPL site, and EPA is
4 a part of the RAB there at the Depot.

5 But you can see State and local
6 governments are typically represented, Tribal
7 governments, and members of the community. And their
8 purpose is to help Scott and his folks, DoD in
9 general, make informed decisions.

10 What is the purpose of a RAB, continued.

11 Provides a community the opportunity to
12 be involved in the process.

13 Keep in mind that a -- let me make sure
14 I didn't get lost.

15 It provides an informal atmosphere for
16 you to ask questions or share concerns. You get to
17 the point where you're meeting with these people on a
18 regular basis, and you're comfortable with them. You
19 establish a relationship with Scott and his staff, and
20 you know these peoples.

21 In some places, you might be intimidated
22 to ask a question for fear that somebody is going to
23 embarrass you in some way, but by meeting on a regular

1 basis, you establish that familiarity, and you're
2 encouraged, I think, in that kind of environment to
3 share your questions and ideas with the people that
4 are involved.

5 What is the purpose of the RAB,
6 continued.

7 The first one is intended to keep the
8 RAB on track. You see, it's only supposed to discuss
9 issues associated.

10 That acronym is one I made up. I was
11 just trying to save space and time on the slide. It's
12 not emergency room. It's environment restoration.
13 It's not an acronym generated by the DoD, so they
14 probably wouldn't accept it.

15 The tendency sometimes is to get off
16 track and to get off into other general environmental
17 areas, and that's the purpose of this slide to make
18 sure you understand that the scope of RAB issues are
19 somewhat limited and to keep them directed in the
20 proper areas.

21 And you see the last one, if you have
22 things that are beyond the scope of the RAB, Scott or
23 some of his folks will be glad to direct you to the

1 appropriate office so that you can address your
2 questions or concerns with them.

3 DR. JOHN SPAIN: What would be some
4 examples of things that are within the scope and some
5 things that are outside the scope?

6 RON GRANT: I'm a member of the
7 Anniston Army Depot RAB, and ones that are always
8 coming up there are things like PCBs.

9 PCBs are a definite community concern.
10 PCBs have not been identified as an environmental
11 issue on the Anniston Army Depot. As far as I know,
12 PCBs are not an issue on Fort McClellan.

13 So if you were anxious about what's
14 going on in the old Monsanto property or things like
15 that, you'd need to attend meetings in another forum
16 and not here.

17 Same thing is true -- one thing that
18 always comes up at the Depot's RAB meetings is the
19 ANCDF, the Anniston Chemical Disposal Center, chemical
20 agent incinerator. You know, people are anxious about
21 it. But again, it's not a part of the RAB.

22 It has nothing to do with environmental
23 restoration, and hopefully, it never will. It is

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1 possible, of course, if it causes some contamination
2 on post, and it could become an issue, but as for
3 right now, it's not.

4 SCOTT BOLTON: For this RAB, the
5 purpose would be primarily the DoD cleanup that's
6 still going on, which would mean in terms of
7 geographic locality, you're looking at basically, the
8 Fish & Wildlife Refuge and the Bypass until that
9 property is finally transferred. Those would be the
10 areas of primary interest in the RAB.

11 And I think an example would be before
12 when people had questions about JPA's cleanup, okay,
13 and Mickey pointed out one time, that JPA, while the
14 terms of the ESCA required that they have a public
15 participation program, they do it in conjunction with
16 -- one of your meetings is starting today. I can't
17 remember which one.

18 Anyway, that's how they do their public
19 participation. So they don't have to have a RAB, per
20 se.

21 DR. JOHN SPAIN: Well, there's
22 significant interest in the TCE at the Depot now, and
23 the paper reported that one-fifth of the current TCE

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1 actually originated or most probably originated here
2 at McClellan.

3 Would there been any interest by this
4 RAB board in such a thing?

5 SCOTT BOLTON: You lost me on that.

6 DR. JOHN SPAIN: Four-fifths of the
7 current TCE that ends up in the Anniston Water Works
8 comes from the Depot.

9 SCOTT BOLTON: Correct.

10 DR. JOHN SPAIN: A fifth of it, they
11 feel, originates here at Fort McClellan.

12 SCOTT BOLTON: I'll be frank with
13 you. That's the first I've heard of it.

14 DR. JOHN SPAIN: That's what the
15 paper indicated.

16 SCOTT BOLTON: Is that right?

17 DR. JOHN SPAIN: Yeah. Now, they
18 didn't say for sure. They said "most probably."

19 Now, is that something that the RAB
20 would be interested it?

21 SCOTT BOLTON: I don't know. I
22 mean, we could certainly -- that would be something we
23 could look at.

1 I'll be frank of you. That's -- the TCE
2 plumes, that's the first thing I've heard of it,
3 frankly. It strikes me as a bit of a reach to get to
4 Coldwater Springs. I don't know.

5 DR. JOHN SPAIN: I'm not really
6 trying to bring it up as something we need to address.
7 I'm just trying to bring it up as an example of
8 something that might be addressed by this RAB in the
9 context here of the presentation. That's all I'm
10 trying to do.

11 SCOTT BOLTON: I don't know that it
12 would be inappropriate. It would be something we'd
13 look into. Certainly, I wouldn't want to take too
14 narrow of a view, but I think the point is there is
15 somewhat of a defying line, and people should be
16 somewhat mindful of that. I don't know how ridged
17 those boundaries are.

18 MONTY CLENDENIN: A couple years
19 ago, we had a couple of people who were concerned
20 about the runoff of Cane Creek and its cleanliness.
21 That wasn't addressed, I don't know, or not much
22 followup was done.

23 SCOTT BOLTON: To me, I think if you

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1 can find a linkage or there's some nexus that's
2 associated with it, then I would think it would be
3 reasonable to look it.

4 That's no reason somebody can't bring up
5 the issue. Now, recognize it may not be within the
6 purview of the RAB, and we say, okay, go talk to this
7 agency or these people or whatever. That may end up
8 being the response.

9 MONTY CLENDENIN: Scott, I
10 understand a while ago you said that when JPA takes up
11 control of the property, then that cleanup becomes
12 another issue. We're only dealing with Army
13 leftovers?

14 SCOTT BOLTON: Correct, the DoD,
15 correct. They do have a public participation plan.
16 It's just not this RAB.

17 RON GRANT: I'll try to touch on --
18 sometime in the future if all the property -- of
19 course, that's the intent. If all the property
20 becomes transferred to JPA or LRA, whatever acronym
21 you use for that organization, then the RAB really has
22 no reason to exist anymore.

23 There is a slide regarding that and some

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1 of Scott's responsibilities, DoD's responsibilities,
2 even if the RAB doesn't exist as a RAB anymore because
3 DoD no longer owns or oversees the cleanup action.
4 I'll try to remember to touch on that later on.

5 Some of the things that the RAB can and
6 really has a responsibility to do, it may and should
7 review and comment on environment restoration
8 documentation, should act as a conduit to provide and
9 receive information from the community.

10 Most of you have been selected for
11 positions on the RAB because you are known in the
12 community and you represent probably a much larger
13 group of people, so you can get information from and
14 to them regarding what's going on with the RAB, and
15 also you can receive questions and concerns that they
16 might want you to bring to the RAB.

17 The last bullet on the page, the RAB
18 should also be informed regarding environmental
19 restoration scheduling and status of actions.

20 Of course, typically, Scott provides an
21 update on that, so does ADEM, each month. They
22 provide an update on where they stand regarding
23 environmental reviews and things of that nature.

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1 A RAB is a hard and fast requirement.

2 Have you all always had a RAB here at
3 Fort McClellan, or did y'all have to go through the
4 TRC process?

5 BRENDA CUNNINGHAM: Yes.

6 RON GRANT: You had a TRC at one
7 time?

8 BRENDA CUNNINGHAM: Yes, we did.

9 RON GRANT: TRC is, I guess -- I
10 don't know if it's any less of a formal group, but it
11 doesn't have as much community involvement as the RAB
12 does.

13 You can see that RABs are a statutory
14 requirement. Notice that parenthetical expression
15 though, "wherever possible and practical." And
16 they're there to review and comment on ER actions.

17 But you'll notice on the second bullet
18 there, if the community is not interested in a RAB, it
19 is not required. For a long time, I know at Anniston
20 Army Depot, we solicited people -- we had a TRC. We
21 solicited people to form a RAB, and we couldn't get
22 anybody to participate.

23 A RAB typically should have 30 members

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1 or less, and we couldn't find anybody to enlarge the
2 membership we had on the TRC. We finally had an order
3 from higher headquarters that said you will establish
4 a RAB, so we went out and beat the bushes again.

5 And you'll see, if, for instance, Fort
6 McClellan had elected not to establish a RAB, you can
7 see that as long as they're doing clean-up actions,
8 you have to re-establish that interest every two
9 years.

10 If Fort McClellan, you know, remained a
11 DoD entity of some kind and the RAB went away, it
12 still would have to be reassessed every two years, the
13 public interest.

14 A RAB's decision making bodies.

15 Part of the RAB's responsibility, as you
16 folks gathered here, is to provide input to the RAB.
17 Tell them what you think, the anxiety, the concerns
18 that they might not be able to glean on their
19 environmental studies they have going on within the
20 fence, then you're supposed to help provide
21 information to make decisions.

22 The decision makers then, EPA, ADEM,
23 Scott and his folks, has a responsibility to listen

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1 closely. They're not supposed to just brush you guys
2 off. They're supposed to listen closely and consider
3 any recommendations that you all may come up with. If
4 they elect not to follow them for whatever reason,
5 they should provide you some discussion or rationale
6 as to why that's the case.

7 But you'll see, however, this is an
8 affront, I think, typically to the RAB members, the
9 installation is the ultimate decision making
10 authority.

11 You may all want to do something, and
12 you may all vote on it, and the motion may be carried,
13 but ultimately, it's up to DoD to do something that
14 you might suggest, and I don't know of anything -- it
15 just depends on what kind of things you suggest. It's
16 possible that you could come up with some sort of
17 outlandish idea that they couldn't do.

18 First of all, they've got to get funding
19 for it. If you can't justify your idea and they can't
20 provide good justification for it, they're never going
21 to get any money to throw at it.

22 Installation responsibilities as far as
23 the RAB goes.

1 Site managers, that's Scott. He is
2 representing the installation. He's responsible for
3 promoting and sustaining interest in the RAB.

4 If membership falls off, if you don't
5 have enough people, then it's up to him to try to
6 generate interest, to try to make sure that people get
7 the word out, people are aware when the meetings are
8 going to be held, where they're going to be held.
9 It's up to him and his staff, DoD, to push for that if
10 it appears that the interest of the RAB was flagging
11 for any reason.

12 I guess I need to point at you, Brenda.
13 I was pointing at the slide, and nothing was
14 happening.

15 Following on with installation
16 responsibilities.

17 Mostly to inform members, explain and
18 inform the RAB members about the relative risk
19 process, the Army budgeting process, how the Army
20 budgeting process affects environment restoration
21 actions. It's supposed to encourage your involvement
22 in relative risk evaluations, and the Army also has
23 the responsibility to consider RAB advice and cleanup

1 actions.

2 Again, the installation is responsible
3 for periodic status reports like you typically get.
4 When a particular cleanup, some method is proposed,
5 you should be briefed on what other types of actions
6 were considered, you know, and justification for the
7 particular action that was selected. That's all part
8 of the relative risk process.

9 This is just a comment regarding draft
10 and final documents. Those are typically reviewed by
11 EPA and ADEM, and it should also be shared with the
12 RAB and to the public for review and comment, and you
13 should be given a 30-day period to look over those and
14 make your own comments.

15 I believe it's common knowledge. It's
16 what I -- that is one of the services that I can
17 provide to the RAB in reviewing those to keep you from
18 having to wade through all those voluminous and often
19 very technical documents.

20 Okay. Here's some of the specifics
21 regarding why a BRAC installation is ran somewhat
22 differently from, say, with the one at the Anniston
23 Army Depot. Speed, haste, fast track, all those

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1 adjectives becomes a priority more so with BRAC
2 installations because you typically -- because DoD,
3 they've already decided the -- there's an excess piece
4 of property, and they want to expedite the cleanup,
5 and the closure of the facility.

6 I think that's really all I wanted to
7 emphasize.

8 Well, you can just see that reuse and
9 development are major influences depending on what you
10 plan to do with the property, it'll influence the
11 level of -- the cleanup level of the property, say if
12 it's going to be something that might be covered with
13 pavement, concrete, versus a child care facility, you
14 probably want to -- you know, a place that might be
15 occupied on a 24-hour basis, that's higher risk if you
16 have any contamination in place and required a more
17 detailed and more cleaner cleanup action.

18 The makeup of a BRAC cleanup team is a
19 little bit different than what it is from a typical
20 RAB. It's essentially the same representatives, but
21 the titles have changed somewhat.

22 You'll notice -- I said I'd bring this
23 up later on -- it does say on here, that it typically

1 would include the EPA where the other one had an
2 asterisk beside the EPA because it wasn't normally
3 included unless it was a MPL site.

4 One thing that's unique to the BRAC
5 cleanup, Anniston Army Depot has no base transition
6 coordinate, but with these other people there, they
7 would have an environmental coordinator, a
8 representative for the EPA and ADEM on their RAB.

9 SCOTT BOLTON: We no longer have the
10 last guy, base transition coordinator. The reason for
11 that is the majority of the property has been
12 transferred, handed off. Initially, Gary Harvey was
13 the BTC here initially, okay, and that is a DoD
14 position as opposed to the Department of the Army
15 position. And their role in life is to be a little
16 bit of an ombudsman as well. They work with the local
17 community and kind of educate them as well as how to
18 facilitate some of the transfer of the property,
19 because that's one thing BRAC is very interested in,
20 the transfer of the property. So we no longer have a
21 BTC.

22 RON GRANT: Another stakeholder in
23 the process, the BRAC process in particular, the local

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1 redevelopment authority.

2 Typically, here it's been the JPA. From
3 what I've been reading in the newspaper, I guess it's
4 up in the air as to whether or not it's the LRA or
5 JPA. It appears to me that that's going to be decided
6 by the courts, but that's beyond the purview of my
7 briefing.

8 But it does point out that the
9 responsibility for preparing the development plan
10 is -- does belong to either LRA or JPA. The
11 importance of a partnership, you know, working
12 together between the RAB and LRA or JPA.

13 DR. JOHN SPAIN: What is the source
14 of this information here?

15 RON GRANT: All this came from one
16 of these two documents that I referenced up front.
17 You can read this handbook. I presume that if you all
18 would like to have those as reference -- I don't want
19 to give Scott something -- he and I haven't discussed
20 whether or not he can get those for you, but I would
21 assume he can.

22 DR. JOHN SPAIN: I think they're
23 available online.

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1 BRENDA CUNNINGHAM: I could e-mail
2 them to the members if you'd like.

3 RON GRANT: The latest one is this
4 Restoration Advisory --

5 SCOTT BOLTON: Well, they're talking
6 about taking a relook at some of that. I know there's
7 been issues with how you handle RAB documents as well
8 as file documents and so on, how you handle those
9 differently, but right now 2005 is the latest.

10 RON GRANT: These are part of the
11 guidance, and I put this in here because this is kind
12 of motherhood and apple pie statements, I guess.

13 RAB responsibility is -- these things
14 you took care of when you first entered the RAB as far
15 as having a mission statement, developing rules that
16 you're going to operate by, a meeting schedule. I
17 think Brenda put that up early on.

18 Isn't it at the bottom of the agenda
19 tonight?

20 BRENDA CUNNINGHAM: Yes, sir.

21 RON GRANT: And then the last bullet
22 just sort of summarizes the responsibilities, some of
23 those things I've touched on already. Review,

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1 discuss, and evaluate draft documents, reports, what
2 have you.

3 Some of your individual responsibilities
4 are to express your concerns and community concerns to
5 the RAB, to identify any significant issues. It's
6 possible that you're aware of things that may be going
7 on in the community that they're anxious about that
8 wouldn't be identified by the Army.

9 It's also your responsibility to review
10 those documents that are passed out to the RAB so that
11 you can have some personal familiarity in the things
12 that are going on and the direction that the various
13 studies are taking.

14 More individual responsibilities,
15 provide advice on priorities. You know, say, you may
16 be concerned about -- John mentioned a while ago
17 anxiety about -- and had a piece of information that
18 perhaps most of you didn't have, about the TCE and the
19 contamination that may have existed on Fort McClellan
20 impacting Coldwater Springs, but you may know about
21 someone's well off-post.

22 Alabama does not have -- and you correct
23 me if I'm wrong on this. I may misstate it, but ADEM

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1 does not have any kind of catalog of existing wells.
2 They know about some. Calhoun County doesn't have
3 any. There must not be a permitting process required.

4 I know the Depot has had a hard time
5 finding them so that they can go and sample them to
6 try to make sure they weren't being affected by the
7 contamination by the Depot.

8 Maybe you know someone who doesn't want
9 to identify their well to the Army. You know, we're
10 not always trusted by everybody. They're not sure
11 what our intents might be, so they may refuse to tell
12 us about the well so that we can come out and test it.
13 They're not sure of what we're going to do with that
14 information. They may be afraid that we're going to
15 deprive them of using it, but if you know about some
16 of those things, you'd have a responsibility to bring
17 it up at the RAB so that they could address it, and
18 the installation could address it in their studies.
19 Wells, springs, and any of those kinds of things that
20 could be personal knowledge that's not generally
21 available to the RAB and the public.

22 Proposing clean-up levels.

23 Maybe there's some reason why the

1 studies indicate that a certain clean-up level is
2 protective of human health and welfare, and you may
3 have some reason or knowledge where you think that
4 that's not sufficient.

5 Keep in mind, you need rationale for why
6 you are proposing something that maybe would require a
7 lot more cleanup, and there's not a guarantee that the
8 DoD is going to accept that as a guide. You know,
9 they have a responsibility to consider it, but they
10 don't have to approve it.

11 And finally, if you're going to commit
12 to the RAB, you do have a responsibility to attend.

13 Other responsibilities, document
14 decisions, you know, those are done in the minutes.
15 Of course, we've got a court reporter that takes down
16 everything we say. That's obviously well covered
17 there.

18 Interact with the JPA or LRA, should be
19 another responsibility.

20 DR. JOHN SPAIN: I wouldn't mind you
21 clarifying that last one a little bit more. We have
22 discussed that from time to time. So just exactly
23 what does that mean, and what are the limitations on

1 that, or what are the expectations there?

2 SCOTT BOLTON: Are you talking about
3 the interact with the LRA to discuss future land use
4 issues?

5 DR. JOHN SPAIN: Yes.

6 SCOTT BOLTON: I think it would be
7 in a situation where -- what was done at Fort
8 McClellan what was called an early transfer under
9 CERCLA, early transfer authority, and kind of the
10 short significance of that is that it allows you to
11 transfer not only property that was clean to start
12 with or property where remediation has been completed
13 but also property that still needs work.

14 Now, in other situations, many times
15 some communities don't do that. The local reuse
16 authority, the ultimate recipient of the property may
17 not want to do that. So in those instances, there
18 would be typically a negotiated reuse plan that the
19 local redevelopment authority has. They come in and
20 say, okay, this is what our plan of reuse is because,
21 DoD cleanup -- I think, what sometimes gets lost in
22 the background noise sometimes is the purpose of the
23 DoD cleanup is to be protective of human health and

1 the environment, and so we don't clean up to reuse if
2 that makes sense.

3 It's a fine line sometimes when you're
4 dealing with -- particularly in the BRAC arena. So
5 the purpose, again, is to protect for human health and
6 the environment.

7 Now, your local reuse authority comes in
8 and says, okay, this area here is going to be
9 commercial industrial. When that becomes significant
10 is -- and there's a lot of guidance out here from the
11 EPA, from the states that have their own guidance and
12 so on and rules on how you do risk-based cleanups and
13 so forth.

14 So there are risk-based reviews, if you
15 will, based on that use, say, commercial industrial.
16 When you talk about something like that, that will go
17 to things like exposure duration and so on and so
18 forth.

19 So in that instance, you might say,
20 okay, we're going to cleanup this property to
21 commercial industrial reuse, and you go through the
22 process, and the numbers come out consistent with
23 that, and that's how it arrives at the cleanup levels

1 in that sense.

2 DR. JOHN SPAIN: Well, this seems to
3 imply the interaction between the RAB and the LRA that
4 is not in the context of the DoD or the Army but is
5 one directly between the RAB and the LRA.

6 SCOTT BOLTON: I think it goes to
7 property ownership, and I think that's where,
8 unfortunately, this is, in my opinion, vague because I
9 don't think they anticipated those things.

10 DR. JOHN SPAIN: It would only be --

11 SCOTT BOLTON: If the DoD still
12 owned the property. I believe that's the correct
13 answer. Not to get ahead of Ron, but when you see his
14 next slide, you look at the path, I think, is where
15 we're at with the LRA. When I looked at these slides
16 earlier, I kind of thought, yeah, I knew that question
17 would come up.

18 RON GRANT: At this point in time,
19 it is still assuming that DoD has an interest in
20 what's going on.

21 SCOTT BOLTON: Well, DoD has a very
22 direct interest in it. We have a cleanup
23 responsibility in the Fish & Wildlife area and the

1 Bypass area. That is a direct DoD responsibility.

2 The Army is doing the cleanup in those areas.

3 DR. JOHN SPAIN: There's something
4 here that we mentioned before in the area, for
5 instance asbestosis. That land might have already
6 been transferred and accepted that had buildings that
7 actually could not be used currently without removing
8 the asbestosis.

9 Now, that wouldn't fall under here where
10 the RAB would have an interest directly with the LRA
11 because the land has already been transferred. Is
12 that what you're saying?

13 SCOTT BOLTON: Yes. When we
14 transfer those facilities -- now, one of the things is
15 there's a notice of asbestosis-containing material
16 that is all part of that process, and you identify
17 those kind of things to the best of your ability, and
18 I think it's usually pretty accurate.

19 So you would send that, and so when they
20 get Building 2 or something, okay, and if Building 2
21 has asbestosis-containing material, then if that
22 property is transferred, that recipient, as far as any
23 other downstream actions, that property owner would be

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1 responsible for whatever notices or notifications or
2 actions required.

3 DR. JOHN SPAIN: And it would never
4 be the RAB that would be responsible for initiating
5 any kind of inquiry into that?

6 SCOTT BOLTON: Not, I don't think,
7 at that point. Earlier on in the process --

8 DR. JOHN SPAIN: I'm trying to
9 draw --

10 SCOTT BOLTON: Where the line is,
11 right. I think where the line would be drawn is when
12 it was still DoD property.

13 There were, like, 13 different transfers
14 to the JPA, 13 deeds, anyway, so at some point early
15 on or earlier on. Post-transfer, now it's a different
16 issue.

17 RON GRANT: I think as Scott said
18 initially, this may help clear that up.

19 Would a RAB on a closing installation
20 continue to operate?

21 Fort McClellan is a closing
22 installation. When is the -- is DoD maintaining
23 ownership? If you're talking about a specific piece

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1 of property, you know, you're talking about these
2 buildings that have asbestosis-containing material,
3 they don't own it anymore.

4 But is DoD continuing to manage cleanup?
5 They are still managing cleanup here. If they are
6 still doing some, then the RAB will continue to
7 operate, but if you get to the point where DoD doesn't
8 own any property anymore, and they're not managing any
9 cleanup anymore, then their role in the RAB
10 disappears. There's no longer any justification for
11 DoD to fund the RAB.

12 They do have a responsibility down here.
13 They do have a responsibility to try to make sure that
14 the public interest and involvement in the activities
15 that are going on does continue.

16 DR. JOHN SPAIN: So if the RAB
17 wanted to reconstitute itself into some other
18 organization that was interested in other
19 environmental activities in the community once these
20 conditions no longer existed, then it could possibly
21 do that?

22 SCOTT BOLTON: Well, I guess the
23 answer would be yes in the sense that it's not the

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1 RAB, so it would be an --

2 DR. JOHN SPAIN: It would be without
3 the Army's support?

4 SCOTT BOLTON: Correct. If you look
5 at the Fish & Wildlife Refuge for example. Does the
6 DoD maintain ownership? Well, the answer is no. Is
7 the DoD doing the cleanup? The answer is yes.

8 Similar situation I had in Tennessee, we
9 transferred all the property literally, (inaudible)
10 County to Chattanooga. Volkswagon owns a big chunk of
11 it now. We were managing the cleanup, so the RAB is
12 still very much involved there.

13 They weren't interested in doing
14 cleanup. They said, we'll take the property any way,
15 shape, or form. You guys keep going.

16 So it's a little different circumstance.
17 You'd come over here where the RAB still has a lot of
18 interest over a significant amount of the property
19 still. Whereas as far as stakeholder interest in this
20 RAB is pretty much technically confined. If you're
21 talking geographic spots, that's a good way to look at
22 it, would be the Fish & Wildlife Refuge and the
23 Bypass.

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1 DR. MICHAEL KIMBERLY: This whole
2 outline has dealt with the public's participation and
3 knowledge of the public and protecting the public's
4 health and environment.

5 I guess my question is a simple
6 question. When is the last time the public has had
7 any information about what the RAB is doing or not
8 doing? How long has it been since --

9 SCOTT BOLTON: You're talking about
10 what the RAB is doing?

11 DR. MICHAEL KIMBERLY: Yeah.
12 Letting the public know that there are people on a
13 committee, on a board that's looking out for their
14 interest in the terms of health and well being. Most
15 of the news you get now is negative about what's
16 happening out here.

17 What kind of marketing has been done
18 that is something positive saying you still have
19 representation, you still have people that are
20 meeting, they meet so often, they're doing this,
21 they're looking out for your welfare and benefit.
22 When was the last time that was put out there?

23 How many people even know there is a

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1 RAB?

2 SCOTT BOLTON: I'm not sure how to
3 answer that. As far as marketing the RAB itself --
4 now, realize that when you go through the process that
5 we go through -- and in this case, it's governed by
6 CERCLA. It's a process that's pretty well set up by
7 black-letter law as far as what steps we go through,
8 and that's why we have the regulatory agencies as well
9 because don't forget, Brandi's function in life is to
10 look out for that public interest.

11 However, one of the things that happens
12 -- yeah, we have the announcements for the RAB and so
13 forth that go in the paper.

14 DR. MICHAEL KIMBERLY: I guess,
15 "marketing" is the wrong word. I'm trying to get
16 something positive for the public about what's out
17 here rather than -- most of the things now tend to be
18 on the negative side.

19 SCOTT BOLTON: Well, there are RAB
20 announcements that are out there, and also when we get
21 to a certain phase in the cleanup phase of things --
22 you've selected a remedy, and you're going to go do
23 something, okay, one of the requirements there is a

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1 public notice period that goes with that. It's a
2 30-day public notice period. And then we incorporate
3 those comments and so forth, and they're discussed
4 with the regulatory agency and so on.

5 Where we're at, as far as where the Army
6 cleanup goes right now, we're still in the remedial
7 investigation phase, as you'll see when we go over the
8 status of a lot of the documents. So we're not in the
9 part of the cleanup phase, if you will, in the
10 process, but we're selecting a remedy. We're getting
11 close, but we're not there yet.

12 RON GRANT: And you'd be amazed of
13 how little interest the general public shows in
14 things. I know if the Depot indicates that they're
15 going to make a permit change to their incinerator,
16 and they'll have a public meeting to let people come
17 and ask questions about that -- I've been retired for
18 nine years now, but I still go to those just to see
19 what happening, and typically I'll be the only public
20 person that shows up.

21 DR. MICHAEL KIMBERLY: I understand
22 where you're coming from, but I would hate to think
23 that I would use that for an excuse to keep John Q.

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1 citizen from -- you know, nobody showed up, so that's
2 why you don't know.

3 I think you have a responsibility even
4 though they don't show up to say, we are still
5 attempting to protect the health and wellbeing and
6 welfare. I mean, that's what we're here for.

7 SCOTT BOLTON: Well, even after
8 remedies have been selected and implemented down the
9 road, you still frequently have five-year reviews.

10 So literally, the Army looks and makes
11 sure that the remedy is still effective and protective
12 for what you're looking at. Then you have public
13 meetings. We've got one that's coming up.

14 DR. MICHAEL KIMBERLY:
15 Unfortunately, I still have birthdays, and nobody
16 comes, but I still have birthdays.

17 SCOTT BOLTON: We've got a five-year
18 review on the GSA Warehouse coming up pretty soon.

19 RON GRANT: They come a lot more
20 frequent now.

21 BRENDA CUNNINGHAM: And when they do
22 have public reviews like that, I'll send the RAB --
23 some of you have been on for a couple of years, I know

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1 Ron and Mr. Elser. You know, I've sent them out. So
2 if there is a public review, the RAB will get the
3 announcement separately. You don't have to look at it
4 in the paper. I'll send it to you, and you'll know
5 when it's going to be and what's it's going to be
6 about.

7 KAREN PINSON: The National Guard is
8 going to have one in a couple of weeks, and I was
9 going to mention that during the audience comments.

10 DR. MICHAEL KIMBERLY: John Q.
11 citizen tends to lean to the negative side anyway.
12 Anything they can find to talk about --

13 SCOTT BOLTON: It's always more
14 interesting.

15 DR. MICHAEL KIMBERLY: But at the
16 same time, the reason this was established was to make
17 sure that you're involving those citizens by having
18 representation of some kind, and they need to be
19 reminded that they do have representation out here,
20 and there is something going on that is positive.

21 I just think that's part of the
22 responsibility of any group that is trying to look out
23 for health and wellbeing because they're going to take

1 every little negative thing -- all due respect to the
2 Anniston Star, but they like to report things that
3 sell newspapers rather than things that don't sell
4 newspapers, and sometimes we need to sell our
5 newspapers.

6 RON GRANT: I'm sure Scott and his
7 staff would like to have -- I remember in my role, the
8 easiest thing to get out to the public is bad news.
9 That's no problem at all. If you've got some good
10 news and you say, we just did so and so, we just
11 completed this, people just -- you can say, we just
12 found some munitions, or we just found some chemical
13 agent, everybody is going to read that word for word.

14 SCOTT BOLTON: Well, in the public,
15 when there's good news, it's usually because you're
16 doing what you're supposed to. Things are going like
17 you expected them to, so it's, like, so what.

18 DR. MICHAEL KIMBERLY: When you find
19 munitions that's not been found before, they're like,
20 what is this all about, and why haven't you been doing
21 something about it.

22 MONTY CLENDENIN: I think a good
23 example is our recent gas crisis, and I think

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1 everybody got on their cell phone, and everybody
2 called their buddy, and they said, fill up, you can't
3 get gas. Bad news, I mean, spreads like wild fire.

4 DR. MICHAEL KIMBERLY: Sometimes you
5 can counter bad news with some good news too.

6 DR. JOHN SPAIN: That's what is
7 amazing, that this area had the only cell phones
8 working.

9 RON GRANT: I think we must have had
10 more empty five-gallon gas cans because everybody went
11 out and filled them up.

12 DR. MICHAEL KIMBERLY: That concept
13 buggled me anyway because when you drive into a
14 filling station, do you just buy \$2's worth of gas?
15 No. You buy what you need and move on.

16 RON GRANT: This is my concluding
17 slide.

18 DR. MICHAEL KIMBERLY: That
19 explained the whole thing.

20 MONTY CLENDENIN: Let me just ask
21 one question about the Eastern Bypass.

22 Is the dead end of that Bypass a cleanup
23 problem or a funding problem? We don't have money to

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1 finish it or the cleanup is not --

2 SCOTT BOLTON: Well, the last of the
3 cleanup, if you want to call it that, there's what we
4 refer to as a -- we'll talk about it when we do the
5 updates -- it's the Iron Mountain Road extension,
6 which basically, you can look at that as an exit ramp
7 off the Bypass to the Industrial Access Road over on
8 the south side of Yahoo Lake, the old Yahoo Lake area.

9 Really, we're waiting for AL DOT --
10 well, we're finalizing some comments back and forth
11 with ADEM, but I think we've got those concerns
12 resolved, so really we're looking at AL DOT to do the
13 clearing so we can provide the construction support
14 for that.

15 The rest of that, the 66 acres, that
16 finding of suitability transfer is waiting for
17 signature, just to sign and date and come back down,
18 so the next step after that would be deed preparation.

19 So as far as construction of the road, I
20 don't know how to address that. Obviously, that's an
21 AL DOT issue, and I don't know what their issues are
22 or are not, but at this point, I don't think it's a
23 cleanup issue.

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1 DR. JOHN SPAIN: Since we're just
2 discussing and we're not going along --

3 SCOTT BOLTON: Well, I was trying to
4 get us back on track a little.

5 DR. JOHN SPAIN: Well, maybe you can
6 answer this first.

7 Is the current litigation that's going
8 on having any impact on what is currently happening
9 with respect to the cleanup?

10 SCOTT BOLTON: I'm assuming you're
11 asking Michelle. It's certainly having no effect on
12 the DA piece.

13 DR. JOHN SPAIN: No, I wasn't asking
14 Michelle. When she does her report, I'll ask her.

15 SCOTT BOLTON: Obviously, there's a
16 lot of issues, and I'm not going to comment on it
17 because the Army, Office of the General Council, and
18 Environmental Law Division, and so on have been in
19 contact with all the entities to include State
20 regulatory agencies with ADEM and so forth, and we're
21 kind of waiting for the whole thing to get sorted out.

22 Obviously, very much of it has an
23 interest in how things go and making sure the work

1 gets done.

2 DR. JOHN SPAIN: Well, it might even
3 be an inappropriate question, but do you think there's
4 anything in jeopardy of ceasing the cleanup activities
5 here?

6 SCOTT BOLTON: Unfortunately, I
7 don't know because I don't know what the ongoing and
8 what their status of funds was and so forth. I know
9 that right now, to my knowledge, we haven't provided
10 any new funding since before the court ruling, so how
11 much funding they had on hand -- the original setup
12 would have been that JPA could draw, I want to say, up
13 to four times in advance, so we have coordinated some
14 funding on those issues, so they had some funding.

15 How all that got transferred over to the
16 County, whatever, I really don't know the mechanics on
17 that yet, I just don't know.

18 But to my knowledge, we haven't provided
19 any additional funding since the court's ruling.

20 RON GRANT: I'd like to just add one
21 more thing.

22 I want to thank Brenda for her able
23 assistance in preparing the slides.

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1 BRENDA CUNNINGHAM: You're welcome.

2 SCOTT BOLTON: We've really torn
3 this agenda up here. Let me see where we're at.

4 Well, we've at least introduced guests,
5 and we've had our program. We don't have a quorum, so
6 I don't see that we can really approve minutes or
7 conduct business. So I guess the thing that we need
8 to do would be the agency reports.

9 And I guess, without further adieu then,
10 Brandi.

11 BRANDI LITTLE: Okay. In your
12 packet, as usual, you'll find the ADEM activities
13 report. The first page and a little bit of the second
14 page shows all the documents we've received since the
15 last meeting.

16 The completed reviews, as Scott said,
17 the most notable was the final EE/CA for the Iron
18 Mountain Road Edition. I think we had one comment
19 responded back to us, and I think Julie is looking at
20 that one right now so we could go ahead and get that
21 one out, and a couple of the National Guard documents
22 for Rage J and Rage K, and we've had several meetings
23 and conference calls mostly with the National Guard.

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1 If you have any questions, I will do my
2 best to answer them.

3 SCOTT BOLTON: Okay. I guess,
4 Michelle, are you going to provide us an update -- I
5 guess, should we be calling y'all the McClellan
6 Development Authority, MDA as opposed to the JPA?

7 MICHELLE KLOMP: We work for the
8 LRA.

9 Well, you have our update in front of
10 you of the work that was conducted in the last
11 quarter. Highlights include work that we've conducted
12 on the Landfill 3 groundwater work. We've submitted
13 the final crunch of corrective measures there.

14 We got a no further action concurrence
15 from ADEM on the Solder's Chapel. That was fun and
16 exciting for us. Checked one off the list.

17 And, Reverend, maybe in answer to some
18 of your questions on the status of Iron Mountain Road
19 and the Eastern Bypass. For our work, we call those
20 MRS 2 and MRS 3. MRS 2, it borders the eastern half
21 of Iron Mountain Road, and it connects up to Baines
22 Gap Road where it goes over the mountain.

23 We plan to get the work on that

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1 essentially complete this year, and we'll be well out
2 of the way for AL DOT. That's why we scheduled that
3 to be done.

4 MRS 3 we're doing work on either side of
5 the Eastern Bypass as it cuts through McClellan. We
6 wanted to make sure our exclusion zones would not
7 impact AL DOT as they move through that area, so we
8 are just working on that to stay ahead of them as much
9 as we can.

10 SCOTT BOLTON: Anybody got any
11 questions for Michelle?

12 I guess we can go into the Army update.

13 In terms of the military, we break up
14 with the Military Response Program and the HRW. As
15 far as, again, the Eastern Bypass, Iron Mountain Road
16 Edition, this is a 10-acre area. Basically, it's an
17 off-ramp area.

18 The Army's going to provide onsite
19 construction support while they do their cuts and
20 while they do clearing, grubbing, any kind of
21 intrusive activity.

22 Actually, what Brandi alluded to, there
23 was confusion really in the engineering language when

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1 we started talking about what area were we going to do
2 construction support on, and the AL DOT engineers,
3 they talked about their footprint of the actual
4 roadway versus the entire area, and their agenda is to
5 clear and grub the entire area consistent like they
6 did with the rest of the Eastern Bypass, and we'll
7 provide construction support when that happens and
8 when they do actual cutting and grading and filling
9 and so forth.

10 DR. JOHN SPAIN: Why is the Army
11 doing that?

12 SCOTT BOLTON: Why is the Army doing
13 that? To provide -- to get it done is the short
14 answer. I think to provide a level of assurance.
15 That area, for the most part, comes into the Bravo
16 EE/CA area, and we felt like the surrounding area,
17 there was some OE scrap and a few items along those
18 lines. There were no unexploded ordinance or anything
19 that warranted a cleanup of those to that degree.

20 The regulatory agencies, quite frankly,
21 were concerned about the way our contractors had done
22 the QA, and so to provide a level of assurance, we
23 said, okay, what we'll do is we'll provide onsite

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1 construction support, which means we actually have a
2 UXO team that will be right there.

3 DR. JOHN SPAIN: Now, that does
4 concern me a little bit that we're doing that. What
5 concerns me about it is 25 years from now when we come
6 in and we reconfigure and we rearrange those off-ramps
7 into something that is bigger and better for the
8 community at that time, they'll not be any kind of
9 group there to oversee the construction, and if
10 there's a danger now, it seems like for us to have
11 one, it seems like there will be a danger then.

12 Are we adequately looking into the
13 future and what will be needed from the Army?

14 I don't know. It didn't concern me
15 before you brought it up. Now you brought it up, and
16 it concerns me for the future.

17 LISA HOLSTEIN: They're going to be
18 disturbing to at least a foot.

19 SCOTT BOLTON: Yeah, they're going
20 to be disturbing to at least a foot when we clear and
21 grub. So we're going to have construction support.
22 Again, it was more to provide a level of assurance.

23 Quite frankly, the Army's position was

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1 that there was no clearance needed. As far as we were
2 concerned, that could have gone to no further action.

3 Sometime we make pragmatic decisions as
4 to what does it take to get the comfort level with the
5 various groups, and then that was how we based that
6 decision quite frankly.

7 And clearance to depth, which would be
8 outrageously expensive and just uncalled for, I'm not
9 even sure we could have got funding for that quite
10 frankly given the data that was there. I mean, you
11 have to react on what the data is on the ground truth.

12 So we felt like it would be appropriate
13 to do construction support with onsite teams just to
14 make sure, and that was a reasonable accomodation,
15 kind of middle ground if you will, so that was how
16 that decision was made.

17 And all those notices and so forth,
18 that's the reason that AL DOT decided to go ahead and
19 go out to the bounds, because a lot of times they
20 don't clear and grub much beyond the footprint of the
21 roads and ditches and whatever. They've got a name
22 for that. I'm not an engineer. I apologize. But
23 they decided to do consistently like they have done

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1 elsewhere in the Bypass because that way you know it's
2 gone over once and so on.

3 And again, when you look at the geology
4 of this area, the munitions that were used in this
5 area. You have to kind of view things in totality.
6 So it's not like you're going to have -- the
7 likelihood of finding something four feet underground
8 is very low unless somebody buried it there, so to
9 speak.

10 The munitions that were fired here in
11 conjunction with your soil types and the geology
12 you've got here, you've got the ability to penetrate
13 to those kind of depths.

14 So that's -- sometimes that's how we
15 make these kinds of decisions. We realize, okay, do
16 you want to spend your time arguing about something,
17 or do you want to -- or is it better to provide that
18 reasonable level of assurance that everybody can feel
19 comfortable with and move forward that way, and that's
20 kind of how we did it on that one.

21 The Charlie EE/CA area -- do we have any
22 other questions on the Iron Mountain Road? I didn't
23 mean to just jump off with that.

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1 The Charlie EE/CA area. Again, we've
2 got -- you can obviously read these things and see
3 what's going on as far as the -- we did get some
4 additional funding, and so we've got supplemental
5 sampling that we're going to -- well, I'm jumping
6 around here. That's the MMRP side of things.

7 We've got some supplemental sampling
8 we're going to do out there to get the EE/CA itself
9 closed out, and then we received some additional
10 funding late this year, really in FY '08 since now
11 we're in FY '09. But we got that in June of '08, and
12 so we planned some MEK clearances. I don't remember
13 the total acreage.

14 Do you remember it?

15 LISA HOLSTEIN: 134 acres, I
16 believe. It's in here.

17 SCOTT BOLTON: That's subject to
18 change a little bit because if we find out that we
19 can -- you know, depending on money and stuff. It
20 looks like 134 acres of additional MEK clearance we
21 can do, and then the plan is to follow up with some
22 lead removal as well, HTRW cleanup.

23 When we do things in the Fish & Wildlife

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1 area, we coordinate very closely obviously with the
2 Fish & Wildlife Service because they have their
3 priorities as well.

4 We have the MOA that we operate between
5 the Army and the Department of Interior, so it gets
6 kind of -- we literally sit down with them and say,
7 okay, here's what we think, what do you think, and
8 they say, well, we prefer do this to make sense or
9 whatever, and you work it out that way.

10 So we're very fortunate in getting some
11 supplemental funding, and Lisa was very -- she needs
12 to get a lot of credit for that. She jumped on it
13 really fast. I mean, she got that thing lined out and
14 got funding requests and got it nailed down before
15 they could even catch their breath. By the time they
16 were saying, well, are you guys really sure you can do
17 that, like, yeah. It was done. So that was really
18 good. In fact, they awarded the contract just
19 recently, and we'll be rolling from there.

20 I think one of the things that you might
21 want to look at when we're talking about this process
22 that you go through, you know, one of the challenges
23 that we run into here at Fort McClellan is we talk

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1 about under CERCLA, Comprehensive Environmental
2 Response Compensation Liability Act, which is the old
3 Superfund Law, and that's what we do the work under
4 here at McClellan, the DoD does.

5 We are not an MPL site, so that means
6 that the DoD in that sense is the lead agent
7 environmentally.

8 But when we do these cleanups, we follow
9 that process. If you'll notice, we talk about the
10 remedial investigation phase. The remedial
11 investigation phase, usually that's followed on by
12 what we call feasibility studies. And so the RIFS,
13 when you combine them that way, that's where you
14 determine, okay, what have I got, where you determine
15 the nature and extent of your contamination and kind
16 of what are you going to do about it.

17 So we're sort of at the end point of
18 seven RIs. We're pushing hard to get those things
19 completed so we can move into the feasibility study
20 phase of the process, and then ultimately get out
21 there and start digging.

22 It takes a lot of time on the front end.
23 A lot of times people get frustrated at that.

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1 Sometimes your actual implementation of the remedy is
2 the easiest or the quickest part of the entire
3 process, but these are the areas that we're looking
4 at.

5 If anybody's got any questions on those,
6 we can certainly discuss them.

7 As far as remaining property, there's
8 311 acres remaining that are still kind of on the Army
9 books, if you will. You can see the break out there.

10 The water tank sites, that 22.94 acres,
11 we were so close to getting it transferred. We had
12 the deeds ready to go, and then the court ruling
13 suddenly -- you know, we had deeds prepared to
14 transfer to the Joint Powers Authority and well -- so,
15 we're sort of in a little hover on that one. The
16 actual deeds were ready to go.

17 The Snap Road Water Tank Site, that's
18 sort of held hostage to -- there's a cleanup that will
19 be done under, for lack of a better term, the ESCA.
20 That will be done by the LRA, and so when that gets
21 done -- and that will probably be out in a couple,
22 several years just because, as Michelle pointed out to
23 you, that their priorities are to try to get along the

1 Industrial Access Road so that they don't impede in
2 development along that path and so on, and that Snap
3 Road Site is kind of off the beaten track a little
4 bit.

5 But after we get rid of all the other
6 310 acres, that .94 acres will become the most
7 important acreage in my life, trust me. It'll be like
8 we had 10,000 acres here.

9 The Eastern Bypass Track 3, the 266
10 acres, the finding for suitability for transfer, which
11 is an internal Army document, that final document is
12 up at our headquarters, BRAC division, for signature,
13 hasn't been signed.

14 The signatory authority has been out for
15 about ten days. I know he came back today, but I
16 failed to ask him about that, and so as soon as that
17 is signed, then the next phase is for us to go ahead
18 and do the deed preparation and do the actual transfer
19 on that. AL DOT will be the recipient on that.

20 DR. JOHN SPAIN: About how long do
21 you estimate for that?

22 LISA HOLSTEIN: That needs a
23 property recipient.

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1 SCOTT BOLTON: We're talking about
2 the Bypass.

3 LISA HOLSTEIN: Oh, yeah. That
4 usually doesn't take more than about three months.

5 MONTY CLENDENIN: Are the metals
6 that are being cleaned up -- cleaned and being
7 recycled? Are they being --

8 SCOTT BOLTON: Not typically.

9 A lot of times, these things are
10 virtually dust, for lack of a better term, to use the
11 laymen's terms.

12 Obviously, there's bullets out there
13 that you can see some solid. Actually, the bullets
14 are probably less of a problem than the fragments and
15 the dust that turns into the lead oxide and leech into
16 the groundwater and so on, those are the things that
17 are really there for cleanup. So the short answer is
18 no, there's not a way to recycle that.

19 Iron Mountain Road Edition, I think
20 we've kind of beat it to death. That's the ten acres
21 that we're talking about there.

22 The 11 acres here for Highway 21.
23 Again, that is somewhat captured by -- that's sort of

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1 at the northern -- along Highway 21 and kind of at the
2 northern boundary almost at the installation, adjacent
3 to Landfill 3, and so that's somewhat held hostage
4 there to the final remedy and so forth on Landfill 3
5 to include groundwater.

6 So that tallies up the remaining
7 acreage. There's a very good chance that within the
8 next year or so we'll be down to, as far as the Army
9 actually owning property, we'll be sitting on
10 somewhere around 12 acres, and most of that probably,
11 I think, the number came out as 2014 or something, but
12 I think that was more of a placeholder than anything
13 in terms of scheduling.

14 DR. JOHN SPAIN: 12 or 24, 24 acres?

15 SCOTT BOLTON: Pardon?

16 DR. JOHN SPAIN: 24 acres?

17 SCOTT BOLTON: Right. It would be
18 your 10.88 for Highway 21, and that would be 11 --
19 almost 12. It would be the .94 for the Snap Road
20 Water Tank Site.

21 DR. JOHN SPAIN: The 22.94 --

22 SCOTT BOLTON: We have deeds on that
23 ready to go. So as soon as the status of whoever the

1 LRA is going to be and so forth, not a problem.

2 We'll, you know, cut and paste that
3 name, and we'll be good to go.

4 DR. MICHAEL KIMBERLY: Better do it
5 in a hurry.

6 SCOTT BOLTON: Lisa and I weren't
7 real happy. If our attorneys would have been a little
8 faster, that would be 23 acres we wouldn't have to
9 fool with. They were going, oh, man, because it was
10 literally -- they had them ready to go, and the
11 attorneys were in Miami doing some other kind of stuff
12 with the Corp of Engineers, and you talk about
13 overcome by events. I mean, literally, the deeds were
14 done about this 23 acres, so Murphy's Law is alive and
15 well.

16 DR. JOHN SPAIN: We're getting close
17 to the point where we need another assessment -- when
18 did we do the last 24-month assessment?

19 SCOTT BOLTON: For --

20 DR. JOHN SPAIN: For the
21 continuation of the RAB.

22 SCOTT BOLTON: What I think he was
23 talking about there is -- if you have a RAB that's

1 constituted and is meeting on a regular basis, you
2 don't do the reassessment. What he was talking about
3 there, the guidance says that when you don't have a
4 RAB, and you have determined there is no community
5 interest in the RAB, you must reassess that --

6 DR. JOHN SPAIN: That would be up to
7 the Army to do?

8 SCOTT BOLTON: Yes. But since we
9 have a RAB, we don't reassess that which already
10 exists. That's what the reassessment was talking
11 about.

12 There's fairly specific steps you go
13 through when you disband a RAB too, so it doesn't just
14 kind of fade off into the twilight.

15 Do we have any other questions?

16 Well, I guess, folks, thank you for
17 coming.

18 LISA HOLSTEIN: Wait. Audience
19 comments, upcoming programs.

20 SCOTT BOLTON: I'm sorry.

21 LISA HOLSTEIN: Karen has a comment.

22 SCOTT BOLTON: Karen, what is your
23 comment?

1 KAREN PINSON: On behalf of the
2 Army, I'd like to invite you all for a couple of
3 meetings next Monday for a couple of National Guard
4 sites, Ranges J and K. They're located out on Pelham
5 Range.

6 The public meeting will be at the
7 Anniston City Meeting Center from 6:00 to 8:00, and
8 the purpose of the meeting is to discuss the proposed
9 plans for Ranges J and K, and these two sites have
10 been through the remedial investigation process and
11 the feasibility study that Scott mentioned earlier.

12 So what the Army wants to do is to
13 discuss these sites with you and the plans that the
14 Army has to clean up some groundwater at the sites.
15 The plumes are totally contained within Pelham Range,
16 but the Army would like to discuss these, see if you
17 have any comments.

18 We're in a public comment period right
19 now from October 1st to October 30th. We invite you
20 to come and see what we've got going on out there.

21 ADEM is in agreement with what the Army
22 has proposed to do with the sites, but no decisions
23 have been made at this time because we don't make

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1 decisions like this until after we get public input on
2 these kinds of documents.

3 DR. MICHAEL KIMBERLY: What time?

4 KAREN PINSON: Pardon?

5 DR. MICHAEL KIMBERLY: You said next
6 Monday, that'll be the 27th. What time?

7 KAREN PINSON: 6:00 p.m. at the
8 Anniston Public Meeting Center.

9 NICK SINIGEN: What are the
10 contaminates?

11 KAREN PINSON: Chlorinated DOCs.
12 There's benzines at -- Range J has benzines, but it
13 also has chlorinated DOCs, and Range K has chlorinated
14 BOCs.

15 SCOTT BOLTON: Upcoming programs.

16 I would make a suggestion that
17 originally, I think when we had -- the first two were
18 very much were involving City input and LRA input,
19 which is somewhat uncertain at this point, so what I
20 would suggest we do, the Army, we could take an action
21 item to provide an update on the Charlie
22 Area/Choccolocco Corridor for the next RAB, as the
23 continuing status of the LRA evolves. Hopefully that

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1 will all be settled by then.

2 We do need to talk about probably some

3 dates.

4 Brenda, did you already put that out?

5 BRENDA CUNNINGHAM: Yes.

6 DR. JOHN SPAIN: Dates are on the

7 bottom.

8 SCOTT BOLTON: For future meetings?

9 BRENDA CUNNINGHAM: Yes.

10 DR. JOHN SPAIN: They're on the

11 bottom.

12 SCOTT BOLTON: Everybody mark your

13 calendars, I guess.

14 LISA HOLSTEIN: Everybody have a

15 merry Christmas because we won't see you until after

16 that.

17 SCOTT BOLTON: Really, we won't see

18 you until January. We normally do the third Monday;

19 right?

20 BRENDA CUNNINGHAM: Yes.

21 SCOTT BOLTON: I'm just trying to

22 pull out of my head why in the heck we did the 26th

23 instead of the --

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1 BRENDA CUNNINGHAM: Well, in the
2 past, because of the holidays, and I've moved it
3 forward in January, nobody shows up, and we don't have
4 a quorum. So last year, I decided to move it back to
5 give everybody a little time to get situated from the
6 holidays, we had a quorum, so I'm going to try it
7 again this year.

8 SCOTT BOLTON: To reenforce that
9 behavior?

10 BRENDA CUNNINGHAM: Right.

11 I wanted to introduce John Pearce, your
12 new RAB member. I didn't introduce him in the
13 beginning. We just kind of threw him in there.

14 MONTY CLENDENIN: Throw him to the
15 dogs, that's what I say.

16 BRENDA CUNNINGHAM: In your packet,
17 there is a resignation letter from Robert Jackson who
18 is no longer willing to be on the RAB, and I sent him
19 a letter from the RAB already, and everything that we
20 didn't vote on, you know, making John Spain the
21 co-chair and everything, we will do that at the
22 January meeting, and if we don't have a quorum, we'll
23 do it the next time, but you'll have just to sit in.

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1 DR. JOHN SPAIN: Our new mayor did
2 tell me that he would like to come and speak to the
3 RAB on his ideas, so I'd just pass that up to you.

4 LISA HOLSTEIN: We'll put that under
5 upcoming programs maybe.

6 PENN WILSON: Sounds like a real
7 good idea.

8 BRENDA CUNNINGHAM: He did get a
9 notice about this meeting, but maybe it just hasn't
10 got to his office yet.

11 DR. JOHN SPAIN: Well, he -- have
12 you ever been through the Western Auto Store down
13 there?

14 SCOTT BOLTON: Do we have any other
15 announcements? Any other comments?

16 We are adjourned.

17 --oOo--

18

19

20

21

22

23

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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, KELLI K. LOWERY, a Certified
6 Court Reporter and Notary Public in and for The State
7 of 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 IN WITNESS WHEREOF, I have
17 hereunto set my hand and affixed my seal at Anniston,
18 Alabama, on this the 3rd day of December, 2008.

19

20

21 KELLI K. LOWERY
22 Notary Public in and for
Alabama at Large

23 MY COMMISSION EXPIRES: 09-15-2009.

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