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01 CAMP CROFT RESTORATION ADVISORY BOARD MEETING
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02
02 PLACE: SC School for the Deaf and the Blind
03 Swearingen Conference Center
03
04 DATE: Tuesday, September 9, 1997
04
05 TIME: 7:05 p.m. to 8:40 p.m.
05
06 PRESENTATION
06 GIVEN BY: Wayne Bogan
07 Project Manager
07 U.S. Army Corps of Engineers
08 Charleston District
08
09 Ola A. Awosika
09 PARSONS ENGINEERING SCIENCE, INC.
10
10 BOARD MEMBERS
11 PRESENT: David Mullinax, Chair
11 Norma Borkowski
12 Kathy Burrell
12 Fritz Hamer
13 Gary Hayes
13 John E. Keith
14 William Littlejohn, Jr.
14 W. Brownlee Lowry
15 George Mullinax
15 Harold D. Osborne
16 Robert W. Powell, Jr.
16 Clary H. Smith
17 Sanford N. Smith
17 James B. Thompson
18 Sherry Wheeler
18 Darwin J. Wilson
19
19 BOARD MEMBERS
20 NOT PRESENT: Gerard Perry
20 Dot Sloan
21 Gerald T. Thurmond
21
22 ALSO PRESENT: Suzy McKinney
22 Zapata Engineering, P.A.
23 1100 Kenilworth Avenue, Suite 104
23 Charlotte, North Carolina 28204
24
24 REPORTED BY: Sandy Satterwhite Reporting
25 (864)574-1455

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01 BY MR. DAVID MULLINAX:
02 I'd like to welcome everybody to our September
03 meeting of the Camp Croft Restoration Advisory Board.
04 Just to remind you of a few things that
05 everybody has a copy of the agenda. We will follow

06 the agenda. If anybody has any remarks, please keep
07 those remarks pertinent to the subject at hand.

08 Whatever the speaking is talking about, address the
09 questions towards his subject or her subject.

10 If you're new to the meeting, please state your
11 name, so that it can be entered in the record.

12 At this time, I'll turn it over to Mr. Wayne
13 Bogan.

14 BY MR. BOGAN:

15 Good evening, and welcome back to everyone. I
16 wish I had a job like this where I stood up and talked
17 for two minutes instead of standing up here and
18 talking quite a bit longer.

19 BY MR. DAVID MULLINAX:

20 That's why you make the big bucks.

21 BY MR. BOGAN:

22 Yeah, that's why you're paid the big bucks,
23 right? That's what my National Guard guys tell me,
24 too.

25 Okay. What I want to do briefly is start over

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01 the status of removal activities, what we've got
02 ongoing and what we're finishing up.

03 The primary focus is going to be on the
04 engineering design that we've just completed for Area
05 00U6. But, just briefly, the final report from Human
06 Factors Application, HFA, for the work that they did
07 primarily within the State Park in the Wedgewood
08 neighborhood, we got that final report in.

09 This is where they're finishing up the clearance
10 letters to give to the State Park a letter saying that
11 your property was cleared to specific depths.

12 In addition to that removal reports, we've got
13 the sampling report. Remember, I think it was in
14 March when I mentioned that we had some additional
15 sites. We haven't been given too many, but we're
16 going to try and look at those.

17 We looked at those. We got the report in. I
18 just got it in this week, and I haven't had a chance
19 to send out copies, yet.

20 It essentially said that they found nothing in
21 all these different sites that we've looked at. If
22 any additional areas do come up, then we'll try and
23 address those again on an as needed basis.

24 I know I have one gentleman who has told me that
25 he has some additional sites he wants to give me, and

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01 so we'll try and address those when we actually do the
02 removal action for the -- as a result of the next
03 EE/CA report.

04 I also have a copy of the draft EE/CA report
05 that was -- as we had it in the June meeting where
06 we've made some revisions to it and asked the
07 contractor to do some additional work. So they're
08 finishing that up.

09 We expect that they will have a public meeting,
10 as a result of their reports presented in its draft
11 form, on October the 22nd.

12 To try and keep from having too many things at
13 one time, I didn't want to present the design for Area
14 6 and the full EE/CA at the same point and start
15 getting two different work efforts combined. Plus,
16 the other contractor wasn't quite ready to make the
17 presentation, but they will do that on October the
18 22nd.

19 That then leads me into the primary focus that I
20 have tonight, which is on Area 6. All the RAB members
21 were sent a copy of the draft, Engineering Design.
22 Okay. You've got Volume I and Volume II.
23 I'm going to ask tonight that you give back
24 Volume II temporarily. The reason being that they
25 should not have gone out to you, because that's the

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01 basis of our government estimate from when we actually
02 award the contract for the removal. Okay. So it's --
03 we prefer to keep that close hold.

04 I mean, you've seen it. It's not a problem, but
05 I don't want to happen is some -- somebody has a
06 contractor come in and approach one of you and you
07 have the estimate, then kind of, "Well, I mean, how
08 much do you think we should spend on that," and you
09 all are in a position where you say, "Well, let me
10 just look at the report. You ought to spend this
11 amount of money on this work." Then they've got a
12 head start on the rest of the competition for this
13 work. Okay.

14 Once we award the contract, then I'll give you
15 the copies right back.

16 If anybody has any questions about that and
17 about the way the process works, just please let me
18 know.

19 I'm going to hit a couple of the primary points
20 as a result of the report. Hopefully, all of you have
21 had a chance to look at it. I'll point out a couple
22 of pages that I want to reference to briefly.

23 The first one is going to be in the Executive
24 Summary, page ES-5. That's just a quick report, a
25 quick chart that shows each of the different sectors

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01 that we've looked at, what we plan on doing in each of
02 those. That's essentially the final word what we're
03 looking at doing.

04 For those in the audience I apologize for not
05 having copies to hand out. I'll try to have copies
06 next time when I come to the Board to give another
07 presentation.

08 Following the basic process for going through an
09 engineering design -- can everybody see this all
10 right? I'll try to turn it so that everybody can see.

11 What we've tried to do is come in and gather all
12 the site data and historical data and the field data,
13 as we have in the others, and we've been putting in
14 that what we call a geographical information system.
15 And you'll see it on one of the charts that I pull up
16 in a minute, which is a map of all kinds of colors and
17 everything else.

18 That's essentially a computer program that let's
19 us take all the information and display it on the map
20 in various colors and help us to organize the
21 information.

22 From that we've done a statistical analysis.
23 Look at Sector I and look at Sector II, what is the
24 risk, and what's the chances of somebody getting hurt,
25 and that gives us our risk analysis, and then we look

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01 at the different areas on the ground to give us the
02 final report.

03 For those of you with the reports, this is just
04 right outside of your reports. That way you know
05 which chart this is.

06 BY MR. AWOSIKA:

07 I think it's Figure 1-8.

08 BY MR. BOGAN:

09 So you can look in there, and for everybody else
10 I'll have this so you have a full blown view so you
11 can see it.

12 The property was divided up into several
13 different areas. You'll notice the yellow areas, and
14 these are properties where we did not get a right of
15 entry to do any work on the property.

16 All right. Number one from the landowner not
17 wanting us to come on the property; and two from other
18 pieces of property where we could not get a hold of
19 the landowner. So everything has been focused,
20 excluding these two yellow areas.

21 All right. We come in the big red area is Grid
22 87. This is an area we have already designated that
23 we need to do future work on that. I have the draft
24 work plan for Grid 87 in my hand. That's going
25 forward for safety approval and for a request to get

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01 all the approvals we need to start the work.

02 Okay. Engineering Design will highlight all of
03 the other areas. Okay. So we're excluding the yellow
04 and primarily excluding the red one for the moment.

05 We addressed all the future and current work as
06 best we could. We're primarily focusing on the
07 current work on the property. Again, it's primarily
08 Dr. Lowry's property. Some down the side run into
09 others, and some of your maps identify those. All
10 right.

11 As a result of looking at the different areas,
12 we found 15 ordnance items in the area, one of which
13 was a live 105 millimeter artillery shell.

14 Okay. The map -- and you'll be able to come up
15 and look at it later -- a little bit later on --
16 identifies where these were located. All right.

17 You'll see a red square that's not filled in,
18 and these are the areas where they have found the 105
19 rounds or projectiles. Excuse me. And you've also
20 got the one red square that's filled in. That was
21 where we found the one alive around -- right next to
22 the pond area where Dr. Lowry is building that.

23 The recommendations that have come back from our
24 contractor, Parsons Engineering, essentially
25 recommends that there's several areas that we want to

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01 come in and do a clearance on, ranging from a surface
02 clearance to a clearance down to four feet.

03 The primary areas that we're going to look at --
04 again, we already have Grid 87 here identified to do a
05 clearance down to around four foot. And I say around
06 four foot, because the deepest that we found anything
07 here was 24 inches. And we're setting that up to go
08 down to four foot for the clearance.

09 We also have a Landfill 1 part of that area and
10 Compost A, and we have Compost B right adjacent to
11 Landfill No. 2; and then we have the pond area that we
12 recommend coming in and doing cleanup on that.

13 The alternatives for the pond area, we recommend
14 that it comes in and we do a clearance down to one
15 foot. Well, actually, a majority of the pond area
16 we've already done clearance on. That's where at the
17 March meeting where we were trying to go forward after
18 we found a live 105 in the immediate area of

19 construction. We've already had HFA to come in and to
20 clean the pond area, so that during the construction
21 activities, they wouldn't run into a problem.

22 That's not -- the entire area was not covered
23 during that clearance, so there would be portions of
24 this that would still require additional work.

25 We've got Landfill 1 and Compost Area A, we

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01 recommended surface clearance and then a sub-surface
02 clearance down to four feet.

03 All right. You've got a Compost -- let me make
04 sure this is right.

05 Compost B area next to Landfill 2 has a
06 recommendation to go down to -- excuse me. Just to do
07 a surface clearance, because there's not going to be
08 any intrusive work. In the Compost area, if you're
09 going to use the top of the surface, the
10 recommendation was just to surface clearance only.

11 If you have any questions about the definition
12 we use for surface clearance before, I can bring that
13 up if you need it.

14 All right. Then we have the pine farm area,
15 which was primarily this pink area. The only area
16 that we're looking at here is where we have the
17 magazine storage now where there's going to be a
18 construction area for a barn in that area, and that's
19 going to be clearance down to one foot for that for
20 the future excavation.

21 That, essentially, is a quick summary of what is
22 a result of finding these 15 items we're recommending
23 that we do in the next removal action for this
24 particular piece of property.

25 Does anybody have a particular question about

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01 this?

02 BY DR. KEITH:

03 How many acres in this -- this area we're
04 talking about doing? What's the total acreage there?

05 BY MR. BOGAN:

06 Actually, if you'll look in your -- page 3-5,
07 there's a chart that gives a total acreage of
08 different areas.

09 BY DR. KEITH:

10 In the very first of it?

11 BY MR. BOGAN:

12 It's Table 3- -- excuse me. Table 3.1.

13 BY DR. KEITH:

14 Could you just read it to me or ---

15 BY MR. BOGAN:

16 Sure.

17 BY DR. KEITH:

18 I don't know if I can find it here.

19 BY MR. BOGAN:

20 Landfill in the compost areas is 21 acres. That
21 would be Landfill 1 and Compost Area A. I'll
22 point this out to you. This is going to be your 21
23 acres here. Okay.

24 Then you've got the pond area, which is 25
25 acres. Of those 25, we've already done approximately

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01 10.

02 BY MR. THOMPSON:

03 How far down did you go on those?

04 BY MR. BOGAN:

05 Four foot. Then Compost A -- excuse me.

06 Compost B.
07 BY MR. AWOSIKA:
08 Compost B is approximately five acres.
09 BY MR. BOGAN:
10 Five acres. Okay. It's not listed. It's
11 included with all the rest of it. That's why it
12 wasn't bringing it up. Okay.
13 So we're looking at 21 acres around Landfill 1,
14 five acres here, an additional, say, 15 acres there.
15 All right. So around 40 acres. And then Grid 87,
16 I'll have to look in the report to see how many acres
17 that was.
18 BY MS. BORKOWSKI:
19 That's 30.
20 BY DR. KEITH:
21 On Grid 87, how deep are you going to take 87,
22 did you say?
23 BY MR. BOGAN:
24 Four foot.
25 BY DR. KEITH:

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01 Four feet?
02 BY MR. BOGAN:
03 Yes, sir.
04 BY MR. CLARY SMITH:
05 Why are you going four feet on some and surface
06 on the others?
07 BY MR. BOGAN:
08 Based on what was found in the area and the
09 recommended future use of the property. For example,
10 the Compost B here, the only future use listed or
11 recommended was a compost area, which doesn't require
12 any intrusive work or very little intrusive work, so
13 that's what they recommend.
14 BY MR. HAMER:
15 Well, what I need to know what they mean by
16 compost. Are we talking about throwing vegetation,
17 leaves and stuff?
18 BY MR. BOGAN:
19 Leaves. Like if I'm -- that's correct. Dr.
20 Lowry was taking the leaves from ---
21 BY DR. LOWRY:
22 Can I -- can I have just a minute here? May I,
23 please?
24 I have an agreement with the City of
25 Spartanburg, because I have so much poor land, to

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01 accept all of the leaves that are non bagged with no
02 trash in them free of charge, and those essentially
03 are piled up, rot and used to plant.
04 BY MR. STONEWALL STEWART:
05 We can't hear you all the way in the back.
06 BY DR. LOWRY:
07 Composting. These are leaves that I accept for
08 Spartanburg City at no charge, and we pile them up and
09 let them rot and pile it into the areas that we want
10 to plant.
11 There's so much red clay, that we needed the
12 hummus in the soil, and this is probably the easiest
13 way to do it. We receive approximately 500 tons a
14 year of leaves at ---
15 BY MR. HAMER:
16 Where are you going to plow this up? Right in
17 the same area, eventually?
18 BY DR. LOWRY:

19 Not always. No, sometimes we haul it to another
20 area.

21 BY MR. HAMER:

22 But if you're going to be plowing eventually
23 somewhere in there, isn't that ---

24 BY DR. LOWRY:

25 But this is -- this is what I want to speak to.

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01 I think that the future use of this property, Wayne,
02 is -- is definitely development or agriculture. And
03 as you all have heard me say many, many times in here,
04 the Department of Defense recommends four feet for
05 agricultural use. It recommends four feet for
06 recreational use. It recommends ten feet for
07 construction. Now this is your own Department of
08 Defense Safety Explosive Board, and I have all of this
09 stuff in writing.

10 And there are a lot of areas on this property
11 right now that we're using for extensive deer hunting.
12 What else -- what else can you do with it? I mean,
13 who wants to go in there and get blown up in plowing.
14 I'm not going to. I certainly don't want my children
15 to do so.

16 I don't know whether you can see my map or
17 whether it is accurate compared to this map, but
18 there's a lot of stuff in here that's -- excuse me.
19 Although it's not exactly accurate with my plans, and
20 I'm sorry if I misled you.

21 Wayne, can you hold this on that side, please.

22 BY MR. BOGAN:

23 Sure.

24 BY DR. LOWRY:

25 This is Highway 176. This is the Pine Street

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01 extension. You all can see that. Can you all see
02 that? This is the Pine Street extension here.

03 Three and a half years ago I had a pond surveyed
04 right here by the US Agricultural Department, and
05 there are two entrances here -- one of them being
06 right here and one of them being down here -- that I
07 was going to use to enter this property to build my
08 home on, which is the reason I bought this land was to
09 build a future home.

10 All right. When they cleared this, the area
11 that I have here in yellow is the poppy field. It's
12 where they had a section of road 400 feet long, 40
13 feet wide in which they found 3,000 flags?

14 BY MR. BOGAN:

15 I'd have to go back and look at the report.

16 BY DR. LOWRY:

17 It's approximately -- between 2,500 and 3,000
18 flags were put down in a strip of land from here to
19 the end of the parking lot.

20 They cleared this piece of property up here for
21 40 feet, and they cleared this road coming down here,
22 made a circle and cleared approximately four acres in
23 here and found 15,000 pounds of shrapnel.

24 They wouldn't tell me exactly how many 105s they
25 found, except that they did find a live 105 right

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01 here.

02 Will you turn it around where they can see it,
03 please?

04 Now, we found the live 105 here, the live 105
05 here, two live 60s here, two live 60 millimeter

06 mortars here, and across these strips that they ran
07 anywhere from 13 to 11, and I can't -- each report I
08 read is different, but there were seven 81s and six
09 60s in one of the reports of the EE/CA that was done
10 across the top of this hill, which is Grid 87.

11 So we found live artillery all the way from
12 right here to right here to right here, which is about
13 600 feet from the road, and I think it rather -- I
14 don't think it's very thorough to clean up a piece of
15 land in part and have to come back later to do it.

16 If my plans change and I want to develop this
17 piece of property and sell it to people to build homes
18 on to work down at the new Disney plant, I ought to be
19 able to do so. Anything less than four feet is
20 inadequate. If I want to plow this land and plant it,
21 anything less than four feet is inadequate. If I want
22 to burn this property and plant pine trees, anything
23 less than four feet is inadequate for the entire area
24 that I have circled.

25 Now I'm no ordnance expert, but I know a live

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01 105 when I see it, and I know a dead one when I see
02 it, but when you're plowing on a tractor and one comes
03 up, I can't explain the feeling to you.

04 I think that the entire place should be cleaned.
05 I think it should be cleaned to four feet, and that's
06 just my opinion, and I would like some feedback from
07 this Board on that.

08 I don't want to be plowing out there. I don't
09 want my children doing it, and I certainly don't want
10 my grandchildren to go out and start digging in the
11 woods someplace and get blown to smithereens, and I
12 think it -- I think this is inadequate, and I don't
13 think any of you all would want to buy this property
14 knowing that because it was planted in pine forest
15 they didn't want to search it. Because if you ever
16 cut the trees down and want to dig a foundation, what
17 are you going to do? We're going -- I'm in four years
18 of this now. We're going to wait four years to build
19 a house?

20 BY MR. HAMER:

21 So, Dr. Lowry, you purchased this land four
22 years ago?

23 BY DR. LOWRY:

24 I can't tell you the exact date, but it's at
25 least -- yes, and I let the Corps of Engineers know

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01 that there was stuff here. When was the Time Critical
02 done, Wayne?

03 BY MR. BOGAN:

04 It was done from August through December of '94.

05 BY DR. LOWRY:

06 And so Wayne was riding around with me on this
07 property in a different position, but you were with
08 the Corps then, and visited this property and saw this
09 munitions that were on this property at that time, and
10 I've been trying to get it cleaned up ever since, and
11 all I can get is piecemeal.

12 I'd like it to be cleaned up once and for all,
13 and I'd like a certificate saying that it went to four
14 feet.

15 BY MR. THOMPSON:

16 Wayne, what percentage of that -- all the acres
17 is four feet now, do you know?

18 BY MR. BOGAN:

19 I'd have to look. You're looking at -- now the
20 areas we're talking about working on is not the entire
21 area that Dr. Lowry has outlined. That one -- the
22 tree forest and all these others where we didn't find
23 anything during this sampling effort, all that effort
24 is excluded.
25 BY DR. LOWRY:

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01 But, Wayne, I have found stuff down there.
02 BY MR. BOGAN:
03 I understand, and I've talked with Parsons and
04 what I've recommended is that we're not only going to
05 have a chart that shows what was found during this
06 sampling activity, but they also took into account, by
07 going through the previous TCRAR, Time Critical
08 Removal Action Reports, and from previous EE/CA
09 reports, all the other items that were listed, and
10 those were placed in as far as calculating the risk
11 factors of the different areas and their analysis in
12 looking at that.
13 But I've asked them to put in a table to list
14 every item that has been found in three reports that
15 we've worked on for this area, plus have a column in
16 there for everything that Dr. Lowry has found when he
17 hired someone to do the clearance on his property at
18 his own cost.
19 BY DR. LOWRY:
20 Wayne, may I ask and add one more thing?
21 BY MR. BOGAN:
22 Yes.
23 BY DR. LOWRY:
24 Only five percent of this property has been
25 sampled; is that correct? 5.5 percent? 5.5623

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01 percent?
02 BY MR. AWOSIKA:
03 Yes, in that range.
04 BY DR. LOWRY:
05 So we don't know if 50 feet, from me to Mr.
06 Thompson here, that there's not a live 105 sitting
07 there waiting on it? Five percent of this property
08 has been sampled.
09 Now how many of you sitting here would feel good
10 about this if it was your property?
11 I simply want my property cleared up and I want
12 it cleared up properly the first go round, and I don't
13 think that's too much to ask.
14 BY DR. KEITH:
15 What's the cost to do it?
16 BY DR. LOWRY:
17 I have no idea. It's not my problem. I didn't
18 put it there.
19 BY DR. KEITH:
20 Have you talked about fees at all?
21 BY DR. LOWRY:
22 I'd like for them to buy the property from me.
23 Okay. As you well know.
24 BY DR. KEITH:
25 Have you been ---

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01 BY DR. LOWRY:
02 Pardon?
03 BY DR. KEITH:
04 Let's say, if you're so afraid of this property,
05 it seems to me like that would be the best thing to do

06 and not develop it.

07 BY DR. LOWRY:

08 Well, we've -- we've been through that. They
09 wanted -- Wayne and those wanted to buy it. I wanted
10 to sell it. We got pretty high up, and then
11 Washington said that's not an option. That was while
12 you were on vacation.

13 BY DR. KEITH:

14 I must have missed that part.

15 BY DR. LOWRY:

16 No, we -- I begged them to buy this property.

17 BY MR. HAMER:

18 Yeah, I remember. That was brought up.

19 BY MR. BOGAN:

20 During the initial EE/CA that we did, when they
21 didn't do a great deal of sampling on the property,
22 but they saw that based on what we were looking at and
23 finding a couple 105s initially, as a result of a Time
24 Critical, all right, which was done at the same time
25 that we were doing the initial EE/CA, all right, the
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01 recommendation for this piece of property was
02 government buyback because of potential costs.

03 They didn't do a lot of sampling, essentially,
04 so they just assumed, worst case and other cases, and
05 said, "Okay. I have a piece of property. Buy it back
06 at a certain amount of money per acre," and I think
07 the cost was \$10 million in the initial estimate.

08 BY DR. KEITH:

09 You mean to do what?

10 BY MR. BOGAN:

11 To buy back the property.

12 BY DR. KEITH:

13 To buy back? To buy back the property at \$10
14 million?

15 BY MR. BOGAN:

16 Buy back the property.

17 BY DR. LOWRY:

18 It was \$1.6.

19 BY MR. BOGAN:

20 You're right. It was \$1.6 to buy it back. My
21 -- my mistake. It was 10 ---

22 BY DR. LOWRY:

23 Your department was ---

24 BY MR. BOGAN:

25 It was \$10 million for us to do a four foot
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01 clearance on the entire thing. Okay. So we went
02 forward and said, "Okay. \$1.6 million versus \$10
03 million, it makes sense just to go ahead and buy it
04 back." All right.

05 BY DR. KEITH:

06 Why did you change your mind, then?

07 BY MR. BOGAN:

08 I didn't. I sent it forward. My headquarters
09 approved it. Sent it forward, and the Department of
10 the Army said, "No, you can't do it."

11 BY DR. LOWRY:

12 Wayne, you did have some estimates as high as
13 \$40 million.

14 BY MR. BOGAN:

15 One of the verbal estimates from a project
16 manager from Huntsville, not based on any calculation,
17 but based on his gut feeling, it was \$40 million.

18 BY MR. THOMPSON:

19 Was that for four feet for the whole thing?
20 BY MR. BOGAN:
21 To four feet for the whole thing.
22 Okay. Sir?
23 BY MR. CLARY SMITH:
24 Doc, you were talking about just what you had in
25 red going to four feet? Just what you had in red?

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01 BY DR. LOWRY:
02 That's where I found stuff. That's where
03 shrapnel is heavy. If the shrapnel is heavy, then by
04 god, they could have mis-shot a shot. I mean, it's
05 not too much to ask, I don't think. This is one of
06 the -- this is one of the -- wait a minute.
07 BY MR. BOGAN:
08 One of the limiting factors that I have on me
09 and that the contractor takes into account, when they
10 make the calculations and give the estimates, the
11 alternatives for cleaning up the different areas is
12 cost in addition to risk.
13 And the initial EE/CA cost to for the old
14 property, which was 300-something acres, was \$10
15 million. And I understand Dr. Lowry wants it to go
16 down on four feet the entire time, and I understand
17 the EOD standard, as we've discussed here before, this
18 four foot for a recreational and agricultural area.
19 But as I've mentioned before, that is a standard if
20 you have no other data. And the initial estimate of
21 \$10 million to clear it up to four feet was from
22 having no other data.
23 In this case we've come back and sampled, and
24 the deepest we've found anything has been 24 inches in
25 this report. I'd have to go back and look at the

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01 other reports and see what the depth was on those
02 items.
03 BY DR. KEITH:
04 Finding -- Wayne, finding ---
05 BY DR. LOWRY:
06 I have found 105s at three feet.
07 BY DR. KEITH:
08 No, I'm not arguing about that point. If you
09 went back and found that this thing is so
10 contaminated, why not reconsider buying it back?
11 I mean, there's a change, from my understanding,
12 and you had an agreement of \$1.-something million.
13 BY DR. LOWRY:
14 No, we didn't have an agreement.
15 BY MR. BOGAN:
16 That was just an estimate.
17 BY DR. KEITH:
18 Oh, you didn't have an agreement?
19 BY DR. LOWRY:
20 No, that's what they offered me, but I'm not
21 going to take one jack \$1.3 million. I'll just put
22 the fence there.
23 BY MR. BOGAN:
24 And maintain it for 20 years.
25 BY DR. LOWRY:

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01 And maintain it for 20 years. They weren't
02 going to pay me \$1.6 million for that property. If
03 they had, I would have crawled to Washington.
04 BY DR. KEITH:
05 Well, I'm just confused about all these figures.

06 I thought you said that they offered to buy it for
07 \$1.6 million and he said ---
08 BY DR. LOWRY:
09 That was the total cost.
10 BY MR. BOGAN:
11 That was the total cost, and that was my
12 mistake. The -- the alternative of government
13 buyback, the cost was about 1.3 million, 1.6 million.
14 I'll have to go back and look at the initial EE/CA of
15 this property.

16 BY DR. KEITH:
17 What I'm getting at is if it's going to cost \$10
18 million to go four feet, and I can buy it back for one
19 -- it just makes common sense to me to buy it back and
20 not fool around with this \$9. million to clean it up.
21 If he wants it four feet, I mean let's get realistic
22 about this thing.

23 BY MR. BOGAN:
24 I agree with you, and our initial report was I
25 agreed with it. My Colonel signed off on that exact

00029

01 thing. It was sent forward. The General in
02 Washington agreed with it. We sent it forward.

03 BY DR. KEITH:

04 We need to replace the General in Washington

05 BY MR. THOMPSON:

06 Wait a minute. Has he retired?

07 BY DR. LOWRY:

08 Well, actually, Strom Thurmond supported it and
09 Mr. Inglis supported it, both very strongly, and it
10 was turned down. I don't think it's an option now, so
11 we're here again on clearance.

12 BY DR. KEITH:

13 Oh, we haven't got an option, so we're not ---

14 BY DR. LOWRY:

15 We don't have an option.

16 BY DR. KEITH:

17 Oh, I see.

18 BY MR. THOMPSON:

19 But the \$10 million to clean the whole thing up?

20 BY DR. LOWRY:

21 They're not talking about \$10 million because
22 they're not going to clean it up to four feet, and
23 what I'm trying to get from this Board is some kind of
24 support for a proper cleanup to begin with, because
25 the current use of this property has nothing to do

00030

01 with its future use. It ought to be cleaned up right
02 so that it can be used for anything.

03 BY MR. BOGAN:

04 The cost estimates for Grid 87, plus the areas
05 identified in this report, are a little less than a
06 million dollars, and that includes just going to one
07 foot in some areas and surface clearance in others and
08 four foot in others, and that's just for the 30 to 60
09 acres. Wasn't that the total to clear it up?

10 BY MR. CLARY SMITH:

11 What would be the average depth of a 105 if it
12 hit and didn't explode coming in there? It would go
13 -- two feet is all it would go?

14 BY MR. BOGAN:

15 The ones we found during this sampling effort,
16 the deepest we found one was 24 inches.

17 BY DR. LOWRY:

18 But you were not on the hillside.

19 BY MR. BOGAN:

20 Now there's a potential that during the initial
21 emergency removal they found some deeper. I'll have
22 to look. I don't think they have depths reported in
23 that report, because the whole purpose was to get them
24 in, get them out and be done with it. Remove the
25 immediate risk.

00031

01 Yes, ma'am.

02 BY MS. WHEELER:

03 But when you say it was turned down, the
04 original proposal to buy it back, ---

05 BY MR. BOGAN:

06 That's right.

07 BY MS. WHEELER:

08 --- who turned it down?

09 BY MR. BOGAN:

10 The attorneys, and I can't remember if it was --
11 and the Department of the Army. I'd have to go back
12 and look and see exactly, but it was four or five
13 levels above my office.

14 BY MS. WHEELER:

15 Could it not be resubmitted?

16 BY MR. BOGAN:

17 We could. Someone else has also tried the same
18 submission. They got it in Arkansas and California.
19 I don't remember the exact states, and I haven't heard
20 if they've gone through with it.

21 You know, we could try doing that, but they
22 essentially told me very strongly, "No, this is not an
23 option. The government is not in the process of
24 buying property back. They're in the process of
25 cleaning it up."

00032

01 BY DR. LOWRY:

02 And it took seven months to get that decision
03 done. Why can't we -- I don't have another seven or
04 eight months I'd like to wait on it.

05 BY MR. RUSSELL SMITH:

06 I have my hand up.

07 BY MR. BOGAN:

08 Yes, sir.

09 BY MR. RUSSELL SMITH:

10 Evidently, you don't look this way. All due
11 respect, I've had my hand up here about 20 minutes.

12 BY DR. LOWRY:

13 I'm sorry.

14 BY MR. RUSSELL SMITH:

15 Well, I'm speaking to the speaker of the house.

16 I sympathize with Dr. Lowry, and I'm sure we all
17 do, but I live in the area. To be exact, I have found
18 an old hand grenade. I've been in the Army. I know
19 what old hand grenades look like. So I think if you
20 be technical, you found some type of debris or old
21 ammunition on all that property. All you have to do
22 is dig deep enough.

23 Several of my neighbors have come and found
24 some, so I can sympathize, but I think once it starts,
25 you might have a beef coming from the neighborhood

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01 from the area because that area isn't what you say --
02 it's cleaned up.

03 They got away with it, and they built on it and
04 whatever, but I think you could eventually come up
05 again with probably deals and negotiations. I really

06 believe that, and I would be the one to pursue it
07 because there are -- there are, I'm pretty sure, old
08 ammunition. They didn't get it all up, and so that
09 area is not what you call cleaned up 100 percent.

10 BY MR. BOGAN:

11 Sure. And I apologize for not recognizing you
12 earlier.

13 That's one of the problems we run into with the
14 buyback is if we do buyback, you know, for 300 or 400
15 acres here and someone else -- someone in the
16 neighborhood wants their property bought back, then we
17 have to do that also instead of cleaning it up.

18 And then at what point do you stop in the
19 overall project at Camp Croft of the buyback, and that
20 was one of the arguments that the lawyers at the upper
21 levels made is that, you know, we can't afford to come
22 back and buy back, you know.

23 This is one recommendation. This is the chance
24 for not only the RAB members, but also the public --
25 there are copies of this report in the library -- to

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01 make comments on what you think should be done and
02 what is a good recommendation.

03 One of the reasons I sent all the RAB members
04 copies of the reports is because some of the others
05 were getting a lot of comments, and I wanted to make
06 sure that we had easy access for you to look at that,
07 but I need those comments in writing. And we're going
08 to have a 30 day review period for you to provide
09 those to us.

10 Now you can provide those directly to me or you
11 can provide them to Suzy, and then I can turn around
12 and compile them or Suzy can compile them and provide
13 them to Parsons Engineering.

14 What they do with the comments is the contractor
15 comes in, Parsons will look at all the comments, and
16 they will address every single comment and provide a
17 recommendation as to why, yes, we agree with your
18 comment, or, no, we disagree with your comment.

19 Our office has already had a shot at making
20 comments and everything from commas missing to, no, I
21 don't think this fits for this area. And after that
22 review is the results of what you see here.

23 Now this is a chance for not only our office to
24 review it again, but also for everyone else here to
25 review it and make comments.

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01 One of the struggles that I have is, you know,
02 could I buy it back for potentially at cost, but
03 they're not telling me that's not an option in any
04 case or any sort of way.

05 All right. Now I've got to clean it up, and in
06 cleaning it up I have to consider the cost for each of
07 the different areas and the depths in the different
08 areas based on the use of the property.

09 In addition to that cost, I'm going to have to
10 add in, we -- and I can't remember, Suzy, if I gave
11 you an E-Mail to send out to the RAB -- we got
12 reimbursement authority for the property, which
13 essentially means for Camp Croft and Camp Croft only,
14 and not just Dr. Lowry's property, Camp Croft, if
15 there's a business that has to be shut down as a
16 result of our activities for the cleanup, all right,
17 then we will reimburse that business it's expenses,
18 operating expenses, and potential -- some of the

19 potential property they would lose. If we can
20 relocate the business, then we just relocate them and
21 pay for those costs.

22 With the landfills, you can't relocate a
23 landfill, and so we wouldn't have to come in and pay
24 for the operating costs and the potential profits that
25 Dr. Lowry is going to lose on that. So that's an

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01 additional money figure that we've got to work out in
02 negotiations as to how much we pay on a monthly basis
03 for everything that Dr. Lowry loses on this.

04 BY MR. SANFORD SMITH:

05 Wayne, I had a problem understanding how the
06 depth of cleanup and the type of cleanup was set, the
07 standpoint that you've got a Compost B area over here
08 that you've got to be surface cleaning.

09 BY MR. BOGAN:

10 Right.

11 BY MR. SANFORD SMITH:

12 Which its intent and purpose is to put compost
13 on it and let it rot and plow it in to increase the
14 soil hummus. That automatically is agricultural,
15 Wayne. How do you get away -- how did you set the
16 justification of surface cleanup there?

17 I don't -- there's some -- I have a problem with
18 that. Plus, if you're going to clean up the land, do
19 the best job you can do when you're doing it the first
20 time you go in there.

21 BY MR. BOGAN:

22 Sure.

23 BY MR. SANFORD SMITH:

24 And get it over with. That's what I -- that's
25 my opinion on what we ought to do.

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01 BY MR. BOGAN:

02 Certainly.

03 BY MR. SANFORD SMITH:

04 You know, and if it gets to the point that, hey,
05 maybe the people in Washington will see, hey, we spent
06 \$10 million cleaning it up when we could have bought
07 it back for \$1 million.

08 BY MR. BOGAN:

09 Right.

10 BY MR. SANFORD SMITH:

11 Open their eyes.

12 BY MR. GARY HENDERSON:

13 Wayne, I don't mean to dwell on this thing with
14 depth. Dr. Lowry has been advised that his property
15 has been cleaned in places 12 inches or whatever, and
16 I guess what I want to know is how can the public,
17 where do we accept those depths of cleanup as fact.

18 In another example, another case, in Area 2 in
19 the park, we were told that the Board was told that
20 the public was safe in Area 2 and was cleaned to depth
21 of 12 inches. This is the time when you were saying,
22 "Is it safe to operate the park," after the park
23 closed in May of last year. And the Corps went back
24 in there and they found about 157 live mortar rounds,
25 and 127 of them were anywhere from two to three to

00038

01 four to six inches, and we've been told that area had
02 been cleaned to a depth of 12 inches. Where do we --
03 who do we believe?

04 BY MR. BOGAN:

05 And that's -- I think you're talking about Area

06 7, not Area 2.

07 BY MR. GARY HENDERSON:

08 I'm sorry. Area 7. Pardon me.

09 BY MR. BOGAN:

10 Area 7 is the recreational area.

11 BY MR. GARY HENDERSON:

12 Yeah, excuse me. I'm sorry. Area 7.

13 BY MR. BOGAN:

14 If you'll -- if you'll look at the map in the
15 report that I've got out on that, what you'll see is
16 the area for which was cleared to one foot. There was
17 only -- I think there was one, two, three rounds that
18 were found in one central location. All of the other
19 140-or-so items that were found were outside of the
20 area that was cleared to one foot.

21 BY MR. GARY HENDERSON:

22 How large an area had been cleared to one foot?

23 There are 50 acres in that area that we're talking

24 about.

25 BY MR. BOGAN:

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01 It was right around 50 acres for one foot
02 clearance that we did. The Area 7 covered, I think,
03 something like 300 acres, maybe. I'd have to go back
04 and look and see the total acreage, but it was a
05 larger area. I could show you on the map the
06 different areas. The hilltop is where they found the
07 majority of the mortars.

08 BY MR. GARY HENDERSON:

09 Well, this is Area 7. Area 7 is 50 acres.

10 That's the area that includes the campgrounds, the

11 equestrian ring and so forth. That's 50 acres.

12 That's what you've told us all along.

13 BY MR. BOGAN:

14 No, the initial area we cleared was 50 acres,
15 but the big square ---

16 BY MR. GARY HENDERSON:

17 In this Area 00U7.

18 BY MR. BOGAN:

19 I'd have to go back and look at the report. The
20 big square for Area 7, I believe, is greater than 50
21 acres.

22 BY MR. GARY HENDERSON:

23 That's -- no, that's not what the original EE/CA
24 showed.

25 BY MR. BOGAN:

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01 And I'll try and go ---

02 BY MR. GARY HENDERSON:

03 In Area 7 where your report shows that 127 of
04 these things were found anywhere from two to three
05 inches, six inches on some.

06 BY MR. BOGAN:

07 Again, if you'll go back to the Time Critical
08 Report that we did, it shows specifically the areas
09 that we did and did not clear within the 50 acres of
10 Area 7.

11 Now if that Time Critical covered 50 acres or it
12 was 30 acres -- I don't remember off the top of my
13 head. I'll have to pull the report back out.

14 However, it specifically, and very specifically,
15 identified on the maps the area around the hilltop was
16 not cleared at all based on the lack of fundings and
17 the lack of time to do the work. Okay.

18 If you'll look at the map, it's in the final

19 report of Area 7, it will identify and you will see on
20 that blue line map that of those 140-or-so items that
21 were found, that almost every single one of them was
22 on that hilltop and it was not cleared during the Time
23 Critical Removal.

24 BY MR. GARY HENDERSON:

25 Around the fitness trail?

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01 BY MR. BOGAN:

02 Correct.

03 BY MR. THOMPSON:

04 Wayne, what would happen if we recommended to go
05 four feet for the whole thing?

06 BY MR. BOGAN:

07 I can try and see if we can do that, but, again,
08 I also have to rely on the contract. The contractor
09 would come in and make a recommendation of what they
10 see as the best fit for the property.

11 See, what we're trying to do is use them as a --
12 they're our contractor and we're paying for them, but
13 I don't walk up and say, you know, "Just go ahead and
14 clear it to four foot." If I had done that, there
15 was no reason for them to even sample the property.

16 We had them to sample the property, to come in
17 and get statistical data, as the best potentials, the
18 best alternatives for cleaning up those areas.

19 Now I can take that recommendation and put it
20 forward to our office and to the Huntsville office and
21 see if we can get it so that all those areas that
22 we've got identified can go to four foot.

23 I've talked with Dr. Lowry about trying to set
24 it up so that even the areas where we've got one foot
25 identified as clearance depth, as we did in the park,

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01 in some of those areas we said, "Okay. If there's an
02 area that where you're only clearing down to one foot
03 or two foot, as it was in the park, if you found
04 something deeper, the contractor -- the contractor and
05 the safety specialist we have on site have the
06 opportunity and have the permission to go forward and
07 to dig deeper down to two foot clearance."

08 BY MR. HAMER:

09 But that's their option. That's not -- they
10 don't necessarily have to do that?

11 BY MR. BOGAN:

12 Well, we've ---

13 BY MR. HAMER:

14 The recommendation is for one foot.

15 BY MR. BOGAN:

16 We tell them that's the recommendation to go
17 deeper. We set up the report and we set up the
18 estimates based on what we think is going to be there.

19 For example, there's an area here that's set up
20 to clear down to one foot. We're saying we don't
21 expect there to be much more than anything below one
22 foot there, and that's based on the cost.

23 BY DR. LOWRY:

24 And it's based on what the job safety officer
25 says.

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01 BY MR. BOGAN:

02 Correct. If the safety officer ---

03 BY DR. LOWRY:

04 It's not an absolute by any means.

05 BY MR. BOGAN:

06 Okay. But the safety officer, when he's sitting
07 there and they dig down to one foot or they dig down
08 to two foot, all right, and they've got a strong
09 reading from the metal detector, that's an indication
10 that there is something deeper and they can go deeper
11 and they will. All right. As long as it's written
12 into the contract to do that.

13 But if they -- you know, the safety officer
14 isn't going to come up and go to two foot and say,
15 "Well, you know, there's a strong reading, but I'm not
16 going to do it." We'll go through and we'll go
17 through dig that. The report says it is based on the
18 cost allocated to go down to a certain depth.

19 BY DR. LOWRY:

20 They've got places like that on my property that
21 say are hot rocks.

22 BY MR. BOGAN:

23 Yes, sir.

24 BY DR. LOWRY:

25 They didn't dig to it.

00044

01 BY MR. RUSSELL SMITH:

02 I'd like to know who is going to plow four feet
03 deep on a farm?

04 BY DR. LOWRY:

05 Some soil goes to three feet regular.

06 BY MR. RUSSELL SMITH:

07 It would go down to two to three feet, yes.

08 BY DR. LOWRY:

09 And then places where it's eroded, it will go
10 down to what used to be four feet.

11 BY DR. KEITH:

12 Wayne, you know, we have had a policy up to now
13 about just what you said. If we dig down, if we find
14 something, we dig deeper. I think that's what I've
15 heard all along.

16 BY MR. BOGAN:

17 Yes, sir.

18 BY DR. KEITH:

19 Then why are we changing the policy?

20 BY MR. BOGAN:

21 Well, I can set it up so that they do go forward
22 and do that, but I'm presenting this information
23 strictly as the report is written. Okay. And I'll
24 take the recommendations from the public, all right,
25 and then I'll come in and try to set up so the

00045

01 contractor has written it.

02 The estimate -- when a contractor comes in and
03 says, "Go down to one foot," that gives us an estimate
04 of how much it's going to cost and how much money we
05 need to set aside to do that particular area.

06 BY DR. KEITH:

07 But what I'm getting at is this whole project
08 from the beginning to now, when we've gotten down, we
09 found deeper, we go deeper. And my point is to say
10 we're going to go four feet the whole thing, it may
11 be, you know, we're spending an awful lot of money.
12 Four feet of dirt moved out is a lot of dirt.

13 And what I'm asking is why we can't use the same
14 policy on Dr. Lowry's property that we've used all
15 along. Why are we -- why are we changing this? Is
16 this something -- for instance, if it's hot down below
17 it, dig it out.

18 BY MR. BOGAN:

19 That's what I ---
20 BY DR. KEITH:
21 But if it's one or two feet and there's nothing
22 there, ---
23 BY MR. BOGAN:
24 Right.
25 BY DR. KEITH:

00046

01 I mean, would you agree to that?
02 BY DR. LOWRY:
03 They don't -- if there's no signal down there at
04 six inches, they don't dig any deeper, even if they've
05 got a contract that says they're going to four feet.
06 They don't dig to four feet. If they -- if they dig a
07 hole and get a piece of shrapnel out of it, there's no
08 signal there present, they don't dig to four feet.
09 BY DR. KEITH:
10 Oh, I thought ---
11 BY DR. LOWRY:
12 I don't want them digging up my entire pine
13 farm. I've got 99 acres.
14 BY DR. KEITH:
15 Yeah, that's -- I was just ---
16 BY DR. LOWRY:
17 No.
18 BY DR. KEITH:
19 When they say four feet, they're just going to
20 dig four feet.
21 BY DR. LOWRY:
22 But if they just have it at one foot, and they
23 dig to one foot, and they've got to thing down there,
24 they say, "To hell with it. We've got one foot.
25 That's our contract. We're gone." And I want four

00047

01 foot clearance.
02 BY MR. BOGAN:
03 All right. The difference between going one
04 foot and four foot is I have to look at the
05 alternative and the cost estimate that the contractors
06 put together and see what the difference is in cost,
07 and I haven't looked at the cost data enough to be
08 able to tell you off the top of my head. But if its
09 at one foot and the contract -- the cost estimate says
10 go to one foot, then I'm going to go forward and ask
11 for a certain amount of money. Okay.
12 Let's just take an estimate off the top of my
13 head hypothetically. A particular area, say it's 100
14 acres, we set it up to go to one foot and the estimate
15 tells me that I need \$50,000 for an area that large.
16 Now this is just a wild guess. Okay.
17 If I look at that same area and I have to use
18 the cost estimate based on four foot, it might go from
19 \$50,000 to \$200,000 or \$400,000. So, therefore, when
20 I go to headquarters and Congress, even though we're
21 still looking for the same thing, I have to ask for
22 anywhere from two to potentially four times as much
23 money that we may end up paying to the contractor to
24 do that work.
25 BY DR. KEITH:

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01 So you have to have the potential to go to four
02 feet, even though you might only go to one. That's
03 the bottom line, isn't it?
04 BY MR. BOGAN:
05 Right.

06 BY DR. KEITH:
07 So you have ask for enough to go to four feet.
08 BY MR. BOGAN:
09 Correct.
10 BY DR. KEITH:
11 What do you do with that money you don't spend?
12 I always find that when someone says four feet, you're
13 going to get four feet whether you want it or not.
14 BY MR. BOGAN:
15 Right. And that's one of the problems.
16 BY DR. KEITH:
17 That's my question.
18 BY MR. BOGAN:
19 That's -- and I'm not saying that the
20 contractors are crooked. They're not, but when they
21 come in and you tell them to look to four foot, all
22 right, they're going to try their best to find
23 something at four foot.
24 BY DR. KEITH:
25 Yes, they're going to go four feet.

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01 BY MR. BOGAN:
02 Okay. And they'll say why don't we look at
03 that?
04 BY DR. LOWRY:
05 I don't want them to find everything to four
06 feet. Let's not make any mistake about it. I don't
07 know what you consider what my life is worth, but, you
08 know, to me it's pretty important, and that of my
09 children is pretty important.
10 BY MR. CLARY SMITH:
11 Wayne, do you ---
12 BY DR. LOWRY:
13 If you can certify to four feet, Wayne, I don't
14 care what your contract says.
15 BY MR. BOGAN:
16 I understand.
17 BY DR. LOWRY:
18 Is that fair?
19 BY MR. CLARY SMITH:
20 When you -- when you scan a piece of property,
21 do you use the same instrument for one foot or four
22 feet?
23 BY MR. BOGAN:
24 Yes, but it's calibrated differently.
25 BY MR. CLARY SMITH:

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01 Okay.
02 BY MR. BOGAN:
03 Okay.
04 BY MR. CLARY SMITH:
05 But when you're searching, it looks like you
06 could search it the same if it calls for four feet or
07 one foot, then you dig it.
08 BY DR. LOWRY:
09 Well, it's calibrated differently.
10 BY MR. CLARY SMITH:
11 You ---
12 BY MR. MCBAIN:
13 May I say something?
14 BY MR. BOGAN:
15 Let me -- let me address that first, then I'll
16 take it.
17 BY MR. MCBAIN:
18 Okay.

19 BY MR. BOGAN:

20 Based on the risk and the calculations, I have
21 to come in with a different estimate regardless of the
22 depth. Because if I come down, when a person is
23 digging, okay, and they dig just down to one foot, it
24 takes, say, ten minutes.

25 BY MR. CLARY SMITH:

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01 Well, I know the cost of digging would be
02 greater.

03 BY MR. BOGAN:

04 Right.

05 BY MR. CLARY SMITH:

06 But the scanning wouldn't be any greater costs.

07 BY MR. BOGAN:

08 Right. But the -- but the difference in using
09 the equipment is that it's just calibrated ---

10 BY MR. CLARY SMITH:

11 Yeah.

12 BY MR. BOGAN:

13 --- to a certain depth. Okay. Once you come in
14 and is that if I set the estimate to one foot for the
15 whole thing thinking that we know we're going to go
16 four foot, all right, for the whole 100 acres, and we
17 get in there and we found the whole 100 acres is
18 contaminated down to four foot, then I'm going to have
19 a major cost overrun where I've got to come up with
20 extra money from somewhere and the contractor is going
21 to stop dead in the tracks because we're going to run
22 out of money to pay him. You're now going to get 25
23 of the 100 acres done.

24 All right. But if we have an area where we're
25 recommending one foot, and we think that's the best

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01 use of the money and the best use of what might be
02 located on the property, then we come in with the rest
03 of that, and I have to try and wrestle with, you know,
04 to get too much money, too little money, and I try to
05 get as close -- exactly close as I can to what we use.

06 And I get back to one of the other questions, if
07 -- if we get in a million dollars on a project and we
08 only spend \$150,000 on the contract, we've got that
09 money to turn back over to use on other projects.

10 Okay. But there is a billing cycle that certain
11 costs have to come in, and there's a certain amount of
12 money the contractor is guaranteed for doing the work
13 unless the contractor really messes up.

14 Yes, sir, your question?

15 BY MR. MCBAIN:

16 Mr. Smith raises an interesting question there
17 concerning the equipment that your people are using.
18 In your preliminary surveys it seems to me that they
19 would use something that's sufficient enough to go and
20 show even a small mass at four to six feet.

21 If they're using those yellow sticks, they might
22 just as well stay home, especially if the reader has
23 been out the night before, because they're not
24 efficient.

25 BY MR. BOGAN:

00053

01 And what do you have -- what do you have to base
02 that on, sir?

03 BY MR. MCBAIN:

04 Going behind it.

05 BY MR. BOGAN:

06 And so you've gone behind our people and you've
07 been finding stuff behind them?

08 BY MR. MCBAIN:

09 That's right. I have gone behind where there
10 were little orange flags and have dug things, dug and
11 found all kinds of things. I could take you out
12 tomorrow and show you, sir.

13 BY MR. BOGAN:

14 All right, sir.

15 Let me make a statement as a result of that.

16 Okay.

17 Number one, I know that some people in some
18 cases have been coming behind us. All right. First
19 and foremost, if we catch somebody on property we're
20 working on, this is a safety hazard that we're trying
21 to remove, and those people can be prosecuted.

22 Number two, this is a safety hazard to you and
23 your person to go out, and I will not recommend that
24 you go forward and try and look for any of this
25 ordnance on your own.

00054

01 All the people that we hire are former military
02 employees who have had military EOD school. I don't
03 know what your experience base is, all right, but I
04 recommend that you don't go behind our guys and try to
05 find something, because there's a chance for you to
06 not only hurt yourself, but even more, hurt someone
07 else.

08 All right. Now the equipment that we've got,
09 we're using -- you can spend \$50,000 on a piece of
10 equipment, and it will give you really good results,
11 or you can buy the equipment that we've got that's
12 going to give you good results for less than \$1,000 or
13 between \$1,000 and \$10,000, based on the piece that
14 you've got.

15 The way the magnetometer is calibrated is we
16 bury an item, a piece of metal, on a particular site,
17 whether it's a 75 millimeter or a 61 millimeter or 60
18 millimeter, okay, we bury that four foot, cover it
19 back up with sand and make sure that the metal
20 detector can pick up that item.

21 I can't buy a piece of equipment that's going to
22 pick up a rock the size of a dime down to four foot
23 and try and use that to find items that may be this
24 size. Okay. It's just not a cost efficient method
25 for the Corps to do that.

00055

01 But based on contract specs when people do use
02 the equipment and from the results that we found by
03 using the equipment, I believe the equipment is good
04 and it does find materials that were actually set.

05 BY MR. MCBAIN:

06 Then once you've cleared an area, you have no
07 objection if someone digs behind you?

08 BY MR. BOGAN:

09 Sir, if you were on your own property, I don't
10 mind if you dig somewhere else. If you're on somebody
11 else's property, you need permission from that person,
12 and we'll give a letter of clearance to the depth when
13 we clean that property, and we'll say that that
14 property is a certain percentage assured that it's
15 clean.

16 But if we do a clearance down to two foot, and
17 we say in a letter that it was only cleared to two
18 foot, and if you go down four foot and find

19 something, I can't guarantee that it's not there.
20 Okay.
21 BY MR. MCBAIN:
22 So you calibrate for a specific depth?
23 BY MR. DAVID MULLINAX:
24 Excuse me. Excuse me. Wayne. Let's move back
25 to 00U6. That's the topic we're on. Let's continue

00056

01 with that topic.
02 BY MR. BOGAN:
03 In the new business, if you all want, we'll get
04 back to the other areas. Thanks, David.
05 Any other questions on Area 6.
06 BY MS. BORKOWSKI:
07 I have a question. The entire property of Dr.
08 Lowry has been sampled; is that correct?
09 BY MR. BOGAN:
10 Yes, ma'am.
11 BY DR. LOWRY:
12 Five percent of it.
13 BY MR. POWELL:
14 Wayne, are these sample grids on or about the
15 squares -- the number of squares?
16 BY MR. BOGAN:
17 Yes, sir.
18 BY MR. POWELL:
19 These are the actual sampled spots?
20 BY MR. BOGAN:
21 Correct. Based on GPS data placed into a
22 computer to map it out.
23 BY MR. LITTLEJOHN:
24 Wayne, what is the current recommendation of the
25 Corps in regards to Dr. Lowry's property?

00057

01 BY MR. BOGAN:
02 We're going to go with what our contractor has
03 presented. Okay. Again, I'll try to set up the
04 contract when the removal contractor comes in to do
05 the work that in areas -- if we can find something
06 down to four foot, we'll try and do that, okay, just
07 as we've done in the State Park and the others.
08 BY MR. LITTLEJOHN:
09 But what does the contractor say now? I'm
10 confused.
11 BY MR. BOGAN:
12 The way the design recommends right now for the
13 different areas, for example, right at the edge of
14 Landfill 1 and Compost A, it talks about a clearance
15 down to four feet below the ground. Compost B, in
16 this particular instance, is talking about a surface
17 clearance only.
18 BY DR. KEITH:
19 And the red area is -- well, that's red, I
20 guess?
21 BY MR. BOGAN:
22 That's Grid 87, and this is the one we've talked
23 about doing to four feet.
24 BY DR. KEITH:
25 Four feet.

00058

01 BY MR. THOMPSON:
02 What was the basis of that decision to go to
03 only two feet in some of them?
04 BY MR. BOGAN:
05 Ola, I think you can address that.

06 BY MR. AWOSIKA:

07 Let me help you a little on that, sir.

08 BY MR. BOGAN:

09 Okay.

10 BY MR. AWOSIKA:

11 One of the critical information that have to be
12 looked at, you know, before I write my recommendations
13 that we made here, it's pretty much to look at the
14 activities that Dr. Lowry intends to perform in each
15 of these areas.

16 BY MR. BOGAN:

17 Okay. Just a second.

18 I'm sorry. I want to apologize. I want to
19 introduce Ola, Ola Awosika.

20 BY MR. AWOSIKA:

21 That's right.

22 BY MR. BOGAN:

23 From Parsons Engineering. He's the project
24 manager that led the design effort on that.

25 BY MR. AWOSIKA:

00059

01 As I mentioned, one of the things that we had
02 looked at here, you know, were the activities that Dr.
03 Lowry intends to perform in some of these areas. And
04 then secondly, we had to also look at the numbers that
05 come up on the risk evaluation that we perform.

06 This is the statistics, if you will, that was
07 done on the seven percentage. As Dr. Lowry mentioned,
08 5 percent of the entire area was looked at.

09 Typically, what you look at for any given site
10 in the states it's pretty much 5 to 10 percent of the
11 land area, and that depends on the type of ground
12 cover, land use, vegetation and everything that you
13 have on the site.

14 For Dr. Lowry's property here it's heavily
15 vegetated, and we had to visit and place the grids
16 that we use on this site randomly. You don't want to
17 -- you don't want your data to be bias in any way. So
18 it's almost like you put a blind on and you put your
19 data -- you know, you put your grids.

20 And if you look at this grid right here, you
21 will see they are mostly, you know, evenly distributed
22 across the area that we investigated. And then, you
23 know, what we look at is based on the finding from
24 each one of those grids. For each one of those little
25 squares that you're looking at in here, if we find

00060

01 five items in here, depending on what they are -- if
02 they happen to be bombs or fragments, that's critical
03 information.

04 For example, the area that's in pink here, if
05 you will, we did not find any ordnance in that area.
06 If you look at it closely, the area in the pink,
07 that's one of the reasons why the Compost B -- Compost
08 B falls right in this area here. That's one of the
09 reasons why the recommendation for that grid happens
10 to be surface clearance.

11 Surface clearance is defined as clearing to a
12 depth of six inches, by the way. Okay. And so when
13 we look at the risk evaluation on this, we look at how
14 many items were found. There's a table in the report,
15 and it's in Section II of the report -- excuse me.
16 Section I of the report. It's the last table in
17 Section II -- in Section I of the report, and it gives
18 you an idea of what is a portion to ordnance will be

19 for each one of these areas that we looked at.

20 So, for example, it will tell you in there that
21 for the pond area, there's a portion -- the risk of
22 encountering an ordnance in this area in a year is
23 about seven or eight. For some of this area it's
24 about one, and it gives you a different types of
25 alternatives that were looked at that, you know, if

00061

01 you cleared, if you do surface clearance, have you
02 reduced the risk to nothing? That table gives you the
03 information on that in terms of what you will find.

04 Now, then we'll look at the -- all type of
05 information that we have across the United States of
06 America, for all the sites we've been working on, and
07 look at the different types of results that we have.

08 Based on what we are finding, this site happens
09 to be one of the few with the lowest number of
10 explosion, if you will, in terms of that. Now that
11 does not say because you have one explosion in a year,
12 you shouldn't go back and clear the site.

13 One of the critical things that we look at here,
14 I want to mention, is that where did we find the
15 ordnance that we found during our sampling effort.
16 That is critical to the depth that we recommend for
17 clearing.

18 Again, you can see we only look at 5 percent of
19 the area. If you were to look at 100 percent of the
20 area, you will have cleared the whole site. So
21 statistically you have to look at a certain number
22 that is acceptable within the industry.

23 I don't know whether that explains it, you know.

24 BY MR. HAMER:

25 Well, I mean, the bottom line is here, and this

00062

01 is what I've been learning when I've come to these
02 meetings, is you're looking at it, of course, from the
03 cost effective way, the least expensive way and the
04 way to do that is by statistically unbiased sampling
05 of the property.

06 BY MR. AWOSIKA:

07 That's correct.

08 BY MR. HAMER:

09 That's the bottom line.

10 BY MR. AWOSIKA:

11 That's correct, and the cost, as a matter of
12 fact, ---

13 BY MR. HAMER:

14 And the cost, and that's why you're doing the
15 statistical sampling to come up with what you think is
16 going to be cost effective and, quote/unquote,
17 "realistically" the cheapest.

18 BY MR AWOSIKA:

19 Right. And just to point out that cost happens
20 to be the last -- the last factor that we look at.
21 After considering the effectiveness of the clearing
22 effort and the implementability of the clearing
23 effort, the cost is the last of the factors that we
24 look at.

25 BY MR. HAMER:

00063

01 Well, that's something that I -- I'm not sure if
02 I can quite agree. Now, you've got to say that cost
03 is your last, but the bottom line is, and as the
04 reports says and it has said in other reports, is you
05 have a certain amount of money that you're allotted

06 for this area to use and you can't go over that. If
07 you have found more than you expected, you have to go
08 back to Congress for another allocation. That's my
09 understanding.

10 BY MR. BOGAN:

11 Yes and no. His reports and the recommendation
12 of the cost that he makes is totally unrelated to what
13 I go forward and request on the money. He has no idea
14 how much money we have for each site.

15 BY MR. HAMER:

16 Oh, I know he doesn't. I know that's his job is
17 just to make recommendations.

18 BY MR. BOGAN:

19 Correct.

20 BY MR. HAMER:

21 But you and the Army Corps of Engineers have a
22 certain budget that you have each year to use, and
23 you're not just looking at this site in the southeast
24 or for what's your regions. You've got other sites
25 you've got to worry about.

00064

01 BY MR. BOGAN:

02 Sure.

03 BY MR. HAMER:

04 And, therefore, money is a factor for you. Now
05 maybe as the engineer consultant it's not. You're
06 basically giving recommendations.

07 BY MR. AWOSIKA:

08 Exactly.

09 BY MR. HAMER:

10 But for you it is.

11 BY MR. BOGAN:

12 Here's where it comes in with me. I've got two
13 ordnance projects, Camp Croft and Conway.

14 BY MR. HAMER:

15 Yeah.

16 BY MR. BOGAN:

17 Okay. And I've got those two competing for
18 money, all right, for this year. Okay. But the money
19 I go forward and request, okay, is based on his
20 estimate. It will be based on the contractor's work
21 at Conway.

22 I don't look at it and say, "Well, Conway is \$5
23 million. Croft is \$1 million. Let's do Croft." All
24 right. It's a lot easier to do Croft, especially if
25 Congress says, "Okay. Here's \$5 million and Conway

00065

01 and Croft both have the same priority. Croft is going
02 to get funding first." Okay. All right.

03 BY MR. HAMER:

04 Yeah.

05 BY MR. BOGAN:

06 But when I go forward, I take exactly what's in
07 the report for that, and I plug it into a computer and
08 headquarters they print that out and it says, "For
09 next year South Carolina for the Charleston District
10 wants this much money for all of Camp Croft. This
11 much money for all of Donaldson Center. This much
12 money for Conway."

13 Okay. And then they give the whole southeast,
14 like you said, a certain amount of money every year,
15 and we go down that priority list.

16 All right. And we look at priority one. We
17 look at priority three, 23, 31, and 39. Okay. As we
18 go down that priority list, which is not based on how

19 much is -- you know, because Conway and Croft are
20 going to be the exact same priority. All right.
21 Because of the type of projects. When we run out of
22 money, we stop.
23 BY MR. THOMPSON:
24 Wayne, how long did this study take?
25 BY MR. BOGAN:

00066

01 Do you know the time frame, Ola? How long did
02 this study take?
03 BY MR. AWOSIKA:
04 The one that we just did?
05 BY MR. BOGAN:
06 Yes.
07 BY MR. AWOSIKA:
08 It took us, roughly, about eight months. The
09 actual field work took just about three months.
10 BY MR. THOMPSON:
11 Three months?
12 BY MR. AWOSIKA:
13 Yes, sir.
14 BY MR. BOGAN:
15 If you all want -- Mr. Johnson, you had a
16 question?
17 BY MR. JOHNSON:
18 Like if somebody wanted to purchase some of that
19 property down there, how safe would it be to dig a
20 well?
21 BY MR. BOGAN:
22 To dig a well?
23 BY MR. JOHNSON:
24 I mean, if you dig a well and something happens,
25 whose responsibility is that?

00067

01 BY MR. BOGAN:
02 The ultimate responsibility is, has been and
03 always will be the Department of Defense.
04 Okay. Now what we've tried to do with this
05 report, with all the other reports, all right, is look
06 in the entire 19,000 acres that made up Camp Croft and
07 try and determine, you know, where we might find
08 ordnance.
09 And so I've got a map that I can show you, and
10 I've given the RAB members and I'm going to put it in
11 the library that shows every area we have found that
12 has ordnance on it, every area that we have looked at
13 that doesn't have ordnance on it. Okay.
14 BY MR. JOHNSON:
15 Well, I have a problem with the whole thing.
16 This man's land is this damaged, why were people
17 allowed all these many years to go on that property to
18 farm and plant wheat and chicken farm and all that
19 stuff? I mean, why wasn't this told before now?
20 BY MR. BOGAN:
21 Mr. Johnson, that's a very valid point.
22 BY MR. JOHNSON:
23 Because I worked all -- I worked for the
24 research farm down there all over that area down
25 there, and I guess the pond you all are talking about

00068

01 is over down below the research farm. Is that the
02 pond you all are talking about down there?
03 BY MR. BOGAN:
04 No, this is a pond that is actually being
05 constructed on Dr. Lowry's property. It's new. It's

06 for sanitation to catch run off from the landfill.
07 BY MR. THOMPSON:
08 That area is Red Hill, isn't it?
09 BY MR. CLARY SMITH:
10 Red Hill.
11 BY MR. BOGAN:
12 Okay. But, granted, what they did in 1947 when
13 they shut down, they went in and did what they thought
14 at the time was the best, quote/unquote, "cleanup."
15 All right. By today's standards that is not
16 good enough.
17 BY MR. JOHNSON:
18 There's some pretty property down there, but I
19 declare, I mean, you know.
20 BY MR. BOGAN:
21 I understand.
22 BY MR. JOHNSON:
23 To dig a foundation for a house, you don't know
24 what you're going to run into.
25 BY MR. BOGAN:

00069

01 And that's why over the past three years we've
02 tried our best to do everything that we've got on this
03 thing to look at as much of the property as we can, to
04 sample as much as we can to find anything.
05 That's why we've had people tell us where they
06 found stuff to sample it, but I can never give you a
07 100 percent guarantee that you're not going to find
08 something.
09 BY MR. THOMPSON:
10 Wayne.
11 BY MR. SANFORD SMITH:
12 Mr. Chairman.
13 BY MR. DAVID MULLINAX:
14 Yes, sir.
15 BY MR. SANFORD SMITH:
16 Are we ready for a motion? I'd like to make a
17 motion.
18 BY MR. DAVID MULLINAX:
19 Okay.
20 BY MR. SANFORD SMITH:
21 On this issue.
22 I'd like to propose a motion to the floor to the
23 RAB that we accept the report that has been submitted
24 with instructions to Mr. Bogan that he changes the
25 recommendation to the point that if anomalies are

00070

01 found at the depth and soundings come up that are not
02 found at the depth that's to be cleared at, that he go
03 to four feet like we have done at Camp Croft in the
04 park area.
05 BY MR. LITTLEJOHN:
06 Second the motion.
07 BY MR. THOMPSON:
08 Do you buy that, Dr. Lowry?
09 BY DR. LOWRY:
10 As long as it is not under the discretion of the
11 safety officer. The contract clearly states that if
12 there is a signal from the magnetometer, that they
13 will go four feet with no ---
14 BY MR. THOMPSON:
15 Question.
16 BY MR. SANFORD SMITH:
17 No discussion.
18 BY DR. LOWRY:

19 No question, I would accept that, because most
20 of what they're going to find is going to be at this
21 level. I mean, I've been through an awful lot of
22 digging out there with them, and I've seen the holes,
23 and most of it is like this.

24 But if they -- my question is if the contract is
25 modified to read that it's going to be cleared to four

00071

01 feet if you hear of something, can you certify, can
02 you give me a certification on this land then that it
03 has been cleared to four feet?

04 In other words, if I'm going to sell this
05 property to a developer or if I want to develop it and
06 put home sites on it, can I tell those individuals
07 that I'm selling this property to that this land is
08 safe to four feet?

09 If I can do that, I will accept this very
10 readily with no problem, but I don't want to be held
11 in a line of custody or a chain of custody or -- you
12 know that when they sue somebody, they sue everybody
13 in the line, and the Department of Defense is damn
14 hard to get to and I'm not so involved.

15 BY MR. SANFORD SMITH:

16 That's the intent of my motion.

17 BY MR. BOGAN:

18 So as part of the discussion on this motion,
19 I'll have to check and see what the regulations state,
20 but from what my general understanding of the
21 regulations without actually having to read it is that
22 if we set up a contractor to do a clearance to two
23 foot and we've left it at the discretion of the safety
24 officer if they found something to a depth of four
25 foot, that the letter of clearance from the Department

00072

01 of the Army will be a clearance to two foot.

02 BY DR. LOWRY:

03 But if it does not have that sentence in it, I
04 would love to get -- yeah, I would accept that.

05 BY MR. BOGAN:

06 So to summarize your motion, if I may, is that
07 in any areas with a clearance less than four feet,
08 such as one foot.

09 BY MR. SANFORD SMITH:

10 Right, that's surface clearance.

11 BY MR. BOGAN:

12 That you recommend that the contract be written
13 such that the contractor will continue to four foot if
14 any abnormalities are found below the depth stated in the
15 work plan.

16 BY MR. SANFORD SMITH:

17 That's going four feet.

18 BY DR. LOWRY:

19 That's fine.

20 BY MR. DAVID MULLINAX:

21 Does everybody understand the motion?

22 BY MR. SANFORD SMITH:

23 Yeah.

24 BY MR. DAVID MULLINAX:

25 Now I heard a second. Who?

00073

01 BY DR. KEITH:

02 I second the motion.

03 BY MR. DAVID MULLINAX:

04 Okay. Is there anymore discussion?

05 (NO RESPONSE)

06 BY MR. DAVID MULLINAX:
07 All those in favor raise your right hand.
08 (RAB MEMBERS RESPOND)
09 BY MR. DAVID MULLINAX:
10 All those opposed likewise.
11 (NO RESPONSE)
12 BY MR. DAVID MULLINAX:
13 And the motion is carried.

14 BY DR. LOWRY:
15 Thank you.
16 BY MR. BOGAN:
17 Anything other ---
18 BY MR. DAVID MULLINAX:
19 Did you have anything else?

20 BY MR. BOGAN:
21 Just briefly.
22 Primarily, for RAB members in closing you might
23 stop by the library. I have given you a copy. I've
24 asked QST -- their former name was ESE, Environmental
25 Science and Engineering. They're now changed to QST.

00074

01 They've combined with another company. I've asked
02 them to provide a map that identifies all the work
03 that we've done to this point.
04 And you'll see a legend at the bottom that tells
05 you various areas, like the blue areas outlined here
06 are those areas where we have found ordnance to date.
07 You've got the areas where -- and the EE/CA
08 that's been presented on October 22nd, those were a
09 different color. Those areas were recommended they do
10 further work in, and we've also got the red polygons
11 and yellows circles from the interviews from their
12 property analysis of the areas that we got from the
13 public that we got from the computer that said look at
14 these areas in addition.

15 So I've got that to try and give you an overall
16 view of what we've done on the 19,000 acres to this
17 point. As far as Area 6, that's all I had on that.

18 BY MR. RUSSELL SMITH:
19 That's in the public library, Wayne?

20 BY MR. BOGAN:
21 Excuse me, sir?
22 BY MR. RUSSELL SMITH:
23 The public library is where we can pick those
24 up?
25 BY MR. BOGAN:

00075

01 I'll have a copy there for you to look at, but
02 you won't be able to -- I can't afford to make a whole
03 lot of copies.

04 BY MR. DAVID MULLINAX:
05 Suzy, would you like to talk about the '98
06 Advisory Board?

07 BY MS. MCKINNEY:
08 Okay. As we talked about at the last meeting,
09 we've got community interest forms that are available
10 for your consideration to serve on the 1998 RAB. All
11 of you who are on the current Board have the option to
12 be considered for the subsequent term of two years if
13 you are interested.

14 We have forms here. We have forms in the
15 library. We've distributed them to the various
16 offices here in the city. So if any of you in the
17 public are interested, please feel free to complete a
18 form. They are due back to our office by October

19 24th.

20 Then the process will call for establishing a
21 selection panel of three to five individuals from the
22 community to review those forms, again looking for
23 diversity on our Board. The forms will be reviewed
24 and recommendations will then be submitted, then the
25 next Board will be submitted to the Corps for their

00076

01 approval.

02 So, I think all of you have forms. If not, I
03 have extra ones up here. If any of you know of
04 anybody that has not been able to attend the meetings
05 that might be interested, please take some forms to
06 distribute to them.

07 We will have another ad for solicitation in the
08 paper probably later this month, the first of October,
09 and then, again, we'll let everybody know in the
10 community of the new Board that will take place.
11 We'll try to start up in January or February with the
12 new Board.

13 Does anybody have any questions?

14 BY MR. STONEWALL STEWART:

15 I'm very happy myself to see this because I
16 felt, and I still feel sincerely for all the taxpayers
17 that the Board should have been a mixture of diverse
18 from the beginning.

19 A definite at least four or five members of the
20 Board should have been diverse. We're all living in a
21 similar area, and I was just wondering. You said
22 forms were put out in various places. Would you
23 specify those places and just what has been done to
24 make sure -- I think it will make more of a community
25 mutual agreement.

00077

01 We all live together. We all should have
02 something to say about this money, and I'm sure you
03 don't feel -- have any remorse for me saying this. We
04 all should know how it should be spent, and we should
05 have an input from anybody in the community who wants
06 to participate.

07 I think some effort should be made to make sure
08 that the Board is consisting of some diverse
09 individuals who can also have input.

10 BY MS. MCKINNEY:

11 We have the addresses of ten churches in the
12 area of mixed denominations that we have submitted
13 forms and an introductory letter announcing this
14 opportunity at those specific churches. You've got
15 the attachment, right, if anyone wants to know which
16 churches tonight, or let me know where else to send
17 those.

18 We sent them to the NAACP. They're available at
19 the library and the county offices on Church Street.
20 We left several forms there. And, again, all of these
21 meetings are announced to the public. So the last
22 public notice should have had this opportunity also
23 announced in the paper.

24 If you have other ideas on where we can
25 distribute these forms, we'll be happy to get them

00078

01 out. Feel free to take extras yourselves, as well.
02 So any other additional ---

03 BY MR. STONEWALL STEWART:

04 Well, I -- now what about my application? Do I
05 need to resubmit one?

06 BY MS. MCKINNEY:

07 I think I still have yours from last year. And
08 if you'd like to just write down your name again --
09 well, I've got your name. I'll make sure you're
10 resubmitted.

11 BY MR. STONEWALL STEWART:

12 Okay.

13 BY MR. BOGAN:

14 And if I could -- if I could address one of your
15 concerns, when I first went through and we got Zapata
16 to go through and get a selection panel for us to
17 select the members of this current RAB, one of the
18 things that I emphasized to Zapata at that time was
19 that we needed to make sure that it was a diverse
20 group of people that applied.

21 One of the methods that we used at the time, and
22 Suzy can correct me if I'm wrong, is that we took a
23 computerized phone book and just randomly picked names
24 for not only just the immediate area here, but I think
25 it was either 10 to 20 miles outside of this immediate

00079

01 area and asked people to apply for the RAB.

02 But I also made sure that the NAACP was
03 contacted. I think we talked to them at least two or
04 three times to -- I think it was the president or
05 somewhere there, and we also asked the contractor to
06 go forward and see if there were any homeowners groups
07 that might want to do that.

08 Realizing that the Board does not make up a
09 great diversity and does not necessarily match the
10 diversity of the community here, I've asked Suzy and
11 those to go forward to even farther lengths this time
12 to make sure that specific letters were sent to
13 diverse churches, to extra ones were sent to NAACP.

14 If there is anybody else that you know, because,
15 like I say, this is supposed to be a sampling of the
16 community. And what it is a selection panel will go
17 through and the selection panel is three people from
18 the community that pick the community Board members.
19 I don't pick them. Suzy doesn't pick them.

20 I had them here November two years, walked in, I
21 said, "This is my criteria. I want a diverse group.
22 I want a maximum of 20, probably not less than 10. I
23 closed the door," and I said, "You come out and tell
24 me who you want," and this is a result of the group.

25 So if you have any others, any other concerns,

00080

01 let me know. Thank you.

02 BY DR. LOWRY:

03 I may be out of order here, but there are four
04 of you that have been here constantly who one or two
05 of you who have lost family members who among this
06 diverse group that we're talking about.

07 There could be no better member for this Board
08 than someone who is familiar with all the things that
09 are going in the past two years and you all are
10 familiar with that, and I would urge you to please
11 make application to this, because you're the best
12 informed of anybody in the community, other than those
13 of us who have been here for every meeting.

14 BY MR. STONEWALL STEWART:

15 Thank you.

16 BY MR. JOHNSON:

17 Thank you.

18 BY MR. DAVID MULLINAX:

19 Let me do a few things first.
20 Does everybody have their Volume II?
21 BY MR. SANFORD SMITH:
22 I did not receive mine.
23 BY MR. DAVID MULLINAX:
24 Okay. I'll go ahead -- do you want me to go
25 ahead and take those now?

00081

01 BY MS. MCKINNEY:
02 Here's a summary. I'm going to pass out a
03 summary sheet summarizing the information that's in
04 Volume II. Sanford, did you not get one?
05 BY MR. SANFORD SMITH:
06 I have not received my books, no.
07 BY MS. MCKINNEY:
08 I sent -- I think I sent -- did I send a double
09 set to Clary, maybe?
10 BY MR. SANFORD SMITH:
11 Clary, did you get two sets?
12 BY MS. MCKINNEY:
13 Double check in that box. I think there's two
14 sets in there with two cover letters.
15 BY MR. SANFORD SMITH:
16 I've got mine.
17 BY MR. DAVID MULLINAX:
18 Okay. I've passed out a piece of paper. This
19 is a little topic on my agenda that was in the July
20 26th Spartanburg Herald-Journal Upstate, page B-1.
21 This happened on Friday, July the 25th. Those
22 of you that did not read the article, these kids found
23 a grenade in the creek off of Cedar Springs Drive.
24 I'm going to say Robin Hood. It's not Robin Hood.
25 Friar Tuck. It was Friar Tuck into where the

00082

01 power lines go through the State Park. Now it was in
02 the creek. These boys found it on Friday, the 18th.
03 It was reported to the Sheriff's Department on the
04 25th. That is a week after the grenade was found.
05 We have two gentlemen in this room right now
06 that knew about it when it was found and did
07 absolutely nothing about it. One of them is a member
08 of this Board, Mr. Osborne. The other one is Mr.
09 McBain, and I am appalled that when it happened that
10 neither one of you gentlemen contacted anybody on this
11 Board, the Sheriff's Department, the Fire Department,
12 the Rescue Squad, the Army, Zapata, nothing. Nobody
13 was contacted.
14 You all can read the article. It's right here
15 in black and white. Gary Henderson has the photos to
16 prove it.
17 BY MR. LITTLEJOHN:
18 Mr. Chairman.
19 BY MR. DAVID MULLINAX:
20 Yes, sir.
21 BY MR. LITTLEJOHN:
22 In looking at the article and some other things
23 that have come to light, it seems that one of our
24 roles here on the Board is to serve as a conduit for
25 the flow of information to and from the community.

00083

01 And we have members of the community placing
02 their trust in us as members of the RAB, who we've
03 identified ourselves as members of the RAB, and we
04 violate that trust, then I feel that that also is a
05 violation of our By-Laws.

06 Under Section J, it says, "A RAB member may be
07 removed from the RAB by a majority vote if it is
08 determined that the actions of the individual are not
09 in the best interest of the RAB."

10 Endangering lives of the citizens of our
11 community, much less a child, is certainly not in the
12 best interest of this RAB. And I'd like to put it in
13 the form of a motion that we terminate Mr. Osborne's
14 relationship with this Board.

15 BY MR. GEORGE MULLINAX:

16 I second the motion.

17 BY MR. DAVID MULLINAX:

18 We have a motion and a second. Any discussion?

19 BY MR. SANFORD SMITH:

20 I'd say possibly in support of that motion,
21 looking at the record of communication that we got
22 that here during this period of time Mr. Osborne
23 reported explosions and things of this nature in which
24 he was so concerned about that, but he had no concern
25 for these young people's lives.

00084

01 BY MR. DAVID MULLINAX:

02 And I'll add to that. Mr. McBain, you also have
03 reported those same incidents, and I'm -- like I said,
04 I'm just appalled that you did not report this and you
05 knew about it.

06 Is there any further discussion?

07 BY MR. MCBAIN:

08 What happened to the grenade?

09 BY MR. LITTLEJOHN:

10 That's irrelevant.

11 BY MR. DAVID MULLINAX:

12 That's not a relevant point.

13 BY MR. LITTLEJOHN:

14 It's irrelevant what happened to the grenade.
15 For anybody to make a comment that "I was not
16 concerned with it," and then "thought the kids might
17 get some publicity," the worst case scenario would be
18 for the children to have been killed.

19 BY MR. MCBAIN:

20 In the first place, I was misquoted there. In
21 the second place, those were children were told not to
22 go in there and other people were contacted on this.

23 BY MR. LITTLEJOHN:

24 There's no record of ---

25 BY MR. SANFORD SMITH:

00085

01 That's immaterial.

02 BY MR. LITTLEJOHN:

03 --- 911 or anybody being contacted, and the 911
04 system is very effective. Yes, it's not unlike any
05 other agency. I'm sure it has its faults, but, my
06 friend, if you would call the Croft Fire Department
07 right now, there would be an engine and two men
08 responding anywhere in our fire district that you had
09 found unexploded ordnance.

10 I don't care what it is. I don't care if it's
11 just a handle from a grenade. If you call, they'll be
12 there, whether you call 911 or whether you call the
13 Fire Department, because that's your job to protect
14 the lives of the people in this community. The two of
15 you jeopardized the lives of people in this community.

16 BY MR. DAVID MULLINAX:

17 Any further discussion?

18 BY MR. BOGAN:

19 Can you summarize the motion?

20 BY MR. DAVID MULLINAX:

21 The motion is, as according to the By-Laws, to
22 terminate Mr. Osborne from the Advisory Board for his
23 actions as of this date, and we do have a second.

24 All those in favor signify by raising your right
25 hand.

00086

01 (BOARD MEMBERS RESPOND)

02 BY MR. DAVID MULLINAX:

03 All those oppose, likewise.

04 (NO RESPONSE)

05 BY MR. DAVID MULLINAX:

06 The ayes have it.

07 Mr. Thompson.

08 BY MR. THOMPSON:

09 Jessie, you and Lawrence, we've had some trouble
10 trying to get some information that we can put on the
11 tombstone. In fact, we've got death dates at two
12 separate dates. One on July the 17th and one on July
13 11th, 1945.

14 BY MR. JOHNSON:

15 It was July 11th, 1945.

16 BY MR. THOMPSON:

17 I know it was. The newspaper backs that up, but
18 the dates we've got -- Gary, I'd like to meet with ou
19 and Jessie and Lawrence right after the meeting for
20 about three minutes to talk about this.

21 We will be doing something within the next 30
22 days, but we've got to determine what's going to go on
23 that tombstone with the different dates and everything
24 else. The Health Department doesn't have any record
25 on it.

00087

01 BY MR. JOHNSON:

02 Well, it really doesn't make any difference if
03 it's the 7th or 8th or what.

04 BY MR. THOMPSON:

05 Yeah.

06 BY MR. JOHNSON:

07 What makes us feel good is somebody cares.

08 BY MR. THOMPSON:

09 Yeah. Well, we're going to do it within the
10 next 30 days.

11 BY MR. JOHNSON:

12 Okay.

13 BY MR. THOMPSON:

14 And the committee will be notified.

15 BY MR. JOHNSON:

16 Somebody -- somebody does care about you, you
17 know.

18 BY MR. THOMPSON:

19 But trying to get the dates to go on there is
20 absolutely -- you can't do it. There's no way. There
21 are no dates. So what we'll do is, Dr. Lowry, is he
22 gone? Oh, he mentioned something that they did
23 through the Confederacy, I believe it was, that we may
24 be able to do, or somebody did, that we would be able
25 to do on the tombstone to make a statement on there

00088

01 that he died the age of 12 or at the age or 34 or
02 whatever it happens to be.

03 We'll work out something tomorrow.

04 BY MR. JOHNSON:

05 All right.

06 BY MR. THOMPSON:

07 And the ceremony will be within the next month.

08 BY MR. JOHNSON:

09 I appreciate it.

10 BY MR. DAVID MULLINAX:

11 Does anybody else have any new business?

12 BY MR. GEORGE MULLINAX:

13 I've got a few things here I'd like to bring up.

14 This is not about ammunition. I don't think it's
15 about live stuff.

16 But at our last meeting on June the 10th, on the
17 11th of June I got a call from Memphis, Tennessee from
18 one of the writers for the Memphis Tribune, and he
19 said that he had been told that I knew where all the
20 bunkers was at where they hid all this stuff, I knew
21 where all the M-1s were at.

22 And on the 12th of June I got another call from
23 a property owner that there was some discussion at
24 this meeting between Mr. Littlejohn and Mr. Blake that
25 I knew where a bunker was at.

00089

01 Well, I know where something is at, but what he
02 -- and he cussed me out, and he said I was not coming
03 on his property, that I couldn't condemn it. But now
04 just like Mr. Littlejohn here was saying about the
05 Board, we have no authority. Mr. Wayne has told us
06 that we have no -- he has no authority to go on to
07 property unless the property owner gives him
08 permission.

09 But now Mr. Blake said that he would like to go
10 on this property if the property owner would let him.
11 So I think I finally convinced this guy that I had no
12 interest to go on his property. I just thought I knew
13 where something was at. So, like I say, it highly
14 upset me, but I straightened him out.

15 Okay. Now there are things going around people
16 saying that I know where all the bunkers are at, I
17 know where the gold is at, that I'm selling the gold
18 and I'm not the only one now. Listen to this, that
19 George Mullinax, Clary Smith and Joe Vann is getting
20 the gold and selling it. Okay.

21 Now on the M-1, Clary Smith, Brian Mullinax, Dr.
22 Lowry and George Mullinax is taking the M-1s and going
23 to gun shows and selling them.

24 But now they messed up when they say Brian
25 Mullinax. Brian Mullinax is my oldest son. He could

00090

01 care less about guns or Camp Croft or whatever,
02 because you've never seen him at one of these
03 meetings. So they messed up there somehow.

04 Okay. When the airplanes fly around low, that's
05 David Mullinax and George Mullinax taking pictures
06 looking for these bunkers.

07 The last time I went up with David Mullinax is
08 three years ago. David hasn't -- I don't think he has
09 flown in over a year.

10 So, like I say, I don't care what you say about
11 me as long as you say the truth. Now I've talked to
12 my attorney, and if I hear anymore of this, and the
13 person knows who I am talking about, they're going to
14 be in court and prove this. So they better get them
15 some pictures or some tape recordings or something so
16 they can have proof.

17 I don't know about the other people that was
18 mentioned here if they found the gold or if they found

19 the M-1s. I've got some gold around my neck here, but
20 it's like Mr. T's gold, it's gold plated. That's the
21 closest I've come to gold.

22 That's all I've got.

23 BY DR. LOWRY:

24 I want you all to cut me in on this.

25 BY MR. CLARY SMITH:

00091

01 I got a phone call -- a phone call, too, talking
02 about the same thing, and I wondered where it was. I
03 haven't seen it, but I sure could use some of it.

04 BY MR. STONEWALL STEWART:

05 Did you get the guy's name that's calling?

06 BY DR. KEITH:

07 Did you get the man's name that called?

08 BY MR. GEORGE MULLINAX:

09 I know, you know, who it is. Yes, I know.

10 BY MR. THOMPSON:

11 You know the name of the guy.

12 BY MR. DAVID MULLINAX:

13 Anybody else have any ---

14 BY MR. GEORGE MULLINAX:

15 But my attorney said not to mention no names.

16 BY MR. DAVID MULLINAX:

17 Anybody else have anything else?

18 BY MR. GEORGE MULLINAX:

19 I don't want to here it no more.

20 BY MR. DAVID MULLINAX:

21 Does anybody else have anything else?

22 (NO RESPONSE)

23 BY MR. DAVID MULLINAX:

24 Okay. I've got one more thing, and Wayne has
25 got one more thing.

00092

01 BY MR. BOGAN:

02 They usually say you save the best for last. In
03 this case this is not the truth.

04 Sometimes I get beat up in these meetings
05 because I make recommendations that people don't agree
06 with. That's what I get paid for. So what I'm fixing
07 to tell you is probably one of the hardest things I've
08 had to tell you up to this point.

09 About a week and a half ago I was informed that
10 Camp Croft next year did not make the funding cut for
11 fiscal year '98. So as of right now, the RAB will not
12 be able to continue, however, any future work,
13 contract work on Camp Croft will not continue until
14 fiscal year '99 unless additional money is provided.

15 This whole southeast, the south Atlantic
16 division, was given somewhere around \$18 million. And
17 as Fritz was talking earlier about that funding,
18 granted Croft is one of the -- what I consider one of
19 the high priority projects, it is the highest priority
20 project the Charleston District has as far as doing
21 work.

22 However, in the overall scheme of the nationwide
23 program, headquarters only gave us the \$18
24 million-or-so. We went down the priority list of the
25 different projects. The money ran out at priority 26.

00093

01 Croft is priority 28.

02 This is not the only one. Conway, the other
03 project I mentioned, will not continue. Okay.

04 Donaldson, I think the majority of the money is going,
05 but I think there is a portion of the Donaldson

06 project they've had ongoing which will not be funded
07 this year. Another ordnance project very similar to
08 this in North Carolina is not going to get funding.

09 So, essentially, to tell you, well, how this is
10 going to affect the RAB, whether we end up having to
11 go once every six months if nothing happens, or how
12 that works, we'll have to work that out.

13 I've tried my best to find a way to change the
14 priority. I was -- as far as being on the phone this
15 morning, I was trying to get a hold of somebody in our
16 headquarters in Atlanta, which is the next up
17 headquarters. The highest headquarters being D.C.
18 Seeing if there's some way I can rearrange the
19 priority.

20 Even at that point, the highest priority that
21 I've been able to see is a priority 26. I'm trying to
22 see if we can't change the priority to a 22, which
23 means that you have a contract that was ordered this
24 year that's continuing into next year and you need
25 more funds. That's not necessarily so for this

00094

01 project, but I'm going to see if I can't do that.

02 So if the priority doesn't change, unless
03 additional money is provided through our headquarters
04 or Congress decides to give additional money to the
05 overall FUDS program, we won't be able to do anymore
06 work until October of '98.

07 BY MR. LITTLEJOHN:

08 Wayne, I'd like to see us have Suzy draft a
09 letter to our Senators and also our representatives.
10 We did this a year or so ago and it seemed to have
11 some effect, but at least express a displeasure and
12 maybe bring out some of the priorities in a particular
13 area that needs to be reviewed again. And have Suzy
14 come up with something that she send to us and we all
15 look at it and let us have ---

16 BY DR. KEITH:

17 That's a good idea.

18 BY MR. BOGAN:

19 If you'll provide her some ideas before you
20 leave tonight.

21 BY MR. POWELL:

22 How much have we spent on Croft?

23 BY MR. THOMPSON:

24 That's the question that I always ask.

25 BY MR. POWELL:

00095

01 How much is slated and the total and so forth?

02 BY MR. BOGAN:

03 The estimate -- total estimate right now, and
04 I've got to go back and revise that, is right now
05 we're looking around \$19-and-a-half million.

06 We're looking at spending -- well, that's going
07 to be less than that. That's going to come down,
08 because in some of the work we've done, we've found
09 ordnance in areas where we didn't expect to find it.
10 We did find ordnance in areas we thought we might find
11 it.

12 I'll have to calculate, and that's what I'm
13 waiting to do at the end of the year, which is
14 September 30th, for us. That's to see exactly how
15 much has been spent up through September 30th and
16 that's when all the contracts and the military funding
17 ends.

18 BY MR. POWELL:

19 What's your best guess?
20 BY MR. BOGAN:
21 Give me a piece of paper.
22 BY MR. POWELL:
23 I mean a round figure.
24 BY MR. SANFORD SMITH:
25 Could you provide us with that information at

00096

01 our next meeting?
02 BY MR. BOGAN:
03 I can.
04 BY MR. SANFORD SMITH:
05 I think it would be good in a report.
06 BY MR. HAMER:
07 I think that would be better than coming up with
08 a ball park.
09 BY MR. BOGAN:
10 Yeah.
11 BY MR. HAMER:
12 I think we need to ---
13 BY MR. BOGAN:
14 I mean, I can.
15 BY MR. HAMER:
16 Rather than guess and be totally wrong, or ---
17 BY MR. BOGAN:
18 Right.
19 BY MR. HAMER:
20 I think we ought to wait and see what your
21 analysis is.
22 BY MR. BOGAN:
23 I'll provide that. Again, I'll need to wait
24 until September 30th until all contracts are out, all
25 the bills have come in, and we're closing out

00097

01 everything. And it usually takes another two -- two
02 weeks or so after that for all of our finance people
03 to get all the bills calculated, because they're doing
04 this for every project.
05 So I'll get you a total cost of what we've spent
06 up to this point.
07 Dr. Lowry.
08 BY DR. LOWRY:
09 Is the contract for Grid 87 out or is not going
10 to be put out?
11 BY MR. BOGAN:
12 We have awarded the work plan for Grid 87 to
13 HFA. This is the draft work plan that is to go
14 forward for submission. This will still go forward,
15 because I can still use funds until September 30th.
16 All right. if there -- for example, if Parsons
17 Engineering's effort, if their contract been awarded
18 them actually went into November, they would be able
19 to continue because we've already set aside a certain
20 amount of money for them to continue. In this case,
21 their contract is finishing up once they finish the
22 revisions to the report.
23 BY DR. LOWRY:
24 But the worst portion in my land, which is Grid
25 87, will not be cleaned this year?

00098

01 BY MR. BOGAN:
02 Not unless I get additional funding. I go
03 forward with the safety submissions to the Defense
04 Safety Board and get that portion up through now and
05 September 30th. They'll give us a little bit of money

06 for in house to, you know, work on just maintenance,
07 what they call maintenance and support funds, to take
08 care of stuff on various projects.

09 But one of the problems that I've had is that,
10 you know, I could use that money. Once it runs out, I
11 literally cannot work on this project unless I spend
12 less than one hour doing it, because of our law that
13 Congress passed called truth in charging.

14 The purpose for that was that if somebody is
15 working on Camp Croft, they should charge on Camp
16 Croft and Camp Croft only. Some government agencies
17 every year have what they call slush funds where, you
18 know, you're working on a small project, it runs out
19 of money, borrow \$5,000 or \$10,000 from this other
20 one. A month later somebody else does that, and after
21 awhile you've got large amounts of money being pulled
22 out for something for work unrelated to it, so
23 Congress passed the Truth in Charging Act.

24 Our auditors are very intense about making sure
25 that nobody charges to a project that they're not

00099

01 working on.

02 So I'll have somewhere around \$20,000 or \$30,000
03 to work on this and other projects to wind things up
04 to come like RAB meetings. But other than that,
05 unless they give us some additional funds, once that
06 runs out, then I have to stop on the project.

07 BY MR. THOMPSON:

08 When will you know?

09 BY MR. MCBAIN:

10 May I ask a question from the floor?

11 BY MR. BOGAN:

12 Yes, sir.

13 BY MR. MCBAIN:

14 Do -- if I understand you, there is only one
15 survey crew still under contract to come in here. If
16 all of the rest of Corps digs, if I can use that
17 expression, are now basically terminated, until you
18 get additional authorization funded?

19 BY MR. BOGAN:

20 All the contracts, with the exception of the
21 revisions for the work plan here, which is the paper
22 work exercise, and incorporating the comments from
23 Area 6 from Parsons Engineering, that's the only work
24 they have ongoing.

25 BY MR. MCBAIN:

00100

01 Who will you have in the field? Who will be on
02 the site any place within the 19,000 acres that you've
03 discussed as being the original cantonment actually?

04 BY MR. BOGAN:

05 No one.

06 BY MR. MCBAIN:

07 No one. In other words, nobody is supposed to
08 be digging? Is that what you're saying?

09 BY MR. BOGAN:

10 Correct.

11 BY MR. MCBAIN:

12 That's for the record. Thank you.

13 BY MR. BOGAN:

14 Now one thing that I can try and do is if we get
15 additional funding as the year progresses, then I can
16 probably do some small things, such as where I've
17 gotten the information from a gentleman who wants to
18 show me a whole bunch of wells and where things are

19 buried.

20 If I get extra funding when one project thinks
21 they're going to spend a million and they only spend
22 \$750,000, I may take the \$250,000 and spread it out to
23 other projects, I might be able to grab part of that
24 money. But unless I get that kind, we shouldn't have
25 anybody doing anymore work.

00101

01 BY MR. SANFORD SMITH:

02 Wayne, we might ought to clarify his statement
03 and your answer. Nobody under contract to the Corps
04 of Engineers and associated with this work will be
05 digging. Obviously, there's some other people digging
06 that are going behind you.

07 BY MR. BOGAN:

08 Correct.

09 BY MR. SANFORD SMITH:

10 That -- but nobody under contract will be in
11 there digging.

12 BY MR. BOGAN:

13 That's correct.

14 BY MR. HAYES:

15 Wayne, have all the funds been spent on the
16 second EE/CA?

17 BY MR. BOGAN:

18 With the exception of -- I guess that's the
19 third thing. Finishing up 00U6, finishing up the work
20 plan for Grid 87 in the second EE/CA, which, I said,
21 we're going to have a meeting on October 22nd. There
22 are still funds in that contract to have that public
23 meeting and then have a 30 day review period after
24 that, and then we'll finish that up. But, again,
25 that's just paper work to finish up in the report.

00102

01 Thank you.

02 BY MR. DAVID MULLINAX:

03 Anything further?

04 BY MR. CLARY SMITH:

05 Motion to adjourn.

06 BY MR. DAVID MULLINAX:

07 Motion to adjourn.

08 BY MR. POWELL:

09 Second.

10 BY MR. LITTLEJOHN:

11 Second.

12 BY MR. DAVID MULLINAX:

13 Meeting adjourned.

14 (MEETING ADJOURNED AT 8:40 P.M.)

00103

01 STATE OF SOUTH CAROLINA)

01)

CERTIFICATE

02 COUNTY OF SPARTANBURG)

02)

03)

04)

05 This is to certify that the within meeting was
06 taken on the 9th day of September, 1997;

07 That the foregoing is an accurate transcript of
08 the meeting;

09 That copies of all exhibits, if any, entered
10 herein are made a part of this record;

11 That the undersigned court reporter, a Notary
12 Public for the State of South Carolina, is not an
13 employee or relative of any of the parties, counsel or
14 witness and is in no manner interested in the outcome

15 of this action.

16 IN WITNESS WHEREOF, I have hereunto set my Hand
17 and Seal at Spartanburg, South Carolina, this 3rd day
18 of October, 1997.

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22

Notary Public for South Carolina
Commission Expires: 3/24/07

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25 (SEAL)