

## **Restoration Advisory Board (RAB) Meeting Notes**

### **SpringHill Suites near Orlando International Airport**

**February 26, 2008**

Meeting began around 6:30 pm. Donna West-Barnhill welcomed the board members and the public. She explained that much of the meeting will be business to establish the RAB and that there will be a Pinecastle Jeep Range update and questions from the public at the end, but questions will not be taken from the public until the end. Note pads were passed around to the public so they can write down questions they may have; if they do not want to ask them publicly, someone will collect the questions and will read them aloud. Donna then reviewed the agenda.

Donna addressed the delay in work at Warwick and the timing in Tivoli Gardens. She explained that USA Environmental is an expert in munitions but not communications. If you have questions, contact Amanda Ellison. The Corps is addressing the concerns about order, timing, etc. We know there is a concern about name tags, and that will be addressed as well. There are two crews working in Tivoli Gardens and one in Warwick. Crews work in the residential area until 2:30, and then they move to Mockingbird. The work stops in the residential areas at 2:30 in case something is found that requires people be away from their homes; we don't want people to have to be away from home in the evening. Remember that schedules are constantly changing depending upon what is found. Crews are also required to take mandatory time off. Simultaneous work will continue until all the work is done. We are anticipating that all the work will be done by April 4, but again, that could change. We are trying to get the door hangers out 48 to 72 hours before the crew is in the yard. We apologize if you do not receive adequate notification, but we are trying.

The board members introduced themselves, said where they live and why they want to serve on the RAB.

Donna then walked the board through the notebook contents.

Amanda then covered the roles and responsibilities. The organization shall be known as the Pinecastle Jeep Range Restoration Advisory Board. The mission statement is: "The mission of the Restoration Advisory Board (RAB) is to represent the community by facilitating active communications and coordination among the community and the local, state and federal government agencies in the environmental investigation and ultimate cleanup of the former Pinecastle Jeep Range. The primary concern of the RAB is to address all environmental issues relevant to the former Pinecastle Jeep Range in a prudent and expedient manner. The RAB will provide a forum for educating the public and serve as a conduit in communicating information. We will critically review and comment on pertinent environmental cleanup documents, make recommendations to the USACE and other appropriate governmental agencies regarding cleanup methods and priorities, and encourage public participation in accomplishing these goals."

Amanda stressed that an important role for the board members is to communicate with the community to make sure everyone is aware of what is going on. She then touched on the

purpose and responsibilities and went through some of the items. Amanda explained the members' roles and responsibilities including those of the community members and the co-chair.

Donna then reviewed the mission statement. Donna reminded everyone that all these documents are drafts until they are voted on at the next meeting. She encouraged their comments and suggestions but pointed out that the wording in these documents is fairly standard and the documents are in use at other RABs across the country.

She read the mission statement to the board. She pointed out that the mission for the community members is to communicate, not just to the Corps but to the other governmental entities as well, in addition to communicating with the community.

Donna asked if there were any questions or changes to the mission statement. Ron Cumello asked if there is a budget. The Corps will provide all the administrative support. The RAB does not have a budget; the Corps is responsible for covering the costs of operating the RAB. If you need technical assistance in understanding the documents, there is a fund for hiring someone to help explain. However, there are several members of the board who have technical expertise and may be able to help.

No one had any suggestions for changes to the mission statement. Donna gave board members until March 25 to email suggested changes to Amanda.

Donna then reviewed the charter.

Jim Shelton asked why it says “potentially contaminated.” After some discussion, it was determined the word potential should be removed. Jim then asked about number five, “develop communication protocols.” Donna explained that the board can ask the Corps to use various communication methods, such as a website, but the Corps would have to determine if that request falls within the guidelines. If the RAB wants to do something completely different, separate from what the Corps is doing, then that would need to be approved, because we want to be sure we have consistent messages.

Jim then asked about individual RAB members communicating with the public. Donna pointed out that the co-chairs are the official spokespeople, but that doesn't preclude individual members from talking to your neighbors. Jim asked if he could submit an article to be included in the Vista Lakes newsletter as long as he didn't say it's the official position. Donna said yes. Jim wanted to be sure that the members are not being muzzled. Donna said the board members would not be muzzled but suggested they coordinate with Amanda to see if she has additional information to share or to help you draft your article.

Jim asked about number five under Corps Co-Chair, “ensure that RAB members are educated and trained.” Donna explained that Nancy will talk more about training at a future meeting, but training could include a session on how to communicate difficult or confusing information such as environmental data, Roberts Rules of Order, how sampling is taken.

Jim then asked about number 12, “ensure that the RAB is represented on the project delivery team during the TPP process.” Donna said TPP stands for Technical Project Planning. TPP meetings are held as part of the RI-FS. The RI-FS contract will be awarded at the end of February, and on March 27, a public TPP meeting will be held to allow the public to respond to what is being proposed. Donna suggested that rather than having a separate RAB meeting in March, the RAB attend the public meeting so they can have input.

Jim asked if the RI-FS RFP is available for the RAB to review. Wandell said that it would be available after the contract is awarded.

Jim expressed concern about not having sufficient time to study the materials before they need to comment. Wandell explained that the contract for the RI-FS is a work statement contract that allows flexibility. Wandell explained that the contractor has not been selected yet and indicated that there will be a meeting with the new contractor in March. He suggested that someone from the RAB attend the meetings with the contractor as a method of getting up to speed on the project. Then on the 27<sup>th</sup>, there will be time for public comment on the plan. Appropriate comments will be incorporated into the work plan. Wandell suggested that the board decide who will represent the RAB on the project delivery team.

Ron Cumello asked about what removal and cleanup mean and can the board establish success factors for this process. Donna said that removal refers to the removal of munitions. Cleanup refers to soil and water. FDEP is represented on the board, and they are the ones who determine the cleanup levels. The Corps has to do what the regulations required. The board members have input because they and the City know what is going on in the community and how the property is going to be used. The landfill for example is not going to be cleaned up to residential standards. The Corps might indicate an area will be cleaned up to commercial standards, but if you know a park is going in there, the board can tell the Corps it needs to be cleaned up to residential standards. FDEP pointed out that even if it is commercial, FDEP will usually require that it be cleaned to residential standards. Donna also said that in addition to the federal, state and local cleanup requirements, the RAB can define their own success factors.

Ron asked about a court case in Maryland where the property owners had to cover the cost of the cleanup. Donna said the Corps position has been that if the Army created the contamination, they are responsible for cleaning it up. No one else in the room was familiar with the court case, and Ron said they are trying to get a copy of it. Wandell explained that what may have happened in that specific case is that the property owners were determined to be responsible parties. Wandell said that with munitions on Pinycastle, it would not be as likely to have a potentially responsible party, but it could happen with chemicals. If the chemical sampling finds something that the Corps does not believe the Army put there, then the Corps would take issue and seek to determine the responsible party.

Ron then asked if the RAB would have access to legal support from the Corps related to due diligence with the developers and if soil has been moved from the Range off site to surrounding neighborhoods. Ron asked if the Corps attorneys will educate the board about what has been done to get the information from the developers and what the Corps has found. Donna said that the Corps can ask the developers for the information but that the Corps has no authority to

demand. Further the RAB is focused on how to clean up the site; litigation issues are beyond the scope of the RAB. Ron said that his focus is on finding out if contamination moved off the Range was because developers moved it to adjacent neighborhoods. Since the developers are not going to willingly share that information, Ron wants to know how much leverage the RAB has in influencing USACE to get an injunction. Donna said that we will make a note of his question and take it back to headquarters, and that is all we can do on that at this point. Wandell said it was a reasonable request for the Corps lawyers to come to a RAB meeting to discuss this.

Aida Gonzalez-Marquez asked about communications and does that apply to their own emails, etc. Donna said that board members are able to express their own opinions any way they choose as long as they do not indicate it is the Corps position. The board can suggest better methods of communication to the Corps. Aida asked if the RAB can have their own website; Donna said the board could ask, and then Amanda would be responsible for determining the appropriate action.

Another board member had a comment about section three "location and background" in the second paragraph where it names Vista Lakes. After some discussion the decision was to change the wording. Delete Vista Lakes and add commercial, schools and businesses. So the new wording is as follows. "The site is currently owned by several local government agencies and private individuals and is utilized for various purposes including residential, commercial, educational, highway/expressway, landfill, and undeveloped pasture land."

There were no further comments; Donna asked if board members could think of anything else to submit that to Amanda by March 25.

Donna then reviewed the Standard Operating Procedures. She noted that the co-chair will be selected by majority vote, board members can resign or they can be removed because of conduct or attendance, and members serve without compensation.

Someone asked what "support staffs" means in section D under membership and organization. Donna explained that board members may have staff that work for them, and the Corps will not pay for that person to do RAB work.

Someone else asked if the meeting would be held locally so the board doesn't have to travel. Donna confirmed that all meetings will be held as close to Pinycastle Jeep Range as possible and that the Corps is trying to secure space at a community center or school; if not, meetings will probably be held in hotels. The March meeting will be back at the SpringHill Suites.

Donna then explained the section about quorum, attendance policies, meeting frequency and location. Donna suggested that for the operating procedures the wording be something like, annually and/or whenever the board deems it necessary.

A board member suggested having a notification time in the operating procedures to be sure everyone is notified about upcoming meetings. Wandell pointed out that the government Co-Chair has to notify the board members at least two weeks before the next meeting. Donna also recommended that at every meeting, the board determine when the next meeting will be held.

The board discussed what to put for the meeting location. The consensus was to say the meetings will be held as close to the Pinecastle Jeep Range as is logistically feasible.

Donna pointed out that the co-chairs will determine the agenda and will distribute it to the RAB at least two weeks before the next meeting and that there will be time on the agenda at each meeting for public questions and answers. The Corps will provide administrative support and will make all arrangements for the meetings.

Bruce Hossfield asked to go back to the section about quorum and suggested that a vice co-chair be elected so meetings can be held when the community co-chair is unable to attend. The board concurred, so the quorum section should read "the government co-chair and either the community co-chair or vice co-chair." The board decided the person who receives the most votes will be the chair, and the person who receives the second most votes will be the co-chair. The government co-chair (Wandell Carlton) can choose a designee to serve in his capacity should he not be able to attend a meeting.

There was some discussion about the challenges of meeting quorum as time goes on and people are not able to dedicate time to the meetings. The decision was to leave the attendance requirement in the operating procedures but that board members submit their resignations should they find they no longer have time to serve.

Donna noted that documents related to the Pinecastle Jeep Range are in the southeast branch of the public library at 5575 S Semoran Boulevard, and all the documents are also on the website.

Jim Shelton asked that once the documents are sent to the board two weeks before the meeting that they not be changed again.

Donna briefly touched on technical assistance. The Board can ask for someone to help explain the technical materials, but since there are several people on the board with applicable expertise, those board members can help explain the information to the rest of the board.

The Standard Operating Procedures will become effective as of the next board meeting when they are voted on.

Ron Cumello asked who decides, under Section II letter C, someone should be removed for cause and asked that it stipulates the board determines that. The sentence stipulates that it is by majority vote of the RAB.

Ron asked about filling positions on the board when people resign. Bruce commented about purging members. Donna pointed everyone's attention to Section II paragraph A where it covers how positions will be filled. Bruce said it doesn't have to be fixed. The board decided that as it becomes apparent that attendance is becoming a concern, the co-chairs will put an attendance item on the agenda, and the board will take appropriate action at that time.

Someone asked, in addition to notifying the board members, how notification is done. Donna said that the Corps will place notices in the paper, send out press releases, and Amanda sends out

emails to everyone on her distribution list. Donna also encouraged board members who serve on community groups to let others know when meetings are being held.

Jim Shelton pointed out that in addition to community group websites, there are also quarterly newsletters.

Amanda asked those who have homeowner associations announce upcoming RAB meetings at the association meetings.

The next agenda item is training and technical assistance. Nancy was planning to cover this topic, but a close friend died and she is away at the funeral. Donna indicated that there are training options, and this can be covered more fully at a future meeting.

The board agreed that a meeting not be held in March so that everyone can attend the public meeting. There was much discussion about upcoming meetings, timing, the RI-FS process and the RABs involvement. The next RAB meeting will be held two weeks after the draft work plan is released. A tentative date is May 15. The Board would like the RI-FS contractor come to the next RAB meeting to explain the draft work plan.

Ron had specific questions about the contract. Wandell answered some of them, but Donna asked that we table that discussion.

Donna asked the board to elect a person to represent the RAB at the contractor meeting. The board asked that anyone who wanted be allowed to come.

Potential agenda items for the next meeting include voting on the mission statement, charter, operating procedures and RI-FS work plan.

Ron asked if the RAB could form subcommittees. Donna said if the board wants them, they could. Ron suggested making an agenda item a discussion of the potential for subcommittees.

Those wishing to be the co-chair introduced themselves; they include Jerrell Davis, Aida Gonzalez-Marquez and Jim Shelton. The votes were tabulated, and Jim Shelton and Ron Cumello were tied. Ron offered to let Jim serve as co-chair, and Ron will serve as vice co-chair.

Wandell Carlton did a Pinecastle briefing. He explained the site's history and how it was used. The records indicate there is no concern from the chemical use. The rocket range was for air-to-ground rockets demonstration. The small arms range was for small arms. The major area of concern is the bombing demonstrations. Someone asked where the bombs were actually dropped. Wandell explained that the bombs may have fallen anywhere within the yellow circles. The presentation includes photographs taken while the site was active. When the historical ranges and circles are overlaid over the current use, those areas cover part of the school, Tivoli Gardens, Mockingbird and the landfill. The air-to-ground rocket range goes all the way to Victoria Landing. There are 50 plus residential areas now on the former Jeep Range. Hidden Oaks Elementary School, the fire station, Tivoli Woods are there as are the proposed Beltway Commerce Center and Innovation Way. There are four time critical removal actions underway

to address imminent danger. Right now we're working in Tivoli Gardens, Warwick, Mockingbird and Odyssey Middle School. Wandell showed photographs of some of the items found. We have found 137 live munitions, tons of cultural debris and a lot of munitions debris. In Warwick, we have completed the common area. You will see some flags out there; our contractor has told us they are leaving those there to indicate where they need to stop. In Tivoli Gardens, no live munitions have been found, but we have found 4 munitions debris items. In Warwick, we have not found any live munitions or munitions debris. Someone asked if the Corps is reviewing Lennar's work. Wandell pointed out that the two red dots are where Lennar's contractor found inert bombs. The Corps position is there is no imminent danger on the Lennar side so there is no need to do that under a TCRA. The Corps does not have any reports or data from private investigations. Geophysical investigations will be done in the other areas under the RI-FS. A board member noted that this should not be a money issue; if the Corps needs more money, the board will pressure the congressmen. Wandell pointed out that the issues related to what will be investigated will be decided as part of the RI-FS. The RI-FS will be awarded by February 29, and the goal is to have the contractor in the field by the spring. Wandell noted the City's stop work order and the bomb circles over the landfill. Wandell reminded everyone of the three Rs and in order for something to be dangerous, it has to exist and be live; it has to be accessible. If something is covered by concrete or asphalt, it is encased and is not dangerous. Then, energy has to be applied. Something the RAB can do is help with establishing restrictions. The community has to put restrictions on an area so if homes are torn down, or streets are repaved years from now, those people will know what may be underneath. Wandell pointed out that there are still dangerous items left at the site.

The RAB would like copies of Wandell's presentation. Include a printed version in the next meeting package.

Following Wandell's presentation, questions were taken from the audience.

Someone asked why so many board members are not from the area. Amanda explained that the Corps invited anyone who wanted to participate to submit applications. Amanda then asked the board to raise their hands if they live in the area; most of the board members are from neighborhoods on the Jeep Range.

A resident said that at a previous meeting the Corps said they did not know how built up the area was until the meeting in July, but when Wandell explained the site history, he said there were reports done in 1994. Wandell explained that those were archive search reports meaning that people reviewed archive records, but did not do on the ground investigations.

Mark Fisher, a resident of Warwick, said he is concerned that the Corps is not looking under roads, sidewalks and houses and could leave something under those. Wandell pointed out there is no feasible way to do otherwise.

Jim Shelton asked if there is a rating system for FUDS. Wandell said that Pinecastle has the highest priority for munitions FUDS, but Pinecastle is competing with all the other sites across the US that has the same rating.

A resident asked if there could be a fund established to pay for future work for private residents. Wandell said that the government does not reimburse other people for private work. The individual property owner is responsible for his property. Congress has authorized the Corps to cleanup all these properties, but there are 9,000 sites.

A resident is trying to sell his house and wants to know if the Corps will talk with individual appraisers as to home values. Donna explained what has happened at other FUDS. Bruce Hossfield pointed out that the resident does not live on the FUDS. Bruce said what the gentleman needs to tell his appraiser is that he's not in the FUDS.

Richard said the Corps is doing a great job of posting related materials and notifying residents of upcoming activities. He asked if the RAB agenda could be published ahead of time so that residents could decide if they wanted to attend. His second question was if the TCRA results would be included into the RI-FS. Wandell said that yes, all the conclusions will be included in the RI-FS and that will also be in the administrative record.

A board member asked about paragraph three in the right-of-entry form which is related to the Corps responsibility to repair damage. The board member heard that USA Environmental added Mockingbird to their liability insurance, so why can't the contractor add all the property owners? Wandell explained the reason for that clause but that the government will be responsible for repairing damage. The individual wants to know why the Corps won't require the contractor to add the residents as riders on his insurance. Wandell explained that the contractor chose to add Mockingbird, and the Corps can't require them to add others. The contractor does have insurance and will be responsible if he damages your home.

A resident who has her house for sale understands there is nothing that can be done in the short term. She asked if they can get a clearance letter for their home in Tivoli Woods. Wandell pointed out that the Corps does not have authority to do investigation and removals anywhere except those under the TCRA. He explained all the residential properties will be mapped during the RI-FS and a percentage of the anomalies will be dug to determine what they are. She noted that they are not even in the bomb circle. Donna suggested the landowner send a letter to the Corps requesting the Corps send a letter to the landowner indicating that according to the archive records, the property is not in a known bombing range. Wandell said he would ask the Corps attorneys if such letter can be written.

A resident asked about the different maps floating around with different circles. Wandell said the entire site will be investigated under the RI-FS. The Corps is using the original circles with the circle that goes over Warwick.

There were no further questions, and the meeting concluded.

Action Items for Next Meeting:

- Have more microphones available
- In Charter, change Section III paragraph two in the description of the current use of the property to: “The site is currently owned by several local government agencies and private individuals and is utilized for various purposes including residential, commercial, educational, highway/expressway, landfill, and undeveloped pasture land.”
- In Charter, delete “potentially” in Section IV.
- Standard Operating Procedures – Section III Meetings has two letter Bs.
- In Standard Operating Procedures Section III Meetings, under quorum, change to, “the government co-chair or his/her designee and either the community co-chair or vice co-chair.”
- In Standard Operating Procedures Section III Meetings, for frequency, put in, “annually and/or whenever the board deems it necessary.”
- In Standard Operating Procedures Section III Meetings, for location put in, “held as close to the Pinycastle Jeep Range as is logistically feasible.”