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RESTORATION ADVISORY BOARD MEETING HELD ON 25 APRIL 1994 MILLINGTON
SUPPACT TN
4/25/1994
CAMPBELL AND CAMPBELL REPORTING

RESTORATION ADVISORY BOARD MEETING

**BE IT REMEMBERED, that the
above-captioned cause came on to be heard on
this the 25th day of April, 1994,
beginning at approximately 6:30 p.m. before
the Honorable CAPTAIN T. LAMAR WILLIS,
Chairman presiding, when and where the following
proceedings were had, to wit:**

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A P P E A R A N C E S

Captain LaMar Willis, Co-Chairman

David Porter

David G. Williams

Clint Willer

John A. Smith

Dr. David Watt

Tom Seale

Norman C. LaChapelle

Russell Neighbors

Darrell Molzan

Michael Hyne

Frank Ryburn

Phil Whittenburg

P R O C E E D I N G S

* * * * *

1
2
3 CAPTAIN WILLIS: Good evening. My
4 name is LaMar Willis. I'm the co-chair of the
5 Restoration Advisory Board, and I don't have any
6 friends, and that's why I'm sitting up here by
7 myself because no one will sit by me.

8 Actually, I'd like to welcome you all
9 to our Restoration Advisory Board meeting. Most
10 recently we have gone from a monthly to a
11 bi-monthly venue, and this is the first one of
12 those since we have done that.

13 As has been our tradition, I'd like to
14 go around and introduce for those of you out
15 there who your board members are. Here on my
16 immediate right, we have Mr. John Smith,
17 Dr. David Watt, Mr. Tom Seale, Mr. Norman
18 LaChapelle, and over here on the left, we have
19 our Base Cleanup Team who participates as a part
20 of the Restoration Advisory Board. We have
21 Mr. Clint Willer with the State of Tennessee;
22 Mr. David Williams, Environmental Protection
23 Agency, Region 4; and David Porter who is an
24 environmental engineer, works with the Navy from
25 Charleston, but he is my BEC, base environmental

1 coordinator.

2 Now, having said that, for all the
3 members of the board, I trust that you received
4 copies of your minutes from the last meeting.
5 Just a survey, did you get those in a timely
6 manner? Have you had a week or two to read
7 those ---

8 MR. SMITH: Oh, yeah.

9 CAPTAIN WILLIS: --- enough time
10 to read them? Are there any corrections to the
11 minutes from the last board meeting?

12 MR. SMITH: No, sir.

13 CAPTAIN WILLIS: Okay, since --
14 having no corrections, then I move that we'll log
15 the minutes as is and make them an official part
16 of the record. Everyone in agreement?

17 MR. SMITH: Yes, sir.

18 MR. WILLIAMS: Yes, sir.

19 CAPTAIN WILLIS: All right, let
20 the record show that everyone agrees. All right,
21 tonight's agenda, we've got our normal update,
22 which will be given by Mr. David Porter of the
23 status on the cleanup actions that are underway
24 on the base.

25 Today since we are near the anniversary

1 of the establishment of the Restoration Advisory
2 Board, as you recall, we are going to take a look
3 at our charter in light of one-year's experience
4 and see if anyone has any thoughts on changing
5 it, also, talk about the chairmanship, and I'm
6 anxious for someone to volunteer here to take
7 that position.

8 Actually, we'll discuss co-chairmanship
9 and changes that -- if we'd like to -- if the
10 board members would like to see that, and
11 membership and attendance, and Mr. Clint Willer
12 will lead that discussion.

13 Then we're going to have an update on
14 the status of our Environmental Impact Statement.
15 As you recall, that's a statement that's -- a
16 study that's underway for the north side of the
17 base that affects the realignment and reuse of
18 the airfield, Mr. Darrell Molzan. Did I
19 pronounce that correctly, Molzan?

20 MR. MOLZAN: Yes, sir.

21 CAPTAIN WILLIS: Okay, they're
22 from Southern Division, Naval Facilities
23 Engineering Command and will give us an update on
24 that. Report from the members on presentations
25 to Community Groups, Dr. Watt, are you going to

1 do that or, John, are you going to do that?

2 MR. SMITH: No, sir.

3 DR. WATT: No.

4 CAPTAIN WILLIS: Neither one of
5 you? Okay.

6 DR. WATT: Well, I thought we had
7 covered that one that I gave at the Kiwanis Club,
8 but I can do it again.

9 CAPTAIN WILLIS: Okay, and then a
10 featured -- regular feature of the agenda is an
11 update on reuse planning from the Reuse
12 Committee, the directors here, and from the
13 Millington Airport Authority, Mr. Frank Ryburn is
14 here. Then finally Mr. David Williams from EPA
15 will be talking about FOSLs, what goes into a
16 finding of suitability to lease, which is quite
17 timely because we are at that point in the reuse
18 of the north side of the field where the city,
19 the reuse committee has identified those parcels
20 of land that they're interested in, and I think
21 it would be good for the board to have a feel for
22 how we go about finding of suitability to lease
23 in order to make that property available in view
24 of any environmental concerns we might have.
25 And, finally, questions and answers, and then

1 we'll work on an agenda.

2 So without further adieu, Mr. David
3 Porter, give us an update on the BRAC Cleanup
4 Team actions and what's going on with those.
5 David.

6 MR. PORTER: First of all, you
7 should have a copy of an updated environmental
8 timetable. I just wanted to discuss that briefly
9 and show where we are in April of '95. As you
10 can see, we're about half way through the
11 Environmental Impact Statement process, and
12 you'll know a little bit more about that tonight.
13 We included the Gray Area investigation. We're
14 well into the preparation of work plans, the
15 investigation, almost midway through the field
16 work for the environmental investigations that
17 are coming up on remedies, proposals and
18 selections and approvals at the end of this year.

19 As far as other things that are
20 happening, the community has prepared the Airport
21 Master Plan and are in the process of conducting
22 their reuse plan. The reuse plan should be
23 available in June or July of this year, and we're
24 coming up on the closure of the airfield in
25 October of this year.

1 If you'll recall from the last meeting,
2 we had hoped to spend a lot of time tonight
3 talking about data from the Assembly A
4 investigation. Unfortunately, the data
5 validation process has taken us longer than we
6 anticipated. So we don't have a lot of data to
7 talk about tonight. That's going to have to be
8 tabled until the next RAB meeting.

9 I can share with you, though, that we
10 have done all of the soil and water --
11 groundwater sampling in Assembly A, which -- if
12 you remember, those were the high priority areas,
13 the plating shop drywells and the landfills, and
14 also we've sampled five background locations.

15 We have gotten the soil data back, and
16 it hasn't -- data validation on that soil that
17 hasn't been completed, but we do have preliminary
18 results, and those preliminary results show that
19 the only two compounds that have exceeded
20 risk-based concentrations -- and I'll get to that
21 a little bit later -- are Benzo(a)pyrene, which
22 is a bi-product of field combustion, and
23 Dieldrin, which is a pesticide that was widely
24 used here on the base.

25 Another thing that we have done for

1 this meeting is prepare these sheets that show
2 typical compounds or typical contaminates here at
3 the station. We have broken those into
4 semivolatile organic compounds, volatile organic
5 compounds, metals and pesticides, and all the RAB
6 members should have eight and a half by eleven
7 sheets of this same information.

8 What we tried to do was tell you what
9 these compounds are, what some typical names and
10 uses for these compounds are and then give the
11 risk-base concentration, the residential
12 risk-base concentration, which is a value that
13 EPA has established, and this is a conservative
14 value that's based on a certain exposure to this
15 material over a very long period of time, 30
16 years.

17 What this number is is a screening
18 level, and just because you exceed this level
19 does not necessarily mean that something needs to
20 be done, but if you're below this level, you can
21 pretty well write the results off. So that is a
22 very important point to remember that if you do
23 exceed these risk-base concentrations, it's not
24 necessarily an indication that there is a problem
25 and something needs to be done. It's an

1 indication that we need to do further
2 investigation.

3 As I said, we've gotten the soil
4 samples back. We're still waiting on the
5 groundwater samples, and at the next RAB, we'll
6 have a complete table with all that data to share
7 with you.

8 I just wanted to mention, we tested the
9 material that we took out of the background
10 drilling locations. We've drummed that material
11 prior to testing. That has been tested and found
12 to be non-hazardous, and we will be emptying
13 those drums and exposing the material back on the
14 station since it was non-hazardous.

15 Gray Areas -- we had talked about this
16 a great deal. There is a Gray Area report that
17 is in the RAB Library now for your review. If
18 you'll recall, there were four areas that needed
19 some additional investigation. We're working on
20 the work plan for those areas right now. We
21 should have that to you sometime in May. We put
22 that in the RAB Library, and we hope to have
23 fieldwork underway in those additional four areas
24 in June.

25 The two new SWMUs that we've been

1 talking about, 66 and 67, which were the newly
2 found dumps, one over by the radar facility and
3 another one over in the horse pastures, we're
4 still working on the work plans for the
5 removal -- interim removal of those two areas,
6 and that should be in the RAB Library for your
7 review within the next couple of weeks. We had
8 hoped to do fieldwork in April. Obviously,
9 that's going to be delayed somewhat. We still
10 hope to do fieldwork in May.

11 At previous meetings we've talked a
12 great deal about the next two phases, Assemblies
13 B and C. We have the work plans completed for
14 those two assemblies. We are scheduled to begin
15 fieldwork on Assembly B on the 8th of May and on
16 Assembly C on the 15th of May.

17 We've received a request from the
18 airport -- Millington Airport Authority for the
19 lease of the airfield and some associated
20 buildings, Hanger 798 in the tower on the -- for
21 use starting the 1st of October, and we're
22 currently developing a finding of suitability to
23 lease for that area, and we'll be talking about
24 that a little bit more in detail, what the
25 process is for that FOSL and exactly what that

1 area is.

2 Lastly, I also wanted to mention that
3 we are beginning work on the non-BRAC side of the
4 base, the south side of the base, and also the
5 area on the north side of the base that's not
6 included in the area that's to be excessed. We
7 are beginning to start to work on work plans for
8 investigations and have done some initial work at
9 two of the SWMUs, and so we'll begin to start
10 talking about these non-BRAC areas as well, and
11 we'll be putting these work plans in the RAB
12 Library for your review.

13 I also wanted to mention -- because I
14 didn't have enough for everyone, but we do have
15 some copies of Jack Carmichael's report on the
16 geology of the base. So if you'd like a copy of
17 this, please stop by afterwards. Any questions
18 on what I've covered?

19 MR. SMITH: Maybe these are
20 observations more than -- more than questions,
21 but for your contaminant levels -- first off,
22 these are super. I really appreciate that.

23 Is there a document available that
24 would have, say, two more columns in it for the
25 RBC water concentration, one that would say

1 "State Limits" so that we know what target is
2 being shot at, and, two, would another column be
3 available that would say -- for 1,1-DCA you have
4 81 (ppb) -- the state level, if the regulatory
5 level is this or the MCL is this and the
6 statutory reference is 40 CFR something,
7 something, something?

8 MR. PORTER: Well, these come out
9 of EPA, Region 3. They are the region of EPA
10 that have developed these risk-base
11 concentrations, and we can get you a copy of --
12 of those tables. They periodically update them.
13 I'm not familiar that the state has corresponding
14 RBC values.

15 MR. WILLER: No, we don't, and the
16 soil screening levels, guidances coming out of
17 EPA are a number of chemicals as well which are
18 similar to the risk-base concentrations, and the
19 state right now is looking at those, but we
20 currently do not have promulgated soil standards
21 or water standards other than MCLs, the published
22 MCLs that have been out for ---

23 MR. SMITH: Well, could some type
24 of reference be made to those for -- just for
25 purposes of reference on these documents? Is

1 that possible?

2 MR. PORTER: Well, we'll be glad
3 to get you a copy of the table that these values
4 come from.

5 MR. SMITH: Okay, second question,
6 at one time, David had apparently gotten some
7 information about some old refrigeration
8 equipment.

9 MR. WILLIAMS: Yeah.

10 MR. SMITH: Is there a reason that
11 that's not included in some of this information
12 here or is that premature?

13 MR. WILLIAMS: That equipment was
14 just something that had been found, I believe, in
15 the debris pile at SWMU 66, the radar area, and
16 that will be addressed when the statement of ---

17 MR. SMITH: Okay, so it's still
18 pending?

19 MR. WILLIAMS: Yeah, it's still
20 pending.

21 MR. SMITH: Okay.

22 MR. WILLIAMS: And I want to go
23 back also and address -- I've got these -- this
24 is my only copy, but I'd be glad to let you look
25 at them. These are the lists of the risk-base

1 concentrations that we have, and the reason that
2 the state -- the state does not have these right
3 now. They haven't developed them. It's like --
4 it's such a huge amount of work right now that
5 only Region 9 and Region 3 do a lot of work --
6 work and develop these levels, and they're just
7 preliminary screening levels for the most part
8 but -- and so that's the reason the state doesn't
9 really have any numbers. The only ones that
10 exist are the ones that EPA has just recently
11 come up with.

12 However, I -- you know, when we get
13 into the maximum contaminant levels of drinking
14 water or if the State of Tennessee might have
15 anything different on a lower levels for soil ---

16 MR. SMITH: Yeah, yeah.

17 MR. WILLIAMS: But like I said,
18 soil is such a difficult process to go through
19 that Tennessee hasn't repeated the process in
20 their own laboratory.

21 MR. SMITH: Well, the reason for
22 my question is, if I have a target or a point of
23 reference, then 81 (ppb) on a RBC would make more
24 sense to me. You know, it would give me
25 something to reference from, to know, you know,

1 the progress that's being ---

2 MR. WILLER: All of these are out
3 of the Region 3 documents. That's the reference
4 that ---

5 CAPTAIN WILLIS: I think -- as a
6 dummy, let me ask a question here.

7 MR. WILLIAMS: Pass these over to
8 Mr. Smith there so ---

9 CAPTAIN WILLIS: I'm not an
10 environmental engineer, but these standards are a
11 leading edge technology. I mean, they have just
12 developed it. This is not codified in law
13 anywhere, is it ---

14 MR. WILLER: Within the last five
15 years ---

16 CAPTAIN WILLIS: --- in terms of
17 what a ---

18 MR. WILLER: --- EPA has looked at
19 their -- they're looking at soil screening
20 levels, and they've used these -- these were the
21 initial go-at-it -- correct me if I'm wrong, but
22 these risk-base concentrations were developed by
23 Region 3 and Region 9 based on a great deal of
24 data that they have gathered in all of the sites
25 that they have been dealing with.

1 So they are not -- and they're not
2 promulgated standards. They're guidelines, and
3 that's why ---

4 CAPTAIN WILLIS: That's what I
5 mean. It's not codified in law with the ---

6 MR. WILLER: No, these ---

7 CAPTAIN WILLIS: --- actual ---

8 MR. WILLER: There's enough
9 science behind the ---

10 CAPTAIN WILLIS: Because this is
11 the only standard there is right now, isn't it?

12 MR. WILLIAMS: Yeah, there are
13 several different agencies that, you know, doing
14 ongoing -- they're doing an analysis with rats
15 and mice and things like that, and they're
16 published in EPA as a review process, and they
17 decide whether they want to take the results and
18 use them or they've decided the results --
19 they've given up scrutiny on the results.
20 They'll publish each of those -- that's
21 accumulated.

22 I also -- as I pointed out to you, on
23 the back of these sheets, they have put the
24 maximum concentration levels in comparison with
25 the RBC and ---

1 MR. SMITH: Okay, great.

2 MR. WILLIAMS: So there is
3 cross-reference there.

4 MR. SMITH: Okay, great. Is --
5 would it be possible to add a CFR reference for
6 that?

7 CAPTAIN WILLIS: For the MCL?

8 MR. WILLER: For the MCL we can,
9 but not for ---

10 MR. SMITH: Of Region 3.

11 MR. WILLIAMS: If they have been
12 codified -- I don't know whether they have been
13 codified, but if they have -- if they're not, you
14 know, it ought to appear in the Federal Register
15 or some guidance or something. There will be a
16 date possibly we can come up with.

17 MR. SMITH: Well, you know, your
18 guidance documents will give you a 59FR or
19 something. Just curious.

20 CAPTAIN WILLIS: Any other
21 questions, comments?

22 (Brief pause.)

23 CAPTAIN WILLIS: Okay, review of
24 the charter, Mr. Clint Willer.

25 MR. WILLER: Thanks. In your

1 minutes was a copy of the charter, a signed and
2 sealed document. As you read through the
3 document, of course, the RAB was established
4 based on directors from DOD to convert all
5 technical review committees to Restoration
6 Advisory Boards particularly at those sites that
7 were being involved with base realignment and
8 closure actions.

9 The DOD guidance now is that all
10 technical review committees will be converted to
11 Restoration Advisory Boards, and we did provide
12 in a provision, if you go back to Subparagraph E
13 on Part 7, "The effective date, flexibility and
14 modifications," is we do have the ability within
15 the Restoration Advisory Board, of course, to
16 modify this charter, and if we do that, we do
17 have to notify all of the signatory members by
18 amendment within 30 days of that event.

19 We thought at this time -- it's our
20 first year, I guess kind of like our marriage
21 renewal vows. We've been one year into this.
22 Basically, I think when we started, everyone kind
23 of agreed to sign up for a two-year stint, but I
24 think it would be a good time at this time
25 because there have been some questions raised by

1 Kenny, who is not here tonight, as far as the
2 demographics, and in your packet today is the
3 demographic data for, basically, Millington and
4 the surrounding area as compared to Tennessee
5 overall and of those changes, and this was taken
6 from the NAS Memphis Reuse Plan.

7 Our concern was whether we needed more
8 minority participation and membership on the
9 Restoration Advisory Board and/or if we wanted to
10 look at possible changes in chairmanship.

11 By the charter, of course, Captain
12 Willis is the Navy representative, and then the
13 board has the option to elect him or select him
14 the community co-chair for the Restoration
15 Advisory Board.

16 So I would say at this time, we can
17 entertain any desires of the board to review the
18 charter or to seek additional memberships and/or
19 change the civilian co-chair position.

20 MR. SEALE: I think in view of the
21 absence of our other co-chair, it would probably
22 be best if we didn't pursue anything affirmative
23 in that matter, if you don't mind.

24 MR. WILLER: Not at all. I mean,
25 it's up to the board. What I would say is that

1 we've had -- we will be meeting again in June.
2 That will give us some time to take a look at
3 that and see if we -- what you would like to do
4 as far as the board.

5 Certainly from my perspective, I have
6 no problems with the charter as it stands, but
7 that's a decision -- I think we do need to review
8 it just to make sure that -- as I said, we're
9 kind of at a mid-point on our initial contract.

10 The other thing we need to look at, of
11 course, is as David pointed out, we are focusing
12 on those -- you know, our initial investigations
13 and our major efforts here have been focusing at
14 that property that is going to be turned over to
15 the community.

16 There will be a continuing requirement
17 for the Restoration Advisory Board to oversee and
18 provide input into the installation/restoration
19 plan, and that will be a continuing requirement
20 as we -- as long as the installation is here,
21 and, of course, we've passed through BRAC '95
22 safely thus far. So it certainly looks like
23 there is going to be a continuing requirement to
24 have a Restoration Advisory Board to oversee that
25 continuing function of installation/restoration.

1 MR. SMITH: This property that's
2 being turned over to the city, are you speaking
3 of the properties with housing units currently in
4 place?

5 MR. WILLER: Currently there are
6 no -- other than I guess those few that -- I
7 don't think there are any residential areas that
8 are being turned over under this first phase,
9 certainly through '95. As they approach '97,
10 there are none either. They've retained -- well,
11 except for -- and those are all really going to
12 be torn down.

13 The few houses, they're not active --
14 going to be active residential units. So there
15 is basically no housing that's being turned over
16 as the part of ---

17 MR. SMITH: Okay, just wanted to
18 be sure.

19 MR. WILLER: But, of course,
20 as they pointed out, SWMU 45 and the other
21 ones, we're already, you know, continuing on
22 with that investigation. So some of those
23 issues later on in the year, as we get through
24 the initial Assemblies A, B and C, primarily A
25 and then B, we'll be getting into issues that

1 are going to be day-to-day operations on
2 installation/restoration.

3 DR. WATT: That's why David made
4 the reference about the non-BRAC areas on the
5 south side that are going to start coming in for
6 our purview.

7 MR. WILLER: Yes; right.

8 MR. SMITH: Well, as a suggestion,
9 if there happens to be any areas with
10 environmental concerns, I think David's
11 suggestion of several months ago of handling
12 those issues through deed restrictions is
13 probably a pretty good -- pretty good way to go
14 if that turns out to be an issue.

15 MR. WILLIAMS: Well, currently --
16 I mean, I can't say when those results are going
17 to be coming in. We're not looking at a terrible
18 amount of deed restrictions. Well, obviously,
19 the industrial areas that we have right now, but
20 from the levels of contaminants we are finding
21 are nonvolatile contaminants. Most of it is
22 actually residential even if it would be
23 feasible.

24 That's what we were discussing today
25 with the Reuse Committee, the feasibility the

1 residential housing which is a different story
2 for later on tonight.

3 MR. SMITH: Well, my concern would
4 be if a landfill or SWMU turned up somewhat after
5 the fact that somehow the authority remained to
6 make a parking lot out of that rather than, you
7 know, dig up -- dig a bunch of holes in the
8 ground.

9 MR. WILLIAMS: Yeah, well,
10 their ---

11 MR. SMITH: Like you suggested.

12 MR. WILLIAMS: Yeah, they'll
13 always be the authority for that. The Navy will
14 always be responsible pretty much for that.

15 CAPTAIN WILLIS: Before we leave
16 this particular one, is it the sense of the
17 board, then, that the charter -- is it safe to
18 say the charter is acceptable and we can continue
19 with that?

20 MR. SMITH: Yes, sir.

21 CAPTAIN WILLIS: Is it safe to say
22 we can continue with the charter?

23 DR. WATT: It's not broken. It's
24 great.

25 CAPTAIN WILLIS: We'll defer on

1 the co-chair issue, and I think the other -- how
2 about membership? Do we feel like ---

3 DR. WATT: I had just asked Sue if
4 the response to any of the presentations that had
5 been made in any of the cards and letters that
6 have been sent out, and no one seems to have
7 indicated to her that they're volunteering or
8 would like to serve on this committee. So we
9 don't have a pool with anybody to tab at this
10 time, unfortunately.

11 CAPTAIN WILLIS: Okay.

12 MR. NEIGHBORS: I would like to
13 offer as a possible candidate, a gentleman named
14 Tom Schuffer, a recently retired Marine with a
15 degree in industrial engineering, teaching school
16 at the present time in Memphis. I think he would
17 make a good man on this board.

18 CAPTAIN WILLIS: Russell, does he
19 live here in North Shelby County or Tipton
20 County?

21 MR. NEIGHBORS: He's from Cedar
22 Ridge in Millington.

23 CAPTAIN WILLIS: Good. Give the
24 details to Sue, and we'll contact him. Before we
25 leave, I'd say other than one unexplained

1 deviation in the statistics, I can't help but
2 comment on here. If you're a single woman, would
3 you want to come live in Millington? Would you
4 look at the population?

5 MR. SMITH: I've got three of
6 mine.

7 CAPTAIN WILLIS: Interesting
8 statistic. Men outnumber woman two to one. The
9 other thing is it looks like maybe Tipton
10 County -- have we looked for members in Tipton
11 County, Sue? Have we canvassed up there?

12 MS. OSBOURN: (Shakes head.)

13 CAPTAIN WILLIS: Okay. All right
14 well, that's one good. We'll certainly follow up
15 on that, Mr. Schuffer. The status of the
16 Environmental Impact Statement, Darrell.

17 MR. MOLZAN: Good evening. My
18 name is Darrell Molzan, and I'm the new face to
19 the group here. Due to a recent shift in
20 workload of the Southern Division, I've been
21 asked to manage the contract now for the
22 preparation of the Environmental Impact
23 Statement.

24 So I'll be, hopefully, a regular face
25 and get to know you a little bit better, bring

1 updates to you and get involved in the comments,
2 to get involved throughout the impact statement
3 process.

4 We've engaged Water and Air Research to
5 prepare our Environmental Impact Statement, and
6 Michael Hyne is here tonight from Water and Air
7 Research. What I would like to do is spend maybe
8 two or three minutes going over why we're going
9 through this Environmental Impact Statement just
10 to kind of refresh that with you and then ask
11 Michael to give us maybe a two or three-minute
12 update as to how specifically the Reuse EIS is
13 progressing itself.

14 The Environmental Impact Statement that
15 we're preparing is a requirement under the
16 National Environmental Policy Act, what we
17 commonly refer to under the acronym of NEPA. It
18 was created back in 1969. Essentially what the
19 act does, it gives provisions for two
20 requirements or two opportunities.

21 One is for the community to have input
22 into major federal actions that are being
23 analyzed under this environmental process. The
24 other part of it is that it gives the decision
25 makers an opportunity to have a document that

1 goes into some analysis and helps them to give a
2 better decision. It is a process that won't have
3 major impact or if it is, what kind of
4 mitigations we need to enact to avoid any kind of
5 major impacts to the area.

6 As part of that process, I mentioned
7 this community involvement. This started last
8 June when we had the scoping meeting here and
9 involved initial public input at that time as to
10 what community concerns were to be addressed in
11 the EIS. Michael is incorporating those concerns
12 into the EIS, and you'll see those pretty fully
13 disclosed when the document comes out this fall.

14 As part of the continued community
15 input, we go through a -- to ensure disclosure,
16 complete disclosure throughout -- the DEIS or the
17 Draft Environmental Impact Statement, which is
18 the next step, will be published, and then we'll
19 open up a 45-day public comment period for all
20 agencies and public to make their comments known
21 back to the Navy so that we can incorporate those
22 comments into a final Environmental Impact
23 Statement.

24 We'll also have a public hearing during
25 that period so that anybody who wishes to have

1 oral input to us can do that at the same time,
2 and we will have plenty of notice in the local
3 newspapers and the Federal Register as to those
4 events that will be coming up, and I think
5 probably we will regularly update you at these
6 meetings as to any of those events that will be
7 happening.

8 As far as coordination with agencies, I
9 just wanted to ensure or make you comfortable
10 with the fact that this process is being pretty
11 widely coordinated with not only EPA but the --
12 and the state, but FAA as well as an
13 incorporating agency in the preparation of those
14 documents. So we're working pretty closely with
15 them, and we're going to continue to work closely
16 with you, the RAB, to ensure that we get
17 everyone's input and make it an as widely
18 disseminated and complete document as possible.

19 With that, I'm going to let Michael
20 speak a little bit more on the specifics of the
21 plan itself, and he will entertain any questions
22 you have.

23 MR. HIME: As Darrell mentioned,
24 my name is Michael Hyne. I'm with Water and Air
25 Research from Gainesville, Florida. We're the

1 consulting company that is doing the EIS for
2 Memphis.

3 The EIS, as Darrell said, started the
4 process back in June with the public scoping
5 meeting. We started on working on the document
6 and then we went into a hold period. We are more
7 or less still in an unofficial hold period. What
8 we are doing is we are waiting on the development
9 of the reuse plan by the Reuse Committee. That
10 will then trigger our EIS process again to start
11 proceeding ahead of time.

12 It's not beneficial to the community,
13 to the Navy or to the Federal Government for us
14 to come up with a total set of different
15 preferred alternatives for the base' reuse than
16 what's been -- being developed by the RAB, by the
17 Reuse Committee and other agencies involved in
18 that.

19 So, therefore, once the Reuse Committee
20 decides and determines what's the best
21 utilization of the Naval Air Station property to
22 be excessed, we will then proceed with that as a
23 preferred alternative in the EIS. We will also
24 have a discussion and a history of that process,
25 basically.

1 Not only do we need to address the
2 preferred alternatives, the Reuse Committee
3 determine -- or has addresses and determines, but
4 we also need to give the historical background.
5 In other words, when a military installation
6 becomes available, there is a set procedure and
7 process that has to be followed, that has to be
8 made available to the federal agencies, first of
9 all, then to state and local agencies. It also
10 has to be made available to drug rehabilitation
11 centers and the shelters for the homeless and
12 that is certain amounts of time that they have to
13 provide an interest in that facility, and then
14 they have a certain amount of time to be able to
15 make application for that.

16 So that's all documented in the EIS
17 that that procedure was followed. The EIS will,
18 basically, consist of that information, and we'll
19 then look at the preferred alternative, and we'll
20 look at other alternatives that have been
21 considered, and then we'll also have to look at
22 the no-action alternative, which for NAS Memphis
23 would be putting the Naval Air Station at a
24 caretaker status.

25 If no alternative can be decided upon,

1 if it's still in limbo by that time -- hopefully,
2 it will not, and I don't anticipate it being in
3 limbo at that time for all of our sakes -- the
4 EIS will have a section on the existing
5 environment and what is currently in the area to
6 be transferred. It will then look at the impacts
7 of the preferred alternative on that area. It
8 will look at the impact of the preferred
9 alternative on the groundwater, surface water,
10 air quality, noise and other physical aspects of
11 the area.

12 We'll also investigate and determine
13 the impact of that preferred alternative on the
14 plants and animals of the area, threatening
15 danger to animals that may be in the area, and
16 also wetlands is a major constituent of EIS,
17 can't build in the wetland. You also cannot have
18 discharges from areas of construction and so
19 forth into wetlands that would impact wetland.

20 There will also be an investigation and
21 determination of the impacts and the restrictions
22 of social economic aspects, what impact it will
23 have on the demographics of the area, of traffic
24 patterns, of community services, of utilities for
25 the area. A lot of that will have already been

1 determined and addressed in the reuse plan and in
2 also the Airport Master Plan, if it becomes to be
3 an airport, as part of that reuse for the
4 facility.

5 We'll also look at the cumulative
6 impacts in the area. We have completed an
7 environmental assessment for the reuse and
8 realignment of the southern portion of the base
9 and part of the northern portion where members
10 will be going to and where they have already
11 started moving into EFAS, that's Finance and
12 Accounting Service and also USRCOM, U.S. Army
13 Reserve Command.

14 That environmental assesement has been
15 completed. It has been distributed, and it
16 resulted in a finding of no significant impact
17 for that portion of the realignment of Naval Air
18 Station Memphis.

19 Those impacts and what is transpiring
20 on the south side will also be addressed in the
21 cumulative -- the cumulative portion of the EIS.
22 So it's not -- it's not separate and forgotten,
23 but in EIS, you have to look at what is your
24 proposed action in the cumulative impacts of
25 other projects that have happened recently in the

1 past and, of course, seeing future projects in
2 the area to determine the total impact of the
3 proposed action and the project for the area.

4 We also addressed the compliance with
5 federal regulations of the reuse, but it is
6 consistent with the FFA's Master Plan System with
7 the communities' wishes and their regulations for
8 utilization of the area, land use, zoning
9 ordinances and so forth like that.

10 As far as the schedule, Darrell's
11 already gone through that. I won't reiterate
12 that. I think that concludes my presentation.
13 If anybody has any questions, Darrell and I will
14 feel free to host them for you or answer them if
15 we can.

16 MR. SEALE: Who has the
17 responsibility for making the finding of
18 suitability to leasing?

19 MR. PORTER: The FOSL is assigned
20 at Southern Division in Charleston by the
21 commanding officer for FOSL, finding of
22 suitability to lease. Is that what you were
23 asking?

24 MR. SEALE: Yes.

25 MR. PORTER: Which is not related

1 to this NEPA process. This is something
2 different.

3 MR. SEALE: I thought I heard him
4 mention ---

5 MR. PORTER: They were the final
6 notes.

7 MR. WILLIAMS: Those impacts ---

8 MR. HIME: For environmental
9 assessment, the determination is a finding of no
10 significant impact for that action for
11 environmental assessment for an Environmental
12 Impact Statement. It's a record of decision.

13 MR. SEALE: I'm just trying to
14 find out if the finding for suitability to lease
15 is part of the Environmental Impact Statement or
16 is it something separate?

17 MR. WILLIAMS: It's separate.

18 MR. SEALE: Separate?

19 MR. WILLER: It's separate.

20 MR. SEALE: Okay.

21 MR. HIME: If there are no other
22 questions, I'll turn the meeting back over to
23 you.

24 CAPTAIN WILLIS: Okay, Darrell,
25 Mike. Doctor, while we're down to that portion

1 where we talk about the update process -- and as
2 you've pointed out, there hasn't been any, I
3 guess, since your last report.

4 DR. WATT: Tom, didn't ---

5 MR. SEALE: I made one to the
6 Outlook Club here a couple of weeks ago, couple
7 of Saturdays ago. There were about 18 to 20
8 there, and they seemed to be interested in it, I
9 believe, but nobody asked to be put on the
10 mailing list or anything like that.

11 CAPTAIN WILLIS: Did it generate a
12 lot of questions?

13 MR. SEALE: Not really. The -- I
14 think the basic question they had was the
15 long-term affect, if something came up later, who
16 was going to be responsible for it. Of course, I
17 immediately told them the government was.

18 CAPTAIN WILLIS: And that's right.
19 That's the law.

20 MR. SEALE: I know it. I didn't
21 want them to have any misconceptions.

22 CAPTAIN WILLIS: Plus every
23 signature to the charter.

24 MR. SEALE: The rules change.

25 CAPTAIN WILLIS: Okay, well,

1 that's good. I understand we -- the Chamber of
2 Commerce is looking for someone to make a
3 presentation, and we're looking for volunteers
4 for when, Sue?

5 MS. OSBOURN: June.

6 CAPTAIN WILLIS: June. So check
7 your schedules, and we'll get back with you. Do
8 you have a date, Sue?

9 MS. OSBOURN: No, sir.

10 CAPTAIN WILLIS: Okay, we'll
11 contact you or have Sue contact you. All right,
12 well, thank you. We're now down to that portion
13 where we get to hear from Mr. Ryburn from the
14 Airport Authority and Mr. Whittenburg from Base
15 Reuse, and you can arm wrestle for who's first.

16 MR. RYBURN: Do you want to go
17 first? I think most of you heard the Reuse
18 Committee this morning, but the Airport Authority
19 has requested Captain Willis to initiate a
20 long-term lease on certain properties out there,
21 and I think he has requested a -- what do y'all
22 call it, a FOSL?

23 CAPTAIN WILLIS: FOSL.

24 MR. RYBURN: And I think he has
25 endorsed that with some modifications as far as

1 where we're going. We have a night control tower
2 out there now since I talked to y'all last, and
3 it is getting a considerable amount of traffic.
4 Most of it at this time, however, as Commander
5 Bayne tells me, it is coming from the Navy flying
6 field out there right now, but we are picking up
7 some traffic, every week, two or three extra
8 private planes coming in.

9 We have managed to attract two freight
10 loads that left there that I'm sure most of you
11 are aware of, some steel or steel-belted tires
12 going to Brazil, and we have several other
13 independent freight companies that have made
14 inquiry, and it's picking up a little bit all the
15 time.

16 The fuel farm, which we've had
17 considerable problems with, the tanks have now
18 been coated on the inside, and I think tomorrow,
19 I believe, is the appropriate time that they'll
20 load them with fuel again, and they have to sit
21 for seven days before they take the settlement
22 test, but hopefully the fuel farm will be in
23 operation in the next ten, twelve days.

24 They employed a contractor to do the
25 coding that this wasn't his first time around the

1 block, and he had done considerable amounts
2 before, but things are moving along fairly well
3 we think. All we need is a considerable amount
4 of money and a lot of cooperation.

5 CAPTAIN WILLIS: Thank you,
6 Mr. Ryburn. Mr. Whittenburg, Base Reuse
7 Committee.

8 MR. WHITTENBURG: Well, this
9 morning we had our second or third -- I guess the
10 third meeting with the consultants with the Base
11 Reuse plan, and they delivered their Part 2 of
12 their work product at this meeting, and basically
13 they have been through the inventory stages.
14 They've researched a lot of the options, and now
15 we're at the options stage, and our next meeting
16 in June, we hope to be talking about
17 alternatives.

18 Other than that, we have been working
19 with the Navy on personal property and the
20 Airport Authority. Currently we're trying to
21 nail down what's needed in the line of tower
22 communications when the October 1 deadline comes
23 along, but other than that, we -- we are moving
24 along with the planning process at this time.

25 CAPTAIN WILLIS: Okay, any

1 questions for the Airport Authority or Reuse
2 Committee?

3 MR. SMITH: Yes, sir.

4 CAPTAIN WILLIS: John.

5 MR. SMITH: Mr. Ryburn?

6 MR. RYBURN: Yes, sir?

7 MR. SMITH: Is there a report
8 available or some type of document that would
9 discuss the status of the fuel tanks, any design
10 considerations or any modifications that were
11 made to strengthen those tanks or catholically
12 protect them in any way?

13 MR. RYBURN: Not that I have. The
14 Public Works Department may have something. I
15 know there was some documentation presented on
16 it. I didn't receive it.

17 MR. SMITH: Would it be possible
18 to get a copy of some type of design information?

19 MR. RYBURN: I'll see what I can
20 get.

21 MR. SMITH: I appreciate it.

22 UNIDENTIFIED SPEAKER: We have a
23 set of field drawings that ---

24 CAPTAIN WILLIS: Signed off by our
25 registered engineer that proposed the code

1 requirements, but we do have a copy of those
2 drawings, and I think Aviation Services probably
3 ought to -- since they provided us those, they
4 ought to have some that we can get.

5 MR. SMITH: Thank you.

6 CAPTAIN WILLIS: You bet. Under
7 the terms of the lease, the Airport Authority is
8 obliged to live up to the codes and regulations
9 that we have. So we kind of act as the policeman
10 there.

11 MR. SMITH: There's two issues
12 that immediately come to mind to me. One is a
13 set of operating logs or operating and
14 maintenance logs for those systems particularly
15 since you're so close to an inoperable nuprecable
16 waterway and you come under another set of
17 regulations, in fact, three other sets, and the
18 other concern would be to make sure that you have
19 appropriate spill protection, spill containment
20 and some other issues, and I'd just like to look.

21 CAPTAIN WILLIS: Yes, sir. We're,
22 I think, pretty well aware of those and probably
23 a multitude of other requirements which to the
24 dismay of the Airport Authority we have relayed
25 upon them so ---

1 MR. RYBURN: We -- we've met with
2 the Navy numerous times on that, and the Public
3 Works Department, I believe, has the proper
4 documentation. I don't think they would let us
5 move forward on it until we did furnish the
6 proper documentation.

7 As far as the spills and the retention,
8 I believe it has been inspected by the Navy. Of
9 course, we relied on the Navy -- we relied on the
10 Navy to set their specifications and also the
11 environmental people as to how the spills -- the
12 only thing is since they were passing on it, the
13 Airport Authority does not have the
14 documentation. The Public Works Department does
15 however.

16 CAPTAIN WILLIS: That is available
17 for inspection, and as far as the operation
18 systems, so far it has not operated at all except
19 to load it and download it, fuel it and defuel it
20 once. So we really haven't run it. They're just
21 filling it up again here in a seven-day sit in of
22 the settlement and check for sediments in the
23 fuel, and then hopefully they'll begin the fuel
24 operation, but there are -- we have asked for a
25 spill plan in accordance to regulations, and

1 there has been construction in that continuing
2 area.

3 MR. SMITH: Okay, and I assume
4 SARA and the LEPC have also granted permits for
5 these tanks?

6 CAPTAIN WILLIS: I'll defer that
7 to my environmental ---

8 MS. BARKER: We have a storm water
9 plan and ---

10 MR. SMITH: No, SARA, the LEPC,
11 the emergency planning commission.

12 MR. WHITTENBURG: No -- you're
13 looking at me, but I know they went through the
14 state to get their air permits and I assume the
15 other things, too.

16 CAPTAIN WILLIS: They are required
17 to get them under the terms of the lease. I
18 think we'll have to ask them.

19 MR. WHITTENBURG: Norman, don't
20 they go through the health department?

21 MR. LaCHAPELLE: Yeah, they go
22 through the local health department that
23 represents the state for all the air permits. So
24 we have records of that. If you want a copy, you
25 can come down to the health department and review

1 them ---

2 MR. SMITH: Okay, thank you.

3 CAPTAIN WILLIS: Good question.

4 MR. LaCHAPELLE: --- for five
5 cents a copy.

6 CAPTAIN WILLIS: Cost you a dime
7 from the federal government.

8 MR. WILLIAMS: So that's a good
9 deal.

10 CAPTAIN WILLIS: Are there any
11 other questions for the Reuse Authority or the
12 Airport Authority?

13 MR. NEIGHBORS: What's the status
14 of that railroad spur out there?

15 CAPTAIN WILLIS: The railroad
16 spur? I don't know, to be honest with you,
17 Mr. Neighbors. All I know is that I have to do
18 my PRT. I run over it and back, and it's still
19 there, and it's rusty.

20 MR. NEIGHBORS: Does it appear to
21 have been used in a long time?

22 CAPTAIN WILLIS: No, it's awful
23 rusty, but we can find that out for you if you'd
24 really like to know. We'll do that.

25 MR. NEIGHBORS: My only thought,

1 if they're going to use it, it needs to be
2 repaired.

3 MR. WILLIAMS: That was actually
4 brought up this morning in the reuse meeting. I
5 believe RKG had done a study on whether train
6 transportation was actually used in concert with
7 the airport, and they said it's so rare that --
8 actually interchanges like that because usually
9 when a train unloads, it goes onto the truck or
10 the materials that goes onto a plane are such --
11 plane materials are too heavy to go onto a plane.
12 There's not a lot of interlapsing. So they
13 didn't see the feasibility for extending the spur
14 over to the airport. However, that's still under
15 consideration. I'm sure it's not a problem.

16 MR. WHITTENBURG: Yeah, they
17 didn't rule it, but they said it's rare that the
18 shippers by air would use rail to either leg of
19 their shipment. Usually the rail brings it in
20 without a truck or comes in by rail but rarely
21 with air, but that doesn't rule out the fact that
22 the rail lying is there is land there for -- they
23 could use the rail access, but I mean those two
24 things are two separate ---

25 CAPTAIN WILLIS: Okay, if there

1 are no further questions -- well, we're at the
2 questions and answers. We're already doing it.

3 MR. WILLIAMS: I have to talk
4 about FOSLs.

5 CAPTAIN WILLIS: Oh, FOSL.

6 MR. WILLIAMS: You want to skip
7 that.

8 CAPTAIN WILLIS: No, David, I
9 would not want to skip FOSLs.

10 MR. WILLIAMS: Maybe we can go eat
11 dinner somewhere or something.

12 CAPTAIN WILLIS: I think this will
13 be an interesting discussion, finding of
14 suitability to lease because it has application.
15 We're about to enter that phase with the property
16 that the city and Reuse Committee has identified
17 that they would like to use in the future here,
18 and I think this is something that would be of
19 interest to the RAB because -- certainly the
20 opinion of the board members plays in that.

21 MR. WILLIAMS: I think all of you
22 have this fact sheet that was passed out earlier.
23 It's a fact sheet on the finding of suitability
24 to lease. If you don't have one, there is some
25 more up there at the table.

1 Briefly, I'm going to go over the
2 context of this document and -- but first off,
3 I'd like to say once again that the main intent
4 of everything we're trying to do is fast-track
5 the transfer for economic reuse, and the ultimate
6 goal is to actually transfer parcels. If we
7 can't transfer parcels, I guess the next best
8 thing is to actually lease a parcel.

9 The two main reasons why we want to
10 lease a parcel other than transferring parcel
11 would be economic and environmental. On the one
12 hand, you might have environmental problems
13 that -- because they wouldn't allow you to
14 transfer it because of a law that I'll get to in
15 a second, it would be feasible to go ahead and
16 lease the parcel. On the one hand, if you're
17 ready to lease the parcel but you don't have
18 anybody to lease the parcel to or the people
19 might not be prepared to buy it, there's an
20 economic reason why it won't be transferred, but
21 enough of that.

22 Basically, to go back and give you the
23 context of this, and the Superfund Act, the
24 president delegated the environmental protection
25 agency to make the decision on whether a parcel

1 is transferable from a federal -- from the
2 federal government to empty outside the federal
3 government -- anybody else but the federal
4 government -- and that is specifically for a
5 transfer. Where we are looking at on a -- on a
6 lease -- finding of suitability to lease, we can
7 actually lease a parcel if it is a like use. An
8 industrial to industrial, for instance, is what
9 we're looking at now, and that means that we
10 don't have to go in there and clean up everything
11 exactly and sign off that everything is clean.
12 We can go ahead and lease the parcel and let it
13 be used like it's been used before and then
14 continue to work on cleaning up the parcel such
15 that on down the line that we can transfer.

16 The process that we've been going
17 through on the basis of a closure team has taken
18 this into account for the last, almost, two years
19 and they started out initially with the
20 environmental baseline survey, which it was one
21 of the first boards, the ones that would show up
22 here with all the different colored markers on
23 here.

24 Briefly -- I'm not going to reiterate
25 everything on here, you know, on the

1 environmental baseline survey. This is basically
2 what the attorneys at the EPA and the attorneys
3 with the DOD will be looking at when they are
4 determining a finding of suitable to lease, and I
5 heard this morning, I've heard several times that
6 the main reason that you don't have parcels
7 transferred in leases is because the
8 Environmental Protection Agency holds it up for
9 some reason or states that the parcel is too
10 contaminated to lease.

11 And so we have looked ahead, hopefully,
12 and we have gone back three times over, the base
13 closure team and all of our contractors and all
14 of our technical reuse committee and also
15 discussing with y'all throughout the last year
16 the process of the environmental baseline survey.

17 We have gone over it three times, each
18 individual parcel on the north side, to make sure
19 that when we get into the leasing process, we
20 don't run into any roadblocks on down the line
21 where one of the attorneys is going to say -- is
22 going to pick out a parcel and say, "No, you
23 didn't do a detailed search of that parcel" or
24 "You haven't reviewed the possibilities of, you
25 know, actual operations or any aerial photographs

1 or things like that." So we -- at the current
2 time, we are through with the environmental
3 baseline survey process here at NAS Memphis.

4 All right, why aren't we moving into a
5 FOST right now with our FOSLs? Well, the main
6 reason is because of the reuse. We don't really
7 know what the reuse will be. The funds aren't
8 ready to go straight into being a full-flown
9 airport, but we're looking at the feasibility of
10 an airport. So the best thing for us to do is
11 for the Navy to lease the parcel out until all
12 the work can be done to determine the best use of
13 the transfer.

14 So, briefly, I've kind of gone over --
15 the finding of suitability to lease is just to
16 make sure that we've really all done our
17 homework. We've done a thorough review of all
18 the parcels. We've made sure that there's
19 nothing out there that's threatening the
20 environment or threatening the workers that would
21 be there and that the property will be used for
22 life use.

23 The stipulations in the lease -- also,
24 there are several stipulations that say that
25 environment investigations have to be allowed to

1 continue after a lease is signed, and the
2 property is only going to be used for what you
3 say it will be used, that you can't lease it out
4 to another party that would be using it
5 differently than what was stipulated and leased
6 that it would be used and that the owner of the
7 property, in this case the Navy, still holds all
8 environmental permits and that the lessee and
9 lessor would have to go through those permits to
10 be able to generate any types of waste groups,
11 and so that -- basically, those are all the
12 details that the attorneys look for and also that
13 there has been a Memorandum of Understanding
14 reached between the EPA and the Department of
15 Defense that all the EPA's and Tennessee's
16 comments on any parcel are to be included into
17 the lease after they're reviewed such that the
18 public will be aware that we have reviewed all
19 the documents and that we have written off on
20 that, that we have found of suitability to lease.

21 That's basically the process that we're
22 going to -- actually be kicking off here. We
23 did -- our first one was Hanger N-126, which we
24 signed the lease on last October. That was the
25 first one for all of us, and it turned out that

1 it flowed fairly smoothly because there was just
2 loss of contamination out there even though we do
3 have a potential for a groundwater problem, but
4 it's written into the lease that the
5 investigations will have to continue to determine
6 whether there's going to be any need for
7 mediation of the groundwater.

8 Just recently we've had some lease
9 requests for -- I don't know whether you wanted
10 to go into particulars of that and show the
11 board. Do you mind if I show your board up
12 there?

13 (Brief pause.)

14 MR. WILLIAMS: Okay, the finding
15 of suitability is being requested for the
16 highlighted -- the runways, Hanger 798, the air
17 traffic control tower building, designated N2,
18 and various other airfield support structures and
19 areas.

20 Currently, we've completed all of the
21 environmental baseline survey processes out here
22 for that -- the documentation, from my
23 understanding, will be for the finding of
24 suitability to lease, and the lease should be in
25 draft no later than June to July for review by

1 the EPA, and we should also be ready to sign off
2 on that by July to August. So we will be moving
3 ahead, and hopefully that's going to start.
4 Everybody wants to start leasing the base now.

5 I wanted -- before I end my discussion
6 on it, also, there's been a lot of conversation
7 on long-term leases, that it's hard to get a loan
8 on any types of -- for infrastructure loans or
9 for continuing airport operations from lenders
10 unless you can get a long-term lease, a 30-year
11 lease, and some years -- even a longer lease.

12 It's been policy, somewhat, that we
13 don't want to have -- and "we," I'm speaking,
14 possibly, the DOD. I don't want to say "we" --
15 that the shorter term leases are more favorable
16 because there's been decisions reached, and this
17 was in particular at Peace Air Force Base in the
18 northeast that a long-term lease was thought to
19 be circumventing the actual transfer of process.

20 In other words, they thought that it
21 was an attempt to actually have a 30 or 60-year
22 lease on property such that the Department of
23 Defense would not have to complete the
24 remediation process in the speedy amount of time
25 period. Six years is what you need to actually

1 transfer the parcel.

2 However, because all the attorneys have
3 been talking and it's all in discussion, we
4 believe that we will have the ability to do
5 long-term leases, but in the meantime, the
6 five-year leases are going to be favorable, but
7 it -- I'm not going to get too much into it
8 because now I'm starting to get into politics.

9 CAPTAIN WILLIS: That's right. I
10 was going to say, "Is the EPA now regulating
11 finance, too?" Was that an EPA position on the
12 sixty-year lease?

13 MR. WILLIAMS: On the sixty-year
14 lease?

15 CAPTAIN WILLIS: Yeah, that they
16 felt that that actually deterred speedy cleanup?

17 MR. WILLIAMS: Well, it was
18 actually a ---

19 MR. WILLER: It was a federal
20 judge.

21 MR. WILLIAMS: --- federal court
22 that pulled the cord in long-term leases because
23 they thought it circumvented the cleanup process.

24 MR. WILLER: From an environmental
25 group.

1 CAPTAIN WILLIS: Okay.

2 MR. WILLIAMS: The EPA, as you
3 know, operates for the most part on permits and
4 time and schedules that are incorporated in
5 cleanup actions and whatever. So we're going on
6 our normal permit procedures, and it's the DOD
7 that tends to profit from being able to transfer
8 the ---

9 CAPTAIN WILLIS: Well, I think the
10 interesting point you made, David -- correct me
11 if I'm wrong -- is that I had the conception that
12 the environmental cleanup was one of the things
13 that deterred rapid transfer title, but the other
14 one, of course, and the key thing is what is the
15 ultimate reuse and an improved reuse plan and
16 what is it you're going to do with it, and then
17 from there we go into what kind of conveyance and
18 how do we title the transfer. It's not the
19 environmental ---

20 MR. WILLER: And the cleanup
21 level.

22 CAPTAIN WILLIS: --- that's
23 necessarily holding it up.

24 MR. WILLIAMS: Yes.

25 CAPTAIN WILLIS: Well, it's a

1 combination of those two things.

2 MR. WILLIAMS: Because as we stand
3 by here, a great deal of the base is already
4 transferable. It's been designated at least
5 CERFA clean or green. It's not going to require
6 any remediation. So our goal really right now is
7 to go ahead and find. That's what the reuse has
8 hired a very capable contractor, RKG, to do.

9 MR. RYBURN: Our only purpose in
10 doing a long-term lease is we cannot operate a
11 civilian airport without assistance from the FAA.
12 FAA will not give a dime of assistance unless the
13 lease is in excess of 20 years.

14 MR. MASON: Well, David, I think
15 one of the important things you need to keep in
16 mind here is a term that I haven't heard yet and
17 that's the ROD, record of decision. Until we
18 have that record of decision, no property can be
19 transferred, and that record of decision is
20 pending approval of the final reuse plan to the
21 FAA and, of course, to the Department of the Navy
22 as well or the acceptance as upon the reuse of
23 the facility. So until that record of decision
24 is issued, no transfer can be done whether it's
25 clean or not.

1 MR. PORTER: Which is the end
2 result of the Environmental Impact Statement.

3 MR. MASON: Right.

4 CAPTAIN WILLIS: So, you know, if
5 we go back to our little pert chart here or our
6 flow chart, then we see the next major milestone
7 coming up as the Community Reuse Plan and then a
8 lot of things hinge on that. The EIS, we have
9 heard hinges on that to complete that and then we
10 can move forward.

11 I will say from the Navy's perspective,
12 our objective is rapid transfer as soon as
13 possible. Cost avoidance is what we want to do.
14 So as quickly as we can get the cleanup done to
15 fulfill the requirements, we'd just as soon move
16 on.

17 MR. WILLIAMS: I do have -- also
18 wanted to add that because this is not a site
19 that's on the national priority list that the
20 transfer process reaching a ROD will be a lot
21 simpler. I can sign off on the transfers for the
22 EPA, in other words. If it was on the MPL, it
23 would have to go up to about another 30 different
24 layers of drums.

25 CAPTAIN WILLIS: Well, that is one

1 of the benefits of the rapid cleanup team, and we
2 do have a partner in there. We've got the EPA
3 representative of the state and the Navy. So we
4 are able to do things with the consensus, and
5 that's what the RAB's here for is part of that
6 consensus and to be in the community conscious.
7 Do you have any other questions?

8 MR. SEALE: Well, October is going
9 to be here real soon and particularly if
10 everybody is saying, "Well, we got to get this
11 done before we do something else," October is
12 going to come and go if we're not careful, and we
13 really need to be concerned about getting this
14 suitability taken care of timely to make it
15 possible to make a transfer so that we don't have
16 a closure of the base and not have something to
17 operate.

18 I looked at the old International
19 Harvester Plant down there sitting there. It's
20 been sitting there for years, and they can't give
21 it away, and if you leave this field out here
22 where the grass grows on the runways, you'll have
23 a hard time getting people to come in to land.

24 So it is so important, I think, from
25 the standpoint of keeping this thing going that

1 we meet this October 1st deadline because I'm
2 sure the Navy's going to meet it, and we need to
3 have the ability to keep it going, and we can do
4 it. We can do it if we have a leasing
5 arrangement.

6 MR. WILLER: Should be no problem
7 for the suitability to lease. Yeah, I think
8 we're ceased at the issue and we're there.

9 CAPTAIN WILLIS: I think what we
10 heard is that we're not going to have that much
11 of a problem or any problem with FOSL.

12 MR. WILLIAMS: We -- hopefully, we
13 planned for everything and we tried to cover all
14 of our bases back when we started this process,
15 and that's the reason we've gone over it three
16 times in this environmental baseline survey to
17 make sure it's thorough, and it's been a lot of
18 big help, too, from the RAB, the reviews and the
19 comments that we've had throughout the last year.

20 CAPTAIN WILLIS: The credit for
21 that goes to this board and, of course, a lot to
22 our team with the foresight to look at the areas
23 and prioritize and focus in on that a year ago
24 and started to get us to this point in an
25 anticipation what the ultimate reuse would be for

1 an airfield in that area. So ---

2 MR. SEALE: And it sounds good.
3 It sounds good. I just hope we don't lose track
4 of it in these next four or five months that
5 we ---

6 MR. WILLIAMS: No, we're focused
7 in on this. This is our No. 1 on the agenda.

8 CAPTAIN WILLIS: And -- okay,
9 speaking of that, I think -- I thought I heard
10 you say a draft FOSL might be available in June,
11 July.

12 MR. PORTER: Yes.

13 CAPTAIN WILLIS: Can we look for
14 one at the next meeting?

15 MR. PORTER: Should be able to.

16 CAPTAIN WILLIS: We can go through
17 it.

18 MR. SEALE: That's great. Of
19 course, that's two months.

20 CAPTAIN WILLIS: Any other
21 questions?

22 MR. SEALE: So that's two months
23 out of the ---

24 CAPTAIN WILLIS: Yes, sir.

25 MR. SEALE: --- five-month's

1 lapse.

2 CAPTAIN WILLIS: Any other
3 questions from the board, comments? Can we
4 entertain any questions from the public?

5 (Brief pause.)

6 CAPTAIN WILLIS: Okay, then if
7 there are no other questions and no answers -- do
8 you have any answers, Doctor?

9 (Brief pause.)

10 CAPTAIN WILLIS: Let's talk about
11 the next meeting. Following our schedule, I
12 think June 27th is the next scheduled meeting if
13 that's in agreement with everyone, and again
14 6:30 p.m., and the last item of business ---

15 MR. SEALE: Are we going to meet
16 on Thursday of ---

17 CAPTAIN WILLIS: It should be a
18 Tuesday. You need a '95 calendar, Tom.

19 MR. SEALE: No, I just need the
20 right month.

21 MR. WILLER: I might ought to
22 mention this. For the RAB members, we made a
23 decision today that the Base Cleanup Team will
24 not meet in May. We've got some conflict
25 schedules. Our normal May meeting is going to be

1 held on the 7th and 8th of June. So we will be
2 back doing our May meeting in the first week in
3 June, and then we'll, of course, be back for our
4 normal Base Cleanup Team and Restoration Advisory
5 Board on the 27th -- 26th -- 27th and 28th.

6 CAPTAIN WILLIS: Okay, the last
7 item of business, we need to set the agenda. I
8 think that we ought to continue with the regular
9 featured -- the update from the Base Cleanup
10 Team. We talked about -- hopefully, we'll have a
11 draft FOSL to review, and it will be pretty close
12 to closure, and we'll go through that if that's
13 acceptable, the long awaited data on Assembly A,
14 what was in all those holes they drilled in the
15 ground. We're all waiting anxiously to find out.
16 To fill in some of these blanks up here, I think,
17 is the intention; right, David?

18 MR. WILLIAMS: Yes.

19 CAPTAIN WILLIS: Okay.

20 MR. WILLIAMS: We're going to fill
21 in those blanks.

22 CAPTAIN WILLIS: So we'll finally
23 get the result of the roto sonic drilling and ---

24 MR. WILLER: And Jimmy Hoffa is
25 not one of the answers.

1 CAPTAIN WILLIS: And if we could,
2 another update from the Airport Authority and the
3 Reuse Committee. Any other agenda items? Oh,
4 we've deferred the discussion of co-chairmanship
5 to the next meeting in June, and any other
6 suggested agenda items?

7 (Brief pause.)

8 CAPTAIN WILLIS: If not, I think
9 that should probably give us a fairly full
10 meeting. If there are no final comments, I would
11 like to thank everyone for coming out and sharing
12 your valuable time with us in this worthwhile
13 community project. Thank you very much.

14 THESE WERE ALL THE PROCEEDINGS HAD IN THIS CAUSE:
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C E R T I F I C A T E

STATE OF TENNESSEE:

COUNTY OF SHELBY:

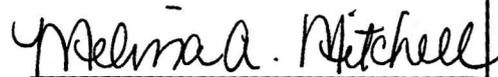
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I HEREBY CERTIFY that the foregoing pages contain a full, true and correct transcript of my said Stenotype notes then and there taken.

I FURTHER CERTIFY that I am not an attorney or counsel of any of the parties, nor a relative or employee of any of the parties, nor am I a relative or employee of any attorney or counsel connected with the action, nor am I financially interested in the action.

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MELISSA A. MITCHELL
Court Reporter and
Notary Public at Large

My Commission Expires:

November 3, 1997