

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

Taken before PENNY L. ENOCH, a Certified
Court Reporter and Commissioner for Alabama at Large,
at Fort McClellan, Alabama, at the Transition Force
Building, on Monday, April the 18th, 2011, commencing
at approximately 5:00 p.m.

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1 DR. MICHAEL KIMBERLY: We'll get
2 started, call this thing to order. I'm over here
3 because the other two guys got sick of us or sick of
4 something, because they're not showing up. One's sick
5 and the other one's gone to -- where did you say?
6 North Carolina or --

7 MS. CUNNINGHAM: North Carolina.

8 DR. MICHAEL KIMBERLY: I don't
9 know, there was some new people -- do we have
10 some guests that's not been introduced that
11 are new on the board?

12 MR. TONY THOMPSON: I'm new to
13 this.

14 DR. MICHAEL KIMBERLY: You want to
15 introduce --

16 MR. TONY THOMPSON: Tony Thompson,
17 I'm the owner of East Alabama Affordables.
18 And this is my first time here, I don't have
19 a clue what's going on.

20 MR. SCOTT BOLTON: Well, welcome.

21 DR. MICHAEL KIMBERLY: Most of us
22 have been here for a while and we don't have
23 a clue what's going on, but we're glad to

1 have you. Anyone else?

2 (No response) .

3 MR. MICHAEL KIMBERLY: Well, I'll
4 call the roll. Buford, Mr. Buford?

5 (No response) .

6 DR. MICHAEL KIMBERLY: I guess
7 he's out. Burgett?

8 MR. BURGETT: Here.

9 DR. MICHAEL KIMBERLY: Cox, Dr.
10 Cox? Elser --

11 MS. CUNNINGHAM: He's excused.

12 DR. MICHAEL KIMBERLY: He's
13 excused. I'm sorry.

14 MR. SCOTT BOLTON: Yeah, he's
15 excused.

16 DR. MICHAEL KIMBERLY: Elser is
17 here. Hall, Mr. Hall?

18 (No response.)

19 DR. MICHAEL KIMBERLY: Harrington,
20 Dr. Harrington?

21 MS. BRENDA CUNNINGHAM: She's
22 excused.

23 MR. SCOTT BOLTON: She just -- she

1 can't get out of Pell City, so she's excused.

2 DR. MICHAEL KIMBERLY: Okay.

3 Howard -- Gene's gone to the doctor.

4 MR. SCOTT BOLTON: Right.

5 DR. MICHAEL KIMBERLY:

6 Mr. Kimbrough?

7 MR. ED KIMBROUGH: Here.

8 DR. MICHAEL KIMBERLY: Mr. Miller?

9 MR. JIM MILLER: Here.

10 DR. MICHAEL KIMBERLY: Nelson,

11 Mr. Nelson?

12 MS. BRENDA CUNNINGHAM: He's

13 excused.

14 DR. MICHAEL KIMBERLY: Okay.

15 Mr. Pearce?

16 (No response.)

17 DR. MICHAEL KIMBERLY: Dr. Spain?

18 (No response.)

19 DR. MICHAEL KIMBERLY: How do you
20 pronounce this, Steffy?

21 MS. BRENDA CUNNINGHAM: Steffy.

22 DR. MICHAEL KIMBERLY: Here or --

23 MS. BRENDA CUNNINGHAM: He's

1 excused.

2 DR. MICHAEL KIMBERLY: Excused,
3 okay. Thompson, Mr. Thompson?

4 MR. TONY THOMPSON: Here.

5 DR. MICHAEL KIMBERLY: Mr. Wilson?

6 MR. PENN WILSON: Here.

7 DR. MICHAEL KIMBERLY: I guess we
8 have a quorum.

9 MR. JIM MILLER: And now we have a
10 guest.

11 DR. MICHAEL KIMBERLY: Pardon me?

12 MR. SCOTT BOLTON: Seven, no we
13 don't.

14 MR. JIM MILLER: Mayor McCrory
15 came in from Hobson City.

16 DR. MICHAEL KIMBERLY: Oh, yes.

17 MR. SCOTT BOLTON: We don't have a
18 quorum, do we?

19 MS. BRENDA CUNNINGHAM: No, sir.

20 MR. SCOTT BOLTON: No. We don't
21 -- we don't have a quorum.

22 DR. MICHAEL KIMBERLY: Okay.

23 MR. SCOTT BOLTON: It has to be

1 nine voting members.

2 DR. MICHAEL KIMBERLY: Nine --
3 okay. Well, we have a guest. You want to
4 introduce yourself? I don't know --

5 MAYOR ALBERTA McCRORY: I'm
6 Alberta McCrory, Mayor of the Town of Hobson
7 City.

8 DR. MICHAEL KIMBERLY: Glad to
9 have you. Well, without a quorum, we can't
10 do any business, can we?

11 MR. SCOTT BOLTON: Well, we can't
12 approve Minutes and stuff, but we can --

13 DR. MICHAEL KIMBERLY: Okay. Did
14 anybody have any -- find any faults with the
15 Minutes of the last meeting -- there weren't
16 any Minutes of the last meeting.

17 MR. SCOTT BOLTON: Well, the
18 January meeting, if you recall --

19 DR. MICHAEL KIMBERLY: The bad
20 weather.

21 MR. SCOTT BOLTON: -- we had the
22 first of our series of these -- well, this
23 one was snow, at least.

1 DR. MICHAEL KIMBERLY: Yeah.

2 MR. SCOTT BOLTON: Yeah. And so
3 we canceled the meeting there. So the
4 Minutes that we've got are the October 10 --

5 DR. MICHAEL KIMBERLY: October
6 meeting.

7 MR. SCOTT BOLTON: -- but we can't
8 approve Minutes, so it's sort of --

9 DR. MICHAEL KIMBERLY: There was
10 no old business; no new business --

11 MR. SCOTT BOLTON: No, we got
12 new -- we'll have new business. We've got
13 agency reports.

14 DR. MICHAEL KIMBERLY: Yeah.

15 MR. SCOTT BOLTON: No program.

16 DR. MICHAEL KIMBERLY: No program.
17 So I guess we'll go into the new business.

18 MR. SCOTT BOLTON: Okay. And the
19 first of the agency reports is ADEM, and of
20 course they are not here.

21 So, we can try -- if you look in your
22 packet, I'm trying to find out exactly where
23 -- I think theirs is right behind the Minutes

1 in the last -- if you'll notice. And
2 particularly relevant portions of it, I
3 guess, are -- well, really relevant to all of
4 us here. The Army documents, as you can see,
5 what that they're -- what they're working on
6 and that they've got things in review, for
7 the most part.

8 One of the things that is probably
9 worth bringing up, and this is as good a
10 point to bring it up as any, if you'll notice
11 the second item where it says, EPA Letter to
12 Army, U.S. EPA's Involvement at Fort
13 McClellan -- and, of course, the state is not
14 going to review that, it's just kind of an
15 information thing. But probably significant
16 to bring it up as to what -- what they're
17 referring to.

18 In December, I want to say December
19 7th, thereabouts -- but don't hold me to the
20 exact date -- the EPA sent us a letter saying
21 that basically that since the EPA is no
22 longer receiving funds to support work at
23 Fort McClellan, in other words, since Fort --

1 the DOD is not paying them, that they would
2 therefore not be participating on a routine
3 basis in things like our BRAC cleanup team
4 meetings and so on. That they would limit
5 their involvement at Fort McClellan to a
6 couple of things that are required by law;
7 one of which would be an operating properly
8 and successfully determination of any
9 remedies; and that's a CERCLA requirement.

10 What that means is that when we pick a
11 remedy, when we -- after we've gone through
12 all the various stages that we've talked
13 about before, the Site Investigations, the
14 Remedial Investigation that defines the
15 nature and extent; the feasibility study
16 which would say, okay, these are the things
17 that we can do about the problem and what's
18 feasible and what's not; and then we would
19 have the decision document and so forth; and
20 then eventually you would implement the
21 actual remedy.

22 And so an example would be probably be
23 Landfill 3, I'll -- that Matrix implemented

1 for the McClellan Development Authority about
2 -- what, it's been two years now --
3 thereabouts. Okay. They have a remedy in
4 there in place. They capped the landfill.
5 They've got some -- some other active
6 treatment mechanisms in there and so forth.

7 And after some period of time, once
8 you've determined that the remedy is in place
9 and it's operating the way it should be, it's
10 doing what it's supposed to be doing; at that
11 point, EPA would be the only ones that could
12 grant the operating properly and successfully
13 determination.

14 Typically, where we'll see those
15 issues occur is like with groundwater, which
16 a lot of times has some more active
17 remediation-type features to it; sometimes
18 landfills.

19 In the case of Landfill 3, it was
20 really the groundwater associated with the
21 landfill that drove that.

22 And where -- where it can have some
23 significance, it won't have much significance

1 for Matrix and for the McClellan Development
2 Authority, obviously, because they're doing
3 their work under state RCRA authority. And
4 Alabama is a fully approved RCRA state.

5 However, to grant the covenants, if
6 you recall, the Army transferred a lot of the
7 property here at Fort McClellan as in what we
8 call an early transfer under CERCLA,
9 Comprehensive Environmental -- is it
10 Reclamation -- Compensation and Liability
11 Act, the old Superfund law. Okay. We
12 transferred that under early -- early
13 transfer authority has provisions for which
14 you can transfer property that has not yet
15 been cleaned up.

16 Once you do that, once the -- all the
17 remediation has taken place by whomever, be
18 it the Army or whomever, then to grant CERCLA
19 covenants which warrant that all appropriate
20 work has been done, the only ones that can
21 bless that process will be EPA. So that'll
22 be one of the things. So at the end of some
23 period of time, that's what we will have to

1 do. The Army will have to do -- go to EPA
2 and say, okay, here's the remedies that are
3 in place at various places and we want to
4 grant covenants to it, and you have to look
5 it over and so forth. And we would have to
6 make the case that it is operating properly
7 and successfully. It doesn't mean they
8 necessarily go back and revisit your remedy
9 selection and all those kind of things, but
10 that they do in fact look at the remedy that
11 was implemented, try to see if it was
12 appropriate to the type of problem and it's
13 in fact working.

14 So that's one of the things that they
15 will kind of limit themselves to; and that's
16 all a function of funding. Apparently,
17 nationwide, the DOD made a decision in 2010
18 that they weren't going to fund these things
19 just in perpetuity; because, in part, it's
20 EPA's mandate under the law to do some of
21 these type actions. So as a -- on a routine
22 basis, we probably won't see a bunch of it.

23 So, the significance -- other

1 significance is as we -- the Army submits
2 comments and so on, documents for review and
3 so forth, you won't be seeing EPA comments on
4 them. We'll continue to submit to ADEM and
5 so forth and so on. Anyway, but that's the
6 significance of that.

7 And, like I say, all that came about
8 in -- in December, and so we won't be seeing
9 EPA on a routine basis like when we have our
10 cleanup team meetings and so forth.

11 DR. MICHAEL KIMBERLY: Is part --
12 is part of that going to be -- is part of
13 that caused because of some of the potential
14 cutbacks and is EPA going to be involved --

15 MR. SCOTT BOLTON: You mean the
16 recent ones? I don't think so. I think
17 actually this -- back in March of 2010, I
18 mean, we were not aware of it at the time,
19 but, apparently, there was -- there's a big
20 Memorandum of Agreement between EPA at the
21 national level and the Department of Defense.
22 So, really, this was a DOD-driven thing as
23 opposed to just Army or Fort McClellan.

1 Because we tried to -- initially, we
2 thought that EPA just forgot to put us on the
3 list. And I kept calling EPA saying, guys,
4 if you hope to get any money, you better put
5 us on the list. I can't put you on the list.
6 It's your list that you send up through your
7 headquarters to the Department of Defense.

8 But, apparently, on transferred
9 property to include early transfer property
10 and some other things, the DOD had made the
11 decision that it could no longer fund those
12 -- and I don't know all of the nuances, you
13 know, as to why that was -- came about.

14 And so it functionally probably did
15 result in a loss of some, you know, what we
16 call full-time equivalence. That's kind of
17 how they -- how they fund it. They didn't
18 fund it per dollar amount, they would get
19 full-time equivalence, and at some level that
20 translates into dollars. But that would be
21 up in D.C.

22 But, no, so as far as like some of the
23 recent funding cuts like that happened with

1 the recent budget stuff and so on, no, this
2 is not a function of that. This predated
3 that by a good year.

4 DR. MICHAEL KIMBERLY: Okay.
5 Anyone else? Questions? Discussion?

6 MR. SCOTT BOLTON: But anyway, as
7 you -- you can see the things that are, you
8 know, in review; and I don't know if there's
9 any point to kind of reading them. But if
10 anybody's got any questions about them, we'll
11 certainly try to answer them. I think it
12 kind of speaks for itself.

13 DR. MICHAEL KIMBERLY: Have y'all
14 completed any cleanup yet?

15 MR. SCOTT BOLTON: Uh-huh.

16 DR. MICHAEL KIMBERLY: The final
17 stage and everything -- papers and everything
18 are approved?

19 MR. SCOTT BOLTON: No. No, not --
20 not yet. We have -- the -- which kind of
21 moves us into the -- into -- more into the
22 Army report. We can jump to that or we can
23 talk about it now, whatever suits you.

1 DR. MICHAEL KIMBERLY: We'll wait.

2 MR. SCOTT BOLTON: You want to
3 wait? Okay. So that's all we know from
4 ADEM. Obviously, we won't have an EPA
5 report.

6 Karen, you want to go ahead and talk
7 National Guard issues?

8 MS. KAREN PINSON: Yeah. Okay.
9 We're reported on Ranges J and K. We'll have
10 some stuff we're doing out on Pelham Range.
11 And I provided some figures of the sites that
12 I've discussed on Pelham Range.

13 So, this figure you'll see the general
14 locations of Range J and Range K out on --
15 out on the range. And then the other two
16 figures show the aerial extent of the
17 contaminated groundwater plume at Range J and
18 Range K. So, I just wanted you to see that
19 those plumes are very well contained within
20 the boundaries of Pelham Range.

21 And what -- what we've done, I've told
22 you we've injected lactose in the groundwater
23 at those two sites to enhance the

1 bioremediation process of the volatile
2 organic compounds that are in the
3 groundwater, and it appears to be working.

4 We injected the lactose in September
5 of 2009; sampled groundwater for four
6 quarters in 2010; and all the results --
7 we've gotten groundwater samples, we've --
8 we're preparing a report on all this. But --
9 but it -- it appears that the -- that the
10 bioremediation is working and the volatile
11 organic compounds are degrading or being
12 degraded.

13 Some of the daughter products we're
14 going -- or seeing elevated levels in the
15 daughter products. So it all appears to be
16 moving along as planned.

17 We've injected some more lactose in
18 the Range K well in February, because they --
19 it needed some more carbon -- another carbon
20 -- another dose of carbon for the bio-
21 remediation process for the microbes to have
22 something to chew on and help the process
23 along. So we did that. The next sampling

1 will be in November of 2011. So, hopefully,
2 all is going well there.

3 The plumes have not moved. They are
4 still in the same locations that they were.
5 So, that's also good news. So on those two
6 sites, we feel like we're in pretty good
7 shape.

8 The third site is the Former Toxic Gas
9 Area and Decontamination Area south of the
10 Toxic Gas Area, and those are -- I don't have
11 those on the -- on the map here and we're
12 just in the Remedial Investigation phase on
13 that still. So -- but it's -- there is going
14 to be -- there is some groundwater
15 contamination and it's south of Range K; it's
16 just -- just a little bit south of the Range
17 K area.

18 And as soon as we finish the Remedial
19 Investigation, as soon as that's final, then
20 we'll have the extent of the plume and we'll
21 have another little map like these that shows
22 the plume. And it's, again, a very minimal
23 plume. It's very well contained within

1 Pelham Range.

2 And so, that's all I have on those
3 sites.

4 DR. MICHAEL KIMBERLY: How often
5 do y'all sample?

6 MS. KAREN PINSON: I'm sorry?

7 DR. MICHAEL KIMBERLY: How often
8 do you sample?

9 MS. KAREN PINSON: Well, after the
10 first injection of lactose, we sampled
11 quarterly for -- during 2010.

12 DR. MICHAEL KIMBERLY: Uh-huh.

13 MS. KAREN PINSON: Now we will
14 start an annual sampling for a couple of
15 years. So we'll sample --

16 DR. MICHAEL KIMBERLY: Do you all
17 split samples with anybody else?

18 MS. KAREN PINSON: Do we -- I'm
19 sorry?

20 DR. MICHAEL KIMBERLY: Do you
21 split samples with someone else as well? For
22 example, when you sample, do you split some
23 of that sample, say, for EPA to look at it

1 and for the State of Alabama to look at it
2 and so forth?

3 MS. KAREN PINSON: No, we do not.
4 That is not a requirement.

5 When we -- when we set up this
6 sampling plan, we prepared a work plan and
7 submitted that to ADEM and they approved that
8 work plan. And that's just not a requirement
9 to have to do that.

10 Now, the contractor who does this work
11 for us is Shaw Environmental.

12 DR. MICHAEL KIMBERLY: Uh-huh.

13 MS. KAREN PINSON: They've done a
14 lot of work out here on Fort McClellan for
15 years.

16 DR. MICHAEL KIMBERLY: Yeah. I'm
17 familiar with them.

18 MS. KAREN PINSON: And they -- so
19 they handle all of that, the sampling. But
20 everything was submitted to ADEM. ADEM knows
21 who the lab is and who's taking the samples
22 and they've approved all that.

23 MR. SCOTT BOLTON: Actually, and

1 split sampling is actually one of the things
2 that can be actually funded under DSMOA, the
3 Defense State Memorandum of Agreement. It
4 has to be spelled out in your -- in your
5 cooperative agreement that you do every
6 couple of years with them.

7 But those are the kind of things when
8 the states want that, that's a -- a lot of
9 times that's a mechanism that they do too --

10 DR. MICHAEL KIMBERLY: Well, the
11 reason I ask is, you know, we've talked about
12 it before, I did that in Tennessee.

13 MR. SCOTT BOLTON: Uh-huh.

14 DR. MICHAEL KIMBERLY: And we had
15 to split it with EPA and the State of
16 Tennessee.

17 MR. SCOTT BOLTON: Yeah, it
18 varies. And sometimes it depends on just who
19 the individual regulator is --

20 DR. MICHAEL KIMBERLY: --
21 Regulator is?

22 MR. SCOTT BOLTON: Yeah. I had
23 one in Tennessee that we did the same thing.

1 And then we got new regulators, and they
2 said, why do we want to do that? Okay.

3 MR. JIM MILLER: Refresh my
4 memory, what was the level of VOCs that you
5 found in the plume --

6 MS. KAREN PINSON: Well, the total
7 was, I think, like a point above -- above
8 point -- the total VOC levels were above .005
9 milligrams per liter, and that's for all the
10 --

11 MR. SCOTT BOLTON: Is that
12 milligrams per liter?

13 MS. KAREN PINSON: -- but -- and
14 in each site, you know; in this site and in
15 this site, they were --

16 MR. JIM MILLER: Milligrams per
17 liter or micrograms per liter? Well, I guess
18 it was .005 --

19 MR. SCOTT BOLTON: .005 is -- I
20 bet -- I bet it's ppm.

21 MR. JIM MILLER: Yeah. Yeah, 5
22 would be. Yeah --

23 MR. SCOTT BOLTON: Yeah.

1 MS. KAREN PINSON: Yeah. And
2 total would be --

3 MR. SCOTT BOLTON: If you're --
4 yeah. .005 ppb, I'm not sure you -- you'd --
5 the detection limit -- yeah.

6 MR. JIM MILLER: Oh, yeah. Oh,
7 yeah.

8 MR. SCOTT BOLTON: Depends on your
9 depths.

10 MR. JIM MILLER: We can go down to
11 parts per trillion now.

12 MS. KAREN PINSON: Yeah. Well,
13 this is a total, this is like not for each
14 one. And it's --

15 MR. SCOTT BOLTON: Uh-huh.

16 MR. JIM MILLER: My other
17 curiosity was, where do you -- where do you
18 buy lactose? I mean, what kind of quantities
19 are you putting down? It's milk sugar;
20 right?

21 MS. KAREN PINSON: We've got --
22 we've got a plant -- I -- I can't answer that
23 question right now, but I can get that

1 information.

2 MR. JIM MILLER: No, I'm just
3 curious. I mean, you just call Wal-Mart and
4 say --

5 MS. KAREN PINSON: -- because
6 we've got -- we had to have a work plan for
7 that, too, you know, how much -- they -- they
8 did have to calculate how much they put in.

9 MR. JIM MILLER: Seems like it
10 would be a lot.

11 DR. MICHAEL KIMBERLY: If you only
12 do it --

13 (Several members talking at once.)

14 MS. KAREN PINSON: -- it took
15 several days --

16 DR. MICHAEL KIMBERLY: -- if you
17 only do it once a year, it must -- because
18 it's -- I mean --

19 MS. KAREN PINSON: It was a
20 gravity-feed -- gravity-fed injections, so
21 they took several days --

22 MR. SCOTT BOLTON: Depends on the
23 bugs. Because if you do -- if you're using

1 -- yeah, if you're using carbon you're --
2 it's probably -- I guess it's anaerobic --

3 (Several members talking at once.)

4 MS. KAREN PINSON: That -- that is
5 not the problem --

6 MR. SCOTT BOLTON: -- Probably got
7 anaerobic bugs.

8 MS. KAREN PINSON: The chemical --
9 these sites -- the Army trained with
10 chemicals --

11 DR. MICHAEL KIMBERLY: The
12 contamination area?

13 MR. SCOTT BOLTON: Uh-huh.

14 MS. KAREN PINSON: -- but it was
15 the decon -- the decon that caused the
16 problem in the groundwater, the
17 decontamination --

18 MR. SCOTT BOLTON: Yeah.

19 MS. KAREN PINSON: -- and those
20 are organic compounds and generally a
21 chlorine-based product.

22 MR. SCOTT BOLTON: Uh-huh.

23 MR. JIM MILLER: Relatively small

1 quantities, as compared to the cleaning
2 tanks --

3 MR. SCOTT BOLTON: As opposed to
4 what? Oh, yeah. Like, yeah, your TCE plumes
5 and stuff associated with dry cleaners?
6 Yeah.

7 MS. KAREN PINSON: Yeah.

8 MR. SCOTT BOLTON: Yeah. I don't
9 think we compete anywhere along those lines.

10 MR. JIM MILLER: All right. You
11 don't get any prizes, then.

12 MR. ROGER HALL: It appears that
13 y'all -- I didn't hear you mention injection
14 of anything other than lactose. So you
15 didn't put bugs in, you used normal --

16 MS. KAREN PINSON: We did not.
17 The study showed that they -- that the site
18 could support the anaerobic bioremediation.
19 Yeah.

20 DR. MICHAEL KIMBERLY: We can go
21 to the next one. Anybody here from MDA?

22 MR. ROGER HALL: I'm supposed to
23 give you a little briefing here.

1 DR. MICHAEL KIMBERLY: Sure.

2 MR. ROGER HALL: I have a --
3 without boring you -- I've got two pages of
4 sites. If you'd like to read and have any
5 questions about them, please -- please raise
6 your hand and I'll see if I can answer them.
7 If not, Ed maybe could help me.

8 But I'd like just to sort of
9 concentrate on just a couple of things of
10 interest. We've had a pretty difficult year,
11 frankly, at -- on the MDA side due to
12 funding. And we've been kind of operating
13 off of some carryover from last year and a
14 little bit of what we've been calling "sweep
15 money" that we've been able to get in-house
16 to keep us -- keep us running. But it's been
17 a tight year.

18 We just recently found out that we
19 will be getting this year's fiscal year
20 funding to the tune of \$2 million, which is
21 quite a lower number than what we'd been
22 experiencing in recent years. So we're --
23 we're really -- we're not exactly at

1 maintenance out there, but we're almost at
2 just maintenance level of keeping our wells
3 sampled and a little bit of work going on in
4 the -- on the MEC side.

5 We think we've got a path forward.
6 We'll be discussing that at the PM Committee
7 meeting on Wednesday on what the committee
8 wants us to do with the remaining money that
9 we have, and try to get sort of the best bang
10 for our buck.

11 But that's -- you'll see a number of
12 these remedies and discussions, like the
13 anti-tank range that the EE/CA was postponed
14 due to funding constraints. So, a lot -- a
15 lot of similar kinds of comments.

16 But the big -- the big issue and the
17 big thing, I think, that has happened this
18 year, and it's no small accomplishment, is
19 that the third modification to the clean-up
20 agreement, which is a -- which is a different
21 word for the permit.

22 Scott, at the beginning, told us we're
23 -- told you we're operating under a RCRA

1 permit. It's 109 pages long and it's been
2 through, I would -- I would almost say
3 hundreds, but maybe not hundreds -- of
4 iterations trying to get it to a point where
5 we can go to -- out to public notice with it.

6 It's a -- since it's a permit, a
7 permit modification at ADEM requires a 45-day
8 public comment period -- public notice and
9 comment period. So we're hoping on Wednesday
10 this week that the version that has settled
11 down and looks like the version we're going
12 to go to public comment will be asked to be
13 signed by the Chairman of the MDA Board.

14 And then we'll -- immediately, I think
15 it's been set for May the 2nd, actually, if
16 everything goes all right and it gets
17 signed -- we'll start the 45-day period on
18 May the 2nd. And, hopefully, we'll come out
19 of this with a -- with a -- what Stephen Cobb
20 at ADEM thinks is a good permit. And David
21 Knisely, I heard him say the other day he
22 thinks it's the best permit of any of the
23 states that he's operating in where he helps

1 people with this same topic.

2 So, I would -- and I would actually
3 say that's probably why Brandi is not here
4 tonight, she's just worn down. She carried
5 the ball with this thing for years. And so
6 -- and I think she's home trying -- or at the
7 office trying to print out the version that
8 we're going to try to take to the meeting on
9 Wednesday.

10 So, anyway, a very -- a very large
11 accomplishment for both ADEM and the MDA is
12 to get this permit where it needs to be.

13 And other than that, unless you have
14 specific questions about a particular
15 project, I would just let you read the
16 report.

17 DR. MICHAEL KIMBERLY: Anybody
18 have any questions?

19 MS. LISA HOLSTEIN: The permit and
20 the clean-up agreement, that's the same
21 thing; right?

22 MR. ROGER HALL: Same thing.

23 MR. SCOTT BOLTON: Yeah. It's --

1 functionally, it's the same. You get into
2 weird things whether you -- what you can call
3 a permit and what you can't, because we were
4 probably interim status or something here. I
5 don't think we ever -- did we ever have any
6 RCRA permits here, or maybe for the landfill
7 only? That might be the only operation, you
8 know, that I can think of where there's a
9 RCRA permit that the Army had, but I -- maybe
10 even not that.

11 MS. LISA HOLSTEIN: But I don't
12 even --

13 MS. KAREN PINSON: -- are you
14 talking about on the main post?

15 MR. SCOTT BOLTON: Right. Yeah.
16 Okay. Well, yeah, we did have some out at
17 Pelham.

18 MS. KAREN PINSON: -- out there,
19 yeah. Well, that was a RCRA Part B. We had
20 the landfill --

21 MR. SCOTT BOLTON: Didn't have
22 anything on main post, but -- but anyway, it
23 doesn't really matter. Functionally, it's

1 the same, you know.

2 The clean-up agreement will have the
3 same teeth that a permit would have, or
4 whatever you want to call it, you know.

5 DR. MICHAEL KIMBERLY: Moving
6 right along. Army?

7 MR. SCOTT BOLTON: Army. Okay.
8 Well, again, our -- our report's here towards
9 the back of things.

10 We've had a number of things that have
11 gone on in the last year there. We -- as
12 most of you are aware, we had -- had a lot of
13 -- had MEC cleanup and so on, the last fiscal
14 year. And we're also in the process right
15 now of crafting another performance work
16 statement and contracting vehicle to
17 hopefully do some more MEC cleanup this
18 fiscal year.

19 The -- so the -- where we did the
20 removal action of approximately 240 acres,
21 like I say, we submitted the report back
22 almost a year -- well, over a year ago,
23 actually. We got comments back in August

1 and -- excuse me, we got comments back in
2 March of this year. And we've submitted our
3 responses to the comments and to ADEM and
4 we're still waiting on their review. It's
5 one of their review items there for the MEC
6 cleanup that we've done there.

7 MR. ED KIMBROUGH: Scott, I --

8 MR. SCOTT BOLTON: I'm sorry. Go
9 ahead.

10 MR. ED KIMBROUGH: Did you get
11 many comments?

12 MR. SCOTT BOLTON: Pardon?

13 MR. ED KIMBROUGH: Did you get
14 many comments since you had the answer?

15 MS. LISA HOLSTEIN: No.

16 MR. SCOTT BOLTON: No. It wasn't
17 -- no.

18 MS. LISA HOLSTEIN: There
19 weren't --

20 MR. SCOTT BOLTON: I was going to
21 say, I don't recall any mission stoppers in
22 there, either. I mean, many comments is sort
23 of, you know, is a relative term. I mean,

1 we've had some issues here where we've had
2 lots of comments and -- I had 78 pages of
3 comments one time in Tennessee. So, those --
4 those will get your attention, but -- just
5 wading through them.

6 No, this was pretty straightforward
7 and I don't anticipate any real problems, but
8 we shall see.

9 MS. LISA HOLSTEIN: We're --
10 Brandi sent an e-mail note this afternoon --

11 MR. SCOTT BOLTON: Did she?

12 MS. LISA HOLSTEIN: -- and said
13 that Julie is reviewing the document and
14 thinks she'll be sending a concurrence letter
15 in a couple of days.

16 MR. SCOTT BOLTON: Okay. So --
17 yeah, so that's good news there.

18 On the Installation Restoration
19 Program side, in other words, the more
20 conventional hazardous waste, the non-MEC
21 cleanup, if you will, you can see that we've
22 got a bunch of Remedial Investigations going
23 on still, still ongoing. Excuse me.

1 We have two of them that have moved
2 into the feasibility studies, the Bains Gap
3 Road Ranges and the 81mm Mortar Range.

4 And then in addition to that, as I
5 think most everybody is aware of, we did an
6 interim removal action on soils at Range 20.
7 So, we not only did the MEC component there,
8 but we also went in and cleaned up the lead.

9 Most of the contamination that we deal
10 with in the -- as you know, the Army's
11 responsibilities in the Fish and Wildlife
12 Refuge area, and -- or remains our
13 responsibility. Most of that is associated
14 with small arms, you know, and MEC and
15 munitions.

16 Our contamination is almost
17 exclusively associated with the small arms.
18 So it tends to be metals -- kind of lead,
19 copper, antimony, zinc -- you know, bullet
20 components. And that's pretty
21 straightforward in terms of what you can do
22 once you define nature and extent.

23 We do have a few areas where -- T-24

1 Alpha, for example, we have some groundwater.
2 It -- that'll be the -- probably the one
3 groundwater site that we still have to deal
4 it.

5 And, again, it's just as Karen said,
6 it was one of the old chemical training areas
7 where they did decon. And, you know, the --
8 the decon agents really were the issue,
9 whatever the decon agent du jour was. You
10 know, they changed them periodically, but
11 they all tended to be these chlorinated
12 solvent-type compounds, and so there is some
13 groundwater issue out at 24 Alpha. And you
14 can see there when we talk about the media,
15 it's got both soil and groundwater.

16 The -- like I say, the -- as far as
17 Property Transfers goes, we're moving right
18 along.

19 The Water Tank Sites that we were this
20 far from transferring a couple of years ago,
21 when the Court decided to abolish JPA or
22 whatever you want to call it, that their
23 action took place, that that killed that.

1 And so in December, the McClellan
2 Development Authority was finally recognized
3 I -- that was when they got their DOD
4 recognition, wasn't it, as an LRA? I think
5 it was December.

6 DR. MICHAEL KIMBERLY: Yeah.
7 16th.

8 MR. SCOTT BOLTON: Yeah. And so
9 they can now receive property. Of course,
10 what that required us to do is go back in all
11 the transfer documents that we had done
12 previously, the finding of suitability for
13 transfer and so forth, all that had to be
14 amended. So we've done that.

15 We had -- and then, of course, they
16 said, oh, your clock ran out on you. You
17 know, it was more than 180 days. So we had
18 to re-certify the environmental condition of
19 the property and so on.

20 But bottom-line is, the deeds are
21 being worked as we speak. And so that's good
22 news there.

23 The -- basically, the same situation

1 with the Iron Mountain Road FOST where we
2 didn't have to rework a bunch of stuff there.
3 And y'all are well aware of that, since the
4 road is open. And that'll go to ALDOT; and
5 that deed is being worked as we speak.

6 So once we're -- once we're done with
7 those, we'll be down to a grand total of
8 about 12 Army acres. Eleven of the 12 are
9 somewhat held hostage by -- or really
10 remaining of an easement out here on Highway
11 21, and that will be a function of -- the
12 only reason we can't transfer that is, we
13 have to -- as soon as Roger gets a remedy in
14 place determination on the groundwater
15 associated with Landfill 3, then we can go
16 ahead and transfer that property. And that's
17 what will happen there, that'll go to ALDOT.

18 And there will be one last little
19 sliver, .94 something acres, .95 acres that
20 ultimately will be going to Anniston Water
21 Works Sewer Board as a -- is that corner of
22 29, is that going to be a -- is that a water
23 tank site?

1 MS. LISA HOLSTEIN: Water tank
2 site.

3 MR. SCOTT BOLTON: Yeah. That'll
4 be a water tank site, too. So, that's the
5 last of the Army property.

6 We've basically done an SI; and then
7 we're in the RI phase out at that little
8 sliver on Range 29. We were hoping to be
9 able --

10 MS. LISA HOLSTEIN: Well, no, that
11 one's being held hostage by the --

12 MR. SCOTT BOLTON: -- well, but
13 ultimately it'll be held hostage by -- that's
14 right, the water tank's being held hostage by
15 -- by the MEC --

16 MS. LISA HOLSTEIN: Right.

17 MR. SCOTT BOLTON: -- by MEC
18 action to --

19 MS. LISA HOLSTEIN: -- well, no,
20 not by MEC, by the Range 29 investigation.

21 MR. SCOTT BOLTON: --
22 investigation, is that what -- okay.

23 MS. LISA HOLSTEIN: We've already

1 cleared it of MEC.

2 MR. SCOTT BOLTON: Yeah. That's
3 right. So, anyway, that's -- that's kind of
4 where we're at as far as our property
5 transfer.

6 We still have a lot of -- a lot of
7 MEC, you know, thousands of acres. On the
8 Haz waste side, it's not near what -- as soon
9 as we can get through a couple more of these
10 feasibility studies, you know, that'll tell
11 us where -- where to go.

12 And then we will -- at that point,
13 what we'll be trying to do is probably come
14 up with some -- some sort of performance-
15 based contracting mechanisms to get some
16 folks out here doing it. Who knows what the
17 economic environment down the road is going
18 to look like.

19 DR. MICHAEL KIMBERLY: Run around
20 and thump the ground and get it over with.

21 MR. SCOTT BOLTON: Yeah. It's --
22 so, I mean, we still -- Fort McClellan's
23 going to -- we'll -- un- -- fortunately we'll

1 be at it for a while here. We've still got a
2 lot of -- just the magnitude of the -- and
3 it's mostly MEC cleanup at Fort McClellan is
4 our issue, the Army's issue, out in the
5 Wildlife Refuge area. It's almost all --
6 almost all MEC. And it's a significant level
7 of effort that'll take a lot of years -- even
8 without any funding constraints, it would
9 take quite a few years.

10 So it's a little hard to estimate, and
11 we should be having some interesting calls on
12 our work plan meetings and so on. It's
13 always fun to have one side of the fence say,
14 you've got to get your project in. It's
15 taking -- you got it stretched out too many
16 years. It's taking too long. Okay. Then
17 the money guys are going, you know, you
18 really need to spread your money out --

19 DR. MICHAEL KIMBERLY: -- money
20 out.

21 MR. SCOTT BOLTON: You kind of go,
22 okay. So it's always interesting. But
23 that's kind of where we're at.

1 DR. MICHAEL KIMBERLY: I think I
2 hear you say that most of us will be gone
3 when they finish; right? There will be a new
4 --

5 MR. SCOTT BOLTON: Well, I don't
6 know. You know, your grandchildren need
7 jobs.

8 DR. MICHAEL KIMBERLY: A new set
9 of people sitting around the table.

10 MR. SCOTT BOLTON: You know, it
11 can surprise you, too. Because once you --
12 you know, the execution of the cleanups and
13 so on, because we're fortunate that it's
14 relatively straightforward as far as, you
15 know, it doesn't take any kind of really
16 clever technologies that are going to take a
17 long time and so on and so forth. You know,
18 a lot of our stuff is dig and haul, you know.
19 Dig it up, stabilize it, and get it gone.
20 And so, I mean, that's pretty straight-
21 forward. So the execution probably is --
22 will be surprisingly quick and so forth. But
23 it's a function of funding and getting to the

1 point of execution.

2 As we've done so far, we've done -- a
3 lot of our cleanups as interim cleanups,
4 because we have agreements with Fish and
5 Wildlife that we wouldn't let everything just
6 sit while we -- you know, until we define
7 nature and extent, and then went out and did
8 it. So we have been doing interim
9 agreements, because you have these agreements
10 between Army and the Fish and Wildlife
11 Service.

12 But, we're getting pretty close to
13 where I think that we'll have the -- we've
14 kind of caught the administrative tail up and
15 we should be -- subject to funding, be able
16 to execute soon.

17 MR. ED KIMBROUGH: Scott, how does
18 your funding operate? Do you -- do you do
19 your work orders, and then they determine the
20 funds or are they just giving you so much?

21 MR. SCOTT BOLTON: We -- it --
22 there's a -- there's a give-and-take. It's
23 all built into their program operating module

1 and the budget cycles of the Army and so on.

2 At a real high level, there is this
3 Environmental Restoration Army Funding. And
4 it funds a number of different things, it
5 funds BRAC, okay. It also funds the IRP or
6 the DERT program, Defense Environmental
7 Restoration Program, that's controlled by --
8 that's Army Environmental Command, and that's
9 all active installations as well as some
10 excess installations that have been closed
11 and so on.

12 The Army made a decision after --
13 before BRAC 2005, that all future
14 installation closures will come under the
15 BRAC process, because we had two or three
16 different things operating. I have run into
17 that.

18 I have -- the plant in Tennessee that
19 Volkswagen is developing was closed under a
20 different set of rules than BRAC, and it's --
21 it's just different. But, ultimately, when
22 you get to the top of the pyramid, that
23 dollar source is probably all the same.

1 But basically, our funding here comes
2 through -- through BRAC. It's BRAC funding.
3 BRAC dollars are a little more flexible than
4 other dollars, and so that's always been kind
5 of good news for us. We can cross fiscal
6 years with our dollars and so on; whereas,
7 under the IRP program, you can't. So we've
8 been very fortunate in that regard.

9 But basically, what happens is, we
10 identify the requirements annually.
11 Everybody in the Army does this, because
12 we're required to report environmental
13 liabilities to Congress. Fact is, we just
14 went through that drill literally two weeks
15 ago. And the Army used to have it spread
16 out. Certain kinds of installations did it
17 this time of year; and others, you know, just
18 spread the wealth. They decided to do it all
19 at once this time, so that was a joy.

20 And we are literally -- I was in
21 Florida on leave and Lisa was in Birmingham.
22 We were on the telephone and, you know, I
23 could access stuff, so that's what we did. I

1 mean, it was -- you know, it got right down
2 to that kind of wire. But we do this every
3 year.

4 We update the environmental
5 liabilities and so on and so forth. And so
6 those were -- now those requirements are
7 captured. Now, we then put them out there
8 and they -- they'll come back with kind of
9 what funding is available, so to speak.

10 They run a model, they have a
11 computer-driven model; and we call it the
12 BOM, the BRAC Optimism Model. And it'll --

13 MR. JIM MILLER: What an acronym.

14 MR. SCOTT BOLTON: Yeah. We love
15 it, yeah. Exactly. Exactly. It's great
16 when you get a new Colonel in up there who's
17 not familiar with it. Yeah, they eat him up
18 with that stuff. "You met the BOM yet?" You
19 know, and he's, "huh?"

20 So -- and then we -- then we find out
21 what money is available for us and we may
22 come back to them and say, hey, you know, you
23 funded this but we really don't want this, we

1 need it over here. And so there's a
2 give-and-take with what we call our work plan
3 meetings.

4 And then out of that, then they come
5 back to us and say, okay, you're going to get
6 X amount of dollars. Then the come back to
7 us and say, send us a spend plan. So we have
8 to show them what month, we have to tell them
9 exactly when we're going to request the money
10 and everything else, because they have to
11 schedule it and so on.

12 That's been one of the difficulties
13 this year, with the continuing resolutions
14 that have occurred, without a budget, you
15 couldn't go fully into your process. Okay.

16 And so what was happening was they
17 would -- there were limitations associated
18 with the continuing resolutions that -- and
19 the money came trickling down. Whereas, if
20 you had a budget, you'd know what you had to
21 spend and you could then work it out. But
22 that didn't happen to us. And so, there were
23 all kinds of hiccups and starts and stops.

1 And it's really -- it makes it difficult.

2 But that's how, basically, our money
3 comes down. And what happens is, whatever
4 month we say that we were going to order the
5 money, that's essentially what we do. Now
6 that's even automated. So Lisa and I go in
7 on the computer, literally, and we bring it
8 up and, bam, send it; and it goes over to
9 whoever is going to execute it and so forth.
10 Typically, the Corps of Engineers for us,
11 usually, but there could be other mechanisms.

12 MR. ED KIMBROUGH: At one time way
13 back, I know we had some discussions, and
14 that's one reason I asked if the question if
15 it'd changed.

16 MR. SCOTT BOLTON: Uh-huh.

17 MR. ED KIMBROUGH: That they could
18 transfer that money, even though it was
19 obligated, you know. With the -- with the
20 MDA, what we deal with is, you know, they
21 have obligated so much money, but -- but they
22 give it to us -- you know, we're not
23 guaranteed anything each year.

1 MR. SCOTT BOLTON: Correct. Yeah.

2 MR. ED KIMBROUGH: Okay.

3 MR. SCOTT BOLTON: As I
4 understand, that's the way the ESCA was
5 written, yes --

6 MR. ED KIMBROUGH: -- and -- and
7 -- and when we first came on this thing, they
8 became an issue because there was a question
9 asked and we were told that they could, that
10 if they needed money in other areas, that
11 they could actually transfer the money from
12 one project to another. You know, that just
13 because they said that -- so they're going to
14 give you \$2 million and they've obligated
15 that, if they set a priority -- a different
16 priority or something comes up -- that they
17 can shift that money around where you would
18 get less.

19 MR. SCOTT BOLTON: Well,
20 certainly, that could happen. Yeah. That's
21 why we don't screw around.m we get it --

22 MR. ED KIMBROUGH: It's unsure --

23 MR. SCOTT BOLTON: -- we get it

1 under contract.

2 MR. ED KIMBROUGH: It's really
3 unsure funding.

4 MR. SCOTT BOLTON: Well, not
5 exactly. If you had money sitting there for
6 a long period of time for some reason, you
7 know, stand by, somebody's going to
8 inappropriately so.

9 They can prioritize things and change
10 things at that level, There's no doubt about
11 it. And, you know, we work for a top-down
12 organization, and at some point we can -- we
13 can argue with it, but, you know, you -- you
14 do what you're -- what you're going to be
15 able to do.

16 Typically, once our funding comes down
17 and we get it down into Mobile, we don't
18 typically -- we won't ask for money until we
19 can -- until it's ready to roll. Sometimes
20 you might ask for some pre-award money or
21 something to develop the contract. But by
22 the time we say -- you know, if it looks like
23 we're going to spend, you know, \$300,000 on a

1 project, when we order the \$300,000, I
2 guarantee you Mobile's got it on contract.

3 Once that happens, once it's obligated
4 on the contract, taking it back is a -- is a
5 real problem. In theory, it could be taken
6 back, but you -- you would have to close out
7 the contract. There's all kinds of
8 acquisition rules you have to -- have to
9 follow and there's costs associated with it.

10 So, they typically, once it's -- as we
11 would -- what we would call obligated on
12 contract as opposed to obligating -- you
13 know, it's another type. But it has a
14 specific meaning to us. Obligation
15 means we've --

16 DR. MICHAEL KIMBERLY: It's --

17 MS. LISA HOLSTEIN: -- committed
18 it.

19 MR. SCOTT BOLTON: -- yeah, that
20 we've committed it, you know, and then we
21 award it. And then -- we have to -- we track
22 by obligation. Have we obligated it, in
23 other words, put it under contract? And they

1 -- I mean, they send it to us a couple times
2 a week sometimes. And then they also track
3 it whether we've liquidated it or
4 unliquidated it.

5 So -- and we got one in I think today.
6 I hadn't looked at it yet. But, you know,
7 we'll get a big report that comes out of it,
8 and we'll be in there. We'll click on Fort
9 McClellan, and it'll show that we had X
10 amount of dollars here; and of that X amount
11 of dollars, so much of it's been obligated,
12 so much of it hasn't. And of the obligated,
13 how much has been liquidated and how much
14 remains to be liquidated.

15 And the next time we have a phone
16 call, it's going to be we're -- we're going
17 to be sitting here telling them when we're
18 spending it, how we're spending it and so
19 forth. Because that's exactly what they look
20 to do is that --

21 MS. LISA HOLSTEIN: Take it.

22 MR. SCOTT BOLTON: -- they know
23 they have a shortfall over here, they look to

1 take it --

2 MS. LISA HOLSTEIN: They want to
3 steal our money.

4 MR. SCOTT BOLTON: -- yeah, they
5 do. Yeah. And that's --

6 MS. LISA HOLSTEIN: And give it to
7 somebody.

8 MR. SCOTT BOLTON: -- and it's
9 appropriate. That way, I mean, I think it
10 keeps -- you know, keeps the process as -- as
11 reasonable as it can be, you know. Keeps us
12 hopping, because we get our money obligated.

13 Now, we've been very good. Lisa's
14 really good at that. This was the -- last
15 year was the first year that we haven't, in
16 the last about four or five years, just been
17 the beneficiaries of stuff at the last minute
18 at the end of the year. I mean, we literally
19 had phone calls on the last day of the fiscal
20 year with them saying, okay, such and such
21 couldn't spend this money and all of a sudden
22 we've got a bunch of money. Can you spend
23 it. How quick can you get it obligated? And

1 we said, how quick can you get it to Mobile?

2 So we -- we tend to build into our
3 contracts some unit pricing of some things
4 and so on, so that if you get lucky, if
5 there's a windfall, you know, all you got to
6 do is pick up the phone and say, give me 12
7 more acres, give me 40 more acres.

8 MR. ROGER HALL: Can you do that
9 -- without interrupting -- can you look at
10 the MDA side of the ledger for a moment, do
11 you have flexibility in guiding money at the
12 end of the year?

13 MR. SCOTT BOLTON: I don't, no.
14 Huh-uh. What -- when the decision is made
15 that the MDA -- the only role that we have is
16 kind of the mechanical grunt work, okay, as
17 far as the money that's going to come to the
18 MDA.

19 In other words, I'm the one who goes
20 into the financial module now and clicks the
21 button that says -- and fact is, Lisa and I
22 were on a roll clicking our button for -- for
23 us in February or March. And we clicked your

1 button too and said, yeah, give them their \$2
2 million too. And we thought, oh, that wasn't
3 supposed to happen until April, but nobody
4 caught it. So, okay.

5 MR. ROGER HALL: Thanks.

6 MR. SCOTT BOLTON: So it's there.
7 Your process is a little bit different, okay.
8 Yeah.

9 MR. ROGER HALL: If you've got
10 just a moment to sort of explain that
11 process, because I've never really -- what is
12 the process --

13 MR. SCOTT BOLTON: Okay. Well,
14 what happens -- what happens with your
15 process is, essentially, it goes to a grants
16 officer who's also contracting it ultimately.
17 It goes to headquarters for the Corps of
18 Engineers; who then sends it down to the
19 appropriate spot -- in this case, it's over
20 in Huntsville. And there's a grants officer
21 over there who administers it.

22 And so what she then has to do is --
23 to make that money available, okay, to -- and

1 to do that, she typically has to modify the
2 ESCA, the Environmental Services Cooperative
3 Agreement, the contract, if you will. She
4 has to mod the contract. Say, okay, now the
5 funding is increased to this much, every time
6 that happens.

7 So, late September of last year, there
8 was a chunk of money that -- about 5 and a
9 half million dollars that -- that they did a
10 mod on late; and then this FY is another 2
11 million. So, don't forget even though it was
12 September 29th, it doesn't matter. Okay,
13 that was FY-10. Okay.

14 What they did was they were forward
15 funding some FY-11 requirement. And then the
16 straight FY-11 dollars so far this year that
17 we know about is the 2 million. And I have
18 not seen a modification of the contract to
19 increase it for the 2 million yet, although
20 I've been told that it exists. But it hasn't
21 been -- I've not seen it yet. They do copy
22 us, usually.

23 So, once that happens, once that

1 modification has been done, then McClellan
2 Development Authority can -- they have a
3 mechanism by which they can request that
4 money, and I guess it's disbursed by check.
5 I'm not real sure what they do -- how they
6 actually disburse the money on that end of
7 things.

8 But you -- again, it comes out of BRAC
9 Division, but the amount that -- the funding
10 that'll be -- is available for the ESCA,
11 that's independent of us. Now, we do, in
12 fact, identify the ESCA requirements, just as
13 when we report our liabilities, okay, those
14 get reported up as well. Because there was
15 some confusion about that at one time. The
16 guidance wasn't real clear in the DOD and the
17 Army about, what do you do with things like
18 these ESCAs?

19 You've transferred the property and
20 now you've kind of transferred the cleanup
21 responsibility, if you will, under these --
22 under this contractual agreement; and so, is
23 that an Army liability or not? And they

1 finally decided we thought it was and we were
2 told initially, well, that's nice, you know.
3 And then they came back about a year later
4 and said, ah, it's a requirement. Quick, how
5 are we going to do this?

6 So we do report -- we report the
7 environmental liability, but just -- but it's
8 just in the dollars; whereas, ours is a
9 little more specific. We -- we report ours
10 site by site, and then it's aggregated into a
11 total dollars. But as far as how we report
12 the liability for the ESCA, it's just the
13 total remaining value that's out there,
14 because --

15 MR. ROGER HALL: Remaining value
16 of ESCA --

17 MR. SCOTT BOLTON: -- yeah. I
18 don't know what portion of what site you guys
19 have -- have done necessarily --

20 MR. ROGER HALL: -- I was
21 wondering how they allocate in any given
22 year. You've heard -- used the word work
23 plans before, how they allocate to the MDA

1 for a given fiscal year what -- what the
2 plans are, what the -- is it going to be a
3 10-million dollar year, is it going to be a
4 20-million or a 2-million dollar year?

5 MR. SCOTT BOLTON: That, I don't
6 know. And that's -- you know, it's made at
7 some budget level that -- that we don't see
8 and we don't participate in.

9 You know, I'm -- yeah, you're right.
10 I mean, we've been able to fund -- the
11 preceding couple of years, we were able to
12 fund the MDA at 20 million a year, you know.

13 MR. ROGER HALL: Right.

14 MR. SCOTT BOLTON: So, I don't
15 know if -- you know, I just haven't heard
16 anything about additional funding being
17 available or whatever and, I mean, I would --
18 they reconcile BRAC accounts sometimes,
19 because BRAC '05 had some money. And, you
20 know, the question becomes, okay, once they
21 kind of close the books on the BRAC '05, all
22 those moves, all of that construction, all
23 that stuff that gets done and you reconcile

1 that, if you have money left over in the
2 past, historically, it got dumped into the
3 one BRAC account; and then there would be,
4 you know, some more money available.

5 You know, if there's a bunch of money,
6 I suspect there's a whole lot of people that
7 are watching, looking for the money these
8 days. So, I just don't know how to -- how to
9 call that.

10 MR. ED KIMBROUGH: Well, from the
11 MDA standpoint, it's -- it's so hard to
12 manage because you have so many crews out
13 here, and then all of a sudden you're getting
14 a lot less than you've gotten and you have to
15 downsize. And then the way they explained to
16 us, you're losing the expertise because these
17 fellows that have the training in that are
18 looking for other jobs.

19 MR. SCOTT BOLTON: Yeah.

20 MR. ED KIMBROUGH: And then to try
21 to bring them back in; and they charge us
22 when they -- if they shut down, they charge
23 us for shutting down, and then they charge us

1 for --

2 MR. SCOTT BOLTON: Remobilization?

3 MR. ED KIMBROUGH: -- yeah,
4 remobilization. And to try to manage all
5 those funds -- and I know from -- from my
6 standpoint, it's very frustrating to sit in a
7 meeting and you're trying to make -- now
8 we're trying to make a decision. We have all
9 these plans out there of what we're going to
10 do, and now we're trying to consolidate.

11 About all the funding looks like now
12 is just holding our own and monitoring the
13 wells and the other things.

14 MR. SCOTT BOLTON: Uh-huh. No,
15 I -- I agree. I can sympathize with that. I
16 think we were kind of in the same boat
17 sometime about five, six years ago. Because
18 I can recall -- and this is when I left and I
19 was in Tennessee, I hadn't come back here
20 yet.

21 And so -- but I can recall the work
22 plan meetings and so on. It was like, okay,
23 send me your must funds. You know, send me

1 the stuff that's going to put somebody in
2 jail if we don't fund it; and then we'll let
3 you know if there's anything -- if there's
4 anything left. And so we've gone through
5 those drills when money was short on -- on
6 our side, too.

7 MS. LISA HOLSTEIN: Derails your
8 train.

9 MR. SCOTT BOLTON: It does.

10 MS. LISA HOLSTEIN: You've got a
11 train rocking and rolling, and they slash
12 your fund and everything just falls apart.

13 MR. ED KIMBROUGH: You tell
14 people -- you know, when people ask, when are
15 you going to get through when we had a date?

16 MS. LISA HOLSTEIN: Yeah.

17 MR. ED KIMBROUGH: And now we're
18 having to move that date and we don't have --

19 MR. SCOTT BOLTON: Right.

20 MS. LISA HOLSTEIN: Schedules to
21 list --

22 MR. SCOTT BOLTON: -- uh-huh.

23 MR. ED KIMBROUGH: -- and the

1 public doesn't understand that.

2 MR. SCOTT BOLTON: Sure. Well,
3 the other thing is, the DOD spent 15 years
4 increasing a lot of contracting and so
5 before, where you had Feds doing certain jobs
6 and so forth and that's -- that's going to be
7 a challenge as well. Because if all of a
8 sudden, you know, your funding tightens up,
9 they say, well, you don't have funding for
10 contracting. Oh, yeah. Well, that's nice,
11 but functionally you're going to lose all
12 your -- you know, you can lose significant
13 staff and institutional knowledge and so
14 forth. I mean, so, yeah, it's a --

15 MS. LISA HOLSTEIN: We feel your
16 pain.

17 MR. SCOTT BOLTON: Yeah. Yeah.

18 MR. ROGER HALL: Well, you used
19 the right term- -- terminology. We call it a
20 treatment train.

21 MS. LISA HOLSTEIN: Yeah.

22 MR. SCOTT BOLTON: Yeah. Right.

23 MR. ROGER HALL: A lot of people

1 don't know how many different players are
2 involved from the beginning to the end of
3 having a -- just the MEC cleanup.

4 MS. LISA HOLSTEIN: Yeah.

5 MR. ROGER HALL: Much less the
6 HTRW behind -- falling behind that. Because
7 you can't get onsite to do the HTRW until the
8 MEC's out of the way. And you got this big
9 long train, and once you put the brakes on,
10 it takes it awhile to slow down and it takes
11 it awhile to get back up to steam.

12 MR. SCOTT BOLTON: And then if you
13 -- and then if you lose everybody that knew
14 where the train was to start with, you know.

15 DR. MICHAEL KIMBERLY: Who's got
16 the key? Who's got the key to the train?

17 MR. SCOTT BOLTON: Exactly. Yeah.
18 So it -- I understand. And I -- you know,
19 it's -- who could foresee it.

20 As a side bar, if you want to get real
21 irritated, download the Senate report on the
22 financial crisis. It's available on the web.
23 I read the excerpt, it made me so dern mad --

1 I'm 150 pages into that stinking thing. I'll
2 end up reading the whole thing in the next
3 week or two. It will just -- you know, what
4 can I say. But now you've got time, since
5 you're not working, you can read that kind of
6 stuff. There's a consolation for you.

7 MR. ROGER HALL: What's really
8 tough, when you get my age and you're almost
9 66 and you could be retired out pretty
10 quickly, pretty easily, you get to wondering
11 if you've got a big target on your back.

12 MR. SCOTT BOLTON: That's a
13 conversation I had about an hour before we
14 started this meeting. A friend of mine up in
15 DA just kind of said, you come up with a
16 date? And I said, no, a couple of years down
17 the road. He said, you might want to come up
18 with a date. I said, oops.

19 So anyway, like I said, the funding is
20 just -- it's uncertain. And I don't know
21 until we -- until we get a budget, we just
22 don't know.

23 DR. MICHAEL KIMBERLY: Anybody

1 have any suggestions for a program or idea,
2 something we could discuss at the next
3 meeting or have you got something in your hip
4 pocket you'd like to have discussed?

5 (No response.)

6 MR. SCOTT BOLTON: Well, if you
7 come up with something, you know, in the
8 interim or something, you know, please let us
9 know. Give Brenda a shout, give us a call,
10 something and we'll try to address it. Try
11 to remember, we've gotten kind of far out of
12 the scope of the RAB here today, because it's
13 all sort of related. But, you know, our
14 focus is supposed to be pretty much the Army
15 and the National Guard used this RAB.

16 MDA has -- still has -- y'all still
17 have one -- have your public participation as
18 part of one of the other meetings during the
19 week, don't you?

20 MR. ROGER HALL: Well, we try --
21 we tell people --

22 MR. SCOTT BOLTON: Yeah.

23 MR. ROGER HALL: -- that they're

1 all invited to come to our PM Committee
2 meetings on a regular basis, and that's more
3 or less it.

4 MR. SCOTT BOLTON: Right.

5 MR. ED KIMBROUGH: The *Anniston*
6 *Star* comes when there's going to be a
7 controversy.

8 MR. SCOTT BOLTON: But anyway,
9 that's the -- so if you can -- if anybody's
10 got any ideas or whatever -- and it's not
11 uncommon in these kind of situations where
12 you'll have these bursts of activity and so
13 forth and so on, then it kind of -- when you
14 get a lot of stuff out that's under review
15 and so on by various regulatory agencies or
16 whatever, it's not a lot of excitement and
17 movement going on.

18 DR. MICHAEL KIMBERLY: I think the
19 budget issue is going to be a lot of
20 discussion still to come down. Because we
21 just finished last year's budget -- or this
22 year's budget halfway over -- they're going
23 to start on the next one. So, there'll

1 probably be a lot of more headaches --

2 MR. SCOTT BOLTON: Well, you saw
3 what the market did. S&P said -- said the
4 long-term -- they took the -- they didn't --
5 they didn't de-rate us, but they -- the
6 long-term outlook they said went from stable
7 to whatever they call it --

8 MR. JIM MILLER: Slightly
9 negative, whatever that means.

10 MR. SCOTT BOLTON: Yeah. Uh-huh.
11 So he said there's a --

12 MS. LISA HOLSTEIN: Slightly
13 negative?

14 MR. SCOTT BOLTON: Yeah. Said
15 there's a one-in-three chance that we will
16 have our Triple A -- that the United States
17 will have its Triple A rating, which is the
18 best you can get under S&P, downgraded within
19 the next two years; a one-in-three chance.

20 In other words, they're betting that
21 Congress and the White House don't come up
22 with a plan.

23 DR. MICHAEL KIMBERLY: Won't get

1 together.

2 MR. SCOTT BOLTON: Uh-huh.

3 MS. LISA HOLSTEIN: That's where
4 I'd put my money.

5 DR. MICHAEL KIMBERLY: Any other
6 comments?

7 I will welcome a suggestion to
8 adjourn, a motion to adjourn.

9 MR. JIM MILLER: So moved.

10 DR. MICHAEL KIMBERLY: Second?

11 MR. PENN WILSON: Second.

12 MR. JEROME ELSE: Second.

13 DR. MICHAEL KIMBERLY: So be it.

14

15

16 (Whereupon, the meeting was
17 concluded at 6:00 p.m.)

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C E R T I F I C A T E

STATE OF ALABAMA)

CALHOUN COUNTY)

I, PENNY L. ENOCH, CCR, a Court Reporter
and Notary Public in and for The State of Alabama at
Large, duly commissioned and qualified, HEREBY CERTIFY
that the proceeding was taken before me, then was
reduced to shorthand, afterwards transcribed upon a
computer, and that the foregoing is a true and correct
transcript of the proceeding to the best of my
ability.

I FURTHER CERTIFY this proceeding was
taken at the time and place, and was concluded without
adjournment.

1
2
3 IN WITNESS WHEREOF, I have
4 hereunto set my hand and affixed my seal at
5 Birmingham, Alabama, on this the 22nd day of
6 April, 2011.
7
8
9
10

11 _____
12 PENNY L. ENOCH (ACCR 554)
13 Notary Public in and for
14 Alabama at Large
15
16

17 MY COMMISSION EXPIRES: 4-29-2013
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