

**Restoration Advisory Board**  
Former Pinecastle Jeep Range  
6:15 pm, Tuesday, August 26, 2008  
SpringHill Suites, 5828 Hazeltine National Drive

**Meeting Notes**  
**Final**

**Members in Attendance:**

Pastor Harold Banks  
Ron Cumello  
Randy Curtis  
John E. Fauth  
Michael Geden  
Aida Gonzalez  
Charles R. Hale, Jr.  
Renee Hale  
Mark Holley  
Bruce Hossfield  
Mary Ann Kraus  
Edgar Lee  
Michael Rochkind  
Carol Schuett  
Chris Testerman  
Christopher Thompson

**Members Absent:**

Laura Blanda  
Jerrell Davis  
Ken Donahue  
Gregory Gaulin  
Ann Migliozzi

**Other Government and Contractor representatives:**

Amanda Ellison  
Claire Lesinski  
John Chulick  
Michael Short

Amanda Ellison opened the meeting at 6:30 pm and quickly covered administrative issues and introduced Randy Curtis, the acting government co-chair for the RAB during Wandell Carlton's absence. Mr. Carlton is on temporary assignment in another Corps office.

Ms. Ellison asked for a motion to approve the July meeting minutes. Ron Cumello made the motion. The motion carried with no opposition or abstentions.

**Old Business**Update on the Time Critical Removal Action (TCRA)

Randy Curtis began by explaining the difference between the TCRA and the Remedial Investigation/Feasibility Study (RI/FS). A TCRA is to quickly remove anything that poses an immediate safety hazard. A RI/FS is to determine the nature and extent of the contamination – or to determine that no contamination exists in a given area. He then updated the RAB on the completed TCRA.

The TCRA covered Odyssey Middle School, a small portion of Mockingbird Property LL, (the undeveloped area south of the school), Tivoli Gardens and Warwick. USACE has received the draft of the final report from USA Environmental, the firm that completed the TCRA action. Following various reviews, the report will be made available to the public and will be placed on the website and in the information repository. This will probably be toward the end of October.

Mr. Curtis explained what items have been found in each of the areas investigated under the TCRA. A significant number of items were found on the school property and on Mockingbird. Only a handful of items were found in Tivoli Gardens and only cultural debris was found in Warwick.

Ron Cumello asked if all the work at the school had been completed and if the track was in use. Mr. Curtis said the school signed off on the work on the 15<sup>th</sup>, and Mike Geden, who works at OMS, confirmed that students are now using that area.

Mr. Cumello asked if soil samples had been taken. Mr. Curtis explained that soil samples were taken as part of the TCRA and asked John Chulick with Parson to explain the process. Mr. Chulick said samples were taken in the burial pits. Samples were analyzed for chemicals associated with explosives and metals. No explosives were detected and while metals were found, metals are always present so the amounts in the samples have to be compared to what is common for that area to determine if the metals are elevated. The data are preliminary, but nothing has been detected out of the ordinary. Mr. Cumello questioned if the state has reviewed the sample results or if anything is above state limits. Since the data are still preliminary, the results have not been presented to the state yet, but they will be. Mr. Chulick confirmed that the explosive chemicals are not above state limits, but until the samples are further analyzed, Mr. Chulick cannot confirm the levels related to metals. Mr. Curtis noted that Parsons and the Corps have conducted these types of tests across the country, and while they will tests for munitions constituents that might be a concern, he does not anticipate finding any soil contamination.

Mr. Cumello pointed out that it is important for the board and community to understand the process, and while the focus is on ordnance and ordnance debris, the community is concerned about soil and water contamination. Mr. Curtis said the sampling results will be presented at the appropriate time.

RAB members had questions about the historical use of the site, how firing positions can be determined, the distances the munitions would travel, etc. which Mr. Curtis answered.

Mr. Cumello asked about wetland areas and what was anticipated to be found. Mr. Curtis explained that USACE would avoid clearing when necessary and wetlands would not be disturbed if not required, particularly since people do not generally go into them. Mr. Curtis confirmed that items of concern could be in wetlands. Mr. Curtis indicated that it is likely that

munitions and other items of concern are in the wetlands on the Mockingbird property, between Odyssey Middle School and Tivoli Gardens.

Review of Previous Action Items

- The Corps is to send letters to developers requesting information about the movement of soil during the development of Vista Lakes. The letter has been drafted and is being reviewed through the Corps internal process. Mr. Curtis cannot provide a date for when the letters will be mailed.

Mr. Cumello is concerned about the timing with receiving the data from the developers after the RI/FS ground work is complete. Mr. Cumello questioned what had happened to the soil that was used in this development, what items would typically be in that soil and if the soil had been used for fill materials could that explain why munitions were found in other areas. Mr. Cumello indicated it is important for the Corps to send out the letters to the developers promptly. He also suggested that they City, County and State officials on the RAB begin a record search within their departments.

Bruce Hossfield with the City of Orlando said the City's files have already been sent to attorneys.

Mr. Cumello asked if the County has turned over their documents. Chris Testerman explained that since most of the site is in the city, the county does not have jurisdiction. The county's public works department would have any records related to roads or ponds constructed in the county.

**Action Item:** Continue to follow up on the letter to the developers with the Corps Office and also with local governments.

**Action Item:** Bruce Hossfield is to provide copies of the City's document to USACE.

- Contact banks requesting rights-of-entry (ROE) for properties in foreclosure. Mr. Curtis indicated the Corps' real estate department is leading this effort, but their priority is gaining ROEs from people who are still in their homes.
- Find out if USACE can use utility rights-of-way to investigate properties without signed ROEs. The Corps' real estate attorney had determined the Corps cannot use utility easements to conduct investigations. The property owner must give consent for investigations to occur.
- The Corps will do a transect along Econlockahatchee Trail.
- Do utility companies need a permit to perform work? Mr. Hossfield confirmed that they do need permits.
- Sample Results Letter: Board members were provided samples of two results letters. One letter is used for properties where nothing was found, and the other one is for those where munitions or munitions debris was found. Mr. Curtis confirmed that letters will be sent to those whose properties were investigated under the TCRA as well as those covered under the RI/FS. Letters will be sent in groups, not individually.

Mr. Cumello noted that residents in Warwick have already received letters but not those in Tivoli Gardens. Ms. Ellison noted because items were found in Tivoli Gardens, the

letters will be different, and the internal review process takes longer. The full report will be made public as soon as possible.

Mr. Cumello asked if the local government authorities were given copies of the letters. Mr. Curtis said thus far copies of the letters have not been sent, and the best format for disseminating that information has not yet been determined. There was some discussion about the most effective method of delivering the information to the city and county for long term retention.

There was discussion about how the letters would impact the city's stop work order and what was necessary to receive a permit. Mr. Hossfield said the letters for property owners investigated under the TCRA and Areas A and B would be sufficient to lift the stop work order, but since only 20% of the suspect items are being dug in Areas C and D, Mr. Hossfield is not sure if the stop work order could be lifted from those areas. Aida Gonzalez expressed concern that properties in areas C and D are not being fully investigated. Mr. Curtis explained that the Corps is following the federal CERCLA process. The purpose of the RI/FS is simply to determine the nature and extent; it is not a removal action. Therefore, the Corps samples areas to determine if contamination exists. If nothing is found in entire sections (such as C), the RI/FS can recommend those entire areas be eliminated from further action. Once the Corps has collected all the data, that information will be given to the city for them to make their determination. Mr. Hossfield indicated that if nothing is found in those entire sections, it is possible that the city might be comfortable lifting the stop work order.

The team reminded the board that all residential properties are being fully mapped, and then the next step is to analyze the data to determine, based on the geophysical data, what items are mostly likely to be munitions or munitions related. In Areas C and D, 20% of those items will be removed to determine what they are. If they are ordnance related, further investigations will be conducted to determine the nature and extent of the contamination. If none of the items removed are munitions related, Parsons and the Corps can be fairly sure no items of concern are in that area.

Ms. Gonzalez reiterated her concern that not all residential properties are being fully investigated.

Charles Hale asked if the results letter could be attached to the property records. Mr. Hossfield said property owners could have that information recorded through the tax appraiser.

**Action Item:** Determine the best method of providing the results information to the city and county.

**Action Item:** Aida requested the Corps dig 100% of all anomalies on all residential property.

### **New Business**

#### **Election of Community Vice Co-Chair:**

Ms. Ellison asked if there were any volunteers to serve as the Community Vice Co-Chair. Ms. Gonzalez volunteered. A motion was made and seconded for Ms. Gonzalez to serve as the Vice Co-Chair. The motion carried unanimously.

RAB Member Attendance:

Ms. Ellison pointed out that three members of the board were removed for missing three meetings in a row, and a fourth person resigned. A motion was made to send letters to members who had 3 unexcused absences. Ron Cumello made the motion, with a second from Mr. Hale.

Now there are four openings on the board. She noted that there are no representatives from Area D, and applications for RAB members will be accepted through October 10, 2008.

To reach quorum, at least 51% of the members (currently at 19) must be present in addition to the government co-chair and either the community co-chair or vice co-chair. While there is no limit on how many are on the board, Ms. Ellison said ideally the board would have between 20 and 25 members.

Meeting Notices

Ms. Ellison explained that currently a notice is placed in a local newspaper (usually the *Orlando Sentinel* and/or the *East Orlando Sun*), a press release is sent to local media outlets, an email is sent to all on the distribution list, and the information is posted on the Corps' website. A community member indicated that his neighborhood association was not aware of the meetings. He is from Area D which will be represented when new board members are added, so the problem will be resolved. The board discussed making sure the meeting is included in neighborhood association newsletters and websites in addition to the use of sandwich boards close to the time of the meetings to remind residents.

**Action Item:** Mr. Thompson requested the Corps look into use of sandwich boards to announce meetings.

Right-of-Entry Forms

Ms. Ellison explained that while many residents have signed a right-of-entry (ROE) form, the Corps' real estate department has been unable to execute them because the forms are not complete. There are blanks on the form in paragraph 4 above the data and signature lines. The blank are for the parcel number and for the physical address. The real estate office prefers to have both lines filled in, but the owner must fill in at least one of them. These blanks are different from the mailing address block under the signature line. If only the mailing address was filled in and neither the parcel number or physical address portion was filled in the ROE is not executable from a legal standpoint.

There was a good deal of discussion about the ROE form and the process. Everyone is frustrated, but the ROE is a legal form that cannot be altered. The real estate office will be sending out additional letters to all those who have not yet executed an ROE shortly. Various methods for acquiring additional ROEs, such as door hangers, notices in utility bills, were discussed. The team will evaluate if additional methods of ROE collection are required following the next mailing from the real estate office.

RI/FS Work Update

John Chulick with Parsons, the contractor performing RI/FS, provided an update on the RI/FS work. Mr. Chulick presented a map showing the properties with executed ROEs. The Board asked is they could receive copies of the map.

**Action Item:** Provide the latest ROE map to RAB members

Mr. Chulick explained what work had been completed in each area and what is planned. He noted that the investigations require several steps including brush clearing in some areas, a geophysical survey, then the suspect anomalies are removed. All of the work at Hidden Oak Elementary School has been completed, and no munitions related items were found. Part of Lee Vista Square has been completed, and nothing has been found thus far. In the wetland between Odyssey Middle School and Tivoli Gardens, three 2.36" rockets with high explosives and one 2.36" inert rocket were found in July. The items were safely removed, but because of standing water, further work has been postponed. The only other munitions related item found thus far is a 20 millimeter practice round located in Area H near 417.

Mr. Chulick noted that 41 soil samples have been collected from areas where munitions or munitions debris was found. The samples are being analyzed for explosives and metals. The

results will be presented in the RI/FS final report. Mr. Cumello asked if mercury has been found. Mr. Curtis stated that mercury is not uncommon, and background sampling will determine what is common for this area in order to evaluate if the samples show elevated levels.

Mr. Cumello asked why sampling has not been done on Mockingbird. Mr. Curtis noted that ROE for the TCRA cannot be used for the RI/FS, and thus far, the owners have not signed one.

Ms. Ellison reminded everyone about the three Rs – Recognize, Retreat and Report. Recognize an item may be dangerous, retreat from the area immediately and report it by calling 9-1-1.

### Risk Management

Mr. Cumello suggested a plan be developed related to risk management including assessing what the risks are and how to mediate them. For example, the technology cannot see under paved areas. Wetlands and conservation areas are also a concern. He also has concerns related to soil and groundwater contamination. Mr. Cumello asked if a subcommittee should be formed to address these concerns.

Ms. Ellison explained the next step of the RI/FS is to analyze the data and make recommendations about what should be done next. That could include how to address the conservation areas. Mr. Chulick said the Feasibility Study will look at all the alternatives to address the situation. Mr. Hossfield underscored that the RI/FS determines the nature and extent of the contamination and makes recommendations for what should be done next, but it does not include the actual remediation process. The cleanup process may go on for several years before it is fully complete. Mr. Chulick pointed out that should an immediate hazard be found, the Corps would consider doing a TCRA.

Mr. Cumello noted that the residents and property owners will continue to face the risk management issues. Mr. Curtis reminded the board that they will review the feasibility study with the proposed alternatives and can make recommendations at that time. The Corps will seek concurrence with the stakeholders before finalizing the recommendations.

The board asked what methods of communication they have in addition to the regular board meetings. The Corps' representatives suggested the board draft a list of their concerns and send it to USACE so they can be fully addressed.

**Action Items:** Request the Army Corps attorney attend the next meeting.

**Action Item:** Ron will send USACE request related to risk management issues.

A resident asked how they would know who was working for the Corps. Mr. Chulick noted that his teams all have both name badges and t-shirts identifying them. Ms. Ellison asked Mr. Chulick to underscore the importance of always wearing their nametags and t-shirts.

Ms. Gonzalez had questions about the verbiage in the sample letters. Mr. Curtis confirmed the appropriate letters would be sent to the residents.

### **Resident Questions and Answers**

**Question:** What percentage of owners in Tivoli Village has signed ROEs? Many of the homes in this area are rented, so going door-to-door will not work.

**Answer:** Mr. Chulick said about 25% of the owners have executed ROEs. The letters have been sent to the owners.

Question: Has the drinking water been tested? Is it safe?

Answer: All the homes in this area receive their drinking water from regulated utilities. The utility companies are required by law to regularly test their water. Their reports are available on the Internet.

Action Item: Provide a link from the USACE Pinecastle website to the appropriate water utility.

Question: If the percentage of owners signing ROEs is low in a given area, will their properties still be investigated?

Answer: All properties with an executed ROE will be investigated regardless of what their neighbors do.

Question: What about soil that was moved around lakes and ponds and possibly relocated? If documentation indicates the soil was moved off of the Range, can those areas be investigated?

Answer: If the area is within the boundaries of Pinecastle Jeep Range, it will be investigated. There are legal issues about going outside of the known boundaries of a FUDS, but if there is evidence of contamination caused by the government outside of the boundaries of the Range, there are mechanisms in place to investigate.

Question: How safe are the residential areas? How much has been investigated?

Answer: Thus far, the percentage investigated is fairly low, approximately 10%.

Next meeting will be held Tuesday, October 28, 2008, at 6:30 p.m.

The meeting adjourned at 10:05 p.m.