

1           A public hearing of the Jefferson Proving Ground  
2 Restoration Advisory Board meeting was held at the Jennings  
3 County Public Library in North Vernon, IN at 7:00 P.M. on  
4 November 2, 2005.

5  
6           **OPENING STATEMENTS BY MR. PAUL CLOUD:**

7           Okay I'd like to get started with the  
8 Jefferson Proving Ground Restoration Advisory Board with the  
9 November 2<sup>nd</sup> meeting. I'm Paul Cloud. I work for the Army.  
10 I'm co-chair for the RAB. I'd like to welcome everyone.  
11 Please sign in on our attendance sheet. We have a copy of  
12 the agenda and the slides that you will be seeing here  
13 tonight. We do have a comment period at the end but if you  
14 have a question or comment during the course of the meeting  
15 feel free to raise your hand if you don't want to wait for  
16 the comment period. I don't have any other opening remarks.  
17 Richard?

18  
19           **MR. RICHARD HILL:**

20           I'd just like to welcome everybody here  
21 tonight. Glad to see we've got a pretty good turn out.

22  
23           **MR. PAUL CLOUD:**

24           This is our agenda and as I said earlier we  
25 have a copy of that for you. And the first topic is the

1 property transfers, Findings of Suitability to Transfer  
2 update for not only the Northeastern Parcel but for the  
3 remaining areas of the Central Cantonment Area. The  
4 Northeastern Parcel is about four hundred and sixty-five  
5 (465) acres, has thirty-nine (39) buildings and was proposed  
6 for unrestricted use. This gives you a little history of  
7 the sequence of events we went through to get to where we  
8 are now. And basically we're waiting for the Deputy  
9 Assistant Secretary of the Army, Mr. Whitaker, to sign the  
10 Deed. Mr. Ford signed it in August. We expect him to sign  
11 it sometime this month and then later this month or early  
12 December there will be a meeting between Mr. Ford and the  
13 Louisville Corps of Engineers Real Estate Office and they  
14 will exchange paper. We will get a check for reimbursement  
15 and he will get a Deed. And that will conclude that  
16 particular transfer and that's where the parcel is  
17 (indicating). It's in the Northeast Corner of the  
18 Cantonment Area. Are there any questions regarding that  
19 particular transfer? The remaining areas of the Central  
20 Cantonment Area are laid out on this slide and the next  
21 slide and they're commonly referred to as the - the postage  
22 stamp. These are the areas where we had actual or known  
23 contamination or suspected contamination and we didn't ah  
24 perform any actions but that was not determined until just  
25 last year about this time when the Record of Decision was

1 signed. But the Army's intent is to do one (1) last  
2 transfer and we will include all of these parcels or postage  
3 stamps as it were in that transfer. The total acreage is  
4 about thirteen hundred (1300) acres and this will give you  
5 some idea of where in the description of those parcels and  
6 then the - the sequence, what we're expecting right now, ah  
7 about a year from now or maybe a little bit more we're  
8 expecting that the Draft Finding of Suitability to Transfer  
9 will come out for a public review and comment. It may not  
10 be until the beginning of 2007 but it will be within the  
11 next twelve (12) to fourteen (14), fifteen (15) months. And  
12 that's what we're projecting right now. But that's  
13 contingent upon finishing up our work in the Cantonment Area  
14 which is right now focused on the Open Burn Area.

15  
16 **MR. KEN KNOUF:**

17 So then you anticipate the final actual  
18 transfer taking place end of 2007, middle of 2007?

19  
20 **MR. PAUL CLOUD:**

21 Right now we're projecting or estimating the  
22 end of fiscal year 2007, September of 2007. But that may be  
23 ah - it may slip a little bit. We don't know yet. It's  
24 contingent on getting the Open Burn Area done, getting EPA  
25 to buy into that and then just getting - just because the

1 FOST which will cover all these various areas, and I'll show  
2 you - (indicating) that's one (1) part of the area right  
3 there, that's another part and then it has all these even  
4 smaller postage stamps. It's going to be a fairly complex  
5 document just because it will describe all these things and  
6 if there are any environmental restrictions after the  
7 transfer it will have to address all of those. And so just  
8 by that nature it will be a little more - instead of being a  
9 standard thirty (30) or forty (40) pages it might be a fifty  
10 (50) or sixty (60) page document because it will have - it  
11 will address all these - these individual parcels. And of  
12 course some of these parcels had contamination on them and  
13 they will either address that issue, and there aren't any  
14 restrictions, or they will address that issue and also  
15 identify any restrictions that will be applicable to that  
16 after the transfer that will follow with the land. Joe?

17  
18 **MR. JOE ROBB:**

19 Is one (1) of those areas that gator mine  
20 property site? It's in the Southeastern part?

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22 **MR. PAUL CLOUD:**

23 No. Ah when I say no that's - that's part of  
24 - that's part of this area right here (indicating), the  
25 Southeast Parcel.

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**MR. JOE ROBB:**

Does that still have some contamination?

**MR. PAUL CLOUD:**

No. The only area that is quote contaminated is this little doughnut hole (indicating) right here. This is the Open Burn Area. That's the one (1) we still have to finish before we even start the FOST. When we finish that area then we will - this parcel will actually include this area in it.

**MR. KEVIN HERRON:**

Paul when you put your estimations or estimates of things?

**MR. PAUL CLOUD:**

Un-huh (yes).

**MR. KEVIN HERRON:**

It's based on best case scenario on things that are within - somewhat in control of the Army correct?

**MR. PAUL CLOUD:**

That's correct. I wouldn't say it's the best case. I would say it's reasonable based on experience and

1 there's some hope in there. And when I say hope ah the Open  
2 Burn Area is regulated by Region Five (5) of the EPA. And  
3 this summer we had some gentlemen from that office come out  
4 to JPG and they were escorted by my representative from the  
5 Corps of Engineers, Brooks Evens, and there was a very  
6 favorable, very productive meeting with them and I talked  
7 with them on the phone when they were still at the Proving  
8 Ground. I was unfortunately unable to come to the Proving  
9 Ground that day. Ah but it appears that from my prospective  
10 that it should be fairly straightforward as to what has to  
11 be done on that particular site. It won't be dragged out  
12 like it was during the RI and the FS from the EPA's side.  
13 And so we're - we're expecting that the first part of  
14 calendar year 2006 we will provide to them you know end of  
15 December, sometime in early - early 2006, and you will see  
16 this on the next slide or two (2), where we will be giving  
17 them responses to their comments on the OB Area and then  
18 probably late spring because of the feedback we've already  
19 gotten and their already inspection of the area this last  
20 year that they will concur on what we're proposing which was  
21 basically soil removal with a Deed Restriction for ground  
22 water. And then this summer, or I should say this coming  
23 summer, 2006, or at the least 2006 fall we'll have that  
24 done. And all we'll need from them is their concurrence  
25 that we're finished. So it may be a little optimistic that

1 we'll have the FOST by the end of 2006 but I think it's  
2 reasonable. And our experience has also been that once we  
3 start the FOST process that it's about a year after the FOST  
4 goes out for initial thirty (30) day public review that the  
5 property is actually transferred. The one (1) exception to  
6 that is the Northeastern Parcel. That is a little  
7 different. Does that answer your question?  
8

9 **MR. KEVIN HERRON:**

10 Partially. When you say transferred does that  
11 mean Deed signed and all?  
12

13 **MR. PAUL CLOUD:**

14 Yes.  
15

16 **MR. KEVIN HERRON:**

17 Complete?  
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19 **MR. PAUL CLOUD:**

20 Yes.  
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22 **MR. KEVIN HERRON:**

23 Because it seems like to me the biggest factor  
24 on - that's outside of anybody's control right now is being  
25 when Mr. Ford decides he's going to sign the Deed.

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**MR. PAUL CLOUD:**

As far as I know there are no what I will classify as outstanding issues for future property transfers. His concern regarding the Northeast Parcel has been resolved as far as I know and this last transfer should not be impeded by any concerns unless he has additional concerns I'm unaware of right now. So once - once we have created the Deed for this last transfer of approximately thirteen hundred (1300) acres, it should be fairly straightforward for him to review it, sign it, go back to the Corps - to the Corps Headquarters in Washington and then over to the Pentagon for the Secretary to sign. Then we just set up a meeting to transfer paper.

**MR. KEVIN HERRON:**

At what point will there be the determination as far as wetlands and other things? Does that come later on?

**MR. PAUL CLOUD:**

The wetlands and the endangered species covenants will not change from what they were in the Northeast Parcel. Whatever wetlands are in these parcels there will be an appropriate similar covenant. And because of what we've already received from Fish and Wildlife that

1 applies to the whole Cantonment Area that is - that's not  
2 already been transferred. And so that won't change either.

3  
4 **MR. KEVIN HERRON:**

5 Okay. As I understand that some of his issues  
6 in the past have been related to wetlands determination and  
7 what he can and cannot do with that land?

8  
9 **MR. PAUL CLOUD:**

10 True.

11  
12 **MR. KEVIN HERRON:**

13 And he doesn't appreciate that.

14  
15 **MR. PAUL CLOUD:**

16 But on the Northeast Parcel those covenants  
17 were not altered.

18  
19 **MR. KEVIN HERRON:**

20 So therefore you anticipate that any  
21 determination in these other ones he already understands  
22 what he is getting into?

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24 **MR. PAUL CLOUD:**

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**MR. KEVIN HERRON:**

So those won't - he won't need to - he knows what the responsibility is going to be?

**MR. PAUL CLOUD:**

That's correct. Any other questions? The Open Burn Area. This is basically where we - where we are in this. I showed you a picture of it. Ah in December we're expecting to respond to the EPA's comments and we expect in the spring of 2006 and maybe late spring or early summer to do the actual soil removal. And then after that we will work on the FOST which we hope to get out by the end of next year. And again that's where the Open Burn Area is. That's part of - well that's not really part of but it's located by the Southeastern Parcel. Richard the floor is yours.

**MR. RICHARD HILL:**

Thank you. I have spoken to other community members of the RAB concerning ah where we go from here being that things are definitely winding down. Property is as Paul just explained - we can see the - the end as to the last transfer, the exact date of which of course as Kevin and Paul were discussing is not exactly known but at least we can get it - kind of an idea of when that would happen.

1 So ah in - in talking to the other RAB members there was  
2 maybe you know a slight variation of opinion as to what we  
3 should do from here on out. But it did seem that the  
4 general consensus was that yes indeed things are winding up.  
5 And in order to take into consideration ah the ah input that  
6 I - that I got ah I think that ah - well that I would  
7 recommend that as far as continuation of the RAB that we  
8 meet two (2) more times next year probably spring - you know  
9 sometime fairly early in the year and sometime real late in  
10 the year. And then at that time - at the time of the last  
11 meeting next year make a determination of whether or not we  
12 need to continue on longer than that. Ah there is some  
13 feeling that we should at least stay together ah until all  
14 the property is transferred but there's also the feeling  
15 that there's not a need for frequent meetings being that  
16 there's just not a whole lot going on. Ah and I would even  
17 recommend that the two (2) meetings that we have next year  
18 that we just have them in Madison being that that's where we  
19 usually have the most people come to, although we do have  
20 quite a few people here tonight. Ah so I guess I could be  
21 persuaded otherwise. And that ah you know what we're  
22 looking at is this four thousand (4,000) acres which does  
23 fall in Jefferson County so I don't know if it's all that  
24 important to switch around to the various counties anymore.  
25 And so that's what we're recommending.

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**MR. PAUL CLOUD:**

And I appreciate that. In fact you answered the one (1) question I was going to ask you about where you were proposing to hold the meetings. I will get with you later and when we send out the minutes to this meeting to the RAB members plus I can - I will have a separate letter to everyone on our mailing list. I will identify - we will have agreed to meeting times and dates for the - for the two (2) meetings next year. I would like to see something March-April time frame.

**MR. RICHARD HILL:**

Yeah.

**MR. PAUL CLOUD:**

And then maybe October-November time frame.

**MR. RICHARD HILL:**

Yeah.

**MR. PAUL CLOUD:**

Something like that. We will look at our calendars and see what's doable.

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**MR. RICHARD HILL:**

Yeah.

**MR. PAUL CLOUD:**

Any comments or questions on Richard's discussion?

**MR. KEVIN HERRON:**

Right now we're in the middle of ground water sampling, major ground water sampling event for the remaining sites obviously that have the ground water issues. Typically after two (2) years of sampling you - you do a trend analysis to try to determine what is occurring and what you anticipate will be occurring in the future. And my suggestion would be that maybe if you're going to have two (2) more and you are taking six (6) month time frame you might consider bumping one (1) more into that next year so we might be right about the time that we have the two (2) years for the sampling done. And you may have a need to present some data and information to the public at that moment. So that would be just a suggestion from me to keep that on your ah - you know on the back burner that you may want to go ahead and have another one (1), push another six (6) month into which would put you into the next year.

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**MR. RICHARD HILL:**

I can see that as a - yeah.

**MR. KEVIN HERRON:**

Because if you're - if you base the RAB on RI and what's happening in the RI then the ground water issues that still exist finding out what's finally occurring with those or getting an idea of what's occurring with those might be a good id - good thing to do to present that - that type of information to the community.

**MR. PAUL CLOUD:**

So if you were going to propose a date or dates what would you - I mean month wise what would you suggest?

**MR. KEVIN HERRON:**

Well if you're going to - I would just do probably six (6) months later but again you would need to maybe talk to Brooks and find out what's going to occur as far as the time frame to finish.

**MR. PAUL CLOUD:**

And get the results.

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**MR. KEVIN HERRON:**

And then find out how long he thinks it's going to take them to generate their report because now they're going to have to analyze two (2) years worth of data and generate a report. So at that point he may - obviously you want to go through a review and have it approved. You don't want to present unapproved.

**MR. PAUL CLOUD:**

I understand.

**MR. KEVIN HERRON:**

Data and information. So it may end up being not six (6) months but it may end up being at the end of that next year. But at least I would say - it's just a suggestion instead of saying okay we're not having anymore. We may want to --

**MR. RICHARD HILL:**

Oh yeah.

**MR. KEVIN HERRON:**

Find out what's occurring with the ground water for the future.

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**MR. RICHARD HILL:**

Well that's the main reason that I said that at the last meeting of next year that we would determine when - if and when we need to meet again so that sounds like maybe a reason that we would need to meet.

**MR. PAUL CLOUD:**

At least a third meeting.

**MR. RICHARD HILL:**

In 2007 for one (1) more meeting or something.

**MR. KEVIN HERRON:**

Correct.

**MR. PAUL CLOUD:**

Depending on the results of the trend. That seems reasonable.

**MR. KEVIN HERRON:**

Again the quarterly meetings - we don't have enough occurring quarterly to really present any new information.

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**MR. RICHARD HILL:**

Right.

**MR. KEVIN HERRON:**

So spreading them out seems to work out fairly well.

**MR. PAUL CLOUD:**

Sounds good. Any other comments or questions? Comment and question portion. Your name's not Sharon. What do you want? Or it's not Diane either.

**MR. KEVIN HERRON:**

But my last name rhymes with Sharon, Herron.

**MR. PAUL CLOUD:**

Yes, Kevin?

**MR. KEVIN HERRON:**

I get called Karen - Karen quite often because of Herron, Kevin deal. Another thing is that right now EPA is going through, and I discussed this with Brooks, EPA has got a big push on institution controls and Deed Restrictions and those kind of things being documented and some kind of proof that those are actually still in place and occurring.

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**MR. PAUL CLOUD:**

Un-huh (yes).

**MR. KEVIN HERRON:**

And being followed. And so they've got brand new guidance out, a lot of guidance we're going through right now. We're going through the growing pains of the early stages of this and having to deal with EPA attorneys and I don't think they really quite know yet how they really want this to - to be presented finally. So - but I - I told Brooks that during the five (5) year review there's going to have to be quite a bit of Deed type information presented in the five (5) year review referencing the restrictions especially for ground water and what not.

**MR. PAUL CLOUD:**

We're aware of that and there's been considerable discussion, negotiations, meetings between the Department of Defense, Department of the Army and EPA on this. And the last time I really looked at it in detail there were two (2) processes that they had basically agreed upon. One (1) I think is characterized as the Navy Process Procedure and the other I think was the Air Force or the Army, I can't remember which. But I think there's - there's no doubt we will follow one (1) of those two (2). I don't

1 remember which one (1) and it's being worked on right now  
2 specific to JPG. But we are aware of that yes and I  
3 appreciate you bringing it up.  
4

5 **MR. KEVIN HERRON:**

6 I know the Navy very early on I think - I  
7 guess kind of took kind of our thunder as far as being the  
8 first for many things. They had some transfers that  
9 happened fairly quickly and they had the issues with the  
10 Deed Restrictions so the Navy jumped on it very hard and -  
11 and quick and early to establish some things. So I know the  
12 Navy definitely has some pretty good stuff as far as for the  
13 Deed Restrictions to some control.  
14

15 **MR. PAUL CLOUD:**

16 We're aware of that. Anything else? Joe?  
17

18 **MR. JOE ROBB:**

19 It looks like the transfer that include  
20 Building 125 will be occurring in 2006. Is there --  
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22 **MR. PAUL CLOUD:**

23 2007.  
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**MR. JOE ROBB:**

2007?

**MR. PAUL CLOUD:**

Yeah. That's it. You said 125 right?

**MR. JOE ROBB:**

Yes.

**MR. PAUL CLOUD:**

125 is in the - in the last group of parcels.  
That transfer we don't expect to happen until ah September  
of 2007.

**MR. JOE ROBB:**

Okay.

**MR. PAUL CLOUD:**

Does that answer your question?

**MR. JOE ROBB:**

Yes.

**MR. PAUL CLOUD:**

Okay. Anything else?

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**MR. KEN KNOUF:**

Kevin might want to identify himself to some of the new folks here and they'll know why he had all these questions.

**MR. PAUL CLOUD:**

Go ahead Kevin.

**MR. KEVIN HERRON:**

Well my name is Kevin Herron. I'm with the Indiana Department of Environmental Management. I am the Project Manager for the Environmental issues for JPG. I represent the State's interest as far as environmental cleanup.

**MR. PAUL CLOUD:**

They are the regulator of record, the lead regulator environmentally for Jefferson Proving Ground.

**MR. KEVIN HERRON:**

But I am also - due to regulation I am not direct - I have no regulatory authority to say so over the DU which is north of the firing line. Because I get that question - I've got that question several times.

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**MR. RICHARD HILL:**

Really?

**MR. KEVIN HERRON:**

You can look in the statute. Paul can probably recite it by - perfectly.

**MR. RICHARD HILL:**

No I just couldn't believe you get asked that.

**MR. PAUL CLOUD:**

I don't have anything further. I appreciate everyone coming tonight. I would hope that you signed our attendance sheet so if you have a different address or this is your first meeting we can add you to the daily list or change your information on the mailing list so we can keep you informed. And when Richard and I agree on the meeting schedule for next year if you are a RAB member you will get that with a copy of the minutes and agenda from the meeting. And if not and you're just on the mailing list you will get a separate letter identifying when the meetings are next year. I have nothing else. Richard do you have any closing comments?

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**MR. RICHARD HILL:**

Ah no I don't think so.

**MR. PAUL CLOUD:**

Thank you. We're done.

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C E R T I F I C A T E

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF JEFFERSON        )

I, Sharon Shields, do hereby certify that I am a Notary Public in and for the County of Jefferson, State of Indiana, duly authorized and qualified to administer oaths; That the foregoing public hearing was taken by me in shorthand and on a tape recorder on November 2, 2005 at the Jennings County Public Library, North Vernon, Indiana; That this public hearing was taken on behalf of the Jefferson Proving Ground Restoration Advisory Board pursuant to agreement for taking at this time and place; That the testimony of the witnesses was reduced to typewriting by me and contains a complete and accurate transcript of the said testimony.

I further certify that pursuant to stipulation by and between the respective parties, this testimony has been transcribed and submitted to the Jefferson Proving Ground Restoration Advisory Board.

WITNESS my hand and notarial seal this 18th day of November, 2005.

\_\_\_\_\_  
Sharon Shields, Notary Public  
Jefferson County, State of Indiana

My Commission Expires: July 2, 2007