

M67386.AR.000145
MCRCO KANSAS CITY
5090.3a

MINUTES FOR BASE REALIGNMENT AND CLOSURE CLEANUP TEAM MEETING HELD 7
FEBRUARY 1996 KANSAS CITY MO
2/7/1996
HOSTETLER & ASSOCIATES

#120

BASE REALIGNMENT AND CLOSURE

CLEANUP TEAM MEETING

RECEIVED

FEB 27 1996

SUPERFUND DIVISION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPT OF THE BRAC CLEANUP TEAM MEETING
held on Wednesday, the 7th day of February, 1996,
commencing at 9:15 a.m. at Richards Gebaur Air
Force Base, 15471 Hangar Road, Kansas City,
Missouri.

PRESENT:

Mr. Robert Lodato, AFBCA; Mr. P. Mark Esch, AFBCA;
Mr. Robert M. Geller, MDNR; Mr. Glenn Golson,
MDNR; and Mr. Robert Koke, EPA.

COPY



REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1115 MISSOURI, MO 64108 • KANSAS CITY, MO (816) 421-6052

1 MR. LODATO: We'll convene at 9:15.
2 Like to go around the room and introduce ourselves
3 for the record.

4 MR. KOKE: I'm Bob Koke with EPA.

5 MR. GOLSON: Glenn Golson, MDNR.

6 MR. GELLER: Bob Geller, Missouri
7 Department of Natural Resources.

8 MR. ESCH: Mark Esch, Air Force Base
9 Conversion Agency.

10 MR. LODATO: Robert Lodato, Air
11 Force Base Conversion Agency. Okay. The agenda
12 is not going to go according to plan. The first
13 item will be the last BCT minutes, for their
14 approval.

15 MR. ESCH: Did I take a look at
16 those and make any comments?

17 MR. LODATO: Yes.

18 MR. ESCH: Okay. Then my comments
19 are on the record. Did you get those out to MDNR?

20 MR. LODATO: Yeah, on the 11th of
21 December.

22 MR. KOKE: I remember reading them.

23 MR. ESCH: Did you get comments back
24 from them on those, from Glenn or Bob?

25 MR. GELLER: I don't remember having

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 provided any comments on the minutes.

2 MR. GOLSON: No, I didn't.

3 MR. LODATO: The minutes from the
4 last meeting as stands. There are some
5 corrections in here.

6 The second item, for your information,
7 I'm passing out the program clarification on
8 National Priorities Listing policy. FYI.

9 MR. ESCH: At the request of Garey.
10 And actually doesn't have a whole lot to do with
11 us at this point. In summary, it kind of says
12 that EPA made the determination that when an NPL
13 site is listed as, say, Whiteman Air Force Base
14 NPL site, it doesn't necessarily mean it's an NPL
15 site fence to fence.

16 MR. KOKE: But that's a change.
17 They used to.

18 MR. ESCH: Right. They used to
19 consider it fence to fence. And now they're
20 saying no, it's just where the contamination is on
21 the property. Doesn't include the entire
22 property.

23 MR. KOKE: Which makes a lot more
24 sense.

25 MR. ESCH: Yeah, it makes a lot more

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

TELEPHONE: (913) 262-0100 • KANSAS CITY, MO. (816) 421-6052

1 sense. I ran into that trying to close an NPL
2 site in Minnesota. And there was a definition
3 problem there as well. But we got through it and
4 we got the NPL site closed.

5 MR. GELLER: I guess my question
6 would be at the time a bale is placed on the NPL,
7 or any site is placed on the NPL, that's based on
8 limited investigative data. Does the NPL listing
9 increase as the scope of the project increases?
10 Normally it does not -- under a typical NPL it
11 will be reduced if you can identify clean areas.

12 MR. KOKE: Which is what I view this
13 is. There's this national committee that they
14 want to eliminate the clean areas from the NPL
15 sites.

16 MR. ESCH: Carve out the clean
17 stuff.

18 MR. KOKE: Yes.

19 MR. ESCH: Yeah, that makes sense.
20 I know there have been -- I've heard some
21 discussion -- this is off the record.

22 (Whereupon, a discussion was had off the
23 record.)

24 MR. GELLER: Go back on the record.
25 There were some comments, I don't have the

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 specific reference, but discussions related to
2 scoring of various sites related to
3 Richards-Gebaur. And I guess I'm asking both EPA
4 and Mark to address why was that even a discussion
5 item in whatever the document was. Is EPA scoring
6 Richards-Gebaur? And, if they're not, why are you
7 asking questions, Air Force, about scoring of the
8 site? Are you familiar with the comments I'm
9 referring to? It's comments that you generated,
10 Mark.

11 MR. ESCH: Yeah. I thought that --
12 well, I believed that -- I know there was this
13 court order for you guys to make sure that you get
14 all the scoring done by date "X." And that date
15 had passed. I know we have not been scored under
16 the HRS-2 rules. We were scored under the HRS-1
17 rules. But I haven't seen any scores or anything
18 like that from EPA in the record.

19 MR. KOKE: We had our contractor do
20 it. I mean, we don't personally do it. And this,
21 of course, happened before I was on the site. I
22 can go back and check, but it sounds to me, and
23 what I had heard from Karen, is that the site is
24 not an NPL site, therefore it didn't score. But
25 that doesn't mean that somebody didn't go out and

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 try to score it.

2 MR. ESCH: Right. Well, I know back
3 then, at least my assessment of the policy was at
4 EPA, is when they came out and scored the site and
5 it didn't list on the NPL or didn't make above the
6 28.5, they kept that to themselves. They didn't
7 release that number or anything like that.

8 MR. GELLER: Right.

9 MR. KOKE: It has no meaning.

10 MR. GELLER: Right. I think that's
11 correct. But I guess my question is, we continue
12 to talk about NPL listing and scoring, is that
13 something that you're asking EPA or DNR to look
14 at. DNR and EPA both agreed earlier on in the
15 initial evaluation of the site it did not rank
16 high enough to be an NPL-caliber site. We did
17 change the HRS scoring procedures and had to go
18 back and look at some of these sites that were
19 marginal. To date I can basically say that the
20 State is not pursuing scoring or listing of
21 Richards-Gebaur.

22 MR. ESCH: Okay.

23 MR. GOLSON: Is the Air Force
24 pursuing that? Because you had made a submittal
25 to EPA that you wanted --

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY, MO (816) 421 6052

1 MR. ESCH: Our understanding is, in
2 accordance with the national contingency plan, is
3 that after you've completed a PA/SI at that point
4 then that PA/SI goes to --

5 MR. GELLER: EPA.

6 MR. ESCH: -- EPA for evaluation.

7 Am I correct on that?

8 MR. GELLER: That's correct.

9 MR. KOKE: Yeah.

10 MR. GELLER: I think it's 18 months
11 after you are placed on the federal docket you
12 have to produce the PA/SI and then turn it over to
13 EPA for a scoring. If you're on the federal
14 docket. Only if you're on the federal docket.

15 MR. ESCH: Only if you're on the
16 federal docket.

17 MR. GELLER: That's the trigger.

18 MR. ESCH: Okay. At this point
19 we're not on the federal docket.

20 MR. GELLER: I'm not aware that you
21 are.

22 MR. ESCH: I mean, I haven't heard
23 that we are. Okay.

24 MR. GELLER: It's very clear in the
25 NCP, the national contingency plan, that's how



REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 that's derived.

2 MR. ESCH: That part I wasn't clear
3 on.

4 MR. GELLER: EPA is the agency that
5 will place you on the federal docket. Diana
6 Newman, from your Superfund section, was the one
7 that used to place all the federal facilities on
8 the docket that were appropriate. If I'm not
9 mistaken, 18 months to produce a PA/SI, turn it
10 over to EPA for scoring, and based on that you
11 would get placed on the NPL or not placed on the
12 NPL.

13 MR. ESCH: So the question becomes,
14 though, as you're doing the new PA/SIs and
15 completing PA/SIs on your site, does it go to the
16 federal facilities section, i.e., Diane Newman,
17 for evaluation whether the site should be placed
18 or --

19 MR. GELLER: Only if you're placed
20 on the federal docket are you required to submit
21 those things to EPA for scoring.

22 MR. ESCH: Initially.

23 MR. GELLER: Initially. EPA has to
24 place you on the docket in order to start that
25 process.

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK KS 66204

1 MR. ESCH: Okay.

2 MR. GOLSON: So what was the
3 motivation? You just misunderstood what you were
4 supposed to do?

5 MR. ESCH: It was a misunderstanding
6 on our part.

7 MR. GELLER: You were doing PAs and
8 SIs and needed to see whether they were scored?

9 MR. ESCH: Yeah. Understanding that
10 I didn't know whether we were on the federal
11 docket or not.

12 MR. KOKE: I guess I don't know how
13 you get to be on the federal docket. Is that some
14 decision by like Diana Newman or somebody?

15 MR. GELLER: Generally. My
16 understanding is that EPA would look at, based on
17 the contamination, what information they have, the
18 potential is there. If there's not sufficient
19 information to evaluate the site they would place
20 it on the docket. That's my understanding.

21 MR. KOKE: Okay.

22 MR. ESCH: Okay. But we do have,
23 you know, I guess the Belton site that we'll be
24 conducting a PA/SI. At that point would EPA then
25 look at it from the standpoint of does it need to

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4580 • OVERLAND PARK, KS 66204

1 be placed on the federal docket, or have we jumped
2 that hurdle already?

3 MR. KOKE: I think the things that
4 make it score are pathways, especially with
5 groundwater, where people are drinking the water,
6 or the surface water. That's generally where the
7 big points are. I mean, there are points for
8 environment, there are points for air contact,
9 breathing and that, but big points are for --

10 MR. ESCH: For groundwater.

11 MR. KOKE: And surface water.

12 MR. ESCH: Okay.

13 MR. GOLSON: And I think that ties
14 in with Bob's predecessor, the project manager --
15 her name eludes me.

16 MR. KOKE: Karen Fluornoy.

17 MR. GOLSON: Karen Fluornoy. That
18 ties in with her concern over the basewide
19 groundwater situation. It hasn't really been
20 evaluated. And I think -- of course, that's the
21 EPA mode of thinking. But, you know, if the
22 groundwater hasn't been checked how do you know if
23 you can -- you can't score efficiently to do that.
24 So I think that ties in really well with that.

25 MR. GELLER: You always have the

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 opportunity to be re-scored by EPA. At any time
2 you can be placed on the docket, is my
3 understanding. And then could be placed on the
4 NPL.

5 MR. ESCH: So really I guess what
6 I'm hearing then is the PA/SI, though, would be
7 the trigger that would --

8 MR. KOKE: Contain the data that we
9 would use to see if it scored.

10 MR. ESCH: Okay. All right. What's
11 our next agenda item?

12 MR. LODATO: Property boundaries.

13 MR. ESCH: Okay. Property
14 boundaries. Well, I'm going to insert one little
15 thing before we go. We've got a lot of work going
16 on here I guess this week. This stuff right here
17 is the sampling equipment for our central drainage
18 area contractor that's going to be sampling today,
19 tomorrow and Friday, and is surveying those points
20 with our approved work plan. He was asking us for
21 the best open window, you know, where it's above
22 freezing. And the weather looked good and I
23 notified them that it is possible this week if he
24 could get his crew together, and he said they're
25 available. So Monday afternoon he gave me

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK KS 66204

1 confirmation that they're going to be doing the
2 sampling out there in accordance with the plan.

3 Robert's going to be making sure that
4 they do the sampling in accordance with the work
5 plan that everybody has seen and approved or
6 concurred on. I would imagine that we're probably
7 going to see samples in about a month. Get the
8 results back on some of those preliminary samples
9 that had been taken a couple of years ago and see
10 where we go from there on that.

11 MR. GELLER: Did you say these were
12 surface water or well samples or --

13 MR. ESCH: They're going to be
14 surface soil.

15 MR. GELLER: Surface soil.

16 MR. ESCH: Seeps.

17 MR. GOLSON: Sediment.

18 MR. ESCH: Sediments.

19 MR. GOLSON: Water. Surface water.

20 MR. GELLER: Okay.

21 MR. ESCH: And Glenn and I had
22 talked about the protocol and worked with the
23 people who developed it, make sure we have --

24 MR. GOLSON: Yeah, we reviewed the
25 work plan and approved it.

1 MR. GELLER: Okay.

2 MR. ESCH: So we're ready to go on
3 that. Also, I think this week Dames & Moore is
4 going to be sampling tank bottoms, the paint on
5 the tanks, on the exterior --

6 MR. GOLSON: POL yard.

7 MR. ESCH: POL yard in preparation
8 for the demolition.

9 MR. GELLER: Okay.

10 MR. ESCH: Is there anything else on
11 that that they're working on?

12 MR. LODATO: No, not just yet.

13 MR. ESCH: Not yet. Okay.

14 MR. LODATO: Now that Versar is
15 going to be out the next couple of days are you
16 going to want someone from your office to be out
17 here while they're doing their --

18 MR. GELLER: Collecting splits?

19 MR. ESCH: Collecting splits if you
20 want. They'll probably be doing that -- well,
21 they're supposed to be here about eleven o'clock
22 this morning.

23 MR. GOLSON: How's our funding for
24 that?

25 MR. GELLER: Well, we had dedicated

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 funding for splits. Trying to figure out -- I
2 don't know the specifics of what parameters you
3 were looking at and which sites, but definitely --
4 and that's why we need to know in advance, so we
5 can schedule that with our lab, based on their
6 availability.

7 MR. ESCH: They're right on schedule
8 with the schedule that we provided.

9 MR. GELLER: Usually what we try to
10 do is -- have you taken splits out here in the
11 past?

12 MR. GOLSON: Never taken a split.

13 MR. GELLER: Generally what we try
14 to do is connect your contractor with our lab so
15 they can talk about schedules. If Glenn's not
16 going to be here to collect the splits, or someone
17 else from our section, then we just let our lab
18 and your contractor work together to collect those
19 splits and coordinate the timing.

20 MR. ESCH: Well, we're open for
21 them.

22 MR. GOLSON: Well, okay, but I won't
23 commit right now. I won't say yes or no either
24 way.

25 MR. ESCH: I understand.

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 MR. GOLSON: I don't think we're
2 taking a large number of samples. I think
3 generally we go by -- the rule of thumb we go by
4 is one in ten or something like that. And I'm not
5 sure we're taking a large number of samples that
6 it would justify sending somebody over for just a
7 few samples.

8 MR. ESCH: Right now I believe it's
9 less than forty total.

10 MR. GOLSON: It might be we can
11 decide later. I think the important point is that
12 we keep that open and you guys give us enough
13 notice so if we want to we can do that.

14 MR. ESCH: Okay. If there's nothing
15 else we can jump right into those working group
16 property boundary recommendations. Got a little
17 handout here. Tried to summarize some of the
18 property boundary stuff that went into this stuff.
19 Basically where we were at --

20 MR. GOLSON: Why don't you put that
21 over here, Mark.

22 MR. ESCH: All right. Basically
23 where we were at were all the ground lines for our
24 BCT parcels. And this is the map that we worked
25 on in the working group. And these green lines



REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK KS 66204

1 are the proposed lines by the BRAC Cleanup Team
2 working group to further subdivide Parcel A into
3 two parcels and Parcel B into seven parcels,
4 keeping the sequence with this one that was
5 already B-1 and going with B-2, 3, 4 through 8.
6 That's the only thing that we worked on, were
7 dividing these up to kind of get some clean parcel
8 determinations.

9 On the last page of that handout is kind
10 of where we're at at this point. What that would
11 do for us as a BCT, if we accept that, is that
12 about 60-1/2 acres we would go forward to our
13 command and say as a BCT we've moved forward,
14 we've said that about 60-1/2 acres are suitable
15 for transfer at this time. And down there is kind
16 of where we stand as far as the difference in EPA,
17 DoD and MDNR as to where -- what we believe might
18 be deedable and what we believe might not.
19 Recognizing that we've got some data that we need
20 to provide MDNR.

21 MR. GOLSON: Okay. Let me
22 understand these numbers at the bottom, Mark.

23 MR. ESCH: All right.

24 MR. GOLSON: "Acreage requiring FOST
25 to be deeded." Finding of suitability to transfer

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

1 is what that means.

2 MR. ESCH: Right.

3 MR. GOLSON: So the total acreage --
4 that's the total acreage that you need to find
5 transferable, right? 376.75?

6 MR. ESCH: That is correct.

7 MR. GOLSON: And that's broken down
8 in those four categories underneath? Is that
9 right or not?

10 MR. ESCH: The acreage requiring
11 FOST is what we need to reach a finding of
12 suitability to transfer on. The status below that
13 is at this time where MDNR, EPA and DoD are on
14 what they believe is FOSTable, deedable acreage.

15 MR. GOLSON: I see.

16 MR. ESCH: So this shows -- you
17 know, once we're all equal we'll finally be up
18 there at 376 or whatever.

19 MR. GOLSON: I see. Okay.

20 MR. GELLER: I guess the one
21 question I would have, can you go through so I
22 understand which parcels -- in order to come up
23 with the 61.49 that MDNR has, which parcels have
24 we agreed are suitable to transfer at this point?

25 MR. ESCH: Those numbers are based

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 on the working group numbers. Anything between 1
2 and 4 here (indicating). This is at least my read
3 on what Glenn is talking about.

4 MR. GELLER: So A-1.

5 MR. ESCH: A-1.

6 MR. GELLER: C. I'm sorry. B-2.

7 MR. ESCH: B-2.

8 MR. GELLER: C.

9 MR. ESCH: C. And J.

10 MR. GELLER: Okay.

11 MR. ESCH: Based on your
12 conversations with Robert.

13 MR. GOLSON: Right.

14 MR. ESCH: Bob Koke hadn't had an
15 opportunity to make any comments about that, so I
16 don't know where he stands on Parcel J. Take a
17 look at that and see if that's an accurate
18 reflection of EPA and MDNR's thoughts on each of
19 these parcels as we go through this.

20 MR. GOLSON: Now, the categories
21 under MDNR that have parentheses?

22 MR. ESCH: That would be what you
23 expressed in the working group. That's why I have
24 WG there.

25 MR. GOLSON: That's the category

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 that I feel MDNR would place on it, right? I
2 that what you mean?

3 MR. ESCH: Yes.

4 MR. GELLER: And he's asking is that
5 correct.

6 MR. KOKE: Where is J on the map
7 there?

8 MR. ESCH: J is out here.

9 MR. KOKE: Okay.

10 MR. ESCH: Some questions basically
11 came up with the baseline survey and the finding
12 of suitability to lease the property with a tank
13 that had been pulled out on this site.

14 MR. GOLSON: That's the NDI lab.

15 MR. ESCH: At the NDI lab.

16 MR. GOLSON: Down at the south end.

17 MR. ESCH: Because there had been
18 some samples pulled out of there that did indicate
19 something, you know, some petroleum that had been
20 released there, whether spillage or whatever, but
21 it wasn't significant enough to go chase. That's
22 why at least we believe that it should be
23 categorized as 3, as though a release happened,
24 but it's not enough to warrant going after.
25 That's where DoD is. I do not know what category

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 MDNR would put that in, that's why I said 1
2 through 4, something transferable, but I don't
3 know. We don't have to discuss that at this time.
4 We could table that till the next one when we as a
5 working group have a chance to really dig into it.

6 MR. KOKE: Because we did not
7 discuss that site the last time we were here.

8 MR. ESCH: Right. We did not
9 discuss that.

10 MR. GELLER: I think the thing that
11 we should probably as a BCT move forward, though,
12 is -- Glenn and I probably need to talk briefly
13 about what you've identified here, see whether we
14 can finalize those things, but I would say we go
15 ahead and move forward if we can. Maybe take a
16 five-minute break and let us look at these things.
17 But we can, if we all agree, go ahead and make
18 those recommendations as a BCT. We've concurred,
19 as an example, on A-1. If we all concur that it
20 is a 3, and we can make that recommendation that
21 parcel would be changed to a 3, we don't have to
22 talk about A-1 any farther.

23 MR. ESCH: Yeah, I understand that.

24 MR. GELLER: I would propose that we
25 go ahead and -- from my standpoint I'd like to

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 take a break for a couple of minutes so we can
2 talk about this, and then we can probably come
3 back and at least agree on at least maybe four
4 parcels that we've generally concurred with.

5 MR. ESCH: Okay. That sounds good.

6 (Whereupon, a discussion was had off the
7 record.)

8 MR. ESCH: We're back on the record
9 here. The proposal of the BRAC Cleanup Team
10 working group is to adopt the boundary change in
11 Parcel A. Formerly it was the boundary of the
12 reuse Parcel A identified by the Kansas City
13 Aviation Department. We have further subdivided
14 that by running a straight line across the edge of
15 the tarmac where it is in conjunction with the
16 edge of the grass off of the tarmac on both the
17 west side and the northwest portion of the hangar
18 row. We have further subdivided reuse Parcel B,
19 as identified by the Kansas City Aviation
20 Department, up into seven parcels.

21 MR. GOLSON: I don't think you need
22 to describe every parcel and every line on there.

23 MR. GELLER: If we include the map
24 we don't need to do that.

25 MR. GOLSON: Just make the map part

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 of the record.

2 MR. ESCH: Okay. The map is part of
3 the record that the working group worked on and
4 the corners will be later identified or refined.

5 MR. GELLER: Conceptually the BCT
6 accepts.

7 MR. ESCH: Conceptually it's very
8 close to what we want.

9 MR. GELLER: So we can accept the
10 environmental parcelization as proposed by the
11 working group. Agreed?

12 MR. KOKE: Agreed.

13 MR. GOLSON: Agreed.

14 MR. ESCH: Okay.

15 MR. GELLER: Then let's go through
16 the parcels and describe what we've adopted as a
17 BCT.

18 MR. ESCH: As a BCT working group we
19 had adopted A-1 to be a DoDECC 3. Category 3
20 parcel. Because there was no area of concern out
21 here. There are no IRP sites, there was no waste,
22 hazardous storage of hazardous waste out there or
23 hazardous materials stored out there. At this
24 time there are no known factors that would prevent
25 a finding of suitability to transfer on Parcel

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 A-1.

2 MR. GELLER: Shall we agree?

3 MR. ESCH: Is everybody in
4 agreement?

5 MR. KOKE: I am.

6 MR. GELLER: Yes. Category 3 for
7 Parcel A-1.

8 MR. ESCH: Parcel A-2 consists of
9 many of the hangars on hangar row and some of the
10 support facilities. It contains several IRP
11 sites. It contains several areas of concern and
12 several underground storage tanks that yet to be
13 resolved. At this time we believe this is a
14 Category 7 property as the BCT working group. Do
15 we have agreement from the BCT that we should
16 adopt Category 7?

17 MR. GELLER: Yes.

18 MR. KOKE: Yes.

19 MR. ESCH: So noted. Everybody
20 concurs.

21 MR. KOKE: Agreed.

22 MR. ESCH: Parcel B was subdivided.
23 On Parcel B-2 there is only one building, it is a
24 former liquid oxygen storage facility. By safety
25 policy there was a 200-foot perimeter around this



REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204

TEL: (913) 666-8400 FAX: (913) 666-8401

1 building where absolutely nothing could be stored
2 that would react with the oxygen. The only other
3 thing on this parcel is a portion of a parking
4 area and a football field. Aerial photographs
5 show no activity in this area. There are no areas
6 of concern, no IRP sites. There has never been
7 any storage, to the best of our knowledge. We
8 believe that the classification should be Category
9 1 and that there are no factors that would prevent
10 a finding of suitability to transfer Parcel B-2.
11 Does everybody concur?

12 MR. KOKE: Agreed.

13 MR. GELLER: Based on all available
14 information at this time we agree that it should
15 be classified as a 1.

16 MR. ESCH: Parcel B-3, because it is
17 a portion of IRP Site 6 where the groundwater has
18 not been assessed, and the oil/water separator
19 927A outfall is in this area, AFBCA believes and
20 the working group also believes that this should
21 be categorized as a Category 7. Is there any
22 disagreement?

23 MR. GELLER: Agree.

24 MR. KOKE: Agreed.

25 MR. ESCH: Parcel B-4. That would

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

TELEPHONE (913) 662-2100 • KANSAS CITY, MO. (816) 421-5082

1 be this parcel here. Contains all of IRP Site
2 SS04. A portion of Site 9. The oil/water
3 separator outfall at 920A is an area of concern.
4 And AFBCA believes the property should remain
5 classified as Category 7 and there are factors
6 that prevent it from being transferred at this
7 time. Does the BCT agree?

8 MR. KOKE: Agree.

9 MR. GELLER: Yes, agreed.

10 MR. ESCH: Okay. Parcel B-5
11 contains the central drainage area which they will
12 sample this week, the hydrant fuel break area, the
13 underground storage tank 942A and 942B are also on
14 this property. There was no hazardous storage
15 identified in the property, but we would like to
16 have concurrence that it should be classified as a
17 Category 7. And, also, there are other factors
18 that would prevent a finding of suitability to
19 transfer this particular property. Agreed?

20 MR. GELLER: Agreed.

21 MR. KOKE: Agreed.

22 MR. ESCH: Everybody agrees. B-6 at
23 this particular time there was no BRAC Cleanup
24 Team working group agreement. MDNR would like to
25 do a complete VSI to confirm the classification

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 for Category 2.

2 B-7. There are no areas of concern. No
3 IRP sites. Underground storage tank 620 is on the
4 parcel. There was no BCT working group category
5 agreement. At this time AFBCA believes this is a
6 3.

7 MR. GOLSON: MDNR believes it's a 7.

8 MR. ESCH: And MDNR believes it's a
9 7. The reason is they have not had the
10 opportunity to review samples that we have, and
11 we'll get that to them.

12 B-8. Everybody was in agreement that
13 that should be categorized as a Category 7. To
14 recap, it contains the POL storage yard, oil/water
15 separator 9470B, oil/water separator outfall at
16 944, the pond, and a portion of Site 8. Is
17 everybody in agreement that it should remain a
18 Category 7?

19 MR. GELLER: Agreed.

20 MR. KOKE: Agreed.

21 MR. ESCH: Agreed. Okay. Where are
22 we at now?

23 MR. GELLER: C.

24 MR. ESCH: Still need to cover --
25 well, we don't need to cover B-1. Parcel C. We



REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204

1 previously had classified that as a DoDECC 2,
2 which was what was identified in the environmental
3 baseline survey. Upon reviewing the records and
4 all BCT members doing a visual site inspection
5 there was no indication in the records that 200 --
6 that a metric ton of hazardous materials or waste
7 had ever been stored on Parcel C. At this time we
8 believe the category should be a Category 1, and
9 that there are no other factors that would prevent
10 us from having a finding of suitability to
11 transfer this parcel. Does everyone agree?

12 MR. KOKE: Agreed.

13 MR. GELLER: Agreed.

14 MR. ESCH: What's our next one?

15 MR. GOLSON: D.

16 MR. GELLER: I guess the question is
17 do we want to jump to those where we concur,
18 because all the rest of them we don't have enough
19 information, we don't have numbers, so I would
20 propose we go to G. G is the next one of
21 concurrence.

22 MR. ESCH: Okay. G is the next one
23 of concurrence. There had been no change in G.
24 It had been previously discussed about six months
25 ago that it was a Category 7. And does everyone

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4590 • OVERLAND PARK, KS 66204

1 still concur that it remains a Category 7?

2 MR. GELLER: Yes.

3 MR. KOKE: Agree.

4 MR. ESCH: For the record, Parcel G
5 contains the IRP fire training area Site 2. It's
6 misprinted. FT002 should be on that, not 7.

7 I don't know at this time if you want to
8 discuss Parcel H. We had previously classified
9 this as a 5. And we believe that it should be
10 classified as a 7. The small arms range is on the
11 parcel. It's an area of concern. And the reason
12 we have reclassified this as a DoDECC 5 is to
13 reflect the need for the additional sampling that
14 needs to be done to confirm that. Do you want to
15 discuss that?

16 MR. GELLER: This is Parcel H?

17 MR. ESCH: This would be Parcel H,
18 the small arms range.

19 MR. GELLER: And our recommendation
20 is that it be classified as a Category 7.

21 MR. GOLSON: That's what you were
22 saying.

23 MR. GELLER: That's not what is
24 shown in the form.

25 MR. ESCH: Right. It had been

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204



HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 previously classified as -- we had previously
2 classified it as 5. But I would like to change
3 that back to 7.

4 MR. GELLER: Agreed.

5 MR. KOKE: Agreed.

6 MR. ESCH: Okay. Didn't think I'd
7 have any problem there. I assume we will table J
8 until the working group has an opportunity to look
9 at all the new data.

10 Moving on, I don't believe there are any
11 changes to L and M at this time, that the BCT
12 still believes that both should be categorized as
13 7. Is that still agreed?

14 MR. KOKE: Agreed.

15 MR. GELLER: Agreed.

16 MR. ESCH: I believe we've hit
17 everything that we can at this time, gentlemen.

18 MR. GELLER: Okay.

19 MR. ESCH: We now have approximately
20 60-1/2 acres that we believe to be transferable at
21 this point. All right. Did we want to do any
22 more in the way of parcels or move on to -- I
23 think we've kind of gone on record here for Parcel
24 C, item 2 of the agenda. We've covered that, I
25 believe.



REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4599 • OVERLAND PARK, KS 66204

1 MR. GELLER: Yes. Recommended a
2 Category 1 based on the information.

3 MR. ESCH: So we can move on to the
4 next agenda item.

5 MR. GELLER: Right.

6 MR. ESCH: Okay. Glenn and I, I
7 guess, have a difference of opinion on FSB8. It
8 is the Air Force's opinion, and it had been
9 adopted elsewhere, that there are certain levels
10 of contamination on property that should be
11 reasonably expected there would be forensic
12 evidence, if you will, that some sort of
13 industrial activity had occurred on installations.
14 Although it doesn't apply to us here, in Maine the
15 State regulators and EPA have come to an agreement
16 on a twenty times rule. Where if a sample comes
17 in twenty times or less than an action level then
18 no further action is pursued because of that
19 sample. It is basically ruled out as background
20 noise, unless for some reason there are
21 extenuating circumstances.

22 At FSB8 was collected, at this point
23 right here, in the 2- to 3-foot depth, it came out
24 with -- it detected compounds -- petroleum
25 compounds that are a maximum of 150,000 times less

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

1 than the action level for the Missouri Department
2 of Health would believe that it is clean. The
3 question becomes at what level do we as a BCT want
4 to set on various samples that we collect around
5 the Base where we go after them. Obviously, if we
6 start chasing every forensic hit that we hit we're
7 going to be spending a lot of money declaring
8 property clean. I open the table up for
9 discussion.

10 MR. GELLER: Want to comment?

11 MR. ESCH: Or comment.

12 MR. GOLSON: I think your question
13 is appropriate. Where do we draw the line. If we
14 have samples like this that we've taken around the
15 Base and we have a hit of chemicals that are
16 unusual, they're not native to the soils, you
17 know, they're obviously man-made that have come
18 from somewhere else, then I think the BCT needs to
19 decide do we chase that or do we do additional
20 sampling to confirm that may be an isolated
21 incident, or do we say no, we discount it
22 altogether and walk away and leave it.

23 My contention was we have this hit, it
24 was obviously not related to the site that we were
25 actually investigating, but there was a hit of

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 these unusual chemicals that are obviously
2 man-made, obviously placed by man. They may be,
3 yes, in very reduced levels, but does that give us
4 a clue that there's maybe a source of that
5 chemical somewhere nearby, or is that an isolated
6 incident that we should walk away from.

7 And I agree with Mark's question to the
8 BCT. How do we decide do we chase that, do we not
9 chase that, do we ignore it, do we set some level,
10 okay, this is a hundred times less than what an
11 action level would be, so we walk away. Or what
12 do we do, where do we go. Because we can squabble
13 over these kind of things forever and never
14 resolve it. So I agree we do need some sort of
15 guidance as to incidences like this that may be
16 very isolated. What do we do. Do we chase them,
17 do we turn our back and ignore them.

18 MR. GELLER: In this case this is
19 Parcel 01?

20 MR. ESCH: This would be on Parcel
21 B-5 at this point. It's really --

22 MR. GELLER: Which we've agreed is a
23 Category 7.

24 MR. ESCH: This is Category 7, but
25 right on the border of a Category 1. This is just



REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421 6052

1 an example. I mean, conceptually how do you deal
2 with this issue. Obviously we can -- we know that
3 they find PCBs in antarctic ice, for example, but
4 we don't see people going out and cleaning up
5 antarctic ice. You know, there's some forensic
6 evidence that we're going to be seeing that, hey,
7 this was an airport, they had fuels out here, they
8 had people parking their cars out here, the cars
9 dropped fuel from the oil pans in this area, and,
10 yeah, you might expect to see in a 2-foot to
11 3-foot range a little bit of oil drippings from
12 man-made or man-refined petroleum products. Or
13 some metals of some nature.

14 MR. KOKE: I guess my experience has
15 been that sometimes in spite of all the QA/QC you
16 do get bogus data. We did do a cleanup --

17 MR. ESCH: I'm not saying that it's
18 bogus data. It might be true and valid. But it
19 is at a level --

20 MR. KOKE: It's only one hit?

21 MR. ESCH: Right. There was no
22 detection at this point, there was no detection at
23 this point, there was no detection across the
24 street (indicating). This was the only sample
25 that had a detection ten times above a detection



REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 level. As detection levels start dropping and
2 dropping and dropping, everything is made of
3 chemicals, it's going to show up eventually.

4 MR. KOKE: Well, I think that there
5 has to be some kind of rule like this twenty times
6 rule. I don't have enough experience to know if
7 twenty times is fair. But we'll find stuff all
8 over, you're right.

9 MR. ESCH: This is off the record.

10 (Whereupon, a discussion was had off the
11 record.)

12 MR. ESCH: At some point we have to
13 all agree that a sample poses no imminent threat
14 to human health and the environment. We all walk
15 out here every day. I mean, if we thought that
16 there was an imminent threat to human health and
17 environment we wouldn't be walking out here on the
18 Base.

19 MR. GELLER: I would pose a
20 recommendation that as you find some compounds,
21 assuming this is a compound that does have an
22 action level at some level, is that we are still
23 looking -- these are from soil samples?

24 MR. ESCH: Yes.

25 MR. GELLER: Our recommendation

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION, KS 66201 • KANSAS CITY, MO 64111

1 would be you consider including possibly that
2 compound in the nearest groundwater well that may
3 be influenced by that area in the ground. If you
4 don't see an impact in the groundwater and you
5 have a low detection level in the soil, below an
6 action level, then I would say it's not of
7 concern.

8 MR. GOLSON: Okay.

9 MR. GELLER: It should be filed for
10 reference as you get -- as you move farther along
11 and as you move to a decision that you're done
12 with that parcel and you want to move it to a
13 category that's transferable, that this is
14 information that we can neither prove nor
15 disprove, and we can all agree that it's maybe not
16 worthy of spending additional funds, but it's at
17 least a fact. We're going to find those things
18 out there that are not worthy of pursuing. At
19 this time it's not a concern. If it's not at a
20 level that would cause any kind of a threat or a
21 risk. It could possibly be an indicator of
22 another problem and I think we do need to weigh
23 those carefully. We do have some opportunities,
24 before we run out there and start punching holes
25 all over for soil samples, you may be able to see

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION, KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

1 whether this is a compound that's going to be
2 soluble and picked up in the water. If it is, is
3 it above or below any type of an action level. If
4 it's below action level we have no reason to move
5 further. That's just a suggestion.

6 MR. GOLSON: The problem with that
7 suggestion is you may not have a groundwater
8 monitoring well anywhere in the vicinity that you
9 can use. Then what do you do? Do you install one
10 just to look at this tiny little hit that you
11 have?

12 MR. ESCH: Or do you go back to your
13 numbers and look at its solubility and what impact
14 it could have?

15 MR. GELLER: I think all of those
16 comments are going to be helpful as you look at
17 these unknown hits. What is the compound, is it
18 soluble, is there a monitoring well close by that
19 we can either confirm or discount it. I don't
20 know what the recommendation is on this one or
21 what the compound is.

22 MR. ESCH: On this particular one
23 our nearest things are going to be -- are
24 monitoring wells up here, a few monitoring wells
25 we have up here, they might be up-gradient, and a

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

1 few well points we're going to stick down here at
2 Site 9 and Site 4.

3 MR. GELLER: Okay.

4 MR. GOLSON: Another -- and we're
5 using this at Whiteman -- another technique that
6 we can use, if we know that we have a contract for
7 well points, or what we call direct push
8 technology, DPT, if we know we're going to do
9 that, what's wrong with including one near that
10 point right there?

11 MR. ESCH: Yeah. And from the Air
12 Force standpoint is at what point do we spent
13 three, \$4,000 on a hit? There has to be some
14 level at which it's not really worth pursuing,
15 unless at some point we discover something in the
16 records.

17 MR. GOLSON: That's where we are.
18 We're asking you guys, as the BCT, to say when do
19 we pull the trigger. When do we say that's not
20 worth spending any more, or even considering
21 throwing that in a DPT contract somewhere down the
22 road to check it. We don't think -- because we're
23 going to argue over that, too. We're going to say
24 we need to include that just to make sure, and
25 they're going to say why should we spend \$3,000 or

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

200 BOX 1500 - OVERLAND PARK, KS 66204

1 do any DPT when we don't think that what's in
2 there is significant enough to chase. So we're
3 asking you what level do you cut off and turn your
4 back. I guess. Right? Is that what we're asking
5 for?

6 MR. GELLER: But you don't have a
7 proposal.

8 MR. ESCH: Well, all I have is the
9 range -- I've got what Pease Air Force Base has
10 done in Maine. I've got what -- can't think of --
11 starts with an H in Florida.

12 MR. KOKE: Homestead.

13 MR. ESCH: Homestead.

14 MR. GELLER: Do you have a proposal
15 that you're putting on the table for us to
16 consider?

17 MR. KOKE: The twenty times?

18 MR. ESCH: Twenty times is what was
19 in Maine. I would accept a hundred, a thousand.
20 But we've got -- I would propose, you know, a
21 hundred times.

22 MR. GOLSON: A hundred times what?

23 MR. ESCH: A hundred times less than
24 the proposed cleanup for that particular media
25 wouldn't be worth --

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

1 MR. KOKE: Hundred times or less?

2 MR. ESCH: Hundred times or less.

3 MR. KOKE: Of the cleanup level.

4 MR. ESCH: Example would be, say,

5 five parts per billion TCE is found in a

6 down-gradient monitoring well. Five parts per

7 billion is the cleanup standard. If five parts

8 per trillion were found, or in an up-gradient --

9 let's say an up-gradient well. Five parts per

10 trillion wouldn't be worth tracing up-gradient.

11 MR. GOLSON: So he's saying if what

12 is found is two orders of magnitude less than the

13 standard --

14 MR. ESCH: Any standard.

15 MR. GOLSON: -- you don't pursue it.

16 You guys understand that? Do you understand what

17 he's saying there?

18 MR. GELLER: Yeah.

19 MR. ESCH: Do you want to table this

20 for further discussion?

21 MR. GELLER: Just for a few minutes

22 so I can think about it. Just like to think of it

23 in concept before I make a recommendation or

24 concur with that proposal.

25 MR. GOLSON: That would mean



REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

1 Basewide, now.

2 MR. ESCH: As a BRAC Cleanup Team we
3 do have the authority to do this.

4 MR. GELLER: Right. I just need to
5 think about it for a few minutes.

6 MR. ESCH: Do you want to move on to
7 something else or just --

8 MR. GELLER: Yeah, I would say let's
9 move on to something else and maybe revisit this
10 in a little bit.

11 MR. ESCH: Again, we would be
12 considering the type of chemicals that were used
13 out here, the type of operations that we had out
14 here, what we've found so far.

15 MR. GELLER: I guess in general my
16 concern would be -- let's use the example of TCE.
17 You get five parts per trillion in every well.
18 Under this scenario you've said it's not worthy of
19 further investigation. I'm going to look at that
20 other extreme. Every well out here hits five
21 parts per trillion TCE.

22 MR. KOKE: That's not an isolated
23 incident, though.

24 MR. ESCH: That's right. That would
25 not hit on an isolated incident.

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

1 MR. GELLER: If it's referred to as
2 an isolated incident, just a piece of data for
3 further use, that's it, then I don't have a
4 problem with that. If it's an isolated incident
5 then I would accept that. That's a reasonable
6 approach. This is data for further use as you
7 make any other decisions.

8 MR. GOLSON: So then if what's found
9 is two orders of magnitude, or a hundred times
10 less than the cleanup standard, we don't do
11 anything more on that. We put it in the record
12 and we don't do anything more. We don't do more
13 borings, we don't do more wells, we don't do
14 anything more on that. Now, if it's between that
15 level -- if it's between the level of the cleanup
16 standard, then we're actually using this two
17 orders of magnitude, or a hundred times, as a
18 screening level to say, okay, we had results in
19 here that were fifty times below. That warrants
20 additional investigation, correct?

21 MR. ESCH: Yeah. This is what I
22 envision. That additional investigation could
23 include looking back through the records and
24 saying, yeah, we need to take some samples, or,
25 no, we don't even need to take some samples. Or

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421 6052

1 it could be where Glenn and I would agree what
2 kind of screening samples we need to look at.

3 MR. GOLSON: My point was there --

4 MR. GELLER: I can agree with that.

5 You can go back and --

6 MR. GOLSON: That's the clean cutoff
7 level for we're going to do more. But if it's
8 below the hundred times, put it in the books, put
9 it in the records and --

10 MR. ESCH: And flag it.

11 MR. GELLER: It exists.

12 MR. ESCH: It exists here. This is
13 what we found at this particular point in time.

14 MR. GELLER: I agree.

15 MR. GOLSON: I think that's
16 reasonable.

17 MR. GELLER: I can concur with that
18 proposal.

19 MR. KOKE: Yes.

20 MR. ESCH: Okay.

21 MR. GELLER: I guess I'd also invite
22 you to go back and revisit that, if that's too
23 stringent in the future. Just have to see how
24 many of these we hit.

25 MR. ESCH: Right. If at any time

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421 6052

1 something like that comes up we'll --

2 MR. GELLER: Okay. We can move on
3 to the next thing then.

4 MR. ESCH: Okay.

5 MR. GELLER: Will that help you deal
6 with this specific sample?

7 MR. ESCH: It will. This specific
8 sample was -- one of them was 150,000 times less.
9 What is that, six-plus orders of magnitude?

10 MR. GOLSON: Uh-huh.

11 MR. ESCH: The other one was like
12 seven-plus orders of magnitude. They were some of
13 the BETX components, if you will, that were found
14 out there. And I believe that there are two
15 possible sources for it. It could have been from
16 the gravel parking lot where they had cars parked
17 here, historically speaking. Somebody might have
18 found out he ran out of gas and poured stuff, or
19 worked on his car, or maybe even the engine -- his
20 fuel line dripped for whatever reason.

21 The other possibility out here is that
22 there's a waste line that goes through there. And
23 there's runoff, coming from parking lots, going
24 through sanitary systems and storm water systems.
25 And even a third possibility is they filled up

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
CHAMBERLAIN MISSOURI KS 64112 • KANSAS CITY MO (816) 421-6052

1 with JP-4 here, they went down this road, they
2 turned the corner here, and what's not to say that
3 something dripped off. Or that it was raining and
4 the water flowed off the top of the tanker and it
5 just collected there.

6 That's why I would say that, you know,
7 maybe that's forensic evidence. Everybody knows
8 that there are interesting things that show up in
9 the soils next to railroad tracks, even though all
10 they do is go back and forth. Okay.

11 Do you have my agenda handy? I don't
12 know what item 4 was.

13 MR. GELLER: Definition of site?

14 MR. ESCH: I had put together a list
15 for the agenda and I don't remember what this was
16 about. Right. Definition of site was rolled into
17 when does it become a site or an area of concern.
18 So basically item 4 here, definition of site, is
19 that it doesn't become an area of concern to look
20 at further until we get over the two orders of
21 magnitude.

22 MR. GOLSON: Why don't you just
23 recap for us how you do go about categorizing or
24 the naming mechanisms that you -- what your policy
25 is or your procedures are as far as this we

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

TEL: 785-841-2200 FAX: 785-841-2201

1 consider an AOC, this site we consider an IRP,
2 this we consider a compliance site. Why don't you
3 just give us an overview of how you do that.

4 MR. ESCH: Okay. Let me take a
5 second out here to go get the DoD manual.

6 MR. GOLSON: All right.

7 MR. ESCH: They have a good slide in
8 there that I found that addresses that. It
9 defines the difference between an AOC and an IRP
10 site it.

11 (Whereupon, a discussion was had off the
12 record.)

13 MR. GELLER: So skip over 4 and go
14 to 5.

15 MR. ESCH: Well, most of 4.
16 Basically what it is, just to capulate, the area
17 of concern and the IRP site are both investigated
18 under the IRP program as a whole. At one point,
19 primarily during the PA/SI phases, when you're
20 first trying to identify the site, it is an area
21 of concern. Once you determine that, hey, we've
22 got something here we're going to have to clean
23 up, that's when it becomes a site. Or there's an
24 imminent health risk. Or you have to take some
25 sort of removal action or explore the possibility

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY, MO (816) 421-6052

1 of taking a removal action.. That's when you have
2 a site.

3 MR. GOLSON: So then basically it's
4 considered an AOC if you have some very limited
5 data that doesn't really give you a decent picture
6 of what it is, but you've got enough data that
7 would fall into this range like we're talking
8 about --

9 MR. ESCH: Exactly.

10 MR. GOLSON: -- it may be below a
11 cleanup standard but above the two orders of
12 magnitude that we're talking about.

13 MR. ESCH: That's exactly right.

14 MR. GOLSON: And we can call it an
15 AOC. We know it needs additional investigation,
16 it needs additional background check.

17 MR. ESCH: Right. Without going
18 back to the guidance, that's a good explanation.
19 Okay.

20 Project update. Just hit on various
21 projects that we're working on for the '97-'98
22 program?

23 MR. LODATO: Right. We've already
24 covered Versar will be out here to do the
25 confirmatory sampling at central drainage. Dames

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION, KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

1 & Moore is going to be doing some sampling at the
2 POL yard. I've got one on the Belton Training
3 Complex. The latest schedule from SAIC, who is
4 the contractor to AFRES, they're scheduled to be
5 out doing their field work beginning mid-March.

6 MR. GELLER: And that's the
7 expansion of kind of the walkover survey, just in
8 general?

9 MR. LODATO: Right. It's really to
10 expand upon the initial visual survey that was
11 done.

12 MR. GELLER: You don't expect any
13 sampling in that contract, or is there sampling
14 that they'll do?

15 MR. LODATO: No.

16 MR. GELLER: Just a walkover and see
17 what they can --

18 MR. LODATO: It's just a walkover to
19 identify new and confirm the anomalies that were
20 found in the original survey. At that time they
21 will submit a report to the DoD safety board for
22 EOD clearance. They're actually submitting the
23 cleanup plan to them.

24 MR. ESCH: To recap that. At this
25 point everything here has been cleared of

HOSTETLER
& ASSOCIATES, INC

120 48

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421 6052

1 explosive ordnance except for two parcels, and
2 that's L and M.

3 MR. GELLER: Okay.

4 MR. ESCH: At this time.

5 MR. GELLER: And those will be
6 included in that contract?

7 MR. LODATO: Right. It's the
8 weapons storage area and the Belton Training
9 Complex.

10 MR. GELLER: Okay.

11 MR. GOLSON: Now, let me ask you
12 this. Weren't there some anomalies found near the
13 armory?

14 MR. ESCH: L. That's right. That's
15 why I said --

16 MR. GOLSON: No, the armory.

17 MR. GELLER: A or D or something.

18 MR. ESCH: D. No.

19 MR. GOLSON: There weren't?

20 MR. ESCH: That was cleared.

21 MR. LODATO: The only one -- I
22 hadn't seen anything on the armory, it was just
23 the Belton training and the weapons storage.

24 MR. GOLSON: Somewhere in my mind I
25 thought I had seen something concerning the

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

120 49

1 armory. Maybe in the visual they had located some
2 cartridges or something like that.

3 MR. ESCH: I don't recall that.

4 MR. LODATO: I'll go back through
5 the report.

6 MR. GOLSON: Well, I have a couple
7 of those original reports, too, so I can look them
8 over.

9 MR. LODATO: Okay.

10 MR. GOLSON: But that's an internal
11 DoD. The Marine Corps already has that in hand
12 and is operating it as an armory anyway.

13 MR. ESCH: Yeah, they're operating
14 it as an armory one level above what the Base is
15 on.

16 MR. GOLSON: What's that mean?

17 MR. ESCH: There are five classes of
18 explosives in DoD. Obviously nuclear -- there are
19 five -- off the record

20 (Whereupon, a discussion was had off the
21 record.)

22 MR. LODATO: Next did you want to
23 talk about the fiscal '97-'98 projects?

24 MR. GELLER: In your survey will the
25 UXO folks do any rad. -- walkovers with the

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

120 50

1 radiation detect since you did store depleted
2 uranium?

3 MR. LODATO: No.

4 MR. ESCH: Depleted uranium, as far
5 as I know, is only stored on L.

6 MR. GELLER: Okay.

7 MR. ESCH: Used for armor-piercing.

8 MR. LODATO: Well, would that be a
9 concern?

10 MR. GELLER: At some time I think we
11 would ask you to, since it was clear that you
12 stored depleted uranium on L. We've not been
13 involved in all the weapons storage areas. We
14 want to make sure what was stored in there and
15 verify that those things did or did not store what
16 type of weapons. The reason is, for the depleted
17 uranium, is that it's not something that would be
18 sampled in a normal analytical sample. Fairly
19 simple, fairly inexpensive to survey for those
20 things, but I think it is a concern that we'd ask
21 you to look at. Which would include Belton at
22 some time. If you had it here. If it was
23 discarded explosives, at some time we'd want you
24 to do some type of a survey. If you find
25 anomalies or something out there that you could

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION, KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

120 51

1 look at.

2 MR. ESCH: I'm not real sure what
3 they stored out there at Belton.

4 MR. GELLER: Right. That's why we
5 would ask.

6 MR. LODATO: I do know that doing a
7 rad. survey is quite extensive and time-consuming.

8 MR. GELLER: Okay.

9 MR. LODATO: Well, we had one done
10 out at the Army depot and it was a major
11 undertaking.

12 MR. GELLER: Was it specifically
13 related to the DU? I mean, if you know that's all
14 you're looking for it's fairly simple. It was?

15 MR. LODATO: Right.

16 MR. GELLER: Okay.

17 MR. GOLSON: I think what I would do
18 is ask Robert, and I don't know, your hands may be
19 tied as far as what communication you have with
20 AFRES, because I understand they are doing the UXO
21 business, they're doing that, and I don't know, I
22 think the BCA may have limited input as far as
23 what they want out of what they're doing out
24 there.

25 MR. GELLER: I understand. They're

HOSTETLER
& ASSOCIATES, INC

120 52

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
CHAMBERLAIN, MO (816) 262-0100 • KANSAS CITY, MO (816) 421-8052

1 just clearing it.

2 MR. GOLSON: Yeah, they're sort of
3 doing this over here on their own. But I would
4 task Robert with having some conversation with
5 them and expressing our concerns about digging
6 rounds that were stored out here and see if you
7 couldn't initiate some conversations --

8 MR. GELLER: Work it into the
9 contract or something.

10 MR. GOLSON: Yeah, either get a
11 commitment or noncommitment out of them as far as,
12 well, we might be able to throw a little bit of
13 that in, or maybe we can do that with our
14 contractor, or no, no, we're not going to do that,
15 then we're into a different game plan.

16 MR. ESCH: For general information,
17 not BRAC, but Air Force-wise, any XO surveys, any
18 XO demolition activities environmental related,
19 all of that stuff has been pulled out of
20 eligibility for the '97 and '98 program. Any
21 programs at any of the bases that have to deal
22 with that type of material are not eligible for
23 funding until '99. Just for your future
24 information if you have XO ranges on some of the
25 other properties that you're dealing with. You

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

120 53

1 may encounter them saying that, hey, we can't get
2 funds for this.

3 MR. GOLSON: That may very well be,
4 but I also know from experience at Whiteman Air
5 Force Base that the funding guys can be very
6 creative and may not be considered UXO if it's
7 radiation-containing material. It may just -- we
8 could consider it that and get funding to do
9 something based on that premise rather than
10 calling it a UXO.

11 MR. ESCH: I.e., mixed waste.

12 MR. GOLSON: Yeah, or something. Or
13 rad. waste. So I understand the stumbling blocks,
14 but I also understand that some of those can be
15 jumped over in certain ways, too. And I just
16 strictly task Robert with initiating conversation
17 with AFRES, or whoever their contractor is that's
18 doing this, express our interest in depleted
19 uranium that was stored here, and it's admittedly
20 been stored here, and we think that possibly some
21 investigation may be -- as limited as we may want,
22 should be warranted to check.

23 MR. GELLER: Okay.

24 MR. GOLSON: And just see what sort
25 of reactions you get and relay those back to us.

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204

126 54

1 MR. ESCH: Okay. What we have in
2 our '97 and '98 program is what we hope or we see
3 will close everything out out here. This is our
4 best guess at this time. We have, in both the '97
5 and '98 program, monies set aside for those areas
6 of concern, tne sampling, any supplemental type of
7 activities that come up to take care of the areas
8 of concern, the USTs, the compliance items, et
9 cetera. Outside of that -- I mean, basically,
10 that's all it is in '98. We feel that in '98
11 we'll be wrapping up the last areas of concern
12 that pop up that we haven't addressed already with
13 sampling, et cetera. At this point, with what we
14 have now, we are not putting any money on the
15 table saying that we're going to go beyond the
16 sampling, because we believe that probably the
17 sampling, from what we've seen so far, will
18 probably close out most of our AOCs here.

19 In the '97 program, next year, we have
20 two projects that cover pulling out two of the
21 oil/water separators. We have the new oil/water
22 separator between the two hangars up here, and
23 then the one next to the POL yard that will have
24 to be pulled out and closed in accordance with the
25 UST guys guidance. And if something else pops up

1 in there, with the other cleanup guidelines that
2 would apply. And also that project is going to
3 take a look at repair, as needed, any of the floor
4 drains that we have out here, so that floor drains
5 aren't in violation of the Clean Water Act. Floor
6 drains don't go to the storm water system, they go
7 to your sanitary sewer, and just to make sure that
8 everything is connected appropriately.

9 MR. GOLSON: And this is under what
10 year?

11 MR. ESCH: This is '97. This is
12 next year.

13 MR. GOLSON: Have all of those
14 drains been identified at this point?

15 MR. ESCH: That's one of the things
16 that they're going to look at is to look at all of
17 those drains. We know there's a couple in 918.
18 We know there's a couple in some of these other
19 hangars out here in some of the other buildings.

20 MR. GOLSON: What about in the
21 meantime, if this property is leased to Kansas
22 City, they turn around and sublease to somebody
23 that goes in there and starts dumping something in
24 those drains?

25 MR. ESCH: In the meantime we have

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

TELEPHONE: (913) 662-0100 • KANSAS CITY, MO (816) 431-6552

120 56

1 implemented a lease requirement to go in and pack
2 those floor drains so that there's no spill, so
3 that they can't -- the effluent can't go through
4 the system and get released. Because, obviously,
5 if somebody's is sitting there in a hangar and
6 they release it in a floor drain it's not going to
7 be on the lease property, it's going to be
8 somewhere down in the central drainage area,
9 wherever. And we want to protect ourself from a
10 release of that nature.

11 MR. LODATO: It's pretty well
12 understood that Kansas City doesn't have the
13 control over their subleases, you know. At this
14 juncture they don't. And as more and more people
15 come in to do business, you know, that's why it
16 was put in there that Kansas City is going to be
17 responsible for their tenants.

18 MR. ESCH: And doing the plugging.
19 I mean, we go out there, we checked 918, made sure
20 those plugs are still there. We go out to -- or
21 will be going out to 958 to make sure the plugs
22 are there.

23 MR. GOLSON: Are those permanent
24 type?

25 MR. ESCH: They're the type that you

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421 6052

120 57

1 put in there and you cork down and it expands.

2 MR. GOLSON: So they can be removed?

3 MR. ESCH: They could be removed,
4 yes. But at this point that's what our folks feel
5 is adequate protection, because it's in the lease,
6 et cetera.

7 MR. GOLSON: Well, this all ties
8 into the NPDS thing that Bob came down and we
9 worked on with the water pollution people. And I
10 think everybody understands what we're trying to
11 do and what it is we want to accomplish with that
12 NPDS. And the City of Kansas City knows what
13 responsibility is there, and if they take on that
14 permit and something shows up in the water
15 downstream, these kinds of things will come into
16 play. These issues will come into play because
17 they'll have to be the ones that trace back to
18 find out where this came from and who did it and
19 who's responsible for it.

20 But if the Air Force -- I feel like if
21 the Air Force is still the owner of record of that
22 property that they somehow -- they still maintain
23 some liability for that situation. Because if you
24 own a rental house and you rent it to Bob Koke and
25 Bob Koke subleases it to Glenn Golson, and Glenn

HOSTETLER
& ASSOCIATES, INC

120 58

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
CHURCH MISSION MO (816) 262-2100 • KANSAS CITY MO (816) 421-6052

1 Golson goes in there and dumps TCE down the storm
2 water drains, who's responsible? Glenn Golson
3 goes to Cairo, Egypt, Bob Koke goes to Greece, and
4 you guys own the property and you are ultimately
5 responsible for the liability of Glenn Golson's
6 mess up here. Okay? So as long as everyone
7 understands that.

8 And I think you guys are doing the right
9 thing, I believe, in kind of guiding Kansas City.
10 Okay, Kansas City, you're going to be responsible.
11 And I think Kansas City is doing the same thing as
12 they turn around, or they say they are, they're
13 trying to put restrictions in their leases on the
14 people who are leasing from them, to say you're
15 responsible if you do something. And I think
16 that's the way it should be. Because, if not,
17 it's going to trickle all the way back to you
18 guys.

19 MR. ESCH: If something goes wrong
20 here I'm sure that we're probably going to end up
21 somewhere in some sort of -- in court, you know,
22 pointing fingers --

23 MR. GOLSON: Maybe not.

24 MR. ESCH: -- on ERP. If it goes
25 that far. Or the lawyer's are going to get

1 together and make a decision on how to cut up the
2 pie.

3 MR. GOLSON: Okay. Go ahead.

4 MR. ESCH: Let's hope it doesn't
5 come to that.

6 MR. GELLER: But it's in the right
7 direction, trying to make the users responsible
8 for the property, et cetera, et cetera.

9 MR. LODATO: Right. And there was a
10 memo that was sent to Richard --

11 MR. GELLER: Laux.

12 MR. LODATO: -- Laux, on the 1st of
13 February, via Kansas City -- Mr. Stubblebean?

14 MR. GOLSON: Stufflebean?

15 MR. LODATO: Stufflebean. They were
16 submitting the applications on behalf of Kansas
17 City and the Air Force. So that was due out
18 February 1st, unless they've requested another
19 extension.

20 MR. GOLSON: I haven't seen that. I
21 did see that letter and they said they were going
22 to be submitting that application.

23 MR. LODATO: And they were giving a
24 report to the Marine Corps, at which time the
25 Marine Corps would be responsible for submitting

1 their own application. And to date I don't know
2 if the Marine Corps has done that.

3 MR. ESCH: And then the next project
4 in here assumes that out of the PA/SI at the
5 Belton area that, hey, got a problem, got to chase
6 it, got to do something. So we picked a midrange
7 action out there, if you will. Something that's
8 you just have to do this and nothing more, or you
9 have to do full-blown. We picked a midrange
10 action. The midrange action is to perform an
11 engineering evaluation cost analysis on all the
12 data that you've collected out of the PA/SI. The
13 contractor will provide a proposed plan, a record
14 of decision or a decision document, whichever is
15 appropriate, and cite community relations support
16 to be specific with that.

17 And we anticipated that, midrange,
18 remove and dispose of hot spots on about 50 acres.
19 Let's say about a thousand cubic yards would be
20 contaminated. Do all of the screening samples, do
21 all of the laboratory samples that are necessary
22 for that, install about five monitoring wells and
23 do about five years of long-term monitoring to
24 cover the groundwater aspect of it. Then, at the
25 term, provided no further response action is

1 planned -- I mean required, an NFRAP, and then
2 remove the remedial system, whatever it may be
3 that they have to do. And that remove the
4 remedial system will be just remove the five
5 monitoring wells or whatever actions that they had
6 implemented out there.

7 MR. GELLER: This thousand cubic
8 yards. Is that assumed to be hazardous waste?

9 MR. ESCH: It would be assumed --

10 MR. LODATO: Or lead contamination.

11 MR. ESCH: Well, basically that
12 would be --

13 MR. GELLER: Just wanted to make
14 sure that that's what you're --

15 MR. ESCH: That would be anything
16 that would pose a risk to the proposed reuse down
17 there. At this time, obviously, the Army is
18 saying we don't want it until it's cleaned up. So
19 they're not really going to be a DoD to DoD
20 transfer yet. I believe as a BCT we have to
21 approach this like, you know, this could be a
22 public sale. If Army says no, we're not going to
23 go through the official transfer. Well, in the
24 EIS it appears that one of the reuses means that
25 we're going to have to really clean this thing up

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

120 62

1 to an Any Use Level. Not an industrial level, not
2 a commercial level, but any use.

3 MR. GOLSON: What was in the record
4 of decision for reuse?

5 MR. ESCH: Well, in the record of
6 decision they said --

7 MR. GOLSON: Internal.

8 MR. ESCH: Internal transfer. But
9 that's different than -- because the Army can back
10 out. They said they will back out if there's any
11 cleanup that they have to do. So they're kind of
12 like, "I got an ace, I got an ace." But, anyway,
13 their folks in Washington are kind of looking at
14 that like, you know, either you ask it or you
15 don't, but I don't know what's going to happen.
16 You know, maybe they will give them a deadline and
17 say either you request it or you don't request it.

18 MR. GOLSON: But you're proceeding
19 then on the --

20 MR. ESCH: Assumption.

21 MR. GOLSON: -- assumption that
22 you're going to have to clean that up to Any Use
23 Soil Levels.

24 MR. ESCH: That's right.

25 MR. GOLSON: Okay.

HOSTETLER
& ASSOCIATES, INC

120 63

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

• KANSAS CITY MO (816) 421-6052

1 MR. ESCH: And it's going to be a
2 midrange type of cleanup package because we don't
3 have any PA/SI data.

4 MR. GOLSON: We like that approach.
5 Or I do. Any time we can cover those levels, you
6 know. I think it's to your benefit to clean any
7 of this up to those levels because you can
8 transfer it without any strings attached.

9 MR. ESCH: Right. The environmental
10 impact statement did say and had as one of the
11 options that that would be a park, used for
12 recreational purpose -- and/or recreational
13 purposes. I think we as a BCT have to look at
14 that as a viable reuse of it. And the most
15 appropriate cleanup standard would be the Any Use
16 Level. Okay. And that's where we're at here.

17 On all the AOCs that we've identified so
18 far, the USTs, almost forty of them, if you will,
19 that we have a list. Right now we've funded some
20 sampling for some of those. We have about -- we
21 have funds to do about two more. I have requested
22 some additional funding to be distributed to us.
23 We are validated, but not yet funded and have
24 those funds available to do the rest of this.

25 We've been having a push to move these

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION, KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

120 64

1 two parcels right here (indicating) for public
2 sale. Obviously, public sale looks more or less
3 like any use to me. Because Missouri Department
4 of Health has not really lived up to their
5 requirement by law to figure out how to deal with
6 what they call brown fields, where there's a
7 little bit of contamination there, and how to keep
8 that brown field record in the deed as it gets
9 transferred; from party to party to party.

10 The reuse, I believe, was primarily
11 identified as being commercial as a possible -- as
12 the reuse. I'd have to check on that. But L
13 appears to be a problem as far as getting a FOST,
14 because we're still going to wait on the EOD
15 people to clear it on the EOD end. We can do it
16 on the environmental end. But, as we know,
17 finding of suitability has a lot of other factors
18 come in it other than just the DoD -- the DODECC
19 category. We've got the UST folks, RCRA, clean
20 water, we've got future liability --

21 MR. GOLSON: Well, and now we have
22 this radiation issue, too. So there's another
23 factor that complicates it.

24 MR. ESCH: That all has to be looked
25 at.

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
CHAMBERLAIN MISSION, KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

120 65

1 MR. GOLSON: That L is probably not
2 going to be considered transferable for quite a
3 while. I mean, at least until it's safed. I
4 don't think we can do much out there until it's
5 safed. This group right here can't do anything or
6 implement anything out there until it's safed by
7 these other guys. So we're at their mercy.

8 MR. ESCH: About the only thing we
9 can do is at a higher cost, you know, go out and
10 have them collect samples. But that cost is not
11 worth it.

12 MR. GOLSON: No.

13 MR. GELLER: Okay. The USTs you
14 mentioned, you said you have about forty. Are
15 these the old ones that were pulled that there's a
16 question on still some remaining contamination?

17 MR. ESCH: (Nods head.)

18 MR. GELLER: In general, what
19 numbers are you proposing to be sampled? You have
20 enough to do two more. Ultimately are going to
21 put in funds to sample 10, 15, 20, 30? I'm just
22 trying to get a --

23 MR. ESCH: About 10 to 15. And
24 that's something that Glenn and I need to sit down
25 and see what we're going to sample for on these

1 and how to move forward and get enough data that
2 as a working group we can be comfortable with
3 dropping them into a FOSTable category.
4 Recognizing that, you know, the DoDECC is only one
5 piece of the pie. The DoDECC has to be in the 1,
6 2, 3 and 4 category, the UST has to be in the
7 correct category, and a bunch of these other
8 factors, to reach the finding of suitability of
9 transfer for the property. Just because the
10 property is set at a DoDECC 3 doesn't mean it's
11 FOSTable. It still has those other things that
12 have to be cleared out.

13 MR. GELLER: What are your other
14 funding targets that you're looking at?

15 MR. ESCH: I have requested
16 basically another \$6,000 to address all of these
17 AOCs.

18 MR. GELLER: I guess I was asking
19 not so much on the funding as much as specific
20 projects, in general, that you're looking at. You
21 said the USTs you're planning to look at, the
22 Belton area and the oil/water separator.

23 MR. ESCH: Right.

24 MR. GELLER: EE/CA for Belton.

25 MR. ESCH: I'll run down the list.

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

120 67

1 We need to sample a few things at the fuel line
2 break area to close out any data gaps that out of
3 this whole thing come out. And it's unknown.
4 Maybe we need a sample -- pull some samples at 11
5 underground storage tanks to get those to an area
6 where I believe both Glenn and I will be
7 satisfied.

8 MR. GELLER: Okay.

9 MR. ESCH: Any additional activities
10 perhaps in an oil/water separator. The activities
11 that would lead to sifting about a foot of berm
12 material, recovering the lead at the small arms
13 range, and then sampling that range berm to
14 confirm that the last data that had been collected
15 there so that we can support closing that out.

16 MR. GELLER: Okay.

17 MR. ESCH: Perhaps installing
18 another monitoring well at fire training area.
19 Because Robert and I looked at that and we said,
20 you know, we've got one here, one here, one here.
21 When they removed those two they kind of left a
22 hole open there. And then resample that all, take
23 a look at that data, see where we're at and what
24 we need to do with that fire training area.

25 MR. GELLER: Okay.

HOSTETLER
& ASSOCIATES, INC.

120 68

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

1 MR. ESCH: To get that closed out.
2 Or pursue any type of action that needs to be done
3 there. And address the several areas of stressed
4 vegetation around the Base. Register the
5 oil/water separator that we found, because
6 obviously it had never been registered if we never
7 had any knowledge, and then close it out. I think
8 that's the proper procedure. You and I had
9 discussed that at one time.

10 MR. GOLSON: Yeah. If it classifies
11 as an underground storage tank then it has to be
12 registered.

13 MR. ESCH: If it is. And it
14 obviously wasn't built like one.

15 MR. GOLSON: Like one what?

16 MR. ESCH: Like an oil/water -- I
17 mean like an UST. It's a concrete slab with four
18 walls of concrete.

19 MR. GOLSON: Like the one at 927 was
20 then?

21 MR. ESCH: Right. And there's no
22 guarantee on the seam down there, so who knows
23 what -- and the thing that worries me a little bit
24 is that I think it's over a thousand gallons of
25 capacity before it would have back-flowed into the

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

120 69

1 storm and sanitary. It had an overflow connection
2 to it to the storm. Which may be where we picked
3 up some of the lead samples downstream in the
4 central drainage area.

5 MR. GELLER: I'm just trying to get
6 a highlight of which areas you're focusing on
7 '97-'98.

8 MR. ESCH: Yeah, this is the '96
9 stuff. If we get our funding up here up front,
10 you know, next couple of months Glenn and I are
11 going to be sitting down talking about the
12 protocols to look at, what we need to sample for,
13 and then get out there and do that. So we have
14 some data to look at and say, okay, where do we go
15 from here.

16 MR. GELLER: Okay.

17 MR. ESCH: That's where we're at,
18 where we're going.

19 MR. GELLER: Okay.

20 MR. ESCH: The other areas that
21 we're going to try to cover is the oil/water
22 separator discharge points where they spewed their
23 contents to surface water.

24 MR. GOLSON: 927.

25 MR. ESCH: Yeah. The 927, the 920,

1 the 944. I've added a UST at 1200 area. And
2 that's Parcel L. I've found something interesting
3 in the file that I'm not too pleased with. And
4 then explore those high soil readings that are in
5 918 parking lot.

6 MR. GELLER: Okay.

7 MR. ESCH: I believe we've got
8 everything in that arena. Schedule was part of
9 the project update or --

10 MR. LODATO: Once again, Mr. Reeves
11 has asked us to take a drive over to Jefferson
12 City at least once a month to visit with you
13 folks. So we'd like to schedule -- Mark had
14 mentioned the 16th, which is next week. That's
15 kind of maybe short notice, because I think we
16 need to come up with a list of topics.

17 MR. ESCH: What I'm trying to do on
18 the 16th, our focus will be Parcel K and Parcel L.
19 Because I want to do everything I can to support
20 my headquarters directive to get it done.

21 MR. GELLER: What's K? I'm sorry.

22 MR. ESCH: K is the transmitter, the
23 south transmitter site. It has a UST there that
24 was pulled under that --

25 MR. GOLSON: Questionable contract.

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

TELEPHONE (913) 262-0100 • KANSAS CITY, MO. (816) 421-6052

120 '71

1 MR. ESCH: Questionable --

2 MR. GELLER: May be a good place to
3 start. Get rid of it. That's the only thing
4 that's holding it up, right?

5 MR. ESCH: Right. That's the only
6 thing holding K up.

7 MR. GOLSON: Maybe. We haven't
8 really looked at K.

9 MR. ESCH: We have a sample out
10 there that says it's less, it's good to go, but we
11 have questions about the alpha procedure that they
12 used.

13 MR. GOLSON: Probably easier to take
14 another rather than go on where they may not have
15 run the correct test.

16 MR. ESCH: Estimate 3- to 5,000 in
17 sampling to clear that. Parcel L, you know,
18 that's --

19 MR. GELLER: Different animal.

20 MR. ESCH: That's a different
21 animal. We're going to have to discuss that, on
22 how to approach it, because we've got all of these
23 other factors out there.

24 MR. GOLSON: I don't think we can do
25 anything at all. I don't think it would even be a

1 wise move to go out there and to walk around if
2 the UXO people are trying to clear it. Not that
3 you would. But if the UXO people haven't said
4 this parcel is safe to even do anything on there,
5 we can't do anything. I'm not going to go out
6 there and stomp around, you know, that's not a
7 prudent move. And it may very well be safe.
8 We're not saying that. But if the UXO people have
9 a concern and they're going to do additional work
10 out there, then I think we have to lay off until
11 they're finished.

12 MR. ESCH: That should raise a red
13 flag for us. And, open for discussion during this
14 time, I'll say, well, you know, we have identified
15 the 27 or 26 anomalies and where they are out
16 there. Do we feel that's good enough?

17 MR. GELLER: Talking L or M?

18 MR. GOLSON: L.

19 MR. GELLER: 26 anomalies at L?

20 MR. ESCH: And 179 at M.

21 MR. GOLSON: A hundred and seventy
22 something.

23 MR. ESCH: We do have a map of L
24 that says this is where the anomalies are. The
25 UST isn't anywhere close to those anomalies. And

HOSTETLER
& ASSOCIATES, INC

120 73

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421 6052

1 it had been pulled out and earth thrown back in
2 the hole. At that point, obviously, during that
3 period I didn't hear of any shovels blowing off
4 the end of the excavator.

5 MR. GOLSON: Well, I think we have
6 two different deals going on that now.

7 MR. ESCH: Right.

8 MR. GOLSON: We have to let AFRES do
9 their UXO. We can't be concerned about that,
10 other than to know that it's not real safe for us
11 to go out there and dig around, okay? But that's
12 not to say we can't start some administrative
13 process or we can't begin to formulate an
14 environmental investigative plan out there to
15 confirm what we want to do, so that when AFRES
16 says it's safe we can jump on that, get done what
17 we want and transfer. You know, have all of our
18 ducks in a row and ready. When they open the door
19 we run in there and do what we need to do to show
20 that it's clean, and bingo. Agree that it's a 1
21 and let it rip, you know.

22 MR. GELLER: I think that, agreeing
23 with what Glenn has to say, I think you can design
24 a lot of that stuff as a baseline. You can work
25 from the assumption that it will be cleared and

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

120 74

1 what type of -- how many borings generally are you
2 going to need to know, based on air photos and the
3 investigation. So you can go ahead and lay out
4 the base map and then modify that based on
5 anything that is identified through the UXO
6 survey, or a walk-through, to enhance it.

7 MR. ESCH: I think what we could do
8 is get up to a point where we've given the
9 contractor his marching orders but we haven't
10 given him the notice to proceed on what -- to go
11 out there and actually collect those samples. In
12 other words, as soon as the XO people say it's
13 clear, we just say contractor notice to proceed --

14 MR. GOLSON: Right.

15 MR. ESCH: -- and he'll be out there
16 the next day.

17 MR. GOLSON: Hammer out what they
18 need to do in the statement of work, the work
19 plan, everything is in place and ready to go and
20 the contractor is just on hold for a notice to
21 proceed. I think that's a wise use of our time
22 here, to do the planning while we can't step foot
23 on there. But, as soon as we can, we're ready to
24 go.

25 MR. ESCH: On these base level AOCs,

1 stuff like that, at this point just got -- this is
2 for official use only, so off the record here.

3 (Whereupon, a discussion was had off the
4 record.)

5 MR. ESCH: Back on the record. We
6 have the QA/QC plans from our blanket purchase
7 order contractors. That came to us this past
8 week.

9 MR. GELLER: Okay.

10 MR. ESCH: On the quality. One of
11 the stipulations in the statement of work was that
12 the idea here wasn't to reinvent the wheel, use
13 any previously approved work plan that was
14 previously approved by MDNR in the past 18 months.
15 And, Glenn, do you want to take a look at them, or
16 have your QA/QC folks take a look at them?

17 MR. GOLSON: Uh-huh. Because I
18 think that would be my only concern, if you're
19 using two contractors to do similar work, we want
20 to make sure that the QA/QC and everything is
21 similar, so we don't get results from this guy on
22 a site that says, well, can we compare these to
23 this site over here. If we can't, we're like what
24 will we do with it. It's disjointed information
25 and can't be used basewide. It's like comparing

HOSTETLER
& ASSOCIATES, INC

120 76

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
REGISTERED PROFESSIONAL REPORTERS • KANSAS CITY, MO. (816) 421-6052

1 apples and oranges, you know. This guy is looking
2 for TPH using this test, and the other guy is
3 looking for TPH and he's using a different test.

4 MR. ESCH: We specify the tests in
5 there.

6 MR. GOLSON: I think as long as all
7 of those are parallel and they reflect each other,
8 and we have data that we can pull together from
9 two different contractors that can be comparable,
10 then we're all right.

11 MR. ESCH: They are specified in the
12 statement of work to use different tests. I mean,
13 when we go to -- this last one that we said TPH we
14 want you to use 16-40, which is a new EPA method.
15 Thanks to EPA they've come up with one that is a
16 little bit less expensive than the 82-40, but does
17 not have the freon in it.

18 MR. GOLSON: Okay.

19 MR. ESCH: Any issues that you want
20 to bring up in the next BCT meeting?

21 MR. GELLER: I have a few I'd like
22 to bring up in this one. We can talk about them
23 now or we can take lunch, depends on -- just throw
24 these out.

25 MR. ESCH: What time is it?

HOSTETLER
& ASSOCIATES, INC

120 '77

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

1 MR. GOLSON: 'It's twelve o'clock.

2 MR. GELLER: Let me just give you
3 the topics and we can talk about how much time you
4 think it will take.

5 MR. ESCH: Okay.

6 MR. GELLER: I think we need to
7 briefly discuss CERFA categories as they're
8 presented in EBSSs and FOSTs and FOSLs and all
9 that. As they're presented by the Air Force for
10 MDNR review.

11 MR. ESCH: Okay.

12 MR. GELLER: I'd like to talk about
13 internal DoD transfers and the responsibility for
14 cleanup.

15 MR. ESCH: That's one thing that I
16 need to -- I had on my agenda item to add as a new
17 issue.

18 MR. GELLER: And the last thing from
19 my little list here is decision documents on the
20 POL yard.

21 MR. ESCH: Okay. I got a draft on
22 that from the contractor.

23 MR. GELLER: Okay.

24 MR. ESCH: To be hammered on.

25 MR. GELLER: And I think that's all

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421 6052

120 '78

1 the other issues I -- Glenn, jump in here, if
2 there's something to talk about that --

3 MR. GOLSON: I have some other
4 separate issues. One of those we may talk about
5 when you get your guidance as far as definitions
6 of a site and what -- I've got some continuing
7 stuff that I'd like to talk about on that. I
8 think the rest of the stuff I want to talk about
9 will shake out under those main categories we've
10 talked about right there.

11 MR. GELLER: I think they will take
12 some time to go over. And, actually, although I
13 don't want to keep everything on the record, I
14 think it's important for us to discuss these on
15 the record so they can be used in the future and
16 refer to them and make sure what agreements were
17 made or not made. So probably recommend we take a
18 break and go for lunch and then come back. All
19 right?

20 MR. ESCH: Okay.

21 (A break was taken for the noon hour,
22 after which the following proceedings were held,
23 commencing at 1:30 p.m.)

24 MR. ESCH: I believe you had
25 identified a few new issues that you had wanted to



REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

1 talk about?

2 MR. GOLSON: They're not new issues.
3 That's the problem. That's part of the problem.

4 MR. GELLER: Additional issues.

5 MR. ESCH: Well, additional issues
6 for our agenda, being the categories for the
7 property, et cetera, the DoD to DoD transfer,
8 decision documents and site definitions. Which
9 one do you want to hit on first?

10 MR. GELLER: CERFA categories I
11 guess is the first one. Let me make a comment and
12 then Glenn can probably chime in. On several
13 occasions -- I think one of the latest ones would
14 be an EBSS and a FOSL request for suitability to
15 lease buildings, I'm referring to documents and
16 comments received on January 24th and 25th, 1996,
17 you referenced various CERFA categories for the
18 different parcels of property. And from our
19 understanding of the EBSS it's reasonable for you
20 to make proposals that CERFA categories be
21 changed, et cetera, but those categories are only
22 changed with the concurrence of the BCT.
23 Otherwise, it's an Air Force recommendation for a
24 CERFA category.

25 And what we would prefer is that if

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204

120 80

1 there is not a concurrence on a CERFA category, is
2 that you use the category that exists as a
3 concurred. And we will identify categories and
4 concur at some level on the designation. And
5 until we modify that category as a BCT, if you
6 wish to change it, it is your recommendation. It
7 is not a concurred. You can't change it without
8 providing supporting documentation to the State
9 and/or EPA to obtain our concurrence. Is that
10 clear? I don't know whether I've --

11 MR. GOLSON: I think that's clear.

12 MR. ESCH: I understand what --

13 MR. GOLSON: I thought this was
14 clear before.

15 MR. ESCH: I understand what --

16 MR. GOLSON: This is what's gotten
17 under my skin a little bit, Mark, is that we've
18 discussed this issue before in the BCT, and
19 correct me if I'm wrong Bob, Bob was sitting right
20 there, both Bobs were sitting right there, and we
21 talked about you guys trying to change the CERFA
22 categories without BCT approval. We all agreed --
23 the BCT agreed that, yes, any category changes
24 which were going to go into the EBS would be
25 decided on by the entire BCT and that you would

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
CHAWNEE MISSION, KS 66131 262-0100 • KANSAS CITY, MO (816) 421-6052

120 81

1 stand in front of them and present the evidence or
2 the documentation that showed hard facts why
3 you're changing the category.

4 And yet you still continue to submit to
5 me EBSSs and attempt to change categories from
6 those categories which are not transferable by
7 deed, you attempt to change the categories to
8 those which are transferable by deed without any
9 documentation whatever. With reasons like we went
10 out there and looked at it and it looked pretty
11 good and we didn't see anything that kept us from
12 changing this category. We've been through this
13 before, it was months ago, Mark, and it continues
14 to happen.

15 MR. ESCH: Okay. Let's be clear on
16 something. The DoD environmental condition
17 category is an internal Air Force category. The
18 environmental baseline survey is an internal DoD
19 document. It documents, for the purpose of DoD,
20 where they're at on the environmental condition of
21 their property. This comes about by our charter
22 given to us under CERFA that says, DoD, you are
23 the lead agency, you go out, you identify the
24 property categories that you believe to be true
25 and you hand those over to the State and seek

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

120 82

1 concurrence.

2 There are going to be situations where,
3 when we're doing the VSIs, that those categories
4 that we feel and have documented in our
5 environmental baseline survey and any supplements
6 are going to be different than what you do.
7 That's part of the process in your response, to
8 get your two cents in on that response; I don't
9 think it's Category 3, I don't think it's Category
10 2. And we're trying to fairly -- I'm trying to
11 fairly document where everybody is on this
12 particular property during the leasing. During
13 FOST we all have to be down the line on this. We
14 all have to say this is 3, this is 4, this is 5.

15 During the leasing process we're still
16 working on that property. I've got some sample
17 data here that tells me I've got to change my
18 DoDECC, my DoD environmental condition of
19 property, in the EBS. Because our policy says the
20 EBS will be up to date, it's on-line, it's
21 electronic, people enter data into it all the
22 time. It is an internal document, say, should
23 somebody in the DoD decide to move, the next guy
24 that comes on can pick up and say, okay, this is
25 where the guy left off.

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

120 83

1 MR. GOLSON: You're not addressing
2 the problem here. Okay? I understand the reasons
3 that you are doing this. What happens with the
4 State on concurrence with this, if we agree to
5 those category changes in the EBS -- or the EBSS,
6 I'm sorry -- if we agree to those category changes
7 in that, concerning the lease of this property,
8 then when it comes time for you to deed transfer
9 that property those category changes are on record
10 that they have been changed and we have not
11 concurred with those.

12 MR. ESCH: No.

13 MR. GOLSON: All right?

14 MR. ESCH: Because the DoDECC is
15 only one part of this. Is only one part of this.
16 First we've got to get concurrence that the DoDECC
17 is okay from the BCT. Just because a property has
18 a DoDECC of 3 doesn't mean that it's FOSTable.
19 Because the USTs play a whole different role in
20 that.

21 MR. GOLSON: The CERFA
22 categorization is a piece of that, and that's just
23 one hurdle that you guys have to jump over. But
24 if it's changed from a 7, which is not, as you
25 say, FOSTable, to a 3, then you've eliminated one

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION, KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

120 84

1 of those hurdles that's keeping you from
2 transferring that property by deed to an outside
3 party, and the State doesn't agree with that. We
4 don't concur with that kind of reasoning and those
5 methods in any way, shape or form.

6 MR. ESCH: I understand that during
7 the lease process that those 13 days are just not
8 enough time to review, you know, the documents or
9 anything like that, on some of this new
10 information that's, you know, the electronic
11 versus what we've sat here and we've discussed a
12 month, maybe a month or two ago. And it's going
13 to be a continual thing that's going to come up
14 time and time again. We'll have in our
15 environmental supplements the best information
16 that DoD feels is where its property is at. And
17 in your response back, you know, if you don't
18 believe that any of the categories should have
19 been changed at all, state so.

20 MR. GOLSON: All right. But does
21 that then --

22 MR. ESCH: Because it becomes part
23 of the environmental record for whoever is leasing
24 the property. They say DoD sees it this way, the
25 State sees it this way, now how do I want to take

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

120 85

1 a look at my lease?

2 MR. GOLSON: But my point is then
3 does the EBS -- does the EBSS, which is a
4 supplement to the original EBS, the EBSS that
5 you're making these changes in, does that then
6 supplement the original EBS so that if we were to
7 ask you for a current printout of the EBSS we'd
8 see those category changes in the EBS?

9 MR. ESCH: That's correct.

10 MR. GOLSON: Even though back here
11 way someplace buried is, well, gee, the State
12 didn't agree with those changes. But they're in
13 the document already. That's what I'm objecting
14 to.

15 MR. ESCH: No. Our process here
16 during FOST, finding FOST, that's where we're at
17 as far as finding of suitability to transfer.
18 This list here (indicating). If one of those
19 leases -- and each one of those portions, because
20 there's just a slew of information in the EBS
21 about the different categories, the individual
22 categories of a building, the individual
23 categories associated with a tank and oil/water
24 separator and whatever, that at least is our
25 current information. If there are issues that we

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

CLUMBER MISSOURI, MO (816) 252-0100 • KANSAS CITY, MO (816) 421-6052

120 86

1 present in the EBSS, i.e., the EBS, that come to
2 light, that's something that we'll need to discuss
3 as a BCT.

4 MR. GOLSON: I think that's what we
5 agreed to months ago when this problem came up,
6 and we said, yes. Everybody -- if I remember
7 correctly, everybody in the BCT said we will not
8 make changes to the EBS categories in EBSSs
9 associated with any lease unless it has been
10 okayed by this body right here. And yet that
11 procedure -- you're still trying to shortcut that
12 procedure by submitting EBSSs to me that say we
13 want to change this from a 7 to a 3 and you don't
14 give any reasoning, no documentation, no sample
15 data, nothing to prove to us that that category
16 should really be changed. And I thought we agreed
17 that you would present those. Here's what I
18 propose.

19 MR. ESCH: Okay.

20 MR. GOLSON: Here's what I propose.
21 You come to me with an EBS. You come to the State
22 of Missouri with an EBSS. If you have category
23 changes that you want in there, any kind of
24 category change, whether it's from nontransferable
25 to transferable or not, any category change that's

1 in there, you state in there this is a proposed
2 change.

3 MR. ESCH: It is.

4 MR. GOLSON: It will not --

5 MR. GELLER: But it's not clear when
6 you document that.

7 MR. ESCH: Okay.

8 MR. GOLSON: It will not hit that
9 original EBS until this body right here has heard
10 a --

11 MR. ESCH: Unfortunately, the EBS is
12 an internal DoD document. And I'm sure you can
13 recognize that even MDNR has to maintain control
14 over the content of their own internal documents.

15 MR. GOLSON: I understand that.

16 MR. ESCH: And the EBS is an
17 internal document for the DoD.

18 MR. GOLSON: Then why was it
19 submitted to us as the very first document we
20 received?

21 MR. ESCH: It was submitted to you
22 to comply with our requirements under CERFA to
23 submit to you the DoD's interpretation, during
24 that 18-month window, of where we thought all the
25 property was so that we could get that number 1

1 category property out and back into the community.
2 Well, we all know where we're at now. There was
3 no concurrence on that initially during the
4 18-month window.

5 MR. GOLSON: And this issue has been
6 chewed upon and chewed upon for months and months
7 and months now, too. We never concurred with the
8 original findings of the EBS and now we're --

9 MR. GELLER: Nor did you, on some
10 components.

11 MR. ESCH: That's true.

12 MR. KOKE: But even on an internal
13 document you want to make sure all the actors'
14 positions are known.

15 MR. ESCH: Yes.

16 MR. KOKE: You want to make sure
17 that the reader realizes that the State or EPA, or
18 both, have not bought into this or concur with
19 this rating.

20 MR. ESCH: And I have tried to
21 fairly document that in there.

22 MR. GELLER: If you can provide one
23 change, even in the EBSS, is the fact that if
24 you're changing a category -- I think what Glenn
25 was looking at is make a comment to the fact that

1 this is a proposed 1 by the Air Force from what we
2 have --

3 MR. ESCH: Right.

4 MR. GELLER: -- and until you give
5 us that information you can't officially change
6 that category in the EBS. I mean, from our
7 standpoint --

8 MR. ESCH: And I think that's what
9 we've been doing.

10 MR. GOLSON: I don't think it is,
11 because my point is those changes are being made
12 in the original EBS.

13 MR. KOKE: How about taking the
14 document you've got and penciling in how you'd
15 liked to have had them say it and give that back
16 to Mark. That may be easier for him to
17 understand, that this is the way you'd like it to
18 read.

19 MR. GOLSON: It's not so much how I
20 would like for them to read. Part of it is,
21 because they're not saying DoD proposes that we
22 change this to this, they're saying we're changing
23 this category, we're changing this 7 number right
24 here to a 3. They're doing it. And here's how
25 it's going to show up -- you see the documents.

1 MR. KOKE: But if it's stated in
2 there that the State has not concurred with this
3 yet, any decision-maker, any of the readers would
4 want to know that.

5 MR. GOLSON: Well, again, my point
6 is the original EBS shows that change regardless
7 of my nonconcurrence. And attached to that lease,
8 or whatever that might be, is my comment sheet
9 that says I don't agree with these changes, and
10 yet here they are in the EBS. The changes are
11 made. They're in print as being made.

12 MR. KOKE: Without the notation that
13 this is the Air Force's --

14 MR. GOLSON: Yeah. There's not
15 attached to that page, I don't think, a letter
16 from Glenn Golson saying this doesn't fly.

17 MR. KOKE: Is this on WordPerfect or
18 something?

19 MR. ESCH: Yeah. On like the very
20 second one, this is a continuing one that always
21 gets put in the EBSS, "AFBCA is submitting to you
22 for review and comment the following proposed
23 updates to the EBS in this letter." And then it
24 goes on to identify each one of those plats.
25 Example here with Plat 1. "AFBCA considers Plat 1

1 as DoDECC 7. The BCT is in agreement on this
2 DoDECC classification."

3 MR. KOKE: Which would indicate that
4 you are in agreement, because you're part of the
5 BCT.

6 MR. GOLSON: Right.

7 MR. ESCH: Then we go to Plat 2.
8 "No environmental changes have occurred to the EBS
9 since it was published," blah, blah, blah. "The
10 BCT classification for Parcel B is currently not
11 available for transfer. The BCT working group is
12 recommending the parcel be subdivided into seven
13 parcels. This recommendation would place Plat 2
14 within proposed Parcel B-2 classified as a DoDECC
15 1, available for deed transfer."

16 Then on Plat 3, "Plat 3 is located
17 within a larger area. It is not considered
18 available for transfer by the BCT. However, if
19 the environmental condition of the lease area were
20 classified alone it would be available to transfer
21 under the provisions of 40 CFR 373. Due to the
22 petroleum release by an unregulated heating oil
23 tank next to the facility the working group
24 recommends qualifying the release impact and
25 implementing the appropriate voluntary response

1 prior to any title transfer."

2 MR. GELLER: Is the question --
3 while you may have described in there, is the
4 question also the fact that this is not the EBS.
5 This is a comment response lease. If you're
6 changing it in the EBS that's where we need to
7 make --

8 MR. GOLSON: Exactly. And I think
9 the language that I would like to see you put in
10 there, yeah, okay, upfront you have your general
11 disclaimer, here's the DoD proposed changes to the
12 EBS, so you're telling me these category changes
13 are proposed, and yet you may give me the block of
14 that chart that shows you're changing it from 7 to
15 3, right there. You never read any of the
16 paragraphs in any of those that said we propose a
17 change from 7 to a 3. Those are the kind that I'm
18 objecting to, because those are from
19 nontransferable categories to transferable
20 categories, and you will show that block of the
21 EBS original document and you'll show the change
22 in there. It will no longer say 7 on it, it will
23 say 3. And what I want you to say in there is we
24 will not make these changes to the EBS unless it
25 has been authorized by the BCT.

1 MR. ESCH: Well, unfortunately, the
2 EBS, again, is an internal document.

3 MR. GOLSON: I don't follow that,
4 I'm sorry. If that's the case --

5 MR. ESCH: And that's the guidance
6 that --

7 MR. GOLSON: If that's the case then
8 you don't need oversight from me or anybody else
9 who works for the State, and you don't need
10 oversight from the EPA, because nobody has
11 authority to oversight and concur or not concur
12 with what you're doing. Basically what you're
13 saying is we don't care what you say, we don't
14 need your concurrence, this is an internal
15 document and we can make whatever changes we want
16 to that document regardless of what EPA or the
17 State of Missouri says.

18 MR. KOKE: That is strange, Mark --

19 MR. GOLSON: If that's the case then
20 you don't need to pay me to --

21 MR. KOKE: -- to seek outside
22 comment on an internal document. We've never done
23 that at the EPA. It loses its internal document
24 status when you send it to people outside to
25 comment, I think. But this is your standard so --

1 MR. ESCH: And that's the policy
2 that --

3 MR. GELLER: See, what we're trying
4 to prevent is things falling through the cracks
5 or --

6 MR. KOKE: Getting buried.

7 MR. GELLER: -- getting buried.
8 Because if we can be consistent in the EBS, that's
9 the document we all have to rely on in order to
10 make the decision that it's suitable to transfer.
11 That's the basis for suitability to transfer, is
12 the EBS, and any EBSSs that were attached to it.

13 MR. KOKE: Mark knows our concerns
14 and where we're coming from. Now, how about
15 giving some thought to how you can help us with
16 our concern --

17 MR. ESCH: With your goals.

18 MR. KOKE: -- and meeting your
19 internal document.

20 MR. GELLER: And it's not to delay
21 the leasing by any stretch of the imagination.
22 Not at all.

23 MR. ESCH: The Air Force's problem
24 is that there may be at some point, and it has
25 happened at various bases, where the Air Force

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION, KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

120 95

1 believes that it's 3, they do not concur with what
2 the State believes, they don't concur with what
3 the EPA says, and they fully intend, you know, to
4 go -- it's only happened -- has happened once, but
5 they fully intend to go through with the finding
6 of suitability to transfer the property and
7 transfer the property.

8 MR. GOLSON: Well, there is a
9 mechanism to address those times when Air Force or
10 Army, or whoever it might be, does not agree with
11 the regulators, and it's dispute resolution is
12 what it's called.

13 MR. ESCH: Yes.

14 MR. KOKE: Do you have any internal
15 mechanism to go up to your policymakers and raise
16 this issue, hey, this has come up, have you had it
17 happened anyplace else, how did you handle it? I
18 mean, they need to have some feedback on how State
19 and EPA feels on issues like this to make sure
20 that their needs maybe aren't overly conservative,
21 that they could maybe make some concessions to
22 make the regulators feel a little bit more into an
23 internal document that's put out for comment.

24 MR. GELLER: The reason we're
25 bringing it now is, like we said, it's happened a

1 few times. Our next option is to go to some type
2 of dispute resolution and take it above our level.
3 And our preference is if we can resolve it at our
4 level then we don't have to go to that next step.

5 MR. ESCH: Yeah. I understand that.

6 MR. GELLER: And if they recognize
7 our concerns that it has nothing to do with the
8 leasing, that's almost irrelevant, it's the
9 changing of the EBS through whatever --

10 MR. KOKE: Without using the BCT.

11 MR. GELLER: Without using the BCT
12 or without even giving us an opportunity to look
13 at the justification or documentation of why
14 you're proposing those changes.

15 MR. ESCH: Yeah. You know, the
16 problem there is, again, during the 13 days I
17 can't expect Glenn to fully read and look at all
18 of the documentations and the reports that come in
19 that some of this information is based on.

20 MR. KOKE: Shouldn't be the first
21 time we see all of that stuff, though.

22 MR. GOLSON: I don't think that's
23 relevant. I don't think that's relevant to the
24 lease. All right? I can only remember one or two
25 occasions, Mark, where I've ever gotten back to

1 you and said this has not been enough time to
2 review this. Those leases that you're attempting
3 to sign with the KCAD, or whoever it might be, ten
4 days is plenty of time. If I know you're in a
5 hurry I've always turned those around. Okay? So
6 I won't accept the excuse that if I submit all
7 this documentation to back up this category change
8 Glenn doesn't have enough time to look at it. I'm
9 not the guy who decides. You three guys are the
10 ones that decide that.

11 What I'm saying is send me all the
12 leases you want, but don't attempt to change any
13 categories in those. We'll approve any of those
14 leases, because really they have no bearing. You
15 guys still own it, you've got the liability,
16 you've got to clean it up, you're still on the
17 hook. Those leases mean nothing. That's why I
18 don't understand the category changes coming
19 through with these leases, okay? You have to do
20 an EBSS, I agree. But I want to see that same
21 language in there. I want to see you say these
22 are proposed changes, we will not change the EBSS
23 until the proper documentation has been presented
24 to the BCT and they agree as to what category this
25 property should be. You should not be allowed to

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY, MO (816) 421 6052

120 98

1 change those categories without that concurrence
2 from these three people right here.

3 MR. ESCH: Well, I'll go back to my
4 folks and talk about it, because the current
5 guidance is it's an internal document.

6 MR. GELLER: Well, if you go back in
7 and change it, if you say it's an internal
8 document, then make a designation which ones are
9 concurred with and which ones are not concurred
10 with by the agencies.

11 MR. ESCH: That would be a fair --

12 MR. GELLER: And it's in the EBS.

13 MR. ESCH: -- a fair evaluation of
14 how this is. I mean, it would be something like
15 that chart there.

16 MR. GELLER: But it will be clear to
17 us that we have not concurred with that decision.

18 MR. GOLSON: Right. And then in
19 follow-up to that, the very next BCT meeting --
20 suppose we look at two or three leases in between
21 time and you had four different category changes
22 that you've proposed that DoD make. Okay? The
23 very next BCT meeting I expect to see all that
24 documentation that you say I don't have time to
25 look at. That's going to be your number one item

1 to present to this BCT, that here's the
2 documentation that supports my proposed category
3 change to the EBS. You give it to these guys --

4 MR. ESCH: If available, yes.

5 MR. GOLSON: If not available we
6 can't agree to any change. You know that. We
7 can't change a category based on Robert Lodato's
8 look at it.

9 MR. ESCH: I know I can't come to
10 you and you all trust me on my face that I'm not
11 lying to you, that this is a 4 or a 3. I
12 understand that.

13 MR. KOKE: We all have different
14 perspectives, too. You can look at the same set
15 of facts and come up with different conclusions.

16 MR. ESCH: We'll work it where, you
17 know, it's very clearly stated in there. And that
18 way, during the draft, it gives you the
19 opportunity of saying, yeah, this is an obvious
20 change. If we find, for instance, like an
21 oil/water separator that's out here and we need to
22 add it to the oil/water separator list, and this
23 is what it looks like, you know, this is new
24 information there.

25 MR. GELLER: May be some obvious

HOSTETLER
& ASSOCIATES, INC.

120100

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

1 justifications for changing categories that we
2 could agree with. May be very simple.

3 MR. ESCH: And at that next stage
4 then we can go in there with, you know, this is a
5 not concurred with by, this is not concurred with
6 by, this is not concurred with by, and knock some
7 of those out. Because you've seen that property
8 list, there's just a slew of categories in there,
9 we're probably talking about a thousand
10 site-specific categories. And we don't have time,
11 obviously, to go through every little detail.

12 MR. GOLSON: I don't quite follow
13 that statement. But if you are -- again I keep
14 hitting this major point. If you're going to
15 change the category from a nontransferable
16 category to a category that allows you to transfer
17 by deeds, you better have something on that table
18 that backs that change up.

19 MR. ESCH: Okay. Just because a
20 property changes from a 7 to a 3 does not mean
21 that it's transferable.

22 MR. GOLSON: I know that. There are
23 other factors involved. I'm just saying that's
24 one piece of the puzzle that you've gotten out of
25 your way now for transferability that you don't

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

120101

1 have to deal with any more. Okay? And it's not
2 going to be done on a slick basis --

3 MR. ESCH: We'll work on it.

4 MR. GOLSON: It's going to be
5 documented.

6 MR. ESCH: We'll work on it.

7 MR. GELLER: Okay. Item number 2,
8 internal DoD transfers and the question of
9 responsibility. It's fairly clear, at least to
10 me, that when go through the BRAC process, the
11 CERFA categorization and changing it to the
12 various categories, regardless of -- leasing,
13 there's no problem from the leasing end but we
14 need to be aware of those, and if there are some
15 major problems with that we will comment on that,
16 if it's totally inappropriate to lease it to a
17 day-care or something like that.

18 My question comes when it relates to the
19 final transfer of property. It's fairly clear to
20 us that you will do the EBS and the EBSSs
21 identifying a category that is suitable to
22 transfer. We've just gone through that earlier
23 today. We've identified several that are Category
24 1 or 2 that are suitable to transfer. If those
25 are to go to the public then basically they're on

1 their way. Your responsibility, from our
2 standpoint, basically has ended as far as
3 environmental responsibility. You still retain
4 some liability if in the future there's ever
5 anything found out there caused by the government,
6 you still are on the hook.

7 MR. ESCH: Yeah.

8 MR. GELLER: Or the government is.
9 My question relates to when those properties are
10 leased or licensed, and I'm not sure of the exact
11 terms, but what you would consider an internal DoD
12 transfer. Richards-Gebaur, under the Base
13 Realignment and Closure Act, was determined to be
14 a closed base. It was not identified for
15 realignment. At that time it was basically to be
16 transferred for public use, et cetera, et cetera.
17 When you -- well, let me ask. How do you move the
18 property internally and what are the mechanisms
19 for transferring the property ownership -- I guess
20 it's always owned by the federal government
21 regardless, but is there any transfer of
22 responsibility?

23 MR. ESCH: Yeah. How that happens
24 is -- it would be the same way that the 442nd
25 Fighter Wing transferred the property to AFBCA.

1 That was an internal DoD to DoD transfer, where we
2 picked up the IRP program, the compliance program,
3 et cetera, and ran with it. And basically what
4 that is is a memorandum of agreement between the
5 two agencies on how, when, where, they will pick
6 up the program and a transfer period is worked in
7 there, et cetera.

8 MR. GELLER: Okay.

9 MR. ESCH: To make sure that the
10 federal government lives up to its obligation to
11 pursue the cleanup as necessary under this IRP
12 site or this UST closure site, et cetera. Whether
13 it was realignment or closure doesn't matter,
14 because the BRAC law says realignment or closure.
15 So they all fit into that same category, whether
16 it was realignment or closure. That's what the
17 legal boys tell us. I guess your question is at
18 what point does MDNR need to make sure that this
19 new DoD entity sets up a technical review
20 committee and picks up the operation of an IRP
21 site, or whatever, as a transfer?

22 MR. GELLER: Who's responsible for
23 it. The Air Force Base Conversion Agency was just
24 created. I don't know whether the Army has a
25 similar agency. That was just an internal

1 mechanism to make it handy for you to transfer
2 that property. It is still essentially the Air
3 Force's responsibility to clean up this Base,
4 those properties that have not been transferred.

5 MR. ESCH: Well, actually, the Air
6 Force Base Conversion Agency is along the lines of
7 the Marines, they're along the lines of the Army,
8 they are a separate entity under the Department of
9 Defense, answerable to the Department of Defense,
10 not to the Air Force.

11 MR. GELLER: Your letterhead is
12 Department of the Air Force.

13 MR. ESCH: It's misleading.

14 MR. GELLER: And you are Air Force
15 Base Conversion Agency. Are you not under the Air
16 Force?

17 MR. ESCH: That is correct. But --

18 MR. GELLER: What's correct? You're
19 not under the Air Force?

20 MR. ESCH: We are not directly under
21 the Air Force.

22 MR. GELLER: Okay.

23 MR. KOKE: It's just a name.

24 MR. ESCH: It is misleading.

25 Because Mr. Olson reports directly to Department

1 of Defense. He reports to no one in the Air
2 Force.

3 MR. GELLER: Okay.

4 MR. ESCH: On that level you have
5 Air Force, Air Force Base Conversion Agency, et
6 cetera.

7 MR. GELLER: Okay.

8 MR. ESCH: Yeah, that's right, that
9 is a confusing point.

10 MR. GOLSON: Well, I think you
11 understand our fear, and that is that the property
12 out here that may have contamination on it, may
13 have IRP sites on it, can be transferred within
14 Department of Defense to another branch of the
15 service, the Navy, the Army --

16 MR. GELLER: Any federal agency.

17 MR. GOLSON: In this case probably
18 the Marines. And our fear is that if they can
19 accept that liability for that site, that they
20 first of all have no environmental professionals
21 that can deal with that site, they have no
22 background on that site, they have probably no
23 funding mechanism in place, such as BRAC, which
24 will provide them money to investigate and
25 remediate those sites. So our fear is that we hit

1 a dead-end brick wall. We have done all of this
2 work with you guys on these sites up to this point
3 and all of a sudden now the Marines are
4 transferred that site and nothing will ever again
5 ever be done on them. It defeats the entire
6 purpose of BRAC in general for cleanup and
7 transfer. It gets transferred but it never gets
8 cleaned up. That's our fear. But it sounds like
9 to me --

10 MR. ESCH: We understand your
11 concern.

12 MR. GOLSON: It sounds like to me
13 that within the permit that takes place within DoD
14 that the Marines have to sign on the line that
15 they do accept this liability.

16 MR. GELLER: Is that true? The
17 property that the Marines have right now, have
18 they accepted the environmental liability and --

19 MR. ESCH: There will be a
20 discussion out here --

21 MR. LODATO: Let me back up just a
22 little bit to my understanding. We're doing a
23 MOA, a memorandum of agreement, with the Marines
24 now. It's still in the draft stage, if you will.
25 But within the MOA there are responsibilities, IRP

1 for example, that AFBCA will maintain, will
2 continue, okay? And there are going to be some
3 programs that the Marine Corps will pick up. I
4 mean, they will be responsible for hazardous
5 waste, you know, those type programs. AFBCA still
6 has a responsibility and that will be outlined in
7 the MOA, you know, so they will continue those
8 type operations. Does that make sense?

9 MR. GELLER: Well, I guess for a
10 piece of it. As far as the active operations it's
11 fairly clear that that's not your goal is to have
12 to deal with those ongoing -- kind of like the
13 Kansas City Air Department, you don't want to deal
14 with their hazardous waste, that's their
15 responsibility. I guess our concerns are the
16 environmental contamination that exists today.
17 Who's responsible for it. Who has the liability
18 and the responsibility to clean it up, and is that
19 to be maintained until it's clean.

20 MR. ESCH: At some point, on sites
21 that are separately from the Base as a whole,
22 those sites are going to, at a prudent point in
23 the process, be transferred to the Marines. Those
24 sites which impact any type of base closure
25 activities to get a finding of suitability to

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

120108

1 transfer the property would be retained by AFBCA.

2 An example would be Site 9. It
3 straddles Marine Corps property and AFBCA
4 property. Just as the Department of Defense, EPA,
5 doesn't care whose property it's on, it ties up
6 one of our parcels. And it will be pursued as
7 though it was an off-Base -- you know,
8 contamination would be going off Base. And we'll
9 maintain control over Site 9. Complete control
10 with, you know, getting access letters, et cetera.

11 It is planned at this point for Site 3,
12 the oil saturated area there at 704, that AFBCA
13 will retain responsibility up to the end of the
14 PA/SI process. In other words, the groundwater is
15 going to be completed. If at that point we see
16 that we can support a no further action required,
17 we can go forward. But if out of the groundwater
18 assessment process it is identified that there's a
19 problem there and the site needs to go into an
20 RI/FS stage, at that point that's when the Marines
21 would pick it up as their responsibility.

22 MR. GOLSON: Well, how much detail
23 will be set out in this MOA? Because they could
24 say, yes, okay, we'll accept liability, but that
25 doesn't mean that they have funding to address it,

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
CHAMBERLAIN, MISSOURI 63010 • KANSAS CITY, MO 64112

120109

1 doesn't mean that they have anyone who knows how
2 to do anything with it. We can walk into their
3 office and say, okay, you guys have an IRP site
4 over here behind that -- they'll go, yeah, we
5 don't have money to do anything.

6 MR. ESCH: Part of the MOA process
7 is to make sure that when an MOA is signed up, I
8 mean top level, if he signed up to that, he's
9 signed up that he has resources to address this.

10 MR. GELLER: Is the State or EPA
11 privy to these documents before they're signed or
12 after they're signed?

13 MR. ESCH: After they're signed I'm
14 sure they are.

15 MR. GELLER: My comment would be --

16 MR. LODATO: Not during, but after.

17 MR. ESCH: But after, yes.

18 MR. GELLER: From our standpoint
19 it's too late to make comments if you've already
20 come to agreement on transfer of liability and
21 responsibility and we see there is no commitment
22 from either agency and that it's actually, from
23 what our standpoint is, it's kind of a scam on
24 what the intention of BRAC was. It was to clean
25 up the property so that it would be transferred

1 for reuse. Not an internal let's slide it to
2 another federal agency and let them sit on it.
3 That was not the intention. So our concern -- let
4 me ask you this first. Has there been any
5 property transferred to the Marines that they've
6 assumed the responsibility for cleanup, to date?

7 MR. ESCH: No.

8 MR. GELLER: Has there been any
9 transfer of property --

10 MR. ESCH: Out here, no.

11 MR. GELLER: -- to any agency other
12 than AFBCA?

13 MR. ESCH: No federal agency.

14 MR. GELLER: Has there been any
15 transfer to any private agency?

16 MR. ESCH: No.

17 MR. GELLER: Has there been any
18 permanent transfer of property --

19 MR. ESCH: No.

20 MR. GELLER: -- from the AFBCA?

21 MR. ESCH: No.

22 MR. GELLER: Since you've been
23 declared a BRAC site you've moved no property, no
24 responsibility to anyone else?

25 MR. ESCH: There is not --

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

120111

1 MR. GELLER: Is that a yes or --

2 MR. ESCH: AFBCA is considered the
3 owner, if you will. The U.S. Marine Corps is on
4 the property by permit.

5 MR. GELLER: And that is considered
6 a lease?

7 MR. ESCH: Effectually a lease.

8 MR. GELLER: Okay.

9 MR. ESCH: Now, to get into the
10 details of that you'd have to talk to the --

11 MR. GOLSON: But technically
12 speaking they haven't accepted in writing any of
13 the environmental responsibility that you guys
14 know are there.

15 MR. ESCH: No.

16 MR. GOLSON: Right? So you guys are
17 still -- I mean, if we were to walk down here and
18 see a seep of some kind of nasty stuff --

19 MR. ESCH: It's still us if it's on
20 Marine property.

21 MR. GOLSON: You're not going to
22 walk away and say, hey, that's on theirs now.

23 MR. LODATO: For example, NPDES.
24 Legally it's Air Force property, but Kansas City,
25 under agreement, is signing up to assume the

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK KS 66204

120112

1 responsibility for it. So this is basically
2 what's going to happen with the Marine Corps.
3 They're planning a meeting with Michael Larson and
4 probably Teresa and some of the legal people from
5 both sides of the house, Marines and the Air
6 Force, are going to meet and talk about the MOA
7 and hash out the details.

8 MR. GELLER: Our concerns are not so
9 much about the new operations and what those
10 impacts are. Those are fairly clear whose
11 responsibility those are. It's the existing
12 contaminations and any possible impact under NPDS.
13 Those agencies will say that is not my
14 responsibility, I have nothing to do with disposal
15 of that waste.

16 MR. ESCH: And they have.

17 MR. GELLER: I'm sorry?

18 MR. ESCH: And they have. And DoD
19 has put the hammer down on them and said huh-uh.
20 you will. Because you're accepting property as
21 is. And they're beginning to realize that. One
22 of our problems is the way Congress wrote the
23 BRAC. It appears as though we cannot spend money
24 on that retained property, because of the way they
25 wrote it.

1 MR. GELLER: If it's transferred.

2 MR. ESCH: If it is to be
3 transferred. If they have requested it --

4 MR. GELLER: To be transferred?

5 MR. ESCH: Right. If they have
6 requested it and DoD has a record of decision that
7 it will be transferred to them. The Army's a
8 little bit different deal. The ROD says we're
9 going to transfer it to them, but they have not
10 officially requested it.

11 MR. GOLSON: Well, obviously we're
12 not going to solve this problem here in this
13 group. But I think we would like for you guys to
14 carry our concerns, and they're very sincere and
15 deep concerns, with the BRAC process in general.

16 MR. ESCH: We have tried in this MOA
17 to address your concerns. We've included some
18 sort of transition period. We've included
19 manpower requirements. We didn't specify where
20 they had to come out of, you know.

21 MR. GOLSON: We don't care.

22 MR. ESCH: And we have tried, you
23 know, tried to express and will express in this
24 meeting, you know, that the State has valid
25 concerns, you know, they want to see a smooth

1 transition --

2 MR. GOLSON: And we want to see the
3 sites continued to be worked. We don't want to
4 see them throw up their hands --

5 MR. ESCH: And not just dropped off
6 the wheel.

7 MR. GOLSON: We'll get to it
8 someday. We don't want that. We want a smooth,
9 continuous flow. And if you guys are going to do
10 something then we want to see them pick that up
11 and continue to do something. We're just afraid
12 that these sites are going to fall through the
13 cracks and they're going to have some excuse why
14 they can't continue with it and defeat the BRAC
15 process.

16 MR. GELLER: Actually, I'm going to
17 back up one step further and say we would not
18 prefer to see the transition. We would prefer to
19 see the Air Force follow through with the
20 commitment to clean up this facility before it's
21 transferred. That was the intention. You will
22 clean up the property under BRAC before you
23 transfer it.

24 MR. ESCH: We had intended --

25 MR. GELLER: And that has always

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION, KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

120115

1 been the premise that we've worked with you on, is
2 that you are here stepping in for the Air Force to
3 do the cleanup and you're committed to it for the
4 federal government. And if there is any movement
5 away from that, as I sense today, you guys --
6 we're going to be out of here in a year. Clearly
7 if you're drafting a MOU and we're out of here,
8 means physically you're gone but the property is
9 not cleaned up. Our concern is the whole goal of
10 BRAC from the environmental standpoint is to get
11 it clean up, get the federal government's response
12 to it and liability out of here. So I agree with
13 Glenn, we're not going to resolve it, but it is an
14 issue near and dear to our hearts. We're not the
15 only ones in the State, so --

16 MR. ESCH: You're not the only
17 state, either, so don't feel alone.

18 MR. GELLER: What I'm saying is
19 we're seeing it coming all fronts. You will
20 probably not hear much different than that from
21 us. I encourage you to make sure your
22 management's aware of it.

23 MR. ESCH: I assure you they are.

24 MR. GELLER: Our dissatisfaction
25 with this. This ultimately, as we move forward,

1 is something I think we would express and
2 encourage you to express to the public, and if you
3 don't, we will, that the federal government is not
4 cleaning up -- taking care of their responsibility
5 and liability to clean up this property. Whether
6 that's dictated to you by your management or Air
7 Force or the conversion agency --

8 MR. ESCH: Well, at this point the
9 dictation comes from a legal interpretation of
10 what Congress wrote in the BRAC law. And that's
11 where our stumbling block is. Up to Ms. Cheston's
12 letter -- internal letter a few months ago, we
13 were going to proceed. No problem. U.S. Marine
14 Corps, you know, we're going to clean up all the
15 way to remedial design, until Ms. Cheston came out
16 with her letter saying red flag, Congress says you
17 can't do that.

18 MR. GELLER: And that's essentially
19 the guidance that we can't see, is that correct?

20 MR. ESCH: We will have a policy out
21 by the end of February. It has been promised. On
22 that particular subject.

23 MR. GELLER: We don't need to beat
24 this thing any more. I think, from my standpoint,
25 we want to make sure that you -- don't have to

1 agree, but at least you understand our position on
2 this.

3 MR. ESCH: Yeah.

4 MR. GELLER: Probably one of the
5 most critical issues that we have.

6 MR. ESCH: And if I were in your
7 shoes I would raise the same question.

8 MR. GELLER: Okay. My last issue I
9 had, before I turn it over to Glenn, is we want to
10 see the decision document on the POL yard, and you
11 mentioned to me that that will actually be
12 provided to the RAB tonight in a draft form.

13 MR. ESCH: Yes. Very rough draft
14 form.

15 MR. GELLER: That's fine. No other
16 comments. We'll look at that and try to get you
17 comments as fast as we can. Glenn, your issues?

18 MR. GOLSON: Yeah. We go back to
19 the summer, you know, to the two sites that
20 continue to be a thorn in my side. The two sites
21 that were -- actually, three sites that were done,
22 remediation was done without concurrence from us,
23 and now we have closure reports for both of those
24 sites that were submitted. The USTs are pretty
25 much a cut and dried deal, shouldn't be a problem,

1 it's no big thing.

2 And I stood up in the last RAB meeting
3 and I made a statement that -- after Mr. Zuiss
4 made his show of what was done at the hydrant line
5 leak site behind building 942, he went through all
6 of that and I stood up and I wanted everybody to
7 understand the State's position and where we stood
8 on it. And I said this site -- the Air Force
9 proceeded on this site without concurrence from
10 the State of Missouri. We didn't review the work
11 plan, we didn't agree with the approach, we didn't
12 agree with much of anything that was in there and
13 yet AFBCA chose to press ahead and do the
14 remediation. They didn't notify the State when
15 they were digging. It was two or three weeks into
16 the project before we were ever notified that the
17 project was going on. And now we receive an
18 almost 2-inch thick closure report for a project
19 that was never agreed to in the first place.

20 In Mark's response to my comments in the
21 RAB meeting he quoted 40 CFR 280 as the driving
22 mechanism behind the remediation at the hydrant
23 line leak. And, to tell you the truth, in the RAB
24 meeting I didn't know what section -- I didn't
25 know what law he was referring to and I'm quite

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204

120119

1 certain probably nobody else sitting in there did
2 either. Mark submitted to me a letter --
3 actually, it wasn't to me. He submitted this
4 closure document to our leaking underground
5 storage tank unit for review and approval. He
6 says here in the letter he does that in accordance
7 with 10 CFR 20-10, and he quotes the 40 CFR 280
8 and he quotes more 10 CFR and more 40 CFR, and
9 this is his justification for doing it.

10 And I have -- I still have some major
11 problems with that. And the first is that if this
12 was the driver for this project it was never
13 expressed to me at any time previous to the
14 project whatsoever. It never showed up in the
15 work plan that this was the driver, that these
16 were the regulations that this work plan was being
17 promulgated under. There was no indication
18 whatsoever that these were the regulations that
19 we're doing this project under.

20 The site was never really classified.
21 And that's why earlier I asked you for your
22 procedures which classified your sites. What's an
23 AOC, what's an IRP site, what classifies a
24 compliance site. Because if in fact you want to
25 address this site under these regulations it would

1 most definitely have been a compliance site.
2 Okay? And in your explanation of what constitutes
3 a site you didn't reference, or you didn't this
4 morning reference anything to do with compliance.
5 You referenced this makes it an AOC and this makes
6 it an IRP. There's no reference to any compliance
7 type sites in there whatsoever.

8 Recognizing there are definitely
9 advantages as labeling something a compliance
10 site, first of all, I think, if I'm not mistaken,
11 your funding can come through faster if it's a
12 compliance site and there's a chance that you're
13 going to get an NOV, maybe you can get the funding
14 faster to address a site like that. And that
15 speeds up the whole process.

16 And I want it clear that we have no
17 problems with that. We'd like to see that. If
18 you could name everything out here a compliance
19 site we could probably get money and get it
20 cleaned up faster and everybody would be happy,
21 right? But to come out with a statement that this
22 is a compliance site after there's grass growing
23 on it, after the whole thing's done, it gives the
24 appearance of grasping for straws and trying to
25 justify what you did based on a compliance

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204
CHAMBERLAIN MISSION, KS (913) 262-0100 • KANSAS CITY, MO (816) 421-6052

120121

1 regulation that's not applicable.

2 And that's exactly what's happened here,
3 I think, because I have researched these
4 regulations in depth. These are all regulations
5 that apply to underground storage tanks and their
6 systems. I personally don't think that any of
7 these regulations that are quoted here are
8 applicable. And I'm backed up in that response by
9 the leaking underground storage tank unit, because
10 they in turn, after they received this and looked
11 at the document to see what it was, forwarded it
12 back to me with a note stating we do not have
13 authority over review of these documents. It does
14 not fall under the underground storage tank
15 regulations. So it's not just merely my own
16 interpretation, it's actually Mr. Jim Gowney's,
17 who you sent the document to for approval, saying
18 this doesn't fall under underground storage tank
19 regulations.

20 So I'm taking exception to the
21 technique, if you will, of sort of grasping for
22 some justification long after the project was
23 done, not notifying me up front that this was the
24 driver. Because if we had done that we would have
25 told you up front this doesn't apply. You're

1 going to have different regs that apply here,
2 you're going to have probably different cleanup
3 standards. There were no cleanup standards ever
4 set for that site. I have no idea what you
5 cleaned up to.

6 This closure report, in my mind, is a
7 huge waste of time and money. The actual summary
8 for this thing is very, very short. And all the
9 rest of this stuff is a bunch of fluff. It really
10 has no meaning. So if you can justify for me, you
11 know, this whole exercise here.

12 MR. ESCH: Okay. I will.

13 MR. GOLSON: All right.

14 (A break was taken, after which the
15 following proceedings were held:)

16 MR. GOLSON: Mark, Robert asked me
17 what can we do now to get this site closed out.
18 What further would you like to see us do. And Bob
19 Koke asked what were the problems with this, do
20 you think most of this document is just
21 superfluous, or what are the problems that are in
22 here. And my reply was on the confirmation
23 sampling, once I looked at the map of the
24 excavation and I looked at where the confirmation
25 samples were taken, there were no confirmation

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

120123

1 samples taken on the bottom of the excavation or
2 on the wall directly down-gradient of where the
3 leak was actually found. That's a data gap to me.
4 And that's a big data gap to me.

5 There was one soil boring that was
6 taken, I think prior to anything that was done.
7 Okay? In the area supposedly near the center of
8 the plume where the leak was found. The 8- to
9 10-foot interval in that soil boring, on the chain
10 of custody record back here, it was put on hold.
11 As far as I can tell that 8- to 10-foot interval
12 was never analyzed and never reported in this.
13 There may be a very good reason for that, but it
14 sure as hell wasn't stated in here.

15 Now, I'm reasonable guy. If you've got
16 a reason why that interval was put on hold and
17 never sampled then give it to me. But don't try
18 to slip it past me in a 2-inch thick bunch of
19 paper. Because it's not going to get by. Okay?
20 Just obvious things like that that are data gaps.
21 And now, you know, I'm in a quandary because I
22 can't justify making you go back and dig the
23 entire hole up so that you can get wall
24 confirmation samples. That's silly. We can't do
25 that.

HOSTETLER
& ASSOCIATES, INC

120124

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

1 So this is going to be something that
2 we're going to have to sit down and talk about
3 this thing in depth. And I'm going to have to
4 identify what data gaps I have and you guys are
5 going to have to propose to me what you're going
6 to do to help me fill those data gaps, and then,
7 see, you're going to be revisiting the site.

8 The initial guidance that I had on that
9 site was why don't you go out there and do some
10 soil borings and delineate the plume. No. You
11 chose not to do that. You chose to put one soil
12 boring in in the location where you had already
13 confirmed there was free product in the ground
14 because you had dug it up in 1993 and found it
15 there. So the soil boring that you did put in
16 really didn't tell you anything that you didn't
17 already know, did it?

18 MR. ESCH: The soil boring -- before
19 there was any digging done there were four soil
20 borings put in. There was one soil boring put in
21 down-gradient of the leak. About 10 or 15 feet
22 down-gradient of the leak.

23 MR. GOLSON: Is that in here?

24 MR. ESCH: It should be in there.
25 That would have been outside of the -- outside of

1 the original excavation. The other three soil
2 borings that were done were done where the
3 monitoring wells were located, one up-gradient and
4 the two down-gradient. And those water samples
5 were collected. At that point that's where the
6 contractor said, okay, it looks like this is where
7 we need to start, we'll start digging at the
8 source and spread out from that point. And they
9 went and dug back to where, you know, they were
10 not getting any reads on the meters, PID meters,
11 et cetera.

12 They took several wall samples, several
13 bottom samples at either end of the pipe, and one
14 of the conduits that worked itself towards 942.
15 There may be some data gaps in the amount of data
16 that they collected. But one of the wells -- the
17 soil samples that are in the well down-gradient is
18 the one that they are using as the down-gradient
19 wall, if you will, sample in this report.

20 Going back to where and why everything
21 took place. When the original BRAC cleanup plan
22 was written it was specified in that plan that the
23 underground -- that this particular site would be
24 pursued under the underground storage tank
25 regulations and that was the driving force behind

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262 0100 • KANSAS CITY MO (816) 421-6052

120126

1 that. And so the contract was written to the BRAC
2 cleanup plan which stated that.

3 The reason that it was -- Glenn had
4 asked the question later, after that process had
5 started, is why isn't this an IRP site? And my
6 response back to him was is that under the
7 definition in CERCLA of hazardous waste or
8 hazardous materials there is the petroleum
9 exclusion clause. And then EPA counsel has
10 further said this is what the petroleum exclusion
11 is: it's the crude oil fraction thereof but does
12 not include petroleum that -- I mean, it even
13 includes anything during normal refining. But
14 anything after, that would be added to the fuel or
15 product out of the refinery, such as the metals
16 when you turn over engines or something like that,
17 that is not excluded from the CERCLA process.

18 MR. KOKE: Or the compounds from
19 disintegration?

20 MR. ESCH: Or disintegration, yeah.
21 I've got the letter in there.

22 MR. GOLSON: Excuse me. Can you
23 explain that to me?

24 MR. KOKE: Well, if something
25 biologically breaks down the byproducts of that

1 are covered under CERCLA.

2 MR. GOLSON: So in this instance
3 right here, if this plume had been in the ground
4 for say 30 years, 40 years, which we suspect it
5 was, then it's broken down.

6 MR. KOKE: Yes. Very likely it
7 would be.

8 MR. ESCH: That hadn't been brought
9 up.

10 MR. KOKE: That hadn't been sampled
11 for.

12 MR. GOLSON: Again, another
13 justification for soil borings and testing what
14 you've got down there. They didn't know what they
15 had.

16 MR. GELLER: I guess one thing --
17 I'd like to jump in here. I think we kind of all
18 agree there were a lot of mistakes with this, and
19 even Glenn highlighted the fact that's not our
20 purpose for bringing it up, because we all
21 recognize there's things that we probably could
22 have or should have all done to make this process
23 move smoother. The question we're faced with now
24 is how do we deal with closing this site out. I
25 think that was Robert. So if I can propose one

1 thing, I think the thing we need to try to do, and
2 Glenn mentioned this, is to go through and try to
3 identify what we consider data gaps, you to come
4 back and see whether -- maybe there are some
5 areas, if there's enough data gaps, they may have
6 to go back in and sample. And that's one of the
7 things we're trying to avoid is waiting until the
8 site's closed, we get the document, and
9 son-of-a-gun we've got all kinds of holes in it.

10 MR. LODATO: And it is possible,
11 once you identify any gaps in there, you know,
12 that you feel are real relevant and need to be
13 addressed, then part of our BPA which we'll be
14 using on the other USTs, you know, on our
15 confirmatory sampling out there, if it's a matter
16 of doing three or four soil borings out there, so
17 be it. That will put that particular issue to
18 rest. I mean, we have that mechanism here.

19 MR. ESCH: Yeah, we have that
20 mechanism here and that's one of the things that I
21 identified -- recognized that there might be some
22 gaps out there that we need to look at. But to
23 address your question on the 40 CFR 280. Under
24 the applicability section of the underground
25 storage tank regulations it identifies here under

1 the deferral section in Section C, the
2 applicability, that subparts B, C, D, E and G
3 don't apply to any of the following type of UST
4 systems. It comes down here and it states that B,
5 C, D, E and G do not apply to airport hydrant fuel
6 distribution systems.

7 MR. GOLSON: You're not going to
8 read B, C, D, G and E, are you?

9 MR. ESCH: Right.

10 MR. GOLSON: Okay.

11 MR. ESCH: In other words, B, C, D,
12 E and G did not apply. What that says and what
13 legal had interpreted that to mean is that F does
14 apply.

15 MR. GOLSON: I understand that.
16 That's a corrective actions section.

17 MR. ESCH: Right.

18 MR. GOLSON: I'm intimately familiar
19 with that. Mark, I beg you, go to the definitions
20 of a UST in that same book right there. Go to the
21 definitions of a UST and read to me what it says a
22 UST or UST system is. Okay?

23 MR. ESCH: Right. But remember --

24 MR. GOLSON: No buts. Read it to
25 me, please.

1 MR. ESCH: I know what it says.

2 MR. GOLSON: I want everybody else
3 here to know what it says.

4 MR. ESCH: I know what it says. But
5 this one -- the definition says airport hydrant
6 fuel systems distribution. It has nothing to do
7 with UST there.

8 MR. GOLSON: It doesn't qualify as a
9 UST in the first place by the definition, so none
10 of the other regs behind it apply to it at all.
11 Whether it's B, C, D, E, F, G or H. Makes no
12 difference. Please read for me.

13 MR. KOKE: For the record.

14 MR. ESCH: Okay. I know what it --

15 MR. GOLSON: You know exactly what
16 it says.

17 MR. ESCH: I know what it says.
18 When they're referring to an underground storage
19 tank it means, "One or a combination of tanks,
20 including underground pipes connected thereto that
21 is used to contain an accumulation of regulated
22 substances and the volume of which, including the
23 volume of underground pipes connected thereto, is
24 10 percent or more beneath the surface of the
25 ground. It doesn't apply to farm tanks,

1 residential tanks" --

2 MR. GOLSON: All right. You can
3 stop.

4 MR. ESCH: -- "heating oil tanks" --

5 MR. GOLSON: But the point is 10
6 percent of the volume has to be below ground to
7 even qualify as a UST or a UST system. I did some
8 very rough calculations. The POL storage tanks,
9 the volume of all four of those together is
10 approximately 800,000 gallons. And a rough
11 estimate of the volume, even if the hydrant lines
12 were full, of all of the hydrant lines you have
13 buried out here from this POL storage yard all the
14 way up to the flight line, is somewhere in the
15 range of 5,000 gallons. That's 1 percent of the
16 volume beneath the ground. Not even 1 percent of
17 the volume beneath the ground. These regulations,
18 and in turn the State UST regulations, do not
19 apply in this case. It's very clear.

20 MR. ESCH: I do wish I had with me
21 the preamble. Because --

22 MR. GOLSON: The preamble to what?

23 MR. ESCH: The preamble to the --

24 MR. GOLSON: The Constitution?

25 MR. ESCH: To the regulations for

1 underground storage tanks. Because in there
2 that's where they identify that releases from --
3 the reason that they deferred hydrant fueling
4 systems from these other components of it was that
5 because there was a business incentive to respond
6 to a leak in a hydrant fueling system. And that's
7 why in the regulations they only included the
8 hydrant fueling systems under the response portion
9 of the regulations.

10 MR. GOLSON: All right. Refer to
11 the 10 CFR --

12 MR. ESCH: Yeah, we're not going to
13 solve this here.

14 MR. GOLSON: I know. But I'm saying
15 it doesn't apply and I'm not going to swallow it.
16 And I'm not going to ever again. You're not going
17 to come up with some inapplicable regulations to
18 justify your actions on these sites. We're not
19 going to allow it. Okay?

20 The State regulations also say, and you
21 quoted those numbers right here, in the corrective
22 part of that, it says that you are responsible
23 upon finding a spill, which you classify this as a
24 spill, you're to notify MDNR within 24 hours. And
25 you are to come up with a corrective action plan

1 or some type of plan to address that spill
2 immediately with MDNR. Now, if that's the case,
3 you're in violation right now, because that leak
4 was found in 1993 and you never touched the site
5 again until 1995. So if you want to get technical
6 we can get technical. You're in violation right
7 now. And we haven't pulled those trumps yet, but
8 we're willing to do that in order to get our point
9 across.

10 MR. ESCH: Well, like I said, at
11 that time when we put together this project that
12 was the interpretation.

13 MR. GOLSON: That's the same excuse
14 we got out of the POL yard. Oh, we decided this
15 before you came on the scene. That's a convenient
16 excuse. Not any more.

17 MR. ESCH: The leaking underground
18 storage tank unit gave us some numbers. It came
19 from the chief of one division.

20 MR. GOLSON: He gave you some
21 numbers for what?

22 MR. ESCH: For cleanup. And they
23 said that these were applicable to
24 Richards-Gebaur. As far as we knew that was our
25 marching orders for cleanup.

1 MR. GOLSON: Okay. I'm not going to
2 beat that one any more. You know how I feel. And
3 you know -- and I think Robert Geller will back me
4 up on this all the way.

5 MR. ESCH: And when I talked to the
6 leaking underground storage tank folks they said,
7 well, we believe that that probably falls under
8 the voluntary cleanup program. That we --

9 MR. GOLSON: When was that? When
10 did that conversation take place?

11 MR. ESCH: Couple weeks ago. The
12 guy that I talked to said, you know, maybe it
13 doesn't apply as an underground storage tank,
14 we'll take a look at it, but maybe it applies to
15 the voluntary cleanup program. So --

16 MR. GOLSON: Mark, let me ask you
17 something. Who's your State project manager for
18 this site?

19 MR. ESCH: Oh --

20 MR. GOLSON: Excuse me.

21 MR. ESCH: You are.

22 MR. GOLSON: Okay.

23 MR. ESCH: Our read, though, in the
24 regulations it says if you have an underground
25 storage tank that you have to -- that you close,

1 you have to send the report to the UST folks.

2 MR. GOLSON: Well, you did that.

3 And they obviously told you whether it was

4 applicable or not. Okay. Peace.

5 MR. ESCH: Okay.

6 MR. GOLSON: In this same document
7 there are reams and reams and reams of analyses,
8 all kinds of data, QA and QC, all kinds of stuff
9 that's in here, and back here in the back there is
10 analysis sheets for Site 620A. I don't remember
11 in the work plan that was submitted for this
12 project --

13 MR. ESCH: We messed up then.

14 MR. GOLSON: -- any mention
15 whatsoever of sampling being done at Site 620A.

16 MR. ESCH: Not under that one.

17 MR. GOLSON: Okay.

18 MR. ESCH: That was a mistake.

19 MR. GOLSON: Site 620A was another
20 one of those sites, it was that storage tank site
21 that we thought there possibly could be a RCRA
22 issue. We'd been told all along all the
23 documentation we had found was that it was a waste
24 acid tank. It had fuels and waste acids in it.
25 You confirmed by digging that the site was

1 you did, how you addressed it, where you disposed
2 of any of the soil. Just by accident, I guess,
3 they left this analysis in here, and they weren't
4 supposed to, and this is the only way I've gotten
5 any information on that site whatsoever. And that
6 was done clear back in the middle of last year.

7 MR. ESCH: We just got the 620
8 report last week.

9 MR. GOLSON: Okay.

10 MR. ESCH: We just got the analysis.

11 MR. GOLSON: These right here?

12 MR. ESCH: I don't know. I have not
13 checked. But from what those analyses show us is
14 that we basically dug up some smelly soil that --
15 we met all of the requirements of a UST, of
16 Missouri Department of Health, regulations of
17 anything. Basically all we got back was that they
18 took a bunch of samples and there wasn't any
19 parameters there to go chase. Recognizing, of
20 course --

21 MR. GELLER: Obviously they didn't
22 look at these.

23 MR. ESCH: Recognizing, obviously,
24 that your laboratory people are telling you that
25 you add these range organics and gasoline organics

1 and come up with the TPH factor. That's not the
2 way it was presented to us. That everything was
3 below any action levels, everything was --

4 MR. GOLSON: Did you call the UST
5 program, like you did a couple of weeks ago on
6 this other issue, and ask them about that?

7 MR. ESCH: I haven't had a chance to
8 do that, no.

9 MR. GOLSON: Well, from my
10 conversation with them, what normally will take
11 place is if you were to send this sort of thing in
12 to them they would ask you to actually submit the
13 chromatograms for this so that they could add the
14 peaks themselves. But basically they will add the
15 peaks and they'll come up with results like this.
16 The BETX also was high. So I'll await submittal
17 of that closure report.

18 MR. ESCH: Okay.

19 MR. GOLSON: Again, we may have a
20 misapplication of the rules and regs, because
21 you're addressing this obviously as a normal UST
22 which contains petroleum, but it may not be at
23 all. And you and I have had this conversation
24 before about 620A.

25 MR. ESCH: Right.

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

120139

1 MR. GOLSON: You expressed your
2 concern when you very first came here that that
3 tank probably would fall under RCRA. And if
4 that's the case maybe none of these results mean
5 anything. The main point that I'm trying to make
6 here, guys, you know, regardless of picking at
7 these details, I understand I'm getting nit-picky
8 here, that's my job, you know --

9 MR. KOKE: Those are pretty
10 important details.

11 MR. GOLSON: But the main point that
12 I'm trying to make here, guys, is if you keep us
13 informed from the very beginning and you at least
14 listen to and try to work out a negotiable point
15 at which to attack these sites you don't have to
16 go back six months later and do it over again.
17 And I hate to say the three words, but waste,
18 fraud and abuse doesn't swallow well with the U.S.
19 taxpayers. And I know it doesn't with Garey
20 Reeves. He hates those three words.

21 But it doesn't make any sense to have to
22 go back and back and back on these little bitty
23 sites that are really no big deal. If you guys
24 will just listen. Who do we have to talk to? Who
25 do we have to impress upon with AFBCA to

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204

120140

1 understand the big stick that the states have on
2 this kind of a deal is we don't ever have to sign
3 that dotted line that says you can transfer this
4 property. That's the only real leverage we have
5 here. And we don't want to call it leverage. We
6 want cooperation so that we get to the same point.
7 We both have the same goal.

8 MR. ESCH: Actually, it is the EPA
9 that signs that.

10 MR. KOKE: On non-NPL sites?

11 MR. ESCH: Even on non-NPL sites.

12 MR. GOLSON: EPA has deferred their
13 authority to State of Missouri on Richards-Gebaur.

14 MR. ESCH: I understand.

15 MR. GOLSON: So who do we have to
16 impress upon?

17 MR. ESCH: Right. When the AFBCA
18 looks for that signature, though, their looking
19 for the EPA signature.

20 MR. GOLSON: And the EPA will come
21 to us and say what do you think.

22 MR. ESCH: That's between you guys.

23 MR. KOKE: Mark, I think you need to
24 get back to your consultant and indicate that they
25 need to be more careful on these reports.

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK, KS 66204
SHAWNEE MISSION KS (913) 262-0100 • KANSAS CITY MO (816) 421-6052

120141

1 MR. ESCH: Yeah. And going back on
2 the hydrant line system, again, on the work plan.
3 Glenn and I worked for, you know, seven months on
4 getting that work plan going and getting it to a
5 point where we thought we were ready to go on
6 that, comments going back and forth, and through a
7 miscommunication on our part it went forward.
8 And, you know, again that's -- we believe we've
9 got that solved. And it wasn't, you know, on our
10 part, to try to rub the State the wrong way or EPA
11 the wrong way, it just happened.

12 MR. GELLER: Let me add something
13 here kind of as a -- hopefully it will kind of
14 turn the tone of things. It was my understanding
15 that at least the most recent discussions and the
16 directions that the Air Force Base Conversion
17 Agency and the contractors have taken regarding
18 listening to the comments being provided and
19 working with us as related to the POL yard, I
20 think that we've seen some positive reactions. So
21 at this point we see that you have listened to us.
22 There may be some things that we never can fix on
23 some of these older sites, but we really do want
24 to avoid this in the future. That's our goal. It
25 doesn't help us, it doesn't help you, to have to

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204
CHAWNEE MISSION KS (816) 262-0100 • KANSAS CITY MO (816) 421-6052

120142

1 go back and revisit the sites again and again and
2 again.

3 MR. KOKE: And, Glenn, when you
4 prepare your comments I think it's important to
5 include those things, even the ones that can't be
6 redone now, because this is a learning process.
7 We all can learn. And even Dames & Moore can
8 learn from some of their activities.

9 MR. GOLSON: Yeah, I'd have to agree
10 with Bob. Not everything has gone awry now. The
11 most recent conversations that we have had, when
12 you guys came down and brought Dames & Moore, and
13 we sat down and we hammered out the work plan for
14 Phase 1 on the POL yard went very smoothly,
15 everybody negotiated well, they got along well,
16 the contractor and everybody went away happy, and
17 we have a plan everybody can live with. And down
18 the road that's going to be to your benefit.
19 Because you're going to pop along there, if I see
20 something I don't like you're going to say, hey,
21 man, you had your chance when we sat down before,
22 why are you bringing this up now, and I'm going to
23 have to back off. I mean, you know, you keep us
24 in up front, we all agree, zoom, it goes smooth,
25 the project's done, you close the site, we

HOSTETLER
& ASSOCIATES, INC.

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

120143

1 transfer the property. We all have the same goal.

2 MR. ESCH: We know we all have -- I
3 mean, you know, there have been some
4 misunderstandings on some of this stuff, and we
5 just have to go from where we're at right here and
6 work with what we've got. You know, I had no idea
7 that you add diesel range organics and gasoline
8 and -- I can't comment on it because I'm not a
9 chemist.

10 MR. GELLER: But that's why you pay
11 your consultants, too, and you should be talking
12 to the State.

13 MR. ESCH: Right.

14 MR. GOLSON: That's why I review it
15 and find those things out myself, too.

16 MR. ESCH: We did sit in -- off the
17 record.

18 (Whereupon, a discussion was had off the
19 record.)

20 MR. KOKE: Glenn, EPA does
21 appreciate the work the State has done on
22 reviewing the documents, the comments that they've
23 issued.

24 MR. GOLSON: Anything else?

25 MR. ESCH: Let's prepare stuff for

1 the RAB meeting.

2 MR. LODATO: We would still like to
3 get together sometime next week, the 16th or -- if
4 you can come up with --

5 MR. ESCH: Next weekend sometime.

6 MR. LODATO: No reason for us to
7 drive down if we don't know what we're going to be
8 talking about.

9 MR. GOLSON: If you have major items
10 that you want to talk about or if you have -- just
11 like we talked about at lunch, it's especially
12 good if you have other issues that you want to
13 take up with other programs, you know, if you have
14 surface water issues or, you know, UXO explosive
15 permits or something you want to check, anything
16 like that where you need to be in touch or you
17 need to have some communication with somebody else
18 in another program up there, it's very good when
19 you're down there, because then we can yank them
20 in and they can go back to their work without
21 interrupting their whole day to come all the way
22 down here and all the way back for a one-hour
23 meeting or something. So if you have issues like
24 that that's fine.

25 I encourage you, and I think you're

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P.O. BOX 4589 • OVERLAND PARK, KS 66204

120145

1 already doing it, but I encourage you to
2 prioritize. If you have pressure from above for
3 properties K and L, I encourage you to prioritize
4 all of that and bring those issues to the top and
5 bring them to me and say, hey, you know, we're
6 getting pushed for this property, can we sit down
7 and work out a work plan, or what do we need to
8 look at, or put the data together to show me where
9 you are at that point and then we'll go from
10 there. But prioritize and bring it to.

11 MR. ESCH: We'll do that.

12 MR. KOKE: See you tonight at seven.

13 MR. GELLER: Meeting adjourned?

14 MR. ESCH: I believe so.

15 (Whereupon, the meeting was adjourned at
16 3:15 p.m.)

17
18
19
20
21
22
23
24
25

CERTIFICATE

1
2
3 I, LYNN R. HICKS, a Certified Shorthand
4 Reporter in and for the State of Kansas, do hereby
5 certify that I appeared at the time and place
6 first hereinbefore set forth, that I took down in
7 shorthand the entire proceedings had at said time
8 and place, and that the foregoing constitutes a
9 true, correct, and complete transcript of my said
10 shorthand notes.
11
12

13 _____
14 Lynn R. Hicks, CSR
15
16
17
18
19
20
21
22
23
24
25

HOSTETLER
& ASSOCIATES, INC

REGISTERED PROFESSIONAL REPORTERS

P O BOX 4589 • OVERLAND PARK KS 66204

120147