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8 Mead Hearing on
9 Date: December 1, 2005
10 Starting time: 7 p.m.
11 Location: Mead, Nebraska
12 Community Meeting Hall
13 Videotaped by John Thomas
14 Court Reporter is Cindy Craig
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GARTH ANDERSON: Appreciate everyone coming out on a cold night tonight. It takes a lot of interest in what's going on at the site to be able to get out of your warm living room.

This Thursday night on NBC I know ER comes on at 9, hopefully we can get everybody out of here by then, but, again, appreciate your coming out and hearing what's going on at the site in Mead.

For those of you that don't know me, I'm Garth Anderson, I'm the project manager for the Army Corps of Engineers and also the RAB co-chair for this meeting.

This is our agenda for tonight. I'll go through some introductions and some administrative items, review the more detailed agenda, then we're going to talk about status update, what's going on in the project since the last time we met, talk a little bit about our long-term site management plan, and then at the end I want to talk a little bit -- a little bit of RAB business about how we can generate some interest in the RAB and how we participate and provide the privacy input that's so important in this project.

First of all, introductions; tonight we have a special guest, our commander, Colonel Rossi.

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He's the commander of the Corps of Engineers district, and, sir, would you like to say anything right now, say hi, or would you like to wait until later in the meeting?

COLONEL ROSSI: I want to thank you for inviting me, and, you know, I'm hear to listen, I mean that's the first piece, I'm hear to listen.

I've actually watched I think the last two of these meetings on tape, I've read the transcripts, I did that pretty much with these guys' aid. Last time -- (inaudible).

Watching these on tapes you don't get an understanding of what's going on and (inaudible) talking about.

So I'm here to watch and learn, to listen and try to (inaudible) communications, communications, folks that are working for me and perhaps -- perhaps you (inaudible).

That's about it, Garth. I'm going to sit back here because I'm going to try to get a perspective from the RAB co-chair, (inaudible). I want to see what she's seeing here from hear.

GARTH ANDERSON: Thank you, sir.

Next slide, please.

First I'd like to introduce some of the

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community members.

LYNN MOORER: Mr. Anderson, may I ask that you slow down when you speak.

GARTH ANDERSON: Not a problem.

LYNN MOORER: Everybody -- I'm Lynn Moorer, M-O-O-R-E-R, and I appreciate your effort with respect to the mikes, but unfortunately mikes don't solve the problem of acoustics, and so if everybody could slow down when they speak that would be helpful, thank you.

GARTH ANDERSON: Everybody.

Okay. What I'd like to do now is introduce the community RAB members that -- we have two members that are very active in the RAB; first, Melissa Konecky, who is our community co-chair. Melissa, if you could stand up so people know who you are; and our other very active -- I call it our family membership, John Wageman, who's a -- where are you, John, and his wife Linda, so thank you for coming out tonight.

We do have other members of the RAB, unfortunately they -- they're -- they haven't been all that active lately, but hopefully we can regenerate some interest in getting them to come to the RABs, that would be nice.

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We have several members of various agencies that support the project and that I'd like to introduce.

First is Scott Marquess from EPA Region 7 from Kansas City, and where's Larry Angle? Larry Angle from the Lower Platte Natural Resources Division. He's been a great friend of the project, helping us to allocate the water that we generate from the site after treatment.

We have several other official members of the RAB but because of the evening meetings a lot of them can't attend the meetings themselves.

Slide, please.

Some administrative items, just so we can make sure we run a good meeting and get all of our questions heard and get them on the transcript, we'd just like to put forth a few of the rules.

Finally, I'm trying like the dickens to get us out of here on time, try to keep things rolling, try to stay on topic, and get the message out, get the information out and get the questions back to us that we need, again, try to stick to the agenda as best we can.

Now, I say please hold your questions until the question and answer period, what I don't

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1 mean is that we're going to wait until the very end
2 of the meeting to ask any questions.
3 What I would like to do though is we have
4 several separate presentations during the meeting,
5 and I would like to allow the speaker to get through
6 their presentation, and then we'll open it up to
7 questions and answers while that particular speaker
8 is still in front of the audience.
9 One thing I'd like to point out is we do
10 have a video transcriptionist. Unfortunately our
11 court reporter is still caught in traffic; is that
12 correct?
13 VIDEOGRAPHER: She's on her way.
14 GARTH ANDERSON: Yeah, she'll be here
15 shortly, but we are getting this on video, and it's
16 a very high quality video, very good video, so that
17 whatever is missed by the court reporter can be
18 taken off of the transcript -- or off the video.
19 But with that, it's very important that
20 people stand up when they have a question, clearly
21 state their name so that it gets on the record, on
22 the transcript.
23 And if you do have a question, Mr. Tom
24 O'Hara, the tall guy in the back, raise your hand
25 there, Tom, he's Mr. Microphone tonight, so if you

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1 have a question, raise your hand, stand up,
2 whatever, and Tom will bring you the microphone so
3 that we make sure everyone hears the questions.
4 Let's keep it -- keep it nice, we'll maybe
5 even have some fun tonight.
6 Again, our video crew, if he misses
7 something, if he misses a name or if people start
8 stepping on one another, he's got the hammer to hit
9 any one of us, probably me foremost, to stop us and
10 make us state our name, or to stop talking so others
11 can be heard, so you have permission to throw stuff
12 at me as well, make sure everyone gets a chance to
13 speak.
14 Slide.
15 While we've already alluded that the
16 meetings are being recorded so you'll be
17 memorialized for life, gives you a good alibi if you
18 need one for tonight too. You'll at least be on
19 record that shows you were right here between 7 and
20 9 o'clock.
21 I think we already covered most of this.
22 Slide.
23 We do have a mailing list. It's very
24 important for those of you that want information
25 about the site or to receive notifications of the

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1 meetings, to get on the mailing list at the back of
2 the room or you can sign one of these at the ends of
3 each table.
4 One thing I do need to -- the sign-in
5 list, if you're a little skiddish about giving your
6 information out, it -- they can be part of the
7 public record, which means they could be available
8 to other people if they -- if they go to one of the
9 agencies and request it, so I can't guarantee it's
10 completely private. Obviously I won't give it to a
11 telemarketer, I promise you that.
12 We do have a project web site, it's always
13 a work in progress. We had a little bit of a rough
14 start, but I think it's getting better.
15 We have a lot of information posted on
16 this web site that should be very useful to
17 everyone; things such as sampling results, a current
18 site map, we have records of previous RABs; if you
19 want to look at the transcript or you want a copy of
20 the slides that were presented at a meeting, they
21 are posted there.
22 Now, this is important: We're trying to
23 get more and more into the realm of e-mail and
24 internet, so if you're an e-mail type if on one of
25 these mailing lists, if you could always write in

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1 your e-mail address, we would like to create an
2 e-mail distribution list so we can send you the
3 notifications and information or to contact you for
4 other reasons.
5 Slide.
6 Okay. Let's talk a little bit about the
7 agenda. Again, I -- we're going to do a status
8 update, some of the site activities that have gone
9 on since the last meeting, talk about the site
10 management plan and some RAB issues.
11 Yes, question in the back.
12 MELISSA KONECKY: I do have something --
13 GARTH ANDERSON: State your name.
14 MELISSA KONECKY: -- on the status update.
15 I'm Melissa Konecky, I'm the co-chair.
16 I just wanted to say that there has been
17 actually two new developments since the last RAB
18 meeting.
19 The first is that the Kansas City Corps
20 has said they're not necessarily going to answer
21 that whole backlog of about 250 questions or so; and
22 the second is that the Corps now says that only
23 those questions that make it onto a much smaller
24 condensed list that the Corps will compile at the
25 end of each RAB meeting will be answered.

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1 And so what is -- what that's saying is
2 that the Corps now wants us, like the public, to
3 take the responsibility to make sure that our
4 questions are on the list, so I just want to say
5 that I'm rejecting this idea, and here's why it's
6 such a big deal.
7 RAB Guidance, which is this document here,
8 states that it's the responsibility of the Corps to
9 ensure that community concerns related to
10 restoration are addressed when raised.
11 It also says that the Corps has a
12 responsibility to ensure that the RAB has the
13 opportunity to participate in the restoration
14 decision-making process.
15 But that guidance does not say that the
16 Corps can limit the questions that are answered or
17 only address a limited number of the concerns that
18 are raised.
19 Not answering all of the questions
20 undercuts the citizens' ability to participate in
21 the restoration process, and the people that live
22 near the Super Fund Site have a lot to lose if all
23 their questions aren't answered.
24 So here are some of the unanswered
25 questions that we've been asking about. There's a

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1 budget discrepancy of at least $10 million according
2 to the Corps' own document regarding what it's spent
3 on the Super Fund Site in the last ten years.
4 And at the May 2004 meeting Mary Lyle said
5 we'd have an explanation at the next meeting, but we
6 never did, and that's been a year and a half ago.
7 Then at the August 2004 RAB meeting
8 someone asked what the time frame was for the
9 movement of the contamination to the east as shown
10 on the model that Mr. DeAngelis did for the Corps,
11 and that's never been answered.
12 At the November 2004 meeting someone asked
13 about the cost differential between air stripping
14 and carbon filtration near EW-11, and we still don't
15 know the answer to that, and, you know, these are
16 kind of important questions.
17 So after I brought this to the attention
18 of Corps officials, Dwight Baranek, who is the
19 deputy director of military programs in
20 Washington DC, replied in this letter of July 8th,
21 that he had requested the Kansas City Corps to, you
22 know, provide all the information requested, but
23 that hasn't happened yet.
24 And at the last RAB meeting in August,
25 Natalae Tillman admitted that the Corps hadn't

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1 answered all the questions from the last three RAB
2 meetings, but according to your letter to me dated
3 October 3rd, you say that you thought, you know,
4 they were all pretty much answered.
5 The RAB needs to have a free and open
6 forum for having questions answered about this very
7 important problem of contamination and not have any
8 questions just buried or forgotten, and to attempt
9 to force individuals to make sure their question is
10 included on the Corps' incomplete list is
11 unacceptable.
12 It violates RAB Guidance, it violates the
13 numerous specific promises made by Corps personnel
14 at previous meetings that all of the questions would
15 be answered, and it will ensure that the RAB will
16 not be able to do its job, which is to have genuine
17 participation in restoration decision making.
18 As I have in numerous letters and e-mails
19 to Corps personnel over the last year, I ask again
20 that the Kansas City Corps personnel comply fully
21 with RAB Guidance, and keep its previous promises to
22 answer all the questions asked.
23 And I also ask again that they be answered
24 in a timely fashion as required by RAB Guidance, not
25 months or years later, otherwise the public is

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1 shortchanged by the Kansas City Corps.
2 GARTH ANDERSON: Thank you.
3 LYNN MOORER: Mr. Anderson, I want to also
4 provide some legal perspective to -- that supports
5 what RAB Co-chair Konecky has just stated.
6 First of all, the RAB Guidance indicates,
7 among other things, that any operating procedures
8 are properly adopted by the RAB as a whole.
9 So with respect, Mr. Anderson, the Corps
10 is not authorized to be imposing any kind of ground
11 rules on this RAB in any fashion, whether it's to
12 say these are the rules for this meeting, as you
13 have been doing regularly at the previous meetings,
14 you're saying these are the ground rules; well,
15 these are not ground rules that have been adopted by
16 the RAB.
17 But the thing that Ms. Konecky was just
18 mentioning, this now new requirement that you're
19 trying to impose unilaterally saying the only
20 questions we're going to ask -- answer are the ones
21 that make their way on that list, and then it's the
22 person's responsibility, the questioner's
23 responsibility, to make sure their question is on
24 there; that is not a rule that the Corps has the
25 authority according to RAB Guidance to impose

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1 unilaterally.
2 No. 2, let me mention you have been
3 calling these questions like, for example, what
4 you've got posted on your web site now, you're
5 calling them consensus questions from the last
6 meeting; I need to point out that according to
7 RAB Guidance clearly this RAB does not operate by
8 consensus.
9 Each member of the RAB provides individual
10 advice, but this is not a decision-making body,
11 there is no such thing as consensus according to the
12 format that RAB Guidance has outlined for us.
13 So it's quite ironic, you're attempting to
14 call these questions consensus questions. No, they
15 aren't consensus questions; they're individual
16 questions, and all individual questions should be
17 answered.
18 Third, RAB Guidance doesn't give you the
19 ability to pick and choose which questions you're
20 going to answer. As a matter of fact, back in 1997,
21 when this particular RAB first officially got itself
22 put together, you even admitted, Mr. Anderson, that
23 you had a responsibility to provide all information
24 as requested, all right?
25 GARTH ANDERSON: Uh-huh.

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1 LYNN MOORER: So I urge you to cease and
2 desist in this effort to limit the questions that
3 the public puts to you and to try to limit your
4 responsibility.
5 You do have a responsibility both with
6 respect to RAB Guidance for answering all previously
7 asked questions that haven't yet been answered, and
8 No. 2, even if RAB Guidance didn't provide this,
9 there have been numerous promises, most of you guys
10 can remember how many promises Richard McCollum made
11 to us in the November 2004 meeting, the
12 February 2005 meeting. He promised countless times
13 as documented on these videotapes, that all of your
14 questions would be answered, all of them.
15 So please do not attempt to stop the
16 questioning process, don't attempt to limit your
17 responsibility, and I also suggest to you all folks
18 that I've seen this tactic attempt to be used in
19 other locations when the folks are trying to waste
20 time, trying to stop down the flow of -- of the --
21 of information exchange in a meeting, and to get
22 folks diverted off of what the main point is.
23 So I would like to urge you not to allow
24 yourself to be co-opted into somehow thinking that
25 if you don't get your question on the list you don't

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1 deserve to have an answer, that's not true.
2 For heaven's sake, you've got a good
3 professional videographer here, you're going to have
4 a court reporter here, you've got all kinds of
5 people taking notes; if they can't manage to get
6 down people's questions then we're all sunk.
7 I think if you guys really intended to
8 answer the questions you would have no difficulty
9 doing it, and you don't need to have us waste our
10 time to say, now, I want you to write it down this
11 way, as you've been attempting to force us to do in
12 the last couple of meetings.
13 Thank you.
14 LINDA WAGEMAN: My name is Linda Wageman.
15 I agree with what she said as far as
16 getting the questions and getting them correctly, so
17 I'm going to start right now with correcting
18 Question No. 3.
19 Explain budget discrepancy of $2 million;
20 it's not $2 million, it's $11 million, and I asked
21 that question last May; I still have yet to have an
22 answer.
23 NEW SPEAKER: Ms. Wageman, what
24 $11 million discrepancy, from documents provided by
25 the Corps or where?

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1 LINDA WAGEMAN: That is correct, that is
2 correct, and when you go back to the questions that
3 we've asked, there are multiple questions and
4 follow-up questions directly pertaining to No. 3;
5 that, and then there was also a letter sent to
6 Strock in Washington DC -- Strauf, whatever, I
7 apologize, regarding that very same issue, so it's
8 very easy to find.
9 But I -- June 2005.
10 I have to reiterate what these two ladies
11 are saying, you know, I don't think that RAB
12 personnel really understand how hard it is for these
13 folks here to come and to listen, let alone to
14 speak, and when these individuals actually get up
15 and they talk and they have questions, you need to
16 answer them. You need to answer all of them and you
17 need to answer all of them promptly --
18 GARTH ANDERSON: Yes.
19 LINDA WAGEMAN: -- and that's not
20 happening.
21 My big concern here, Garth, is a letter
22 that you had sent to Melissa, and I can't remember
23 the date, it was this fall or last month, and the
24 8th comes up in my head, where you had mentioned
25 that, A, that you thought all the questions were

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1 answered, which they're not, and I've had multiple
2 conversations, and, you know, I'm not going to go
3 around that bend again.
4 But the statement that concerned me
5 greatly was you said, we will go ahead and answer
6 the questions that we deem practicable; in other
7 words, the questions that you choose to answer are
8 the ones that you're going to answer, and to hell
9 with the rest of the questions.
10 I'm here -- well, I'm here to tell you,
11 either you answer them, Rossi answers them or
12 Washington answers them, because these people have a
13 right to get their questions answered, and something
14 tells me that this RAB needs to come up with a
15 deadline in order to make sure that all of those
16 questions are, and the questions that were addressed
17 in the past need to be readdressed because some of
18 the responses -- a majority of the responses that we
19 have received from the Corps were simply not
20 acceptable, and anyone with a baseline of this
21 NOP can recognize that.
22 GARTH ANDERSON: Well, thank you for your
23 initial comments on this, and I'll see if I can
24 address the questions here on the spot.
25 First of all, couldn't agree with you more

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1 that we have an obligation to answer questions as
2 promptly and as accurately as we can, no question
3 about it. The --
4 LYNN MOORER: All questions?
5 GARTH ANDERSON: All questions as quickly
6 and accurately as possible.
7 Now, during the course of this meeting we
8 will be asked many questions, no doubt about it, and
9 we hope we have the tools here to be able to answer
10 those accurately.
11 For instance, Mr. Brady Bigelow from ECC,
12 sitting behind the computer with the database, and
13 that's a great tool for us to be able to answer
14 questions about data that has been collected over
15 the years.
16 He'll be able to query the database and
17 get us an answer by the end of the -- end of the
18 evening on that.
19 We have other folks that are knowledgable
20 about things on the site, and while we're up here we
21 will do our best to answer those questions.
22 What I would like to point out is what we
23 are attempting to do with -- we'll call them
24 consensus questions, perhaps we should we call them
25 something else, what we were trying to do is that

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1 during the course of the evening we may not answer
2 your question, and I won't know if I've answered
3 your question unless you tell me.
4 So when I say it is the responsibility of
5 everyone out here to make sure that your question
6 gets answered--just a minute--that if I haven't
7 given you a satisfactory answer, if one of the staff
8 here has not given you a satisfactory answer
9 verbally or through the database, then we may have
10 to go back and do some additional research to find
11 the correct answer.
12 And that's the purpose of this particular
13 list, so that we know that the question is
14 accurately captured, the question is the one that
15 you want asked, it's specific, and we want to make
16 sure that it's accurate and that we're answering the
17 right question.
18 But if -- so if you don't feel your
19 question has been adequately answered, please, we'd
20 like to get it on this list so we can take it and go
21 back and answer the mail.
22 LINDA WAGEMAN: Question.
23 GARTH ANDERSON: Yes.
24 VIDEOGRAPHER: Name, please.
25 LINDA WAGEMAN: As soon as I get the mike

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1 you'll get the name. The name is Linda again.
2 Those three questions that we have on the
3 computer right now, does anyone know the answer to
4 those questions off the top of their head from the
5 Corps?
6 GARTH ANDERSON: Actually No. 3, I
7 actually brought some stuff that I'd like to sit
8 down with you maybe at the end of the meeting to
9 explain the budget discrepancy.
10 LINDA WAGEMAN: What about No. 2 and
11 No. 1?
12 GARTH ANDERSON: Well, unfortunately I was
13 not at the meeting when No. 2 was originally asked.
14 I'm not clear of the -- of what that question is
15 actually asking.
16 LINDA WAGEMAN: Do you realize that all
17 three of those questions are old questions?
18 GARTH ANDERSON: We do.
19 LINDA WAGEMAN: Okay. Why are they back
20 up on the screen? If we're going to go through
21 this -- we're going through a song and dance here,
22 we're dancing around the May Pole.
23 Now, what's going to -- I'm going to tell
24 you right now, I'm going to be a soothsayer here,
25 and I don't mean to be disrespectful, this was not

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what I wanted to do, but the reality is what it is: Those questions have been answered (sic) before. How do I know this? I read them. And they have not been answered and they're not going to be and this time they're not going to be.

The only thing that varies is specifically how they're phrased, so basically what the Corps is doing is they're compounding this -- this issue that they have with their inability to answer these questions.

It's getting worse and worse and worse and worse. You're not going to be able to do it, those are old questions. I don't even know why we're reinventing the wheel.

Somebody from the Corps should have caught that; I want to know why a nobody sitting in the back row did.

And also, Garth, in regards to the $11 million question --

GARTH ANDERSON: Yes.

LINDA WAGEMAN: -- that is public knowledge and the entire public wants to know, I can tell you, of a gentleman and his wife in the back row who were all over the Corps like white on rice wanting to know about that $11 million discrepancy,

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so when you meet with me you're going to have to meet with the entire RAB and provide copies to everybody.

GARTH ANDERSON: Well, whoever wants to stick around and hear that, I'm more than happy to explain to whoever wishes to do that.

We have -- I have some information that I can provide you that shows what the discrepancy was all about. It doesn't have anything to do with missing money; it's just a difference in how the money was counted, and I think we can give you a good answer on that.

LYNN MOORER: Mr. Anderson, it's Lynn Moorer again, I respectfully request that you and your Corps colleagues set aside any idea that you can share information individually with some people and not share it with everybody in some sort of exclusive little conversations.

Ms. Tillman has attempted to use that tactic previously. RAB Co-chair Konecky has asked several times, please do not attempt to do that; we all want to know, we all want to get the same answer to the question.

These are questions that people have asked in repeated different meetings, so it's not fair for

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you to say, oh, I will choose to give you the answer in a little private thing; please don't try that. Please just give everybody the answer, whatever information you have to share, share it with all of us.

GARTH ANDERSON: That's fine. Okay.

LYNN MOORER: Thank you.

GARTH ANDERSON: That being said, we'll go ahead and move on with the actual agenda.

Slide please.

What I'd like to do now is turn the microphone over to Mr. Jason Leibbert who is going to give everyone a status update on things that have gone on since the last RAB.

Talking about Load Line 1, some of our geoprobe work, some comments from -- given to us by Saunders County, and the ground watering monitoring results.

JASON LEIBBERT: Okay. My name is Jason Leibbert. If you've been to one of these meetings before you've seen me talk.

You probably remember we have a new pump and treat system being installed this year.

LYNN MOORER: Lynn Moorer again asking you to speak up and speak a little more slowly, okay.

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You're very difficult to hear in the back of the room, thank you.

JASON LEIBBERT: Okay. So this system consists of two new extraction wells, and those are Extraction Wells 12 and 13, and if you have one of the handouts on your -- or one of the handouts that's the map, those two wells are located down here, and this system consists of air stripping, and that's the process that treats the contaminated ground water, and there's 24 new monitoring wells that are installed that go along where that system, that's what we use -- or will use to monitor the performance of that system, to make sure it's working properly, and that's in progress right now.

The treatment building, the shell of the building is complete and the interior work is going on right now.

The treatment system equipment, the air stripper and the controls and the piping inside the building will be installed in December, and in December we'll start testing the equipment to make sure it's all functioning properly, and then the goal is to have normal operations starting in March of 2006.

So between December, January to March of

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1 2006 we'll be testing this system to make sure it
2 functions, and then we'll give the keys to our
3 operators and then they'll continue to operate this
4 system in the future.
5 We have a couple of photos; they're not
6 the best, they don't show exactly everything that's
7 going on, but it's a few photos from the
8 construction.
9 The water from 12 and 13 goes through an
10 underground pipeline, then it goes into the
11 treatment building where it's treated, and then the
12 clean water exits the building through another
13 underground pipeline, so this is a picture of the
14 pipeline being trenched into the ground, and a valve
15 being installed, and another shot of the pipeline
16 trench going in.
17 Next.
18 The building foundation under
19 construction, if anyone's driven by recently you'll
20 know that this is about a month old or so, the
21 building is up now.
22 Next.
23 The structure skeleton of the building
24 going up. I think that's the last one.
25 So it's not the most dynamic site to look

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1 at. When you go out now there's just a building out
2 there, and that's about all you can see.
3 Like I said, remaining work is to complete
4 the interior work inside the building, install the
5 treatment equipment, and do the testing to make sure
6 it's functional, and then turn the keys over to the
7 operators, and, again, the goal is to have that
8 fully operational by March of 2006.
9 Next.
10 One of the other thing that's a new since
11 the last RAB --
12 LYNN MOORER: May I ask about Load Line 1,
13 or do you want to talk about it? Lynn Moorer.
14 I'm looking at a project manager meeting
15 agenda for November 8 that indicates among the
16 issues it talks about the Load Line 1 plume
17 containment, and it lists as an action, Load Line 1
18 treatment system construction complete by
19 March 2007; what's going on there?
20 JASON LEIBBERT: That's a typo.
21 LYNN MOORER: All right. So it is -- it
22 really should say 2006?
23 JASON LEIBBERT: Yes?
24 LYNN MOORER: Is that what you mean?
25 JASON LEIBBERT: Yes.

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1 LYNN MOORER: All right. So this is what
2 you've given us for our slide is all up to date,
3 current information with respect to Load Line 1?
4 JASON LEIBBERT: Yes.
5 LYNN MOORER: All right. Thank you.
6 LINDA WAGEMAN: Linda again.
7 I'm curious with Monitoring Wells 12
8 and -- or excuse me, Extraction Wells 12 and 13
9 going in, I'm going to be the first person to
10 utilize that gentleman's database over there, and if
11 someone could please give me some test results from
12 Monitoring Wells 79, 80, 81 and 61 over the past
13 year, please, and let me know what screens were
14 tested and what the results were, because as I
15 mentioned last -- I think it was last February, my
16 concern is that perhaps Monitoring Well 12 and 13
17 might be a bit too north, and I'm -- so I'm kind of
18 curious as to what those results are showing.
19 NEW SPEAKER: Could you please give us the
20 numbers again, please?
21 LINDA WAGEMAN: Sure 79, 80, 81 and 61.
22 JASON LEIBBERT: Got it.
23 LINDA WAGEMAN: 61 is a warm fuzzy since
24 that's off to the west.
25 LORUS LEUTKENHAUS: Lorus Leutkenhaus.

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1 Do you now have performance criteria for
2 Load Line 1 remedial design?
3 JASON LEIBBERT: Well, I think I know what
4 you're referring to. We have a treatment criteria,
5 we have a permit issued by the State of Nebraska
6 that defines the treatment standards that this plant
7 has to meet, so we know what those are, yes.
8 LORUS LEUTKENHAUS: Thank you.
9 LYNN MOORER: Could you please provide
10 that documentation as to what the performance
11 criteria are that you say that you've been provided?
12 Lynn Moorer again, I apologize.
13 JASON LEIBBERT: Well, okay, I mean we
14 have the permit. The permit's very clear in what
15 the treatment standards are, and this is the same
16 permit that we've had in effect for the main
17 treatment plant and it's the same treatment
18 standards for that.
19 LYNN MOORER: My question is very simple,
20 I'm asking for the documentation, would you please
21 provide that?
22 JASON LEIBBERT: (Speaker nods head.)
23 LYNN MOORER: Thank you. He's nodding his
24 head for the record.
25 JASON LEIBBERT: Yes.

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1 LYNN MOORER: When will you provide that,
2 Mr. Leibbert?
3 JASON LEIBBERT: Well, we answer these
4 questions, we try to get them as out as soon as
5 possible and we'll include it when we do that, it'll
6 be part of this set.
7 LYNN MOORER: When will you provide this
8 documentation, Mr. Leibbert?
9 NEW SPEAKER: Within 30 days.
10 JASON LEIBBERT: Yeah, we usually do
11 better than that.
12 LYNN MOORER: Speak into the mike, please,
13 so the court reporter can get you.
14 JASON LEIBBERT: So usually after these
15 RABs when we take these questions down, we usually
16 provide responses in less than 30 days, so that's
17 the same measure that we'll use this time, so
18 30 days from now we should have answers to these
19 questions available.
20 LYNN MOORER: I'm not sure that's
21 reasonable in terms of a timely fashion, but I will
22 not pursue that issue anymore at this particular
23 time; I'll probably pick it up again later.
24 JASON LEIBBERT: Okay. Good. So this is
25 another new piece of work that we've completed since

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1 the last RAB, and we call this Geoprobe
2 Investigation, and what that is is we use a sampling
3 device called a geoprobe rig, and that's how we
4 collect samples from the subsurface.
5 It pushes a collection -- a sampling
6 device down into the ground, and we can collect
7 samples from ten feet below ground, fifty feet below
8 ground, eighty feet below ground, and that's -- and
9 then we send those samples to the lab to be
10 analyzed.
11 So we have this investigation broken into
12 two phases. We've completed Phase 1 just recently,
13 and Phase 2 is scheduled for next spring,
14 tentatively around March, so we can get the work
15 done before planting season.
16 And the purpose of these investigations,
17 the purpose of Phase 1 was to do some additional
18 work around Monitoring Well 85.
19 If you've been to these meetings before
20 you may remember that Monitoring Well 85 had an
21 usual result last December, and since then we've
22 been continuing to do more work and more sampling
23 around that area to try to confirm those readings
24 that we found last year.
25 And then this year with Phase 1 we also

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1 did some additional work along here on the eastern
2 side of the plume. We tried to provide better
3 definition for the plume boundary in this area from
4 about here down to here, and, again, this is just
5 Step 1.
6 Step 2 we'll do next spring, and we'll do
7 more work in this area to confirm our findings.
8 So what we did --
9 LINDA WAGEMAN: Sorry, Jason, this is
10 Linda again.
11 I just wanted to remind you guys in case
12 you had forgotten, I think, you know, it's a good
13 thing that you're doing the test on the east, which
14 is wonderful, but MUD does plan to build a well
15 field and they've moved three of their wells further
16 north, which means you're going to have to move your
17 test results further north because, again, you're
18 not going to be able to establish a baseline, and
19 the KC Corps is going to be completely screwed over,
20 let alone the residents, if you cannot tell people
21 absolutely where your plume is.
22 JASON LEIBBERT: Right, I remember that
23 comment from last time, Linda, and Phase 2 next
24 spring can include work up here. This was what we
25 did last month basically from here to here, and next

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1 spring we can go further up this way, we can do more
2 in here, we can do more down here.
3 That's yet to be determined based on what
4 we find here and based on input from the regulators,
5 but I remember that comment from last time and we do
6 intend to do some up here, so if I -- if I motion
7 like this, that doesn't mean we're ignoring or
8 neglecting this part up here.
9 LINDA WAGEMAN: Well, I saw your hand go
10 right to the NRD reservoir where it stopped and then
11 you moved down, and with those three additional
12 wells going further north we've got to get out of
13 the '97 ROD and into the 21st century if you plan to
14 protect the people, and that's all I'm saying.
15 JASON LEIBBERT: Well, and like I said, I
16 do remember that comment you made last time, and
17 this -- we're not ignoring this part; we'll do work
18 up here as well as down here, it'll be complete.
19 LINDA WAGEMAN: Now, given the fact that
20 they plan to pump in 2008, are you going to have
21 enough baseline test results to be able to
22 solidify --
23 JASON LEIBBERT: That's a very good
24 question.
25 LINDA WAGEMAN: -- specifically where that

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is at what point in time of the year at varying screen levels and varying areas?

JASON LEIBBERT: Yes.

LINDA WAGEMAN: I like yes.

JASON LEIBBERT: Every sample we do and --

LINDA WAGEMAN: Let's go further north, I like north, see, because there's my house. My house is north.

JASON LEIBBERT: The other map actually had the sampling locations on it. Every sample we do we collect samples from three different depth intervals, so a shallow sample, a middle sample, and then a deep sample, to try to cover that vertical range because you're exactly right, the vertical opening extent of contamination is just as important as the horizontal extent of the contamination, so we do take the vertical dimension into account.

LINDA WAGEMAN: The time of year? Because we all know, I mean, we've been staring at these test results since 1993, and we know quarterly, you know, the way, you know, the ebb and the flow of this whole thing, and that greatly affects what's going on where.

JASON LEIBBERT: So the way we address that is a geoprobe sample is kind of a one-time

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thing. You go to this exact location, you go down to the depths you want and you collect your sample.

The way we account for seasonal effects is the permanent monitoring wells that we have. Granted I know we don't have any up here. The permanent monitoring wells we have here, we do sample more than just once a year.

So those two pieces of information combined help us cover the entire range over the whole year, so we do try to take seasonal effects into account.

And then the last question about, you know, MUD in 2008 and where are you -- are you going to be ready, our plan is, yes, we're going to be ready.

In the year 2006 we're scheduled to install about a hundred new monitoring wells. The exact location is yet to be determined.

It kind of depends on the results of this Round 2 investigation, that'll help us decide where to put those hundred new monitoring wells, and we'll do that in 2006 so we can sample them all yearlong during 2007, so then in 2008 we will have that baseline established and we will have something to measure from and be able to see any effects from

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MUD.

So going back to this first phase of investigation, over 300 samples collected, a hundred different locations, because we're working in this area over here, we're no longer on the university property.

CHRIS FUNK: At whose cost is the additional monitoring wells?

JASON LEIBBERT: Right now we're going to pay for them ourselves, and, you know, you've read the permit I'm sure, and the permit says that MUD is supposed to pay for monitoring wells.

I don't know where those discussions are going to lead, but we're not going to wait around for that. We're going to install these wells ourselves, and, you know, include EPA and the State of Nebraska on those discussions on where those wells should be.

SCOTT MARQUESS: Jason, I'm Scott Marquess with EPA. I'll just add that the geoprobe work that they've just completed that they don't have all the data compiled yet and the geoprobe work that's planned for the spring and the associated monitoring well is exactly what needs to happen to help draw the line so that they're not fuzzy lines but they're

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solid lines, and we'll have the data to support what the definition is of the exterior part, the edge -- the outside boundary of the plume, so you should be very comfortable that that kind of data is being gathered and it's the right thing and it's right what we need on the project.

JASON LEIBBERT: I've wanted to acknowledge members of the community because we're working over here, we're not out on university property anymore. Almost everything we do is on someone's privately owned land, and -- which requires us to get an access agreement with that landowner, and I know that's sometimes a difficult or confusing process with the paperwork that we have to do to get permission to collect samples from your property, but I do want to acknowledge that, that is very helpful for the project and it is useful information for us now and in the future.

So what we did is we collected samples kind of in straight lines, straight lines going across the plume like this, and then a few that run north/south, and then a few that run east/west, and we collect samples approximately every 500 feet and then again at three different depth intervals there, and then this work was completed mostly during

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1 October and then it was finally finished on
2 November 4th.
3 Scott mentioned that -- I haven't said it
4 yet, but we just got our last few pieces of
5 information from the lab yesterday so when we're
6 talking about the results here, it's a little bit
7 preliminary.
8 We haven't had the complete data set for
9 very long, but this is kind of the -- to the best of
10 our knowledge right now what we have.
11 So the results of this so far is that all
12 of the work that we did down here and down here and
13 a little bit over here on the southern side is that
14 all those results were either nondetect or below
15 action level, so that tells us that on this side we
16 don't have any contamination further south than what
17 we understand it to be.
18 LINDA WAGEMAN: It's Linda again.
19 You know how I hate the phrase below
20 action level, I can't stand it. The people here
21 aren't remotely interested in below action level.
22 They're interested in the variance, so,
23 for instance, if, you know, two parts per billion is
24 your action level, and before you had .8 and then
25 the following quarter you have 1.3, and then the

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1 following quarter you have 1.8, you're still below
2 action level, but you've got a great deal of
3 variance, certainly not in the favor of the
4 residents, definitely not in the favor of the Corps,
5 so that statement, all results are nondetect or
6 below action level, is positively misleading.
7 I would be very interested in knowing and
8 I think the people need to know because that's where
9 the people are here. The two dimensional statements
10 that are providing, oh, everything is fine, have a
11 cookie, which by the way is great, but they don't
12 work anymore, and you know that, they don't. We
13 want to know the variance. I -- we need to know the
14 variance, that's where we're at with Johnson Creek
15 and Silver Creek and all of this.
16 Your sampling results in the southern
17 perimeter are certainly no different, if anything
18 they're more escalated because we've got the city of
19 Ashland and we've got the Lincoln water system,
20 we've got a boatload of people in the town of
21 Memphis, we've got bodies we're trying to protect
22 here, so we're not remotely interested in below
23 action level.
24 JASON LEIBBERT: Well, and we don't ignore
25 results that are nondetect or below action level.

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1 Those are important pieces of information, and the
2 example that you just gave, the action level is 2,
3 so we have a result of .8 this time and the next
4 time it's 1.2 and the next time it's 1.7; all of
5 those are below the action level, which has been
6 determined to be the safe level, so --
7 LINDA WAGEMAN: For adults of average age,
8 between the ages of, what is it, 29 and 45. I have
9 a pair of three-year-old twins, that's not safe for
10 them, so -- and for people with heart problems or
11 respiratory problems or things of that nature, it
12 may not be safe for them either.
13 That's why for us as a community we need
14 to know what the variance levels are, and the --
15 JASON LEIBBERT: Well, and that's what I
16 was going to say, that we look at that data as well
17 because we look for increasing trends.
18 If we see something that's down here and
19 then it's up here and then it's up here and then
20 it's up here, that -- we pay attention to that as
21 well because that may be an indication that there's
22 something not right, that there's --
23 LINDA WAGEMAN: For multiple, multiple
24 RABs, Jason, I've heard when I brought exactly what
25 you're saying to your attention, I received way too

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1 many responses such as this: I don't know, that's a
2 good question, let's write it down; those have
3 been my -- that -- those have been my responses.
4 You know, case in point, Johnson Creek, we
5 talked about the variance levels there, and the
6 people here once again, all over the Corps like
7 white on rice, test it, test it, test it, test it
8 further out, test it further north, test it further
9 south; we want to know specifically what's going on.
10 Jason, don't tell me this stuff, show me
11 the results. This statement, if a new person came
12 in -- and we have new people here tonight, if they
13 saw that, they would walk away and say, oh,
14 everything's fine, okay.
15 Everything is not fine, people live here,
16 their health is at risk. Quite frankly this is a
17 project to you, you guys don't even live in the same
18 state, you don't even pay the state taxes, we do, so
19 show us respect and give us the numbers that we
20 want. Sorry, I'm so -- I'm so adamant about it, but
21 you know how am I about this stuff.
22 JASON LEIBBERT: It's a little -- I don't
23 want to dismiss it, but we post all of the
24 analytical data that we get on the web site after
25 it's completed the review process, and that's

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1 something that we've started to do.
2 Every quarter we generate a -- it's called
3 a quarterly data summary report, and we've started
4 putting those on the web sites, so as soon as those
5 things are done and ready to be released we do that.
6 LINDA WAGEMAN: There are -- believe it or
7 not though, there are a lot of people that don't run
8 on the web out here. This is not -- this is not
9 Kansas City central. This is Mead, Nebraska,
10 it's -- there's still a lot of people that don't run
11 the internet.
12 JASON LEIBBERT: Okay. Well, now, that's
13 a good comment because we have been kind of
14 discussing that internally. It's -- obviously we
15 can put things on the web site in a matter of
16 minutes whereas it's not so easy for us to put
17 something in the library.
18 The library is not going away, we'll
19 continue to put documents in the library, but it's
20 most expedient for us to put it on the web site.
21 Stuff will come into the library, but
22 it'll be a little bit slower, it'll lag behind what
23 we can post on the web, and we know that. We try to
24 put everything in the library as soon as --
25 LINDA WAGEMAN: And we can't take any of

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1 it out.
2 TOM O'HARA: I'm going to ask again,
3 please wait until I get the microphone to you. A
4 lot of times we get multiple hands up; we're trying
5 to give everyone a chance to talk.
6 If I see your hand up I will get back to
7 you, but so you're recorded and so everyone has a
8 chance to ask their question, please wait until I
9 get the microphone to you, and I apologize if I miss
10 any hands.
11 LORUS LEUTKENHAUS: Sir -- Lorus
12 Leutkenhaus.
13 Do you test for perchlorate in all these
14 places?
15 JASON LEIBBERT: No.
16 LORUS LEUTKENHAUS: Well, first of all,
17 we'll tell the people what it is, all right, being
18 you have it.
19 It's a chemical used in munitions called
20 perchlorate. It's known to inhibit production of
21 thyroid hormone, which children need for brain
22 development.
23 Now, we're not the first place to go
24 through this, all right. It's common knowledge and
25 yet you're telling -- if there's anybody new here

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1 tonight they're thinking, man, things are just
2 hunky-dory, but you've got a dangerous chemical
3 here, you know it's here, how many load lines is it
4 on?
5 JASON LEIBBERT: Well, this is where we
6 need to talk about the history of the Mead site.
7 LORUS LEUTKENHAUS: I'll tell you, it's
8 four, okay. It's on all four load lines. It's
9 already been found, and you're not even testing for
10 it, okay.
11 Now, in California -- now, let me tell you
12 what -- somebody else did this, thinking a little
13 clearer than maybe -- we got a little fog in here
14 tonight I think, this happened in California, they
15 had perchlorate in their water, and the conclusion
16 of the city leaders was that they -- any amount of
17 perchlorate piped into homes was not acceptable.
18 But here you're telling us you're not even
19 testing for it, but it's acceptable; that doesn't
20 fly.
21 JASON LEIBBERT: Well, you're not -- I
22 need to correct a few things that you just said,
23 Lorus.
24 LORUS LEUTKENHAUS: Okay.
25 JASON LEIBBERT: The operations here at

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1 the former ordinance plant did not include the use
2 of perchlorate. When these load lines were in
3 operation perchlorate was not part of the mix for
4 those explosives, munitions, rocket motors,
5 et cetera. Perchlorate was not one of the
6 ingredients used here.
7 Now, there was a fireworks factory, and
8 I'm not sure of the exact location.
9 NEW SPEAKER: (Inaudible comment.)
10 JASON LEIBBERT: Right here.
11 Perchlorate is a component in fireworks,
12 so that's not related to the DOD operations that
13 went on here, and that's why we're not responsible
14 for that.
15 LORUS LEUTKENHAUS: Oh, we're back to
16 you're only responsible for seven chemicals again;
17 is that correct?
18 JASON LEIBBERT: Well, the same way we're
19 not responsible for atrazine, we're not responsible
20 for gasoline that may be in the water. We're not
21 responsible for a lot of things. We're not
22 responsible for bacteria that may make the water --
23 LORUS LEUTKENHAUS: How many chemicals are
24 you responsible for?
25 JASON LEIBBERT: Well, there's seven

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1 compounds defined in the ROD that have been
2 determined to be DOD responsibility and pose a
3 potential health threat, and that's what we're here
4 to clean up.
5 LORUS LEUTKENHAUS: And you have been told
6 time and time again, I've heard it right here, that
7 you are responsible not only for those seven, but
8 for additional chemicals.
9 JASON LEIBBERT: We're responsible --
10 LORUS LEUTKENHAUS: Don't try and give --
11 JASON LEIBBERT: DOD is responsible for
12 what DOD may have done in the past, not what
13 everyone else has done in the past.
14 TOM O'HARA: Okay. I've got three people
15 with their hands up, Scott had his hand up --
16 LORUS LEUTKENHAUS: I'm not done yet.
17 Now, on your filtering plan, do you have
18 additional capacity in it right now?
19 JASON LEIBBERT: You mean the main
20 treatment plant?
21 LORUS LEUTKENHAUS: Your treatment plant,
22 yes, sir.
23 JASON LEIBBERT: Yeah, we can squeeze more
24 water in there.
25 LORUS LEUTKENHAUS: How much more?

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1 JASON LEIBBERT: I want to say it was
2 built for 3,000 GPM, and we run it right now at
3 about 2400 GPM, gallons per minute.
4 LORUS LEUTKENHAUS: And standard filtering
5 doesn't work in perchlorate, so how -- if it's
6 already in the water, how are you going to take it
7 out?
8 Right now you're not taking it out; you're
9 running it through your plant and running it down
10 into the creek.
11 SCOTT MARQUESS: Let me try, I'm Scott
12 Marquess with EPA.
13 As far as perchlorate, to my knowledge,
14 I'm aware of two detections in ground water at the
15 plant, and I'll walk over to the map.
16 The fireworks facility that Jason
17 mentioned I believe was in this area. I'm aware of
18 a detection of perchlorate of approximately 20 parts
19 per billion in Well 57D, all right.
20 And the other detection that I'm aware of
21 was south of the ARDC landfill, at 3 parts per
22 billion, and it was coded with a J for estimated.
23 That's the extent of the data that I'm
24 aware of for perchlorate at the site. I believe EPA
25 has recently published a -- I won't call it a

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1 standard, but a reference dose, and I can tell you,
2 it's 20 to 25 parts per billion.
3 And so one of the things that we've been
4 talking about with the Corps that will get down at
5 some point, hopefully by next spring, would be to
6 sample some additional wells at Load Line 1; be it
7 EPA splitting samples with the Corps and EPA doing
8 the analytical to evaluate whether we have an issue
9 of perchlorate that's more widespread.
10 And I'm sorry, just one other thing, your
11 questions that you brought up, I wanted to try and
12 address them.
13 The levels, are they going up or going
14 down or what are they doing? For the data that
15 Jason's talking about, the geoprobe data, it's one
16 shot, so there's not any data to compare that
17 against, so it's what you see is what you get.
18 There wasn't anything from previous to
19 say, you know, we've gone up or we've gone down or
20 we've done whatever.
21 Now, there are a handful of monitoring
22 wells to the south there, and the one that was
23 probably -- that prompted a lot of the geoprobe
24 investigations, 85B, Jason --
25 JASON LEIBBERT: Yes.

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1 SCOTT MARQUESS: -- that was the one that
2 had 10, and I think -- I don't know how many rounds
3 ago that was.
4 JASON LEIBBERT: December of '04, and
5 we're trying to --
6 SCOTT MARQUESS: Well, I think it went
7 from 10 to all the subsequent rounds were below 2,
8 but they were around one and a half, and about
9 stable, let's say at one and a half for RDX, so, you
10 know, the trend there is stable for that. Again,
11 and Jason mentioned a hundred monitoring wells, some
12 to the east, some to the south.
13 LINDA WAGEMAN: Where did that
14 contamination go?
15 Where did that -- around Monitoring
16 Well 84, and then I'm going to give it back to her
17 then I'm not going to take the mike again, we're
18 buying you roller skates next time.
19 Where did that contamination go?
20 JASON LEIBBERT: MW-85 was -- I can't
21 remember exactly when it was installed. It was
22 installed in October, November 2004, and it was
23 sampled for the first time in December 2004.
24 That first time it was sampled in
25 December 2004 it came back with a result of

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1 10.0 parts per billion. Every time it's been
2 sampled that every quarter, every three months since
3 then, it's been around 1.4.
4 I don't think it's a question of where did
5 it go; I think it's a question of that first sample
6 result, that 10.0, which is an unusual result. It
7 is a bad result. It's an outlie, or something that
8 can't be repeated. Every time we've gone to
9 resample that we don't see that again.
10 SCOTT MARQUESS: Jason, do you want to
11 point out the sample --
12 JASON LEIBBERT: So, you know, to delve
13 into this question of what's going on at MW-85, we
14 did as part of this investigation, this Round 1
15 geoprobe investigation, we did two lines of
16 sampling, one just upgrading of the well, and one
17 just downgrading of the well trying to see what's
18 going on in this area, and all of these results were
19 below action level.
20 They were .3, .4 or nondetects, lots of
21 nondetects in this area as well, so I think that's a
22 bad result.
23 LINDA WAGEMAN: I hope so.
24 JASON LEIBBERT: Because we can't -- it
25 can't be repeated. It's never been found since

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1 then.
2 LINDA WAGEMAN: I'm going to give it to
3 her and then I'm going to take it back.
4 LYNN MOORER: Lynn Moorer again.
5 When Mr. Leutkenhaus was asking -- posing
6 his question to you, Mr. Leibbert, you interrupted
7 him at least twice. I respectfully request that you
8 let the question be asked, not interrupt us.
9 That's something else that certainly
10 inhibits the meaningful exchange of information that
11 RAB Guidance looks for. Please be polite enough to
12 not interrupt people who are speaking. Thank you.
13 LINDA WAGEMAN: It's me, then Dave.
14 Back to this whole well sampling, I was --
15 I was reviewing the letter that Garth sent to
16 Melissa, what is the date, November 28th, of this
17 year, and, you know, she had listed some questions
18 and some issues that the public had, one of them
19 happened to be expanding the residential well
20 sampling areas to a two-mile buffer zone, and this
21 kind of falls in line with what Lorus was talking
22 about which is why I bring it up now.
23 The Corps' response was, and I quote, the
24 Corps has proposed a methodology accepted by the EPA
25 and the NDEQ for locally expanding the one-mile

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1 buffer zone if sampling results warrant the need.
2 Let's keep in mind the one-mile buffer
3 zone was created out of the air.
4 Any privately owned water supply well that
5 is tested and shown to be above the defined safe
6 drinking water levels for any of the seven COCs at
7 the site will be included in the normal quarterly
8 sampling program, and bottled water and/or activated
9 carbon filters will be provided by KCD.
10 The question that I have at this point is
11 why not HMX? We have RDX, we have TCE, we have just
12 literally seven COCs that somebody somewhere decided
13 to place on a ROD.
14 We know HMX is not a natural chemical, we
15 also know that HMX works in conjunction with RDX,
16 and I don't necessarily know if in conjunction is
17 the right word, but when you use one you're also
18 using the other, and I want to know where I go if
19 HMX happens to appear in my water because we know it
20 has been hit in the plume, and why -- I'm only --
21 you guys are only going to protect me from seven
22 chemicals, that's it, just seven chemicals that
23 someone somewhere decided were in the plume and
24 outside of that you're not going to have any more
25 responsibility.

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1 We have other chemicals out there, we're
2 going to have metabolites out there, and I want to
3 know where the public goes to be safe from those.
4 JASON LEIBBERT: So, HMX and --
5 LINDA WAGEMAN: HMX specifically, looking
6 back at your test results over time.
7 JASON LEIBBERT: When we send samples to
8 the lab to be analyzed, they analyze for the whole
9 list of compounds, whether they're one of the seven
10 compounds of concern or not.
11 We report those results for all those
12 compounds to the regulators, they're in the
13 documents that we put in the library, and they're in
14 the documentation that we send to each individual
15 landowner. Every compound has a result there.
16 It wasn't a matter of someone somewhere
17 deciding that these were the seven; it was a matter
18 of the three agencies--the EPA, the State of
19 Nebraska, and the Corps of Engineers--looking
20 through the investigation information, because when
21 we do the investigation in the first -- when you
22 find a new site and you're starting from scratch,
23 you do look for everything, every possible compound
24 that might be out there to try to rule those things
25 out.

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1 So as they went through that process, HMX
2 is an explosive compound, it's used in military
3 munitions, and it does show up on the site every
4 once in a while, but it doesn't show up in a great
5 degree that would warrant a remedy for that, it
6 doesn't show up in levels that pose an adverse
7 health risk.
8 It's one of those things that was detected
9 at this site, evaluated at this site, and determined
10 not to pose any potential health threat, so it
11 didn't make the list to the seven COCs.
12 LINDA WAGEMAN: So you're telling me the
13 HMX --
14 JASON LEIBBERT: But --
15 LINDA WAGEMAN: -- is not -- don't
16 interrupt me.
17 So what you're telling me is HMX is not a
18 health threat? I don't think I'd want to walk down
19 that path, Jason.
20 JASON LEIBBERT: At this site we have yet
21 to see concentrations of HMX in any residential well
22 sample that exceeds the health base standards.
23 LINDA WAGEMAN: You're not answering my
24 question. My question was: What you're telling me
25 then is that HMX is not a health risk, that's my

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1 question. You know the answer, I know the answer.
2 The answer to that question is yes, it is, so let's
3 take it a step back.
4 Why isn't it on the COC list? RDX is on
5 the COC list. It's not a natural chemical, it's
6 found with munitions. I don't care where it is on
7 the plume, it should be listed.
8 SCOTT MARQUESS: The health advisory level
9 for RDX is two parts per billion, for RMX it's 400,
10 so it's much, much less toxic than RDX.
11 I don't know what the highest -- I mean,
12 you could probably query that, Brady, what's the max
13 RMX hit in ground water?
14 So I don't think -- I think the issue is
15 every substance on the planet is a health threat at
16 some level. For RDX it's 2, for RMX it's 400, so in
17 this case the RMX isn't posing a risk. It's not
18 prevalent, it's not widespread, so it wouldn't be --
19 you know, it'd be like -- well, I'm trying to get
20 another example, but if you had TCE at 1, there's
21 not -- we're not taking action for TCE at 1;
22 similarly we wouldn't take action for HMX at 1 or
23 2 or 10.
24 LINDA WAGEMAN: And you and I will always
25 disagree at the EPA not taking action at 1, you know

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1 that.
2 SCOTT MARQUESS: Well, I mean, we go
3 with -- we go with what we can enforce, and the
4 drinking water level in a public drinking water
5 supply, not just a contaminated site, the maximum
6 contaminant levels would be the levels that had been
7 determined as protected.
8 LINDA WAGEMAN: And for RMX it's 400.
9 SCOTT MARQUESS: HMX -- HMX, the health
10 advisory level, there's not a maximum contaminant
11 level that's been set, but the --
12 LINDA WAGEMAN: So we're going to
13 disregard it?
14 SCOTT MARQUESS: It's not present at
15 levels that pose a threat. As -- and I think it'd
16 be interesting to find out what's the maximum RMX
17 detected.
18 LINDA WAGEMAN: I would -- I think it's
19 interesting that what's going on here is we've got a
20 chemical that works with RDX, it's in a DOD site,
21 and I've got a boatload of regulators telling me
22 that because it's at a lower level, we're not going
23 to put it on a COC list because there's a ha here
24 somewhere, we're not going to be put it on a COC
25 list even though we do know that the chemical is

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1 here.
2 It should be listed as a COC regardless,
3 in my opinion, of the, quote, level that once again
4 that someone somewhere in Washington decided to
5 strap a value to, which as, you know, I've got
6 issues with.
7 Okay. So you're -- the regulatory values
8 don't really hold water over here. I mean, my
9 concern is if it is harmful to the public and it is
10 not a natural substance, and that substance was
11 generated as a result of army activity, it should be
12 listed as a COC. It wasn't here before you got
13 here; it's here now.
14 SCOTT MARQUESS: My -- I don't have an
15 intimate knowledge of the risk assessment and the
16 remedial investigation, I'm sure it was a
17 contaminant of concern, and it is continuing to be
18 evaluated in the analytical works, so all the
19 data -- or all the wells that are sampled where you
20 look and find RDX, you would also see HMX as part of
21 that analytical.
22 I'm not aware of there being any
23 substantial HMX detections that I've seen since I've
24 been on the project.
25 LINDA WAGEMAN: But you're talking about

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1 amounts and I'm talking the chemical. I'm not
2 talking amounts. I'm saying if this is a chemical,
3 HMX, that is not a natural substance, that is found
4 in relationship to DOD activity to what this is, it
5 should be listed as a COC. Why? Because it wasn't
6 here before you got here. It is now.
7 And I think the whole concept of the seven
8 COCs, which the public has had a very big issue with
9 for the past two and a half years, really needs to
10 be addressed because the Corps stands -- I shouldn't
11 says stands, they hide behind the seven COCs.
12 And I'm getting really tired of seeing
13 your responsibility level stopping at the seven
14 COCs, and so I'm using HMX as an example of a
15 boatload of other chemicals at higher levels out
16 there to prove a point.
17 I mean, we can talk around HMX until the
18 cows come home, but the reality here is this whole
19 seven COC thing, and Garth's statement -- Garth's
20 statement was this: Any privately owned water
21 supply well that is tested and shown to be above the
22 defined safe drinking water levels for any of the
23 COCs will be included in the normal quarterly
24 sampling program, and bottled water and/or activated
25 carbon filters will be provided by the Corps.

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1 So, Garth --
2 GARTH ANDERSON: Yes.
3 LINDA WAGEMAN: -- if there any other
4 chemicals -- DOD chemicals that come from your
5 plume, not my plume, your plume, and they end up in
6 my drinking water supply, where's my recourse
7 because you're not -- you're not going to take care
8 of me?
9 You're going to say it's a COC -- it's not
10 a seven -- it's not one of the seven COCs.
11 GARTH ANDERSON: Well, I understand your
12 point.
13 LINDA WAGEMAN: I'm glad you do.
14 GARTH ANDERSON: And -- sorry.
15 LYNN MOORER: Answer the question.
16 GARTH ANDERSON: I'm --
17 LYNN MOORER: Thank you.
18 GARTH ANDERSON: I'm trying to. Thank
19 you.
20 But, again, we have the seven COCs that
21 are -- that we feel are -- well, that are the
22 important ones at the site, that we see the
23 predominance of the site and pose the greatest
24 health risk, and we want to make sure that, first,
25 we are protective of the public of those seven

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1 contaminants.
2 Now, HMX I know is kind of a special case
3 here because, yes, there's no doubt it's a DOD
4 contaminate.
5 LINDA WAGEMAN: There are others in there
6 too, I'm just using HMX as an example because it's
7 easy for these people here who haven't gone into the
8 books to say, oh, HMX, RDX rhymes, they work
9 together. I'm just using that. I could use a
10 boatload of other chemicals off the top of my head,
11 and that scares me.
12 And I want to know when the Corps -- and
13 it's not a question that I'm asking, it's an
14 expectation that I have because your responsibility,
15 as is the EPA, is to protect the public, okay.
16 GARTH ANDERSON: Couldn't agree more.
17 LINDA WAGEMAN: So I want to know when
18 you're going to start. I want to know when you're
19 going to extend the seven COCs, stop hiding behind
20 this ROD, which I've got issues with.
21 I've got issues with the NDEQ, I've got
22 issues with how the EPA behaved, I have really big
23 issues on how the Corps behaved.
24 GARTH ANDERSON: Well, you can be blunt
25 and I'll be blunt, the ROD is the agreement that all

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1 parties have agreed to live up to, it's an
2 enforceable document, and that is our mission, is to
3 make sure that we comply with the record of
4 decision.
5 LINDA WAGEMAN: Your --
6 GARTH ANDERSON: So it's not a matter of
7 hiding behind the ROD; it's a matter of supporting
8 and enforcing the ROD and ourselves, EPA ensuring
9 that the Corps of Engineers complies with the record
10 of decision, because the record of decision is a
11 document that has been agreed to that is protective
12 of the public.
13 LINDA WAGEMAN: You're a project manager,
14 correct?
15 GARTH ANDERSON: Yes.
16 LINDA WAGEMAN: Are you familiar with the
17 term living document?
18 GARTH ANDERSON: Yes.
19 LINDA WAGEMAN: What does a living
20 document mean?
21 GARTH ANDERSON: A document that can be
22 amended. There are certain procedures and processes
23 to amend a particular document.
24 LINDA WAGEMAN: Okay. So why isn't the
25 ROD considered a living document?

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1 GARTH ANDERSON: There are --
2 LINDA WAGEMAN: It is not. This ROD is
3 not considered a living document, so don't tell me
4 there are ways to amend it, because we know that,
5 but it is not formally considered a living document,
6 and I want to know why?
7 GARTH ANDERSON: First of all, it's an
8 enforceable document that you just don't easily
9 change every time, you know, the wind blows a
10 different direction.
11 It's a very well thought out document.
12 It's thoroughly debated, reviewed, agreed to by all
13 agencies, and it's not something we take lightly.
14 We don't just go out and change something
15 that is not in the ROD because we feel like it. We
16 have to reach agreement with EPA, with NDEQ and the
17 public before we can amend the ROD.
18 LINDA WAGEMAN: I think the EPA has asked
19 to kind of reopen that issue a little bit, and the
20 Corps has actually said -- you know, dug in their
21 heels and said, oh, no, no, no, we don't want to
22 play that.
23 I mean, I understand. I'm not a big fan
24 of changing every time the wind blows, but I look at
25 your ROD and then I look at your map, and I think of

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1 your ROD and I look at Load Line 1, and you need to
2 have a living document.
3 My concern again is the people and the
4 plume and being proactive on this as opposed to
5 reactive.
6 GARTH ANDERSON: Well, I -- we believe
7 that we are being very proactive in that we're able
8 to do things within the scope of the ROD. Now, for
9 instance --
10 LINDA WAGEMAN: Was residential well
11 sampling and a one-mile buffer zone part of the ROD,
12 Garth?
13 GARTH ANDERSON: Residential well
14 sampling, yes.
15 LINDA WAGEMAN: And the one-mile buffer --
16 you've been testing the same -- the same water wells
17 for many, many, many years, and never extended out
18 beyond that.
19 I'm talking about the extent of the
20 additional 37 wells that you tested; was that part
21 of the ROD, additional extended? It wasn't. The
22 people forced you to do it.
23 GARTH ANDERSON: That's exactly why we
24 have a restoration advisory board because we like --
25 we value the input from the public. We get a better

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1 understanding of what the concerns of the public
2 are, and we -- we react.
3 LINDA WAGEMAN: That's very PC of you,
4 thank you, but that's not the way it was. It wasn't
5 the way it was.
6 Oh, I guess you need to answer my
7 question.
8 GARTH ANDERSON: Sorry, could you restate
9 the question, please.
10 LYNN MOORER: Linda's question that you
11 still have not answered, Mr. Anderson, is if there
12 are any other DOD related chemicals that end up in
13 her water supply who will take care of her?
14 GARTH ANDERSON: We ultimately have
15 responsibility for all DOD chemicals.
16 LINDA WAGEMAN: How much -- I'll take that
17 mike again.
18 How much am I going to have to pay in
19 lawyer fees to get you to enforce that?
20 GARTH ANDERSON: Sorry, I can't answer
21 that question, but --
22 LINDA WAGEMAN: I didn't think so, but
23 that's where it'd end up going, isn't it? We'd be
24 fighting around -- we would end up fighting tooth
25 and nail.

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1 GARTH ANDERSON: Well --
2 LINDA WAGEMAN: Because you'd fall back on
3 the seven COCs, you'd fall back on the ROD, and I'd
4 have to fall back on all my documents.
5 GARTH ANDERSON: Well, I believe the
6 army's testing of residential wells are very
7 thorough, very complete, and so far we haven't seen
8 any -- there are no residents, to my knowledge, that
9 are that -- that are being posed a health threat.
10 LINDA WAGEMAN: No, but there are 4 out of
11 the 37 that did come up as detect that were not
12 there before, and they were all over the plume,
13 north of the plume, east of the plume and south of
14 the plume, and from that we had to request
15 additional testing of -- for some other people.
16 The reason I ask this, Garth, is, you
17 know, here I was, I was a stay-at-home mom and I was
18 having farmers coming up to me asking me if they
19 should sell their land.
20 I don't -- I don't like having that
21 responsibility. I have no right to answer that type
22 of question, and I don't like it when I've got grown
23 men, some of which I don't even know, and they come
24 up to me, or they call me from home and they ask me
25 to protect their family.

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1 You're talking -- you know, you're talking
2 stats, and you're talking heaven only knows what,
3 and I'm getting those phone calls. Honey, you're
4 not getting these phone calls. I am.
5 I want them to stop, which means that you
6 have to start, and that's -- these are questions
7 that need to be answered, because when MUD pumps all
8 your stuff is going to move, okay, so wherever HMX
9 is this week it's going to be somewhere else next
10 week when MUD pumps, and not a one of you is keeping
11 that MUD well field in the back of your head.
12 Until last year you didn't even know who
13 was responsible for what. The DEQ, the Kansas City
14 Corps, the left hand didn't know what the right hand
15 was doing. The EPA didn't even know where they fell
16 in place here.
17 The funny thing is that you guys were all
18 a very active part of that 404 permit issue back to
19 1995. This is going to move, your chemicals are
20 going to move, so when you talk seven COCs, I'm
21 telling you that's not good enough. When you rest
22 on your -- on your ankles or you dig your heels in,
23 it's not good enough.
24 MUD moved three more wells north, what's
25 your plan? I -- when you say you're proactive, I'm

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1 telling you you're not. I used to go into companies
2 and reorganize them for a living, so I know what I'm
3 talking about here, and I want to see your plan.
4 GARTH ANDERSON: Well, that's one of the
5 topics for discussion tonight, and I think that
6 you'll see a lot of our plan is centered around the
7 MUD pumping, and the -- and all the activities that
8 we're doing on the east side of the site with the
9 geoprobe sampling and the hundred monitoring wells
10 that we now have under contract, bought and paid
11 for, that once we complete our geoprobe
12 investigation so we get a very good handle on where
13 that eastern edge of the plume is, then it will
14 allow us to develop the monitoring well network that
15 will be so important to monitor the effects of the
16 MUD pumping.
17 LINDA WAGEMAN: Where did that come from?
18 GARTH ANDERSON: Where did what come from?
19 LINDA WAGEMAN: Those ideas?
20 GARTH ANDERSON: Well, a lot of them came
21 from the public.
22 LINDA WAGEMAN: No, they all came from the
23 public, Garth.
24 GARTH ANDERSON: Thank you.
25 LINDA WAGEMAN: You're welcome.

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1 LYNN MOORER: With respect to these
2 comments that you've just been making, Mr. Anderson,
3 about how proactive you are and you're focused upon
4 MUD's pumping, and the importance of the monitoring
5 well network, it's probably now a good time for me
6 to point out one very important fact that folks in
7 the community may not know.
8 MUD has come out with its latest update of
9 its ground water model, it's now on its web site,
10 and, guess what? They still use the 1997 ROD map.
11 LINDA WAGEMAN: The Corps was going to
12 change that, they promised me they were going to
13 change that.
14 LYNN MOORER: Let me refresh your memory
15 on that point.
16 In -- at the February 22nd, 2005 RAB
17 meeting, there was a lengthy discussion regarding
18 MUD's 2004 model and the implications for its
19 2005 model, which has now just come out, and Linda
20 raised the point about how old that ROD map from
21 1997 was, how it was not in any way current with
22 respect to the up-to-date location of the plume, and
23 how that would greatly degrade -- or at least had
24 the potential to degrade any of the validity of that
25 model.

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1 And Mr. Leibbert said, we will give the
2 updated information to be used in MUD's ground water
3 model, and then Richard McCollum promised
4 explicitly, we will convey that to MUD and we'll
5 look for it in the next model update.
6 Then in April of this year, April 5th,
7 2005, there was a meeting in Omaha with a whole
8 bunch of regulators, EPA I believe was there, DEQ,
9 Mr. Leibbert was there from the Corps, Ms. Sanders
10 was there, Mr. Young, and somebody else who I've
11 forgotten, there are four -- and McFarland,
12 Mr. McFarland was there from the Corps, and it was
13 at that meeting that MUD said, okay, our next
14 iteration of this model is going to use the 1997 ROD
15 map unless the Kansas City Corps provides us a
16 letter through the Omaha district to MUD providing
17 the updated map and directing them to use it.
18 I raised this issue again at the
19 August 30th RAB meeting, it's our last RAB meeting,
20 and I asked Mr. Leibbert, have you provided that
21 updated map yet, and you said no.
22 All right. So you promised explicitly in
23 February you would provide it, at the August meeting
24 you said, yes, that's important information, you
25 need to give MUD an updated plume map before they

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1 produce their next modeling report.
2 You were at that meeting in April, so even
3 if you had forgotten it for two or three months, at
4 a minimum it was stuck right under your nose in
5 April, and still despite MUD's explicit statement,
6 we are looking to use the old map until the
7 Kansas City Corps provides us the updated one, you
8 didn't do it, and so now what they've done is they
9 said, here in Appendix L of the MUD 2005 ground
10 water model, it says, this appendix includes the
11 following information which was received too late to
12 be addressed in the report, and they had a revised
13 NOP plume map.
14 Now, I noticed on your little so-called
15 answers to your questions, that very incomplete list
16 that you now have posted on the web site, you claim
17 to have sent that map to them right after the
18 August 30th meeting.
19 Well, now it matters. Now it matters.
20 Now they have done the 2005 model using that old map
21 again, and you had assured everybody at the meeting
22 in February, at the meeting in June, at the meeting
23 in August, how you were going to be getting that
24 information to them, and that you were going to be
25 using in part their updated model to locate your

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1 monitoring wells on that side of the site.
2 So what you now have just been telling us,
3 I'm sorry, rings pretty hollow about how proactive
4 you are, and how important it is for you, for the
5 Kansas City Corps, to be on top of MUD's pumping,
6 but you couldn't even demonstrate the most simple --
7 LINDA WAGEMAN: Basic.
8 LYNN MOORER: -- basic action of providing
9 the information that you had explicitly promised you
10 would do last February. Now is your opportunity to
11 explain to us why you didn't do it.
12 GARTH ANDERSON: Well, I can't explain.
13 Unfortunately I was not on the project, and then
14 we -- after the August RAB we provided that map
15 within a couple of days.
16 LINDA WAGEMAN: If you can't explain it
17 we've got Colonel Rossi here, we've got Jason, we've
18 got people who were here that were a part of this.
19 Give the microphone to them and let them explain it
20 off.
21 GARTH ANDERSON: Very well.
22 JASON LEIBBERT: Well, they have this
23 information, and the difference between the 1997 ROD
24 map and what we have today, the greatest difference
25 is this area down here.

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1 In 1997, we didn't know that there was
2 contamination down here, so this is probably the
3 most significant piece of new information since
4 1997.
5 The MUD operations on this side really
6 aren't going to be affected by that, but to the
7 question of, you know, did we provide an updated
8 map, why didn't we provide an updated map April,
9 February, August; they have this information.
10 You know, Jason is not doing the MUD
11 model, so I don't control what MUD does or does not
12 include in their model, but I can tell you they had
13 that information.
14 LYNN MOORER: Not according to them.
15 LINDA WAGEMAN: That is not according to
16 them nor is it correct, nor is it in accordance with
17 the 404 permit, nor is it in accordance with the
18 Kansas City Corps's expectations of MUD during this.
19 That, sir, is a lie.
20 LYNN MOORER: Thank you.
21 LINDA WAGEMAN: Now, as far as the MUD
22 ground water model is concerned, never even mind
23 this current model that Lynn is referring to. The
24 previous model for 2004 which came out to the public
25 in a meeting on the 20th of January 2004 or '5?

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1 LYNN MOORER: 2005.
2 LINDA WAGEMAN: 2005, I forgot what year
3 I'm in.
4 Prior to that, MUD was specifically
5 requesting updated maps from you guys, from the
6 Corps so that they could do this model. They did
7 not receive it. We have the e-mails. They
8 repeatedly asked you for these maps; you never
9 provided them.
10 And now you're turning it around, and
11 you're not doing it again after we, the people you
12 are charged to protect, have requested it, have
13 begged you to do this. You're turning your nose up
14 at us.
15 I am sorry, Jason, but I am not an
16 acceptable loss in the eyes of the army here. My
17 expectation -- I swear, if you guys were on one of
18 my projects, you'd be fired for not providing data,
19 and I don't understand why my tax dollars are
20 allowing all of this to happen.
21 LYNN MOORER: Let me just restate
22 something very basic, Mr. Leibbert, you promised,
23 you didn't do it. Now your efforts to try to
24 downplay the importance of something that at the
25 last meeting you said was very important is frankly

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1 shabby.
2 We reject your attempts to now try to
3 exculpate yourself by saying something we promised
4 to do and Mr. McCollum promised to do on behalf of
5 the Corps, he spoke for the Corps. The fact that
6 he's not here should be totally immaterial,
7 Mr. Anderson. He promised on behalf of the Corps,
8 Mr. Leibbert promised on behalf of the Corps; you
9 didn't do it.
10 LINDA WAGEMAN: It's on tape.
11 LYNN MOORER: That affects everything that
12 you tell us on every subject. Unfortunately this
13 has come up previously when you weren't straight
14 with us in November of 2004 about the actual results
15 in all of those residential wells.
16 So Janet heard at the meeting that all the
17 wells were nondetect, and it turns out when she got
18 her letter, turns out, huh-uh, no, it wasn't
19 nondetect, there were chemicals in her wells.
20 Again, your credibility is basically shot
21 because you tell us all kinds of things at one
22 meeting, and then the next meeting it turns out you
23 haven't actually done it or now you're backtracking
24 or you're attempting to say, oh, well, it really
25 didn't matter, but by golly, yes, sirree, we are

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1 being proactive.
2 I'm sorry, that just does not cut it.
3 That is shabby behavior, and I think most folks in
4 the community are incredulous that you think you can
5 get away with that sort of behavior here. How
6 stupid do you think the folks in this community are?
7 Most of us in Eastern Nebraska are not
8 such rubes that we're not able to tell when we're
9 being lied to, we're being given incomplete or
10 inconsistent information, or we can't tell when the
11 promises are not being kept.
12 It was so basic, it couldn't have been
13 clearer; you promised to provide this basic
14 information to MUD, you were at the meeting in April
15 when they explicitly said if you don't give it to us
16 we're not going to use it.
17 I have the document with your name in the
18 sign-in sheet, you were at that meeting, so it
19 doesn't cut it for you now to say, well, they had
20 it, and somehow or another that's good enough.
21 I am highly disappointed; unfortunately
22 I'm not terribly shocked because we've seen so much
23 of this behavior previously.
24 GARTH ANDERSON: Well, we apologize, you
25 can't undo the past, but in the August meeting we

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1 said we would deliver the updated plume map to MUD,
2 it was delivered.
3 LYNN MOORER: Mr. McCollum promised that
4 last February.
5 GARTH ANDERSON: I understand.
6 LYNN MOORER: Mr. Leibbert promised that
7 last February, that's what's the most important
8 thing here.
9 And now we have at least -- we have at
10 least another year before MUD updates its model, and
11 that model matters.
12 Nobody says it's perfect, nobody says it's
13 going to answer all the questions, nobody says it's
14 going to protect the people from contamination being
15 pumped, but, by golly, it's one of the core things
16 that's in black and white that the people can look
17 to because it's required in that 404 permit, and it
18 says, they shall use the most up-to-date
19 information.
20 They communicated to you all if you don't
21 provide us the up-to-date information, we're not
22 going to plug it in. You didn't provide it and here
23 we are.
24 GARTH ANDERSON: One thing to keep in mind
25 is that the model that is currently out there is out

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1 there for review.
2 Now, our CX, our center of expertise in
3 Omaha has done their part of the review, and we're
4 currently reviewing it as well.
5 When we're completed with our review of
6 the model, we provide our comments back to the Omaha
7 district so that the Corps of Engineers has a
8 complete review of the model that I presume --
9 again, I can't speak on behalf of MUD, would then
10 revise to the satisfaction of the comments.
11 LORUS LEUTKENHAUS: I don't care which of
12 you gentlemen answers this, but getting back to --
13 LYNN MOORER: Lorus, can I just follow up
14 real fast?
15 Let me just remind you, Mr. Anderson, I
16 think you're giving a false impression. Right here
17 it says in the appendix, the information was
18 received too late to be addressed in the report.
19 So I don't think it's -- I think it's
20 misleading for you to give the impression that by
21 your giving the comments back to the MUD, oh, by the
22 way, you didn't include the updated model, they've
23 already said it's too late, they're not going to
24 rerun that based upon your comments.
25 GARTH ANDERSON: Well, as I said, I hope

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that they would -- will be able to address the comment and use the updated map.

I can't guarantee that right here because I can't control everything that MUD does, but it is certainly an issue that we would take up with the Omaha district to ensure that all comments are satisfactorily addressed.

Sir?

LORUS LEUTKENHAUS: I don't want to change the subject, either one of you gentlemen can answer, this. I was kind of cut off there.

This is Wall Street Journal, now if this guy doesn't know what he's talking about I'm going to write him a letter.

It says the chemical used in munitions called perchlorate.

Now, are bombs munitions?

GARTH ANDERSON: Yes.

LORUS LEUTKENHAUS: And do we have four load lines where they made bombs out there at Mead?

GARTH ANDERSON: Yes.

LORUS LEUTKENHAUS: And there's probably four places that have perchlorate that I remember reading in a document somewhere.

GARTH ANDERSON: No.

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LORUS LEUTKENHAUS: No, I'm wrong.

GARTH ANDERSON: Perchlorates are generally associated with rocket fuels; that's the type of munition that -- or normally go hand in hand with perchlorates.

LORUS LEUTKENHAUS: Okay. I promise you I will bring it next meeting.

GARTH ANDERSON: Please do, I would love to see that. Thank you.

LORUS LEUTKENHAUS: I will certainly look for it, and if I don't I'll apologize.

GARTH ANDERSON: Okay. Let's see, where are we, Jason, in the -- I think we're still talking about geoprobe investigation?

JASON LEIBBERT: Yes.

GARTH ANDERSON: I'd like to get us back on track. We were still talking about geoprobe investigation results from the recent fieldwork, and, again, I'd like to turn it back over to Jason so that he can finish his discussion on the geoprobe, and then talk about some other -- some other issues, such as the ground water monitoring program and a couple other topics.

So, Jason, if you'd like to finish your presentation, then we can move on.

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JASON LEIBBERT: Okay. So we were on the southern perimeter results are nondetect or below action level.

The -- we did some work in the interior of the plume that is useful for us to try to confirm where there's areas of high contamination versus areas of low contamination, but I'm glad Linda is still here because this is really going to set her off.

LINDA WAGEMAN: I just got back in.

JASON LEIBBERT: Sit down so you can listen to what I have to say.

What we did find in this investigation is we did two lines of sampling over here in this part of the plume where it makes this bend, and there were two results that were a little bit outside the extent of contamination, and they were less than 500 feet away, which on this map is about as big as my finger, and everything else we saw on this side was either nondetect or below action level.

So what this tells us is that from here -- because we didn't go any further than NRD yet -- or the NRD reservoir yet, from here to here, the way we draw the plume is quite adequate.

It's really good in that all the sampling

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that we did in here, with the exception of these two right here and right here, were at below action level, which tells us that this is where the contamination is to the best of our knowledge.

But we do see these two, so the next step in Round 2 next spring, we're going to go back to these areas and do more work here to see if there's anything else going on in this area, and refine this and make this more accurate, this area as well as the rest of the line that we're going to establish, and, again, like we talked about, before MUD goes into operation so we can sample in 2007.

LINDA WAGEMAN: So when you go in on Phase 2 you're going to go ahead and you're going to do a retest; I'm really glad to hear that, that does set me off. That's cool because that's what we wanted.

My -- my concern in your testing is: Are you going to go out in front of the plume and work back into the plume, or are you going to go into the plume and work out until you find -- you know, once again, below acceptable levels isn't acceptable. We've got children living in this area, so acceptable levels don't even apply to children.

JASON LEIBBERT: Well, that's where we're

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1 going to have to agree to disagree, but --
2 LINDA WAGEMAN: I just read the EPA
3 documents on where they come up with all this stuff,
4 so you can disagree with whomever.
5 JASON LEIBBERT: And we report everything,
6 whether it's nondetect or below action level. The
7 regulators see it, it goes into the public record.
8 All that information is there, but when we
9 draw this plume, this is based on the safe levels,
10 the action levels defined by the ROD so that if
11 it's -- like Scott's example, if this chemical has
12 an action level of 400, and we don't exceed 400, we
13 don't really map it on here because it doesn't pose
14 a threat.
15 LINDA WAGEMAN: So when you Phase 2 test,
16 Jason, are you going to go out in front of the plume
17 and work back in a proactive manner, or are you
18 going to work from the plume and move out in a
19 reactive manner?
20 JASON LEIBBERT: What that Phase 2
21 investigation will look like is we'll do a number of
22 lines across the plume, kind of this way,
23 perpendicular to the plume, so we can kind of see
24 where this line is.
25 If we have a sample here and we have a

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1 sample here, we can estimate where it is in between,
2 and the spacing on those is we're going to shoot for
3 every 500 feet, which on a site this big is --
4 that's a lot of sampling, every 500 feet. You know,
5 this work that we did last October was over a
6 hundred different locations.
7 LINDA WAGEMAN: So you'll be able then to
8 see the geophysical differences because of the
9 500-feet span that you're going in because that's
10 also a concern. You know the layout of this land
11 and it's so -- it changes constantly, so we'll be
12 able to catch that at 500, right?
13 JASON LEIBBERT: Yeah, I think I'm
14 following you. The geology does vary. I'm not sure
15 I'm --
16 LINDA WAGEMAN: Yeah, it does, it varies.
17 I mean, you can stick your heel in one area and,
18 boom, water shoots out. I mean, we've got a lot of
19 irrigation, and then in other areas it's not that
20 way just by the layout of the land, we're close to
21 the Platte.
22 So when you go out and you're drawing your
23 lines and you're going every 500 feet, it's going to
24 allow for that? I guess that's -- yes.
25 LISA THOLL: Go ahead, finish your

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1 thought.
2 LINDA WAGEMAN: Am I right? I mean,
3 that's a good thing, right?
4 JASON LEIBBERT: Yes.
5 LINDA WAGEMAN: Okay. That's what I
6 wanted to know.
7 LISA THOLL: Lisa Tholl with URS.
8 I'd like to answer your question that you
9 asked, let me see if I can get it right.
10 Are we going to work out from the plume or
11 are we going to move from -- into the plume, and you
12 used the word proactive versus reactive, and I think
13 I'd like to address that because I don't think
14 that's not necessarily appropriate terms to use
15 because --
16 LINDA WAGEMAN: Probably not, I agree, so
17 which way are you going to go?
18 LISA THOLL: Okay. As we did with this
19 investigation here, this Phase 1 investigation,
20 typically what we do is we like to start where we
21 know that there is contamination and work our way
22 out until we don't see contamination.
23 If we start outward and work inward, how
24 do we know that that outward point is --
25 LINDA WAGEMAN: And that's what I wanted

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1 to see.
2 LISA THOLL: So I'd like to --
3 LINDA WAGEMAN: So are you going to check
4 when you say until we don't see contamination or you
5 don't see contamination of -- at a certain level?
6 LISA THOLL: Until we do not see
7 contamination.
8 LINDA WAGEMAN: Okay.
9 LISA THOLL: Nondetect.
10 LINDA WAGEMAN: And then when you check it
11 at that point, is that going to be a consistent
12 point, because, once again, spring you're going to
13 find -- you're going to find your test results are
14 going to be different in the fall than in the summer
15 simply because an orange is an orange because it's
16 an orange.
17 So I mean, this is going to be a
18 consistent thing, or are you just going to take a
19 one-shot test or a two-shot test or test the same
20 time every two years?
21 I mean, how are we going to know that it
22 is what it is so that we know that that -- this area
23 right here that was nondetect is still nondetect
24 next year?
25 LISA THOLL: I can answer that. I believe

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1 I can answer that for you.
2 Again, when we do not -- go out to
3 nondetect, we don't stop at the first nondetect
4 point, we go beyond that. Like Jason said, we've
5 done a 500-foot interval, and we'll see until we get
6 another nondetect.
7 So we don't go just based on one, we'll
8 step out again and have at least two nondetects to
9 confirm that again so that we know we're at
10 nondetect there, so we'll have at least two lines of
11 evidence that say we're at the nondetect point,
12 again, no contamination.
13 And then what our objective is in
14 Phase 2 -- should I stop?
15 Again, with our investigation in Phase 2,
16 again along the eastern side of the plume, what
17 we'll do is determine where we want to put permanent
18 long-term monitoring wells. Direct push sampling is
19 a one-time sampling point.
20 So to answer your question as far as are
21 we going back to that point every season or every
22 year, no for direct push, but we will use that
23 direct push data to place those 99 well clusters --
24 or 99 wells, excuse me, that Jason talked about.
25 Those will be able to be sampled

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1 seasonally or quarterly, and those we'll be able to
2 go back and give us results.
3 But as far as going back to direct push
4 points with direct push, again that's not what we're
5 doing. We want to place permanent wells that can be
6 sampled on a regular basis.
7 LINDA WAGEMAN: Good, because what I don't
8 want to see is a repeat of Load Line 1 with all of
9 those monitoring wells and everything moving south
10 regardless, because once again, when MUD pumps
11 you're going to have a rubber duck in a bath tub and
12 you're going to have a drain scenario and you're
13 going to have it but good, particularly in the
14 months of July and August because that water is
15 going to do this (indicating).
16 You know it, it's in your reports, it's
17 everywhere, and we need to make sure that, A, this
18 plume is hard line protected 12 months out of the
19 year, period, end of the story; that baselines are
20 firmly established so that when that plume moves,
21 and when MUD moves that plume and breaks state
22 law -- and we have to remember, never mind circle of
23 law, who cares about that, Nebraska State Law states
24 specifically you cannot contaminate -- what is it, a
25 mile -- is it a mile, Lorus?

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1 LORUS LEUTKENHAUS: I think it's one foot.
2 LINDA WAGEMAN: One foot, one mile, at
3 this point it doesn't even matter anymore, but it
4 breaks state law, and we need to make sure that that
5 doesn't happen because DOD, when you're working in
6 this state, you're subject to state law, so -- and
7 MUD is running themselves, I think that's very
8 evident now. They have been, they will continue to
9 be, and so we need to make sure that we're
10 protected.
11 LISA THOLL: And I know I just said this,
12 but I'd liked to get the point across that when we
13 do these investigations again that we are -- again
14 to use the words proactive versus not being
15 proactive --
16 LYNN MOORER: You're beating a dead horse
17 here.
18 LISA THOLL: -- our technical approach
19 that we use in these investigations, again, is a
20 sound technical approach and we're going out to the
21 nondetect lines with the transects.
22 Again, that's the point, and so I just
23 wanted to make sure that that was clear to
24 everybody, that we are being proactive in getting
25 out to nondetect and confirming those nondetect with

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1 the transects.
2 JASON LEIBBERT: So that's a summary of
3 the geoprobe, that's some of the more useful work
4 we've done in the past couple of months.
5 This slide is in here because at the last
6 meeting there was a question about comments from the
7 Saunders County consultant on the ground water
8 models, and basically we've read those comments.
9 They're essentially the same as all the
10 other comments that have been made on the models,
11 and there were a few comments that were directed to
12 us and on our ground water model that we developed
13 independently of MUD, and we'll look at those
14 comments.
15 We're already planning to update our
16 ground water model next year, and we can take those
17 comments into consideration at that time.
18 One of the others things we do --
19 LYNN MOORER: Excuse me, where's the
20 appropriate time to talk more about your model? Is
21 this -- to ask a question about that?
22 Among the many things Ms. Tillman promised
23 at the last meeting was that you would provide an
24 update at this meeting regarding your ground water
25 model; that is, there were a lot of specific

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1 questions from previous meetings about responding to
2 the criticisms from Dr. Zurbuckin (phonetic), from
3 DEQ, and a whole variety of deficiencies that he had
4 noted, particularly with respect to hydraulic
5 conductivity.
6 And Ms. Tillman specifically promised --
7 by the way, she promised this review. I mean, she
8 volunteered it at the beginning of the meeting, and
9 she also said you all would update it, so what's
10 the -- are you planning to update and provide this
11 information where your model is and what
12 specifically you have done to respond to the
13 comments -- the quite a few comments that are
14 outstanding on your RDGM4?
15 JASON LEIBBERT: Well, I think we
16 answered -- or we talked about this last time.
17 There were a number of comments --
18 LYNN MOORER: You didn't answer the
19 questions, that was the issue. You talked around
20 it, but Ms. Tillman promised at this meeting you
21 would provide the information.
22 So a general answer is not sufficient.
23 We're looking for the detailed information that she
24 promised at the last meeting about the RDGM4, your
25 ground water model.

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1 JASON LEIBBERT: Well, what I was going to
2 say is that we have responded to all of the EPA and
3 DEQ comments on our ground water model, and that's
4 been done for some time now.
5 The resolution or I guess where those
6 comments stand are some of those comments are
7 resolved and some of those comments are yet to be
8 addressed in our next version of the model.
9 So some of the comments that Brian made
10 were good suggestions and we're going to use them
11 next year when we redo our model.
12 LYNN MOORER: So then you haven't --
13 Lynn Moorer.
14 Do you have any more detailed information
15 to provide us? For example, we have cited at
16 previous meetings many of those specific issues?
17 Can you give us more specific information? At a
18 minimum do you have a piece of paper that we can
19 take home with us to study?
20 This has been specifically asked. I'm
21 sorry to disappoint, your answer, Mr. Leibbert, is
22 not sufficient.
23 JASON LEIBBERT: Well, do we have detailed
24 information about our model to give out here
25 tonight, the answer is no. Were there specific

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1 questions about the model, you'll have to refresh my
2 memory from last time.
3 LYNN MOORER: That's not good enough. You
4 need to know what you promised at the previous
5 meetings. We should not have to keep reminding you
6 over and over and over what you specifically have
7 promised to do.
8 It's your responsibility to provide enough
9 administrative support to this RAB per RAB Guidance
10 so you can keep track of this stuff. We've told you
11 over and over and over, I think that's probably
12 enough.
13 If you're now asking us again to go
14 through the list of all the questions we've given
15 you previously, I would say that is a major shirking
16 of your responsibility.
17 I'm sorry, I've about had my limit with
18 reminding you of the things that we've asked at
19 previous meetings.
20 GARTH ANDERSON: I would like to point
21 out, and I apologize for not mentioning this at the
22 beginning of the meeting, is that we do have three
23 sets of written responses to questions from
24 November, February and June, so we hope you'll take
25 a look at those, and --

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1 LYNN MOORER: Is it in here, is it covered
2 in here?
3 GARTH ANDERSON: If it was asked in a RAB
4 it should be in those question sets. At least the
5 last two, June and February, questions were taken
6 directly from the transcripts.
7 LYNN MOORER: I appreciate that
8 information, Mr. Anderson. I will mention, however,
9 for everybody here is that the transcripts are
10 extremely poor quality, which has been pointed out
11 to you, and huge amounts of information have been
12 omitted from those transcripts.
13 They remind me of the Nixon tapes during
14 Watergate with respect to such huge gaps of
15 information. In fact, for example, the transcripts
16 you got posted now on the web site for the
17 November 2004 meeting omits at least three-quarters
18 of the meeting.
19 So I'm sorry that I don't have a lot of
20 confidence in what you've put together if it's just
21 based upon the transcripts.
22 I would hope you all would take enough
23 initiative, be responsible enough just to take notes
24 during these meetings so that you can responsibly
25 quickly answer the questions that are posed and we

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1 don't have to keep repeating them for you.
2 GARTH ANDERSON: Great lead-into, once
3 again I want to reinforce that we respectfully
4 request that if your question is not answered
5 satisfactorily at this meeting to please help us
6 take notes up here and get your question phrased the
7 way you want it phrased so that we are clear with
8 what the question is that we need to answer.
9 I'm also happy to say that I believe we've
10 greatly upgraded our ability to put together a
11 transcript with our video transcriptionist and our
12 court reporter, and I hope that the August
13 transcript was better quality.
14 LYNN MOORER: No, it wasn't. I'm sorry,
15 it wasn't. It left out complete sentences. Since
16 you asked, just as a note, I have gone through the
17 whole thing in great detail, compared it to my
18 tapes, and there are large chunks that are omitted.
19 There are sentences, lots of paragraphs that are
20 just plain left out.
21 So unfortunately the transcript isn't
22 quite a complete and accurate record that court
23 reporter transcripts are supposed to be.
24 GARTH ANDERSON: Well, we'll never achieve
25 perfection, I'm sorry to say, but I think that -- I

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1 think the quality was fairly good at this -- at the
2 August RAB.
3 Okay. Let's move on to the next topic.
4 In fact, I don't know, it's 9 o'clock, we've been
5 sitting here for two hours, does anybody need a
6 quick break, or do you want to drive on and get
7 through the presentation?
8 VIDEOGRAPHER: I want to change the tape.
9 GARTH ANDERSON: Okay. Sounds like a
10 great -- just a quick break so our video
11 transcriptionist can change his tape so we get an
12 accurate transcript of this meeting.
13 Feel free to grab a cup of coffee, finish
14 off the cookies, and let's try to be back in our
15 seats in about five minutes. Thank you.
16 (Off the record.)
17 GARTH ANDERSON: Okay. In the interest of
18 answering questions accurately and expeditiously we
19 have the database open to address Linda's question,
20 some data questions, so Jason will talk to that real
21 quick.
22 JASON LEIBBERT: One of the questions was
23 what's the highest detection of HMX ever found on
24 the site, and we looked that up, and that value is
25 7.6 micrograms per liter, or parts per billion.

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1 Scott told us the action level -- or not
2 the action level, the health advisory level --
3 NEW SPEAKER: Do you want to repeat that
4 for the audience, and louder.
5 JASON LEIBBERT: Okay. So that the
6 highest HMX detection found on the site was
7 7.6 parts per billion, and Scott told us the health
8 advisory level was 400 parts per billion.
9 The other question was results from 79 --
10 Monitoring Well No. 79, 80 and 81, and we looked up
11 those results, and the last time those were sampled
12 were September of this year, so this is our most
13 recent data.
14 One of them was below action level, one of
15 them was 7.3 parts per billion and one of them was
16 12 parts per billion, and 79, 80 and 81 are all
17 clustered right down here.
18 NEW SPEAKER: Jason, did you get 61? Was
19 that on the list as well?
20 JASON LEIBBERT: 61?
21 BRADY BIGELOW: Yeah, it didn't show --
22 nothing showed up as a detect on that.
23 NEW SPEAKER: Say that again.
24 BRADY BIGELOW: Nothing was a detection.
25 JASON LEIBBERT: 61 had no detections in

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1 September when it was sampled.
2 So next slide.
3 One of the other things we've done in the
4 past few months since the last RAB was we completed
5 another round of our quarterly ground water
6 monitoring program, and this is where we go out and
7 collect samples every three months.
8 This is kind of our routine sampling that
9 we do every quarter, every three months we come out
10 and collect samples from different locations.
11 One of the new developments is that all
12 results from June are on the web site, so they're
13 available for anyone to look at there.
14 The September results from samples that
15 were collected in September are still working their
16 way through the review process. It takes about
17 120 days or so by the time the last sample is
18 collected in the field all the way through the
19 analytical process, through the review process,
20 through the reporting process, and -- by the time it
21 makes its way into the final report.
22 So that reporting is in progress right now
23 and once that report is finished that will also be
24 posted to the web site.
25 One of the questions or issues that came

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1 up at the last meeting was I think Lynn asked what's
2 the status of our GMP global plans, our ground water
3 monitoring program plans, and this is something that
4 we've updated last year -- or not last year, this
5 year, and submitted to EPA and DEQ for their
6 comment.
7 And there were some comments from the
8 regulators. We responded to those comments. The
9 regulators were not entirely satisfied with our
10 responses so we've been going back and forth with
11 them, and this slide basically shows the most recent
12 events, in that November we've provided new
13 responses to all of their comments, we've met with
14 them, we've talked about them.
15 We think we've come to resolution on all
16 of those, and we have a meeting scheduled in January
17 to review those once and for all, and the regulators
18 can tell us if our new responses are better or more
19 acceptable.
20 SCOTT MARQUESS: I just wanted to
21 follow-up on that relative to the disagreements that
22 were noted at the last meeting.
23 As Jason indicated, we've talked through
24 many of those issues and I think we've identified
25 three issues that we're going to be elevating up the

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1 management chain through -- for the respective
2 agencies that arose I guess in other contexts but
3 specifically in the context of these work plans, and
4 those issues are the required cleanup time frame or
5 restoration time frame that we're going to target to
6 clean up the ground water Aquafur plume and such.
7 LYNN MOORER: Could you slow down?
8 SCOTT MARQUESS: Sorry, did you get that?
9 LYNN MOORER: Would you just repeat that?
10 SCOTT MARQUESS: Issue No. 1 was the
11 disagreement over the required cleanup time frame,
12 the time frame that we're going to target to restore
13 the Aquafur to 2 parts -- less than 2 parts per
14 billion RDX, and less than 5 parts per billion TCE.
15 And the second issue was assessing the
16 appropriate or the applicable surface water quality
17 standards, particularly relative to TCE and RDX.
18 LYNN MOORER: Did you say applying or
19 determining which --
20 SCOTT MARQUESS: Determining the
21 applicable --
22 LYNN MOORER: Okay.
23 SCOTT MARQUESS: -- surface water
24 criteria.
25 And the third issue was the -- the need

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1 for sampling for perchlorate and Dioxane,
2 1,4-Dioxane with an A-N-E at the end, which is a
3 stabilizing agent that is found in some solvents,
4 notably in tricholathane, TCA, not specifically in
5 TCE, which is what we have here.
6 So those are issues, and there's going --
7 there's a meeting scheduled for December
8 the 12th among the agencies, the management folks
9 from the agencies to discuss and hopefully resolve
10 that -- those issues.
11 LYNN MOORER: This is just a follow-up.
12 It might be helpful then for you just to sketch what
13 it means for the -- what this escalation process
14 means. Okay. You're going to meet, and if you
15 don't agree, then what's the next step?
16 SCOTT MARQUESS: This process for these
17 issues, this would be the first step up the ladder,
18 and I would estimate, and I could be wrong, that
19 there would be maybe one more beyond that before we
20 would have reached the end of the process.
21 LYNN MOORER: And then what, yeah, what
22 happens once you reach the end of the process and
23 they don't agree with what you want?
24 SCOTT MARQUESS: Well, at the moment we're
25 in I guess we'd call an informal process, okay, we

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1 have -- we have an agreement between the three
2 agencies--EPA, the Corps and the department -- the
3 department of environmental quality--that outlines a
4 process for resolving disputes, formal disputes,
5 which is -- this has not been elevated at that level
6 in a formal -- formal manner at this point.
7 LYNN MOORER: Previously, it has not
8 happened previously?
9 SCOTT MARQUESS: It has not happened to
10 this point on this issue. Okay.
11 LYNN MOORER: Yeah.
12 SCOTT MARQUESS: So if it -- so if it
13 can't get resolved in this informal process, which
14 could involve -- which will involve a meeting on the
15 12th, if it doesn't get resolved there, there could
16 be another informal meeting to include higher
17 members of the food chain, and if that wouldn't
18 resolve it, it would probably be formalized, and
19 ultimately that's the same process except that it
20 ultimately ends in a decision made by the
21 administrator of the EPA in Washington DC, that
22 would be binding on the parties.
23 Those are pretty rare, that things have
24 proceeded to that level, but that's the process that
25 the federal facility agreement outlines.

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1 LINDA WAGEMAN: Why don't we just thumb
2 wrestle for it?
3 SCOTT MARQUESS: We could do that.
4 LINDA WAGEMAN: I've got really long
5 thumbs.
6 SCOTT MARQUESS: We can take EPA's spot at
7 the thumb wrestling table.
8 GARTH ANDERSON: Linda, if you want to
9 stick around for the thumb wrestling you got to pay
10 extra at the end of the meeting.
11 LYNN MOORER: How long are you going to
12 allow this process to drag on? If these issues are
13 important shouldn't they be resolved fast?
14 Shouldn't you be moving through the
15 process as fast as possible; therefore, how long --
16 how much -- how much time are you willing to allow
17 for this resolution to occur before you say no, this
18 is it?
19 SCOTT MARQUESS: I can't answer that one
20 right now. Hopefully by the first of January,
21 hopefully. I mean, I can't commit to that, so
22 sooner is -- right, sooner is better.
23 That plays in more -- I guess more
24 directly into the plan and how we look at it,
25 particularly relative to the restoration time issue.

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1 LARRY ANGLE: Larry Angle with the NRD.
2 Is it possible to expand at this time what
3 time frame you're looking at, Garth or Scott? I
4 mean, I'm concerned, more pumping, more active
5 pumping, less active pumping; is that being looked
6 at?
7 GARTH ANDERSON: It would be a long time,
8 and things aren't going to happen overnight if any
9 decisions are made. Like some of the issues tend to
10 go toward more active -- whether or not we do active
11 remediation of any source areas or things within the
12 interior of the plume.
13 So in the short term there shouldn't be
14 any increase in pumping or anything that would
15 increase the water drawoff off of the Aquafur.
16 SCOTT MARQUESS: I'll just add, I think if
17 you're concerned about more pumping and draw down,
18 the idea would be that the interior plume cleanup
19 would be in situ, so it'd either be through an
20 injection technique, enhanced degradation or through
21 the circ -- recir wells where it would be no-death
22 loss to the Aquafur, so that's really how we're
23 looking at -- so if that's why your angle is on I
24 would --
25 GARTH ANDERSON: And I would like to add

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1 that during any kind of informal or formal dispute
2 the containment system still operates, we still
3 monitor, we still do all the things that we're
4 signed up to do to keep the plume contained.
5 LARRY ANGLE: Thank you.
6 JASON LEIBBERT: One of the other
7 questions or issues that came up at the last meeting
8 was the status of the 2004 annual report, and this
9 is a report that is behind schedule, and this slide
10 has a couple of dates on here.
11 We've gotten comments from the EPA and the
12 DEQ about that report; we've responded to them. I
13 think we've responded adequately, and we'll submit
14 that revised report in the next couple of weeks, but
15 this is one that is behind schedule.
16 SCOTT MARQUESS: We'll take ownership of
17 the delay.
18 LYNN MOORER: I had a follow-up question
19 on the previous subject about the disputes and that
20 issue.
21 Your so-called answers to these questions
22 lists No. 6 on your web site. This refers to the
23 question that Linda specifically asked about being
24 informed of disputes going on between the Corps of
25 Engineers and the EPA, areas in which the opinions

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1 differ.
2 And this answer that you provide says the
3 final -- and this is in capitals, the draft final
4 document provided to the public represents the
5 resolution of many of these issues.
6 What draft final document is this? You
7 haven't provided any document to the public. It
8 says, current updates on the status of draft final
9 document submittals and the impact, if any, of an
10 ongoing or future dispute among the EPA, DEQ or the
11 Corps will be provided at the RAB.
12 Well, you have not provided us any
13 document here, and I'd like you to explain what this
14 refers to, and also just note for the record that
15 Co-chair Konecky specifically asked on this point
16 for this meeting, that when you discuss this issue
17 that you bring specific documentation with you to
18 share with the public because there were so many
19 specific questions about it at the last meeting.
20 So you were forewarned, you were asked to
21 bring specific documentation on this point. Do you
22 have something to give us?
23 GARTH ANDERSON: Well, first let me
24 address the earlier question, what I'm referring to
25 when I say the draft final document.

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1 For the ground water monitoring program,
2 there were many comments made by the regulatory
3 agencies on this document. What we did is resolved
4 a vast majority of those -- those comments to -- and
5 we hope to the regulatory agency's satisfaction.
6 What we were able to do was remove several
7 of the larger issues from that particular document
8 and elevate it to the next level.
9 Now, these comments were not necessarily
10 directly related to the ground water monitoring
11 program in that -- in that the ground water
12 monitoring program can continue while we resolve
13 those three issues that we discussed earlier.
14 Now, at this point, the comments and
15 responses we've provided EPA and to DEQ, and they're
16 assessing those to ensure that they meet their
17 satisfaction, at which point we can then issue the
18 draft final document.
19 LYNN MOORER: Why didn't you bring us some
20 more detailed information as requested by
21 RAB Co-chair Konecky on this specific point? This
22 general information doesn't cut it.
23 GARTH ANDERSON: We could provide you with
24 the comments and responses. They have been provided
25 to NDEQ, and we should have copies right here if

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1 you'd like to see them.
2 LYNN MOORER: No, we asked that you
3 provide them to the public. I had -- we asked that
4 you had those be available as handouts. Do you have
5 handouts available for everybody to see?
6 GARTH ANDERSON: We can provide those
7 handouts to whomever wishes to have one tonight.
8 LYNN MOORER: How many people are
9 interested in the handouts so that you can get the
10 copies ready?
11 GARTH ANDERSON: I'll have to warn you,
12 it's a very slow copier.
13 Okay. Brady, can we get someone to fire
14 up the copier and --
15 SCOTT MARQUESS: If you're looking for me
16 just hang on because I thought I had it.
17 LYNN MOORER: Again, just to point out, we
18 did give you forewarning that people were going to
19 be interested in this, all right, so it's not our --
20 nobody wants to impede progress here.
21 We want the information to keep flowing.
22 We let you know and you didn't come prepared, so I'm
23 sorry about that. At -- that is the basic thing
24 that you could do is to bring the information that's
25 requested.

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1 GARTH ANDERSON: I understand, we can
2 provide it, we have it, and we'll, before you leave,
3 make sure you get a copy.
4 Okay. Jason.
5 JASON LEIBBERT: And then this is one last
6 slide about the GMP, just a summary of what will be
7 going on in the next three months, between now and
8 the next RAB meeting.
9 And December sampling will start the week
10 of December 12th. January 5th we have this GMP with
11 the regulators to go over the plan for 2006, and by
12 January we should have all the September results
13 finalized and ready to put in the public record.
14 GARTH ANDERSON: All right. As we
15 mentioned in the agenda, we want to talk a little
16 bit more about our site management plan, kind of a
17 long-term approach to managing the site itself.
18 We talked about at the last meeting that
19 we -- we talked about the activities of 2005, '6, '7
20 and beyond. Since then we've met with NDEQ and the
21 EPA to jointly develop this particular plan.
22 What we tried to do is look at all of
23 the -- all the requirements that we think we need to
24 do at the site, and then what we try to do is put
25 them into a broad schedule and then we apply costs

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1 to these particular activities so that we can put
2 together a long-term budget for the site.
3 We're still working out some of the
4 details on this. Our target for finalizing it is
5 the end of the year. These are the main elements of
6 our site management plan. Obviously No. 1 is the
7 big one, got to keep operating the plant, no doubt
8 about it.
9 Second is our ground water monitoring
10 plan, we've talked about that, that will continue
11 hence forth and forever more.
12 So the other elements that we have in our
13 plan, containment evaluation is -- we're developing
14 a new report that we will be producing every year,
15 kind of a remedy performance report.
16 It's going to take all the data from the
17 year, monitoring data, hydraulic data, the sampling
18 from operations and maintenance, and our current
19 model to assess how effective the containment remedy
20 is, and this will be -- the first one will be
21 published in about '07.
22 Once we get the 2006 data collected,
23 assimilated, and then we'll be able to assess the --
24 in great detail the performance of the remedy.
25 We are looking at some additional

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1 investigations interior of the plume. We've
2 included in our monitoring plan the MUD sampling.
3 It's an important thing to include as a separate
4 activity, both the baseline and annual monitoring
5 that we feel is very important to recognize, and
6 then community relations we have to program funds
7 for the RAB, and then overall project management.
8 Slide, please.
9 Again, we thank the folks in the community
10 of coming out and expressing their concerns and
11 providing us input, and we hear your concerns, and
12 these are what we -- have been made known to us or
13 that are the highest community concerns out here.
14 Residential well sampling, we hear it.
15 We've increased our residential well sampling since
16 2004.
17 Not enough monitoring wells to the south
18 and to the east, well, Jason's talked about that in
19 great detail.
20 Project schedule and plan is not clear,
21 that's the site management plan; That's our intent
22 to have a long-term management plan that is
23 scheduled and resourced so that it's clear the
24 direction that we -- that we're going on the
25 project.

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1 And funding, is it adequate for future
2 work, and I'll talk about that in little bit. I
3 have a separate slide on that question.
4 Yes, ma'am.
5 DEBBIE CRANE: Debbie Crane (phonetic),
6 EPA.
7 Before Mitch Frazier left, who was your
8 community involvement coordinator, and that's what I
9 serve in the capacity at EPA for, Mitch was working
10 on a set of interviews he was to conduct with public
11 members, citizens per se, on some of these issues;
12 could you tell me where we are on your community
13 involvement plan which EPA needs to review?
14 GARTH ANDERSON: Well, I wish I could say
15 we've pursued the interviews, but we didn't get a
16 very positive reaction from the RAB on doing
17 interviews and things.
18 Would anybody from the RAB care to
19 comment?
20 LINDA WAGEMAN: I'll comment.
21 Basically the issue that we had with these
22 interviews was simply this: For the last year
23 people have been coming to this RAB and they've been
24 stating their position, they've been stating their
25 concern, their fears, their anxieties. If you want

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1 to know how the public feels come to a RAB --
2 LYNN MOORER: And pay attention.
3 LINDA WAGEMAN: And -- yeah, and listen to
4 what these people have to say. We were not being
5 listened to.
6 The answer does not lie outside in areas
7 of Saunders County that don't even know where Mead
8 is. The issue is with the people here; you do not
9 need a spin on it.
10 You need to address the people here in a
11 25-mile radius, and these are the people that come
12 here, so you don't need to do interviews, you don't
13 need to -- we saw the questions.
14 My husband's a director of market research
15 for infoUSA, okay, so he looks at those questions a
16 lot differently than say you or I would because he's
17 gauged. They were not well written even for the
18 basic outcome that the Corps wanted, they still were
19 not well written.
20 So even if the PR or the interviews took
21 place, the end result would not have been something
22 of actual value. It -- scientifically it wouldn't
23 have been. Subjectively it wouldn't have been.
24 The EPA, the NDEQ and the Corps, if they
25 want to know what's going on, they need to come here

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1 to the RAB and talk to the people. They need to
2 listen to what the people have to say, they need to
3 understand the concerns and not continually
4 reiterate questions on the wall.
5 So as far as that thing, it's nixed, it's
6 gone, there is no survey and there shouldn't be
7 until all of us, the regulators and the public can
8 come together and move this forward because right
9 now we're on opposite sides of the fence.
10 MELISSA KONECKY: You know, and we thought
11 all along that that money could be used to sample
12 more people's well, more residential wells.
13 VIDEOGRAPHER: Name please?
14 MELISSA KONECKY: Oh, I'm sorry. I'm
15 Melissa Konecky.
16 GARTH ANDERSON: Slide, please.
17 Okay. 2005, these are some of the things
18 that we did get done, hang on, I'll get your
19 question in just a second, sir.
20 Load Line 1 treatment system, we talked
21 about that. We're still working on, for the rest of
22 2005, establishing the criteria for containment
23 evaluation.
24 We finished Phase 1 of the geoprobe work
25 and we did sample the -- within the one-mile buffer

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1 zone for this second time.
2 Slide.
3 Lorus, did you have a question?
4 LORUS LEUTKENHAUS: Can you get back two
5 slides, please?
6 Do you think only one, on your very last
7 item there, monitoring from 2007 to 2008 is going to
8 give you enough information to -- oh, if you had to
9 take it to court?
10 And I do remember now, Nebraska State Law
11 says if somebody moves contamination one foot they
12 violate Nebraska State Law, so if one -- my question
13 is: Is one year going to give you enough time to
14 establish a firm baseline?
15 GARTH ANDERSON: Well, in the -- in
16 knowing where the edge of the plume is, I think
17 we're honing in on where that is with some -- a
18 higher level of certainty.
19 There will never be absolute certainty,
20 but I think with the geoprobe work that we're doing
21 now and in Phase 2, we'll be able to establish that
22 line and establish our monitoring well network, and
23 at least get one year of baseline monitoring in.
24 Unfortunately one year is all we get until
25 they start pumping, so we are doing everything we

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1 can within our span of control to establish that
2 line on the east side before MUD starts pumping.
3 And regardless of what MUD may do, we're
4 prepared to go at it on our own on the east side to
5 make sure we know where that baseline is.
6 LINDA WAGEMAN: If memory serves me
7 correctly, MUD, in order to be compliant with the
8 404, has to establish ground water monitoring plans
9 and ground water monitoring wells needs to be in
10 place.
11 My recommendation might honestly be here
12 to review that 404 and go back and look at the
13 deliverables.
14 Now, granted the deliverables have a
15 tendency to contradict themselves on the 404, but I
16 know that if you have $600, the Omaha Corps will
17 research them for you, so --
18 LYNN MOORER: You need more than that.
19 LINDA WAGEMAN: But I mean seriously and
20 realistically because go back into the deliverables,
21 you will find that MUD is currently noncompliant,
22 and you have the ability to halt those wells so that
23 you can establish a solid baseline; that is within
24 your right.
25 The only question at this point is will

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1 the Kansas City Corps exercise it and will the EPA
2 support it and will the NDEQ understand it; that's
3 the only thing, but you do have a right as a
4 grandfather entity and as a participant in that
5 whole 404 process.
6 GARTH ANDERSON: Well, thanks for the
7 recommendation.
8 LINDA WAGEMAN: You're welcome. I --
9 LYNN MOORER: I'm not sure quite the
10 appropriate time, but this might be the appropriate
11 time for me to mention what I want to say on -- this
12 relates to MUD and the -- what you said that you
13 have done on this.
14 Your Item No. 8 on your questions and
15 answers, so-called answers from the last meeting, I
16 had mentioned that there's a sampling and analysis
17 plan for ground water monitoring of wells near the
18 metropolitan district's Platte River West Well Field
19 near Yuan (sic), and I asked what comments the
20 Kansas City Corps had provided because this was
21 MUD's plan for its monitoring wells, so I had asked
22 what input you had provided, and at that point -- at
23 the last meeting you said you hadn't provided any,
24 and it appeared you were unaware of that report.
25 So now in response, the follow-up action

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1 you say you took is KCD followed up with Omaha
2 district on September 9, 2005, okay, so that's my
3 first question: What is that -- what was the nature
4 of that follow-up? Did you provide them a letter,
5 is there some document that you can provide us to
6 tell us what you told them about their monitoring
7 well plan?
8 GARTH ANDERSON: Don't have anything in
9 writing to provide you but I do -- I talked to
10 Mr. Schwartz of the Omaha district, and we work
11 informally together to -- to resolve these problems.
12 And what we are doing right now is we're
13 reviewing their model, and when we have our comments
14 prepared, and in conjunction with our center of
15 expertise comments on the model, then we will -- we
16 will sit down with Omaha and MUD and develop what
17 the monitoring well network should be.
18 LYNN MOORER: So you don't have an opinion
19 on their report to this point on their monitoring
20 well plan; would that be fair to say?
21 GARTH ANDERSON: I do not have an opinion.
22 LYNN MOORER: Well, I don't mean you
23 personally, Mr. Anderson; I mean the Kansas City
24 Corps.
25 GARTH ANDERSON: Jason, we have a -- have

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1 we expressed any formal opinion -- I'm sorry, I'm
2 passing this off to Jason, but have we provided
3 input on the -- on the monitoring well network?
4 JASON LEIBBERT: We haven't done anything
5 in writing between us and Omaha, us and Rodney. We
6 have a different opinion than MUD does regarding the
7 monitoring well network, and that's something we're
8 going to be working out with them.
9 LYNN MOORER: Could you summarize that
10 difference of opinion for us, we'd like to know your
11 views.
12 JASON LEIBBERT: Well, we think they
13 should be doing more, so that's --
14 LYNN MOORER: Can you give us a little
15 more detail; in what respect? Like, for example, do
16 you disagree with the location of the wells, do you
17 disagree with the number of wells? Tell us. We're
18 not stupid here, you can tell us something that
19 we'll be able to understand.
20 JASON LEIBBERT: Well, our opinion is that
21 more wells are needed in different locations than
22 what MUD has proposed right now.
23 LYNN MOORER: How many more, just roughly,
24 give us an idea here.
25 JASON LEIBBERT: We don't have a specific

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1 number.
2 LYNN MOORER: That's not good enough. I
3 mean, what did you tell Rodney, Mr. Schwartz, at the
4 Omaha district?
5 JASON LEIBBERT: Well, we told Rodney that
6 this is something we need to talk about with him,
7 and that's what we're going to do next year.
8 LYNN MOORER: So you have not provided
9 anything more concrete than that?
10 JASON LEIBBERT: Not yet, no.
11 LYNN MOORER: And the time line for your
12 providing this input then, this more concrete input,
13 is what, when will you provide this?
14 JASON LEIBBERT: There is no specific time
15 line.
16 LYNN MOORER: Wow, I'm sure we're all very
17 reassured by that.
18 One other thing I should just point out, I
19 would consider your answer fairly nonresponsive. I
20 should also cite the fact that your answer also goes
21 on to say, Omaha district also provided a detailed
22 response on August 31st, 2005, to an August 16, 2005
23 letter from Lynn Moorer on this same subject. Where
24 did you get that idea?
25 GARTH ANDERSON: I read the letter.

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1 LYNN MOORER: Did you even see my letter
2 and did you even see their response?
3 GARTH ANDERSON: Yes.
4 LYNN MOORER: Well, you are wrong or else
5 you do not understand English. Let me just fill you
6 in --
7 COLONEL ROSSI: Can I please have the
8 microphone?
9 The RAB advises me to come in (inaudible
10 response), can I interrupt for a second?
11 LYNN MOORER: I want to
12 finish explaining --
13 COLONEL ROSSI: Stop the personal attacks,
14 Ms. Moorer, okay? I mean, I've been suspended for
15 some of this, but I know you're frustrated.
16 LYNN MOORER: This is not a personal
17 attack, sir, this is a factual statement of --
18 COLONEL ROSSI: No, I know, but you can
19 get facts across without attacking people on the
20 stage or calling or asserting their motives, so if
21 you just take that piece of that out of there, state
22 the facts, we'll answer the questions as best we
23 can.
24 I don't know how the transcriber has got
25 this down here; you get on a roll there and it

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1 starts to get insulting to the public servants.
2 LYNN MOORER: Mr. Rossi, yes, it is very
3 insulting to us when we ask specific, clear
4 questions I think, and we are provided nonresponsive
5 answers, answers that strain credulity in any
6 impartial assessment of this. This is clearly
7 nonresponsive to what was asked.
8 COLONEL ROSSI: So ask factually and you
9 will get the answer back without insulting the
10 person that's up front, okay?
11 LYNN MOORER: We all here I think probably
12 agree that --
13 COLONEL ROSSI: I made my point.
14 LYNN MOORER: -- respect would be very
15 helpful. I do respectfully ask you to explain why
16 my answer -- why this answer is totally
17 nonresponsive.
18 The folks might be interested -- you might
19 be interested to know what I actually asked and what
20 Rodney Schwartz actually told me.
21 I sent Rodney Schwartz a letter August 16,
22 following up on certain of the conditions in the
23 404 permit to find out to what degree MUD on some of
24 those requirements was actually following the
25 requirements.

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1 So I asked for a copy of the Nebraska
2 Ordinance Plant Ground Water Assessment, slash,
3 Monitoring Plan that is required in Condition 61.d.
4 I also then asked for any Corps approval
5 issued for that plan referenced in Condition 61.d,
6 which is another thing that's required. It's
7 required that they're supposed to have that within
8 one year of permit approval, okay.
9 As you recall, the permit was issued in
10 May of 2003, so that meant they were supposed to
11 have that plan by May 2004, so I asked for a copy of
12 it, that's what I was asking for.
13 I also asked for a detailed study of each
14 pond within the Platte West Well Field Cone of
15 Depression as required in Condition 80, okay, and
16 asked and answered for any subsequent updates.
17 So what then Mr. Schwartz replied is that
18 he told me in response to what you just said, Linda,
19 about following the deliverables, that -- that
20 ground water assessment monitoring plan as depicted
21 in Permit Condition 61.d is not available at this
22 time.
23 They have not done this, they -- and he
24 said later in the letter, a final plan is not yet
25 available. With respect to -- he also said the

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1 Corps has not issued an approval for the NOP ground
2 water assessment monitoring plan, this thing that
3 is -- was required to be done within a year after
4 the permit was issued, and he also explained that
5 there is no such detailed study of each pond within
6 the area as Condition 80 requires.
7 It says, the Corps is currently in the
8 process of reviewing a -- the bathymetric monitoring
9 plan, and once that review is final it'll go on the
10 web site.
11 So my question was simply provide me the
12 documents showing that some of these conditions have
13 been met. It, in no way, was responsive to my
14 asking what is the Corps provided in terms of input
15 with respect to any MUD monitoring plan.
16 Those two things are entirely different.
17 It is not appropriate for you to drudge up a letter
18 that Rodney Schwartz sent to me as somehow trying to
19 give the impression that you've answered the
20 communities' questions, which you haven't, all
21 right.
22 Those were two entirely different
23 subjects, but at least now I've conveyed to you what
24 Rodney conveyed to me about the fact that at least
25 three of those permit conditions clearly were not

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1 met as of August -- excuse me, the date of his
2 letter was August 31st of this year.
3 Anyhow, I do again respectfully ask you
4 answer the question that is posed to you. You
5 should be able to get that directly within your
6 sites and answer that question. If you don't know
7 say so.
8 GARTH ANDERSON: Okay. Is there a
9 question on the table? I'm not quite sure at this
10 point, help me out.
11 LYNN MOORER: I asked you to -- would you
12 please respond to the questions that are actually
13 posed to you in the future?
14 GARTH ANDERSON: Yes.
15 LYNN MOORER: All right.
16 GARTH ANDERSON: Yes.
17 LYNN MOORER: We'll look forward to that.
18 GARTH ANDERSON: Okay. Very good, thank
19 you very much.
20 SCOTT MARQUESS: I'll take a shot.
21 GARTH ANDERSON: Scott.
22 SCOTT MARQUESS: Are you talking about the
23 April '05 sampling plan for USGS for MUD? I think
24 that's what you brought up at the last meeting.
25 LYNN MOORER: Yes.

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1 SCOTT MARQUESS: I think that plan calls
2 for USGS to sample six monitoring wells for -- on
3 MUD's behalf, and I don't know if you have the map
4 there, but there are six wells, they range from
5 the -- they range about a mile or two from the plume
6 boundary as shown here, and from -- basically almost
7 from the entire north to the south side of the
8 Platte -- or south side of the range of the ends of
9 the plume.
10 So relative to the date of this, I
11 understand that they've probably completed that
12 sampling. I have not seen the data. I've looked
13 for it on the web site. I was hoping to talk to
14 USGS, but I didn't get a chance to do that.
15 If that data is clean it would not tell us
16 a whole lot; if that data shows detections it would
17 tell us a whole lot. I think the data that's been
18 discussed here tonight relative to the sampling in
19 proximity to the plume is probably of much more
20 value and relevancy than the data that would be
21 generated from sampling of these six wells relative
22 to our understanding of the plume.
23 LYNN MOORER: Can I ask one quick
24 follow-up? Did you have any other thoughts about
25 their plan?

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1 SCOTT MARQUESS: Well, this plan I
2 think --
3 LYNN MOORER: Asking EPA's comments, if
4 you had any?
5 SCOTT MARQUESS: Well, I mean, we've given
6 comments previously as to -- not to MUD, so but
7 relative to the Corps as to how much monitoring
8 might need to be done east and south.
9 So this plan here is only a partial as I
10 can tell, and I'm not familiar with -- having seen
11 the deliverables that you mentioned, I do know that
12 according to what I believe Rodney had told us
13 previously is the Omaha Corps agreed to switch the
14 order with which the ground water modeling and the
15 ground monitoring programs or documents were going
16 to be submitted by MUD.
17 So they did the modeling first, then they
18 were going to follow-up with the monitoring plan.
19 I'm not familiar with having seen a -- the
20 deliverable you mentioned, a MUD monitoring plan, I
21 would only view this as a partial to that six --
22 these six wells, so in our estimation -- and I agree
23 with what Jason said, there would -- there would be
24 monitoring required at least partly combinated by
25 the 100 wells that is pending here.

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1 LYNN MOORER: Do you want to give just a
2 rough idea in general how many monitoring wells you
3 really think they need?
4 SCOTT MARQUESS: We said -- and this is --
5 this is art, not science I would say. We said,
6 well, how about every thousand feet to the east, I
7 think the Saunders County consultant said ten
8 locations to the east, which would be a lot less
9 than every thousand feet, or maybe half I guess, so
10 maybe ten or twenty locations, and that may be
11 something that'll be accommodated by what this
12 hundred wells plus whatever MUD may then ultimately
13 come up with.
14 GARTH ANDERSON: Just keep in mind, our
15 mission is to keep the plume in containment and to
16 monitor where it is, especially along the east and
17 south.
18 In the end, regardless of what MUD may or
19 may not do for monitoring, we are going to put in a
20 monitoring well network that we feel is adequate to
21 see where the plume -- see if there is any effect
22 from the pumping on the plume.
23 LINDA WAGEMAN: Garth, you do realize
24 that, you know, we're talking about whatever MUD may
25 or may not do. That phrase kind of scares me

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1 because MUD is supposed to do what the regulators
2 tell them they can do.
3 Unfortunately that does not appear to be
4 the case. It appears as if the regulators are doing
5 what MUD wants to do.
6 In the 404, Condition No. 55 basically
7 states--and I don't know it verbatim anymore, once
8 upon a time I regret to say that I used to--MUD, all
9 they need to do if they want to modify anything in
10 the 404 is just provide written notice to the Corps,
11 that's pretty much it, Condition 55, go read it.
12 GARTH ANDERSON: Okay.
13 LINDA WAGEMAN: Now, yeah, not okay. It's
14 not okay, but it is there, and I don't think that I
15 can emphasize this enough when I say you people were
16 here first, you have a federal responsibility which
17 takes precedence over a local desire.
18 MUD is the local, they are nothing, they
19 are owned by the people. I own MUD, I have a home
20 in Omaha, okay, and Condition 55 states upon
21 written -- let's see, upon request by the permittee,
22 the Corps of Engineers may modify or delete the
23 reporting requirements as set forth in Appendix A or
24 as otherwise stated in the permit.
25 So when you say we only have a year to

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1 test baseline, that mentality, as an executive
2 manager, frightens me because that tells me that
3 you've given up. That also tells me that you don't
4 fully understand the power you have and the
5 responsibility that you have to decide.
6 I know you know you have it, but to the
7 extent to which you do, I'm questioning, because if
8 that were the case you wouldn't -- that stuff
9 wouldn't come out of the mouth.
10 You have the right to tell MUD, I'm sorry,
11 this is not acceptable. You don't have to dance
12 around the May Pole with these people.
13 MUD, they're bullies. MUD is very
14 political and they pull a lot of political favors.
15 If you ever want to know what goes on, I told the
16 EPA, I told you guys before, see what they do on the
17 gas side, and you'll understand what we say.
18 They're just -- they're just managing this
19 matter of course and they're bullying right through
20 you guys. You guys have the power and the right to
21 stand up and say no, and we're expecting you to do
22 it.
23 So if they don't want to do the monitoring
24 wells and they turn around and say, well, we don't
25 want to spend people's money on it, we don't think

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1 it's right, you turn around and say too bad.
2 They're the ones that should be paying for
3 these monitoring wells according to the 404 permit,
4 not the Kansas City Corps of Engineers.
5 I think it's terrific that the EPA and
6 KC Corps recognize that we need monitoring wells
7 here, and they're willing to put the money in to try
8 and protect the people, but the reality is it is
9 MUD's responsibility to put in those monitoring
10 wells as the EPA and the KC Corps deem fit, not the
11 Omaha Corps and not MUD, but you and the EPA.
12 Now, if I understand that, why all of
13 this?
14 GARTH ANDERSON: What we don't want to
15 happen is we waste time trying to haggle and in the
16 end we've lost time.
17 We are -- we want to be prepared to have
18 the baseline sampling in at the earliest opportunity
19 so that if all is said and done that, they're still
20 turning the switch on in '08, we had the one year of
21 baseline sampling available so that we can determine
22 what the effect on the NOP plume is. That's my
23 responsibility, to make sure that that plume stays
24 where it is.
25 LINDA WAGEMAN: And I agree absolutely. I

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1 sincerely hope that that happens because believe it
2 or not, Garth, you and I are on the same side.
3 GARTH ANDERSON: We have the same
4 interest.
5 LINDA WAGEMAN: And I'll put that on the
6 record.
7 GARTH ANDERSON: Very good.
8 And one other point is that just because
9 we're initially laying out the cash for part of the
10 monitoring well network does not mean that we would
11 still recoup -- try to recoup our cost from MUD.
12 LINDA WAGEMAN: Well, if you need help in
13 that area you let me know.
14 GARTH ANDERSON: We'll give you a call.
15 LINDA WAGEMAN: You do that.
16 MUD is noncompliant on their 204; Lynn's
17 documentation proves that. One thing that we're
18 experiencing here on the Saunders County side when
19 you have, you know, an NRD board meeting--I have not
20 attended myself, but I've heard this through some
21 people that had attended--in the board meeting
22 they're being advised that MUD is compliant, and
23 they're not. Clearly they're not compliant.
24 Why? Because Rodney is stating the stuff
25 isn't going through, it's not getting done. The

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1 regulators aren't talking to each other, and because
2 of Condition No. 55, the left hand doesn't know what
3 the right hand is doing, and MUD is running the
4 show, and they're mucking it up to a point where
5 everyone is dancing around the May Pole, and I am
6 begging you guys to take control of this thing and
7 use your weight. This should not be a political
8 issue, this needs to be a federal one.
9 GARTH ANDERSON: Okay. 2006 I think we've
10 talked about a lot of this already, between
11 Phase 2 investigation for geoprobe, turning on the
12 load line treatment system, getting the MUD
13 monitoring network in place, and again sampling the
14 one-mile buffer zone for the third time.
15 2007, I think we've all heard the --
16 establishing the baseline conditions for MUD, right
17 on.
18 One event that is fairly significant to
19 the site is completion of what's called the
20 five-year review. Five years after implementation
21 of a remedy you're required to do a review and see
22 where it stands, look at the risk, look at the
23 pathways, and assess the -- assess the remedy.
24 So that'll be going on -- the actual
25 process of performing the review will be going on

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1 during 2006, and the report will be issued in 2007.
2 Earlier I talked about the annual remedy
3 performance report; what we're trying to do is I
4 guess, if you will, make it one-stop shopping so
5 that you can find what's important in one document
6 of what's going on at the site.
7 Again, it's a -- it takes input from
8 modeling, monitoring, operations and maintenance,
9 all the factors that -- that go into operating the
10 treatment system so that we can assess how well it
11 is actually performing, whether it's meeting
12 containment, whether it's -- and it's making sure
13 the plume is still where we want it to be and so on.
14 This is the one that'll have a lot of nice graphics,
15 nice -- easy to interpret presentation if you will.
16 LINDA WAGEMAN: Something that I've had --
17 that I've been doing that I've been doing manually,
18 which I don't want to do manually anymore because
19 it's very tedious.
20 GARTH ANDERSON: It's never any fun.
21 LINDA WAGEMAN: No, but believe it or not,
22 I've got lots of stuff. I've been tracking all your
23 monitoring wells from 1993 to current, and I've been
24 comparing the chemicals found at the varying screen
25 levels and trying to figure out where this

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1 contamination is going and trying to grid this out.
2 I'm one of those sick individuals that
3 actually enjoys doing that kind of stuff, and what I
4 found is I couldn't account for a number of
5 monitoring wells because when I go to the main
6 repository or Melissa is kind enough to go there and
7 talk the lady into letting her check out some books,
8 a lot of the wells, there's no information on them.
9 I understand, I've been advised that you
10 have all of the data electronically for all of the
11 wells, testing on all of the screens in that
12 computer back there.
13 GARTH ANDERSON: Yes, we do.
14 LINDA WAGEMAN: Excellent. There are some
15 people that would like to see that so that they
16 don't have to sit at home at 2 o'clock in the
17 morning and track HMX, you know, or carbon
18 disulfide, so how can we make that happen?
19 GARTH ANDERSON: Well, there's a couple of
20 options. Not everyone likes to delve into the inner
21 workings of a database; however, if you have a
22 specific query on a well, whether you're looking at
23 one well or --
24 LINDA WAGEMAN: I'm looking at every
25 single well on the internal and external site of the

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1 plume from 1993 to current, I'm tracking them all.
2 GARTH ANDERSON: Well, you probably need
3 to be a little more specific on what we're looking
4 for, and we can help you refine your -- what
5 specifically you might be looking for.
6 Trends over time, are you looking for
7 distribution of contaminants, are you looking for
8 distribution of contaminants of depth, laterally;
9 there's a hundred ways you can slice and dice the
10 data.
11 LINDA WAGEMAN: So what you're telling me
12 is all of the information that I want I'll have
13 access to?
14 GARTH ANDERSON: It's all in the public
15 record. It just happens to be in a nice handy
16 database that makes it easier for everybody.
17 LINDA WAGEMAN: So I'll be able to go
18 online and run queries and find that data?
19 GARTH ANDERSON: Not yet, we're not that
20 sophisticated. I wish we could. You know, one day
21 that's a worthy goal to be able to have a queryable
22 online database; we're not there yet. It's
23 certainly something we can take a look at.
24 LINDA WAGEMAN: So basically what you're
25 saying is, Linda, you're going to have to continue

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1 to track the chemicals manually?
2 GARTH ANDERSON: We can help you. If you
3 have some specific things you'd like us to look at,
4 we can run these queries and help you save your time
5 so maybe you can go to bed at 1 instead of 2, but --
6 just joking.
7 But, yeah, it's here for everyone's use.
8 It's just a great tool to do what you're doing
9 manually because manually is definitely no fun.
10 TOM O'HARA: You want to mention for a
11 second that before your RAB we do have the -- lack
12 of a better word, an open house which allows those
13 individual driven questions get answered.
14 It's not excluding dialogue, it's just to
15 provide time to bring the expertise to the table for
16 the individual concerns that normally don't have the
17 time to be addressed during a two- or three-hour
18 meeting.
19 GARTH ANDERSON: That's an excellent
20 point, thank you, Tom.
21 Yeah, from 4 to 7 before every RAB we do
22 have an open house, and we have the database ready,
23 revved up, ready to go, so if you -- if anybody
24 wants to sit down Brady can -- can do so.
25 COLONEL ROSSI: I think -- This is

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1 Colonel Rossi for the record here.
2 The information is there, and you're doing
3 it out of concern the hard way, and when you type in
4 the stuff and you're looking -- you know, you're
5 doing your own personal query on what you're looking
6 for as you type it in, we can do that for you.
7 Unfortunately my perspective in looking at
8 this where I'm at is that we wait to do this in
9 three- to four-month surges for the RAB, when it
10 would seem to be that we formulate cooperatively.
11 Linda would say, for example this is --
12 this is where I'm going with this, this is what I
13 need to know. We're not ready for prime time by
14 throwing the database on the open web source, but
15 rather than me type this in, can you give me the
16 following information on specific wells, each and
17 every well; tell me what you want, we build a query
18 like anybody would do in Access or anything else, we
19 run the query and we provide you the information.
20 What we'd probably do is we'd hire a RAB
21 and, you know, based upon your question, but what we
22 seemed to be getting to is we wait for these three-
23 to four-month surges in the RAB to try to
24 collaborate and figure out what kind of data is
25 trying to catch up with things we've done poorly in

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1 the past, missing the boat on things that we've
2 looked for.
3 This is why I think it's easy: What
4 you're asking for I think would be easy for us to do
5 if we collaborate just a little bit and get you
6 exactly what you want. You just have to figure out
7 how to ask it.
8 LINDA WAGEMAN: (Inaudible comments) the
9 last RAB that that database even existed.
10 I was advised if I ever wanted to know
11 something to go to the repository, so I did what I
12 was told. Unfortunately the data isn't there, the
13 repository is six of one, half dozen of the other.
14 So for instance, you know, I was running a
15 heavy focus up in Load Line 1 in the northeast
16 section where the contamination actually hit west of
17 it, and I was looking in that area there, and then I
18 was -- I'm concentrating and I have been for a very
19 long time on the south-southeast portion of the
20 plume.
21 So we're looking at Wells 7, 8, 9, 10 I
22 think if memory serves me correctly -- oh, nope,
23 nope, nope.
24 I'm thinking of, let's see, it's EW-1 up
25 north through SW-9 and SW-5, that entire area around

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1 in there, so we're looking at, you know, Monitoring
2 Well 44, we're looking at Monitoring Well 45 and in
3 that area because that is a real hot spot.
4 And so what I'm trying to do is say, okay,
5 well, back in -- you know, back in '95, this is what
6 they had, and back in '97 this is what they tested.
7 Now, is this moving, what are the levels,
8 are they increasing, are they decreasing, you know,
9 do the barium years apply, when is it most
10 sensitive, when is it least sensitive, and those are
11 the things that I'm doing, and I'm doing it
12 manually.
13 GARTH ANDERSON: That's a pretty easy
14 query for us to be able to run in the database.
15 LINDA WAGEMAN: Great.
16 GARTH ANDERSON: So Linda, what I would
17 ask is if you have a specific question, the best way
18 to do it is if you can type it out on an e-mail so
19 that we make sure we know specifically what you're
20 looking for, and we can run the query and put it in
21 a table and send it back.
22 And, again, as Colonel Rossi said, if we
23 could do this in the off months we can be that much
24 further ahead.
25 Okay. Moving on to 2007, that last

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1 bullet, when I say review and evaluate the one-mile
2 buffer zone, that's to -- we initially committed to
3 doing three years of buffer zone sampling, and this
4 is the year that we would review, and parts of it
5 would -- would be incorporated into the ground water
6 monitoring plan on a permanent basis.
7 It may be expanded, we don't know where it
8 would go after three years, but we don't want it to
9 drop off the table because we know it's important.
10 We want to make sure that we take a good look at it
11 and see which direction it does need to go.
12 Slide.
13 2008, yeah, updating the ground water
14 model. We anticipate updating the ground water
15 model about every two years. It -- every year it
16 may not be feasible because there may not be enough
17 new data to really warrant updating it, but we see
18 about every two years updating the ground water
19 model, so that's why it's in 2008 and you didn't see
20 it in 2007.
21 Potentially installing some new ground
22 water circulation wells, some possible
23 investigations of source areas, and then the big
24 event, monitoring effects of MUD pumping, which we
25 hope there are none; that's our finest hope.

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1 Slide.
2 2009 and beyond, again continue to monitor
3 MUD. By this time we -- our plan or our hope is to
4 make sure that we have a good handle on a -- on the
5 exterior or on the leading edge of the plume.
6 Once we have a handle on that, we have our
7 containment evaluation process up to date, we have a
8 very -- a more comfortable feeling, very confident
9 about where -- that we have containment, then we can
10 start changing our focus to the interior of the
11 plume. That's what's intended with the -- some of
12 these interior investigations and some potential
13 pilot studies.
14 LYNN MOORER: Are you saying by 2009 you
15 are hoping to have a good handle on the edge of the
16 plume?
17 GARTH ANDERSON: Yes.
18 LYNN MOORER: That's the time frame you're
19 looking at?
20 GARTH ANDERSON: Well, we think we have a
21 pretty good handle on the eastern edge right now,
22 but what we're -- that's just one element.
23 You know, making sure that we have a good
24 feeling and a good definition of the edge of the
25 plume, that we have a working and feasible

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1 definition of what containment is, we've looked at
2 the containment remedy for several years by that
3 point and we're confident that the remedy is
4 performing as advertised, then when we've achieved
5 that, then we can then turn our focus to the
6 interior of the plume perhaps.
7 LYNN MOORER: All right. So is your --
8 investigation of DNAPLs in your site plan at this
9 moment doesn't appear until 2009, you're not
10 planning to investigate that until 2009?
11 GARTH ANDERSON: Yes.
12 LYNN MOORER: DNAPLs?
13 GARTH ANDERSON: Yes.
14 LYNN MOORER: How comfortable are you with
15 that, Mr. Marquess?
16 SCOTT MARQUESS: The presence of DNAPL
17 will dramatically impact the nature of any remedy
18 that we might install relative to the interior of
19 the plume, so that's one thing we talked about and
20 something that actually we're engaging other parties
21 to look at, other VRPs --
22 LYNN MOORER: Why?
23 SCOTT MARQUESS: -- unnamed other parties
24 at this moment, but hopefully work to be conducted
25 next spring. We're attempting to negotiate with

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1 another party to do some work to at least partly
2 evaluate the presence of DNAPL on the western side,
3 Load Line 1, so, yes, the presence of DNAPL is
4 important to the nature of the remedy.
5 LYNN MOORER: My question was how
6 comfortable are you with that time line with respect
7 to DNAPL?
8 SCOTT MARQUESS: I'm not going to address
9 the question of comfort. I can tell you that we
10 wouldn't be able to reliably select a remedy if we
11 didn't know anything about the presence of DNAPL, so
12 if we put in -- if we put in wells in the northern
13 parts of both the eastern and the western TCE plumes
14 without knowing that there was -- whether or not
15 there was DNAPL, there would be some opportunity
16 with -- for -- to impact the success of those wells.
17 Does that get close?
18 LYNN MOORER: I just want you to --
19 SCOTT MARQUESS: I'm not going to give you
20 a comfort factor. I can tell you that DNAPL
21 influences the way we would perform the cleanup.
22 If we find DNAPL there, the nature of the
23 remedy would be different than if we didn't find
24 DNAPL.
25 Would it be prudent to know whether we had

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1 DNAPL sooner rather than later, yes. What we're
2 trying to do is negotiate with another party to help
3 assist in those evaluations. Hopefully that work
4 could happen next spring.
5 LYNN MOORER: If you are not successful in
6 your effort with other PRPs, is that sufficient?
7 Is -- beginning investigations in 2009, is that
8 sufficient?
9 SCOTT MARQUESS: We'd like to see an
10 evaluation of DNAPL prior to the installation of a
11 broad scale remediation system, so if the broad
12 scale remediation system is in 2008 and we look for
13 DNAPLS in 2009, that may not work.
14 LYNN MOORER: Thank you.
15 LORUS LEUTKENHAUS: Sir, at the last
16 meeting we had here, you were talking about a new
17 definition of containment; do you have that today?
18 GARTH ANDERSON: No, that is still
19 something that we're working on with the -- with
20 EPA and DEQ.
21 It -- the definition of containment brings
22 in a lot of factors. It's not, you know, uses the
23 hydraulic data, uses chemical data, uses well
24 performance data, and we need to make sure that we
25 all agree on what those criteria are so that we can

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1 know what containment and what successful
2 containment actually is.
3 Slide.
4 Our site management plan, we did put some
5 budget numbers to this. Notice a spike in 2008,
6 that's when we would potentially install some ground
7 water circulation wells.
8 One thing I need to add or need to point
9 out is that our annual operating cost for O&M--and
10 this is stuff that has to happen every year, nothing
11 we can do about that--is 1.9 to about $2.4 million,
12 and that's right off the top.
13 Ground monitoring plan -- or program 6 to
14 900K a year. Those costs will be increasing because
15 of the installation of the additional wells to the
16 south and the east.
17 And then every time we do an investigation
18 such as the geoprobe work that we've been doing, it
19 costs about 250K per event.
20 Slide.
21 Now, here's the kicker. The site
22 management plan that we have developed is what I
23 would call or what is called an unconstrained plan;
24 in other words, we identified all the requirements
25 and put a cost to them.

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1 This is where it stands right now, but
2 these requirements actually exceed what our current
3 program amount is in the formerly utilized defense
4 site budget; however, let me explain here, we have
5 always had a continuous request for funds on the
6 table so if anytime if congress gives the FUD's
7 program a plus-up, that we've been able to take
8 advantage of that funding, and put some things under
9 contract.
10 It's been -- it's allowed us to do some of
11 the things that we wouldn't normally get to do, such
12 as the 99 wells that are going in in 2006. That was
13 because of -- we were ready to -- we identified the
14 requirement and we were ready to award it, and the
15 FUD's program got an increase and we were able to
16 take advantage of it.
17 So just because our requirements exceed
18 what's programmed doesn't mean we absolutely will
19 not get the money. We'll try to influence the
20 long-term budget that we get on the site so it does
21 get programmed in, but if we don't get that we're
22 not going to roll over and give up.
23 We'll continue to ask for money until
24 somebody way, way, way up there says forget it,
25 you're not getting it.

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1 I just want to point out past success in
2 procuring additional funds, and I'm not just blowing
3 smoke, that we ask for funds and do it on a hope and
4 a prayer, last year we were able to get an
5 additional $1.8 million to take care of some of
6 these issues at the site. So I think our past
7 success in getting additional funds speaks for
8 itself.
9 And one thing to point out is that when --
10 I know there's a lot of concern with all of a sudden
11 if we find something that is way out of tolerance or
12 a big surprise, you know, the big, oh, my God, what
13 do we do about it, do we have contingency plans, no,
14 we don't have contingency plans and contingency
15 funds, per se, but what we do is that once something
16 is identified, such as what we had Monitoring
17 Well 85.
18 We undertake -- we develop a plan based on
19 the data and we -- we develop the plan, we cost it
20 out, we get it ready for award, and when something
21 like this happens, we rise to the -- in level of
22 priority of getting funds to take care of some of
23 these things, and we've always been successful in
24 being able to take care of these, quote, unquote,
25 contingencies.

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1 Slide.
2 LINDA WAGEMAN: Question.
3 GARTH ANDERSON: Yes.
4 LINDA WAGEMAN: So you mean to tell me
5 that you do not have nor do you plan to take care on
6 a disaster recovery plan for this project?
7 GARTH ANDERSON: Define disaster recovery
8 plan.
9 LINDA WAGEMAN: On the projects that I've
10 worked on in last several years, disaster recovery
11 plans were defined as such: If a -- if a bomb
12 dropped on my location how would I be able to be up
13 and fully operational within eight hours?
14 Okay. If a bomb dropped on my location
15 and that of one of my warehouses how would I be able
16 to be up and fully operational within eight hours?
17 I've worked on several projects, I've
18 actually had to utilize a disaster recovery plan.
19 By the way, I got up in four hours as opposed to
20 eight, which is pretty cool.
21 But what I'm hearing you say, Garth, is
22 I'm hearing time, okay. I don't feel comfortable
23 having a project and not having a contingency plan
24 in place or at the very least, contingency funding
25 for the what-ifs.

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1 And I know that you can qualify what-ifs,
2 you can turn around and try to place that money in a
3 budget so that you don't have to rob Peter to pay
4 Paul or you don't have to wait the three to six
5 months to be on the priority list and then have to
6 argue for that money.
7 I mean, unlike other projects, you've got
8 a 600-pound gorilla in your backyard that's going to
9 be pumping, so you don't have the luxury of waiting
10 six months until somebody says, oh, sure, I'll give
11 you half of what you request. You know that's going
12 to happen, I know that's going to happen.
13 GARTH ANDERSON: First, we -- the way the
14 law is written with our funding, we aren't allowed
15 to have contingency funds, but let me explain that.
16 LINDA WAGEMAN: You are not allowed?
17 GARTH ANDERSON: Yep, cannot have, you
18 know, officially, and I have a strict definition of
19 contingency funds, just sitting there waiting for
20 something to happen, can't do it.
21 But what we can do in instances like that,
22 we have -- we have URS and ECC under contract, and
23 we can reprogram funding if it's an immediate need.
24 It will take away from something else, but --
25 LINDA WAGEMAN: How about increase the

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1 budget, I mean, request an additional budget amount,
2 and then allocate that money to the URS or whomever.
3 GARTH ANDERSON: Right, which, we would
4 do. We would certainly request the money, and
5 fortunately, with things like that, the ground water
6 doesn't move at such a speed that it would warrant a
7 disaster recovery plan.
8 LINDA WAGEMAN: Right.
9 GARTH ANDERSON: So we have -- we do have
10 time to react, which is fortunate, on a lot of
11 these. For instance, Monitoring Well 85, we were
12 able to take care of it in due course.
13 COLONEL ROSSI: Linda, let me kind of talk
14 to the logic of it in kind of my way of thinking.
15 Say for a year of remediation of action
16 and work by the Corps we're given X amount of money
17 for Y amount of needs. Garth said we have an
18 unconstrained program upon requirements that we can
19 foresee and receive an amount of funding in the
20 budget to somewhat less than that.
21 The intent of the district is to commit
22 all funds for remedial action. The contingency plan
23 you're talking about, rather than set aside or
24 taking funds out of the project and set it aside
25 just in case, the contingency plan in macro terms

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1 that Garth Anderson just laid out would be that we
2 have a -- in the army we call it a UFR List, an
3 unfunded remediation list, but you have the list of
4 what actions you would do if more funds become
5 available.
6 If a bomb dropped, not literally, but if
7 your example is given straight, what Garth is saying
8 is we'd take funds from within the project
9 programmed and received for action that we decided
10 to do on the project and shift those immediately
11 without time to handle the contingency, then seek
12 other funds or additional funds basically to
13 continue to get the work done.
14 In other words, not wait on the time
15 you're talking about if it's that urgent, take funds
16 from within -- you know, we'd have the contracting
17 capacity to get it done, take those funds and
18 immediately do it.
19 What we're really trying to do is commit
20 all available funds to remediation all the time.
21 We've been very successful compared to the size of
22 other remediation projects within the district and
23 within the nation in this particular FUDs program of
24 getting additional funds, probably more successful
25 than most -- any other site, and I think the reason

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1 is you have a standing UFR List, and we've been able
2 to demonstrate rather quickly when extra funds
3 become available and the fact that we have a need.
4 So that I think that's the strategy,
5 rather than take money out of the project and hold
6 it aside for contingency, you need to -- I haven't
7 dug into the legality of it, but I think flexibility
8 is there to avoid disaster.
9 LINDA WAGEMAN: That's cool, I'm used to
10 taking maybe a half of a percent or 1 percent and
11 allocating it so that you don't have to rob Peter to
12 pay Paul, because what happens if you have to -- I
13 don't like reallocating funds on a project, but if
14 you can do it successfully more power to you.
15 My concern here is the success rate that
16 you're claiming because last year all we ever heard
17 was we don't have the budget, we don't have the
18 money, we don't have the budget, so I don't quite
19 understand.
20 COLONEL ROSSI: You don't have it until
21 you have it. I mean, you don't have it until you've
22 requested and received it, so we sought it for
23 the -- I imagine (inaudible comment).
24 LYNN MOORER: We can't hear you.
25 COLONEL ROSSI: That you don't have the

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1 money until you demonstrate the need, and then they
2 deliver the money. It wasn't in the budget, the
3 1.8 wasn't in the budget, so the answer was we don't
4 have the money.
5 We requested the funds, funds came
6 through, we were able to program the work. It's --
7 I understand where you're coming from. I mean, I
8 understand the logic. There's a strategy to what
9 you're doing. I don't know, Garth said we may be
10 precluded from doing that in some kind of large
11 amount. You know, I'm not sure.
12 I think we've got a -- got a strategy I
13 think for the thing at -- for the item at hand, but
14 this is -- again, this is something that the
15 advisory board and us can work together
16 collaboratively on instead of throwing it out there
17 as an issue and then retort in three months.
18 I mean, this is one in which we can assume
19 the risk together and say, look, here's kind of the
20 plan, here's the long-term plan for the site, is
21 this an acceptable risk given how fast the ground
22 water moves and what the possibilities or
23 probabilities are for a disaster happening; is that
24 what you're saying, contingency happened, and then
25 we make a site.

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1 LINDA WAGEMAN: Something that needs
2 remedied, something that --
3 COLONEL ROSSI: Immediate remedy.
4 LINDA WAGEMAN: Something that needs to be
5 fixed. For instance, let's say Ground Well 3
6 hitting, sorry, all of a sudden hitting 5, when it's
7 been sitting at 2.5 or 1.9, and boom, it hits 5,
8 what are you going to do? You know, that type of
9 response and actions, so --
10 COLONEL ROSSI: If you have a standing
11 plan which says take -- you know, here's the lowest
12 priority in the current plan we have that we can
13 shift funds from in order to address that, and then
14 seek backup I would say would be our strategy.
15 We probably ought to be pretty deliberate
16 in thinking our way through that, and then working
17 through the advisory board again to decide that
18 priority list, this is what we're getting done in
19 the plan and what we're budgeted for, where are we
20 going to draw from short term if we can, rather than
21 holding money out.
22 And that's what we want to work with you
23 for so we don't make a -- our judgment may not be
24 the consensus of the group.
25 LINDA WAGEMAN: I'm not wearing lipstick,

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1 don't take my picture. Okay.
2 NEW SPEAKER: Neither am I.
3 GARTH ANDERSON: Our contracts are very
4 flexible. Both URS and ECC are under -- are a cost
5 reversible contract, which gives us a lot of
6 flexibility to be able to reprogram funding within a
7 contract.
8 COLONEL ROSSI: I guess my point is I
9 think we can figure this out to your satisfaction if
10 we're not trying to figure it out once every four
11 months. I think we can sort this out.
12 LINDA WAGEMAN: I don't want to see -- I
13 don't want to see Load Line 1 happen anywhere else.
14 GARTH ANDERSON: Neither do we.
15 LINDA WAGEMAN: I don't want to see
16 Johnson Creek get any worse.
17 GARTH ANDERSON: Nor do we.
18 LINDA WAGEMAN: And I don't want to see
19 that plume move any further south --
20 GARTH ANDERSON: Nor do we.
21 LINDA WAGEMAN: -- than where it is.
22 GARTH ANDERSON: We have the same
23 interest.
24 LINDA WAGEMAN: I want it to go away.
25 It's an icky, yucky, and I just want it to go away,

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1 but I'll be satisfied with containment for now.
2 So if something happens I want to know
3 that as soon as we recognize this, we don't have to
4 wait for a RAB, it's recognized as an issue. I
5 don't care where the money comes from, as long as we
6 recognize it and we take care of it.
7 GARTH ANDERSON: Absolutely.
8 LINDA WAGEMAN: That we're on top of it as
9 opposed to waiting, because we've got a mess over on
10 Load Line 1. That was avoidable, that was
11 avoidable, so we need to make sure that that doesn't
12 happen going forward, that's what I'm trying to --
13 GARTH ANDERSON: We couldn't agree more.
14 LINDA WAGEMAN: All right.
15 SCOTT MARQUESS: (Inaudible comment.)
16 GARTH ANDERSON: Exactly, as Scott said,
17 the containment evaluation plan or the remedy
18 performance report, that's all the data that we
19 collect over an entire year, is to make sure that
20 things like Load Line 1 don't happen.
21 LYNN MOORER: Did you tell us at least a
22 summary of the findings from the most recent
23 sampling of the water supply wells?
24 You indicate here that the letters were
25 sent November 28th, but I don't recall you telling

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1 us what the results were.
2 GARTH ANDERSON: We can talk about them in
3 general, we can't give specific levels for obvious
4 reasons, because landowners may or may not have that
5 data yet.
6 LYNN MOORER: Which, of course, I'm not
7 asking for.
8 GARTH ANDERSON: Right.
9 LYNN MOORER: I'm asking for a summary
10 report, please.
11 GARTH ANDERSON: Okay. Brady.
12 BRADY BIGELOW: Just a second.
13 GARTH ANDERSON: Just in generalities, and
14 we can't talk specific wells about the water supply
15 well sampling.
16 BRADY BIGELOW: (Inaudible comment.)
17 GARTH ANDERSON: Brady's going to call it
18 up and we'll let you know on that.
19 Okay. All right. I think we got it
20 through the technical presentations and the status
21 updates, and as promised one thing that we would
22 like to discuss I guess briefly because we're
23 pushing 10:30 now, we're willing to stay as long as
24 anybody wants to, you already missed the news, but
25 those of you who live close can still catch

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1 Letterman I guess.
2 But some issues of the RAB, obviously
3 there are some things that we want to be able to
4 discuss with the group and with RAB members.
5 LYNN MOORER: Excuse me, Lynn Moorer,
6 Mr. Anderson, on behalf of Ms. Konecky, the
7 RAB co-chair, could I ask that this discussion be
8 deferred to the next meeting?
9 As you know Ms. Konecky asked you not to
10 discuss the version of what you've got there as
11 Point No. 1 at this meeting, because she had asked
12 for documentation from you, and you have not
13 provided everything that she asked for.
14 She asked that you not put this up for
15 discussion until you have provided a documentation
16 she requested which would justify your rationale for
17 doing it.
18 And then Items 2 and 3, you did not inform
19 her that you were planning to discuss this. She did
20 not know of it, she needed to leave.
21 As a matter of courtesy, would you just
22 please defer that until the next meeting and do the
23 courtesy of at least giving her a heads-up of what
24 it is you plan to discuss or want to go through for
25 the next meeting, and then provide her the

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1 documentation she has requested?
2 GARTH ANDERSON: We'll certainly provide
3 the documentation requested in my letter to her. We
4 were -- we still owe you the collection of meeting
5 minutes that show the RAB attendance since -- well,
6 I guess since 1997 when we first formed.
7 LYNN MOORER: There's other documentation
8 that she asked for. You asserted that the RAB was
9 no longer functioning properly as a RAB, and that
10 she also asked for documentation on, and that is
11 also outstanding.
12 I would say that until you have provided
13 what she has requested, and this certainly could be
14 done between now and the next meeting I would think,
15 it makes more sense, please, just put it off until
16 the next meeting and do her the courtesy of an
17 explanation of what you have in mind for these
18 things before you want to engage in discussion with
19 the group.
20 GARTH ANDERSON: Okay. Jason, can you
21 forward a couple slides, please?
22 JASON LEIBBERT: (Complies.)
23 GARTH ANDERSON: Perfectly, and sounds
24 like a No. 1 topic for the next RAB meeting.
25 LYNN MOORER: Okay. So you have agreed,

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1 Mr. Anderson, to defer this business -- this RAB
2 business stuff relating to operations?
3 GARTH ANDERSON: Well, it does seem to be
4 one of the more controversial topics in a lot of our
5 correspondence, so absolutely, we need to have the
6 community co-chair here if we're going to engage in
7 any -- in discussion on the function of the RAB.
8 LYNN MOORER: I appreciate that, she does
9 too.
10 The other part of it though, is please
11 communicate with her as she requested prior to the
12 meetings so that she has the opportunity to
13 communicate with the other RAB members, and that you
14 don't come in without doing the courtesy --
15 GARTH ANDERSON: Well, we did exchange
16 several e-mails during the course, and I do
17 appreciate -- and you can pass this on to Melissa,
18 that I do appreciate some of the e-mail exchanges,
19 and if we can have a continuing dialogue through the
20 three-month period, that I think is a -- we'll be
21 very, very productive in making sure that we hit the
22 mark on a lot of issues.
23 LYNN MOORER: Thank you, Mr. Anderson.
24 Just for the record to make it clear, you
25 did not in any way give her a heads up with respect

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1 to your plan to discuss the format of the meetings
2 or between meeting communication, so -- just so it's
3 clear, you did not give her a heads up on that, and
4 RAB Guidance does require you to check at a minimum
5 or coordinate with the co-chair with respect to the
6 agenda items?
7 GARTH ANDERSON: Well, I think discussing
8 RAB business is always on the table for any
9 RAB meeting, but --
10 LYNN MOORER: That's a pretty general
11 topic, it needs to be a little more than that,
12 wouldn't you agree?
13 GARTH ANDERSON: Not necessarily, but I'll
14 take that comment and we will make sure that Melissa
15 and I discuss in specifics what we want to talk
16 about in RAB business.
17 LYNN MOORER: Thank you on her behalf.
18 GARTH ANDERSON: Okay. In light of that
19 please, if there are members of the community, if
20 you do have topics that you'd like to see addressed
21 feel free to pass them through Melissa, or I think
22 most of you probably have all our phone numbers too,
23 but we appreciate the input so that we're as they
24 say in show business, giving the people what they
25 want, and, you know, I'm not here to entertain, but

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1 hopefully we're at least answering the questions
2 that are important to you guys. Okay.
3 Slide.
4 Next RAB meeting, right now we're
5 proposing a date of April 6th, and I know that seems
6 a little bit further out than normal, and the reason
7 I do this is what I would -- what I propose we do is
8 try to get the RAB meetings a little more in sync
9 with our periodic monitoring.
10 This way we can -- we can come to a
11 meeting and be able to discuss in much more detail
12 about the most recent sampling event, be able to
13 talk numbers, locations, what have you, instead
14 of -- seems like every RAB meeting we have to kind
15 wave our hands a lot on the recent sampling, and I
16 don't like doing that anymore than you like to hear
17 it.
18 So we'll throw out April 6th as a
19 tentative date. We'll obviously give Melissa a
20 chance to weigh in on that date as the community
21 co-chair.
22 Any other -- any other thoughts on that
23 date? I guess it's really in Melissa's court.
24 LYNN MOORER: Melissa did convey that the
25 shifting of the by a month or so in order to be able

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1 to provide at every RAB meeting the most recent
2 quarterly sampling is a good idea; however, that
3 also means we will expect it every time. No more
4 excuses, you see what I mean? That for each RAB
5 meeting we will expect four -- expect to have you
6 present us the results that are most recent ones.
7 GARTH ANDERSON: Fair enough.
8 LYNN MOORER: And -- but that's a lot of
9 concept.
10 GARTH ANDERSON: Thank you. Always good
11 to go out on a high note.
12 Okay. Well, I think there have been
13 plenty of questions.
14 LYNN MOORER: Do you have the results that
15 he was looking for for us?
16 GARTH ANDERSON: Yeah, water supply.
17 JASON LEIBBERT: Well, all the residential
18 wells that were sampled in September, those result
19 letters have gone out, so every landowner should
20 already have the results for their wells. And like
21 we said, you know, we don't necessarily talk about
22 individual wells without landowner's consent.
23 But it's the same as it's always been, the
24 wells that we know are impacted by the plume, you
25 know, are still contaminated, the wells that are

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1 outside the plume that are not impacted are still
2 not impacted. There is not any example of one well
3 going from below the action level to over the action
4 level.
5 LINDA WAGEMAN: There was a family that
6 the Corps was not able to get approval on, the Jacob
7 family. They're in Section -- I believe it's -- I
8 want to say 15, they're within the one-mile buffer,
9 and my father-in-law went and got their written
10 approval to have them tested. It wasn't the last
11 RAB, but the RAB before, the last RAB.
12 And I'm curious to know if they tested.
13 I'm not -- once again, I'm not interested in whether
14 or not they're above action level or at level; I'm
15 interested in the amounts and what, if any.
16 GARTH ANDERSON: Well, I don't know if I
17 can speak -- did we do a Jacob's? Well, I have to
18 say that if we do not -- if the Corps of Engineers
19 does not have an actual signed right of entry --
20 LINDA WAGEMAN: You do, I gave it to Bill,
21 a signed right of entry.
22 BRADY BIGELOW: Was it Randy Jacobs.?
23 LINDA WAGEMAN: Willard Jacobs, thank you.
24 GARTH ANDERSON: We'll check on that. I'm
25 sorry, I didn't realize we had an actual Corps right

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1 of entry because just written permission alone
2 unfortunately we have to follow and get --
3 COLONEL ROSSI: Just for point of
4 clarification, we can tell them whether it was
5 sampled or not, but I thought we were not allowed to
6 discuss particulars on other sites.
7 GARTH ANDERSON: Yes, sir, were just
8 trying to confirm whether or not it was actually
9 sampled.
10 BRADY BIGELOW: Yes, it was.
11 GARTH ANDERSON: There you go.
12 LORUS LEUTKENHAUS: I have three quick
13 questions.
14 GARTH ANDERSON: Hopefully I'll have three
15 quick answers.
16 LORUS LEUTKENHAUS: How do you continually
17 verify that the containment system is working
18 effectively?
19 GARTH ANDERSON: Quarterly monitoring is
20 our best friend. Knowing that all the monitoring
21 wells along the -- along the edge to make sure that
22 the plume has not migrated beyond the extraction
23 wells; second, we look at maintaining the pumping --
24 the design pumping rates on the extraction wells so
25 they're working at the rates that we -- we designed

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1 them to do.
2 LORUS LEUTKENHAUS: Okay. That does not
3 apply to Load Line 1, correct?
4 GARTH ANDERSON: Not yet, but it will --
5 LORUS LEUTKENHAUS: All right.
6 GARTH ANDERSON: -- as soon as it's in
7 operation.
8 LORUS LEUTKENHAUS: Have you achieved and
9 maintained hydraulic containment of the plume?
10 GARTH ANDERSON: In -- yes, except --
11 except in Load Line 1, which we've already talked
12 about, we do not have containment yet, but we'll
13 have containment if all goes well in March. And we
14 have containment of the rest of the plume from the
15 other three load lines.
16 LORUS LEUTKENHAUS: Okay. Last question,
17 has the ROD of 1997 been completely implemented to
18 date?
19 GARTH ANDERSON: Yes -- well, except for
20 focused extraction wells, which we're still
21 discussing with EPA, but the containment portion of
22 the ROD has been implemented.
23 HAROLD KOLB: My name Harold Kolb.
24 I just wondered, is the Kansas City Corps
25 going to make MUD comply with the 404 permit?

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1 GARTH ANDERSON: Well, I'm going to have
2 to defer to my attorney, who is way more familiar
3 with the permit. I'll still my doing homework on
4 that, and hopefully Cathi will be able to address
5 that in better detail than me.
6 CATHI SANDERS: I don't know that I can,
7 but --
8 VIDEOGRAPHER: Name, please.
9 HAROLD KOLB: This can be a yes or no,
10 so --
11 CATHI SANDERS: The answer is that --
12 GARTH ANDERSON: Say your name.
13 CATHI SANDERS: Cathi Sanders.
14 As we have said in many RABs many times
15 before, as you well know, the Omaha District Corps
16 of Engineers issued that permit and has the
17 authority to enforce that permit.
18 The Kansas City district, it is not in our
19 mission to do so, and we do not have the authority
20 to do so. That rests with the Omaha district.
21 HAROLD KOLB: So concerning installation
22 of the monitoring wells, the Kansas City Corps has
23 nothing to do with that?
24 CATHI SANDERS: We have a role to play in
25 that we support Omaha district in providing comments

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1 and review documents, but our comments go to Omaha
2 district, and they deal with the permitting, which
3 is MUD.
4 HAROLD KOLB: So I guess the answer to my
5 question is no?
6 LINDA WAGEMAN: Is there a yeah, but in
7 there?
8 GARTH ANDERSON: The Corps of Engineers as
9 an organization enforces the permit. Kansas City
10 district advises the lead district, which is Omaha,
11 as to --
12 HAROLD KOLB: Are you going to advise them
13 to make MUD stop because they're not in compliance
14 with the permit as far as you're concerned?
15 GARTH ANDERSON: We will not necessarily
16 say stop or not, we're still in discussions with
17 Omaha.
18 HAROLD KOLB: Why, as the regulator, talk
19 to the people that are regulating and ask them what
20 they want them to do?
21 GARTH ANDERSON: Say again, please,
22 Harold.
23 HAROLD KOLB: Why are you asking MUD what
24 they want; why don't you tell them what you want?
25 GARTH ANDERSON: The conditions of the

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1 permit are there, and that's enforced by Omaha
2 and --
3 HAROLD KOLB: And why isn't Kansas City
4 telling Omaha that they are not -- that Kansas City
5 does not want Omaha MUD to keep pumping because
6 they're not in your opinion compliant with the
7 permit?
8 GARTH ANDERSON: We're trying -- we're
9 getting the monitoring well network in place so that
10 we can do our part and keep the plume in
11 containment.
12 HAROLD KOLB: Is MUD going to pay for
13 those wells?
14 GARTH ANDERSON: That's what we hope,
15 that's our goal.
16 HAROLD KOLB: It says permittee solely at
17 permittee cost, it's in the permit, so you're just
18 saying we don't really care?
19 GARTH ANDERSON: We care, but we also want
20 to make sure that we have the network in place and
21 we don't waste time and lose time haggling over who
22 pays for what.
23 We'll get something in place that will
24 give us the data that we need to ensure that MUD
25 stays in compliance with their permit, and until we

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1 get that monitoring well network in so that we can
2 determine whether they're in compliance we can't
3 advise Omaha whether or not they are.
4 HAROLD KOLB: Why can't you -- it says
5 right here permittee, solely at permittee cost will
6 install ground water monitoring wells, and you're
7 saying we're going to do it for them just to keep it
8 rolling.
9 If they're installed, then you just tell
10 Omaha Corps they can't pump.
11 LINDA WAGEMAN: Furthermore you're saying
12 that MUD doesn't like where these wells -- you know,
13 where you want these wells to be, but MUD doesn't
14 like -- necessarily like the placement of these
15 wells so we're going to talk to MUD about it more,
16 and that's what I'm saying, and that's exactly what
17 Harold is saying.
18 MUD is not responsible, MUD needs to be
19 regulated, and the KC Corps has a federal
20 responsibility and the Omaha Corps has a
21 responsibility to manage a project, which is MUD,
22 which is a local project.
23 But for one reason or another MUD is
24 calling the shots, Rodney, bless his heart, goes
25 back and forth, Commission 55 is being abused to the

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1 point where the KC Corps doesn't know what's in
2 compliance and what's not compliant, we're flipping
3 things around.
4 The 404 doesn't meaning anything and
5 neither Page -- it's either Page 3 or Page 4 of the
6 404 permit. Generally stated that the KC Corps has
7 the right to -- or the Corps of Engineers has the
8 right to suspend, not just revoke or deny, but to
9 suspend activity, and you can do that if information
10 is incorrect, if more information is needed.
11 You have the right to do that, and no one
12 is exercising that, and I'm telling you right now,
13 the Omaha Corps never will. They're not going to,
14 so what do we do, where do we go, how do we act, how
15 do we protect ourselves, how do we protect this
16 plume?
17 It's almost as if the Omaha Corps is
18 telling you guys what to do, and I don't understand
19 that because that's kind of what I'm hearing. You
20 guys -- the plume -- I shouldn't say you guys,
21 because I'm in this equation too.
22 We have to be reactive on whatever they
23 decide to do on the other side of the river, and I
24 don't think that it should be that way. That does
25 not make sense from an environmental issue, from a

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1 managerial issue, from a political issue it doesn't
2 make sense.
3 And it's all right there. You have the
4 right to suspend, you have the right to revoke, you
5 have the right to request more information, you have
6 it all right there in your standard 404 layout.
7 This isn't even a condition, so who's going to
8 exercise that? You're telling me you can't, and
9 that's baloney.
10 GARTH ANDERSON: I wish I had an easy
11 answer for you on that one, Linda.
12 LINDA WAGEMAN: I wish someone would have
13 enough guts to give me an answer on that.
14 LYNN MOORER: Put it on record.
15 GARTH ANDERSON: Again, my mission is to
16 keep the plume monitored and in containment, and
17 that's the mission that I'm going to carry out as
18 the project manager on the site.
19 HAROLD KOLB: So are you -- if Omaha asks,
20 are you going to say that MUD is in compliance with
21 all the permits and monitoring wells and base lines?
22 CATHI SANDERS: Well, let's clarify what
23 our role is with Omaha district. Our role with
24 Omaha district is to provide them technical
25 assistance in regards to the Mead site.

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1 It is not our role with the Omaha district
2 to advise them whether or not MUD is in compliance
3 or not in compliance with the permit. Our role is a
4 technical advisor to them.
5 HAROLD KOLB: So are you going to tell
6 them where to put the monitoring wells, are you --
7 or are you going to ask MUD where they want them?
8 CATHI SANDERS: If Omaha district asks us
9 to give them that advice, we would give them that
10 technical advice, yes.
11 LINDA WAGEMAN: So you have to wait to be
12 asked?
13 CATHI SANDERS: Omaha district has -- is
14 the lead on that permit, and the way that the
15 relationship works with Omaha district, they
16 don't -- we don't wait for them to ask, yes, we
17 would tell them what our opinion was, our technical
18 opinion.
19 LINDA WAGEMAN: The KC Corps has been
20 involved in this forum for a permit issuance since
21 1995.
22 CATHI SANDERS: Correct.
23 LINDA WAGEMAN: You've been doing a heck
24 of a lot more than providing, quote, technical
25 assistance from 1995 to current, so I don't

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1 understand why -- I mean, technical assistance to me
2 is in order to protect this plume MUD needs to put
3 the wells in this location, okay, they need to do
4 this because we have a federal responsibility here
5 to protect this plume, and it needs to happen.
6 Plus, you know, there's a state law that
7 says, you know, contamination can't move, and we
8 have to make sure that that's complied with also,
9 so, you know, Omaha Corps, that is our technical
10 advice, it makes sense.
11 And if the Omaha Corps wants to turn
12 around and completely ignore that, then it becomes
13 an Omaha Corps issue, but to what extent is the
14 KC Corps willing to go with the Omaha Corps to
15 protect this plume? And what I'm hearing is not
16 very good.
17 You'll talk about it a lot but ultimately
18 they're just going to do whatever they want, and
19 then you're going to be spending the money to
20 protect the plume in a reaction I don't want to say
21 reactive manner because I'm hoping that we're going
22 to be proactive and that everything in place is
23 going to happen, but --
24 CATHI SANDERS: (Inaudible comments.)
25 GARTH ANDERSON: As Cathi has informed me,

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1 the permit requires us to set the baseline, which is
2 what our mission is going to be on the east side of
3 the plume.
4 LINDA WAGEMAN: Post404 and then
5 pre404 you guys were knee-deep in alligators, in
6 this whole process, knee-deep in alligators, okay,
7 so you guys have been heavily involved in this MUD
8 permitting issue actually since 1993.
9 So now that the 404 is issued, you're
10 stepping back and putting -- putting the burden of
11 all of this really on the part of the Omaha Corps,
12 and I don't get it. It doesn't make sense to me, so
13 please help me to understand why this is the way it
14 is, and if you don't have an answer be honest with
15 me.
16 GARTH ANDERSON: Well, I -- it's obvious
17 we're not going to be able to answer your question
18 to your satisfaction tonight, so --
19 LINDA WAGEMAN: So you don't --
20 GARTH ANDERSON: -- unless you have
21 something else to add, Cathi?
22 CATHI SANDERS: I've been involved in this
23 permit process, yes, for the years, and I guess my
24 response to you to be candid is we have given solely
25 technical advice over these years, and the permit

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1 rests with Omaha district.
2 HAROLD KOLB: Well, Garth, you said your
3 job is to set the baseline.
4 GARTH ANDERSON: Yes.
5 HAROLD KOLB: So if Omaha -- if MUD does
6 not pay for it does the baseline set?
7 CATHI SANDERS: It differs to the ROD if
8 we do not change the baseline, is how the permit
9 reads.
10 LYNN MOORER: Say again.
11 CATHI SANDERS: How the permit reads, that
12 there needs to be a baseline, and if we do not
13 provide that to MUD we default to the ROD.
14 HAROLD KOLB: Okay. So when you provide
15 that to MUD, which you said a while ago is several
16 more wells, and if they do not do it then they're
17 not in compliance so you can tell Omaha no.
18 I mean, if you're -- what I'm getting at
19 is you need to set the baseline and not let MUD set
20 the baseline. You need to make MUD pay for it as it
21 says in the permit.
22 It also says right in there that you have
23 to have four semiannual reports before any pumping
24 can start, so are you going to do what it says in
25 the permit, what the baseline and pumping requires?

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1 LINDA WAGEMAN: I mean, we have the
2 documents that led up to the issues regarding the
3 conditions on the 404, so we know what led up to a
4 lot of those conditions, in particular this NOP, so
5 we get it, we get it completely. My father-in-law
6 has been working on this issue since 1976. We get
7 it.
8 GARTH ANDERSON: Okay. Well, what we
9 don't want to do is -- you know, again to reiterate,
10 we're going to do everything within our power to
11 know exactly what that plume is doing, we don't want
12 to bank on the fact that we can stop MUD.
13 LINDA WAGEMAN: How about just suspend
14 MUD?
15 HAROLD KOLB: Why not?
16 GARTH ANDERSON: Because I can't make a
17 guarantee that if I said they were out of compliance
18 that it would stop, and so the prudent thing to do
19 is for us to make sure the baseline is established
20 so that, you know, you -- MUD is a pretty powerful
21 entity as you guys have all said, and all politics
22 is local, if we report that we don't feel that
23 things are in compliance, it may or may not have an
24 effect. I don't know.
25 LINDA WAGEMAN: So what you're telling me

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is MUD has more power than the U.S. Corps of Engineers?

GARTH ANDERSON: I did not say that. I --

LINDA WAGEMAN: I would hope not.

GARTH ANDERSON: I just can't make a guarantee that some technical advice that we would give the Omaha district would result in the suspension of MUD's permit.

LINDA WAGEMAN: I know --

GARTH ANDERSON: So let me -- let me finish.

So the prudent thing for us to do is to make sure we can do things that are within our span of control, getting that baseline established so we know what the effects of any MUD pumping might be.

LINDA WAGEMAN: So basically without coming right out and saying it, you're saying that you don't have the control; that what Omaha does and what MUD does is out of your control --

GARTH ANDERSON: It is out of our --

LINDA WAGEMAN: -- and that you have to react to their actions; that is what you are -- that's what you're saying at this point?

GARTH ANDERSON: It is out of our district's direct control, yes, not necessarily out

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of our influence, but out of our control.

LINDA WAGEMAN: Okay. So when you have a situation like this where you have an ugly nasty and you've got a situation that quite frankly is not towards your benefit, what do you do to get your way?

GARTH ANDERSON: I'm not following you.

LINDA WAGEMAN: Okay. It's very simple: You have a federal responsibility to contain this plume, you've got another section of the Corps of Engineers giving a free ride to an entity, okay, you've got a permit that has been played with so much that even regulators don't know how to regulate it or what's acceptable and what isn't acceptable, and what's compliant and what's not compliant, and what's been met and what's not met, but at the same time you still have this responsibility.

This is going to affect your job. It's going to affect your ability to do your job, and it's going to affect it in a manner that's going take tax dollars away from people. It's going to take money from the federal government.

And so I guess what I'm asking you is when you have a situation where two -- two sections of the Corps do not agree on something or their

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projects contradict one another or you have a local responsibility that's going to threaten a federal responsibility, what is your course of action to CYA? What can you do to exercise your federal responsibility?

GARTH ANDERSON: Well, I'll start it as my lowest level as a project manager, I have a chain of command that, you know, if I felt strongly about something I could certainly raise it through up the chain of command, and it would become a commander-to-commander type issue.

LINDA WAGEMAN: So then it would fall with Rossi, Colonel Rossi, correct, and then he would -- he would work with the Omaha Corps and try and come up with something that is acceptable, and if that is -- if that does not happen then what is the course of action for the Kansas City Corps of Engineers?

GARTH ANDERSON: At my level we will still do the best we can to --

LINDA WAGEMAN: We're beyond your level at this point, Garth, okay, we're beyond Rossi's level at this point. It is an honest question.

GARTH ANDERSON: I can't answer that question.

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LINDA WAGEMAN: Okay. Then that's cool, that's cool.

COLONEL ROSSI: Omaha does not have a local response, we have a federal responsibility. The 404 permitting is a federal responsibility, okay?

We do assume, right, that they're going to do their duty. They have a -- I mean, I issue 404 permits in my area of responsibility down in Kansas City, and I don't -- I fine people all the time, and we provide, as Cathi had laid out, you know, the ground truth as we know it on what's going on, okay, and then the commander of the Omaha district is going -- is -- when it comes to him is going to make a decision, I would presume, on the technical data provided by the Kansas City district by the responses that I would presume that MUD give him as to the -- as to the condition of the permit and make a decision on whether they're in compliance.

That's his decision to make, okay, it's not my decision to sharp-shoot his -- how he's looking at the issue, how he's evaluating the issue.

So we have a lot of Socratic questioning going on here, like, you know, are you going to do

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1 your job, Kansas City, you can stop -- you know,
2 whether or not, you know, they're going to be
3 diligent in complying with the permit is a duty that
4 Kansas City district owes the technical data to.
5 What is going on and what is provided, then Omaha
6 makes the call on that.
7 I can't do his job for him. You know,
8 they know what -- you know, they've got a
9 responsibility in this thing, to look at all
10 permitting and to weigh all of it, as I do in
11 permitting for, you know, the new casino down at the
12 Kansas Speedway or whatever, I've got to weigh it
13 all, I've got to see if they're in compliance.
14 It takes a hell of a long time and a heck
15 of a lot of work to make sure everybody's doing the
16 right thing, and you suspend or you do it according
17 to the duties as given to you in the federal
18 regulation, so I would assume that Omaha, when
19 presented with what they need to know, is going to
20 do duty. We're one Corps.
21 LINDA WAGEMAN: I would hope so,
22 unfortunately I don't see this that way, and the
23 reason being is that I don't know how -- how many
24 times you've read the EIS for this MUD project. I
25 don't know how many times you've gone through it, I

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1 don't know how you've cross-referenced it, but I can
2 tell you that I have on multiple -- in multiple
3 areas, and just the varying grid that they use and
4 what they classify as residential and commercial to
5 try and play with the numbers so that they can
6 justify the 404 is amazing into itself.
7 But what I found to be most interesting is
8 how they try and justify this additional water
9 supply by utilizing eight examples as to why they
10 need it, and the funny thing is that six of the
11 eight examples talk about contamination, and they
12 need this well field because there have been other
13 cities that have had contamination issues up the
14 river, over here, over there.
15 This little well got contaminated, and by
16 golly, they had to close it for a month, and that's
17 their -- they spent -- I can't tell you off the top
18 of my head how many pages--it's thick--justifying
19 why they need this alternative well source because
20 of the contamination issues, and they spent exactly
21 a page and a half to two pages on the NOP, and that
22 is upside down.
23 So when you tell me that the individuals
24 in Omaha are doing their job and living up to their
25 thing, you know, doing their work over there, this

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1 mama looks at the documents and is reading the
2 appendix and reviewing all of this and
3 cross-referencing everything, and then going in and
4 researching the very things that they referenced --
5 I'd give my eyeteeth to have some of the
6 contaminants that they list out. I'd give anything
7 to have those contaminates here. It'd be like a
8 walk in the park on a Sunday afternoon, and they use
9 that to justify, and they turned this into nothing.
10 If you read that EIS at its base level,
11 it's a no brainer. Give the man the 404 and send
12 him on his way, and that's exactly what happened,
13 because MUD could explain it off, and someone
14 allowed them to do it.
15 So to me that's all two dimensional, and I
16 want someone to get into the meat and potatoes of
17 this thing because I have yet to find an individual
18 who is willing to sit down and discuss with me in
19 detail that EIS and why things are the way they are
20 paragraph by paragraph.
21 The Omaha Corps won't have anything to do
22 with me. They will not talk to me, they will not
23 see me. They're afraid of me, they don't want to
24 justify their statements because they know, just
25 like this mom does, that the EIS is contradictory on

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1 more than one level. And the unfortunate thing is
2 that's contradictory in regards to your job here,
3 and that's what frightens me.
4 Why is it that I see it, why is it Lorus
5 sees it, why is it that Harold sees it, why didn't
6 Omaha Corps see it, and you can't answer that
7 question and I wish you could, but even if you
8 could, you know, basically what I'm being told here
9 is there's nothing you can do about it, and that
10 really scares me as a U.S. citizen. It really does.
11 COLONEL ROSSI: What you're asking me to
12 comment on the motives.
13 LINDA WAGEMAN: I'm not asking you to
14 comment at all. That really is a statement. It's a
15 genuine statement, and that -- it is frightening,
16 it's very, very, frightening, you know.
17 I mean, it's almost kind of funny and
18 ironic in a way because I mean my father fought in
19 Germany and my uncle won a Bronze Star Busters, and
20 if -- I would give my eyeteeth to have somebody from
21 the army go up to my dad and tell him that his
22 grandchildren are considered acceptable losses
23 because Omaha wants to build a well here; that's
24 what this is.
25 You know, I mean, they weren't

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1 administrative paper shufflers, they weren't. I
2 mean, they were hardcore in the dirt fighting for
3 this country just so that a generation later the
4 army can turn around and hurt their kids, and that's
5 a very baseline elementary borderline ridiculous
6 statement to make, but it's true.
7 And so when my uncle became an alcoholic
8 because he was going on these secret missions
9 defending our rights, little did he know that the
10 rights of his niece were going to be taken away.
11 They don't mean anything. They don't mean jack.
12 You know, and when my dad was in Germany
13 fighting the war, it didn't mean anything, nothing.
14 He walked Auschwitz, he saw it with his own eyes; it
15 meant nothing because his family, a generation
16 later, will be considered an acceptable loss.
17 My state rights are being violated left
18 and right. Now my rights as a U.S. citizen I feel
19 are being violated. What's a girl to do? I mean
20 seriously, what's a girl to do? Pretty sad. Okay.
21 I'm done.
22 GARTH ANDERSON: Okay.
23 LYNN MOORER: I'm just following up on
24 those copies you were making for us.
25 GARTH ANDERSON: Yep, right here.

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1 LYNN MOORER: Would you go ahead and
2 distribute them for us, please.
3 GARTH ANDERSON: Yep, sure can.
4 LYNN MOORER: Thank you.
5 GARTH ANDERSON: Okay. Any last issues?
6 LYNN MOORER: Just for clarification what
7 you've given us, this is a November 22nd, 2005
8 letter from you to Scott Marquess. Is this the --
9 is this the package that you promised by
10 November 2nd?
11 SCOTT MARQUESS: I think Melissa brought
12 that up. No, this is -- this is --
13 LYNN MOORER: Or is there something else
14 also?
15 SCOTT MARQUESS: Yeah, I think Melissa
16 indicated that you were concerned over some meeting
17 minutes that indicated that there was something the
18 Corps was preparing by November 2nd.
19 That didn't get distributed, this -- that
20 is overcome by this. This is the answer that you
21 want, this is the global answer, this is -- this is
22 the be-all, end-all.
23 LYNN MOORER: This covers everything and
24 there isn't some other document out there floating?
25 SCOTT MARQUESS: The other thing you were

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1 referring to would be moot. This is -- what you
2 have in your hand is the operating --
3 LYNN MOORER: But there isn't another
4 document out there?
5 SCOTT MARQUESS: No, that never got
6 distributed to us.
7 LYNN MOORER: All right.
8 GARTH ANDERSON: The result of this will
9 be a final document to ensure all the comments are
10 resolved.
11 VIDEOGRAPHER: I have 30 seconds of tape
12 left.
13 GARTH ANDERSON: Okay. You said you need
14 to change tapes?
15 VIDEOGRAPHER: I will, yes.
16 NEW SPEAKER: I just want to make a
17 comment. I've been sitting back here --
18 (Off the record.)
19 GARTH ANDERSON: Show time.
20 NANCY MEYER: Okay. I just want to
21 make --
22 GARTH ANDERSON: Please state your name.
23 NANCY MEYER: My name is Nancy Meyer, I'm
24 sitting in the back here listening to all this, and
25 I just want to say that one thing that comes to mind

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1 here, you know, you all with the badges on are paid
2 to be here tonight, okay, and you're paid by our tax
3 dollars, and I think it's real obvious to everyone
4 here that situation, all the rest of us here are not
5 paid. See, we're just here, we're taking time from
6 our lives, we're not being paid.
7 So all night long when I hear kind of
8 disturbing things about your track record with
9 responsibility to us, answering questions, stuff
10 like that, it all kind of adds up when -- I get the
11 feeling you've got kind of a gatekeeper role, or at
12 least an opportunity to be -- have a gatekeeper
13 role, and you feel like it's more of a technical
14 information role, and we're really counting on you.
15 And your response on why you're not trying
16 very hard is because you feel like you don't think
17 you can succeed, okay. You said something to the
18 effect that we don't think we can stop these MUD
19 well fields and so it's not prudent to try, and
20 that's really, really disturbing to those of us who,
21 if you were sitting here in our place, would
22 probably feel pretty powerless too, see.
23 And we might say, well, we don't feel like
24 we can do anything, so we should just stay home
25 because it's not prudent to try.

And I really hate to hear that from you guys, see, because you're being paid and we're not being paid, and we wouldn't show up here tonight if we thought, well, we can't win so we're not going to try, see.

So I just -- I really want you guys to feel more responsibility, and even if you -- even if you don't like it, you're being paid to do that, that's your job, see, and you're being paid with our money, so have some respect for those of us who came here who aren't being paid, we're just being affected, okay, that's all I'm asking.

GARTH ANDERSON: Thank you for your comment.

NANCY MEYER: Thank you.

GARTH ANDERSON: Okay. Looks like that's a wrap. Thank you for coming. Again, next meeting is tentatively scheduled for the 6th of April.

(11:11 p.m. - Adjournment.)

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