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DEFENSE ENVIRONMENTAL RESPONSE TASK FORCE
PUBLIC COMMENT PERIOD
FEBRUARY 3, 1999

ORIGINAL

WORKING DRAFT

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TASK FORCE MEMBERS:

MS. KARLA PERRI
Assistant Deputy Under Secretary of
Defense, U.S. Department of Defense;

MR. STAN PHILLIPPE
California Environmental Protection
Agency;

MR. WILLIAM D. GRAY
The Environment and Energy Study
Institute;

MR. BRIAN K. POLLY
Assistant Commissioner,
U.S. General Services Administration;

MR. J. STEVEN ROGERS
Acting Counsel for State and Local
Affairs, Environment and Natural
Resources Division, United States
Department of Justice;

MR. JIM WOOLFORD
U.S. Environmental Protection Agency;

MR. THOMAS EDWARDS
State Attorney General's Office,
State of Texas;

GEN. MILTON HUNTER
U.S. Army Corps of Engineers;

MR. PAUL O. REIMER
Reimer Associates
Representative of the Urban Land
Institute;

* * * * *

1 On the 3rd day of February, A.D.
2 1999, at the Cathedral Hill Hotel,
3 1101 Van Ness Avenue, in San Francisco,
4 California, the above entitled meeting came on
5 for discussion before said KARLA PERRI, and the
6 following proceedings were had:

7 MS. PERRI: Can I ask everyone to
8 take a seat, please?

9 MR. CHOUDHURY: Please take your
10 seats.

11 We are now at the point in our agenda for
12 public comment for the Defense Environmental
13 Response Task Force. As a reminder, this is a
14 meeting -- business meeting -- being held in
15 compliance with -- or under the provisions of
16 the Federal Advisory Committee Act. This
17 meeting is an open meeting -- a meeting open to
18 the public -- and, for the record, a quorum of
19 the Task Force members is present.

20 Very shortly, we will begin this public
21 comment period. For this session of public
22 comment, I will be calling speakers to the
23 podium. There will be somebody next to the
24 podium to assist in keeping time. We are
25 requesting that speakers limit their remarks to

1 five minutes. Anybody desiring to speak that
2 has not provided a card to me, I request they
3 fill out -- they fill out a card and provide
4 that to me.

5 At this point, I would also like to point
6 out that on the easel over there are some web
7 addresses on -- web pages -- where there's
8 information on DoD's cleanup program and BRAC
9 programs and -- those are tools to get ahold of
10 DoD. For everybody's information, the -- under
11 the DERTF page on that web address, there is a
12 place to provide comments for the record and
13 that opportunity will be left open until
14 10 February.

15 And, at this point, I would like to turn
16 the floor over to Ms. Perri for any opening
17 introductory remarks.

18 MS. PERRI: Thank you very much. I
19 would like to echo Shah's comments. This is
20 the second public comment period we've had
21 during this meeting. We're having five and a
22 half -- six hours -- of public comments
23 directly. In addition, in the rooms next door,
24 we've been taking public comments all day long,
25 12 hours a day, on the web site and -- the

1 Department of Defense is moving into the
2 21st century and we are starting to do
3 everything electronically. We're going
4 paperless and we hope that it will allow us to
5 include more individuals more often to give us
6 your information and share your thoughts with
7 us on how we're moving forward in this BRAC
8 process.

9 I'm very pleased tonight to have the Mayor
10 of the City of Vallejo. Ms. Gloria Exline is
11 here and I would welcome you as our first
12 speaker tonight.

13 MS. EXLINE: Thank you.
14 Good evening. I am Gloria Exline,
15 Mayor of Vallejo, whose City Council is the
16 Local Reuse Authority for the former
17 Mare Island Naval Shipyard. With me this
18 evening is David Martinez, the City Manager,
19 and, Al da Silva, who is the Director of
20 Community Development.

21 I wish to thank you for giving me the
22 opportunity to speak before you tonight
23 regarding environmental cleanup at closed
24 military facilities. This is an issue that can
25 be discussed for hours. However, I will

1 briefly outline the problems as they relate to
2 Mare Island. As many of us know, the
3 environmental cleanup process of a BRAC
4 facility is a long and arduous one. This
5 cleanup process has great impact on the
6 City of Vallejo because the environmental
7 cleanup schedule is too slow to meet our needs
8 for developing Mare Island.

9 The closure of Mare Island as an active
10 military facility not only affected the
11 City of Vallejo, but it also affected the
12 entire Solano County and Napa County regions,
13 resulting in the loss to the area of
14 approximately 7,000 jobs and approximately
15 200 million in revenue. For the
16 City of Vallejo, job replacement is the first
17 priority in the conversion of Mare Island.

18 Despite the challenges, we believe the
19 city has made great progress. First of all,
20 Vallejo has executed 37 subleases, accounting
21 for the occupancy over 1,600,000 square feet of
22 building space, over 11 million square feet of
23 land and the prospective creation of over
24 1,000 jobs. Secondly, the Navy issued the
25 record of decision to the City of Vallejo on

1 October 27th, 1998. Thirdly, our City Council
2 certified the EIS/EIR on November 17th of '98.
3 Last, but not least, the City Council has on
4 its coming February 9th City Council agenda the
5 approval of the economic development
6 conveyance.

7 Therefore, the last obstacle to the
8 conversion of Mare Island is the environmental
9 cleanup. Unfortunately, there was a difference
10 of opinion between the Navy and the state
11 regarding the standards of environmental
12 cleanup. The State of California's Department
13 of Toxic Substance Control disagrees with the
14 Department of Defense over the amount of
15 funding for the Defense State Memorandum of
16 Agreement. The City of Vallejo recently
17 received a letter from DTSC which indicated a
18 reduction in the DSMOA funding to DTSC. This
19 funding reduction will seriously jeopardize the
20 completion of the site cleanups at active and
21 closed Navy installations in California.

22 The DTSC letter also indicated that the
23 Navy had proposed substantial cuts in the state
24 oversight and several closed San Francisco Bay
25 naval bases, including Mare Island. Needless

1 to say, the City of Vallejo is caught in the
2 middle. The reduction of funding to the DTSC
3 has the potential to inhibit the prompt
4 transfer of title from the Navy.

5 We need title to Reuse 1 this year so the
6 developers can construct facilities for two
7 major employers who are planning to locate on
8 Mare Island. The schedule to transfer this
9 area is not until June, 2000, which is not soon
10 enough. If this area is not transferred to us
11 by the end of the year, we will lose a
12 significant number of jobs and potential
13 tenants.

14 Mare Island is considered a model BRAC
15 facility, because Vallejo has made great
16 strides in the conversion of Mare Island to the
17 private sector. In our commitment to the
18 privatization of Mare Island, the City is
19 partnering with master developers to manage and
20 develop the island's assets. Our master
21 developers were selected over a year ago and
22 they have been patiently waiting for the
23 environmental cleanup to be completed so that
24 title transfer will occur.

25 Time is money. In an economy heavily

1 impacted by the closure of a military base,
2 every delay means fewer businesses will locate
3 on Mare Island, translating into fewer jobs for
4 our citizens. It is vital that the city and
5 master developers capture the current real
6 estate cycle and economic expansion.

7 Due to the environmental hurdles, many
8 buildings that are unusable on Mare Island
9 cannot be leased. Because of the slow cleanup
10 process, some tenants have been kept from
11 expanding their businesses. The City and its
12 neighboring communities need your immediate
13 attention to these serious issues. We believe
14 that additional funding for DSMOA would enhance
15 the cleanup. Additionally, the difference of
16 opinions of standards need to be resolved. The
17 environmental cleanup process clearly needs to
18 be coordinated and streamlined.

19 Once again, thank you for the opportunity
20 to speak before you tonight. Hopefully, we'll
21 be able to resolve the issue so that BRAC
22 facilities such as Mare Island can be
23 privatized in a timely manner.

24 Thank you.

25 MS. PERRI: Thank you very much.

1 Just to let you know, Mayor, the Department of
2 the Navy and the Department of Defense are
3 working very closely with the State of
4 California and we are going to put best effort
5 forward to resolve these issues expeditiously.

6 MS. EXLINE: Thank you and thank you
7 for letting me take over five minutes.
8 I'm sorry.

9 MS. PERRI: That's quite all right.
10 Thank you for coming. We appreciate you
11 coming.

12 MS. EXLINE: I set, too -- and I hold
13 the people to their time.

14 MS. PERRI: Thank you very much.

15 Now, I would like to call up Rick Newsome
16 to say a few a comments. He's here
17 representing the Department of the Army
18 tonight.

19 MR. NEWSOME: Thank you, Karla --
20 and, General, I'll try to be short so we can
21 get on with the meeting.

22 I really wanted to say to the DERTF -- to
23 the panel, to the -- thank for having a forum
24 like this. I need, occasionally, to get out
25 from the Pentagon and hear the types of views

1 and perspectives and the types of issues that
2 we've heard today and yesterday. And, so, over
3 the years, the DERTF has -- has been a forum
4 that's really assisted us to get that type of
5 perspective and to hear that type of interview
6 and input and I think that we should be proud
7 of some of the things that you've -- issues
8 you've brought into focus and the number of
9 policies that you either direct or -- or
10 guidance documents from OSD that have been
11 either directly or indirectly attributable to
12 some of the types of efforts and conversations
13 that we've had in the various -- certainly,
14 we've had some nice cities and locations to go
15 to.

16 We've had some interesting TDYs to RAB
17 meetings in the focus that you -- or public
18 participation continued from the beginning
19 continues to now. We certainly hear the
20 interest in the public of continuing that type
21 of dialogue so that we continue that. But
22 this -- just the evolution of topics from very
23 basic environmental concepts in the early days
24 to what ought to be an environmental -- go into
25 an environmental baseline survey and into a --

1 now, to -- we talk about institutional land use
2 controls. It's instructive to me -- because
3 one of the things that focuses -- that I really
4 get out of this is a -- just from -- from the
5 service -- is the effort to try to keep on
6 track -- on the Fast-Track Cleanup.

7 The President said that that's his
8 initiative and that's what he's trying to get
9 us to do. We've had environmental programs and
10 we had them before there was a DERTF and we
11 lacked -- or what we have is a series of things
12 that we as -- have to do and deal with in base
13 closure issues and property transfer and
14 focusing cleanup around that and we want to
15 thank you for the contributions you've made.

16 I do think that I'd like to challenge the
17 DERTF to say that those are the things that,
18 at least from our perspective in the service,
19 that I had as the need to take away from this
20 type forum. And, basically, Karla, I think my
21 comments may be kind of directed at you, but I
22 would like to ask OSD if the time has come to
23 think about DERTF, think about what its focus
24 is, particularly with another two BRAC rounds
25 ahead of us as to what would be a -- I really

1 do feel the time has come to allow some real
2 property -- talking about the real property
3 community and they -- they -- for those who
4 don't know the DERTF, that's not us really in
5 this room here today.

6 I know the Army and real property
7 community people -- a lot of them have sent
8 representatives to this meeting. But in the
9 future, we're going to be looking at things
10 like privatization of cleanups and we're going
11 to be looking to different paradigms of how we
12 manage, presumably, building on the lessons of
13 the past so we don't wind up taking and having
14 environmental cleanup as the long public --
15 that -- that holds up property transfer. So,
16 I'd like to ask you and to challenge you to
17 look at that and see what this forum is, where
18 you think you ought to go and see if
19 adjustments or changes should be made. Because
20 that's what I'm trying to focus on, is what
21 value the Army's best interest will be and I
22 believe the DERTF's interest would be best
23 served, too.

24 MS. PERRI: Thank you very much and
25 we are looking at that.

1 As you know, property transfer, creation
2 of jobs, that's really what base closings are
3 about and cleanup is one part of that process.
4 So, I appreciate that and I just want you all
5 to know that we're very privileged to actually
6 have Rick Newsome and Jean Reynolds and
7 Paul Yaroschak. They are the leaders -- the
8 environmental leaders -- for the Army, the
9 Air Force and the Navy and they spend quite a
10 bit of time here with us. They're people that
11 you need to see and talk to if things aren't
12 going right at the base level.

13 MR. NEWSOME: We are committed to
14 environmental protection of human health and
15 the environment. That, we don't hold as
16 something that we can sacrifice in order to --
17 for the -- for the other -- but I do think that
18 as far as DERTF's value -- what can that really
19 be -- that's where I would think the biggest
20 value seems to be.

21 MS. PERRI: Okay. Thank you very
22 much.

23 And, now, Shah will take our individual
24 speakers.

25 MR. CHOUDHURY: Before I -- I just

1 want to mention four letters that we have
2 received and -- I just want to use this
3 opportunity to highlight the fact that we are
4 also taking comments on the computer and those
5 will be made available to the members -- and
6 as -- as we collate them, they will be posted
7 on the web immediately and will be made
8 available to anybody that wants to access
9 them.

10 The first letter I just want to briefly
11 mention is sent on behalf of the Marine Corps
12 Air Station for the El Toro RAB sent my
13 Mr. Greg Hurley. The second letter is from the
14 City of Tustin, again, sent to the DERTF. The
15 third letter is from Mr. Frank Anastasi in
16 reference to the TAPP program and another
17 letter from Mr. Tim Little regarding RABs.
18 Members will be provided with the full text --
19 and -- and as -- as we post them on the web,
20 they'll be made available to all concerned.

21 I would like -- now like to go ahead and
22 call Mr. John Lindsay-Poland to the podium.

23 MR. LINDSAY-POLAND: Good evening and
24 thank you for the opportunity to speak with you
25 tonight. My name is John Lindsay-Poland and I

1 represent the Fellowship of Reconciliation,
2 which is a national interfaith passivist
3 organization that was founded in 1915. And
4 what I'm going to do this evening is read to
5 you a letter that was sent today to
6 President Clinton from more than 75 leaders of
7 religious, environmental and human rights
8 organizations in the United States. The signer
9 of this -- signers of this letter include
10 13 bishops of the Catholic, Episcopal and
11 Methodist churches, including the President,
12 International Council of Churches; 26 other
13 religious leaders; Friends of the Earth
14 President Brent Blackwell; Earth Justice Legal
15 Defense Fund Presidents Walter Parker;
16 Green Peace representative Tom Clemmons;
17 Ambassador Robert White, the Director of the
18 Carter Centers Latin American Program;
19 Dr. Robert Pastor, former aide to
20 President Carter; former U.S. Attorney General
21 Ramsey Clark; the directors of 20 national
22 human rights and peace organizations and
23 several academic specialists on Panama; and
24 that is the subject of what I -- this letter to
25 President Clinton is -- base transfer and

1 cleanup in Panama.

2 "We write as representatives of U.S.
3 environmental, religious, human rights and
4 academic organizations who have an interest in
5 leaving a positive U.S. legacy in Panama. We
6 fear if the United States follows its present
7 course that we will walk away from our treaty
8 and moral obligations to adequately clean up
9 U.S. military bases and artillery ranges in
10 Panama which were used to test conventional and
11 chemical weapons.

12 "We are also concerned about the
13 Defense Department's failure to disclose
14 documents regarding environmental conditions
15 and the history of use of U.S. military
16 facilities in Panama. The Panama Canal
17 treaties require the United States to remove
18 all hazards to human health and safety from
19 U.S. military installations insofar as may be
20 practicable. In addition, under the Chemical
21 Weapons Convention ratified by both the
22 United States and Panama, the United States
23 must disclose information on the nature and
24 location of sites in Panama where chemical
25 weapons were abandoned and destroy chemical

1 weapons left on the surface.

2 "We understand that the Defense
3 Department's cleanup plans for the firing
4 ranges will leave more than 8,000 acres of
5 canal area untouched despite the proximity of
6 more than 60,000 people living in adjacent
7 communities. Unexploded ordnance use in the
8 firing ranges at Panama have led to the
9 accidental deaths of Panamanians who enter the
10 range lands to seek metal to recycle, plant
11 subsistence crops or hunt. Panamanian citizens
12 deserve the same treatment as that afforded
13 residents living near domestic U.S. military
14 bases. On domestic artillery ranges that are
15 leased, the Defense Department retains
16 liability for unexploded munitions that may be
17 encountered after the range is closed. More
18 details are found on the accompanying
19 fact sheet," which I will forward to you here.

20 "The Defense Department has ignored
21 requests from the Panamanian government to
22 disclose many key records that are critical to
23 Panama's public safety and land use plans. The
24 Canal Treaties Chemical Convention and other
25 instruments of international law require

1 disclosure of such information which would be
2 shared as a matter of course in domestic base
3 closures. With a federal budget surplus, the
4 time is right for allocated funds to meet our
5 treaty obligations in Panama.

6 "The 1999 Defense Authorization Bill
7 approved a \$100 million settlement with the
8 government of Canada, payable over ten years,
9 to compensate for cleanup of former
10 U.S. military bases in Canada. If the
11 United States can pay that much for cleanup in
12 Canada where no treaty directly requires it,
13 then we ought to do the same or better in
14 Panama, which is a small country with fewer
15 resources to deal with a problem of this
16 magnitude.

17 "Specifically, we recommend that your
18 administration prioritize the prompt and full
19 release of records pertaining to environmental
20 conditions and weapons tests on U.S. facilities
21 in Panama; the creation -- two, the creation of
22 a trust fund dedicated to cleanup similar to
23 the arrangement mandated by the legislation for
24 the Canada settlement; three, consideration of
25 the establishment of a center in Panama that

1 would allow contractors to try out new
2 technologies for cleaning up munitions and land
3 mines in tropical environments.

4 "The United States must act now to come
5 to an agreement with Panama before the bases
6 are returned. As the United States and Panama
7 enter a new relationship, the decisions we make
8 now will serve as the basis for what we can
9 expect after the year 2000. We hope those
10 relations will be collaborative in finding
11 solutions to the considerable practical
12 challenges which our nations face. By fully
13 complying with the treaties and Chemical
14 Weapons Convention provisions for cleanup and
15 openly disclosing information to the Panamanian
16 government, we will leave a positive legacy and
17 establish a model for our military drawdowns in
18 other host nations."

19 MS. PERRI: Thank you. We'll enter
20 the rest of-- if you --

21 MR. CHOUDHURY: Thank you.

22 Next speaker, Mr. Gary Collier.

23 MR. COLLIER: I've got some
24 photographs I'd like to pass out real quick.

25 Hi. My name is Gary Collier. I'm from

1 Parker Homes neighborhood in Sacramento. I'm
2 coming here today to speak out about why local
3 institutional controls will not work. We
4 cannot trust our local officials.

5 These pictures are gross evidence of the
6 inability or unwillingness of local officials
7 to enforce state health safety codes. The
8 State of California, after the Air Force
9 divested this property in 1947, promulgated
10 specific legislation to deal with this
11 situation. However, the state has chosen not
12 to follow through on that and we cannot get
13 assistance for it at the local level. The only
14 way our streets are paved or maintained since
15 1942 has been federal dollars. Not one dime
16 has gone into our community to maintain our
17 streets since 1942. Most of the streets
18 haven't been maintained or reconstructed.
19 There's something wrong with this picture and
20 its example community block grants are not
21 effective at the local level because there's no
22 follow-through. There's no checking to see
23 what's happening.

24 We believe that we need a collaboration --
25 efforts from, not only DoD to deal with this

1 formerly utilized defense site, we need HUD to
2 get in and say, "Hey, this is a priority."
3 Al Gore speaks about re-invented government. I
4 have not seen anything trickle down to our
5 community to date. I've shown these pictures
6 to Lieutenant Governor Bustamante last Thursday
7 and I expect to see some results, Folks. This
8 is -- I was nearly killed at this house -- with
9 sewage pouring out from underneath it. I take
10 this very seriously and I do not expect to see
11 this home there -- and I use that term very
12 loosely -- because all that has been for the
13 last 30 years is a drug house. We can't get
14 rid of it. We've gone to the City, gone to the
15 Mayor. The Mayor says it's a local issue. The
16 Air Force says it's a formerly utilized defense
17 site. We're out of the game. We can't find
18 anybody willing to accept the responsibility.

19 It's a vicious circle and I want it to
20 stop. I want somebody to accept what -- that
21 this is something that is a problem that just
22 has to stop. This is where methamphetamine
23 production started. This is ground zero.
24 1960s. This is where it started -- because of
25 gross neglect of these areas. That is why I

1 don't believe local institutional controls will
2 ever work -- because profit comes first and
3 political pressures are made -- or political
4 decisions are made by political pressures and
5 low income areas, areas of color, do not have
6 the same political force because they say,
7 "Hey, they don't vote."

8 Well, luckily, we have another level of
9 government. It's called the federal court
10 system. Now, I don't want to be an
11 obstructionist, but as you see, these homes --
12 these homes are selling at the average price --
13 between 12 and \$16,000 -- today's market --
14 not 30 years ago -- today's market -- for
15 16 -- \$12,000. That's ridiculous. It's
16 pulling down property values for the whole
17 region around McClellan Air Force Base. This
18 is an economic problem. It's an environmental
19 problem.

20 We've got asbestos. We've got other
21 issues -- whether radiation has passed through
22 our area that haven't been addressed properly.
23 We've got all sorts of issues regarding lead
24 paint. All these are things that have been
25 dealt with in the Mather Air Force Base finding

1 of suitability to transfer. They said, "Hey,
2 we're going to tear these houses down." Now,
3 it is incongruent for the federal government to
4 say, "We're going to tear these houses down
5 because they're unsafe," and allow these to
6 stand. It is ridiculous. We need help. We
7 pay taxes. We pay state taxes. We pay federal
8 income taxes. It is ridiculous to allow this
9 to continue.

10 I'm going to pass around a home --
11 another picture -- and ask yourselves,
12 folks -- I don't have enough to hand out --
13 whether this house -- we would rather see in a
14 community than these houses -- and this is a
15 house that has been built after those two
16 houses -- let me pass it around -- these are
17 houses that we have built at very low cost and
18 they can't even sell them for less than
19 \$65,000, because -- you can't even buy at
20 \$65,000 -- but anywhere else, you have \$250,000
21 homes. This is something that has to be
22 addressed.

23 Thank you.

24 MR. PERRI: Thank you very much.

25 Paul?

1 MR. REIMER: Mr. Collier, the comment
2 that you have made about the failure of
3 institutional controls is appropriate for this
4 Task Force. But I do want you to be aware that
5 we have nothing to do with the FUDS sites.
6 And, somehow, I feel compelled for people who
7 come to make an impassioned appeal -- and
8 rightly so -- I don't want you to go away with
9 the -- with the illusion that this body has
10 much to do with that problem.

11 Now, your testimony, I think, is very
12 valid and valuable to us in the instance of a
13 failure of an institutional control and I'm not
14 sure I totally -- and maybe you can help --
15 make sure that we understand what it -- what
16 sort of an institutional commitment you feel
17 was made at the time. It looks like the zoning
18 is in place. I take it from the pictures and
19 your appeal, it's more the fact that this is a
20 deteriorating condition. It certainly deserves
21 attention. But my only problem is to have you
22 go away with the assumption that we're in a
23 position to do much about it.

24 MR. COLLIER: Okay. The
25 City Council -- or the City Manager -- has

1 taken a position that these homes were built by
2 the federal government, therefore, they can't
3 do anything about it because it met code at the
4 time. However, they didn't do it to code.
5 There was no code. It was an emergency. It
6 was a wartime emergency. So, they -- they
7 scrimped and they did things that they probably
8 shouldn't have done. But if they can take down
9 houses in other formerly utilized defense sites
10 before transfer, I cannot understand how they
11 can allow another situation to go in a formerly
12 utilized defense site -- and, yet, they're
13 going into it other -- it just -- it's --
14 it's mind-boggling to me that you can't find a
15 way to deal with it or find some way of getting
16 HUD to deal with it.

17 MR. REIMER: Thank you.

18 MR. COLLIER: Thank you.

19 MS. PERRI: Don't

20 MR. GRAY: I'm not sure I would
21 totally agree with the fact that we have
22 nothing to do with FUDS legislation when first
23 closing a military facility. It doesn't say in
24 the BRAC closure rounds recently, but we don't
25 have to argue that.

1 My question is: Who owns this property?

2 MR. COLLIER: The one is owned by a
3 dead person and we believe that the people that
4 are renting it out should stop and we are
5 asking the probate department to do something.
6 However, the City has taken a stance that they
7 can deal with a couple things like, maybe,
8 upgrading electrical --

9 MR. GRAY: I don't need to know the
10 name of the people. But it's not owned by the
11 federal government?

12 MR. COLLIER: Not at this time.
13 However, it was transferred from the government
14 with the recommendation -- or, actually, with
15 the understanding that -- I should say --
16 that it would be destroyed -- that it would be
17 scraped. And, in fact, my contacts to date
18 with HUD is they were under the understanding
19 that it was scraped at some point. We're
20 wondering whether the City of Sacramento has
21 taken money from the federal government to do
22 this and, yet, used it somewhere else. They
23 keep using us -- I mean, for our low income
24 area -- and this -- we -- the City of
25 Sacramento doesn't have a housing element

1 currently that is in place, according to state
2 standards. We believe that they're
3 congregating and intentionally making a
4 ghetto. As a government -- The difference
5 between a slum and ghetto is that the
6 government is doing it to us.

7 MR. GRAY: I think it is unfortunate
8 that many of those FUD sites were transferred
9 at a much earlier time when they did less than
10 we now know about environmental problems and
11 did not have the kind of safeguards in place we
12 now have -- and -- and I think it is a
13 problem that somebody is going to have to deal
14 with.

15 MR. COLLIER: Yes, I think,
16 Mr. Gore -- President Gore -- I mean,
17 Vice President Gore would be well advised to do
18 so.

19 MR. GRAY: Well, that is one
20 possibility. (inaudible) -- is done --
21 (inaudible) is announced -- or these kinds of
22 areas and I suggest you seriously look into the
23 possibility of -- of following --

24 MR. COLLIER: Yes. We -- We intend
25 to.

1 MS. PERRI: Thank you for your
2 comments.

3 MR. COLLIER: Thank you.

4 MR. CHOUDHURY: Next speaker,
5 Mr. James Connell.

6 MR. CONNELL: Good evening. I'd like
7 to thank the members of the DERTF for this
8 opportunity to speak to you.

9 I'm James Connell from the International
10 City/County Management Association. ICMA is in
11 association with about 9,000 city managers,
12 county managers and other appointed local
13 government officials and I'm up here to respond
14 to three points that caught my attention
15 earlier today.

16 The first came during a presentation by
17 the people from the Offices of State Attorneys
18 General. One of them stated that land use
19 controls -- otherwise known as institutional
20 controls -- are voluntary and that the
21 transferees will accept them voluntarily and I
22 just want to point out that like the song says,
23 "It ain't necessarily so." I just don't see a
24 local government going to the military and
25 saying, "Please transfer this land to me that

1 has contamination left over. I don't want to
2 have unrestricted reuse on this parcel." I do,
3 however, see a local government accepting
4 property with land use controls if they'd have
5 to wait longer for a cleanup that would lead to
6 unrestricted use. However, I would argue that
7 that is not voluntary acceptance, rather is a
8 decision to accept the lesser of two evils --
9 restricted land use with contamination or new
10 jobs on the property for another two to three,
11 four to five years -- however many years it
12 takes to clean it up to unrestricted land use.

13 On another point, I'd just like to say
14 that ICMA does want to work with NAAG and
15 ASTSWMO to research land use controls further
16 and I think that the further research will
17 point out the fact that local governments do
18 have a role in enforcing land use controls.
19 Now, of course, it depends on the type of
20 controls and enforcement mechanisms. One
21 obvious land use controls -- land use
22 control -- the fact that local government
23 enforces the zoning, others are building
24 permits or other activities that would flag a
25 local government to say, "There's something

1 going on at this site that should not be going
2 on."

3 In addition, depending on the enforcement
4 mechanism, I would state that some areas in
5 which a state anomaly would enforce the
6 control, it would really be the land -- the
7 local government that will do the enforcement.
8 For instance, at a solitary site way out in a
9 rural area, I just don't see the state sending
10 someone to drive four or five hours out to
11 check on one site when the local government can
12 do the checking for them.

13 In addition, I'd like to remind everyone
14 that the only way a land use control will work
15 is if they are layered. Deed restrictions,
16 zoning, permit requirements, these alone will
17 not work. However, if we layer them on a
18 specific site -- both multiple managed controls
19 and multiple types of land use controls -- then
20 we have the chance of protecting human health
21 and the environment.

22 My last comment comes not as a
23 representative of ICMA, but more as a public
24 citizen. I have come to this process pretty
25 late. DoD has the DERTF. This is the

1 fifteenth meeting, I believe, of the DERTF and
2 DoD has done other things to kind of open up
3 itself to the public and involve the public in
4 the decisions that will affect them and I had
5 seen this progress and it, kind of, made me
6 into an optimist. However, when I was
7 listening to Ms. Rivers today present on the
8 guidance for land use controls that have been
9 drawn on internally within DoD, I have to say
10 that I was disappointed that no outsiders
11 were -- were brought into the process. Now, I
12 understand this is not even a draft yet, that
13 it's not open for comment yet and that is an
14 internal DoD process. However, one of the
15 things that the outsiders have been saying for
16 a while is involve us early on at the very
17 beginning of the process and we can avoid a
18 whole lot of problems. We can raise issues
19 that will be raised here and we can raise them
20 at the beginning and all save time.

21 Thank you very much.

22 MS. PERRI: Thank you.

23 MR. EDWARDS: Madam Chair, I'd just
24 like to say I -- I welcome the opportunity to
25 work with Mr. Connell and ICMA on -- and I'm

1 sorry that we didn't do more last fall and --
2 in doing a joint project. I think time just
3 ran out. Maybe we can try it again. Because I
4 think we need to talk.

5 MR. CONNELL: We look forward to it.

6 MR. CHOUDHURY: The next speaker,
7 Mr. Lyle Talbot.

8 MR. TALBOT: Good evening. I'm
9 Lyle Talbot. I'm another Californian --
10 Southern California -- and it's much better to
11 be here at this forum and interacting with you
12 face-to-face than it is to a computer next
13 door -- on a laptop.

14 I am a BRAC member from the Air Force
15 Plant 42 at Palmdale, California, and formerly
16 at Edwards Air Force Base in California.
17 Palmdale is about to go on the Superfund list
18 and Edwards Air Force Base is hosting a forum
19 on -- a round table -- on chemical weapons with
20 other facilities like theirs who have chemical
21 weapons sites there, but you've heard enough
22 horror stories today.

23 I wanted to tell you I became aware of
24 your meetings -- DERTF -- through the efforts
25 of Arc Ecology. Not only did they help me find

1 out about it, they helped me get here
2 financially and to make a presence here along
3 with many others in our group. Yesterday, we
4 heard someone talking about the public notice
5 of these meetings and how we found out and it
6 seems that Arc Ecology was mentioned at that
7 time, too. So, I would offer a suggestion --
8 housekeeping. You said you'd like to do more
9 for public notice and my suggestion would be to
10 refer to the directory of RABs. I believe
11 that's within your purview -- a directory of
12 RABs around the country -- and from there you
13 could scope out the communities nearest those
14 RABs and look for a publication there that you
15 might get some kind of a notice to -- either
16 paid or a press release -- and I think that
17 would facilitate getting more public
18 participation, which you're going to hear a lot
19 more about tonight and -- so, that would be my
20 suggestion -- just a housekeeping thing, but
21 we've got to open this up to more people.

22 Thank you very much.

23 MS. PERRI: Thank you.

24 MR. CHOUDHURY: Thank you.

25 Next speaker, Mr. James Knipp -- Knipp.

1 MS. PERRI: Spell it.

2 MR. CHOUDHURY: K-n-i-p-p. And,
3 again, I'm going to make a blanket apology for
4 mispronouncing people's names.

5 MR. KNIPP: Thank you. You did
6 right. My name is Jim Knipp, K-n-i-p-p. I
7 really hadn't planned to talk here, but there
8 are some things I would like to bring up. I'm
9 a RAB representative -- community
10 representative -- from the Milan Army
11 Ammunition Plant in Milan, Tennessee. We're a
12 long way from here -- and as the previous
13 speaker said, I only found out about this
14 meeting and the opportunity to meet with you
15 people through our Arc Ecology. There needs to
16 be a better way to get this information out.

17 A second point that I have is that there
18 is a conceded great concern about the turning
19 of government land back to out-of-government
20 control and the cleanup that is necessary to
21 accomplish this. However, in Milan, we have
22 contamination that has already spread
23 underneath the city. We've had our wells
24 closed. The city -- The Army has put in a new
25 water treatment system for the city and they --

1 they now tell us that this contamination is
2 probably going to undergo monitored natural
3 attenuation and we hope to get it down to a low
4 enough level by the year with 2050, if it
5 hasn't migrated past the boundaries at that
6 time -- by that time.

7 To me, as a community RAB member, this is
8 totally unacceptable. This is what was
9 referred to later today, in my mind, as an
10 unconstitutional taking. We have land that
11 has -- that is being degraded. It's not as
12 useful as it was. We have water that is
13 contaminated and unusable underneath all of
14 the -- the State of Tennessee's position is
15 that all -- all water underlying the state
16 should be at drinking water standards. So, I
17 think this is something else that needs to be
18 addressed here and I -- I would appreciate your
19 consideration of this.

20 Thank you.

21 MS. PERRI: Thank you.

22 MR. GRAY: Could I ask a question
23 before you leave, Mr. Knipp?

24 MR. KNIPP: Sure.

25 MR. GRAY: I think I heard two

1 different themes. I thought you started by
2 saying that the plume had already spread beyond
3 the boundary.

4 MR. KNIPP: Beyond the boundaries of
5 the installation, that is correct. It's
6 underlying the city and underlying outside of
7 the city other parts of the county.

8 MR. GRAY: But, then, you said the
9 remedy is natural attenuation and they hope to
10 get it down to drinking water standards by
11 2050, unless it spreads beyond the
12 boundaries --

13 MR. KNIPP: Yeah. The farther
14 boundaries of the city. Out beyond the city up
15 further into the county. It has already
16 penetrated through the city, moving toward the
17 outer boundary. So, it's -- it's there now
18 and -- it's entered one side and they hope to
19 get it cleaned up -- hope that natural
20 attenuation is effective before it leaves
21 another side.

22 MR. GRAY: So, the groundwater in the
23 area where the plume already exists is a
24 sacrifice zone?

25 MR. KNIPP: Apparently so, yes.

1 MR. GRAY: For 50 years?

2 MR. KNIPP: At least, yes. And,
3 of course, there's -- there are many unknowns
4 in natural -- monitored natural attenuation.
5 So, it's -- it's pretty much a guess.

6 When this first became public in 1987, we
7 were told -- and I'm sure with great honesty by
8 the Army -- that this will not spread beyond
9 the boundaries of the installation for
10 350 years. About six years later, it
11 penetrated into the city. In 1994, we were
12 told that it couldn't possibly contaminate the
13 city wells for another three years. It took
14 one year. So, I think that there are many
15 unknowns here that we -- upon which we cannot
16 rely in hoping to safeguard the environment and
17 the people that live in the city.

18 Thank you.

19 MR. WOOLFORD: Mr. Knipp, follow-up,
20 please.

21 The record of -- I assume there's been a
22 record of decision signed for this. Do you --

23 MR. KNIPP: No, sir. There has not
24 been a record of decision signed for the -- for
25 the monitored natural attenuation approach in

1 the city. It's under consideration now.
2 However, it has been briefed to us and -- it
3 seems that the delay in funding is going to
4 affect Milan -- that the Army Munitions Command
5 under which this installation comes has decided
6 that they will fund preferentially those sites
7 that can rapidly -- rapidly -- within five
8 years -- complete projects. Those that have
9 more serious projects will be deferred.

10 I understand this is the -- the body
11 count. You don't have enough successes so you
12 try to get some on the books. But it's -- it's
13 not a good thing to do with a moving plume.
14 So, that's -- that's basically our -- our
15 concerns at that point. Does that answer your
16 question, sir?

17 MR. WOOLFORD: In part. Which leads
18 to -- another question is: Have there been
19 other remedy alternatives put on the table and
20 are they selecting natural attenuation because
21 it's less costly or the other remedies are just
22 technically infeasible or --

23 MR. KNIPP: They have put no other
24 remedies on the table. It's been low
25 priority. The -- I understand -- I believe

1 that I understand the budget cycle -- that the
2 installation prioritizes their projects with
3 funds and it goes forward. When it comes back
4 down, the amount of funding they have is so
5 announced -- that used to be when I was
6 involved with the -- with the funding sites.

7 We're not told that in the RAB, though.
8 They simply say, "We didn't get enough money.
9 It's not a high enough priority," and it's,
10 "Sorry, guys, it just didn't make it." I
11 think at this point we're going to have to be
12 programming and finding an alternative that
13 will work. There are other alternatives that we
14 have suggested, but they have not -- not
15 explored those.

16 MR. WOOLFORD: Thank you.

17 MR. KNIPP: Thank you.

18 MR. CHOUDHURY: Just -- I want o
19 point out to the Task Force members, we have
20 about 20 more people and in order to hear from
21 all of them, we would suggest not to ask
22 questions of them other than of a clarifying
23 nature.

24 MS. PERRI: Well, no. If people have
25 an issue, we'll go ahead. But we'll -- we'll

1 move -- move it along. Okay? Next person?

2 MR. CHOUDHURY: Mr. Scott Allen.

3 MR. ALLEN: Good evening. I was just
4 walking in the door. So, let me -- my name is
5 Scott Allen. I'm a member of the Restoration
6 Advisory Board at Fort Ord. I was elected the
7 community co-chair back in January of 1998.
8 I've also acted as the attorney for the
9 Fort Ord Toxics Project in their lawsuit
10 against the DoD and the Department of the Army
11 regarding unexploded ordnance -- and let me
12 address you on that for a moment.

13 As you know, we brought a lawsuit to
14 establish that unexploded ordnance is regulated
15 by Superfund laws. We established -- We
16 reached a resolution of that issue at
17 Fort Ord. The Army has agreed that it is going
18 to be performing an RIFS at Fort Ord under
19 Superfund to address unexploded ordnance. I
20 just want to say now, after we've managed to
21 resolve that lawsuit, we've started some
22 discussions with the Environmental Protection
23 Agency and the State of California here to try
24 to come to an understanding of what exactly
25 that's going to mean -- both for Fort Ord,

1 in particular, and for a broader national
2 policy to address unexploded ordnance at bases
3 throughout the country -- and we've had some
4 productive discussions. One thing I want to
5 say, however, is that it's unfortunate that
6 we've sensed a lot of reluctance on the part of
7 the Army thus far to engage in those
8 discussions and I hope that the Army will be
9 willing here in the near future to come to the
10 table and talk in a discussion with the
11 Environmental Protection Agency -- the State
12 of California -- which will include the
13 Fort Ord Toxics Project in its discussion since
14 we have been a part of the struggle to -- to
15 resolve the national issue as to the -- the
16 regulatory status of unexploded ordnance. So,
17 I -- I look forward to trying to do that --
18 specifically, our base -- to talk about what a
19 proper investigation for ordinance will look
20 like, what kinds of technologies should be
21 employed, both in the search for unexploded
22 ordnance and in the -- in the -- the cleanup
23 and the detonation -- whether you -- the Army's
24 going to continue to do open burns, open
25 detonations, or whether they should move to

1 some kind of an approach to -- to minimize its
2 secondary impacts of ordinance cleanup -- the
3 toxic residues that get left behind -- the air
4 emissions that are involved -- and, hopefully,
5 that we'll be able to work together
6 productively so that we can see some -- some
7 movement on a national scale and moving this
8 issue forward so that disruptions of the sort
9 of property transfers and the likes that we've,
10 unfortunately, seen at Fort Ord with some of
11 the plans of the local communities getting put
12 on hold as a result of the litigation --
13 hopefully, that can be minimized and a national
14 approach put together so that people's
15 expectations are not -- are not interrupted.

16 One final note that I just want to mention
17 with respect to unexploded ordnance at Fort Ord
18 and the -- the process. It's a -- just, again,
19 I think it's unfortunate that we're -- we're
20 continuing to see reluctance on the part of the
21 Army to really be transparent in this process.
22 As you know, the Superfund process requires the
23 establishment of administrative record and that
24 there be easy access to the information on the
25 cleanup that's ongoing. Recently, I know that

1 the director -- Mr. Curt Gandy addressed you
2 last night and will be addressing you this
3 evening -- received response to a FOIA request
4 on -- in which he had requested access to daily
5 logs of one of the Army's contractors at
6 Fort Ord in performing the unexploded ordnance
7 cleanup and the response was, "Well, the Army
8 can't give you those records because our
9 contractor keeps all of them until the cleanup
10 is finished." Well -- you know, with all due
11 respect, I think that in order for the
12 community to continue to be involved and to
13 know exactly what's going on in the cleanup,
14 the community needs to get timely access to the
15 information, on the status of the cleanup
16 and -- as it's happening -- and responses such
17 as this don't do a lot to really, you know, add
18 to the Department of the Army's credibility and
19 their -- their desire to really involve the
20 community in the process.

21 Thank you very much.

22 MS. PERRI: Thank you.

23 MR. CHOUDHURY: I'm having a little
24 difficulty reading the next name.

25 Ms. Joan Holtzman.

1 MS. HOLTZMAN: You got it.

2 Hello. My name is Joan Holtzman. I'm
3 with the Center for Economic Conversion. I've
4 recently been named executive director,
5 actually.

6 Thank you. I bring a different kind of
7 contamination today. I have the flu. So, I'm
8 going to make my remarks very brief so maybe
9 we'll be able to catch up on some of the time.
10 I know there are a lot of people wanting to
11 speak.

12 Let me explain just very briefly what the
13 Center for Economic Conversion is. It's a
14 nonprofit organization here in the Bay Area.
15 We've been around for 24 years. Interested in
16 economic conversion, generally; military
17 conversion, in particular, and for the past
18 several years since the first BRAC rounds, in
19 base conversion, in particular and we have
20 worked with a number of nonprofits in the area,
21 collaboratively, especially to focus on the
22 green redevelopment -- the sustainable
23 redevelopment of military bases and -- at the
24 present time, we have several projects going
25 on. One, I'd like to just talk a little bit

1 about at Alameda.

2 We've been working with a homeless
3 collaborative in an effort to help them to
4 develop -- to actually reuse some of the
5 buildings that have been made available to them
6 in the most environmentally sustainable way.
7 That involves promoting associated jobs, as
8 well. Our general mission is to promote those
9 kinds of activities which generate a broad
10 spectrum of jobs, not just high-end jobs, but
11 jobs for people at all levels of crafts and
12 education -- and also to preserve -- protect
13 and restore the environment in the process --
14 and that's the work we have been focusing on
15 for a quite a long time.

16 The reason we're working with the homeless
17 is because they have first dibs on the base and
18 they're there first -- and it is our hope and
19 intention to use the work we do there as a
20 model and catalyst to demonstrate what the
21 economic redevelopment at bases could look like
22 if and when all those toxically contaminated
23 places get cleaned up. So, we are essentially
24 working on places that are already clear, but
25 we understand and want you to understand as

1 well that the citi -- on -- for what we need to
2 do to make this huge resource of converting
3 bases available for the economic advantages it
4 has to give to local communities. We want --
5 without that, there is absolutely very little
6 hope to maximize this opportunity -- and the
7 longer this is delayed, the slower the
8 opportunities will be and missed opportunities
9 that will be.

10 We have recently begun another project
11 with the second conclave folks who are already
12 on bases beginning to take advantage of
13 redevelopment opportunities and those are
14 tenants, especially business tenants. They're
15 there on an interim basis, largely, as
16 tenants -- leaseholders -- and they have a
17 whole bunch of energy-related issues owing to
18 the poor infrastructure systems. So, we're
19 helping them to upgrade in that direction.
20 Again, we work in collaboration with a whole
21 bunch of other folks and other governmental
22 agencies -- notably, the EPA and -- to try and
23 use their resources and bring them to bear for
24 the benefit of these first-comers, so to speak,
25 on the base.

1 So, my appeal to you today is to really
2 understand that for the future growth of this
3 region, for the maximum benefit for all the
4 people who need jobs, for the protection and
5 restoration and preservation of the
6 environment, it is essential to put all efforts
7 possible into cleaning up these places as
8 quickly as possible and making it possible to
9 generate this wonderful opportunity for as many
10 people as possible.

11 Thank you for your attention.

12 MS. PERRI: Thank you very much.

13 I do want to briefly mention -- I did ask
14 for some suggestions the other night on how we
15 might get this information out to other
16 individuals and I sent letters to ten community
17 groups in the Bay Area in September notifying
18 them about our upcoming meeting in January,
19 because we felt that the local groups have,
20 you know, the best contacts and the best
21 ability to publicize it. I don't know if you
22 received one of these notices --

23 MS. HOLTZMAN: Well, I, like so many
24 of the previous speakers, was alerted to this
25 by Arc Ecology.

1 MS. PERRI: They were one of the
2 groups we also notified and asked to spread the
3 word.

4 MS. HOLTZMAN: And to the best of my
5 knowledge, we did not -- we did not get
6 notification of this. We have made other -- by
7 the way, it's been -- we have made previous
8 presentations about our work of the
9 deconstruction of closing military bases and we
10 have -- certainly, one of those early starters
11 who have been promoting that and continue to
12 promote it. There are other conservation
13 groups in the San Francisco Bay Area, but we
14 have disseminated that information
15 additionally.

16 MS. PERRI: Thank you.

17 I also do want to thank BADCAT, CPEO and
18 any of the other groups that helped us spread
19 the word about this meeting.

20 Thank you for your presentation.

21 MR. CHOUDHURY: Mr. Richard Bailey is
22 the next speaker.

23 MR. BAILEY: I'm Richard Bailey,
24 RAB member, three and a half years, Presidio,
25 Monterey, Fort Ord, BRAC.

1 I'm going to make a -- probably the first
2 political and evaluative statement of the
3 evening, but before I do that, I wish to
4 reference certain documents so that you will
5 know that like -- like tree branches, they're
6 in the air, but rooted in the ground. I
7 reference documents which you're familiar
8 with: The Army Restoration Advisory Board
9 Guidance document; the Oak Ridge Reservation
10 Stakeholder Report & Stewardship document,
11 July, 1998; the EPA Adjusters Strategy
12 Executive Order, 1-28-98; and, of course, the
13 Federal Facilities Environmental Restoration
14 Guidance Committee document. I will not speak
15 specifically to any of these topics -- I mean,
16 to these -- the nameless (inaudible) manuals.

17 Okay. My topic -- What I want to talk to
18 you about is the constitutional foundation of
19 the RAB and its -- and -- and its
20 relationship to national security. First,
21 the -- the RAB. By the RAB, I really mean
22 reference to the people -- enlightened,
23 educated people in the (inaudible) sense of the
24 word.

25 Okay. Now, the preamble of the

1 constitution mentions life, liberty and the
2 pursuit of happiness. Property was part of
3 this originally and -- however, it's not
4 mentioned, but I assure you it's one of the
5 driving forces of this whole operation as much
6 as the dialogue -- what we've heard about has
7 had to do with property.

8 The next reference in the constitution
9 proper starts off with the notion of, "We, the
10 People." "We, the People," is a statement in
11 reference to power, but it doesn't spell that
12 out -- and, "We, the People" -- women were
13 not -- definitely not included. It didn't mean
14 native people. It did not even -- it --
15 certainly, it did not mention enslaved people.
16 The next reference -- There are several
17 references -- which I'll just go to -- is the
18 Bill of Rights -- and I really -- I really --
19 all -- I want to refer to only certain
20 sections of the Bill of Rights, which I think
21 would be appropriate here. I -- I -- I'll
22 mention the second amendment, because we're
23 concerned with military groupings here. The
24 second amendment is -- refers to a
25 well-ordered -- right to bear arms and a

1 well-ordered militia, but it's a conflict
2 document because there was an organized
3 military under the -- under the -- in the
4 United States at that particular time -- and
5 there was a militia and those two have never
6 gotten together. So, conflict and militia were
7 made of people, but some of them were pretty
8 organized and some were not so organized -- and
9 we certainly need those who were not so
10 organized, as you know.

11 Okay. The next reference I wish to refer
12 to is amendment ten of the constitution and
13 that has to do with the distribution of powers
14 between the state and the federal government
15 and the people. Don't forget that.

16 The ninth amendment specifically has
17 reference to the unenumerated rights that
18 doesn't go to the federal government and is --
19 and the state and its subdivisions is -- is
20 retained by the people. Now, I want to
21 emphasize that because that's crucial to my
22 discussion. I'm going to say that the -- one
23 of the rights retained by the people is
24 certainly the right to seek property and health
25 for themselves and that was a definite right

1 retained by the people. Now, in the cleanup
2 process, this right that we are concerned with
3 has to do with health and the environment --
4 human health and the environment -- and I'll
5 include animals under that.

6 The peace -- The peace -- The Cold War.
7 The Cold War was a very destructive war and --
8 and -- it destroyed the environment and all the
9 participants involved. We're in a situation
10 now where -- we're back where the budget for
11 the Cold War is -- is -- the present situation
12 is two-thirds of what it was at the Cold War
13 situation. So, where did the peace dividend
14 go? Now, I want to say that there may be
15 justification for this budget. You can -- The
16 people will decide that. But national security
17 is -- health security, environmental security,
18 is a national security issue.

19 And, finally, I will say that the orderly
20 transfer of property is essential to liberty
21 and the pursuit of happiness. Finally -- this
22 is a kicker -- a pig is a natural --
23 natural -- by nature clean, but he has no
24 trouble fouling his nest under certain
25 conditions.

1 Thank you very much.

2 MS. PERRI: Thank you.

3 Next speaker, please.

4 MR. CHOUDHURY: Mr. Ken Kloc.

5 MR. KLOC: Thank you. My name is

6 Ken Kloc. I am a member of the Restoration

7 Advisory Boards at Alameda Point and

8 Mare Island, California, and I work with

9 Arc Ecology.

10 I address the DERTF board this evening in

11 order to present a report from the land use

12 controls front. Specifically, I refer you to

13 Alameda Point and the case of a parcel on the

14 former -- on the former Naval Air Station

15 called Estuary Park now known as IR Site 25.

16 Estuary Park was developed as a

17 recreational area with a running track,

18 baseball diamond, a soccer field and other

19 picnic and play areas. The Navy leased

20 Estuary Park to the Coast Guard for

21 recreational use even though soil samples taken

22 during the environmental baseline survey

23 indicated the presence of widespread elevated

24 levels of carcinogenic polynuclear aromatic

25 hydrocarbons in park soils.

1 The Navy and the BRAC Cleanup Team all
2 agreed that unrestricted recreational use of
3 the park was allowable because exposure to the
4 contaminated soil was prevented by a thick turf
5 that was present at the park. In addition, the
6 Navy had instructed the Coast Guard not to dig
7 into the subsurface without first consulting
8 Navy personnel. Signs informing utility
9 workers of these instructions were put up on
10 the edges of the park.

11 The Alameda RAB first became aware of
12 possible problems with this land use control
13 when a community member complained that the
14 surface cover at the park had been breached by
15 workers putting a play apparatus. The Navy at
16 first dismissed the community member's report,
17 saying that the digging took place at an
18 adjacent uncontaminated parcel. At that time,
19 the Navy assured the RAB that the Coast Guard
20 was following the Navy's instructions not to
21 dig at Estuary Park.

22 The next month the same community member
23 brought in a picture to show that the
24 excavation had, in fact, occurred at
25 Estuary Park. The Navy, then, conceded that it

1 had made an error, that Coast Guard workers
2 had, in fact, dug several feet into restricted
3 soil when attempting to install the play
4 apparatus. But the Navy was quick to assure
5 RAB members that everything was now under
6 control.

7 At this point, some RAB members decided
8 that it might be good to go visit the park
9 themselves and see just how good the land use
10 control was working. Upon touring the
11 playgrounds, we found many areas in which the
12 grass cover had been breached by maintenance
13 digging, by vehicle tire ruts, by burrowing
14 animals and from erosion created by the use of
15 the soccer field in wet weather. RAB members
16 brought this information back to the Navy and
17 were at first challenged by Navy
18 representatives that land use controls were
19 working well and that recreational users at the
20 park did not face any risk due to contamination
21 in the soil.

22 Finally, after bringing up the problem
23 with the full RAB and after several months of
24 discussion, we voted to ask the Navy to place
25 warning signs up at the park. The Navy, at

1 this point, decided that warning signs would be
2 too inflammatory and that a better course of
3 action would be to simply close the park down.
4 This action was amenable to the RAB.

5 Now, I hope that this small example will
6 help the DERTF panel understand some of the
7 difficulties with the use of land use controls
8 even in the short term and even when there
9 appear to be a sufficient set of institutional
10 authorities in place to oversee those
11 controls. I want to underscore in this
12 instance that, if it wasn't for the RAB and the
13 community acting de facto regulators at
14 Alameda, that exposures and risks would still
15 be occurring to Alameda Point families to this
16 very day. It was bad enough that it took the
17 RAB and the community over three months to
18 convince the Navy bureaucracy that it needed to
19 evaluate -- or that it needed to reevaluate its
20 assumptions that land use control is an easy
21 and unproblematic solution to contamination at
22 the former base.

23 Thank you.

24 MS. PERRI: Thank you.

25 Next speaker, please.

1 MR. CHOUDHURY:

2 Mr. Charles Yarbrough.

3 MR. YARBROUGH: Yes. My name is
4 Chuck Yarbrough. I'm the community co-chair of
5 McClellan Air Force Base Restoration Advisory
6 Board. I've been involved in one way or
7 another in the environmental situation at
8 McClellan since 1980 with a PCB burn. I was
9 the first member appointed to the -- what was
10 called then the Hazardous Waste Groundwater
11 Contamination Task Force back in 1984 by
12 Congress -- by Congressman Robert Matsui
13 (phonetic). I've been serving on one board or
14 the other until now -- its Restoration Advisory
15 Board, which I said I was the community
16 co-chair on.

17 I just wanted to give you that information
18 so I could relate to you that I have some
19 history behind me. What I'm talking to you
20 tonight on is funding -- specifically, funding
21 for training for Restoration Advisory Boards,
22 CABs, SABs, TRCs and so forth. I think it's
23 about time that funding be available for these
24 groups of people who are dedicating their time
25 and effort free of charge to serve their

1 country and their communities.

2 I want you to know that I have had
3 training, but it's been haphazard at best.
4 Back in 1984, McClellan Air Force Base saw fit
5 to send me to a workshop here in San Francisco
6 and fund it for a restoration advisory board
7 meeting, on how to organize, what a restoration
8 advisory board was, really, because I didn't
9 know -- and, so, I could help in organizing the
10 one there at McClellan Air Force Base --
11 because it hadn't been established yet -- and I
12 was on the technical review committee at the
13 time.

14 So, I just wanted you to know that that
15 was one case. The next case was just this last
16 year for -- and we didn't know if it was even
17 going to take place -- the funding was going to
18 be approved -- but was for natural
19 attenuation -- a national conference on natural
20 attenuation put on by the Public Environmental
21 Oversight -- Lenny Siegel's group here in
22 San Francisco. I got funded fully for that,
23 too. But my case is here -- I've educated
24 myself -- before that -- before 1984 -- I
25 mean, before 1994 -- because I've been on the

1 committee since 1984.

2 What I'm trying to say is my real concern
3 is for my people. I can't get them here.
4 Paul Bruner (phonetic) of Environmental
5 Management on McClellan -- the directorate
6 there -- he sent a letter up through the
7 channels to try to get funding for our
8 people -- my people to come here -- and no --
9 no -- it was refused -- not officially. He
10 couldn't get an official response by letter
11 down to him. It was by word of mouth.

12 But what I'm trying to say is: We have a
13 pot of money already. It's called a community
14 relations pot. Okay? Now, why -- I mean,
15 Paul Bruner had the money. If he had gotten an
16 okay, we could have had people coming here to
17 this meeting. I'm talking about -- What I'm
18 talking about here is like the Natural --
19 National Caucus of RAB community members that
20 met this last weekend and this Defense
21 Environmental Response Task Force meeting --
22 who you are the board of -- and like --
23 conferences like environmental -- the national
24 conference on environmental attenuation --
25 natural attenuation -- excuse me. I mean,

1 don't you think these people deserve some kind
2 of help -- I mean, if they're volunteering
3 their time? I guarantee you not everybody on
4 the Restoration Advisory Boards, CABs and so
5 forth are going to be coming here to -- to this
6 meeting -- because it takes dedication even to
7 devote your time and efforts to come.

8 By the way, it would certainly be nice
9 since there's -- you know, 1 percent of the
10 cleanup money is supposed to be sent -- spent
11 on the community -- and -- and there's a
12 thing here -- don't you think the Restoration
13 Advisory Boards, the CABs and the SABs and the
14 TRCs and so forth ought to have some word, some
15 kind of input into how this money is spent.
16 We're usually given, "Oh, here's what we're
17 spending the money on," but we don't really get
18 to put inputs from the start to say, "We'd like
19 some money spent on this and that and this
20 other thing."

21 We want community correspondence or
22 communication cards and we are told, no,
23 because federal employees could not have these
24 cards. "So, naturally, we're not going to
25 allow you RAB people to have business cards,"

1 which we aren't in business. We wanted
2 correspondence/community relations cards so to
3 speak. Well, guess what? That was involved
4 because OPM came along and says, "Oh, now you
5 federal workers can have it." So, therefore,
6 they're saying, "Oh, it's okay for you RAB
7 people to have them now." But that's just an
8 example.

9 But we'd really like to have your help
10 when it comes to funding and let us speak up.
11 We know where the community relations money
12 needs to go. At least give us a voice in it.
13 And you can get -- carry that message on to
14 Congress, because I know environmental
15 management at McClellan Air Force Base would
16 love to have the okay to get us off their
17 back. Because we see people all the time
18 sneaking through the loopholes and their
19 installation is giving them funding, anyhow.
20 They go ahead and do it even though they're not
21 supposed to. So -- you know, let's not have
22 people break rules and regulations, but give
23 them the authority to give some funding to us
24 RABs and other organizations that are
25 overseeing the cleanup, that are volunteering

1 their time.

2 And, by the way, I want to thank you very
3 much -- panel here -- board -- because of
4 you -- we're able to speak to you on a personal
5 basis, which is much better than the other way
6 around. You can't talk to a computer. So,
7 thank you very much and thank you for your
8 time.

9 MS. PERRI: Thank you.

10 MR. CHOUDHURY: Mr. Thomas Fusco.

11 MR. FUSCO: Good evening. My name is
12 Tom Fusco and I'm here representing the RAB
13 that's associated with the Naval Air Station in
14 Brunswick, Maine. I'm here because Arc Ecology
15 was able to help provide some funding
16 assistance to get me here.

17 There are a couple of things I want to
18 talk about. The first one is: I'd like to
19 address a statement that -- that you made about
20 cleanup where you said that the primary
21 responsibility was to turn bases over -- and I
22 think that explains a problem that some of us
23 on the RABs have -- because we understood that
24 the primary responsibility was the protection
25 of public health and -- and safety and the

1 environment and that the outcome of that would
2 be that the land would be able to be turned
3 over for other use. So, there's just a
4 difference in where the focus is.

5 The second thing I want to say is that I'm
6 here as a minority person. Strange? The
7 minority part of it is that I represent a RAB
8 that functions well. We have no problems -- or
9 at least the problems that we have do not
10 address at all the level that some of the
11 people here have talked about and what amazes
12 me that, although on numerous occasions -- the
13 last time I spoke before the DERTF, I believe I
14 suggested that maybe they look into why RABs --
15 the few functioning RABs there are -- why
16 they're working.

17 When we had the RAB meeting -- When the
18 Department of Defense had the meeting to talk
19 about RABs in Boston -- I suggested it there --
20 and, yet -- at times we're held up as a model,
21 but, yet, no one has looked at, "Why do we
22 function well?" We get every piece of
23 information there. The issue isn't what
24 information we get. It's how fast they can get
25 it to us. We are involved in -- We have input

1 in -- through the whole process. When the data
2 has been gathered -- We got to look at it. We
3 got to be involved in the discussions about
4 it. The draft -- We got to have input into the
5 information of the draft RODs. We got to
6 have -- you know, then we got to have our input
7 before the final drafts were made. Even to the
8 point where -- there were so many wells on this
9 site that you'd start talking about them -- and
10 the numbers have been changed two or three
11 times -- and I just got really confused and I
12 said to them, "You know, it would really be
13 helpful" -- "is if we" -- and I said this
14 jokingly -- I said, "We should have a retreat
15 to talk about wells," and I got it. We had a
16 three-day retreat -- and -- and we went through
17 every single well on the base -- talking about
18 why it was put in, what it was there for,
19 looked at the data that was generated and
20 determined whether that well -- we should
21 continue using that. Some of them, we changed
22 the use of the well -- and at some points we
23 looked at it and said, "There's a gap here. We
24 need another well" -- and we got wells -- we
25 had wells put in.

1 I could probably -- I could spend hours
2 talking about why we work. I've been involved
3 in this process when it was the Technical
4 Review Committee -- and, frankly, when the RAB
5 process came out for us to follow, the RAB
6 process was to take a step backwards from how
7 we were functioning. So, we made the decision
8 and said, "The hell with it. We're going to
9 keep doing what we're doing and we'll just call
10 it what it is." Any citizen who comes to a
11 meeting has the right to speak and they will be
12 heard. It doesn't make any difference if
13 you're not a RAB member. You -- You show up,
14 you have a concern, there's a spot at the table
15 for you.

16 The model that we use is -- our focus is
17 on not to beat each other up about -- "You're a
18 tree-hugger," or, "You're just" -- you know,
19 "All you care about is killing people and this
20 is just another example of how you want to do
21 it." Our focus is on solving the problems.
22 That's what we care about. And the model that
23 we use is an open door. It's inclusion, not
24 exclusion, and what I've seen too often here is
25 that there's a process of exclusion. And all

1 that does is drag the process down -- you know,
2 it's like throwing out a sea anchor and -- and,
3 then -- you know, opening the throttle wide
4 open -- and can't understand why you're just
5 not getting anywhere.

6 The last thing I want to say is to the
7 Department of Defense. I find it absolutely
8 atrocious that the names of the RAB members is
9 not made public. These are people who are
10 appointed -- you know, it's like saying we're
11 going to have an election to the City Council,
12 but, "Guess what, folks, we're not going to
13 tell you who the representatives are." If we
14 want people to be able to contact their RAB
15 representatives, then we have to be able to
16 know who they are. The community needs to know
17 who they are -- and if the community is going
18 to know who they are, then why can't Arc -- why
19 can't those of us that are forming a national
20 advisory -- RAB advisory council -- why can't
21 we have the names of those people so that we
22 can contact them and get more of them here.
23 That's assuming that having us here is of value
24 to you. Am I assuming that that's correct?

25 MS. PERRI: Yes.

1 MR. FUSCO: So, if --

2 MS. PERRI: Thank you.

3 MR. FUSCO: -- if it's important that
4 we're here and we're giving you valuable
5 information, then I would hope that you would
6 do everything that you can so that this process
7 can be opened up even more. Because I know it
8 works. There's no reason to have to resort to
9 lawsuits. There's no reason to have to resort
10 to closing doors and manipulating people. All
11 it does is -- is reinforce that the process
12 will not work -- and I'm here to tell you that
13 if you open up the doors and you let people in,
14 the process will work and it will work well.

15 Thank you.

16 MS. PERRI: Thank you very much.
17 Just a minute. Excuse me? Excuse me? We have
18 one question for you.

19 MR. FUSCO: Oh, I'm sorry.

20 MR. EDWARDS: Mr. Fusco, I wanted to
21 ask you about the names and addresses of the
22 RAB members. Now, I think there is a RAB
23 directory that has the -- the co-chair on it.
24 Is that correct?

25 MS. PERRI: Right. That's correct.

1 MR. EDWARDS: But it does not have.

2 MR. FUSCO: It's out of date and --

3 MR. EDWARDS: Okay.

4 MR. FUSCO: -- and, actually, the --
5 the person that you really want to address that
6 to would be Arc Ecology -- and I'll tell you
7 why -- because Arc is acting as the secretariat
8 for the National RAB. So, I -- I know
9 that -- I know I can't get the names and I
10 know that --

11 MR. EDWARDS: But what exactly are
12 you asking for?

13 MR. FUSCO: What we're trying --

14 MR. EDWARDS: An updated list of the
15 names of the co-chairs or names of all RAB
16 members?

17 MR. FUSCO: All RAB members.

18 MS. PERRI: But we cannot provide
19 that because of privacy issues. Is that
20 correct, Shah? What is the --

21 MR. FUSCO: That's my point -- is --
22 these people -- the RAB members are there.
23 They volunteer to be there. They are
24 appointed. What's the -- What's the privacy
25 issue? If it's a privacy issue and you can't

1 release it, then you're not going to be able to
2 release their names to the -- to the -- to
3 their communities and if you can't release
4 their names to the communities, then they're
5 going to be ineffective.

6 MR. EDWARDS: I would just ask the
7 question whether it could be done by agreement
8 of the parties?

9 MS. PERRI: Okay. Thanks. We'll
10 take that for the record.

11 MR. CHOUDHURY: Okay. Thank you.

12 MS. PERRI: Thank you very much.

13 MR. CHOUDHURY: Mr. Peter Haas.

14 MR. HAAS: Good evening. I am here
15 from the -- I'm a representative from
16 Westover Air Reserve Base in Chicopee,
17 Massachusetts -- and I was flown -- I thank
18 Arc Ecology for enabling me to be here and I --
19 I'm glad to have a chance to talk to you about
20 some problems we have at our RAB which are not
21 as severe as -- as some other RABs are -- as
22 they can be -- but they certainly are of
23 concern and I think there are problems that are
24 representative of many RABs.

25 For one part, at our RAB, we don't really

1 have any direct interaction with higher up
2 decision-makers in the clean -- in the base
3 installation restoration program. We deal with
4 low level civil -- civil and environmental
5 engineers. We never get to see the
6 installation commander or chief civil engineer
7 to -- who are the ones who ultimately make all
8 the decisions on cleanup process. So, what --
9 So, the role of the RAB is fair -- is severely
10 undermined as just a debating board and a
11 rubber-stamping entity and we don't get to
12 really speak to these people and say our
13 opinion.

14 Next of all, we have a fairly poor record
15 keeping. Documents are removed from the public
16 libraries without notice. They say, "Well" --
17 they run out of space or they were only drafts,
18 but often the drafts that are the ones that
19 have -- that -- where you can uncover some of
20 the problems in the final report -- and when
21 they are not available to the community or a
22 list of documents that are -- that have been
23 disclosed under the IRP program is not
24 available, that is -- obviously, the community
25 and RAB members cannot make informed decisions

1 out of that -- and, as well, reports are handed
2 to the RAB members fairly late in the
3 decision-making process where you'll -- we get
4 a report and 15 days later the comments are
5 due -- and, obviously, you're not going to read
6 through 500 pages in -- in that time and study
7 it and talk -- talk to it with other people.
8 So -- and I see that happening elsewhere, too.
9 So, that would be very important for that to be
10 enforced.

11 Other than that, we -- also, we never know
12 how much money is allocated to the RAB. We
13 don't know our budget. We wish we could have a
14 voice in what -- in how our -- how that money
15 is spent -- if we could hire an outside
16 consultant or where we can -- where we can --
17 how we can spend it. We only get -- at the
18 end of the year -- some figure -- some
19 astronomical figure of 30, \$40,000. We don't
20 know how that -- how that money is getting
21 spent, other than paying for the rent of the
22 room we hold -- hold our meetings in -- and
23 paying for the overhead projections.

24 Next to it -- Next to that, our pollution
25 strategy -- or the pollution problem: Westover

1 is currently the largest air reserve base in
2 the world and was the site for the strategic
3 air command until 1972 -- and as many of you
4 probably know, all other strategic air command
5 sites have been severely polluted.

6 Unfortunately, at our place, they haven't been
7 able to find such pollution -- even though
8 there's a lot of pointers and oral histories
9 that would indicate so. Quite often, we -- the
10 reports come out clean. There seems to be
11 sort of a game being played that -- it's --
12 as a cost-saving method that -- avoiding to
13 find pollution is avoiding costs and avoiding
14 problems. So, if we find a non-detect, then
15 everything is fine. Unfortunately, in the --
16 the Massachusetts Department of Environmental
17 Protection has often uncovered these problems
18 and -- at more taxpayer expense. We had to
19 resample the sites and go back again and -- and
20 start the process all over wasting a great
21 amount of time -- and I don't think -- I don't
22 see that as a really cost-saving method to
23 avoid finding -- the game of avoiding pollution
24 is to find -- to coming out clean.

25 Also, we often -- often, data is used from

1 consultants that have been rejected by
2 DEP reviews in the past. Old junk data is
3 reused again from consultants that are known
4 not to have done a good job -- and, obviously,
5 then -- obviously, any cleanup decision based
6 on that cannot be accurate or -- or good.

7 Also -- which is -- issued to us -- is
8 the problem of pollution -- of -- of current
9 practices at the base -- that are considered
10 taboo make the installation people very
11 uncomfortable, such as air pollution, hazard --
12 the -- access to the hazardous materials --
13 materials pharmacy list -- which has been
14 disclosed at other bases, but we are not
15 allowed to look at it and we would like to know
16 what's being used and where there might be a
17 potential threat to human health and the
18 environment, as well as issues of deicing
19 runoff into nearby streams that are used by low
20 income people as swimming spots in the summer.

21 Thank you very much for your attention.

22 MS. PERRI: Thank you.

23 Next speaker, please.

24 MR. CHOUDHURY: Mr. Rick Warner.

25 MR. WARNER: Thank you very much.

1 Good evening, friends. My name is Rick Warner
2 and my concerns are with the Rocky Mountain
3 Arsenal in Colorado. I have approximately
4 1,800 working days invested in this issue. I
5 fully support and endorse the proactive -- call
6 for proactivity that Tom Fusco just made. I
7 think those are very important comments.

8 The Keystone Report came out and we
9 studied it very closely. We attended the
10 meetings and participated in the conference
11 calls. We pursued efforts to form a
12 Site-Specific Advisory Board based on the
13 Keystone model. It was established and it
14 continues to thrive today. So, we're kind of
15 unique. We have two advisory boards at the
16 Rocky Mountain Arsenal.

17 The Department of Defense promulgated the
18 Restoration Advisory Board guidance and we
19 studied it. Early on, it was clear that unlike
20 the Keystone model, the RAB guidance was
21 counter-intuitive, disingenuous, a barrier to
22 public involvement, could be divisive and would
23 ultimately be unproductive. Today, we are
24 quite sure that we were right.

25 The Rocky Mountain Arsenal, which

1 represents about \$78 million of DoD cleanup
2 money per year operates under a Federal
3 Facility Agreement that stipulates several
4 layers of decision-making and dispute
5 resolution. These processes do not allow for
6 members of the public to attend or
7 participate. What comes out of there is often
8 well decided and can no longer be affected.
9 Part of it just because -- it's such a vast
10 structure -- so many layers to go through.
11 Nobody wants to undo that.

12 The result has been that the majority of
13 the participating concerned citizens have grave
14 concerns about the public health of workers, of
15 visitors -- which there -- there is
16 approximately 60,000-plus a year out there --
17 of surrounding impacted communities and of the
18 future development areas where 12,000 new homes
19 are being planned in contaminated pathways.

20 Despite the approximately 200,000-plus
21 people, most of whom are school-aged children
22 that have visited the home of the world's most
23 contaminated square mile on earth, signs
24 warning people to the nature and possible
25 hazards of the Superfund site they are about to

1 visit do not exist. Signs are now being
2 designed referring to the arsenal
3 euphemistically as a CERCLA restoration site or
4 it might well be an environmental restoration
5 project. I would ask you to please try this
6 phrase out with people you meet in grocery
7 stores and at your children's schools, soccer
8 games, at your church. Judge for yourselves
9 whether this is a sufficient expression that
10 warns or advises that this is a site heavily
11 contaminated by 40 years of uncontrolled and
12 reckless waste disposal and emission
13 practices. I don't believe it does.

14 The arsenal was a major manufacturer of
15 chemical weapons and -- in -- in addition,
16 other military-related manufacturing
17 processes. We also think that it was a
18 manufacturing site for biological and
19 neurological weapons, but that information
20 hasn't been forthcoming. Hydrazine rocket fuel
21 was blended. Shell Oil Company had major
22 chemical operations and contributed about
23 90 percent of the site's contamination -- and
24 this was with the Army's acceptance.
25 Incineration and open-pit burning were rampant,

1 buildings burned down. All of this was with
2 chlorine of halogens of every conceivable
3 kind.

4 Because of all this, the State of Colorado
5 and concerned citizens have been demanding for
6 11 years a search for and a determination of
7 the extent of dioxin-like compounds. These
8 compounds may be some of the most toxic
9 synthetic compounds known. Further, they are
10 often by-products of the very type of
11 manufacturing and disposal activities noted.

12 The situation is exacerbated by the
13 restoration operations now moving three and a
14 half million cubic yards of contaminated soil
15 and the demolition of large contaminated
16 formerly-used manufacturing facilities. So,
17 once again -- though, this had been quiet, now
18 we're moving this contaminated soil around that
19 may have dioxins. The continued visitation of
20 children and others to this
21 artificially-propped-up, so-called wildlife
22 refuge must now be stopped, until the issues
23 around dioxins are resolved. I -- I'd like to
24 just say that no visitors should go out there
25 until we resolve this issue. It's dragged on

1 quite a long time.

2 Two records of decisions have been reached
3 and approved. NEPA, the NCP, CERCLA, SARA,
4 RCRA and state laws have and are being
5 violated. Natural resources have been
6 damaged. A seed change in the federal
7 government's methods for decision-making and
8 public participation in the decision-making
9 must soon happen. We know the hazards that
10 exist. We know that health and lives are at
11 stake. We know that laws have been bent and
12 broken. We're not going to go away with this
13 kind of knowledge. We have to stay on it.

14 The government must consider changing or
15 become accountable for decisions made to
16 Congress -- or become accountable for decisions
17 that are made to Congress --
18 public opinion -- most probably the federal
19 courts. When the effects of dirty transfers do
20 not address groundwater contamination, new
21 migration pathways due to restoration
22 activities, leaky landfills, the arbitrary
23 approach in determining contaminants of
24 concern, ineffectual and ignored institutional
25 controls, you will begin to realize the deep,

1 dark hole that is being dug.

2 When I started, we called these efforts
3 cleanup. It then became remediation and now
4 restoration, each representing less of the
5 federal government's overall commitment. I
6 would contend the main restoration occurring at
7 the Rocky Mountain Arsenal is a restoration of
8 threats to public health and the environment.
9 The activities are more dangerous than doing
10 nothing, a threat driven by dollar and guilder
11 solutions rather than a cleanup driven by
12 public health, public safety and environmental
13 solutions.

14 Lastly, last night Patrick Lynch,
15 Olin Webb and Raymond Tompkins -- tonight,
16 Ken Kloc -- spoke of ongoing day-to-day issues
17 of survival and life-and-death issues, issues
18 that should be addressed urgently rather than
19 at the federal government's own time -- they,
20 their communities and the rest of us are the
21 America that you are entrusted with. Our needs
22 are real and we have a right to be dealt with
23 equitably, fairly, timely, thoroughly and
24 justly. We will not go away.

25 I thank you -- and -- and peace.

1 MS. PERRI: Thank you very much.

2 MR. CHOUDHURY: Thank you.

3 MS. PERRI: Next speaker.

4 MR. CHOUDHURY: Mr. William Boulware.

5 MR. BOULWARE: (Native American
6 dialect) -- that's how the Ho-Chunk -- the
7 Wisconsin Winnebago say hello -- they greet.
8 My name is William Boulware. I am in-house
9 counsel for the Wisconsin Winnebago.

10 At present, the Ho-Chunk nation is
11 involved with a military facility in
12 Suak County. It was an ammunitions plant. It
13 has been excess (sic) by the military --
14 Department of Army -- and it's being disposed
15 of. There are two federal agencies involved
16 right now; USDA and Department of Interior,
17 Bureau of Indian Affairs, requesting a federal
18 agency-to-agency the transfer.

19 The tribe's position is unique. The
20 cleanup process started in the late '80s.
21 There was no consultation, no contact, no
22 communication with the tribe. We're next door
23 to the facility. The facility is within the
24 traditional and aboriginal homelands of the
25 people, yet no one locally ever made an attempt

1 to contact the tribe. We're the largest
2 employer in the county. We have traditional
3 cultural properties. We have archeological
4 sites within the facility. They have been
5 surveyed only on 1,500 acres out of
6 7,354 acres. We have been excluded from the
7 RAB. I was hoping not to have to make a speech
8 tonight, but the Badger Ammunition and Revisory
9 Board -- our Restoration Advisory Board was
10 supposed to meet last night to vote on the
11 nation's request to be at the table as a RAB
12 member and the meeting was canceled. The
13 original request was made last summer at two
14 different meetings at their support and
15 recommendation of one of the existing RAB
16 members and to think -- the -- the
17 recommendation to have the tribe come to the
18 table RAB as a member was tabled.

19 The nation was never informed about the
20 excess property until the day before the notice
21 of availability and comments was due. We
22 received the notice of availability on
23 March 12th -- on March 11th -- and our
24 comments were due March 12th. I mean, the
25 amazing lack of communication by the Army to

1 the tribe as a -- as a sovereign nation, as an
2 employer and as a neighbor to the facility is
3 atrocious. It's ridiculous. And also what
4 hurts even more is that the tribe is involved
5 at the gracious offering of the Local
6 Redevelopment Authority to participate in
7 reuse, yet we have no say in how the cleanup
8 will take place. We don't have the opportunity
9 to have access to information and when it is
10 told that there's information available at a
11 public depository, we're only told that the
12 documents are there, not what they are -- or if
13 a document is provided, it's usually after the
14 fact -- after we've made a request and, then,
15 we're told -- oh, it's there," but we're never
16 informed when it's made -- when it's put in the
17 depository. So, given the nature of the
18 activities, my recommendation/solution in
19 resolving these issues is to have a direct
20 communication with the Army commander at the
21 facility to say, "Talk to Ho-Chunk, have them
22 involved and recommend and support the fact
23 that the Ho-Chunk nation should be at the table
24 as a RAB member.

25 Given -- I'm usually -- I'm a lawyer. I'm

1 usually long-winded, but I'm very, very tired.
2 So, given that presentation, I thank you for
3 your indulgence and I appreciate the
4 opportunity to be here.

5 MS. PERRI: Thank you very much.

6 Next speaker.

7 MR. CHOUDHURY: Thank you.

8 Ms. Christine Shirley.

9 MR. GRAY: Could I ask a question?
10 I'm sorry.

11 MS. PERRI: Okay.

12 MR. GRAY: I just wanted to clarify.
13 Has your request to be represented on the RAB
14 actually been denied or ignored? Which is it?

15 MR. BOULWARE: It's been ignored.
16 The request was made last summer -- actually,
17 June 12th.

18 MR. GRAY: And you've had no reply?

19 MR. BOULWARE: No response.

20 MS. PERRI: Who did you make the
21 request to?

22 MR. BOULWARE: It was made to the
23 Army commander and the RAB co-chair at the
24 Badger facility -- at their -- at their
25 public meeting in Sauk City.

1 MR. GRAY: Thank you.

2 MR. BOULWARE: Thank you.

3 MR. CHOUDHURY: Thank you.

4 Ms. Christine Shirley.

5 MS. SHIRLEY: Hi. My name is
6 Christine Shirley. I'm on the Treasure Island
7 and Hunters Point RABs and work with
8 Arc Ecology.

9 I'm going to start out talking a little
10 bit about the difference between
11 Treasure Island and Hunters Point RABs. At
12 Treasure Island, we have access to the BCT
13 meeting. I attend regularly as a
14 representative of the RAB and the base
15 environmental coordinator is very forthcoming
16 with documents and with information about
17 policies and trends and what-have-you in the
18 services.

19 On the other hand, the Hunters Point
20 RAB -- I'm not allowed to go to the BCT
21 meetings and it's very difficult to get
22 documentation in a timely manner. And I -- the
23 difference that I see in these two RABs is that
24 on the Treasure Island RAB there's a lot of
25 trust built up, and as a result, we can argue,

1 we can discuss issues that are very contentious
2 and, in the end, we get to a result -- they are
3 resolved. At Hunters Point, the more you try
4 to talk about contentious issues, the further
5 underground they go and then it becomes a
6 digging a expedition to figure out what in the
7 world's going on.

8 And these bases are within tens of miles
9 of each other. They're out of the same EFA
10 West and I am asking as a RAB member of both of
11 those two to encourage the people at
12 Hunters Point to take a clue from
13 Treasure Island and provide the same sort of
14 access and ability to converse that we have
15 with Treasure Island.

16 I also want to take the opportunity to
17 highlight an aspect of RABs that Dan Opalski
18 observed yesterday and that is as cleanup
19 planning comes to an end, it's more and more --
20 it will become more and more difficult to
21 retain regulatory people there. But the people
22 that serve on the RAB that live in the
23 neighborhood are not going to go away. They're
24 going to be there and there's interest at
25 Hunters Point as we're moving into the ROD

1 stages to oversee the cleanup of the base. And
2 I believe that the better relationship that's
3 built with the RAB now before you get to the
4 RODs, the better the quality of the oversight
5 will be at the end and the easier it will be
6 for the reuse agencies to get done what they
7 need to do without a lot of issues coming up
8 that were unsolved that -- before the ROD was
9 signed. So, I encourage DoD to cultivate good
10 memories in their community members so that we
11 can proceed to reuse in a smooth fashion.

12 Now, I have a specific concern about the
13 regional practice of the Navy of not -- of
14 excluding fish ingestion from human health risk
15 assessments. The Navy will not quantify the
16 risk associated with eating fish that's caught
17 offshore of the closed bases. They argue that
18 fish are mobile, they move all over the bay,
19 they can pick up the contamination anywhere
20 and, therefore, it's not our problem. Well, I
21 disagree with this slippery argument. The Navy
22 must evaluate these health risks, but more
23 importantly they must contribute to regional
24 efforts to restore the bay fishery. The fact
25 is, the Navy did contribute to degradation of

1 the fishery and contamination of the sediment
2 and some means needs to be developed so that we
3 don't have to prove that a molecule from
4 Hunters Point or Treasure Island contaminated a
5 fish that somebody ate to get any funding to
6 address that problem.

7 I, also, finally would like to address the
8 issue of documents being posted on the web.
9 While I appreciate that it's convenient for the
10 Department of Defense and it's convenient for
11 those of us that have web access, the fact is
12 that a lot of people do not have web access and
13 to get some of the guidance and policy
14 documents without going to the web is
15 exceedingly difficult, if not impossible and it
16 places a burden on organizations like
17 Arc Ecology. We have them. People know we
18 have them. They come to us. We copy them. We
19 mail them and it's -- and it's a continuing
20 expense that we've -- that places a burden on
21 us and we feel it's an unfair burden. So, I --
22 I just want to urge you to provide some sort of
23 means to access -- to obtain documents in a
24 hard copy fashion.

25 Thank you.

1 MS. PERRI: Thank you.

2 MR. CHOUDHURY: Thank you.

3 Ms. Eve Bach.

4 MS. BACH: Good evening. Thank you
5 for the opportunity to address you. I think
6 that you have an opportunity to see that life
7 looks a little bit different out in the
8 provinces than it does in the beltway.
9 Let's -- Maybe the resolution of some of the
10 other problems of isolation of decision-makers
11 from -- from the people could be solved if they
12 held some of their hearings out here.

13 This is the second time that I'm before
14 you to discuss institutional controls. I was
15 part of a panel at the last DERTF meeting and
16 I'm very pleased that the discussion of
17 institutional controls has moved, in some ways,
18 from theory to practice. I think that the
19 public commentary is extremely important,
20 especially in light of the fact that there are
21 no -- there's no statistical data about --
22 about institutional controls. I think that
23 this really elevates the anecdote to, really,
24 the only information we have -- and later on I
25 will tell you a story.

1 What I'd like to do first, though, is to
2 piggyback my remarks over Thomas Edwards'
3 concerns expressed earlier this afternoon about
4 the order of decisions. With institutional
5 controls, it seems to go like this: First, you
6 decide to use institutional controls; secondly,
7 you decide how to design them; and, third, you
8 design who has responsibility for designing and
9 implementing them. It seems a little
10 backwards -- and maybe the best way I can
11 illustrate it is with an analogy.

12 Let's suppose we have a site that's
13 contaminated with PCBs and let's suppose that
14 there's a priority decision made in the remedy
15 selection process, that we're going to use
16 in situ treatment to deal with PCBs. Well, the
17 problem is there really is no in situ treatment
18 for dealing with PCBs and we don't know who's
19 responsible for developing that technology, but
20 somehow it appears in the ROD, anyway. That
21 really is what's happened with institutional
22 controls, that the decision to use them -- and
23 they appear in many, many RODs for -- both for
24 military bases and, in general, for Superfund
25 cleanups -- is way ahead of the ability to

1 actually design some of proven effectiveness.

2 What we have is a situation -- and the
3 panels were very instructive about that
4 today -- of adapting property laws in 50 states
5 to come up with some kind of consistent
6 process. Given the religious content of
7 property laws, we know that this is probably an
8 impossibility -- just -- freedom of religion
9 would simply not permit it -- so -- that the
10 likelihood that there is going to be
11 conscientious monitoring and enforcement over
12 decades and centuries -- really, what we have
13 to do is try to predict that since we don't
14 have the data about institutional controls. I
15 think what we really need to do is look at
16 what's happened with other land use controls
17 and -- on the bases, I think we can look at the
18 FOSLs and see what's happened with that -- and
19 now here comes the story.

20 At Hunters Point, we had a situation where
21 there was a FONSI (phonetic) for the police to
22 use a building. It specifically excluded
23 having a helipad there. I'll, in the interest
24 of time, make a long story short and say that
25 then when they -- when the redevelopment agency

1 and the City came up with a sublease to have a
2 helipad there, the first thing we had was a
3 NEPA document from the Navy that said this has
4 already been covered in the earlier
5 environmental document. A letter to the --
6 went out to them from Arc Ecology that said,
7 "Excuse me. It says here it specifically
8 excludes the helipad." Oh, we got a response
9 back -- Could I just have a few more minutes?
10 Is -- Okay. We got a response back that --
11 "Well, it's excluded" -- "We have a
12 categorical exclusion, not because" -- "not
13 because it was in the previous document, but
14 because many years" -- "many years ago" --
15 "somewhere on that site" -- "on Hunters
16 Point" -- "had been used for a helipad."

17 If we let that go, let's look at what
18 happened when local agencies got ahead of it.
19 The City and the redevelopment agency
20 negotiated a lease for a helipad. They also --
21 they -- they came through a negative
22 declaration under CEQA, which is like a FONSI
23 under NEPA -- what -- a finding of no
24 significant impact. When we pointed out to
25 them that they had to look at this and that the

1 lease was inconsistent with the FOSL, they
2 said, "Don't bother us." It was not until we
3 spent \$200 to appeal the decision that we got
4 anybody to look at it seriously and they went
5 back -- they -- they didn't con -- finally
6 conform to the FOSL, they went back and changed
7 the FOSL.

8 If this is an example -- and I think it
9 is -- of what's going to happen with the
10 institutional controls, we are concerned. I
11 think what I'm saying is that we need to learn
12 from experience. What my father seemed to have
13 learned when he was in the Army in World War II
14 is that if something can go wrong, it will. I
15 think we need to not be so glib about the
16 layering of agencies. I think in some ways
17 it's a good idea, but in some ways, it begins
18 to remind me of joint and severable liability.
19 Are we going to have -- when something does go
20 wrong and we have four or five different
21 agencies involved, I would like to be the
22 lawyer that is paid to resolve those issues of
23 which agency is responsible for how much of the
24 damage.

25 Okay. The final thing I'm going to say is

1 that if we're going to have institutional
2 controls as part of remedies, they need to gain
3 public acceptance and that public -- that
4 public acceptance means that we, the public,
5 have to be involved in the discussion of them,
6 in the design of them, in the implementation of
7 them -- and if it truly is impossible to come
8 up with good ones, then we won't accept them.

9 Thanks.

10 MS. PERRI: Thank you.

11 MR. GRAY: Before you leave, let me
12 just ask you a question, please.

13 MS. PERRI: Eve? We have one
14 question for you, please.

15 MR. GRAY: I understand your concern
16 about layering and -- and it is a proper
17 concern if they're not done properly. But I
18 think inherent in the concept is that you have
19 to fix, not only responsibility, but
20 accountability for who's going to be doing it
21 and different agencies at different levels,
22 according to the presentations we had today,
23 have the better ability to monitor and -- and
24 enforce different types of controls. I don't
25 think you're going to find one agency that can

1 do it all.

2 MS. BACH: I agree. But I think what
3 I'm saying is, I think you have four agencies
4 doing, you still may not have something that
5 works. It's not -- It's not that I'm opposed
6 to having as many people as possible trying to
7 deal with this, I'm just saying -- let's --
8 let's take an example. Let's --

9 MR. GRAY: But my only question is:
10 Isn't it better to have four than -- than none
11 or one?

12 MS. BACH: It will -- It will be
13 better if it can be set up in a way that when
14 there's a problem, it doesn't lead to
15 protracted litigation, that -- what I see as
16 the downside of it is that where the
17 responsibility is spread out, you create
18 incentives for people to point fingers at
19 someone else -- and I guess -- I guess the real
20 point I'm making is that it -- it might be
21 a -- it might give a false sense of security
22 by saying that, "Well, we've got four agencies
23 looking after it," that when it comes down to
24 actually correcting a violation and -- and
25 dealing with the problems, you may just have

1 conflict between the four agencies rather than
2 a solution.

3 MR. GRAY: Well, that's what I meant
4 by fixing responsibility and accountability.

5 MS. BACH: That would be great. I
6 just hope that you forego institutional
7 controls until you get that problem solved.

8 GEN. HUNTER: Before you leave, you
9 talked about public acceptance of institutional
10 controls. Do you think that that feedback can
11 come out of RABs?

12 MS. BACH: I think --

13 GEN. HUNTER: Because every RAB --
14 as we talk -- I've heard a lot of discussions
15 the last two days about RABs. Some are very
16 effective, some are very weak. And when you
17 look at site-specific or areas in which we're
18 talking about cleanup, what the institutional
19 controls -- developed out of the RABs -- have
20 more -- more impact or acceptance?

21 MS. BACH: I think -- I think if the
22 RABs were strengthened in the way that a lot of
23 the speakers have -- have suggested to you,
24 that is if people in the community knew who was
25 on the RABs, if the RABs had actual budgets

1 for -- for soliciting community opinion, if
2 they were brought in early, I think it could be
3 a wonderful forum. But I think strengthening
4 the RABs is part of the equation.

5 MR. CHOUDHURY: Thank you.

6 MS. PERRI: Okay.

7 MR. CHOUDHURY: Thank you.

8 Ms. -- Mr. Doug Kern.

9 MR. KERN: Good evening.

10 Thank you -- Thanks for the opportunity to make
11 this presentation to you and thanks for
12 Arc Ecology to come to our RAB and inform us
13 about these meetings tonight.

14 My name is Doug Kern. I'm a community
15 member of the Presidio Restoration Advisory
16 Board and have been since its inception in
17 1994. Let me preface my comments by letting
18 you know that I do understand that there are
19 discussions ongoing between the Presidio trust
20 and higher levels of the Army to do some sort
21 of a cash-out of the Army's responsibilities at
22 the Presidio. So, I'm aware of those.

23 Despite that, I want to talk a little bit
24 about institutional controls, the costs of
25 those controls and how they would have applied

1 to the Presidio in case this cash-out does not
2 go through. The Presidio is 17 separate,
3 small -- relative small dump sites and
4 landfills. These were unpermitted, unlined and
5 usually placed in the bottom of natural streams
6 and ravines. In early 1997, we sort of got
7 wind -- the members of the RAB -- that the
8 Army was considering institutional controls at
9 the Presidio for these landfills. They
10 received direct advice from the Restoration
11 Advisory Board, direct input, both verbally and
12 written, that we wanted the Army to consider
13 clean closure of these sites. Nevertheless,
14 the Army produced their feasibility study and
15 all of the landfills were looked at in terms of
16 institutional controls and monitoring. That
17 was the Army's preferred alternative.

18 There were four sites in the feasibility
19 study that were evaluated for clean closure or
20 excavation. So, consequently, we evaluated the
21 Army's financial projections for those
22 clean-closure sites. I examined those
23 financial projections and found many of the
24 numbers for the -- for this alternative -- the
25 preferred -- the alternative not preferred by

1 the Army -- to be inflated when compared to
2 current industry standards. I did have an
3 opportunity to meet with the Army's TERC
4 contractor who was conversant with those
5 numbers, got the current industry standards,
6 developed my own financial model for clean
7 closure of these sites and compared those
8 numbers to the Army's feasibility study numbers
9 and I presented these numbers which showed
10 that, in fact, you could clean close the
11 Presidio landfills for less money that it would
12 take to maintain that waste in place and
13 monitor it for 30 years. Eighteen months
14 later -- I presented those comments in
15 September of 1997 -- detailed financial
16 spreadsheets. I have not received a response
17 to my comments. Detailed financial comments I
18 spent many hours working on, I've not received
19 a comment in return.

20 Well, this may change with the cash-out.
21 We may not have to deal with it. It may be a
22 moot point. But despite that, I want to say
23 that it's -- I'm disappointed that I continue
24 to hear about this discussion of institutional
25 controls nationwide because anything else is

1 way too expensive. Well, I've shown that it's
2 not. The Army's financial models also did not
3 contain costs to the various institutions that
4 will have to safeguard the public from these
5 sites in the future. I also remain
6 disappointed that the Army has not responded to
7 my comments. Those comments, by the way, are
8 available to you for your review, as well as
9 the credentials that I have for producing such
10 comments.

11 Thank you.

12 MS. PERRI: Thank you.

13 MR. CHOUDHURY: Thank you.

14 Ms. Christine Gover.

15 MS. GOVER: Good evening and
16 thank you for letting me present to you this
17 evening. My name is Christine Gover and I do
18 have a rather bold recommendation or advice --
19 whatever you want to call it -- for you this
20 evening.

21 There are so many issues that have been
22 brought to you -- last night and tonight and a
23 few more to come -- and I know that if I were
24 sitting in your place, I would be feeling
25 rather overwhelmed. Well, when I'm in a

1 situation like that, my first inclination is to
2 prioritize. So, I've been thinking about how
3 to prioritize all of these comments -- and,
4 of course, there -- there are a lot of --
5 let's see -- it's -- a lot of them are --
6 you're comparing apples and oranges, a lot of
7 them are very immediate needs. So, it's very
8 difficult to prioritize these. But what I just
9 naturally feel that would help would be to work
10 on this public participation issue at RABs and
11 have that be your first priority.

12 I would look at the Keystone Report. That
13 would be an excellent start. I would
14 listen -- as you have been -- very carefully
15 to what RAB members have been saying to you, to
16 make the public participation process an
17 effective process -- and as a lot of you on the
18 Task Force know, I am fortunate to have a very
19 effective RAB up in Keyport, Washington,
20 because the Navy has been very responsive --
21 and -- and that's been the bottom line --
22 is they've been very responsive -- whether it
23 has to do with documents or with how the
24 agendas are laid out. I -- I've never had a
25 retreat, but we are going to go on a field trip

1 next month -- and we have really good cookies,
2 but -- all the RABs in our county always
3 compare notes on the cookies. But one of the
4 things that -- that I see is that -- Well, you
5 already have all these good ideas, really, that
6 are sitting around -- and, so, there must be
7 some reason why people aren't using these good
8 ideas -- and I start to thinking about, "Well,
9 why would they?" And, so, I start thinking
10 about incentives and I know that last night
11 someone mentioned something about
12 Measures of Merit and I thought, "Aha, that's
13 something somebody at an installation can
14 relate to." And, so, we need to be thinking
15 about incentives that DoD personnel can relate
16 to that would inspire them rather than enforce
17 them or make them do something so that they can
18 have the tools to give the public participation
19 process a very strong base. I think that once
20 we have that really strong base, then we will
21 start to be able to look at all of these other
22 issues -- whether you're talking about
23 monitored natural attenuation or institutional
24 controls -- but then we'll be in a position of
25 looking at those issues as a whole community

1 with all the stakeholders involved and I think
2 that that will enhance the process. I'm not
3 saying that it's going to be all hunky-dory,
4 because it's -- it's -- it's so complicated
5 and -- and people have issues that have
6 directly affected their lives, but I think that
7 that would be an excellent place to start.

8 MS. PERRI: Okay. Thank you.

9 MS. GOVER: Thanks. Actually, I do
10 have one more comment. Because I -- I do have
11 personal experience with institutional
12 controls -- in my neighborhood, it's more
13 ordinances and rules about how close you can
14 build a house to a stream and how close
15 Wal-Mart can -- can go ahead and -- and put up
16 a building next to a stream -- and it's been my
17 observation -- and it's -- it's quite
18 unsettling that in our county, institutional
19 controls are enforced by the community members
20 and this usually occurs after harm has already
21 occurred.

22 Thanks.

23 MS. PERRI: Okay. Thank you.

24 Next speaker, please.

25 MR. CHOUDHURY: Thank you.

1 Ms. Pamela Miller.

2 MS. MILLER: Good evening and thanks
3 for hanging in there. My name is Pamela Miller
4 and I'm Program Director of Alaska Community
5 Action on Toxics and a RAB member of the
6 Fort Richardson RAB and Adak Naval Air
7 Station.

8 As you probably know, Alaska has over
9 700 contaminated sites created by the
10 military. It's been used as a testing ground
11 for the military's chemical, biological,
12 nuclear and conventional weaponry in many cases
13 because the military perceives Alaska as
14 remote. Many of the military contaminated
15 sites are in close proximity to Alaskan native
16 communities and within traditional subsistence
17 fishing and hunting areas or affected wildlife
18 that Alaskan native people depend on for
19 subsistence. This is an environmental justice
20 issue that the Department of Defense must
21 reckon with.

22 Now, I have a few direct requests
23 concerning particular sites. Northeast Cape is
24 a formerly-used defense site on St. Lawrence
25 Island located in the western part of the

1 Bering Sea about 135 miles southwest of Nome,
2 Alaska, and closer to the coast of the Russian
3 Far East.

4 Annie Alowa is a Yu'pik elder from
5 St. Lawrence Island and she served as a village
6 health aide in her community for over 25
7 years. She wants the military to clean up the
8 extensively-contaminated area that was produced
9 at Northeast Cape along the coast of the
10 Bering Sea. She says, "I want this to be
11 cleaned up before it's too late. It used to be
12 a good hunting and fishing place. Now people
13 are scared to go there. The military treats us
14 as if we were the enemy. I ask, 'Why do you
15 keep this secret?'"

16 She observes that there have been 13
17 deaths from cancers among their people who
18 spend a lot of time at Northeast Cape, others
19 diagnosed with cancers, as well as birth
20 defects and premature births that might be
21 contaminated -- connected with the
22 contamination problems at Northeast Cape. From
23 the slopes of the mountains above
24 Northeast Cape, a stream flows northward
25 through the tundra into the Bering Sea. Elders

1 from the Village of Savoonga say that fish have
2 not returned to the stream for more than
3 30 years since the military has poisoned it.

4 In September, we arranged a meeting with
5 Colonel Sheldon Jahn, the District Engineer for
6 the Alaska District of the Army Corps of
7 Engineers, the highest corps official in
8 Alaska. The meeting included Native American
9 Rights Fund and the Alaska Community Action on
10 Toxics in support of elder Annie Alowa. At the
11 meeting in September and in an October letter
12 to Colonel Jahn we requested a written response
13 to our concerns. We've waited five months with
14 no response. Meanwhile, Annie Alowa herself
15 was diagnosed with inoperable cancer in late
16 November. She can't carry on the struggle, but
17 is asking for people of good conscience to
18 ensure the site is responsibly cleaned up.

19 She said, "His voice" -- "The colonel's
20 voice is ringing in my ears. How can he say
21 that there's no risk to people's health? Maybe
22 he is trying to hide this problem." I ask that
23 you please use your influence to get a written
24 response to our letter and some action from the
25 Corps of Engineers to ensure that the military

1 protects the health of the people in the
2 coastal environment of St. Lawrence Island.

3 I want to talk a little bit about weapons
4 testing ranges in Alaska. Within Alaska,
5 massive areas of land, including sensitive
6 riparian habitat and wetlands, have been used
7 by the military as weapons testing ranges.
8 These encompass an area the size of the
9 State of Kansas. The military has not been
10 accountable for the untold past, present and
11 future damage to land, wildlife habitat, human
12 health and safety. This must change. We now
13 have some opportunities before us to reverse
14 the Department of Defense's disturbing trend of
15 destruction in Alaska.

16 The Department of the Army released a
17 DLEIS that proposes to allow them to continue
18 to use 1,300 square miles of interior Alaska
19 lands as bombing ranges for another 50 years on
20 Fort Wainwright and Fort Greely. In the last
21 five years alone, the military has shot
22 3,500 rockets packed with high explosives,
23 4,300 bombs -- some weighing up to a ton -- and
24 about 50,000 additional high explosives into
25 the Chena River watershed. The Army admits it

1 has no baseline of information on the
2 ecological damage from the physical and
3 toxicologic effects of the explosive and
4 chemical munitions testing. We urge that the
5 Army not be granted any extension of the
6 lease. The Department of Defense must fully
7 characterize and clean up the mess it has
8 already made.

9 On the Eagle River flats, the beautiful
10 and productive estuary of the Cook Inlet
11 adjacent to the City of Anchorage, the Army has
12 agreed to attempt remediation from the
13 contamination of white phosphorus that has
14 killed thousands of waterfowl during the last
15 decade. The Army, however, has not agreed to
16 characterize or remediate the physical,
17 toxicologic and safety hazards presented by
18 over 10,000 high explosive munitions that have
19 been fired into the estuary. The Eklutna tribe
20 uses the adjacent area adjacent to the open
21 burn and detonation area for traditional
22 fishing. We urge that the Army stop using the
23 Eagle River estuary as a bombing range and act
24 responsibly in characterizing, removing and
25 reclaiming the damage wrought by years of

1 bombing.

2 At Adak Naval Air Station, the Navy
3 proposes to characterize certain large areas of
4 contaminated UXO by sampling just 1 percent of
5 the area. This is scientifically invalid and
6 must be corrected.

7 I have some comments here on the National
8 Ballistic Missile Defense Program, which may
9 not seem to be in your purview. However, it is
10 taking \$6.6 billion of the Department of
11 Defense's budget away from environmental
12 restoration. I ask you to consider that.

13 Thank you.

14 MS. PERRI: Thank you.

15 Can we see if we can get a response to
16 this letter? Okay. Thank you.

17 MR. CHOUDHURY: Mr. Louis Guassac.
18 Mr. Guassac?

19 I propose we go to the next speaker until
20 Mr. Guassac is available.

21 MS. PERRI: Okay, Shah.

22 MR. CHOUDHURY: Ms. Loretta Avent.

23 MS. AVENT: Avent, but close enough.

24 MR. CHOUDHURY: "Avent."

25 MS. AVENT: When your bell goes off,

1 I will stop.

2 I -- I -- I don't even know where to
3 begin, but I want to first start by saying this
4 may be my second finest moment under the
5 Clinton Administration. My first was -- I was
6 the White House liaison to Indian country
7 and -- I have a trip scheduled to go to
8 Washington February 22nd -- and I was going to
9 talk -- I'm going to meet with the First Lady
10 and I wanted to say, "You always say when
11 things get hard to pray." And I have. But I
12 didn't think my prayers would be answered at a
13 meeting of government officials and panel.

14 So, I said to a young woman that I met in
15 the bathroom, who had your job -- and I said,
16 "I keep thinking I'm dreaming and I'm going to
17 wake up and what I saw today didn't really
18 happen." Then I started thinking -- I heard
19 her say that this was the democracy at its best
20 and it really is. Because if someone had told
21 me that the answers that the Native Americans
22 had been seeking would have been at a meeting
23 that really is not dealing with Native American
24 issues, that's really dealing with, I guess,
25 cleanup -- and, so, when I left here today

1 around lunchtime -- I have not been off the
2 phone -- and I'm sure that Louis Guassac is in
3 the men's room because he's been trying to call
4 me to come down -- to come back over here --
5 and I was on the phone and I'll tell you some
6 of the people I called. I called
7 Sharon Kennedy, who is the Deputy Social
8 Secretary. I called a guy named Jeff Barker,
9 who is a reporter whose stories about
10 Native Americans end up on the wire service,
11 and I said Jeff, "If I could afford to get you
12 on the Concourse (sic) and have you fly here to
13 be part of this" -- "to hear this" -- "I
14 would do it." My husband would have a problem,
15 because we can't afford to pay for anybody
16 flying here on the Concourse. But at any rate,
17 that was my excitement.

18 And what I want to do is just take -- if I
19 can take three minutes to share something with
20 you. During the campaign, I traveled -- I was
21 called the only person that was never on the
22 ground. I was either on a plane with the
23 President or with the First Lady. And I said
24 to my husband, "I'm only going to do this part
25 with them," and, so, I told a lie. I said --

1 I'm not going to work on a campaign. I'm not
2 going to be part of the transition. I'm not
3 going to do all of these things." I not only
4 ended up on a campaign -- I went to
5 New York -- I ended up on that -- wild bus
6 trips through the country -- and, then, I said
7 I was going to go home to my husband. And as I
8 was leaving -- it was the last day of the
9 President-elect in Little Rock -- I moved to
10 Little Rock -- I lived in the mansion -- and
11 I helped with the transition. Then I said I
12 wasn't going to go to Washington because I've
13 never worked for a politician. It had never
14 been a dream of mine. And I ended up on the
15 plane and we flew into Washington. Then I said
16 I wasn't going to work in the administration.
17 And I did. So, you know that I'm not good at
18 keeping my word even to myself.

19 But I said to my husband -- and the
20 First Lady talked to my husband -- and he said,
21 "You made a promise to the President before
22 you ever thought he would be here and you have
23 to keep your word." And the promise I made to
24 him -- I said to him 25 years ago -- I said --
25 I met him during the Civil Rights Movement and

1 here's the statement I made about him: There
2 was a young college guy running around during
3 the Civil Rights Movement and I said to a
4 friend of mine -- I said, "Either" -- and I'm
5 going to be very honest with what I said -- I
6 said, "There's this white guy out here," and I
7 said, "Either something is really wrong with
8 him or there's something really right." And
9 25 years later, I found that there was
10 something really right in terms of his
11 commitment and the goodness in his heart.

12 So, like an idiot back then, I said, "If
13 you ever run for President, I'm going to help
14 you. I'll do whatever I can to help you."
15 Well, I said to my husband three things I never
16 thought would happen. One, I never thought
17 he'd run. Two, I never thought he'd win. And,
18 three, I never thought I'd be crazy enough to
19 go work for him. So, all of those things
20 happened. And, then, I thought, "How could
21 somebody from a little place in Virginia end up
22 meeting some guy that would end up being the
23 leader of the Free World?" This is scary.

24 So, when he won, I was thinking I should
25 probably leave the country, but I didn't. And

1 I stayed. I ended up being the White House
2 liaison to Indian country out of something that
3 I had no control over. One day, 30-plus tribal
4 leaders came to the White House and the person
5 that's now President of the National Congress
6 of American Indians -- his name is Ron Allen --
7 they were in a room in the OE/OB and they were
8 screaming and they were hollering about -- "We
9 thought this President was going to be
10 different" -- you know, he's come in and he's
11 put the Indians under public liaison, which is
12 Alexis Terms (phonetic) -- who's a wonderful
13 person. They would have gone (inaudible),
14 Alexis, but they wanted to be where the
15 governors were and they said, "We want to be
16 where the mayors are, where the governors are,"
17 and I got a call from the President and the
18 First Lady and the First Lady said, "We have a
19 problem," and unlike Hollywood, I'm not a
20 star. So -- nothing I did to get an Oscar or
21 anything -- she just said to me, "Fix it," and
22 I went in and sat in the room and I looked
23 around -- and I had never seen anything like
24 the tribal meetings. I mean, it was like a war
25 zone and they were hollering and screaming and

1 I thought to myself, I can do one of two
2 things. I can tell them who I am and see what
3 I can do to help them or I can just leave the
4 room and pretend like I got lost in the OE/OB,
5 because I didn't know what to do. And, so, I
6 sat there and I said, "Lord give me strength,"
7 and I got up and said, "Excuse me," and the guy
8 pops up, "What do you want," and at that point
9 I didn't know what to do and I said, "You don't
10 know me. I said my name is Lorretta Avent.
11 I've come here with the administration. I've
12 heard what you said about the President," and I
13 said, "And I'm not going to stand here and
14 defend him." I said, "But if you will do one
15 thing, if you will trust me. Give me one
16 year. This President will do something that no
17 other sitting President in the history of
18 America has ever done. We will hold a
19 first-ever meeting with ten democratic tribal
20 leaders or ten" -- "with every tribal leader in
21 America at the White House" -- "and you will
22 get an invitation from the President and the
23 First Lady." I didn't have a clue if this
24 would happen, but I also like my life and
25 wanted to see my husband again.

1 So, I said, "Trust me," and I went out of
2 the room -- didn't know if it was going to
3 happen. As I'm -- and I'm going to finish here
4 real quick. As I was walking back to my
5 office, I thought to myself, "The President's
6 always saying how I'm his friend and he loves
7 me and" -- "he and Hillary are so wonderful
8 having my friendship et cetera" -- and I
9 thought to myself, "As the assistant for
10 Intergovernmental Affairs, I had the black
11 elected officials, the Asian elected officials,
12 the Hispanic elected officials, the gay elected
13 officials, I had the utilities, I had all these
14 groups" -- "the women elected officials" -- and
15 I said, "If I am their friend and now they're
16 going to give me" -- "if they're giving all
17 these groups to me, what the hell do they give
18 to their enemies?" That was what I thought.
19 But at any rate, I took it and a year later --
20 and there was a lot of resistance -- we ended
21 up having that meeting with a lot of
22 resistance, but what the President and the
23 First Lady said the next day -- it was the
24 first time -- the Washington Post called and
25 said the President had made the front page of

1 every newspaper in the world -- front page --
2 and it was positive -- and my response was,
3 "Isn't this interesting? You met with the
4 Indians on their land and you lived, they
5 lived" -- and whatever it took, I was going to
6 live and I did -- and it worked and it was
7 okay -- and he had every secretary that he had
8 appointed -- the only one that wasn't there was
9 Warren Christopher, who was out of the
10 country -- and the reason why I asked to have
11 all of them there -- because for too many years
12 in the federal bureaucracy, we have allowed the
13 Indians to think that the only agency that they
14 could work with was the Bureau of Indian
15 Affairs. The Bureau of Indian Affairs is just
16 one division and one agency and
17 Native Americans have the same concerns in
18 any -- as every other American. So, they
19 should have the same access to every
20 department -- to every department -- whether
21 it's highly accepted.

22 So, when they met on the 29th of April,
23 the President made that one of the things in
24 the book that he signed. It was a blue book.
25 So, tonight -- or earlier today -- Mr. Guassac

1 showed me your blue book, which I called -- and
2 I said, "Life does go full circle," and I
3 said -- on my statement when I called today,
4 I said, "Do you remember what I told you? If
5 the tribes ever did a land claim in Washington,
6 the White House would be theirs, but they'd
7 probably let you stay because you've got a
8 pretty good record." So, we want to think
9 about that.

10 Now, I'm going to -- I am going to end,
11 but I think that I -- and I'm going to say
12 this: A couple of people asked for a couple of
13 extra minutes. I think I've earned the right
14 to have a few minutes to just end this by
15 saying to this group, I walked out of -- the
16 first thing that excited me today was this
17 gentleman here. Not excited, excited, because
18 this is not the right climate. But I was very,
19 very impressed by his statement. And, so, in
20 summing up -- and let me tell what you I
21 thought -- I've been working with the 12 tribes
22 from San Diego. It just happens coincidentally
23 that 70 of the 100-plus California tribes are
24 meeting over at the Embassy Suite. For the
25 first time, we left here today and we were able

1 to give them a positive report. And what I
2 said to them, "I think I'm dreaming," and I
3 said, "because every member of this panel asked
4 the question." There was no patronizing.
5 There was no demeaning. It was -- Everything
6 was positive. And when I said I went full
7 circle, I thought to myself, "This is what" --
8 "not just the Clinton administration" -- what
9 I saw happening here today was the beginning of
10 change in the process that will allow those
11 tribal leaders that have their children's
12 children's children not have to repeat the same
13 thing year after year, because -- this
14 gentleman here said, "I need to figure out" --
15 "We need your help" -- or whatever it was, it
16 was positive -- then, you went around the
17 table -- and I can remember Steve. I can
18 remember every -- Don -- I remember everybody's
19 name -- and I used those names today -- because
20 everywhere in America when you want change,
21 somebody has to be the change agent and I think
22 that's what is beginning to happen here today.

23 And someone said to me, "Do you have a
24 solution to the problem?" No, I don't have a
25 solution. But I talked to a young man named

1 Paul Morehouse who works for the Indian --
2 Senate Committee on Indian Affairs. He said,
3 "Should we have hearings?" So, I was going to
4 meet with him when I got to Washington. I
5 don't have to do that. Because when the
6 process started -- when I heard somebody say
7 today, "What happened" -- I don't think the
8 military had any interest in causing the
9 problems that have happened -- and I want to
10 take a moment to tell you a few of them,
11 because I think that will help.

12 What has happened? You have other
13 governments fighting with tribes. Nobody
14 intended to have the governments at war with
15 each other. The LRAs were not established to
16 protect the interest of the tribes. But unlike
17 tribal governments when the cities or the
18 counties go after the land, they can just go
19 after it. When the tribes try to go after the
20 land, they have to jump through 151 -- which
21 when you get there, somebody said, "That's
22 not" -- "that's broke. It needs to be
23 fixed" -- then, there's 638. So, they have all
24 of these problems that they don't know how to
25 deal with. Unfortunately, when the BRAC

1 process started, there wasn't enough time for
2 all the governments to be educated, the state,
3 city, counties and tribal government by the
4 federal government. So, what happens here:
5 The federal government is not in the business
6 of putting together a process that
7 discriminates or is unfair to any other
8 government. The other governments don't
9 understand how tribal governments operate. So,
10 you have all this uneducated, untrained group
11 of people vying for something called "land."
12 So, we're trying to figure out how could that
13 have been fixed. Well, early on, one of the
14 suggestions from our firm was that -- whether
15 60 days or 90 days -- you say to the tribal
16 government that can make aboriginal or
17 ancestral ties to the land, "You have 60 or
18 90 days to see if you can put together whatever
19 you need." Some will do it. Some won't. But
20 that's okay. And at the end of that when they
21 know what the tools are -- if they haven't done
22 it -- then, you can throw it open to all the
23 other government.

24 What happened with the tribes was when
25 they went after it, they didn't understand it

1 and got stopped and blocked every step of the
2 way. So, the local governments are fighting
3 with the county -- with the tribal government.
4 That's not the intent and I know that. But
5 when you're in the middle of it, what do you
6 do? So, I looked at the three Ls -- and I call
7 the three Ls, the Lord, the land and the law.
8 They don't need to go to the law and the Lord
9 has made all the land that he's going to make.
10 And, so, I'm a believer that God doesn't make
11 train wrecks, only man does. So, you've got to
12 figure out how to fix it.

13 And, so, I'm going to sum up by telling
14 you that something interesting happened. I've
15 been talking to the mayor of Calgary. My
16 husband's the liaison to the Canadian cities --
17 sister city -- and with their base closures,
18 they gave the land -- they had leases. They
19 gave them back to the tribes. But when the
20 tribes here work with the governments, the
21 government ended up saying, "Hey, you don't
22 have a connection to the land." Well, if the
23 Indians don't have it, all the City of
24 San Diego needs to do is tell us who does --
25 you know, who was here before the Indians? I

1 mean, it would be nice -- because they would be
2 making the land claim. But the city shouldn't
3 be in that position and it's unfair to make the
4 city, like, the bad guy. Because once the city
5 was the LRA, they weren't going to take the
6 land and help somebody else come and -- and --
7 "Oh, I'm going to take the land. You can come
8 and get it." So, then, they don't allow the
9 tribes to be on the LRA. They're on a
10 subcommittee. So, they're executive -- but it
11 doesn't have decision-making power.

12 So, when the tribes start planning by the
13 rules that they don't know and understand, then
14 they get stopped. So, the 12 tribes in
15 San Diego went after the land, five developers
16 that are FQs -- three of them got selected for
17 the -- for the response down to the RFP. The
18 only one that was local that didn't get picked
19 was the developer that had the tribes. So, I'm
20 just laying that out to you. I'm just saying
21 that for you -- that you now have done
22 something that nobody else has done -- and when
23 he suggested having a meeting -- the
24 White House has a Task Force. Bruce Babette
25 (phonetic) chairs it. It deals with Indian

1 issues. Every agency is on it. This has never
2 been on the agenda.

3 I came out in '93 and they are further
4 away from being a participant of equity
5 standing in the process than they were then.
6 So, when the federal government says, "You have
7 the right to participate" -- when you tell them
8 that, then you have to give them the tool to do
9 it -- and I knew when I heard it today that
10 GSA -- and everybody else here -- is the
11 first step in the -- in the right direction.
12 So, I called and said, "The best thing that
13 could happen is that they have the panel that
14 they have today come before that group at the
15 White House and share some of your findings,"
16 then I ended with the three other people. The
17 first three were the land, the Lord and the
18 law. The last three are the three women.

19 MR. CHOUDHURY: Ms. Avent --

20 MS. AVENT: The three women are
21 Karla, Ms. Min -- Marcia Minter -- and
22 Sherri. Because of you, I want to say
23 thank you. Because I think you have done
24 something that gives the first Americans their
25 rightful place in terms of the BRAC process.

1 Thank you very much.

2 MS. PERRI: Thank you very much.

3 MR. CHOUDHURY: Mr. Louis Guassac.

4 MR. GUASSAC: Thank you. I want to
5 take this quick moment to introduce two elected
6 leaders that came back with me after Lorretta
7 had shared with that -- was able to go back and
8 share some positive information.

9 This is the first time for any of you in
10 the crowd that may have been patient enough to
11 listen to what Lorretta had to say. We've been
12 waiting five years to really bring something to
13 the table -- to bring something forward that's
14 very important to us. So, some -- some -- we
15 just got the equitable chance to be heard --
16 and I want to thank Mr. Polly here for his --
17 and each and every one of your panel -- that's
18 why I'm back here. I want to take this public
19 comment opportunity to thank you. But I want
20 to now introduce the chairman of Mandeer
21 (phonetic) and -- Mr. Leroy Elliott -- and
22 Mr. John Barrister (phonetic), a Councilman
23 from La Jolla band. There's probably 70 tribal
24 leaders meeting at the Embassy, discussing
25 sovereignty issues -- and as stated before, I

1 had the opportunity to go back and say,
2 "You know, there is a light at the end of this
3 tunnel, that we're not going to be forgotten
4 again, that the injustices of the past may not
5 be (inaudible), that there will be something
6 new for us." And if that happened today, I --
7 I -- I applaud each and every one of you for
8 that.

9 And that's all I have to say. Thank you.

10 MS. PERRI: Thank you very much. We
11 appreciate it.

12 MR. CHOUDHURY: Thank you.

13 Ms. Myrna Hayes.

14 MS. HAYES: Good evening. My name is
15 Myrna Hayes. I'm the community co-chair of the
16 Restoration Advisory Board at Mare Island in
17 Vallejo, California.

18 I couldn't help but just tell a little
19 institutional control story. I didn't really
20 plan to talk about institutional controls. But
21 I was with a team of 12 folks with the
22 U.S. Fish & Wildlife Service today on a tour of
23 Mare Island -- and they're -- they're
24 specialists in BRAC closures from that
25 agency -- and they were very interested to

1 learn that Mare Island is the home to
2 95 percent of the remaining salt marsh harvest
3 mice -- a very endangered species in
4 California -- and very interested to hear of
5 the Navy's, really, aggressive protection
6 program and -- habitat enhancement program
7 there -- and they wanted to know what would
8 happen as the base is now turned over to the
9 City of Vallejo and the local reuse
10 authority -- who -- who our illustrious mayor
11 you heard from a little earlier this evening,
12 along with a little city manager -- and they
13 wanted to know what institutional controls were
14 in place to protect this species. And the
15 refuge manager -- being a -- a young
16 enthusiastic woman -- was eager to let these
17 folks know from all over the country that she
18 had just learned that the -- every deed --
19 there's going to be a deed restriction -- and
20 every home that's built on the base is not
21 going to be allowed to have cats. I'd like to
22 see how you get that one figured out. I am
23 beginning to think that's why Lanar Homes
24 (phonetic), who's the major developer for
25 Mare Island, is advertising their triple

1 security system for their homes -- so that cats
2 can't get out. So, anyway, that's my little
3 institutional controls thought -- and, by the
4 way, our cookies, we buy ourselves. We pass
5 the hat. So, if any RABs are suffering from
6 not having cookies and soda during break, just
7 pass the hat. It works really well.

8 I'd like to just say a couple of things:
9 First of all, I cannot stress enough that
10 Restoration Advisory Boards can play a really
11 critical role in equaling the playing field in
12 the community where a major federal
13 installation has been. Mare Island has been --
14 was the first naval installation in the
15 Pacific. It was founded in 1854. Our town and
16 the towns surrounding it are company towns. In
17 the case of Vallejo, Mare Island was virtually
18 the sole employer for multi generations. So,
19 the RAB serves -- and -- and the city and the
20 Navy, as you can imagine, have a very close
21 relationship. Some of us suspect that Vallejo
22 is actually an outpost for our actual city
23 that's in Washington, D.C., in -- centered in
24 a -- probably the -- the Senate or -- or
25 the -- or the other -- other offices -- a few

1 lobbyists back there -- but that's where most
2 of our business has historically gotten done.
3 So, the RAB is a very, very, very important
4 tool for a community that has not had public
5 participation in its community -- let alone on
6 a 5,600-acre portion of that community -- to
7 play an important role.

8 We have -- We're excluded from the reuse
9 process. Many, many people in the community --
10 people of color, people with low socioeconomic
11 status -- did not get onto the planning
12 process. So, the RAB acts as a very important
13 community forum -- and, in fact, I forgot to
14 pick up off the floor a newsletter that we
15 provide for -- for the public that the RAB
16 community members write and edit, along with
17 articles from the Navy and from the California
18 and U.S. EPAs. So, I'd encourage you to
19 continue to fund the RABs. I would continue --
20 I would urge you to -- thank you -- to
21 continue to fund BRAC environmental cleanup at
22 former BRAC -- or current BRAC bases -- past
23 the 2001 date. I think that when you have a
24 shipyard that's been around since 1854 -- and I
25 don't think that federal employees purposely

1 contaminated our community, but it's there -- I
2 think it's pretty hard to expect that we'll get
3 it all cleaned up in that short amount of
4 time.

5 I also feel that it's very important that
6 the Navy expedite their dollars that they are
7 holding up and not getting out to California
8 through the DSMOA process. At Mare Island --
9 you tonight from our mayor and city manager how
10 desperate they are to get developers on and get
11 new economic resources into the community
12 through the base. All we need is one extra
13 person put on to -- from the California
14 Department of Toxic Substances Control. We
15 just need our one remedial project manager for
16 the entire 5,600-acre base to have one
17 additional staff person to help him out. I
18 don't think that's an unreasonable thing for us
19 in the community to ask for so that our
20 regulators can keep up with the very good job
21 that the Navy has been doing on the cleanup at
22 the site. We've gotten the radiological survey
23 done and all of the radiological contamination
24 removed. We have unexploded ordnance very
25 rapidly coming to a close and we have a lot of

WORKING DRAFT

1 other problems that just need to be worked on
2 and this is not the time for the Navy to cut
3 those funds.

4 Finally, I would like to encourage you to
5 allow -- to -- to really stick with the purpose
6 of the RABs and to keep -- as outlined in the
7 Keystone Report -- and that was for RABs to
8 have decision-making and -- and -- influence in
9 the decision-making process at every step of
10 the way. I'm going to talk just about one --
11 one issue at our base and -- that -- that is
12 preventing us from full participation in the
13 decision-making process concerning cleanup --
14 that is, that the Navy holds a conversion
15 management team meeting every month. The
16 conversion management team is made up of
17 representatives of the Navy, of the
18 City of Vallejo, the local reuse authority and
19 the developers. They discuss cleanup issues.
20 And recently they expanded the conversion
21 management team to include regulator
22 representatives from the U.S. EPA and DTSC as
23 our members of the BCT. The only
24 representative that is not participating in
25 these closed-door sessions with minutes that do

1 not reflect the meeting content are the -- a
2 representative from the Restoration Advisory
3 Board. We've asked in written form over the
4 last few months for one representative from the
5 community -- the only player that's on the RAB,
6 yet not participating in these meetings -- to
7 be able to be at least an independent observer
8 within the meetings. I'm asking that we be
9 invited -- and the only people who are
10 resisting is the Navy -- even the developers
11 don't mind if we're there -- or that they tape
12 these secrets meetings and bring them back to
13 the RAB, which was where the public process was
14 supposed to take place -- and I -- I think
15 that that's -- that is the kind of trust theme
16 that you've been hearing over and over and over
17 and over again.

18 I -- I had the opportunity to take the
19 DoD's course work from Dr. Cabella (phonetic)
20 on high-risk and low-trust situations -- and
21 our situation at Mare Island, unfortunately,
22 has deteriorated greatly in terms of the level
23 of trust mainly because of this ECMPT meeting.
24 So --

25 Thank you.

1 MS. PERRI: Thank you.

2 Next speaker, please.

3 MR. CHOUDHURY: Thank you.

4 This finishes people that have not spoken
5 before. We are now starting -- I will start
6 calling up people that spoke yesterday.

7 Mr. Ted Henry? Okay. And he declines.

8 Ms. Sandra Jaquith.

9 MS. JAQUITH: I also decline my
10 personal comments tonight.

11 MR. CHOUDHURY:
12 Mr. Armando Quintanilla? And Mr. Quintanilla
13 has some written comments to pass out, also --
14 which I will pass out now.

15 MR. QUINTANILLA: Thank you very much
16 for allowing me -- and I won't take up all of
17 your time. I will, hopefully, not take up more
18 than four minutes.

19 My name is Armando Quintanilla. I come
20 from San Antonio, Texas -- and I wanted to
21 thank this DERTF meeting for being so kind as
22 to listen to me again. Yesterday, I talked
23 about waste -- about building a dam in the
24 middle of a lake. Today, I want to talk about
25 environmental justice issues that the National

1 RAB Caucus has listened to and ask that I
2 present it to you in the form of a resolution.
3 In this regard, I want to thank Mr. Saul Bloom
4 for all his help and for financing this trip
5 here for me.

6 The resolutions are environmental justice
7 issues and it concerns Kelly Air Force Base.
8 "Whereas, the Quintana South San Antonio
9 neighborhood has known that Kelly Air Force
10 Base has spilled thousands of gallons of JP-4
11 fuel and intentionally dumped thousands of
12 gallons of TCE from the green worm vats; and,
13 whereas, jet fuel and trichloroethylene have
14 migrated into the groundwater and flow under
15 the same neighborhood homes, our streets, our
16 churches, schools and playgrounds; and,
17 whereas, this contamination has existed since
18 the 1980s and as of today -- this moment --
19 there is no plan to clean the neighborhood nor
20 is there any environmental justice for us.

21 And, whereas, our neighborhood concerns
22 range from health issues, devaluated property,
23 air quality, noise, environmental cleanup and
24 where it has become so unbearable that the
25 citizens have organized into groups to openly

1 criticize Kelly Air Force Base as a bad
2 neighbor for its failure to clean up the
3 contamination in a timely environmentally just
4 way; and, whereas, the Quintana Road citizens
5 do not believe that Kelly will clean up the
6 neighborhood; and, whereas, we see Kelly as a
7 faceless and caring entity that has ignored its
8 neighbors principally because we live in a
9 low-income minority neighborhood; and, whereas,
10 the idea of our children and our grandchildren
11 having to shoulder 30 more years of
12 contamination reinforces our beliefs; and,
13 whereas, these problems have been brought to
14 the attention of the Kelly RAB and whereas
15 Kelly has largely ignored the Mexican-American
16 neighborhoods adjacent to Kelly Air Force Base;
17 whereas, a member of the Kelly RAB who
18 represents the Quintana South San Antonio
19 neighborhood brought these problems to the
20 attention of the DERTF last year and received a
21 sympathetic hearing, but nothing has changed.

22 Therefore, be it resolved that DERTF call
23 on Kelly officials to develop communication
24 skills that respect the community and further
25 call on military officials to prioritize issues

1 of neighborhood health and property
2 devaluations, that DERTF call on EPA and DoD to
3 provide resources to the Quintana South
4 San Antonio neighborhood so that they can
5 educate themselves on issues surrounding base
6 cleanups; third, that DERTF call on EPA and DoD
7 to provide resources to the Quintana South
8 San Antonio neighborhood to solve the problems
9 caused by the migrating contaminants; fourth,
10 that DERTF call on EPA and DoD to support
11 programs and strategies that will provide the
12 neighborhoods with economic benefits and build
13 on its cultural and historical strengths; five,
14 that DERTF call on DoD and EPA to appoint
15 members of the Quintana South San Antonio
16 neighborhood who are also RAB members to sit on
17 the Base Closure Team where the decisions are
18 made for us that live in the contaminated
19 neighborhoods. And, finally, I want to add one
20 more -- that DERTF call on DoD and EPA to stop
21 the Air Force Red Horse from polluting our
22 neighborhood with noise, dust, grime and dirt.

23 Thank you very much. Muchisimo gracias.

24 MS. PERRI: Thank you. I think -- I
25 think we're going to -- Jean said -- to me --

1 about the Air Force --

2 MR. QUINTANILLA: I beg your pardon,
3 ma'am?

4 MS. PERRI: Thank you very much. We
5 have Jean Reynolds from the Air Force to say a
6 few words.

7 MS. REYNOLDS: Thank you,
8 Madam Chair. I'm Jean Reynolds. I work for
9 Secretary of the Air Force out of the
10 Pentagon.

11 I feel compelled to get back to some of
12 Mr. Quintanilla's comments made just now and
13 also some of those previously. The Air Force
14 has made a considerable investment into the
15 remediation of Kelly Air Force Base. To date,
16 we've invested over \$325 million and we
17 currently project our last remedy in place near
18 2001.

19 Now, I know an issue of considerable
20 concern to everyone is the ongoing public
21 health assessment that's being conducted by
22 ATSDR, our nation's public health experts.
23 That is not an Air Force document and the ATSDR
24 projects to have that published in the March
25 time frame. Now, what will occur in the next

1 three to four weeks is that ASTDR -- in
2 conjunction with Air Force medical leaders --
3 has agreed to conduct local medical training to
4 local medical practitioners on the public
5 health process. So, that's our -- one of our
6 vast initiatives -- to get out and talk with
7 the community on these very serious concerns.

8 Another issue was raised about the
9 environmental documents not being in Spanish.
10 That was raised in the last DERTF in July and
11 we did some research on that. Environmental
12 fact sheets are available in Spanish and in
13 English and the executive summary of the public
14 health assessment will also be as are ongoing
15 newsletters.

16 And, Mr. Quintanilla, in regards to the
17 Red Horse proposal -- that is still a proposal
18 and I would keep in mind that that is a reserve
19 Air Force unit -- and one in five members of
20 those reservists actually live on East Kelly.
21 Now, the public meeting on that proposal is the
22 10th of February and we encourage you as well
23 as other community members to please attend and
24 convey your comments.

25 MS. PERRI: Thank you -- and -- and

1 Mr. Quintanilla, were going to continue to work
2 with you to resolve these issues and we know
3 the Air Force --

4 MR. QUINTANILLA: May I respond to
5 some of that?

6 MS. PERRI: Sure.

7 MR. QUINTANILLA: Madam, I know some
8 of the people that live out in our neighborhood
9 that are members of the Air Force Red Horse
10 reserve unit and they're going to come in on a
11 weekend -- one weekend a month -- to plow out
12 to 25 to -- 25 to 30 acres of land that is
13 right on the fence line -- and our neighborhood
14 starts. Their purpose is to bring in their
15 heavy equipment -- to come in and dig up the
16 dirt and practice building runways there,
17 practice building roads with heavy equipment
18 and this is going to be done on one weekend a
19 month -- Saturday and Sunday -- start at
20 7:00 o'clock and finish at 5:00 o'clock. You
21 wouldn't want them in your neighborhood.
22 Neither do we. I am -- as soon as I get back
23 Friday night -- tomorrow -- I am going to
24 meet with the commander and I'm going to tell
25 him that we have a spot for him. We have gone

1 out to a rancher who is willing to give them 30
2 acres of land outside the city limits where
3 they can -- fenced around -- where they can
4 put their heavy equipment and work in that
5 area. We don't want them in our neighborhood.

6 Concerning the ATSDR report of the people
7 coming in with their -- with their medical
8 people -- they have contacted us. We have gone
9 to the hospitals and we have gotten the
10 hospital people to -- to -- to train us as to
11 how we can determine whether we have been --
12 our illnesses are contaminated-related. The
13 Air Force is great on public relations, but the
14 fact remains that 20,000 homes have been
15 impacted by this migrating plume -- and that
16 plume continues to grow four miles beyond the
17 fence line. Ten years we have waited for -- to
18 have drainage in our neighborhood. Ten years
19 ago, in 1988, we started having that drainage
20 for our neighborhood. The workers were
21 overcome when the excavation started. The
22 ditch -- The drainage ditch was covered. We're
23 still waiting for drainage. We're still
24 waiting for an environmental cleanup plan for
25 our neighborhoods. Where is the environmental

1 justice for us? When will we have an
2 environmental plan?

3 Thank you very much -- to clean up our
4 neighborhood.

5 MR. CHOUDHURY: Thank you very much.

6 Ms. LeVonne Stone?

7 MS. STONE: I am very tired at this
8 point and I don't know if I'll be able to read
9 through this -- this whole thing here. Oh,
10 from the personal statement?

11 Okay. Thank you. I guess I'm a little
12 confused about the process here.

13 Okay. What I'm going to talk about --
14 very briefly -- is environmental justice in my
15 community, Monterey, which is adjacent to where
16 we are right now -- not that far -- and I
17 want to say that if prayer works and there is
18 hope for the Native American tribes, I know
19 that there is hope for me and the
20 African-Americans in my community that is not
21 that far from here.

22 This statement was -- is supported by the
23 RAB Caucus -- and I'll read the whereas --
24 there's more whereases. Please bear with me.
25 The Fort Ord RAB is not reflective of the

1 diversity of the surrounding community and,
2 whereas, community members of the Fort Ord RAB
3 have suffered reprisals from Army officials who
4 did not agree with the outreach efforts to
5 people of color; and, whereas, Army officials
6 did not permit those RAB members most active in
7 recruiting new members to review applications;
8 and, whereas, new community members did not
9 receive training and technical issues and their
10 full participation rights; and, whereas, Army
11 officials encourage conflict among community
12 members of the RAB; and, whereas, the RAB was
13 not permitted to review the leases for
14 residential properties. Therefore, let it be
15 resolved that the Army will actively assist the
16 Fort Ord RAB to recruit members reflecting the
17 diversity of the affected cities -- is this
18 on -- and the RABs will reconsider reuse
19 issues as they relate to cleanup and Army
20 officials at Fort Ord will receive special
21 training in community outreach and RAB
22 community members will receive information and
23 training about technical issues and the full
24 participation rights of RAB community members
25 from independent experts and people of color

1 are not put into competitive situations that
2 undermine the task of particular RAB members in
3 their respective communities and the community
4 environmental justice representative to the RAB
5 interacts with the EPA Department of
6 Environmental Justice and the EPA public
7 participation representative in a collaborative
8 effort to make sure that our RAB is effective
9 in our community and that public participation
10 across the board will be embraced.

11 MS. PERRI: Thank you very much.

12 Next speaker, please.

13 MR. CHOUDHURY: Ms. Marianne
14 Thaeler.

15 MS. PERRI: Why don't we move to the
16 next speaker? When Marianne comes in, we'll
17 take her comments.

18 MR. CHOUDHURY: Okay.

19 Ms. Mary Butler? I believe Ms. Thaeler is
20 here.

21 MS. THAELER: Thank you. I just
22 wanted to make one comment. Please write
23 redundancy in capitals on all of your pads.
24 When we were talking about institutional
25 controls and land use controls, layering was

1 mentioned -- and that's great in terms of
2 internal within an institution -- but when out
3 with the public, what you have to do is have
4 redundancy so that everything you talked about,
5 all the different options, all should be
6 used -- and an example -- there are two
7 examples -- but one is that -- you're in
8 San Francisco and during -- all the public
9 records -- birth, death and marriage records --
10 were in the county courthouse -- and there were
11 multiple copies there -- and it burned up in
12 the earthquake and fire. So, that if there had
13 been redundancy around, all those records would
14 not have been permanently lost.

15 The same thing with some of their -- our
16 title records having to do with what was
17 buried. An example is Aberdeen Proving
18 Ground. They very carefully found them very
19 perfectly stored in a cardboard box in a
20 closet. And what he consider to be adequate
21 protection now, which may be electronic, may be
22 old-fashioned 100 years from -- ago -- from
23 now -- when that information may be needed and
24 we're all gone. So, it's like -- I just wanted
25 to have you put on your -- on your pads,

1 "Redundancy is good."

2 Thank you.

3 MS. PERRI: Okay. Thank you. Shah,
4 how many more speakers to we have? It's now
5 8:30.

6 MR. CHOUDHURY: Yes. I want to point
7 out it is 8:30. That's the end of the --

8 MS. PERRI: Right.

9 MR. CHOUDHURY: -- community
10 stated -- public meeting for our comment
11 period.

12 MS. PERRI: Right.

13 MR. CHOUDHURY: We have ten more
14 people --

15 MS. PERRI: Okay. I'll ask the DERTF
16 members: Would you agree to stay for the
17 remaining comments? Can everybody stay? If
18 you can't, that's fine.

19 Okay. We just need a quorum. Okay.
20 We're going to --

21 MR. CHOUDHURY: The quorum is --

22 MS. PERRI: We'll ask everyone to
23 kindly expedite this if they could. I know
24 many people we've heard from yesterday -- and
25 as Shah calls you, if you could give us your

1 suggestion or comment quickly, we'd really
2 appreciate it.

3 Okay. Let's move on.

4 MR. CHOUDHURY: Ms. Mary Butler.

5 MS. BUTLER: Good evening. This is
6 going to be really short.

7 My name is Marilu Butler and I'm currently
8 a new member of the National RAB Steering
9 Committee. I'm also a member of the
10 Longview Naval complex. I'd like to take this
11 opportunity to thank the DERTF members for
12 letting us speak before you and also
13 cooperating in enabling us as the caucus to
14 organize our presentations for tonight so that
15 we may provide the best possible testimony for
16 you.

17 The National RAB Caucus is comprised of
18 50 RABs from around the United States and
19 approximately 15 community co-chairs and we are
20 growing. Tonight, the Caucus will present a
21 series of issues for your consideration. And
22 on that note, I would just say thank you very
23 much for staying here late to even listen to
24 us. We really appreciate it.

25 So, to cut mine short, I'd just like to

1 say -- in closing -- please be open,
2 sensitive and responsive to the issues put
3 before you tonight.

4 Thank you.

5 MS. PERRI: Thank you very much.

6 Next speaker, please.

7 MR. CHOUDHURY: Mr. Curt Gandy -- and
8 he provided some written comments that I'm also
9 passing out.

10 MR. GANDY: Good evening. Again,
11 thank you, DERTF members, for staying. I know
12 it's been a long day.

13 National RAB Caucus regulatory issues --
14 legal issues: The National RAB -- Restoration
15 Advisory Board Caucus finds the DERTF, Defense
16 Environmental Restoration Task Force, has been
17 a forum for public input to the military,
18 regulators, federal and state governments on
19 BRAC cleanup. Members of local RABs have used
20 the DERTF to bring problems to the attention of
21 government agencies that make up the DERTF.

22 We are concerned that DoD, Department of
23 Defense, may be attempting to dissolve the
24 DERTF through budget cuts. The RAB Caucus
25 believes it's important that the DERTF/RAB

1 dialogue continue, based on the principles
2 outlined in the FFERDC -- or the Federal
3 Facilities Environmental Restoration Dialogue
4 Committee final report -- which, by the way,
5 DoD consents to -- over past -- over the past
6 several years, the National RAB Caucus members
7 have raised their concerns with DERTF. We have
8 identified some of the many problems associated
9 with RABs at the local and national level.
10 State and federal regulators are not regulating
11 DoD because of state co-option by Defense State
12 Memorandum of Agreement and -- DSMOA -- or in
13 the case of EPA, the Environmental Protection
14 Agency, the unitary executive theory where
15 federal agencies cannot sue one another.

16 The DoD is not listening to the concerns
17 of community members of RABs and continues to
18 do business in a process that basically ignores
19 FFERDC guidelines and other regulatory
20 requirements, such as the NCP, the National
21 Contingency Plan, nine criteria for remedy
22 selection requiring meaningful involvement and
23 community acceptance. If DoD continues to
24 ignore the concerns of RABs, we will take these
25 issues to whatever forum is necessary for

1 proper resolution of those issues. The
2 National RAB Caucus believes that the DERTF can
3 help DoD to resolve these issues in a
4 cooperative fashion. The evidence indicates
5 that there are RABs that are not working the
6 way FFERDC had intended.

7 This committee -- referring to FFERDC, the
8 Federal Facilities --

9 MS. PERRI: Right.

10 MR. GANDY: I think you know what I'm
11 talking about.

12 MS. PERRI: We know what you're
13 talking about.

14 MR. GANDY: Yes. Thank you.

15 This committee intended that RABs be full
16 participants in all phases of the
17 decision-making process. In the light of this
18 ongoing problem, we hope the DERTF will provide
19 a non-adversarial vehicle for making
20 improvements. At least one ground-breaking
21 citizen suit regarding a convoluted base
22 closure, cleanup and reuse process has
23 significantly delayed property transfer
24 involving unresolved health and safety issues.
25 We would like to -- We would like the DERTF to

1 play a role that would eliminate the need for
2 litigation at other bases. DERTF should remind
3 DoD of its obligation to comply with all
4 applicable state/federal laws/regulations,
5 including the National Contingency Plan,
6 CERCLA, RCRA, the Federal Facilities Compliance
7 Act, NEPA, the Clean Water Act, the Safe
8 Drinking Water Act -- I could go on, but --
9 et cetera.

10 Additionally, American Indian Native
11 agreements signed by the federal government
12 related to land rights and "to trust
13 responsibility," quote, unquote, provide an
14 important protection for native rights. We
15 recognize that an executive order delegates to
16 the Secretary of Defense the authority to
17 select remedies at active and formerly-used
18 defense sites. However, this should not be
19 interpreted as military sovereignty that allows
20 the military to escape environmental
21 regulations that are applicable to everyone
22 else.

23 As FFERDC -- excuse me -- as the
24 FFERDC -- or Keystone Final Report says -- and
25 I quote -- "The community involvement process

1 should provide opportunities for the general
2 public, both to get information about cleanup
3 activities and to affect decisions. These
4 efforts are an integral part of the cleanup
5 programs and should be considered a basic cost
6 of doing business." Emphasis added.

7 Thank you very much.

8 MS. PERRI: Thank you.

9 MR. GRAY: Can I ask one quick
10 question? Curt?

11 MR. GANDY: Yes.

12 MR. GRAY: I thought I heard you say
13 when you were talking about co-option of the
14 regulators --

15 MR. GANDY: Yes.

16 MR. GRAY: -- referred to -- through
17 use of DSMOA funds, yet we've heard from many
18 other people here today that cutting back those
19 funds -- particularly in the State of
20 California -- has been a serious impediment to
21 cleanup at these facilities. Do you have any
22 suggestion of how we can get around this
23 problem?

24 MR. GANDY: Yes. Actually, we had a
25 discussion about that because it -- it appears

1 that it's contradictory -- I mean, within our
2 group. There's several -- There's several --
3 you know, two opinions, basically -- and --
4 you know, they either need to fully fund DSMOA
5 and really make it work or else end it and
6 we'll go back to tort litigation and cost
7 recovery. Because as -- you know, the analogy
8 is: We have a patient here in intensive care
9 and it takes seven drips a minute to keep him
10 alive and you give him four or six and they're
11 hanging in this quasi-limbo state and that's
12 what we're doing to the entire country
13 regarding base cleanup. You either need to
14 fully fund it and make it work or else
15 eliminate it and let's go to another process.

16 MR. GRAY: Thank you.

17 MR. CHOUDHURY: Thank you.

18 Ms. Pamela Miller?

19 MS. MILLER: Hi. I'm presenting
20 these comments on cleanup problems on behalf of
21 the National Caucus of Community Restoration
22 Advisory Board members -- and this statement
23 was endorsed by that -- that group -- and these
24 comments were prepared by Richard Bailey,
25 Nathan Brennan, Ken Kloc, Arlene Thomas and

1 Barry Brummit -- all members of the National
2 Caucus of Community Restoration Advisory Board
3 members.

4 We've divided this into a series of
5 problems and what we see as solutions. First
6 problem: At many installations, contamination
7 extends beyond installation boundaries. This
8 contamination may be airborne, waterborne or
9 carried by affected biota. DoD has not taken
10 full responsibility for adequate sampling and
11 cleanup of these contamination problems that
12 have advanced beyond installation boundaries.
13 These contamination problems affect wildlife,
14 ecosystems and community health and
15 well-being.

16 We remind the Department of Defense of its
17 obligation under Chapter 2 of the FFERDC
18 document, April, 1996 -- the document states,
19 quote, "The federal government has caused or
20 permitted environmental contamination,
21 therefore, it has not only a legal but an
22 ethical and moral obligation to clean up that
23 contamination in a manner that, at a minimum,
24 protects human health and the environment and
25 minimizes burdens on future generations. In

1 many instances, this environmental
2 contamination has contributed to the
3 degradation of human health, the environment
4 and economic vitality of local communities.
5 The federal government must not only comply
6 with the law, it should strive to be a leader
7 in the field of environmental cleanup, which
8 includes addressing public health concerns,
9 ecological restoration and waste management,"
10 end quote.

11 We present -- excuse me -- examples,
12 such as the community of San Antonio affected
13 by the contamination of groundwater from
14 Kelly Air Force Base and a contamination of
15 subsistence resources necessary for the
16 cultural survival of Alaska native peoples and
17 others. Solution: The DoD must be accountable
18 to affected communities and responsible for the
19 cleanup of contamination problems that extend
20 beyond installation boundaries to ensure
21 long-term protection of community health and
22 well-being.

23 Problem No. 2: Cleanup has been hampered
24 by inadequate and incomplete site
25 characterization. Deficiencies in site

1 characterization have produced inconclusive and
2 inaccurate remedial investigations and risk
3 assessments. DoD has accepted shoddy technical
4 work from contractors with a vested interest in
5 serving the DoD rather than the communities.
6 We urge that the Department of Defense use
7 minority contractors when possible. Solution:
8 DoD must establish an independent scientific
9 review process for remedial investigations,
10 feasibility studies and risk assessments -- for
11 example, the National county of Science or the
12 National Research Counsel.

13 Problem No. 3: We oppose the trend toward
14 unnecessary reliance on institutional controls
15 as solutions to cleanup problems.

16 Institutional controls have not been proven to
17 adequately protect the environment, human
18 health and safety. Solution: Institutional
19 controls should not only be used as a last
20 resort -- sorry -- should only be used as a
21 last resort and only as an interim solution,
22 not a permanent solution. We remind the DoD of
23 their obligation to future generations.

24 We oppose the trend toward unnecessary
25 reliance on natural attenuation as a remedy for

1 contamination problems created by the
2 Department of Defense. Natural attenuation has
3 not been proven -- particularly in the case of
4 long-lived contaminants, including
5 organochlorine contaminants, such as PCBs and
6 dioxins; radioactive materials and heavy metals
7 such as mercury and lead -- to adequately
8 protect the environment, human health and
9 safety. Solution: DoD should affirm a
10 commitment to source removal and active
11 treatment of remaining contamination as
12 consistent with the National Contingency Plan.

13 And, now, Richard Bailey will present the
14 second half of the document that we came to --
15 together on cleanup problems.

16 MS. PERRI: Okay. And I -- I just
17 want to know -- for the record, I'm happy to
18 just accept your statement as a -- if -- if a
19 few people would want to compromise on that.

20 MR. BAILEY: Continuation of cleanup
21 problems --

22 MR. CHOUDHURY: Excuse me, sir.
23 Could you state your name?

24 MR. BAILEY: Richard Bailey.
25 Continuation of the paper on cleanup problems:

1 Problem No. 5: DoD has backslided on its
2 obligation to fully protect human health and
3 safety. An example of this trend may be found
4 in the -- in the, quote, "Management Guidance,
5 Defense Environmental Restoration Program,"
6 March, 1998 -- comma -- which states that the
7 risk management decision should be made by --
8 this -- is a quote here -- "considering the
9 most likely or currently proposed land use when
10 negotiating cleanup levels with regulatory
11 agencies prior to completing records of
12 decisions or decision documents rather than
13 assuming the most conservative land use
14 scenario," unquote. Solution: Under CERCLA,
15 cleanup levels are determined based upon health
16 and environmental considerations and should not
17 be a matter of economically and
18 politically-motivated negotiations. In
19 addition, CERCLA also calls for considering
20 reasonable future use, not just probable use.
21 Using the most probable future use is likely to
22 result in non-protective remedies. DoD must
23 utilize the most protective health-based
24 cleanup standard as required by CERCLA.

25 Problem No. 6: Many of the installations

1 have incomplete -- incomplete
2 characterizations. Chosen remedies have
3 failed. Solution: DoD must be held
4 accountable and ensure adequate funding for
5 necessary future corrective actions and must
6 conduct scientifically valid comprehensive
7 long-term monitoring to identify and correct
8 failed remedies.

9 Problem No. 7: DoD secrecy hinders the
10 ability of the public to evaluate the extent of
11 the environmental and health threats and our
12 ability to identify needs for corrective
13 action. This is particularly true with regard
14 to radiological hazards, biological and
15 chemical warfare agents, unexploded ordnance,
16 conventional weapons on or around DoD
17 production, storage and testing areas.
18 Solution: DoD must adopt a policy that
19 maximizes openness and complete
20 characterization of all its cleanup
21 operations.

22 Problem 8: At present, RAB members often
23 find that access to documents and technical
24 assistance is insufficient. Solution: RAB
25 members must be given unrestricted access to

1 all documents. RAB members must be given the
2 necessary financial resources to enable the
3 acquisition of independent technical
4 assistance, properly evaluate and interpret --
5 pertaining to cleanup decisions.

6 Problem No. 9: DoD must prioritize the
7 environmental cleanup. Solution: DoD must
8 recognize the protection of the environment and
9 human health is critical to national
10 security -- is a critical national security
11 issue and must become a national priority.

12 Thank you.

13 MS. PERRI: Okay. Thank you.

14 Next speaker.

15 MR. CHOUDHURY: Thank you. Ms. Chris
16 Shirley?

17 MS. SHIRLEY: Hi. In the interest of
18 time -- Chris Shirley from Arc Ecology. I'm
19 going to summarize our statement from the RAB
20 Caucus.

21 MS. PERRI: Thanks.

22 MS. SHIRLEY: We made --

23 MS. PERRI: And we'll -- we'll insert
24 the complete statement.

25 MS. SHIRLEY: Yes. I'll give it to

1 you.

2 MS. PERRI: So, don't worry about
3 that. Thanks.

4 MS. SHIRLEY: We made seven findings
5 and offer some solutions. The first one is
6 that RABs tend to be isolated from one another
7 and, consequently, RABs are not aware of the
8 resources available to them -- and I want to
9 suggest two resources that we would like made
10 available to us. One is a catalog of abstracts
11 from the TAPP grant program so that we can see
12 what other RABs are asking for and what has
13 been funded. Second, we want the resource
14 book -- which is right here -- to be updated
15 and to include more technical information.
16 It's a very thin book. We want something more
17 like the Air Force guide that has more
18 technical information about cleanup and
19 budgeting and process and what have you -- and
20 we like RAB members to be involved in the
21 scoping and -- of the RAB resource book.

22 Our second finding is that RABs do not
23 have enough administrative support and that
24 it's not -- we don't have enough say in how
25 that funding is allocated. We'd like that

1 rectified.

2 The third one is that RABs still do not
3 have adequate technical support. We appreciate
4 the TAPP grants, but would like something a
5 little beyond it. We suggested there be a line
6 item in the administrative budget that allows
7 for quick short-term projects to respond to
8 issues that were brought up during the comment
9 periods -- technical support -- real quick
10 projects. We also suggest that every RAB be
11 given the opportunity to create a resource
12 center that includes technical documents, reuse
13 documents, journals, newsletters, a computer
14 with web access and other tools useful for
15 evaluating documents -- and the center should
16 also have a small group meeting center.

17 Fourth: RAB members do not have adequate
18 training. We would like DoD to fund regional
19 training for RABs and also to provide funds for
20 RAB members to attend technical meetings and
21 conferences.

22 We want -- Fifth: We want DoD to
23 encourage participation at remedial project
24 meetings -- and I think I've spoken to that
25 already. We believe that RAB members can bring

1 something to those meetings that's not
2 available in the scientific world.

3 Six: We want the Defense Department to be
4 held accountable for performance of RABs, not
5 just the existence of them. RABs seem to be
6 viewed as a necessary evil and they're not part
7 of the evaluation process. So, we want DoD to
8 define a Measure of Merit that speaks to RAB
9 performance and we want RAB members to help in
10 scoping the criteria for that Measure of Merit.

11 And, seventh: We want decisions made on a
12 base level and not on a regional level. The
13 regional decision-making tends to discount
14 local community concerns and input and we feel
15 this is unacceptable.

16 Thank you.

17 MS. PERRI: Thank you.

18 Next person, please.

19 MR. CHOUDHURY: Thank you. Ms. Eve
20 Bach.

21 MS. BACH: This is the National RAB
22 Caucus' positions on funding issues and land
23 use -- and I'm also going to try and summarize
24 because of the hour.

25 The first -- on the DSMOA funding. We're

1 concerned that the cuts in DSMOA funding is
2 undermining the proper functioning of the whole
3 BCT system and we strongly urge DERTF to call
4 for adequate federal funding for DSMOA.

5 Secondly, on the EPA funding, the funding
6 of federal and state environmental protection
7 agencies through the BRAC and DERP budgets has
8 resulted in inadequate funds and what we're
9 calling for is direct funding of federal and
10 state regulatory agencies to deal with their
11 responsibilities in the BRAC cleanups.

12 Third, on cleanup funding, we're concerned
13 that the Defense Department is not developing
14 budget requests that -- through a bottom-up
15 process that starts with the needs at the site
16 level. We remind you about Executive Order
17 12088 issued in 1978 that requires heads of
18 federal agencies to request sufficient funds in
19 their budget submissions to OMB to meet all
20 pollution abatement requirements and the
21 solution to that is to follow the executive
22 order.

23 For cuts in federal funding, we're
24 concerned that cuts in the current year budget
25 for the Army and Navy -- and we haven't had any

1 confirmed -- any confirmed information about
2 them in the Air Force -- will hamstring cleanup
3 and that cleanup fund should not be treated as
4 a source to be raided whenever the department
5 overspends its budget. And our solution is
6 that we need to have full funding of cleanup.
7 If unbudgeted expenses require adjustments in
8 the Defense Department's budget, they should be
9 made across the board.

10 On RAB funding, we also would like to have
11 bottom-up funding of RAB that starts with the
12 needs. On land use, we're concerned that some
13 RABs are being informed that they may not
14 discuss land use issues. The March 1998 DERP
15 management guidance states that RAB
16 responsibilities include, quote, "Interacting
17 with the local reuse authorities or other land
18 use planning bodies to discuss future land use
19 issues relevant to environmental restoration
20 decision-making." And our solution is to make
21 sure that RABs are aware of this management
22 guidance.

23 And on institutional controls, we're
24 concerned that institutional controls are being
25 substituted for treatment and removal remedies

1 and we are -- our solution is to reserve
2 institutional controls for situations in which
3 treatment or removal remedies are technically
4 infeasible.

5 And, finally, we see as a problem that the
6 DoD is using institutional controls to reduce
7 its own cleanup costs and increasing the cost
8 to state and local agencies in the process
9 through the use of institutional controls. And
10 our solution is to clarify that when
11 institutional controls are components of the
12 cleanup remedy that DoD must assume
13 responsibility for the full costs of
14 institutional controls through time.

15 Thank you.

16 MS. PERRI: Okay. Thank you.

17 Next speaker, please.

18 MR. CHOUDHURY: Mr. John Essington.

19 MR. ESSINGTON: My name is
20 John Essington and I'm the community co-chair
21 of the Long Beach Naval Complex.

22 This statement of public participation and
23 involvement was prepared by Sandra Jaquith,
24 LeVonne Stone, Lyle Talbot, Humberto Aguirre,
25 Jeff Green, Rick Warner, Jim Knipp, Myra Hayes

1 (sic), Mary Butler, Andre Belcher and myself.
2 It was, then, confirmed by consensus of the
3 National RAB Caucus.

4 The National RAB Caucus has discussed the
5 extent to which the DoD and the U.S. EPA have
6 included the public in meaningful public
7 participation and we make the following
8 report: After two years of work, the DoD and
9 the U.S. EPA assigned the Final Federal
10 Facilities Environmental Restoration Dialogue
11 Committee document in 1996 and by signing the
12 document the DoD and the U.S. EPA form a
13 contract with and make a commitment to citizens
14 regarding public involvement and
15 participation.

16 Upon review of our experiences in the
17 public participation process, we find that the
18 DoD and the U.S. EPA have failed to perform
19 their responsibilities and promises as set
20 forth in the Keystone Report. Let us be more
21 specific. DoD and U.S. EPA are not taking
22 citizens seriously.

23 The Keystone Report sets forth a structure
24 for citizens advisory boards that should
25 facilitate public stakeholder input at all

1 levels of decision-making process. DoD took
2 the resolutions of the Keystone Report, removed
3 the elements of consensus, added DoD and U.S.
4 EPA as voting members and created a
5 restitution -- a Restoration Advisory Board in
6 a diminished form of the Keystone
7 recommendations.

8 One of the major issues identified by
9 Restoration Advisory Boards of the National RAB
10 Caucus is the substantive meaning of the word
11 "advisory." Advisory means that citizens give
12 advice to the military and regulators during
13 the decision-making process. It is the
14 experience of almost all of the National RAB
15 Caucus members that citizens are not permitted
16 to be involved in any and/or all stages of the
17 decision-making process.

18 In addition to giving advice, the Keystone
19 Report defines the fundamentals of any
20 community involvement effort as transparent,
21 open, interactive, inclusive and responsive.
22 The members of the National RAB Caucus find
23 that these fundamentals are usually missing
24 from public involvement at DoD sites.

25 Sandra Jaquith will continue this

1 statement.

2 MS. JAQUITH: Thanks for your
3 indulgence of time -- and I'll summarize when I
4 can, but I hope you'll appreciate that when
5 50 of us reach consensus there are times when
6 the wording is pretty important.

7 First and foremost -- and we cannot
8 emphasize this enough -- DoD and U.S. EPA must
9 commit themselves to including citizens in all
10 stages of the decision-making process -- and I
11 know you've heard us say that a lot in the last
12 couple of days. This means providing
13 information and data and discussing information
14 and data and receiving advice and input from
15 the citizens before the decision is actually
16 made. Then, DoD and U.S. EPA must consider the
17 citizen advice and report back to the community
18 members about how they used or didn't use the
19 advice, using a dialogue format in order to
20 reach resolution of any of the related
21 concerns.

22 If the citizens are not included in the
23 actual process of decision-making, nothing else
24 in the Keystone Report or in the RAB guidance
25 or at RAB meetings is important. We are not

1 interested in continuing to participate in
2 DoD's illusion of public participation. We are
3 not willing to be pawns of DoD public
4 relations. Public participation will only
5 improve when the DoD actually engages in
6 substantive dialogue before decisions are
7 made.

8 We hereby formally request that DoD and
9 U.S. EPA commit themselves to the substantive
10 inclusion of community members of RABs in any
11 and/or all parts of the decision-making process
12 in remediation at military sites. If DoD is
13 willing to commit to involving RABs in the
14 decision-making process, we request that they
15 follow the recommendations of the Keystone
16 Report as set forth on Page 34 which states
17 that the federal facility cleanup
18 decision-making processes should strive to --
19 and I'll summarize some of these as we've
20 listed them in our written statements for
21 you -- but a couple of the key ones are to
22 create a process in which communities and
23 agencies are seen as equal partners in this
24 process, to establish productive working
25 relationships, to increase the accountability

1 of the federal agencies, to demonstrate an
2 enduring commitment to environmental justice,
3 to develop linkages among the communities and
4 stakeholders throughout the nation about
5 information that can be shared, to ensure that
6 all of these environmental regulations are
7 implemented equitably across the board -- and I
8 think that's something else that you've heard
9 as a common theme in the last couple of days --
10 and to provide access to resources and
11 information, et cetera, so that people can
12 actually participate.

13 In order for these guidelines to be
14 effective, it is essential to reestablish a
15 process for decision-making that encourages
16 united judgment in order to allow the group as
17 a whole to achieve the most comprehensive and
18 mutually agreeable solution. This means that
19 DoD, U.S. EPA, polluters and other parties
20 should serve only as ex-officio members of the
21 RAB. By thus providing a positive working
22 atmosphere at the RABs, DoD can demonstrate
23 their commitment at the federal, state and
24 local levels as well as throughout the
25 communities.

1 We further recommend and request that base
2 closure teams and/or remedy implementation
3 teams and/or land reuse authority boards
4 include RAB community member representation and
5 input. A complete and equitable application of
6 these principles in all stages of the
7 decision-making process will provide a level
8 playing field for all participants and will
9 ensure that all people and communities are
10 treated equitably.

11 In addition, all RAB members must continue
12 to reach out to members of the community and
13 ensure that local affected communities,
14 including indigenous peoples, low-income
15 communities and people of color as set forth in
16 the Keystone Report are included. This does
17 not currently exist.

18 We are often told that the process set
19 forth in the Keystone Report is infeasible and
20 that it's a utopian concept. That is not our
21 experience. First, the Keystone Report itself
22 was created through the same type of process
23 they recommend. In addition, we have at least
24 one example of a RAB, a member of the National
25 RAB Caucus, that follows the Keystone Report

1 and operates according to FFERDC guidelines.
2 That RAB is an effective and successful
3 participant in the federal facilities
4 remediation process and we would like to see a
5 continued effort by both DoD and U.S. EPA to
6 expand such successes.

7 The question, then, remains: How can DoD
8 and U.S. EPA be held accountable for
9 accomplishing these principles? At present,
10 DoD and U.S. EPA assess their own progress. It
11 is now time for the community members of the
12 RABs to assess the progress that DoD and U.S.
13 EPA have made and continue to make in regard to
14 the promises and standards set forth in the
15 Keystone Report.

16 Thank you.

17 MS. PERRI: Okay. Thank you.

18 Next speaker, please.

19 MR. CHOUDHURY: Thank you.

20 Ms. LeVonne Stone.

21 MS. STONE: I stand before you again
22 to talk about environmental justice. This is a
23 statement from the National RAB Caucus.

24 We feel like this is a very important
25 statement -- a very important statement to put

1 emphasis on because we understand that the
2 environmental justice department is very small
3 and underfinanced and there's a big -- there's
4 a large community out there of people that need
5 to really be brought into this process.

6 Whereas, military activities at many bases
7 disproportionately impact communities of color,
8 such as African-American, Native American,
9 Asian-American, and Latino and low-income
10 communities that have been traditionally
11 marginalized from the decision-making process.
12 These environmental justice communities need to
13 be included in all decisions that affect them.
14 And, whereas, the military impacts are both
15 environmental and economic affecting our
16 health, our well-being, our ability to engage
17 in our traditional life-styles, our right to
18 live a free -- a life free of stress and worry
19 about our health and the health of our
20 children, our right to a healthy economy and
21 our right to engage in economic activities that
22 do not harm us. And, whereas, Executive Order
23 12898 on environmental justice directs all
24 executive branch agencies/departments to
25 consult with environmental justice communities

1 in all federal actions/decisions that affect
2 such communities. And, whereas, the RAB
3 guidance for the Department of Defense includes
4 environmental justice community representation
5 as an essential element of a RAB, especially
6 when an environmental justice community is a
7 stakeholder or potential stakeholder in
8 future -- future land transfers, conveyances
9 and/or uses. And, whereas, the final report of
10 the Federal Facilities Environmental
11 Restoration Dialogue Committee recommends
12 environmental justice community representation
13 where applicable to all Restoration Advisory
14 Boards. And, whereas, the Department of
15 Defense is not accountable to environmental
16 justice communities for the disproportionate
17 impact of pollution and economic decisions on
18 their communities and has refused to take
19 ownership of these impacts. And, whereas, many
20 environmental justice communities are having
21 their health adversely impacted by the
22 pollution resulting from military activities on
23 bases. And, whereas, environmental justice
24 communities should be equal partners in
25 decisions made by the military that affect them

1 so profoundly. And, whereas, government and
2 state regulators and law enforcement officials
3 have not enforced environmental laws in
4 environmental justice communities, including
5 cleanup levels and reuse/redevelopment
6 decisions. And, whereas, at bases that are
7 closing, there is no sustainable plan or
8 strategy to mitigate the disproportionate
9 economic impact that environmental justice
10 communities experience.

11 Therefore, be it resolved that the
12 National Caucus recommends that the EPA and DoD
13 provide resources to environmental justice
14 communities to educate themselves on issues
15 surrounding base cleanups, conduct independent
16 testing and analysis and to allow the means to
17 influence outcomes. Be it resolved that the
18 National RAB Caucus recommends that the EPA and
19 DoD provide resources for assistance in
20 economic development targeted to the affected
21 communities immediately adjacent to the site.
22 Be it resolved that there must be programs and
23 strategies for community-based economic
24 benefit, such as community land banking,
25 set-asides and financial and technical

1 assistance that will strengthen and help build
2 on the inherent cultural and historical
3 strengths of impacted populations. And,
4 finally, be it resolved that the National RAB
5 Caucus recommends that there be an
6 environmental justice ombudsman (community
7 representative) to oversee actions regarding
8 economic development on a site-specific basis.

9 Thank you for bearing with me again.

10 MS. PERRI: Okay. Thank you.

11 MR. CHOUDHURY: Thank you. Next
12 speaker, Mr. Saul Bloom.

13 MR. BLOOM: My name is Saul Bloom.
14 I'm the Executive Director of Arc Ecology. As
15 you know, I'm the secretariat of the National
16 RAB Caucus as Arc Ecology. That concludes the
17 testimony of the Caucus tonight. I want to
18 impress upon the members of DERTF that this is
19 a five-day activity that these individuals
20 worked on the development of -- the background,
21 the discussion and ultimately the testimony
22 that you heard today.

23 You heard -- Our individual members have
24 spoken about what is and is not working.
25 You've heard a good deal of critical comment,

1 but we've also focused on what's positive. We
2 tried to show a balance of our experience. We,
3 through our consensus comments, have tried to
4 provide you with a list of issues and
5 solutions -- and, indeed, I do want to thank
6 all of you for the flexibility and respect that
7 you've shown members of the RAB Caucus -- and
8 while many of the RAB Caucus members and my
9 colleagues have expressed their thanks to me
10 and Arc Ecology for the funds that we've raised
11 to build the Caucus and to bring them here,
12 each of them has spent their own money. Some
13 of them as much as \$500 to come, participate in
14 this process and to speak to you at this
15 meeting -- and with all due respect to all of
16 the Defense Department people, members of
17 DERTF, contractors in this room, I wonder how
18 many others can make that claim.

19 And, so, what I would ask you today is to
20 join with me in saluting the members of the
21 National RAB Caucus.

22 (Audience applause.)

23 MR. BLOOM: Thank you for the
24 recognition of the commitment and sacrifice
25 these Americans have made on behalf of their

1 community and to make this process better.

2 I want to leave you with a couple of
3 thoughts: Mary Gusso (phonetic), yesterday,
4 told me that the RAB Caucus is not
5 representative of RABs, even though 20 percent
6 of RABs have participants in our group -- and
7 I'm willing to accept this challenge. But DoD
8 needs to release the names and addresses of all
9 RAB members. We need these names and addresses
10 for two reasons. One is openness. It is a
11 fundamental part of American democracy that we
12 know who it is that represents us and that we
13 have access to them, not through a filter --
14 that means the community co-chair system or
15 through the directory -- but directly so that
16 we can participate in this democracy. The
17 second is validation. Because in many
18 instances we find that there are regulators,
19 Defense Department employees and contractors
20 actually acting in the name of community
21 members. With this information, I guarantee
22 that within the year we will have two-thirds of
23 RABs with participants in the Caucus. And, so,
24 I make that challenge back to you. Release the
25 names and we will show you how many RAB members

1 consense on our opinion about how the process
2 is working.

3 The second point I want to make has been
4 made earlier and that's money. As we said, the
5 program needs full funding, protected funding.
6 No other entity, no other individual in this
7 nation is allowed so much latitude over funding
8 their cleanups.

9 And, so, I leave you with this final
10 thought: The military wants two more rounds of
11 closures. Let me submit to you, we have a deal
12 to make. In exchange for the hard work that it
13 will take over the next several months, we
14 would like to ask you for openness in the
15 release of RAB members' names and addresses.
16 We would also like full and protected funding
17 for cleanup, and in exchange for our support
18 for more base closures, we stand ready to work
19 with you. We stand ready to resolve the need
20 to reduce the size of our excess capacity and
21 to bring about cleanup and openness and full
22 participation in the base cleanup process.

23 We will be in Washington, D.C., in May for
24 our national conventions of RAB members. Our
25 success, your success, is in your hands.

1 Thank you very much for your time and
2 patience this evening.

3 MS. PERRI: Thank you. Is there --
4 Are there --

5 MR. CHOUDHURY: All right. That was
6 the last card that I had. At this point, is
7 there anybody in the audience that would like
8 to make remarks?

9 MS. PERRI: Who has not spoken.

10 MR. CHOUDHURY: Okay.

11 MS. PERRI: Okay. I want to thank
12 everyone for staying so late. I really
13 appreciate it. I just wanted to make sure that
14 we did hear from everyone as long as we were
15 here and available. So thank you-all for
16 staying.

17 Does anyone have any final comments,
18 otherwise, if not, I'd like to just adjourn the
19 meeting? Stan?

20 MR. PHILLIPPE: Just a -- Shah,
21 I'm sorry. I missed the first part. I was in
22 another meeting. But did the letters get
23 acknowledged?

24 MS. PERRI: Yes.

25 MR. PHILLIPPE: Okay. Just thinking

1 about all that we've heard from the public,
2 it's hard to get my arms around that -- and,
3 so, I'm -- I can focus on the part that maybe
4 is closest to home for myself and the work that
5 we're doing at the bases -- and I wonder if
6 there's some statement that we might -- DERTF
7 might make that kind of could encourage some
8 solution to some of the problems at -- that the
9 RAB folks have been communicating to us about
10 access to the decision-making process, for
11 instance -- and I haven't had a chance to work
12 this with anybody here. I did -- just a
13 minute ago -- discuss it with Don, but I -- I
14 just wonder if something -- that we could go on
15 record as saying -- might be one outcome of
16 having heard all of this -- and let me just
17 read a couple of sentences. "DERTF encourages
18 the RABs and the BCTs to work closely together
19 to ensure the public has opportunities at key
20 decision points in the cleanup process to
21 provide meaningful input prior to cleanup
22 decisions being made." For example -- One
23 example I thought of was -- joint meetings
24 between BCT and RABs to discuss remedial
25 alternatives might be a useful step in the

1 process -- or further -- except where it may be
2 inappropriate, BCT meetings should be open to
3 RAB members. I know it happens some places, so
4 it must not be illegal -- it works in some
5 places -- and I know that there are subjects
6 that the BCTs get into -- enforcement matters
7 or contracting matters or -- or topics that
8 might not be appropriate -- but there are a lot
9 of decisions that -- or discussions that go on
10 that -- you know, I don't have any problem
11 from -- from the part of the BCT that my folks
12 represent, so -- Is there something that we
13 might do to make a statement for the record
14 along that line?

15 MS. PERRI: I think -- you know,
16 Stan, I'll take everyone's opinion on that.
17 I -- you know, we have a certain situation with
18 two of the members here. We have one member
19 absent. But I'll -- I'll get your thoughts.

20 Pat? Thomas? Steve? Anyone.

21 MR. ROGERS: Yes. Actually --
22 perhaps just the first sentence -- which is
23 encouraging more coordination. I mean, at this
24 point -- partly due to the lateness of the hour
25 and everything else -- I'm sorry. What's the

1 problem?

2 MS. PERRI: Do we -- Okay.

3 MR. ROGERS: I mean -- I'm just -- I
4 think -- that is a -- something that I don't
5 think any of us can disagree with -- that there
6 needs to be more coordination. We hear that
7 the good RABs are where there is openness in
8 working together -- and there are many out
9 there that are good. I think it's useful to
10 say we encourage greater participation and
11 coordination. I would only add LRAs in there,
12 as well -- and -- at this point rather than
13 trying to get some agreement at what's midnight
14 my time on suggestions, maybe we can go with
15 the -- you know, I -- I would be supportive of
16 a general statement that we believe it's
17 appropriate.

18 MS. PERRI: Pat?

19 MS. RIVERS: Procedurally, can we
20 have a motion before the Task Force?

21 MS. PERRI: And a voting member has
22 to make a motion.

23 MR. ROGERS: I would make that
24 motion.

25 MR. GRAY: I would second it.

1 MR. CHOUDHURY: And the motion to the
2 effect?

3 MR. PHILLIPPE: Do you want me to try
4 to read it again and throw in LRAs?

5 MR. ROGERS: Yes -- just the first
6 sentence.

7 MR. PHILLIPPE: Okay. "DERTF
8 encourages RABs, BCTs and LRAs to work closely
9 together to ensure that the public has
10 opportunities at key decision points in the
11 cleanup process to provide meaningful input
12 prior to cleanup decisions being made.

13 MS. PERRI: Jim?

14 MS. RIVERS: Any discussion?

15 MR. WOOLFORD: If I may, it would be
16 remiss if -- and -- to have full inclusion, I
17 think we need to add local governments to that,
18 as well. I would amend that and add in local
19 government as part of that list -- because they
20 are part of the process and need to be brought
21 in.

22 MR. ROGERS: Right. I mean, this is
23 not intended to be exclusive.

24 MS. PERRI: Well, I'd add tribal
25 governments.

1 MR. ROGERS: Yeah. And maybe we --
2 yeah -- tribal -- other appropriate
3 governments.

4 MR. WOOLFORD: Yeah.

5 MS. PERRI: A sovereign nation.

6 MR. ROGERS: That's the difficulty
7 with drafting at late hours.

8 MS. PERRI: Well, would we -- would
9 we want to think about it -- you know, Paul's
10 not here.

11 MS. RIVERS: Any other discussion?

12 MS. PERRI: Brian?

13 MS. RIVERS: Shall we vote on it.

14 MR. POLLY: Pardon?

15 MS. PERRI: Sure.

16 MS. RIVERS: Do you want to call for
17 the vote?

18 MS. PERRI: Do you want to take a
19 vote? Thomas?

20 MS. RIVERS: Well, all in favor?

21 MS. PERRI: Oh. All in favor?

22 (Vote by the DERTF members.)

23 MS. PERRI: Okay. It's passed.

24 MS. RIVERS: Any opposed?

25 (Vote by the DERTF members.)

1 MR. CHOUDHURY: Okay. So, the motion
2 carries by unanimous vote of all the voting
3 members present.

4 Mr. Rogers moved it. Mr. Gray seconded it
5 and I will get the text from Mr. Phillippe, but
6 the motion was essentially to the effect that
7 DERTF encourages continued -- or continued
8 coordination by --

9 MS. PERRI: No.

10 MS. PERRI: -- people involved --

11 MR. PHILLIPPE: Don't even try it.

12 MS. PERRI: Don't try.

13 MR. CHOUDHURY: Okay. I'll get the
14 text later.

15 At this point, Madam Chair, I ask -- I
16 think it would be appropriate to ask for a
17 motion to adjourn.

18 MR. ROGERS: I would move we adjourn.

19 MR. GRAY: So moved.

20 MS. PERRI: Okay. Everybody agree?

21 Yes? Yes?

22 (Vote by the DERTF members.)

23 MS. PERRI: Aye? Okay. We're out of
24 here.

25 MR. CHOUDHURY: The meeting is

1 adjourned.

2

3 (Meeting adjourned.)

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1 STATE OF TEXAS *

2 COUNTY OF BEXAR *

3 I, JULIE A. SEAL, a Certified
4 Shorthand Reporter and Notary Public in and for
5 the State of Texas, do hereby certify that the
6 above and foregoing contain a true and correct
7 transcription of all proceedings, all of which
8 occurred and were reported by me.

9 WITNESS MY HAND, this the 17th day of
10 February, A.D. 1999.

11

12

13

Cert. No. 5160

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JULIE A. SEAL
Expires: Dec. '99 Certified Shorthand Reporter
and Notary Public in and for
(210) 377-3027 the State of Texas

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