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REPORT TO

THE DEFENSE BASE CLOSURE

AND

REALIGNMENT COMMISSION

APRIL 1995

FORT McCLELLAN, ALABAMA

FORT McCLELLAN PRESENTATION
TO
THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

1995

TABLE OF CONTENTS

I. **STATEWIDE PRESENTATION:**

- Fort McClellan Excerpts from the Birmingham Regional Hearing . . . TAB A
  - Statement of Governor Fob James
  - Statement of Senator Howell Heflin
  - Statement of Senator Richard Shelby
  - Statement of Representative Glen Browder

II. **MILITARY VALUE PRESENTATION:**

- Introduction to Military Value Discussion - Major General Gerald Watson, U.S. Army (Ret.), ... TAB B
  - Why We Are Here
- The Disruption of the Military Police School - Major General Charles Hines, ... TAB C
  - Military Police Operational Tempo
  - Lack of Advocacy for Military Police Corps
- Weapons of Mass Destruction; The Nuclear, Biological, and Chemical Threat - Colonel John Mojecki, U.S. Army (Ret.), TAB D
  - Army Focus - 94 - Force XXI
  - Proliferation
- Live Chemical Agent Training and the Disruption to the Army Chemical School - Colonel Walton Phillips, U.S. Army (Ret.), TAB E
  - BRAC 1991, 1993, 1995

FORT McCLELLAN PRESENTATION
TO
THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

1995

(continued)

- Necessity for Live Agent Training
- Impact of Movement of Army Chemical School on Civilian Personnel
- Unique Facilities at the Army Chemical School

■ Impact of BRAC 1995 on the Chemical School Mission - Major General Gerald Watson, U.S. Army (Ret.) . . . . . TAB F

- NBC Defense Upgraded
- Biological Defense Program Fractionalized
- Joint NBC Programs Downscoped
- Degraded World Leadership of US Army and USA
- CWC Treaty Inspection and Validation
- Chemical Demilitarization Program Delayed
- Smoke and Obscurant Training Significantly Curtailed
- Mobilization

■ Environmental Issues - Brigadier General Peter Hidalgo, U.S. Army (Ret.), ... TAB G

- Permits Needed
- Permitting Problem Areas
- Residual Value
- Return on Investment

■ Military Value Summary - Major General Gerald Watson, U.S. Army (Ret.) . . . . . TAB H

- NBC Defense Substantially Degraded
- Department of Defense Deviated Substantially from the Military Value Criteria.

FORT McCLELLAN PRESENTATION
TO
THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

1995

(continued)

- The Closure of Fort McClellan Poses an Unacceptable Risk to the Nation's Security.

IV. ECONOMIC IMPACT PRESENTATION:

- Economic Impact of the Closure of Ft. McClellan on the Local Community - Mr. James T. Dunn, Chairman, Calhoun County Commission . . . . . TAB I

  - Largest Single Impact of BRAC 1995
  - Total Unemployment Greater than 24%

V. APPENDICES:

- Biographies of Speakers . . . . . TAB J

  - Major General Gerald Watson, U.S.A. (Ret.)
  - Colonel John A. Mojecki, U.S.A. (Ret.)
  - Colonel Walton Phillips, U.S.A. (Ret.)
  - Brigadier General Peter Hidalgo, U.S.A. (Ret.)

- Brochure entitled "Fort McClellan, Alabama: A Linchpin of National Security" . . . . . TAB K

- Chemical Weapons Training Issues . . . . . TAB L

  - Letter from Course Manager, USAF Readiness School, Fort McClellan, to Headquarters, United States Air Force, dated 29 March, 1995.

  - Letter from Deputy Director of Public Safety, Port Authority of New York & New Jersey, to Department of the Army Headquarters dated 4 April 1995.

FORT McCLELLAN PRESENTATION
TO
THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

1995

(continued)

- Letter from Officer in Charge of Naval Construction Training Center Detachment, Fort McClellan dated 6 April 1995.

- Letter from Commander, Bomb and Arson Section, City of Chicago Police Department, to Commandant, U.S. Army Chemical School, Fort McClellan, dated April 14, 1995.

- Letters from Minister of Defense, Argentina, to U.S. Army Chemical School, Fort McClellan, dated April 18 & 19, 1995.

- Letter from Representative Browder to Dr. Theodore Prociv, Deputy of Chemical/Biological Matters, dated 27 April 1995.

- Letter from U.S. Army Chemical and Military Police Centers & Fort McClellan, to Representative Browder, dated May 10, 1995.

■ Environmental Permit Issues . . . . . TAB M

- Letter from Director, Missouri Department of Natural Resources, to Jim Courter, Chairman, 1993 Defense Base Closure and Realignment Commission, dated May 19, 1993.

- Letter from Director, Missouri Department of Natural Resources, to Hon. William J. Perry, Secretary of Defense, dated December 23, 1994.

FORT McCLELLAN PRESENTATION
TO
THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

1995

(continued)

- Letter from Representative Browder to Director, Alabama Department of Environmental Management, dated February 6, 1995, and response dated February 13, 1995.

- Joint Letter from U.S. Senators Howell Heflin and Richard Shelby, and Representative Glen Browder, to General Counsel, Defense Base Closure and Realignment Commission dated 24 March, 1995.

- Letter from Executive Director, Missouri Coalition for the Environment, to Alan Dixon, dated April 11, 1995.

- Letter from Representative Browder to Director, U.S. Fish and Wildlife Service, dated April 27, 1995.

- Letter from Army Team Leader to Director, The Army Basing Study, dated May 8, 1995.

- Letter from Acting Director of the U.S. Fish and Wildlife Service to Representative Browder, dated May 12, 1995.

- Opinion Survey of Citizens of Missouri in Graph Form

- Final Report, Assessment of Permitting and Other Compliance Risks relating to the Transfer of Fort McClellan Chemical Decontamination Training Facility to Fort Leonard Wood

- Memorandum for Commissioner Rebecca Cox dated May 3, 1995

FORT McCLELLAN PRESENTATION
TO
THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

1995

(continued)

- Letter from Barry Paul Steinberg, to General Counsel, Defense Base Closure and Realignment Commission, dated May 18, 1995
- Position Paper on Environmental and Permitting Issues Relative to the Proposed Closure of Fort McClellan Presented by Senator Howell Heflin on June 12, 1995
- Missouri Permit Status - June 13, 1995
- Department of the Army Review of Proposed Draft Air Permit - Fog Oil Smoke dated 9 June 1995

■ Support to Chemical Demilitarization Issues . . . . . TAB N

- Letter from Deputy Secretary of Defense to Representative Glen Browder, dated 8 August 1994.
- Memorandum from R. Noel Longuemare to the Secretary of the Army regarding the commitment of resources for the demilitarization program at Anniston Army Depot, dated August 11, 1994.
- Letter from Senators Heflin and Shelby, and Representative Browder, to Chairman, Defense Base Closure and Realignment Commission, dated April 17, 1995.
- Letters from Assistant Secretary of the Army, to Commanding General, U.S. Army Chemical and Military Police Centers, and Commanding General, U.S. Army Industrial Operations Command.

FORT McCLELLAN PRESENTATION
TO
THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

1995

(continued)

- Chemical Weapons Convention Issues . . . . . TAB O

  - Letter from President Clinton to Representative Browder, dated September 28, 1995; Letter from Representative Browder to President Clinton, dated August 16, 1995; Excerpts from U.S. National Security Strategy of Engagement and Enlargement publication, dated February, 1995.

  - Overview of the Chemical Weapons Convention; Article X of the Chemical Weapons Convention.

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FORT McCLELLAN EXCERPTS FROM THE STATEWIDE PRESENATIONS BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION AT THE BIRMINGHAM, ALABAMA REGIONAL HEARING APRIL 4, 1995

03/57430.

EXCERPTS FROM THE STATEMENT OF GOVERNOR FOB JAMES BEFORE THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

Thank you, Mr. Chairman. You said earlier in these deliberations that you had to deal with the issue of military value. The historical facts are clear. The 1991 and 1993 BRAC Commissions, when faced with the same problem, validated the military value and the uniqueness of Fort McClellan's missions and the necessity to leave the Chemical School - and the Chemical Defense Training Facility - an entity at Fort McClellan.

Relative to fourth battalion, the risks associated with moving the school and CDTF far outweigh, in my judgment, any potential fiscal savings. There are too many unknowns and uncertainties in this complex issue. There are also uncertainties in the real world chemical threat. For example, they've just learned the Tokyo subway nerve gas attack was not an isolated incident. Additionally, the Persian Gulf area remains a growing concern. All this translates to substantial risk.

To meet these risks, the Army worked hard for many years to build a world-respected Chemical School at Fort McClellan. It is, in fact, the only facility of its kind in the free world. To duplicate that already existing facility would be far more expensive than going with what you've got. Is it wise to risk disrupting a finely-tuned training program for an extended period of time, particularly given the threats to world peace that face us and our allies? Is it wise to risk our allies and our enemies viewing this action as a step backwards in national resolve

toward countering the chemical threat?

Are the people of Missouri fully aware of the risks posed by a live agent training facility being constructed in their back yard? Do we expect them to sit idly by as a new live-agent facility is being built? And these risks will not be offset by any monetary savings. Please recall that the people in the Anniston area have "grown up" with the CDTF while substantial public outcry by central Missourians can certainly be expected. And whose to guarantee that, once the live-agent issue sinks in, they will be as accepting as our people were years ago.

The DOD has recommended that you support their request to break something which does not need fixing. You will hear from a team of experts with well over a hundred years of chemical defense experience. They will underscore the military value rationale for maintaining the chemical school at Fort McClellan, and provide the commission with the rationale for overturning the DOD's recommendation to close Fort McClellan. As prior commissions have agreed, the argument is compelling.

EXCERPTS FROM THE STATEMENT OF SENATOR HEFLIN
BEFORE THE
DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

Today you will hear from the Fort McClellan community affected by the Department of Defense's base closure recommendations: In preparing its recommendation, the Army never considered the joint service and the international aspects of Fort McClellan. The Army never consulted the Air Force, the Navy, the Marine Corps, or the National Security Council about the Fort, perhaps recognizing their tense opposition or reservations. Furthermore, the Fort's extensive international responsibilities were wholly ignored by the Army. To date, twenty-four countries have trained there.

Fort McClellan has also been tasked with training the international inspectors necessary to enforce the Chemical Weapons Convention. In light of the recent nerve gas instance in Tokyo, national and international civilian emergency response officials will soon be training at Fort McClellan.

Central to Fort McClellan's recommendation are the issues of environmental and community acceptance. The issue of permits and certification directed by the last BRAC Commission has to be addressed --- see pages 175 to 211 of the June 23, 1993 Base Closure Commission proceedings. The separate permits required for a new live agent training facility are first, a permit to build; second, a permit to operate; third, a waste water permit; and fourth, a RICRA or hazardous material permit. An Environmental Impact Statement is also required.

Thus far, only one permit for the live agent training facility has been applied for. Clearly, the Army has failed to comply with the 1993 BRAC directions. They have not initiated an Environmental Impact Study; they have deliberately not applied for any permits that require public hearings. And in my opinion, they are proceeding on a course that places live agent training, and our military readiness, at risk.

EXCERPTS FROM THE STATEMENT OF SENATOR SHELBY BEFORE THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION

Thank you, Senator Dixon, Chairman Dixon. I want to welcome you as others have to Birmingham with the other distinguished members of The Base Closing Commission. We'd rather have you down here on some other occasion.

The closure of Fort McClellan would lead to serious national security implications, Mr. Chairman. The Armed Services Committee subcommittee hearings held by you, Senator Dixon, focused on national security implications of the loss of live agent chemical training. The hearings determined that the loss of live agent training would seriously impact the ability of the U.S. and our allies to function in a chemical agent environment. Both the 1991 and 1993 Base Closing Commission recognized the uniqueness of the live agent training at Ft. McClellan, the only one of its kind in the world.

This factor was recognized by the 1991 Commission when they removed Fort McClellan from the base closure list because it found the Army substantially deviated from both criteria I and criteria II. The '93 Commission did likewise. The Army took no action to obtain permits before placing Fort McClellan on the Base Closure list, although they were advised to do this.

Fort McClellan, Mr. Chairman, is a dealer in joint service activities, too. The Chemical School is home to the joint services NBC Defense Training Center. The Navy just asked the Fort to prepare their shipboard defense and CDR defenses; Air Force just asked us for preparedness training; Marines, NDC defense training, and so forth.

The closure of Fort McClellan, Mr. Chairman, a lot of us believe, will completely disrupt these missions and will, in turn, significantly impact operational readiness, leading to a substantial deviation from Criteria I.

SUMMARY OF COMMUNITY PRESENTATION
TO THE
DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION
BY REPRESENTATIVE GLEN BROWDER

Thank you, Mr. Chairman and Members of the Commission and Staff. Again, welcome to Alabama. Now, I can certainly talk at length and I think, convincingly, about the national defense merits of our institutions at Anniston Army Depot, Fort Rucker and Redstone Arsenal. But my assignment today is the special responsibility of introducing and moderating the Fort McClellan Panel. And, I would like to emphasize to the Commission, we are going to make a presentation to you based simply on military value. You will note that we are not basing our case on political or economic considerations. We're basing our case on military values. The same argument that was made to previous Commissions.

Previous Commissions listened to this approach and made decisions that impact not only this installation, but the ability of our military men and women to survive and fight in a chemical war. Our case goes far beyond the issue of the permits. Our case goes to the ability of our military to provide training to our soldiers to survive and fight in a chemical war. I will not discuss the national and international obligations, the chemical weapons convention, or the bilateral destruction of chemical and biological weapons...I'll save that for another forum. But what we want to talk about is military value. And, I think with this panel, you are going to have a unique experience that you have probably not had a chance to enjoy during your hearings throughout the country.

This panel is very special. Other than Commissioner James Patrick Dunn, the Chairman of our County Commission, we have military experts. After Commissioner Dunn is Dr. Hines. Dr. Hines is the President of Prairieview A&M University in Texas and former Commandant of the Military Police School at Fort McClellan. All of these other gentlemen up here, who are going to talk to you today, are former chemical officers. These are the Founding Fathers of our Chemical Defense Program. These people are not hired guns. They would appear before you anywhere in the United States to defend the unique strengths of this program even if we were trying to get the chemical training school moved to Fort McClellan, Alabama. Their contention would remain the same; not only is there an environmental question, but that the disruption of the program, as proved by the Army's own documents, will extend from five years to a decade.

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STATEMENT OF MAJOR GENERAL GERALD WATSON (RET.) BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION AT THE BIRMINGHAM, ALABAMA REGIONAL HEARING APRIL 4, 1995

03/57430.

INTRODUCTION TO MILITARY VALUE DISCUSSION PRESENTED TO THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION BY MAJOR GENERAL GERALD WATSON (RET.)

Chairman Dixon, members of the 1995 Base Realignment Commission:

Thank you for the opportunity you have given us to address the Commission this morning. You might ask why we're here. Some of that has already been discussed. And, I would add that our purpose in being here this morning is to share with you, based on our experience, what we think the impact of the '95 BRAC decision is going to be on the military value of Fort McClellan and, more importantly, our national defense. I would also add that if the situation were reversed and these two schools were located in Fort Leonard Wood, we would be at Fort Leonard Wood sharing with you our reasons why it shouldn't be transferred to Fort McClellan under these same circumstances.

Chart 1 — WHY ARE WE HERE?

We are not here to ask you not to close McClellan. We are here to share with you our opinion of the military value of the Fort and the impact of the BRAC decision. This first viewgraph represents the sequence of our presentation. Our first speaker is Major General (Ret.) Charles Hines. He served as the Commandant of the Military Police School, and Commanding General of Fort McClellan. He has forty years of experience in the Military Police Corps. He currently serves as the President of Prairie View A&M College, Houston, Texas.

Military Value Overview

- Why We are Here
- MP School Mission
- NBC Warfare Threat
- Chemical School Background
- Chemical School Mission
- CDTF Issues and Risk
- Summary

Why We are Here

- Retired Military
- Each with 30+ years of Active Service
- Impact on National Security and Readiness of Armed Forces

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STATEMENT OF MAJOR GENERAL CHARLES HINES (RET.) BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION AT THE BIRMINGHAM, ALABAMA REGIONAL HEARING APRIL 4, 1995

03/57430.

THE DISRUPTION OF THE MILITARY POLICE SCHOOL PRESENTED TO THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION BY MAJOR GENERAL CHARLES HINES (RET.)

Despite successfully competing under the military value of base closure criteria established by the Defense Department, Fort McClellan, one of the world's most unique, irreplaceable, and critically important military facilities, repeatedly finds itself defending its existence before this Commission. Other facilities of less military value are spared this fate. Why? One reason is the absence of paternal advocacy for the chemical corps and the military police corps, two very strong branches of the Army with no voice and no internal constituency. They will always be vulnerable, as will the facility housing its operations.

As this country struggles with both internal and external security, please preserve what has taken over four decades to create at Fort McClellan. Fort McClellan is making a major and positive difference throughout the world. It's helping to save our children and our society by integrating the correctional and counterdrug programs for civilian personnel. The value of Fort McClellan has been repeatedly demonstrated, fair and square, as supporting training for crucial domestic and international roles essential to our national survival. The Military Police Corps is uniquely trained in confrontation management and the use of force and discipline to adhere to the rules of engagement that preserve life. Possessing these characteristics, it has been an indispensable force for distribution and deployment throughout the world. This has been made

possible, and continues to be buttressed, by the unique training facilities at Fort McClellan.

Since entering the Army as an enlisted soldier in 1954, and watching the growth and maturation of the MP Corps over the past forty years, our success and our service are anchored in the quality and focus of our training in looking at the world scene. Understand that demand for peacekeepers will increase. It is far more difficult to train a soldier to preserve life than it is to take life. With the facilities and environment at Fort McClellan, the MP Corps has only recently reached world-class status with respect to its training facility. This gives the Army the most modern law enforcement and security training facility in the country. Fort McClellan is really a national training center, supporting federal, state, and even international students charged with crucial social control and safety issues. If it took forty years to build this great facility during times of military plenty, one can only imagine the decades that will now be needed to replicate this facility if the military police corps is relocated.

Finally, Fort McClellan is the centerpiece and anchor of economic life for several surrounding counties. Fort McClellan is the principal means of upward mobility, occupational hope, and even survival of African-Americans and others. Fort McClellan is the jewel that sparkles across the world. As we devise strategies and programs to create a safe and sane world, you will find on merit that Fort McClellan is indispensable.

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STATEMENT OF COL. JOHN A. MOJECKI (RET.)
BEFORE THE
DEFENSE BASE CLOSURE AND
REALIGNMENT COMMISSION
AT THE
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APRIL 4, 1995

03/57430.

WEAPONS OF MASS DESTRUCTION; THE NUCLEAR, BIOLOGICAL, AND CHEMICAL THREAT PRESENTED TO THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION BY COLONEL JOHN MOJECKI (RET.)

VuGraph 1 - Leader

I realize that most of you have a good appreciation of the worldwide threats to the security of the United States. I intend only to focus on the weapons of mass destruction threat which has a direct bearing on the proposed closing of Fort McClellan. Weapons of mass destruction is the term that has come into use over the past several years to describe nuclear, biological and chemical weapons. Obviously, I have access only to unclassified sources, and I would recommend that you ask the Defense Intelligence Agency to provide you with more detailed intelligence information if needed in your critical decision making process.

VuGraph 2 - President & Secretary of Defense

The recent quotes of the President, and of the Secretary of Defense in his report to the BRAC in March highlight the importance given to the threat of weapons of mass destruction by our national leaders.

VuGraph 3 - BRAC 95 Strategy

This obviously is not our vugraph, and, of course, it is no longer closehold. I want to use it to illustrate what we believe is a major contradiction in the Department of Defense's recommendation to the BRAC Commission on Fort McClellan. This is from the Army's basing study and shows their BRAC 95 strategy to determine which installations should be

recommended for closure. Note the first point - focuses on the future - Force XXI. Force XXI is the Army's current thrust in its force development, doctrinal and material requirements for the Army of the 21st Century.

VuGraph 4 - CSA & Secretary of the Army

This vugraph is from Army Focus 94 - Force XXI and the quotes are from the threat section of the document. It is interesting to note that in the first paragraph two of the three threats fall under the purview of the two branch schools located at Fort McClellan - the Chemical Corps School and the Military Police Corps School. Here is the contradiction. We, the Department of the Army, recognize that NBC weapons and terrorism are serious and growing threats, yet we propose to close the installation and degrade the capabilities of the two schools charged with countering these threats. The training, doctrine and force developments, and the material requirements to support and protect our servicemen and women and the national strategy in countering these threats happen at Fort McClellan. Can these functions be done elsewhere? Perhaps -- but the costs, both tangible and intangible, will be significant as later briefers will show you.

The second paragraph highlights the threats facing the United States today and which are growing. As you well know, the end of the Cold War shifted our focus from the former Soviet Union, but the threat weapons and the technology which produced them are still there. And, Operation Desert Storm highlighted our deficiencies in dealing with biological warfare. In the case of the biological warfare threat, the Congress and the Department of Defense have set up special agencies and programs to address this significant threat. One of our briefers will show

the impact of closing Fort McClellan on one key aspect of the Armed Forces biological defense program.

VuGraph 5 - Proliferation

This vugraph shows how the weapons of mass destruction threat has grown since 1980. The numbers shown are Defense Intelligence Agency numbers. Efforts to slow, halt or reverse this growth have had spotty results at best. Counterproliferation is a major national security policy of the United States. The Chemical Weapons Convention we recently signed, but have not yet ratified, i.e. an example. Some of the countries which have not yet signed this treaty, and, indications are that they probably won't, are North Korea, Syria, Libya (which is building a second chemical weapons plant 40 miles southeast of Tripoli), Iraq (recent overhead photography indicates they are rebuilding their chemical weapons facility), and Iran (Secretary of Defense Perry announced on the 22nd of March that Iran was moving troops and chemical weapons to the vicinity of the Straits of Hormuz). Also, the act of signing a treaty is no guarantee it will be observed. There are too many examples in recent history of treaty breaches (give some examples, if asked, e.g., Italy 1935; Sverdlosk 1979; Yeltsin 1992).

Notice that in confirmed countries the greatest growth has been in the chemical and biological weapons area. This is primarily because they are inexpensive, easily made from precursors that would or could be used for other peaceful purposes (reference to Tokyo subway attack), can be easily hidden from detection by inspectors, and are easily placed in a variety of available weapons systems. And, they have proven effective against an unprepared force or against a force which cannot respond in kind.

In summary, we had some very anxious moments in Operation Desert Storm. A lot of lessons were learned there, not only by us, but by other potential adversaries. Having 5-6 months to establish a credible force and to train and equip our servicemen and women for NBC warfare is a luxury we will probably not see again. As new missions involve U.S. forces in power projection contingency roles, our ability to deter, or fight and win on an NBC battlefield is critical. Closing Fort McClellan, and what the proposed consolidation of schools and missions portends, is sending the wrong message to the dangerous world we live in. Ambassador Rowney's statement to the 93 BRAC Commission is still valid.

VuGraph 6- Rowny and CIA

Also note that the fears expressed by the Director of the Defense Intelligence Agency have come to pass in Japan. We are now entering a new phase in the business of terrorism. Can we really afford to downgrade our world-renowned expertise in NBC defense and counter terrorism?

Weapons of Mass Destruction

(Nuclear, Biological and Chemical Weapons)

The Threat to United States National Security

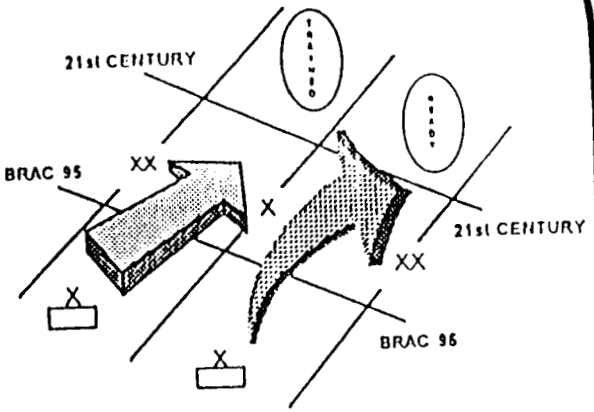
"The proliferation of weapons of mass destruction represents a major challenge to our security."

President Clinton
Defense 94, Issue 6

"The future world military situation will be characterized by regional actors with modern destructive weaponry, including chemical and biological weapons, modern ballistic missiles, and, in some cases, nuclear weapons."

William J. Perry
Secretary of Defense
DOD BRAC Report
March 1995

BRAC 95 STRATEGY



BALANCED APPROACH THAT:

- FOCUSES ON FUTURE - FORCE XXI
- CONSISTENT WITH STATIONING STRATEGY
- MEETS OSD EXPECTATIONS (ROBUST LIST)
- MAXIMIZES SAVINGS / MINIMIZES COST

Army Focus 94 - Force XXI

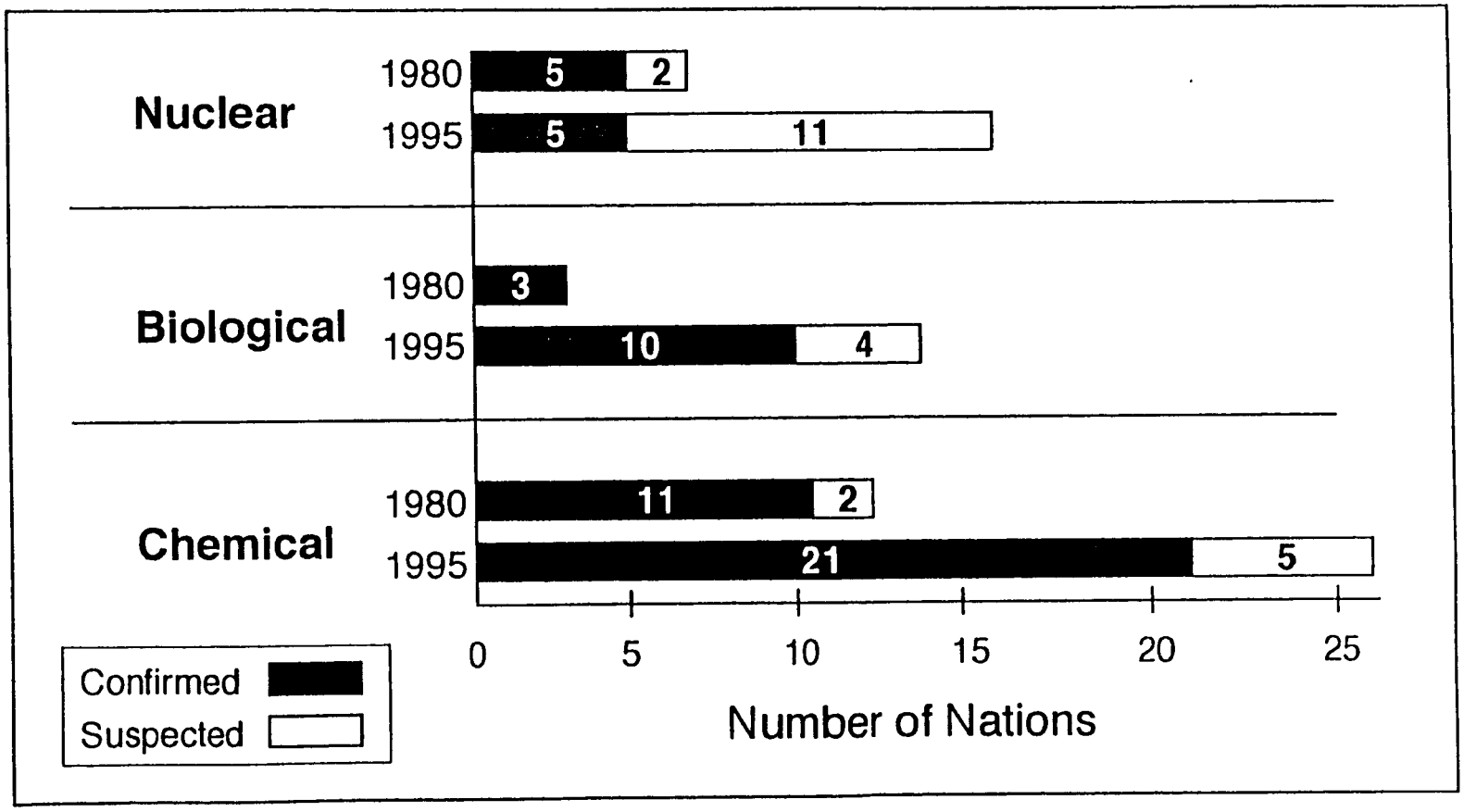
"There are three general levels of military threat to the United States and its interests: **nuclear, biological, and chemical weapons**; standing armies of foreign powers; and **irregular forces ranging from ethnic militias to terrorists and the gunmen of criminal cartels.**

Nuclear, biological, and chemical weapons are **viewed as potential equalizers** by states that cannot compete with the technology and wealth of the United States. . .Moscow retains the nuclear capability to destroy the United States. . . **biological weapons pose a 'dark horse' threat of ferocious potential.** Offensive biological warfare programs are still on the agendas of many nations that are potential adversaries."

GEN Gordon R. Sullivan
US Army Chief of Staff

Togo D. West, Jr.
Secretary of the Army

Proliferation of NBC Weapons
(Defense Intelligence Agency)



Testimony Before BRAC Commission

"The Commission should consider the negative signals which such closing would send to our friends, allies and potential enemies . . . In my judgment **the closing of Fort McClellan**, Alabama, **would undermine deterrence** against chemical and biological attacks and engender serious risks for the Armed Forces of the United States."

Ambassador Edwin L. Rowny (5 Apr 93)

NBC Terrorists

"One of the most nightmarish concerns facing the USA and its Allies is the potential for a terrorist incident involving nuclear, chemical or biological weapons."

LTG James Clapper
Director, Defense Intelligence Agency (Dec 94)

Terrorist Attack in Tokyo

"It's a threshold that's been crossed -- proof that terrorists are now psychologically prepared to use weapons of mass destruction, such as chemicals, germs and perhaps even nuclear devices."

Vincent Cannistraro
Central Intelligence Agency (21 Mar 95)

STATEMENT OF COL. WALTON PHILLIPS (RET.)
BEFORE THE
DEFENSE BASE CLOSURE AND
REALIGNMENT COMMISSION
AT THE
BIRMINGHAM, ALABAMA REGIONAL HEARING
APRIL 4, 1995

LIVE CHEMICAL AGENT TRAINING AND THE DISRUPTION TO THE ARMY CHEMICAL SCHOOL PRESENTED TO THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION BY COLONEL WALTON PHILLIPS (RET.)

This is the third time that we've been before the Commission, and each time the DOD changes its position on live agent training, as you can see by this viewgraph. In 1973 the Chemical School was just de-established, merged with Ordinance School and moved to Maryland. We did not have a permit to conduct live agent training outside, so we started using simulants. It was a disaster. The training was unsuccessful. And, since we were training the trainers for the rest of the Army, this shortcoming permeated throughout the Army. As a result, the readiness of the Army in the chemical warfare area became highly unsatisfactory. In fact, it got so bad that the Army was compelled to conduct a comprehensive study to find out why this had happened and what steps were needed to correct the situation.

One of the first findings was that students did not take training seriously when using simulants, and they certainly did when live agents were used. Thus, one of the major recommendations was to establish a chemical school and use live agent training. In 1980 the chemical school was reestablished at Fort McClellan. We could not get a permit for outside live agent training. Times had changed. So, we decided that we would build a completely environmentally safe facility to train with live agents. This was the top priority.

In 1987 it came online, after seven years. It was an instant success. If you stop to think on the final exam that your exam will include going into a facility with all of your protective equipment on with live agents, then the training that you have received before will be taken seriously. It's a clear motivator. Also, what happened within three years was Desert Storm. The live agent training facility was worth its weight in gold for this. There were 17,000 students who had been trained there. Just to give you some of the comments of the individuals that were there, General (Cal Waller), who was General Schwartzkopf's Deputy, said it cannot be overstated. General Vuono said nothing replaces live agent training. General Franks, who was the Seventh Corps Commander, said simulants cannot work. But probably the individual that summed it up best was a sergeant. Sergeant Nunelly was a reservist with a chemical unit. They were called to active duty for Desert Storm and mobilized at Fort McClellan. Sergeant Nunelly recieved chemical and biological training at Fort McClellan, including live agent training. When he arrived in Saudi, instead of doing his primary job, he was sent to other reserve nonchemical units. He personally trained the troops that had not had the benefit of the live agent training that he had received at Ft. McClellan, and said this training was essential because the troops were paranoid about their untested equipment.

The live agent training facility is still the cornerstone of the chemical program. There have been 35,000 students trained there. As someone stated, all of the units services trained there, and there is a soldier in each company in the Army, both reserve and active duty, that has been trained there. So, every soldier in the Army personally knows an individual that has gone through live agent training. You probably heard the comment only two percent of the Army is trained at this facility. That figure is correct, and it is by design.

One other thing I'd like to mention is that the Chemical School and the Military Police Schools are institutions; they're not units. They are not designed to be moved as units. If you move them, there is going to be significant disruption for years for two reasons. First, ... the civilian personnel. About forty percent of the staff and faculty of the Chemical School are civilians. You can see the skills that they have. When they moved to Aberdeen in '73, there were 80 civilians; only seven moved. We thought we had an excellent recruiting area, but it took two to three years to recruit the civilians we needed and even longer to train them. When we moved back to Fort McClellan in '79, we had 38 civilians; only four moved, three of those ones had moved up with us and they came back with us. Again, around 10 percent. We thought we had a good recruiting area yet it still took us three to five years to fill their positions ... the most frustrating experience I've ever gone through.

The second factor are the unique facilities that exist at Fort McClellan. These are ones that were designed specifically for the Chemical School. When we got there in '80, we came up with a master plan. And in this master plan, the first priority was the live agent training. Also in this master plan was the decontamination (apparatus) training facility. That came on line last year. So, it's taken 14 years for us to come up with an integrated facility. Clearly, any movement of the school will create a major disruption. The Military School had a simular experience when they moved to Fort McClellan from Fort Gordan, Georgia, in the mid 1970's.

1991 DOD position:	Live agent training is not essential. Place CDTF in a caretaker status. Close Ft McClellan.
1991 BRAC Commission:	**Live agent training is essential. Continue to operate CDTF. Keep Ft McClellan open.**
1993 DOD position:	Live agent training is essential. Leave CDTF as a stand alone facility. Close Ft McClellan.
1993 BRAC Commission:	**Live agent training is essential. CDTF is an integral part of the Chemical School. Keep Ft McClellan open.**
1995 DOD position:	Live agent training is essential. CDTF is an integral part of the Chemical School. Move the CDTF. Close Ft McClellan.

Live Agent Training
(Background)

- **Before 1973**
  Live agent exercises conducted outside

- **1973**
  Moved to Aberdeen Proving Ground
  - **Stopped live agent training (used simulants)**
  - **Overall training program degraded**

- **1977**
  Revitalize the Chemical Program Study

Finding

It was frequently observed that if students knew that they were **working with simulant agents**, they would neither remember nor follow all the measures outlined in instruction. While in chemical protective clothing, the students, to enhance their personal comfort, **would deliberately compromise the protective clothing**, i.e., lift the mask, open the protective clothing . . . **Deliberate compromise** of protective equipment was **never known to occur when live agents were incorporated** in the training exercises and safety procedures were nearly always strictly adhered to.

Recommendation

Establish a Chemical School with adequate training facilities. "The use of live agents (toxic chemical agents) in training was evaluated in response to DA. The **use of toxic chemical agents is considered absolutely essential** to realistic CW/NBC defense training."

Revitalization Study, 4 February 1977

Live Agent Training (Background)

- **1980**
  Moved to Fort McClellan

- **1987**
  Live Agent Training Facility became operational

- **1990 - 1991**
  - Desert Shield/Storm (17,000 trained)
  - After Action Reports

- **Present**
  - 35,000 Total Trained
  - 29 Countries, All Services
  - One Trained Chemical Sergeant in each Active and Reserve Company

"The importance of live agent training currently being conducted at the US Army Chemical School and Center cannot be overstated . . . We must provide all of our uniformed personnel the opportunity to be trained in this most realistic environment."

LTG C.A.H. Waller
Dep Cdr in Chief,
Operation Desert Storm (1993)

"The criticality of the CDTF requires that it be given full consideration in determining the final status of Fort McClellan."

GEN Carl E. Vuono
Chief of Staff, US Army (1990)

". . . While TRADOC has invested heavily in simulators and simulations, nothing fully replaces training with live agents . . . Chemical Corps soldiers who have undergone live agent training were instrumental in training and providing confidence to others in Operation Desert Shield/Storm. Confident, credible trainers, combined with the lessons learned by training in live agent, are the foundation of an NBC trained and ready Army. The Army must pay the bill for a credible NBC deterrent posture or pay the cost of unpreparedness."

GEN Frederick M. Franks, Jr.
Cdr, TRADOC (1992)
Cdr, VIIth Corps, Operation Desert Storm

Our Headquarters (490th Chemical Bn) was activated in September 1990 and deployed to Saudi Arabia in October. We had two companies from South Carolina and one from Alabama. Since we were a chemical unit, we went to Fort McClellan, Alabama, for training. **By far, the most important training we had at Fort McClellan was the live agent training exercise. This boosted our confidence in that we could operate safely in a chemical environment.** Our primary mission was to provide decontamination, but many non-chemical reserve units requested our assistance in chemical preparedness. **They were paranoid about their equipment.** We were popular because we had worn the suits, operated the equipment and performed decontamination with live chemical agents. I personally provided instruction to a Signal unit, a Quartermaster unit, a Water Purification unit, and civilian employees on how the equipment works and personal decontamination. **My major recommendation is that we have more live agent training.**

Gregory B. Nunelly
MSG, Bn Opn NCO
490th Chemical Bn

Key Civilian Personnel Skill Requirements

- **Key civilian positions essential in training, training development and combat developments**
- **40% of professional staff are civilians (>100 positions)**
- **Must be NBC specialist as well as functional specialist**
- **Typical skill requirements:**

Chemists	Test and Evaluation Analysts
Chemical Engineers	NBC Educational Specialists
Physicists	NBC Training Specialists
Biologists	Force Structure Analysts
Operational Research Analysts	Doctrinal Publication Writers
Computer Specialists	Force-on-Force Modeling Specialists

Civilian Recruiting and Retention Experience

- **Move to Aberdeen Proving Ground 1973**
  - 80 civilians; 7 moved (9%)
  - Excellent recruiting area
  - 2-3 years to replace
- **Move to Fort McClellan 1979**
  - 38 civilian positions; 4 moved (11%)
  - Good recruiting area
  - 5 years to replace
- **Move to Fort Leonard Wood - ?**
  - Retention expected to be no better
  - Recruiting area?
  - Results in severe loss of expertise and continuity

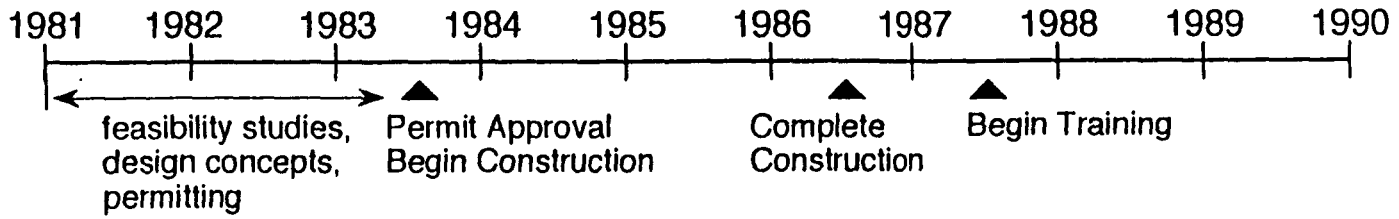
Chemical School Facilities
(14 years to Acquire)

- Chemical Defense Training Facility (Live Agent Training)
- Ranges (Smoke, Flame, etc.)
- FOX's Den (NBC ReconVehicle Training)
- Radiological Laboratory
- Biological Training Center
- Warfighter Center
- Decontamination Apparatus Training Facility

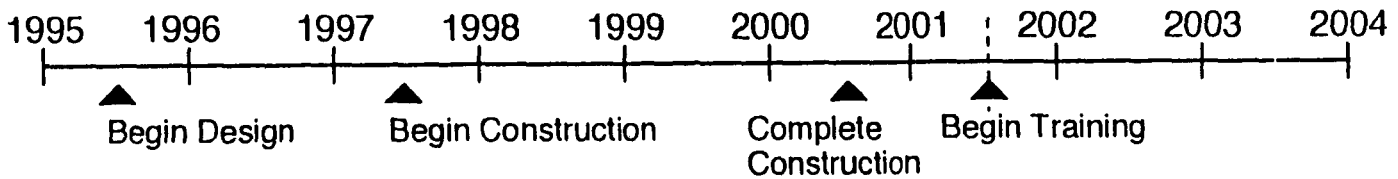
"One of a Kind Institution"

CDTF Construction Timelines

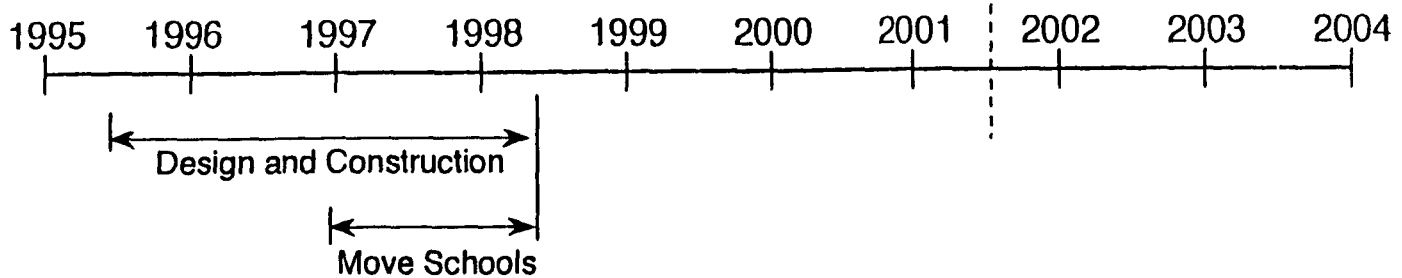
Actual Schedule at Ft McClellan



Rebuild at Ft Leonard Wood (Success Schedule*)



Army's Proposed Schedule for Relocation



* Assumes no problems with permits, funding, contracting, public opposition, etc.

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STATEMENT OF MAJOR GENERAL GERALD WATSON (RET.) BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION AT THE BIRMINGHAM, ALABAMA REGIONAL HEARING APRIL 4, 1995

03/57430.

IMPACT OF BRAC 1995 ON THE CHEMICAL SCHOOL MISSION PRESENTED TO THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION BY MAJOR GENERAL GERALD WATSON (RET.)

Chart 1 — CHEMICAL SCHOOLS PRESENT MISSIONS

I think it's important that you understand the mission of the Chemical School. I tried to capture that on this chart. Shown at the top of the chart: The Army has been designated as the Executive Agent for NBC Defense for all the services. The second tier represents the Chemical School's mission. The Chemical School essentially has the mission of developing operational concepts, writing doctrine, determining NBC material requirements, training soldiers and preparing the necessary training literature for distribution throughout the Army and other services. All of this is a very integral part of the school's mission and it is extremely important that we focus on that mission and its relationship to other services as we move forward in this briefing.

The next tier represents the people who train at Fort McClellan. Fort McClellan's Chemical School trains all services. This is not just an Army training issue. This is a joint issue, and as you can see in that second tier, the Army also trains representatives from the United Nations in support of their worldwide responsibility for conducting on-site inspections to be sure that signatory nations are not violating the chemical treaty. The State Department and our Allies mandates that the school focus on international matters as well as Army and other services NBC issues. All of this training focuses on that CDTF, because it's the CDTF that allows us to validate our concepts, validate our equipment requirements, and to train our soldiers to operate on a NBC contaminated battlefield. And, it's this focus that really makes this an international institution, as well as a joint activity. It's because of the live agent training facility, and the capability it represents, that the other nations want to come to Fort McClellan and train.

Chart 3 — CHEMICAL SCHOOL'S INTERNATIONAL ROLE

The international role has been captured on this next chart. Fort McClellan is recognized as a world class leader in NBC training. I would point out that the Japanese came here two

years ago with an entire detachment. They trained in the CDTF. And it was these trained personnel that were called upon in the recent tragedy involving nerve gas in the Tokyo subway. Their CDTF training enabled them to recover as rapidly as they did.

Chart 4 — NATIONAL DEFENSE AUTHORIZATION ACT (P.L. 103-160)

This next chart reflects Congress' view. Congress conducted a very comprehensive review of our national defense two years ago. From that review they concluded that we weren't as prepared as we should be. Consequently, they said that all the DoD services should train at the chemical school. Also, they designated the Army as executive agent for all services on NBC matters.

Chart 5 — IMPLEMENTATION OF P.L. 103-160

The chemical school is in the process of implementing that Congressional decision. The agreements have been signed with other services and all of the things that one needs for a joint training activity are under way.

Chart 6 — TRADOC's DESIRED CONFIGURATION

I want to switch now to the impact the BRAC '95 recommendations will have on joint service NBC capabilities. This is a chart that's taken from the briefing that was given to the TRADOC Commander and upon which the decision was made to put Fort McClellan on the BRAC list. Shown on the right-hand side of the chart, you will see three schools. School A, being the Chemical School; School B being the Military Police School; and School C, the Engineer School. The Army BRAC decision was based on a decision to combine those schools. This is essentially the same chart that was included in the 1991 study, the 1993 study, and the 1995 study. I think it's important to note here that the combat development staff, the training development staff and the very specialized standards evaluation staff are tailored to focus on the missions of that particular branch. They are not trained to focus on another branch's mission.

On the left is what would happen if the school were to move to Fort Leonard Wood. All of those staffs, those special staffs devoted to the branch's mission get rolled together. And the commandant, who is now a general officer, is pushed down to a department within another

school. And when you have a national mission, an international mission, and a joint service mission, as exists in the chemical school, it's just not possible to elevate yourself from a department level in another branch school and carry all the responsibilities necessary to get your job done. We tried this in 1973. Our people became a department within the Ordinance School, and within seven years, we didn't have a NBC defense program. This caused a serious vulnerability in our national security. As a result of that, the Army realized their mistake and ordered that the school be reestablished at Fort McClellan. This will happen again, if this continues.

Chart 7 — BRAC '95 RECOMMENDATIONS

The next point shown on this chart is also taken from the Army's decision briefing. You see synergism listed on the chart as one of the main benefits from combining the schools, but nowhere in that decision did they talk about the synergism necessary for the NBC Defense Program.

Chart 8 — PRESENT AND PROPOSED NBC ENVIRONMENT

We have a school that is focused on the International and national NBC issues. We will take that and focus it internally within a department in the school, and nowhere is it evident that any synergism of operation will occur. And, as General Hines said, the schools will not have the resources necessary to carry out their mission. The leadership is focused at too low a level. The result could be that the national security in this area will degenerate, and our vulnerability to the use of CW weapons as well as international terrorism will increase.

Chart 9 — IMPACT ON BIOLOGICAL WEAPONS DEFENSE

The next impact is in the biological area. As a result of military Desert Storm, defense against biological weapons systems is considered to be very high priority. We were very vulnerable during Desert Storm. After the war, the Defense Department designated it as a Number One Priority Program. They said two things should be done. We should development a biological agent detection and identification sensor suit, and we should develop vaccines for our military forces. They established a project manager to do that; they put a general officer

in charge, and he has been in operation a little over two years. We now have, for the first time, a comprehensive program to develop a biological agent sensor suit that will allow us to direct and identify agents on the battlefield.

Chart 10 - BIOLOGICAL WEAPONS DEFENSE TRAINING

At Fort McClellan, we are in the process of building the biological training facility and fielding the first detection and warning operations unit. The Army directed the capability be developed in essentially a reserve component unit. If this school moves, the reserve component unit and the soldiers who received special training will not move. They do not have to move because they are a reserve component unit. And, therefore, the capability that we've established for the first time in our history of fielding a biological sensor system will be lost. We will experience three to five years of loss of the capability. We will have to go to Missouri to recruit and, because it's a tough recruiting area, there will be significant lost time. The Project Manager was unaware of the impact that the BRAC 95 decision would have on his fielding a BW sensor system.

Chart 11 and 12 - SMOKE TRAINING REQUIREMENTS

The Chemical School is responsible for obscuration. You see on this chart a typical smoke mission at Pelham Range at Fort McClellan, where soldiers are learning their skills for tactical employment of obscuration. If the Chemical School moves, the requirement for a very large area in which to train will not be available. This is due to the nature of the terrain and training facilities at Fort Leonard Wood and the weather conditions that exist there. The result will be that we will lose about 50 percent of our ability to train using mobile smoke systems and almost 100% of our capability to conduct tactical training where individual smoke system are integrated with tactical concepts and actual maneuvering of these systems in formations.

Chart 13 - SUMMARY

In summary, Commissioner Dixon, we believe the Army has substantially deviated from the BRAC criteria.

First, the cost estimates that formed that basis for the return on investment analysis, appears grossly flawed and bases upon an obsolete data base, especially as it pertains to the 1983 design of the Chemical Decontamination Training Facility (CDTF).

Secondly, there is a high probability that a RCRA B permit will be required before the CDTF can initiate operations in Missouri. This places the BRAC 95 Commission in the unenviable position of approving the Army's recommendation without any assurance that the facility will be permitted to operate.

Finally, the Army's decision to designate the Chemical School and Military Police Schools as departments in a fully integrated Training and Doctrine Command school system will deny the leadership of these two functions the autonomy and resources necessary to interact with other leaders at the international, national and interservice levels.

Such an organizational mistake occurred as late as 1973 when the US Army Chemical School was reduced to departmental status in the US Army Ordinance School. The results were almost catastrophic to our nation. Within four years, the US Army was almost with a NBC capability. The result was worldwide proliferation of chemical and biological weapons systems, especially within the Soviet Union and certain other third would countries. To correct this national security vulnerability, the Army reversed its earlier decision and reestablished the Chemical School as a full partner among the Army branches.

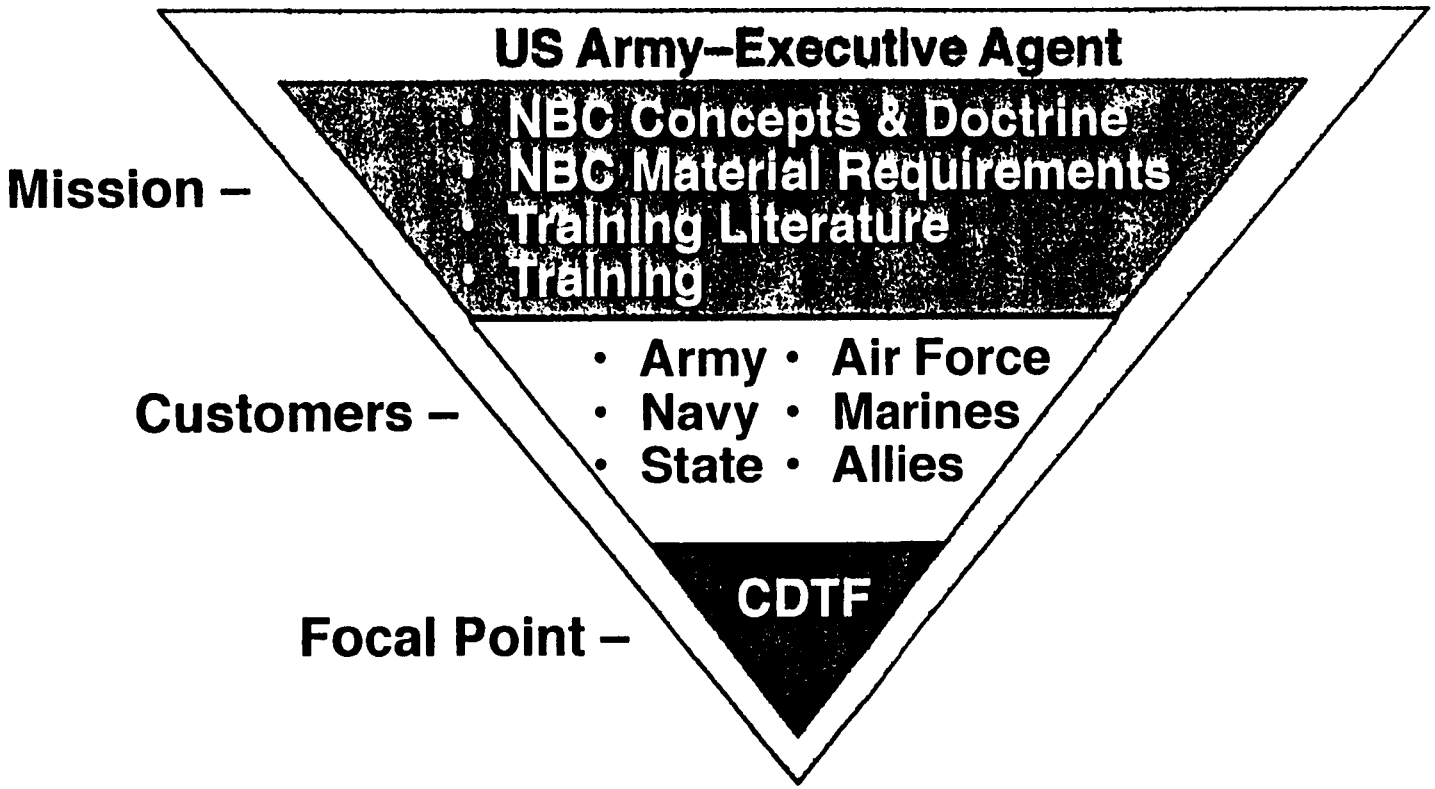
The decision once again resulted in the Army's NBC capability being recognized worldwide as a significant deterrent to potential adversary nations and became the single influencing capability upon which an NBC treaty was negotiated. Without this capability, the current treaty will be at risk.

Thank you for the opportunity you provided to our team to allow us to share our thoughts with you on the impact the BRAC 95 recommendations will have on our national security.

PRESENT MISSIONS

- International Mission
- Joint Service Mission
- Biological Mission
- Smoke/Obscurants
- Mobilization

NBC Defense Roles and Missions



International Role – Fort McClellan
(Live Agent Training Facility is the Cornerstone)

- **Recognized as the World's premier Chemical/Biological Training Center**
- **Conducts Chemical Weapons Convention Inspection Program**
  - 75 Treaty Inspectors
  - 21 Countries (Russia, Poland, Ukraine, China, etc.)
- **Conducts special classes for other countries**
  - United Kingdom, Germany, France, Japan
- **Training Students from 29 Countries**

Chemical Weapons Convention Inspection Program

- **Number Trained**
  - 75 Treaty Inspectors
  - 21 Countries (China, Russia, Ukraine, etc.)
- **CDTF is the Cornerstone of Program**
- **Benefits**
  - Establishes U.S. as the world's leader in Chemical Warfare
  - Chemical Warfare Treaty (influence quality of courses)
  - Provides information on other countries
- **Potential Courses**
  - Terrorist Courses
  - Special Course for Allies

National Defense Authorization Act for Fiscal Year 1994 (PL 103-160) Title XVII - Chemical and Biological Warfare Defense

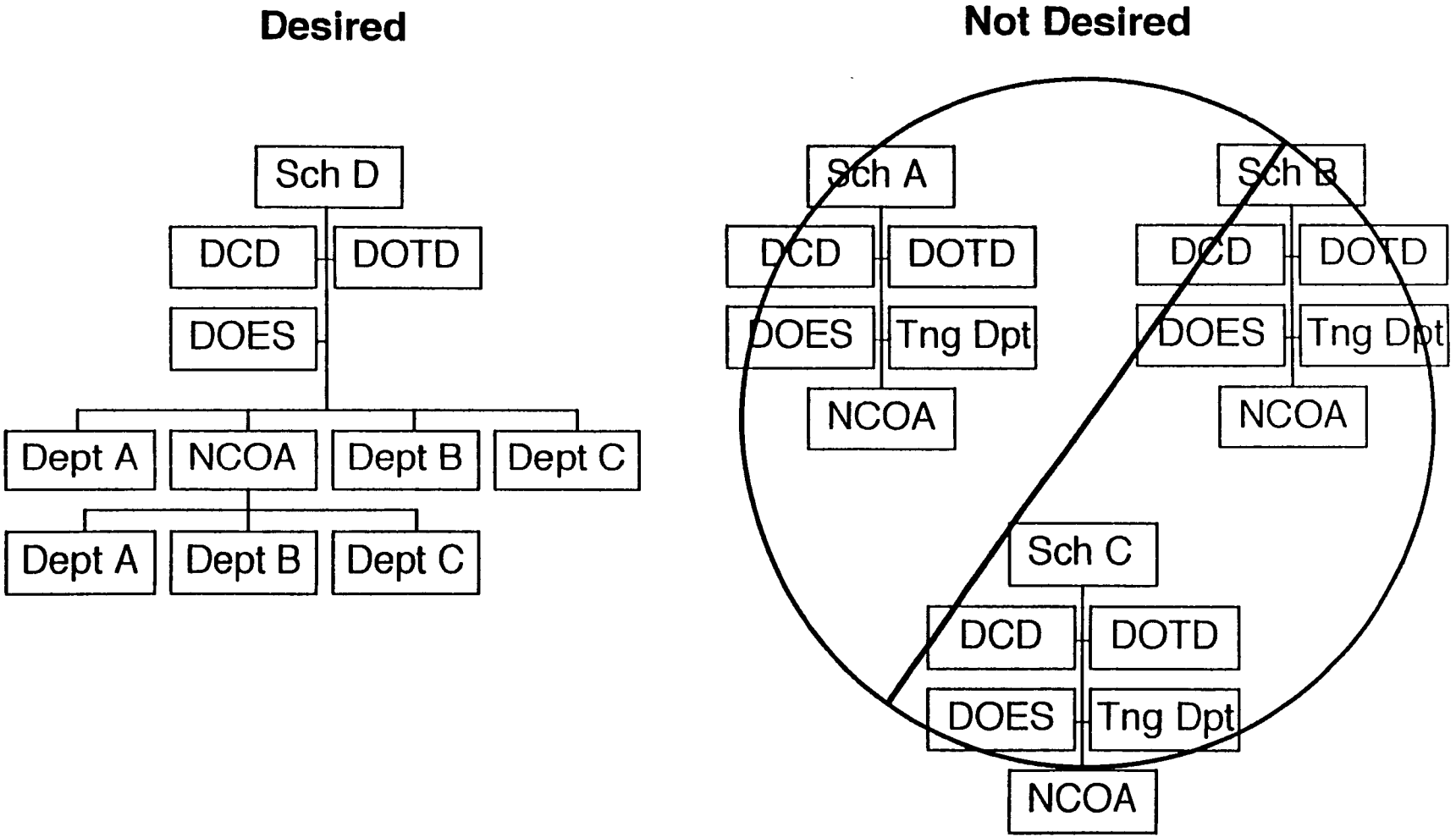
- Requires that DOD consolidate all CB warfare defense training activities of the DOD at the US Army Chemical School

- Designates Army as Executive Agent for doctrine development, policy, risk assessment and acquisition requirements for CB warfare defense for the DOD

Implementation of PL 103-160

- **Joint Service Agreement signed Aug 94**
- **All Services have permanent training units/cadre at the Chemical School, Ft McClellan**
- **Joint Service Implementation Group (JSIG) activated at Ft McClellan to:**
  - Develop the Joint Service Modernization Plan
  - Coordinate and integrate joint professional training
  - Develop joint doctrine
- **Army, Navy, and Air Force representatives on-board and working JSIG**

Desired Configuration
(Gaining Installation)



BRAC 95 Recommendation

Collocation allows the Army to **focus on the doctrinal and force development requirements of Engineers, Military Police, and the Chemical Corps**. The synergistic advantages of training and development programs are: coordination, employment, and removal of obstacles; conduct of river crossing operations; operations in rear areas or along main supply routes; and counter-drug operations. The missions of the three branches will be more effectively integrated.

Department of Defense

PRESENT: **Joint Service Chemical/Biological School**

Focus: Joint Missions:
Train, develop doctrine and material requirements with Air Force, Navy and Marines.

PROPOSED: **Department within an Army School**

Focus: Army Missions:
Train and develop doctrine and material requirements with Military Police and Engineers.

Biological Defense Program

- **DOD directed DA to field capability by FY96 (1 Oct 95)**
- **Developed and Tested Biological Integrated Detection System (BIDS) in two years**
- **Identified units for activation/conversion**
  - 310th Cml Co (USAR), Gadsden, AL
  - 20th Cml Det (Bio Detection), Ft McClellan
- **Began construction of Bio Def Tng Ctr at Ft McClellan**
- **Begin training Oct 95**

Impact of Moving Chemical School

Options

- Recruit new reserve unit (2-4 year delay)
- Develop Mobile Tng Lab and staff to train Bio Units (3-5 year delay; 3 X training costs)
- Convert Bio Def Co to active component and locate at Ft Leonard Wood (2-4 year delay; Army has no unit to convert)

SMOKE TRAINING REQUIREMENTS

REQUIREMENT	FT MCCLELLAN	FT LEONARD WOOD	SUITABILITY
AREA			
STATIC SMOKE (16 SQ KM)	YES	YES	
MOBILE SMOKE (31 SQ KM)	YES	NO (50%)	OFF POST IMPACT
RANGES USE (DAYS/YR)			
STATIC SMOKE 117	YES	YES	CONFLICT SCHEDULE
MOBILE SMOKE 196	YES	YES(?)	3 OTHER SCHOOLS
FTX 252	YES	NO	
PERMITS			
FOG OIL	X	?	FULL EIS LIKELY AT NEW SITE
IR GRENADES	X	?	
IR LARGE AREA	X	?	
COLORED SMOKE	X	?	

Mobilization

- **Fort McClellan is Mobilization Site for 68 Units**
- **Fort Benning is Closest Alternate Mobilization Site**
- **Fort Leonard Wood is not a Mobilization Site**
- **Requirements:**
  - 57 of 68 units are chemical troop units which comprise 70% of total chemical troop force
  - Greatest majority of units are located in Southeast United States
  - Mobilizing chemical reserve units require predeployment training as was done in Operation Desert Shield/Storm

Mobilization

- **Requirements: (Cont'd)**
  - Predeployment training utilizes unique training facilities at Fort McClellan, e.g.;
    - Chemical Defense Training Facility
    - NBC Recon Veh Simulator (Foxes Den)
    - Decontamination Apparatus Training Facility
    - Biological Defense Training Facility
- **Neither Fort Benning nor Fort Leonard Wood meet chemical troop unit's mobilization/deployment needs**

Mobilization for Chemical Units

- **Ft McClellan designated Lead Station (one of 18)**
- **57 Reserve Component Chemical Units in contingency force pool (70% of total chemical troop force)**
- **Allows Reserve Components to use unique training facilities**
  - Chemical Defense Training Facility
  - FOX Simulator (NBC recon vehicle training)
  - Decontamination Apparatus Training Facility
  - Biological Defense Training Facility

Fort McClellan Chemical Response Support to Anniston Army Depot and Calhoun and Talledega Counties

Mobilization Plan

Fort McClellan will provide:

- 20 Chemical Accident/Incident Reaction Teams (HQ Bn)
- 8 Quick Reaction Teams (Provost Marshall)
- Chemical Response Team Chief (Chemical School)
- Decontamination Team (Chemical School)
- Emergency Medical Team (Medical Activity)
- Public Affairs Office Reaction Team
- EOD Detachment
- Operational Support (Emergency Ops Center)

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03/57430.

ENVIRONMENTAL ISSUES
PRESENTED TO THE
DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION
BY BRIGADIER GENERAL PETER HIDALGO

Mr. Chairman, Members of the Commission. There are individuals in some quarters who would lead you to believe that the whole Ft. McClellan issue simply boils down to a question of permits. I believe that General Watson has laid out some significant military value arguments that we believe far outweigh the question of permitting. Nevertheless, there are some serious questions and concerns that we do have about permitting that I would like to address.

First, let's look at what permits are required to relocate Fort McClellan and its activities to Fort Leonard Wood. There are two separate letters, one as recent as December of 1994, from the Missouri Department of Natural Resources indicating that three different type permits would be required: Air, Water, and Hazardous Waste. (next chart)

But, thus far, only one permit has been applied for by the Army; the Air Quality Construction Permit. And that has some serious deficiencies to it. It is based on data that is at least twelve years old. It does not reflect the current design of a facility that it is intended to permit; there's some serious problems with that. No drawings were provided as part of that permit. And it does not address all of the waste streams that are generated in that facility, it only addresses air quality. (next chart)

This is, you probably can't see it too well, but it is the cover sheet of the permit application that was submitted on March the first of this year. I point out that it only addresses the thermal unit or incinerator, which is only one part of that facility; it does not address the other waste streams. (next chart)

It appears that this thing was thrown together in a big hurry because this is the process flow chart that was a part of that permit application. You can see that it's rather crude, and it even has misspelled words on it. It doesn't look like a lot of time was put in, or that a lot of thought went into this, even though the Army had two years to prepare these permit applications, according to the directions of the last BRAC. (next)

Now, why hasn't the Army applied for other permits? We certainly can't sit here and tell you why they haven't, but we can give you some pretty good guesses. Number one, they are working with incomplete information. The don't have all the necessary data, or they have it, but are not using it in the permitting process. And, of course, Mr. Chairman, you gave us a pretty strict time-line when they had to accomplish these, even though they had two years prior to that, and they haven't done it. So, it looks like they went for a permit, the simplest to obtain, one that requires no public notification and can be done in a short period of time. In fact, we are fairly certain they will get that type of a permit. But, what about the ones they're not getting? How long does it take to get them? Well, the Army's actual own experience indicates it takes at least five years to get a hazardous waste incinerator permit, and you can see what it takes for the others. It certainly can't be done in the time that you've allotted. (next)

Now the next two charts are actually used in a presentation by Fort Leonard Wood at Fort Leonard Wood during a recent site visit by a BRAC Commissioner. And it's their look-see at the permitting or environmental issue. And it sort of reinforces what I've said to you, that there are other permits required and have not been addressed yet. Endangered species, that's the sort of thing that's normally addressed in environmental impact statements. That is not being done in this particular case. (next)

Now there are additional environmental problems associated with this movement, and I shift away from the CDTF. The Chemical School has a radiological laboratory. That requires an NRC license. That takes at least two, to two and one-half, years to obtain, and you have to start over to get your new facility certified. Meantime, you are not able to give certified training at that facility. Also, in the smoke training at Fort McClellan that General Watson mentioned, an average over the past five years of over 77,000 gallons of an obscurant material called fogail is used, and there are other obscurants used at Fort McClellan as well, as you can see. Fort Leonard Wood's air permit request, first of all, only addresses 1,000 gallons, then it was modified to a great number, but it's still not, apparently correct. We see that as an indication that smoke training will be severely curtailed. (next)

This summarizes the whole permitting and licensing issue, and lists what we believe to be the types of permits that must be obtained. And you can see the score card; only one has been applied for and none have been received as of yet.

There are some additional things we need to look at. What are we going to do with the CDTF that's left behind at Fort McClellan? You can't just walk away from that type of thing. It's a contaminated facility that is a danger to the public and everyone else there. So, it's going to have to be dismantled or you're going to have to secure it forever. That's going to cost a lot of money, and that has not been included on the return on investment calculations.

There's another issue, and that is Fort McClellan's pledge of support to the Army's Chemical Weapons Disposal Program at Anniston Army Depot. The permit application submitted by the Army Project Manager cites extensive support from Fort McClellan. The Army has said it's going to leave behind whatever support is needed, but that has not been identified, nor has that been costed. It has not been included in the return on investment calculations. (next)

This map is meant to represent the residual value to the community of Ft. McClellan, and what you have there is a map of the main post area. The yellow dots are the contaminated areas; the red areas are range areas that are contaminated with lead and explosives, and last, the blue is the terrain of national guard enclave both present, what they've asked for, and the gray area is national forest land that reverts back to the Forest Service. That leaves the community with about 15 percent of the available land area and a large cleanup liability. This will be difficult, if not impossible, to develop. (next)

In summary, I refer you back to what General Powell told the Commission in '93 when he was asked about moving the CDTF. He said it can't be moved. He wasn't talking about

technical issues, he was talking about this permit stuff. Further, Army Secretary West told you just about a month ago, that there are no certainties in the permitting process once you get into it, and you kind of lose control over it. So, in our view, the whole question of environmental compliance has not been properly addressed. As a result, it will leave at great risk the likelihood of getting all of this accomplished in the time required and will become a certain threat to our national security.

What Permits are Required for CDTF?

- **Missouri Dept of Natural Resources (MDNR) letter, May 19, 1993**
  - Air Pollution Control Program
  - Water Pollution Control Program (NPDES)
  - Hazardous Waste Program (RCRA)

- **MDNR letter to Sec Defense Perry, Dec 23, 1994:**

  "....construction of this facility (the CDTF) will require **air pollution** control, **water pollution** control, and **hazardous waste** program-related permits."

What Permits Have Been Applied For?

- **Only the Construction Permit, Air Source (March 1, 1995)**
- **Construction Permit, Air Source deficiencies:**
  - Based on 1983 data
  - Not based on current CDTF design
  - Does not address all waste streams from CDTF operation
- **No water or hazardous waste application submitted**

APCP USE ONLY	
Filing Fee 100.00	
Check No. 4487	Check Rec'd 3/1/95
Check Amount $ 100.00	Check Date 3/1/95
Project Number: 3860-0028	

Missouri Department of Natural Resources
Air Pollution Control Program
New Source Review Unit
P.O. Box 176, Jefferson City, MO 65102

RECEIVED
95 MAR 1 PM 3 40
AIR POLLUTION CONTROL PGM

APPLICATION FOR AUTHORITY TO CONSTRUCT

NOTE: INSTRUCTIONS ON BACK OF THIS SHEET

NAME OF COMPANY/FACILITY TO RECEIVE PERMIT:
U.S. Army Engineer Center and Fort Leonard Wood

COMPANY/FACILITY STREET ADDRESS:
ATTN: ATZT -DPW-EE

COMPANY/FACILITY MAILING ADDRESS:
Same

COMPANY/FACILITY CITY: Fort Leonard Wood | STATE: MO | ZIP CODE: 65473

COUNTY: Pulaski | Section: 21 | Township: 8W | Range:

WHAT MISSOURI SENATORIAL DISTRICT IS COMPANY/FACILITY IN? | WHAT MISSOURI REPRESENTATIVE DISTRICT IS COMPANY/FACILITY IN?

NAME OF PARENT COMPANY:
Department of Defense

PARENT COMPANY MAILING ADDRESS:

PARENT COMPANY CITY: | STATE | ZIP CODE:

THIS APPLICATION IS FOR: ☐ MODIFICATION OR ADDITION TO AN EXISTING FACILITY ☒ NEW FACILITY

PROJECTED DATE TO COMMENCE CONSTRUCTION: | PROJECTED DATE OF STARTUP:

DESCRIPTION OF NEW OR MODIFIED PROCESSES/EQUIPMENT:
Thermal Treatment Unit to treat wastes from a Chemical Decontamination Training Facility

ESTIMATED COST OF BASIC EQUIPMENT: $ 4.3M | ESTIMATED COST OF AIR POLLUTION CONTROL EQUIPMENT: $ Included in basic equipment

All Applications Must be Accompanied by a $100 Filing Fee. Processing Fees at the Rate of $60 per Hour of Staff Time will be Assessed at the End of the Review.

APPLICANT'S CERTIFICATION STATEMENT:
I certify that I have personally examined and am familiar with the information in this application and believe that the information submitted is accurate and complete. I am aware that making a false statement or misrepresentation in this application is grounds for denying or revoking the construction permit. I may also be guilty of a misdemeanor and upon conviction, may be punished by fine or imprisonment.

SIGNATURE OF RESPONSIBLE MEMBER OF THE COMPANY: Scott Murrell | DATE: 3/1/95

TYPE OR PRINT NAME OF SIGNER: Scott Murrell

OFFICIAL TITLE OF SIGNER: Chief, Environmental Division | TELEPHONE NUMBER: 314 596-0369

Why Hasn't Army Applied for Other Permits?

- **We don't know - some likely reasons?**
  - Working with incomplete information
  - Time constraints (June 22)
  - Probable public opposition to siting a nerve gas facility
  - Applied for easiest one

Permitting Timelines

Hazardous Waste (Incinerator)*	5 years
Air and Water	6-12 months

***NOTE:** Estimate based on actual experience by Army in obtaining permits.

ENVIRONMENTAL ISSUES

Permits

- Air (Two Required)
- Water (One) (Mod to Existing Permit)
- Hazardous Waste (Permit Requirement Under Investigation)

ENVIRONMENTAL ISSUES
(Cont)

- Endangered Species
  - Two Federally Endangered Species (Bats)
  - Biological Assessment

- Other Environmental Activities
  - EIS
  - Health Study
  - Cultural Resources

Additional Environmental Considerations

Radiological Laboratory

- 2 NRC licenses
- Dispose/store low level rad waste
- Only certification facility for DOD and other govt agencies

Smoke Training

- At Ft McClellan 77,400 gals of fog oil/year plus smoke pots, brass flakes, colored smokes, graphic powder (radar chaff in 2 yrs)
- Ft Leonard Woods' air source permit addresses only fog oil and originall only 1000 gal/year (later modified to 63,000 gal/yr)
- Endangered species at Ft Leonard Wood could be affected
- Smoke training would have to be curtailed

Permit Summary

CDTF Permits	Required	Application Before 1 March	Application After 1 March	Granted
Air Permit to Construct	Yes	No	Yes	No
Air Permit to Operate	Yes	No	No	No
RCRA	Yes	No	No	No
NPDES	Yes	No	No	No
EIS	Yes	Not Initiated		
Smoke Permits				
Air Permit	Yes	No	Limited to Fog Oil	No
EIS	Yes	Not Initiated		
NRC Licence (Rad Lab)	Yes	No	No	No

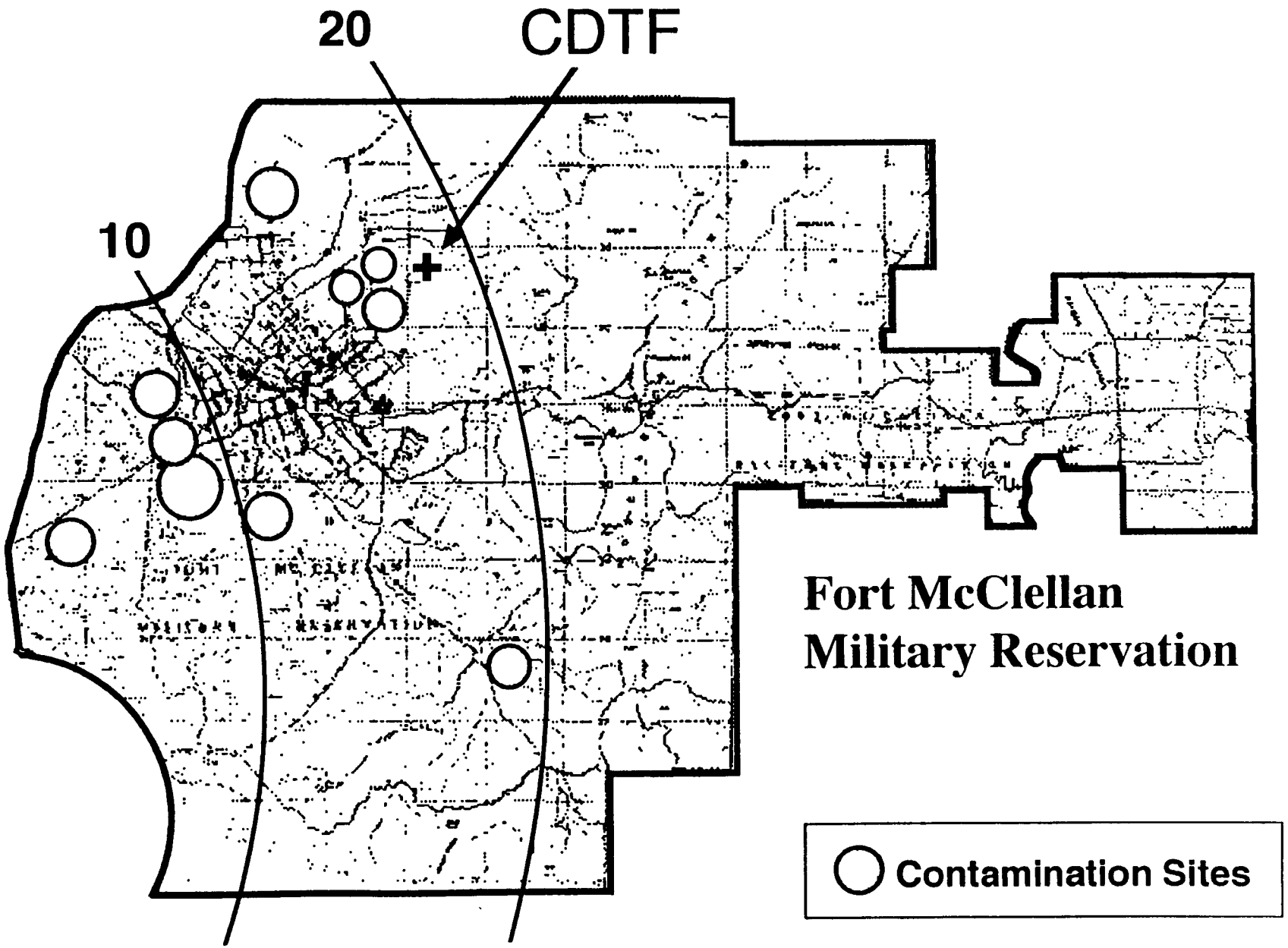
Additional Environmental Considerations

Disposition of Ft McClellan CDTF

- Will leave behind a contaminated facility
- Cannot be abandoned (requires round-the-clock security pending dismantlement)
- Cost $45-50M to dismantle (not included in ROI calculations)

Ft McClellan Support to Chemical Demil Permit Application at Anniston Army Depot

- RCRA Part B permit application cites extensive support from Ft McClellan
- State concerned about Army plans if Ft McClellan closed
- Army says it will leave behind necessary support
- Support requirements have not been identified or costed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CDTF
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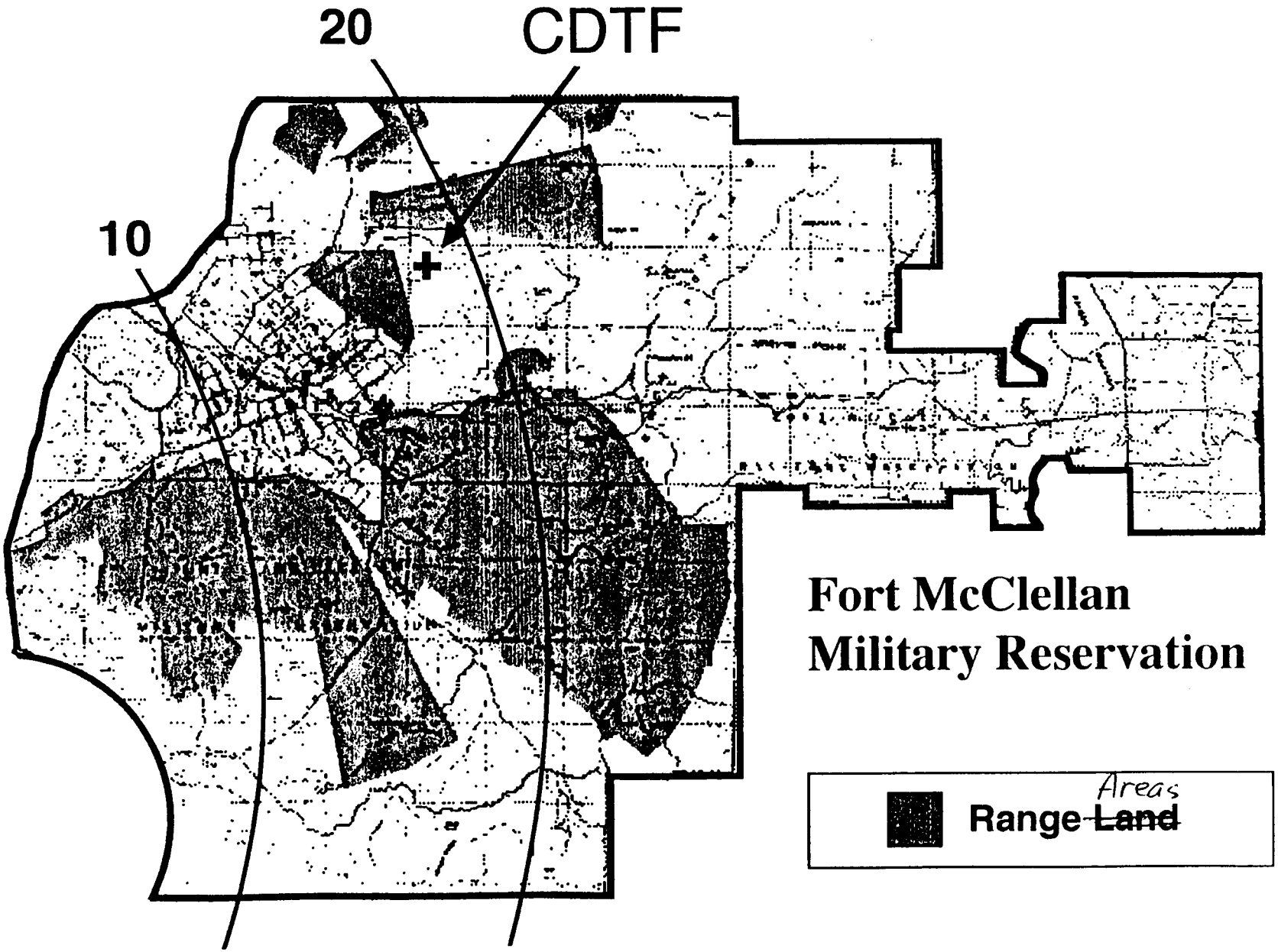
Fort McClellan
Military Reservation
Contamination Sites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CDTF
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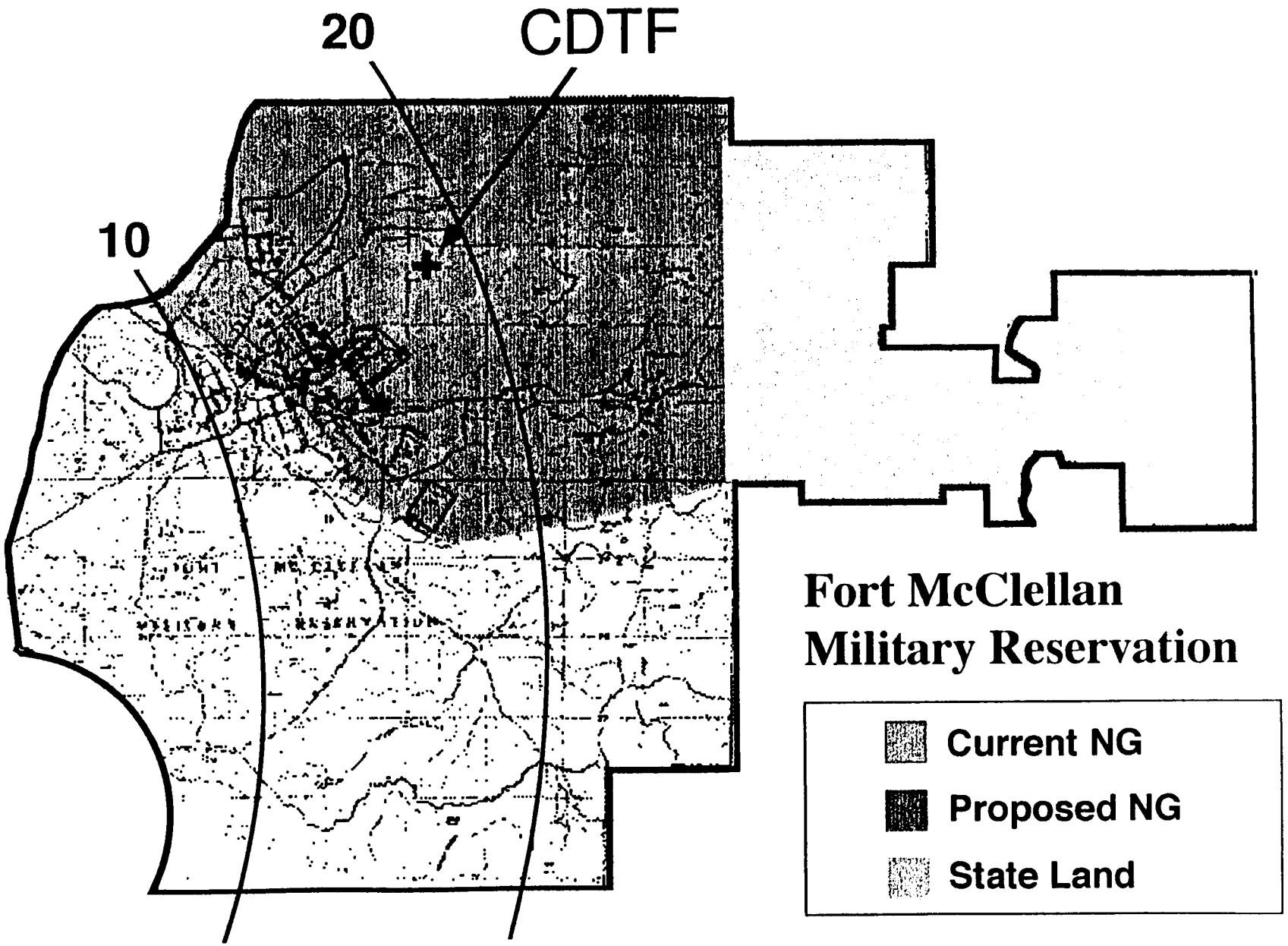
Fort McClellan
Military Reservation
Range ~~Land~~ Areas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CDTF
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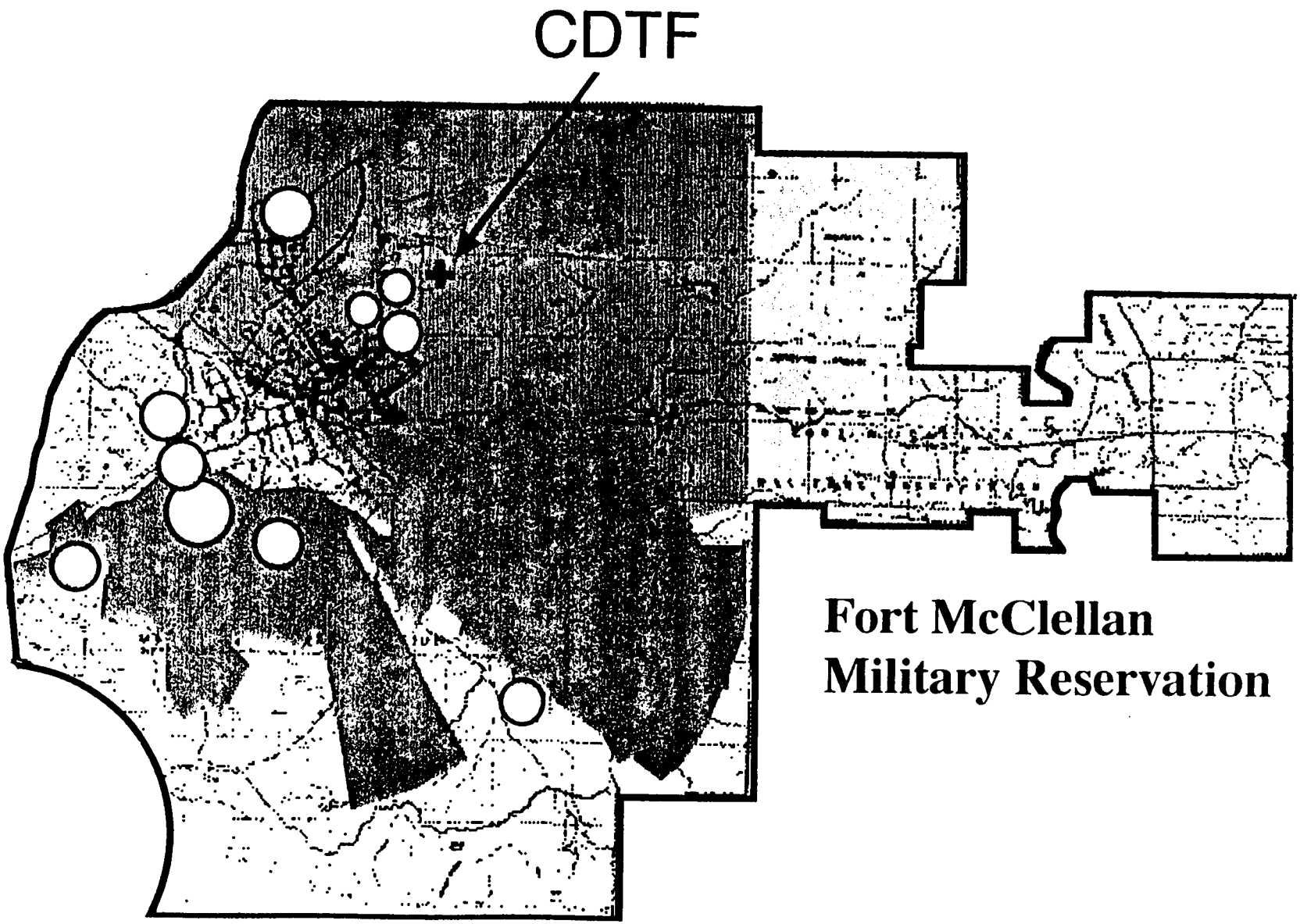
Fort McClellan
Military Reservation
Current NG
Proposed NG
State Land


CDTF
Fort McClellan
Military Reservation

Environmental Summary

- Gen Colin Powell (93 BRAC): "It can't be moved, really."
- Sec Army Togo West (95 BRAC): "There are no guarantees in the permitting process....we have no real indication how the process will turn out when a community and a permitting authority begin to come to grips with reality."

Full compliance with NEPA, RCRA, and all other permitting requirements has not been adequately addressed, when/if it is, there is a high risk that it will not be successful, thus blocking the CDTF at Fort Leonard Wood.

Environmental Permitting Perspective

- BRAC 93 (COM. H. T. JOHNSON): Army should .... permits in hand. Eliminate the "what ifs."
- **BRAC 95 Testimony, Mar 7: Dep Sec Def Deutch, Sec Army West, et al**
  - Q. COM Cox: ".... do you think we should close .... Fort McClellan without the permits in hand?"
  - A. Sec West. "Our recommendation is conditioned on getting the permits."
  - Q. Chrm. Dixon: "Have any of the necessary permits been obtained by the Army at the receiving installation."
  - A. Dep Sec Def Deutch: "No, they have not."

Chrm. Dixon: "And it is our statement to you that we would not act unless they (permits) were in place."

"....with respect to permits....if those things aren't resolved by June 22nd, it would be difficult for us to accommodate the services and their recommendations."

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STATEMENT OF MAJOR GENERAL GERALD WATSON (RET.) BEFORE THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION AT THE BIRMINGHAM, ALABAMA REGIONAL HEARING APRIL 4, 1995

03/57430.

MILITARY VALUE SUMMARY
PRESENTED TO THE
DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION
MAJOR GENERAL GERALD WATSON

We believe that, by putting Fort McClellan on the Base Closing List, the Defense Department has substantially deviated from the BRAC criteria. Secondly, we think that if we proceed as recommended, it will result in initiating an action that will move part of the school and result in the school's inability to train in its major mission. That list is not just to the nation, it's to our Allies, and it's to our soldiers, and our airmen, and sailors, and our Marines that we must put into battle; and they must be prepared, sir.

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STATEMENT OF MR. JAMES T. DUNN
BEFORE THE
DEFENSE BASE CLOSURE AND
REALIGNMENT COMMISSION
AT THE
BIRMINGHAM, ALABAMA REGIONAL HEARING
APRIL 4, 1995

03/57430.

ECONOMIC IMPACT OF THE CLOSURE OF FT. McCLELLAN ON THE LOCAL COMMUNITY PRESENTED TO THE DEFENSE BASE CLOSURE & REALIGNMENT COMMISSION BY MR. JAMES T. DUNN

Chairman Dixon, and Commissioners. I appreciate the opportunity to talk to you about the cornerstone Fort McClellan is to our area. The economic impact of Fort McClellan to Calhoun County is tremendous. In fact, closing Fort McClellan will result in employment loss of at least 17.3 percent. The average loss based on the list is only 1.9 percent. These figures represent over 38 percent of all middle income employment in Calhoun County. We are, by far, the most adversely affected of the major installations recommended for closure. As you can see by this viewgraph, Long is next with an employment loss of 10.6 percent. The loss of over 10,000 jobs will be devastating to an area with a labor force of 44,500 and a population of 120,000. Our total unemployment rate would exceed 24 percent. The loss of public area reduced revenues would be significant by over 130. The private school districts in the County will have to dismiss over 120 teachers.

It would be extremely difficult to replace these jobs by attracting new industry. More importantly, these are all minimum wage jobs and will severely cripple the ability of this county to sustain an economic recovery. The jobs at Fort McClellan are some of the very best in our area and have a multiplying effect in our little county.

1995 List of U.S. Military Installations for Closure

Army	Employment Loss (%)
Fort McClellan, Alabama	**-17.3**
Fort Chaffee, Arkansas	-0.3
Fitzsimmons Army Medical Center, Colorodo	-0.4
Price Support Center, Illinois	-0.1
Savanna Army Depot Activity, Illinois	-8.2
Fort Ritchie, Maryland	-4.8
Selfridge Army Garrison, Michigan	-0.1
Bayonne Military Ocean Terminal, New Jersey	-0.8
Seneca Army Depot, New York	-3.2
Fort Indiantown Gap, Pennsylvania	Net+0.2
Red River Army Depot, Texas	-7.7
Fort Pickett, Virginia	-0.8
Navy	
Naval Air Facility, Adak, Alaska	No Net Impact
Navel Shipyard, Long Beach, California	-.04
Ship Repair Facility, Guam	-10.6
Naval Air Warfare Center, Aircraft Division, Indianapolis, Indiana	-2.3
Naval Surface Warfare Ctr, Crane Division Det, Louisville, KY	-0.7
Naval Surface Warfare Ctr, Dahlgren Division Det, White Oak, MD	-0.6
Naval Air Station, Souty Weymouth, Masssachusetts	-0.1
Naval Air Station, Meridian, Mississippi	-8.0
Naval Air Warfare Center, Aircraft Division, Lakehurst, New Jersey	Net+1.1
Naval Air Warfare Center, Aircraft Division, Warminster, PA	-1.2
Air Force	
North Highlands Air Guard Station, California	
Ontario IAP Air Guard Station, California	No Net Impact
Rome Laboratory, Rome, New York	-6.2
Roslyn Air Guard Station, New York	Net +0.1
Springfield-Beckley MAP, Air Guard Station, Ohio	No Net Impact
Greter Pittsburgh IAP Air Reserve Station, Pennsylvania	-0.1
Bergstrom Air Reserve Base, Texas	-0.2
Brooks Air Force Base, Texas	-0.9
Reese Air Force Base, Texas	-2.2
Defense Logistics Agency	
Defense Distribution Depot, Memphis, Tennessee	-0.9
Defense Distribution Depot, Ogden, Utah	-0.3

Economic Impact

BRAC Average Employment Loss	1.9%
Fort McClellan Employment Loss	17.3%
Total Calhoun Co. Workforce	44,498
Estimated Job Loss	**10,720**
Total Unemployment (Calhoun Co.)	**~24%**

Loss Represents:

- Nearly 2 of 5 Jobs with Incomes Greater than $15,000
- Nearly One-Third of Revenues for Education and Services to Communities in North Part of County (e.g., Weaver, Saks, Jacksonville)

Economic Aspects (From the DOD Perspective)

DOD Numbers:

$259M	One-Time Costs to Implement
$122M	Net Costs During Implementation
Year 2005	Break-Even

Points for BRAC Commission to Consider:

DOD understated CDTF Rebuild costs

$70M	Rebuild Cost
– $30M	DOD Programmed
$40M	**Additional Cost**

Economic Aspects (From the DOD Perspective)

- Understatement of CDTF Rebuild Cost (an additional **$40M**)
- CDTF Remediation at McClellan not considered **($40-50M)**
- DOD Polygraph Institute Relocation not fully costed **($Unk)**
- A new Biological Defense Company must be organized, recruited, trained and equipped at Ft Leonard Wood **($4-5M)**
- By DOD's own figures, total annual increase in medical costs is **$15.8M**, but these costs are not included in ROI calculations.
- GAO stated during 1993 BRAC process that "The DOD always understates costs and overstates savings."

Will we really save by closing Ft McClellan?

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BIOGRAPHY

U.S. Army Chemical and Military Police Centers & Fort McClell
Fort McClellan, Alabama 36205-5000

MAJOR GENERAL GERALD G. WATSON
COMMANDING GENERAL

Mayor General Gerald G. Watson, a native of Kilgore, Texas, was born February 19, 1935. Upon graduation from Trinity University in San Antonio, Texas with a degree in chemistry in 1957, he received a commission as a second lieutenant in the U.S. Army Chemical Corps and was designated a Distinguished Military Graduate. He earned a Master of Science degree in logistics systems management from the Air Force Institute of Technology in Dayton, Ohio.

His military education includes the Artillery Officers Basic Course; the Chemical Officer Advanced Course, the Army Command and General Staff College; and the U.S. Army War College. General Watson has served in a wide variety of assignments in both command and staff positions during his career. in addition to numerous stateside tours, he has served in Vietnam and Europe.

His assignments include duties as an artillery forward observer and platoon leader of a mortar battery in the 8th Infantry Division; commander of the 275th Chemical Detachment Laboratory in Hanau, Germany; commander of the 21st Chemical Company; (DECON); commander of the 22nd Chemical Combat Support Company; chemical officer, 2nd Armored Division; chemical operations officer, J3, Military Assistance Command, Vietnam; director of Supply and Maintenance Directorate, U.S. Army Munitions Command; chief of Chemical Munitions Systems Division, U.S. Army Munitions Command; commander of Rocky Mountain Arsenal; chief, Chemical and NBC Defense Plans; commandant of the U.S. Army Chemical School, deputy commander for training and deputy commanding general for Fort McClellan from September 1979 until September 1982; director, Nuclear and Chemical Directorate, Office of the Deputy Chief of Staff of Operations and Plans, headquarters, Department of the Army, and concurrently as commander, U.S. Army Nuclear and Chemical Agency through December 1983. In 1983, he was appointed deputy to The Inspector General (Inspection), Inspector General, Department of the Army, before assuming command of Fort McClellan on July 25, 1985 and also was the Commandant of the U.S. Army Chemical School. General Watson became the Director, Defense Nuclear Agent in 1989 and remained there until his retirement in May 1992.

General Watson's decorations include the Army Distinguished Service Medal, Defense Distinguished Service Medal, the Legion of Merit, the Bronze Star Medal, the Air Medal, the Meritorious Service medal and the Army Commendation Medal.

General Watson and his wife, Carol Ann, have two sons: Bryan is a captain in the U.S. Army; and Darryl is currently residing in Fairfax, Virginia.

Colonel John A. Mojecki

Colonel John A. Mojecki, a native of Staten Island, New York, began his military career as an enlisted man in 1951. He was commissioned a second lieutenant in the US Army Chemical Corps in 1952 through Officer Candidate School. He has a BA degree from the University of Maryland. His military education includes the Chemical Corps Basic and Advanced Officer courses, the Command and General Staff College, the Armed Forces Staff College, and the Army War College.

Colonel Mojecki's final assignment before retirement in 1982 was the Director of NBC and Tactical Nuclear Warfare, HQ Training and Doctrine Command, Fort Monroe, VA. Other assignments included Director of Development and Engineering, US Army Edgewood Arsenal; Director of Chemical and Ground Support Training and Chief, Doctrine and Training Literature, US Army Ordnance School; NBC Staff Officer, HQ US European Command; Chief, Plans Division, HQ 1st Logistical Command, Republic of Vietnam; Chief, Radiological Branch, US Army Chemical School; Chief, NBC Test Division, US Army Arctic Test Center; and other command, staff and training assignments in chemical units, schools and agencies.

During his career, Colonel Mojecki received the Legion of Merit with one Oak Leaf Cluster, the Meritorious Service Medal, and the Army Commendation Medal with two Oak Leaf Clusters.

Colonel Mojecki is married to the former Maureen Corner; they have one daughter, Beryl, and live in Bluewater Bay, Florida.

COLONEL (RETIRED) WALTON A. PHILLIPS

Colonel Walton A. Phillips was commissioned in 1953 following graduation from Auburn University. After a combat arms tour as an Armor Officer, he held a series of increasingly responsible positions in the Chemical Corp in the Continental United States, Korea, China, and Vietnam. He was Chief of the Chemical Team in the Office of the Deputy Chief of Staff for Research, Development, and Acquisition at Headquarters, Department of the Army, and Chief of the Physical Protection Division, Chemical Systems Laboratory. One of his greatest contributions was the reconstitution of the Chemical School in the 80's, beginning with his assumption of the position of Chief of the Chemical Directorate at the Ordnance School, Formation of the nucleus of the Chemical School, and movement of the Chemical School to Ft. McClellan in December 1979. Colonel Phillips served as the Assistant Commandant of the Chemical School until 1982 when he moved to Ft. McPherson Georgia, to become Chief of the Nuclear and Chemical Directorate for FORSCOM. Since his retirement in 1988, Colonel Phillips has continued to make contributions to the Chemical Corp as a consultanton Chemical Warfare and defense. Since 1986, his support to the Corp has been from his position with the ARC. His awards include two Legions of Merit, the Bronze Star, and four Meritorious Service Medals. His most recent accomplishment was induction into the Distinguished Members of the Chemical Corp Program. Colonel Phillips is currently residing in Anniston Alabama with his wife Jean.

BRIGADIER GENERAL PETER D. HIDALGO

Brigadier General Peter D. Hidalgo has served as Commanding General of the U.S. Army Chemical Research, Development and Engineering Center (CRDEC) and the Deputy Commanding General for Chemical Materiel of the U.S. Army Armament, Munitions and Chemical Command (AMCCOM) since June 1986. He is also officially chartered by the Army Acquisition Executive as the Army Focal Point for NBC Research, Development and Acquisition. General Hidalgo had served until June 1986 as the Deputy Chief of Staff for Chemical and Nuclear Matters at Headquarters, U.S. Army Materiel Command (AMC) in Alexandria, Virginia.

A native of Raceland, Louisiana, General Hidalgo began his Army career in June 1958, when he was commissioned into the Infantry upon graduation from the U.S. Military Academy at West Point, New York. He was awarded his Master's degree in Business Administration from the University of Pittsburgh in 1964.

He is also a graduate of the Infantry Officer Basic Course, the Chemical Officer Advanced Course, the U.S. Army Command and General Staff College and the U.S. Army War College.

General Hidalgo's major duty assignments include serving as a Chemical Operations Officer for the Military Assistance Command Vietnam during 1968 and 1969. He then spent three years as a staff officer in the Chemical and Nuclear Operations Directorate, Office of the Assistant Chief of Staff for Force Development, the Pentagon, Washington, D.C.

General Hidalgo served as the Director of Industrial Operations and then as the Deputy Commander of Pine Bluff Arsenal, Pine Bluff, Arkansas from 1972 to 1975. His next assignment was as the Commander of the Indiana Army Ammunition Plant, Charlestown, Indiana from 1975 to 1977.

He spent two years overseas as the U.S. Army Chemical Exchange Officer to the United Kingdom. General Hidalgo was stationed at the Defense Nuclear, Biological, and Chemical (NBC) Center, in Winterbourne Gunner, England.

PETER DARCEY HIDALGO, Brigadier General

Returning stateside, he was assigned to Fort McClellan, Alabama from 1980 to 1983, where he served as the Director of Combat Developments, and subsequently as the Assistant Commandant of the U.S. Army Chemical School.

In June 1983, he was assigned to Aberdeen Proving Ground as the Commander of the U.S. Toxic and Hazardous Materials Agency (USATHAMA) which had Army wide responsibility for environmental restoration and chemical weapons demilitarization. He served in this position until his assignment to AMC Headquarters in March, 1985.

General Hidalgo's military decorations include the Distinguished Service Medal, Legion of Merit, the Bronze Star Medal, the Air Medal, the Meritorious Service Medal with three Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Parachutist Badge, and the Army General Staff Identification Badge.

General Hidalgo is married to the former Pat Wilder of Port St. Joe, Florida. They have three children, Valerie (Mrs. Kenneth Quaglio), David, and Wendy (Mrs. Donald Todaro); and two grandchildren, Joseph and Caroline, children of CPT and Mrs. Quaglio.

MAJOR DUTY ASSIGNMENTS

FROM	TO	ASSIGNMENT
Aug 58	Oct 58	Student, Infantry Officer Basic Course, United States Army Infantry School, Fort Benning, Georgia
Nov 58	Apr 59	Student, Army Primary Flight Training Course, Camp Gary, San Marcos, Texas
Jul 59	Oct 59	Rifle Platoon Leader, Company B, 1st Battle Group, 35th Infantry, 25th Infantry Division, Schofield Barracks, Hawaii
Nov 59	Nov 60	Assault Gun Platoon Leader, Combat Support Company, 1st Battle Group, 35th Infantry
Dec 60	Feb 61	Officer-in-Charge, 25th Infantry Division Jungle Training Center, Schofield Barracks, Hawaii
Mar 61	Sep 62	Commandant, U.S. Army Hawaii CBR School, Schofield Barracks, Hawaii
Sep 62	Jan 63	Supply Officer, Headquarters Company, United States Army Garrison, Fort McClellan, Alabama
Jan 63	Jul 63	Student, Chemical Officer Advanced Course, United States Army Chemical School, Fort McClellan, Alabama
Jul 63	Jul 64	Student, University of Pittsburgh, Pittsburgh, Pennsylvania
Aug 64	May 66	Instructor, Management, Management Logistics Division, United States Army Chemical School, Fort McClellan, Alabama
Jun 66	May 67	Commander, Field Support Company, Troop Command, United States Army Chemical School, Fort McClellan, Alabama

PETER DARCEY HIDALGO, Brigadier General

MAJOR DUTY ASSIGNMENTS

FROM	TO	ASSIGNMENT
May 67	Jun 68	Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas
Jun 68	Jun 69	Operations Officer, Chemical Operations Division/J-3, United States Military Assistance Command, Vietnam
Jun 69	Jun 72	Action Officer, Chemical and Nuclear Operations Directorate, Office, Assistant Chief of Staff for Force Development, Washington, D.C.
Jun 72	Oct 74	Director of Industrial Operations, Pine Bluff Arsenal, Pine Bluff, Arkansas
Oct 74	Jul 75	Deputy Commander, Pine Bluff Arsenal, Pine Bluff, Arkansas
Jul 75	Jul 77	Commander, Indiana Army Ammunition Plant, Charlestown, Indiana
Jul 77	Jun 78	Student, Army War College, Carlisle Barracks, Pennsylvania
Jun 78	Jul 80	U.S. Army Chemical Exchange Officer to the U.K. with duty at the Defense NBC Center, Winterbourne Gunner, England
Jul 80	Jun 83	Director, Combat Development, later Assistant Commandant United States Army Chemical School, Fort McClellan, Alabama
Jun 83	Jan 85	Commander, United States Army Toxic and Hazardous Materials Agency, Aberdeen Proving Ground, Maryland
Feb 85	Jun 86	Deputy Chief of Staff for Chemical and Nuclear Matters, United States Army Materiel Command, Alexandria, Virginia
Jun 86	Jul 89	Commander, CRDEC/Deputy Commanding General for Chemical Materiel, U.S. Army Armament, Munitions and Chemical Command, Aberdeen Proving Ground, Maryland

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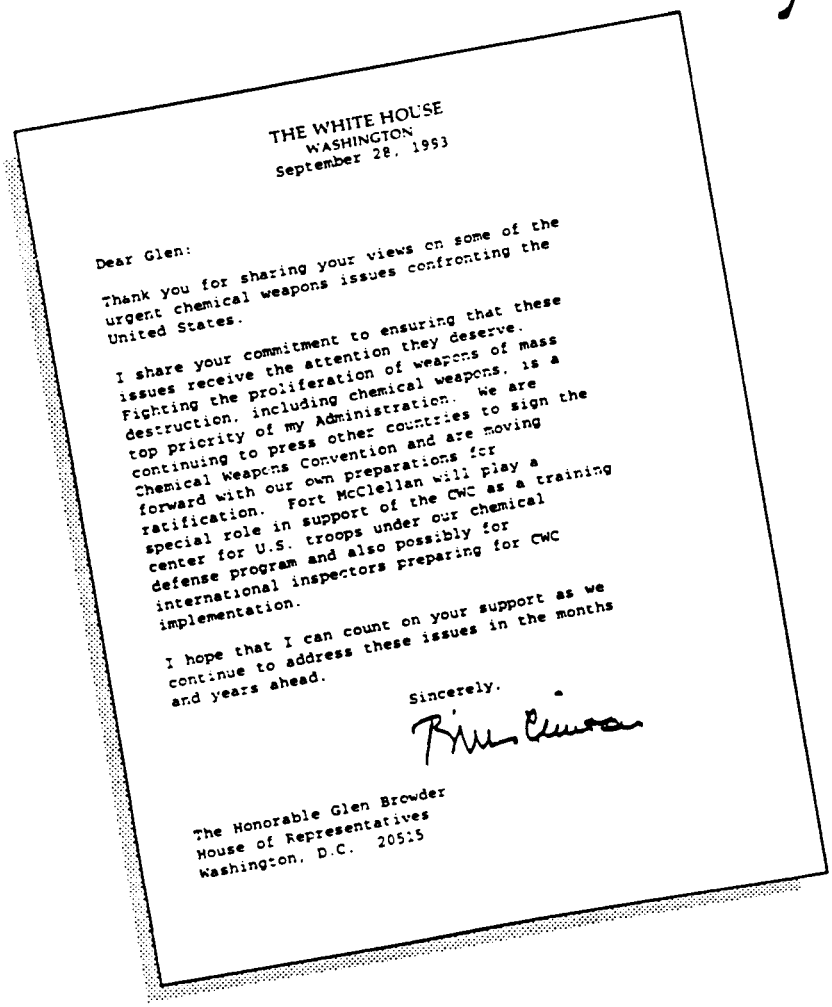
FORT McCLELLAN, ALABAMA

A Linchpin of National Security



THE WHITE HOUSE
WASHINGTON
September 28, 1993

Dear Glen:

Thank you for sharing your views on some of the urgent chemical weapons issues confronting the United States.

I share your commitment to ensuring that these issues receive the attention they deserve. Fighting the proliferation of weapons of mass destruction, including chemical weapons, is a top priority of my Administration. We are continuing to press other countries to sign the Chemical Weapons Convention and are moving forward with our own preparations for ratification. Fort McClellan will play a special role in support of the CWC as a training center for U.S. troops under our chemical defense program and also possibly for international inspectors preparing for CWC implementation.

I hope that I can count on your support as we continue to address these issues in the months and years ahead.

Sincerely,

Bill Clinton

The Honorable Glen Browder
House of Representatives
Washington, D.C. 20515

U.S. Army Chemical & Military Police Center

International Treaty Training Center

Joint Services Training Center

Vital to Mobilization/Contingency Plans

Only Environmentally Approved Chemical Agent Training Facility in the World

Support to Chemical Stockpile Emergency Preparedness Program (to Anniston Army Depot)

MILITARY VALU

Weapons of Mass Destruction Threat

- Nuclear, biological and chemical (NBC) weapons are continuing to proliferate throughout the world.
- The Secretary and Chief of Staff of the Army list NBC weapons as first of three threats to the United States. (Army Focus, Sept. 1994)
- To meet this threat, Fort McClellan has state-of-the-art facilities to train our Armed Forces and other government agencies. It has taken over 14 years to build these unique facilities. Duplicating these facilities at another location is highly questionable because of environmental and financial constraints.

Live Agent Training is the Cornerstone of the DOD NBC Training Program

- Fort McClellan is the only installation in the western world capable of providing live agent training in a safe, environmentally permitted facility.
- All chemical servicemen receive this training, which develops experience and confidence in chemical defense and equipment techniques, overcoming the fear and panic these NBC weapons generate.
- A trained chemical soldier is assigned to every company to train and instill confidence in their NBC equipment. This paid huge dividends during Desert Shield/Storm.

"The criticality of the CDTF requires that it be given full consideration in determining the final status of Fort McClellan."

General Carl E. Vuono, Chief of Staff, United States Army, 1990.

"Having CDFT trained soldiers throughout this division directly improves our combat readiness. Your trainers at the CDTF and the support structure throughout Fort McClellan made our training a success."

Major General Paul E. Blackwell,
Commander, 24th Infantry Division, 1992.

F. OF FORT McCLE

Fort McClellan Provides Environmentally Approved and Unique Training Facilities

- DOD's and the world's only environmentally controlled and State permitted toxic chemical agent training (CDTF), extensively used by all services, other U.S. Government agencies, and foreign countries.
- World renowned DOD Polygraph Institute which conducts high technology research and training for nearly the entire nation's investigative community.
- Other vital (environmentally permitted) one-of-a-kind training sites:
  - Nuclear Regulatory Commission-licensed radiological laboratory
  - Decontamination Apparatus Training Facility
  - NBC Reconnaissance Training Facility
  - Large area smoke/obscurants training
  - Biological agent detection facility
- Other unique applied instructional facilities
  - Military Operations In Urban Terrain (MOUT) facility
  - Mock Confinement Facility
  - Security Operational Test Site
  - NBC Defense/Smoke Warfighting Training Simulation Center

Fort McClellan's Critical Support to the Chemical Stockpile Emergency Preparedness Program

- Aging chemical agent munitions are stored at Anniston Army Depot and 70,000 civilians are in the danger zone if an accident occurs (largest number of civilians affected of any chemical storage site).
- Contingency plans and environmental permits include support from Fort McClellan to provide toxic chemical agent medical support, decontamination support, agent survey and monitoring, training, traffic and evacuation control, security, and logistical support.

LAN, ALABAMA

Fort McClellan is an International Training Center

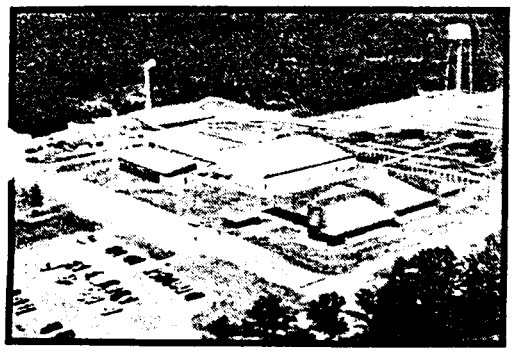
- Provides Chemical Warfare Convention (CWC) treaty verification training to U.S. and U.N. inspectors.
- Internationally recognized as world's premier NBC Center (trains students from 26 countries).
- Largest, most modern combat MP, counter-terrorist, security, and correctional training center in the world (trains students from 122 countries).

Fort McClellan is a Joint Services Training Center

- DOD lead for implementation of PL 103-160 (NBC Defense) for Joint Service NBC training, doctrine, and material requirements.
- NBC Defense Training for the Air Force, Army, Navy, Marines, And Special Operations Forces.
- The Joint Services Military Police and Chemical Training Centers serve Army, Navy, Marine Corps, Air Force, Reserve Components, Federal civilians, and foreign nationals.
- Specialized training for counter drug programs; polygraph examiners; Alcohol, Tobacco, and Firearms Agents; and the Smithsonian Institute.

Fort McClellan is Essential in Contingencies/Mobilization

- Mobilization training (including CDTF training) for 57 chemical reserve units located mostly in the SE United States (70% of chemical troops in reserve units).
- Railhead, airport (C5 capacity), access to interstate highway system, and access to seaport at Mobile, Alabama.
- DOD's only biological defense unit (reserve component) receives unique training, only available at Fort McClellan.



Chemical Defense Training Facility

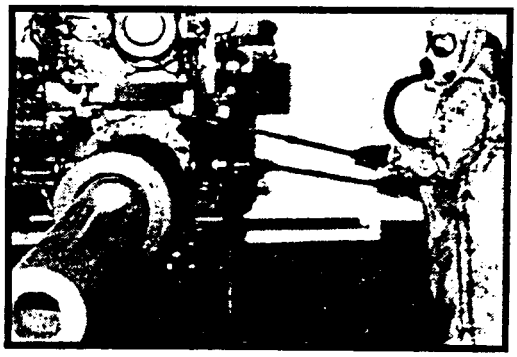
- *Only one in Free World*
- *Critical to U.S. Armed Forces Preparedness*
- *Supports CWC Treaty*

U.S. Air Force Disaster Preparedness School

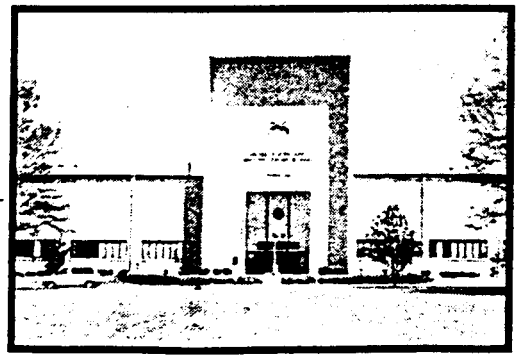
U.S. Army Chemical School

- *World's premiere NBC Center*
- *Trains students from 26 countries*

U.S. Marine Corps Training Detachment



U.S. Navy Training Detachment



U.S. Army Military Police School

- *World's largest security training center*
- *Trains students from 122 countries*

25 March 1993

The importance of Live Agent training currently being conducted at the US Army Chemical School and Center can not be overstated. As second in command of all forces in Operations Desert Shield and Storm, I am well aware that one of the reasons all members of the Armed Services were able to perform all of their tasks under the threat of Chemical and Biological warfare from Iraq, was because of the training many of them received at Fort McClellan. We must provide all of our uniformed personnel the opportunity to be trained in the most realistic environment.

C.A.H. Waller
Lt. General US Army (Ret.)
Deputy Commander in Chief of
Operations Desert Shield/Storm

ATTG-IS (ATZN-CM-M) 11 Mar 93; (340) 1st End CPT Voskovitch:cp/
AV 680-5622
SUBJECT: Requirement for Toxic Agent Training

Commander, U.S. Army Training and Doctrine Command,
Fort Monroe, VA 23651-5000

FOR Brigadier General Lyle, Director of Training, Deputy Chief of Staff for Operations and Plans, Washington, D.C. 20310-0400

1. Fully support the position of the Commandant of the Chemical School that Live agent training is critical to NBC readiness. A basic tenet of the Army has been train as we fight. While TRADOC has invested heavily in simulators and simulations, nothing fully replaces training with live agents. As the Combined Arms Live Fire Exercise (CALFEX) totally focuses and energizes the soldiers involved, so does training with live agents focus and energizes Chemical Corps soldiers. In fact, given the criticality of leader NBC proficiency, all future battalion commanders should be sent through live agent training, as recommended in the attached report.

2. Our business is training for war. No one is more credible as a trainer that an experienced veteran. Chemical Corps soldiers who have undergone live agent training were instrumental in training and providing confidence to others during Operation Desert Shield/Storm. Confident, credible trainers, combined with the lessons learned by training in live agent, are the foundation of an NBC trained and ready Army. The Army must pay the bill for a credible NBC deterrent posture or pay the cost of unpreparedness.

3. POC for TRADOC is CPT Voskovitch, DSN 680-5622.

Encl

FREDERICK M. FRANKS, JR.
General, USA
Commanding

AVERY® Aigner® LEGAL INDEX™ EXHIBIT DIVIDERS

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

29 March, 1995

MEMORANDUM FOR HQ USAF/CEOR
ATTN: Maj McClellan

FROM: Det 5, 366 TRS/TCM
Bldg 2281, Galloway Gate Road
Ft McClellan, AL 36205-5600

SUBJECT: USAF Readiness School (Disaster Preparedness) Relocation Concerns

1. Resulting from BRAC '95 announcement of the closure of Ft McClellan, we would like to express our concerns regarding the minimum requirements for our detachment as we plan our anticipated move to Ft Leonard Wood, MO. Expressed below are some of the major requirements we will need to resume operations following the move:

a. Ranges: (1). We require a suitable area for conducting large-scale smoke dispersal. Such area will require environmental studies/approvals to be completed prior to use by the Air Force. In absence of such approval we will have a serious training deficiency. The US Army will require the same range requirements and we are prepared to share usage of this area (2). A land navigation range is required for training students on use of compass and global positioning system, and for plotting chem/bio surveys. (3). We require a third training range to conduct major accident response (MARE), camouflage, concealment and deception (CCD) activities and for chemical attack training exercises. This range must be configured as an airfield, and should simulate a runway/taxiway area to add the realism for the MARE and CCD operations. An open area of real estate with a circular area of at least 1/4 mile across adjoining the runway is required. A small facility at that location is needed to simulate the SRC. The USAF requires dedicated access to that range at all times. It is anticipated that the range will be used daily.

b. Special Facilities: (1). A Chemical Defense Training Facility (CDTF) is required for live agent training as required by the new STS. The only such facility now in existence is located at Ft McClellan. The use of live chemical agent is used in this training environment, and the facility is designed to prevent loss of chemical agent to the atmosphere. Special environmental permits must be granted prior to construction. The CDTF should be owned/operated by the Army, and coutilized by all services. (2). Use of a tear gas/riot agent training facility for training students on gas chamber operations. Again we expect this will be a joint use training facility. (3). A storage facility of approximately 5,000 sq. ft. is needed for the secure storage of USAF property. (4). Secure parking area, fenced-in with at least 10 parking spaces.

c. Training Space Requirements: We require a total of 20,000 sq. ft. of training/administrative area. (1). A securable area for the storage and issue of equipment. Included in that requirement is an environmentally controlled 400 sq. ft. area (maintained at 65-72 degrees F) for the storage of RADIACs and other pieces of equipment that contain radioactive material (RAM). A RAM permit must be granted in advance by the Army and the USAF under the Nuclear Regulatory Commission guidelines, before such items will be allowed on the post. (2). Administrative area for 19 staff members, plus private offices for the commander, first sergeant, director of training, and the instructor supervisor. Also, a separate office for four personnel. This office must be soundproofed with controlled access.

d. Classrooms: Need access to eight classrooms at any one time. We require at least three classrooms be dedicated solely for USAF general training requirements, that is not shared with other units at Ft Leonard Wood. In addition, a fourth dedicated classroom, specially decorated and configured for senior USAF officer training.

e. Special Classroom/Labs: USAF has special lab requirements that should not be shared with other services because of the special configuration of the labs for USAF needs, and the value of the items stored in the labs. (1). The Emergency Information System Laboratory will be configured for 17 computer systems. (2). The ABO lab has dioramas and work tables set-up as an airfield. (3). Two NBC Labs specially arranged with grid tables and grid maps, are not suitable for other types of training.

2. Please contact me at DSN 865-6835 if I can be of further assistance in this matter.

Brian G. Bell

BRIAN G. BELL, GS-11, DAF
Course Manager

THE PORT AUTHORITY OF NY & NJ

Salvatore Sorrentino
Deputy Director
Public Safety Department

One PATH Plaza
Jersey City, NJ 07306

(201) 216-6830

April 4, 1995

Headquarters, Department of the Army
ODCSOPS, ATTN. DAMO-ODD
Pentagon
Washington, D.C. 20310

Dear Sir,

I am writing to you at the suggestion of Mr. Richard Hinson, Chief, Advanced Law Enforcement Training Division, Fort McClellan, Alabama, with respect to our inquiry about discussing training equipment and response tactics in the event of a chemical attack at one or more of our facilities.

The Port Authority of New York and New Jersey is a bi-state transportation authority created by the two states with the approval of the Congress. It is responsible for operating the New York region's three major airports, the World Trade Center, marine cargo and passenger terminals, all of the tunnels and bridges which connect New York and New Jersey and the main transit link (i.e. the PATH system) which connects New Jersey with the midtown and Wall Street areas of Manhattan.

The Port Authority has it's own police force which consists of 1400 sworn officers which are empowered as police officers in both the states of New York and New Jersey. Our Department is responsible for all law enforcement activities at our facilities as well as the first response to emergency situations such as aircraft fire and rescue operations at the airports or evacuations on the PATH system.

Our staff is currently in the process of analyzing the recent chemical attack on the Tokyo subway system and are in need of conferring with recognized experts in the field to test a concept for establishing a defined capacity within our department for the first response to such an attack. At this time, we are attempting to determine, among other things, what it would take to identify the product used in the hypothetical chemical attack within reasonable periods of time and with a degree of certainty that would permit effective decisions for medical treatment, decontamination of victims, use of air handling equipment, proper protection for rescue teams and notification to military units who may respond to the scene.

Our concern in this area is driven by our responsibility for the PATH system, which is a Federal Railroad Administration, Class 1 railroad which connects New York and New Jersey through long, underwater tunnels and carries over 200,000 passengers each weekday; two underwater vehicular tunnels (i.e. Holland and Lincoln Tunnels) and the general high visibility of our other facilities which has led to other type of attacks in the past.

In the course of our investigation we have received a wide range of advice on the protective clothing, breathing apparatus, analyzer equipment for military type chemical products and training requirements to perform the first response mission of product identification and rescue operation. At this point we need to clarify a number of issues and we believe that U.S. Army staff at Fort McClellan is the best qualified to do so. As a result, we would therefore request your approval to visit Fort McClellan, or any other unit you deem appropriate to our needs, in order to become familiar with available and appropriate equipment and discuss training and response tactics with select staff.

Thank you for your consideration.

Sincerely,

Sal Samperi

Sal Samperi
Deputy Director

DEPARTMENT OF THE NAVY
OFFICER IN CHARGE
NAVAL CONSTRUCTION TRAINING CENTER
DETACHMENT
FORT McCLELLAN, AL 36205-5000

Rec'd 6 April 95
~~19 April 1994~~

MEMORANDUM

From: Officer in Charge, Naval Construction Training Center Detachment, Fort McClellan, AL 36205-5069
To: Distinguished Guests

Subj: MISSION BRIEF FOR NAVCONSTRACEN DET, FT. MCCLELLAN, AL

1. The "unique" mission of Naval Construction Training Center Detachment (NCTCD) Fort McClellan is to provide three high risk courses in Chemical, Biological, Radiological-Defense (CBR-D) and six advanced Military Police courses. Beginning October 1995 all Naval CBR-D training will be conducted at Ft. McClellan. The detachment currently consists of 17 personnel, 1 Officer in Charge, 8 instructors and 8 support personnel and will expand by 5 personnel in October 95 due to the consolidation of all Naval CBR-D instructor training to Ft. McClellan. The Detachment will produce approximately 750 instructors a year, E-5 to O-5, who eventually become the fleet instructors for CBR-D courses to all Naval (Coast Guard/Merchant Marine/Foreign Naval) units. Presently we are the "sole" site for Naval Live Agent Chem, Bio and Rad Defense Training as well as advanced Naval Military Police Training. Of note is with the recent passage of Public Law 103-160, NCTCD has become a vital part of the Joint Service Integration Group.

2. The Chief of Naval Education and Training has stated that any interruption in this training would adversely affect fleet readiness. Interruptions of Live Agent training of more than a year are "unacceptable".

3. In addition, NCTCD instructs classes in Disaster Preparedness Ashore. This training is the "only" course governing a wide spectrum of topics ranging from severe natural disasters to conventional/terrorist Chem, Bio, Rad attacks to shore-based military, civilian, and foreign/domestic facilities.

G. D. Shekels

G. D. SHEKELS

Commander
Detective Division
Bomb & Arson Section

City of Chicago
Department of Police
1121 S. State Street
Chicago, Illinois 60605
Tele.: 312/747-5237
Fax: 1-312-747-6972

(312) 744-4000

Text Telephones
(312) 922-1414 (24 Hrs. & Emergency)
(312) 744-8006 (Business Hours)

Richard M. Daley, Mayor
Matt L. Rodriguez, Superintendent of Police

April 14, 1995

Commandant
U.S. Army Chemical School
ATTN: ATZN-CM-NF
Fort McCellan, AL 36205-5020

Dear Sir:

I am interested in obtaining copies of US Army Manuals FM 3-7, 3-8 and 3-9 which pertain to chemical warfare. My interest is purely professional for we encounter many "suspicious devices" during the course of a normal work day. The recent incident in Japan, involving the use of a chemical agent, has caused some consternation on my part and now many of us in law enforcement bomb squads realize how vulnerable we are to similar attacks. It is imperative we become familiar with chemical agents and their recognition. Of course I realize the manuals will not make us experts, but they will certainly make us more aware thereby enhancing our safety in the handling of "suspicious package" calls for service. I am sure this is understandable.

If any costs are involved please advise. I am looking forward to your response. I have enclosed my business card if a need to telephone me is necessary. Thank you.

Sincerely,

Joseph P. Grubisic, Commander
Bomb and Arson Section

JPG/sa

Enclosure:

Ministerio de Defensa
Instituto de Investigaciones Científicas y Técnicas de las Fuerzas Armadas

FAX FROM : Cnl GUILLERMO ALBERTO SEVILLA - CITEFA - ARGENTINA - 54-1-760-3210

TO : Mr MICHAEL SHEHEANE - U S ARMY CHEMICAL SCHOOL - Fort McClellan - Alabama.

DATE : April 18th/1995 **FAX NUMBER** : 001 (205) 848-6786

NUMBER : 19/95 **PAGES** : 01

Dear Mike:

It is a pleasure to be in touch with you again. I hope you and all the nice people I met in Fort McClellan are all right.

The Institute of Research and Development CITEFA, is facing now setting up a team to serve as Escorts of the National Authority fo the CWC, and if necessary to assist the National Authorities in chemical accident or disasters. We are concerned after the terrorist act in the Japan subway.

In order to buy the required equipment it is necessary to find out some information regarding specifications, features, suppliers of equipment and also some knowledge about procedures in case of accident or disaster.

I would appreciate if you can help me in this task. I need some data about the equipment your army use for:

a. Chemical Protection clothes and masks.
b. Toxic Detectors.
c. Decontamination equipment and solutions.

I would like to know how can the Institute buy them, their specification and technical data. Thank you very much in advance and please, if you can not help me let me know it by Fax and if it is possible who can help me giving me this information.

My compliments to Susan, Mr Henderson and all your lovely people.

Best regards,

Cnl GUILLERMO A. SEVILLA
Responsable Medio Ambiente y Seguridad Internacional

Ministerio de Defensa
Instituto de Investigaciones Científicas
y Técnicas de las Fuerzas Armadas

FAX FROM : Cnl GUILLERMO ALBERTO SEVILLA - CITEFA - ARGENTINA - 54-1-760-3210

TO : Mr MICHAEL SHEHEANE - U S ARMY CHEMICAL SCHOOL - Fort McClellan - Alabama.

DATE : April 19th/1995 **FAX NUMBER** : 001 (205) 848-6786

NUMBER : 51/95 **PAGES** : 01

Dear Mike:

Thank you for your Fax dated today.

I have made a telephone call to your Military Attache, and we will meet next wednesday. I will carry your information.

Thank you by answering so quickly. Your information is very useful. Now I am trying to find out the way to buy at least one dozen Chemical Protective Overgarment, gloves and overboots and mask with the portatil decontamination, identification and first aids kits, to be ready to operate if it is necessary.

Thank you very much once again. The best for Susan and you.

Cnl GUILLERMO A. SEVILLA
Investigador Medio Ambiente
y Cuestiones Internacionales

GLEN BROWDER
3D DISTRICT, ALABAMA

COMMITTEE ON NATIONAL SECURITY
COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives
Washington, DC 20515–0103

WASHINGTON OFFICE
2344 RAYBURN BUILDING
WASHINGTON, DC 20515–0103
(202) 225–3261

DISTRICT OFFICES:
104 FEDERAL BUILDING
POST OFFICE BOX 2042
ANNISTON, AL 36202
PHONE: (205) 236–5655

107 FEDERAL BUILDING
OPELIKA, AL 36801
PHONE: (334) 745–6221

115 EAST NORTHSIDE
TUSKEGEE, AL 36083
PHONE: (334) 727–6490

April 27, 1995

Dr. Theodore M. Prociv
Deputy for Chemical/Biological Matters
Assistant to the Secretary of Defense (Atomic Energy)
The Pentagon, Room 3C128
Washington, DC 20301-3050

RE: Armed Forces Biological Defense Program:

Dear Dr. Prociv:

During Operation Desert Shield/Storm, the Congress, the Department of Defense, and the Department of the Army recognized a serious deficiency in the ability to protect our soldiers against the use of biological warfare agents by an adversary. Therefore, a biological defense program was initiated in 1991 with the initial goal being to field a biological detection and identification capability as soon as possible. A Joint Biological Program Office headed by a general officer was established, and about $800 million was allocated to field a detection system and to produce vaccines.

The Army, as Executive Agent for chemical/biological defense for all the services, was directed by the DOD through Public Law 103-160 to field a capability to protect the force by fiscal year 1996. An expedited program using NDI and other available components was initiated, and the Biological Integrated Detection System (BIDS) was developed and tested over a short two-year period.

Concurrent actions also were undertaken to provide a corps-level unit to be trained and equipped to operate the BIDS as part of the Contingency Force Package, Rapid Deployment Tier I. Because of the active force drawdowns and the fact that about 70 percent of the chemical troop force structure is in the reserves, a chemical reserve unit supplemented by an active duty platoon was selected to provide this critical capability. The reserve unit selected for restationing at Fort McClellan was the 310th Chemical Company of nearby Gadsden, Alabama. Training for the new biological defense company will begin in October 1995.

It is my understanding that there are no chemical reserve units in Missouri; most are historically located in the southeastern United States because of the proximity of Fort McClellan. How does the Army/DOD plan to attain and maintain a

fielded biological defense capability if Fort McClellan is closed considering the following:

--The unlikelihood that the Alabama reserve unit or its personnel will move to Missouri.

--The lack of a chemical reserve unit in Missouri (soldiers who will man the technically complex equipment of the BIDS also require basic skills and experience in NBC defense operations to perform the unit's mission effectively).

--The potential for a several-year loss of the only servicewide biological defense capability when the biological warfare threat is proliferating.

What additional resources will be required to implement this plan?

Thank you for your consideration of these issues, and I look forward to your response. Because of base closure deadlines, I would appreciate receiving your response by May 10.

Sincerely,

Glen Browder

Glen Browder
Member of Congress

GB/vfp

cc: Defense Base Closure and Realignment Commission
Department of the Army
Commander, Fort McClellan

DEPARTMENT OF THE ARMY
U.S. ARMY CHEMICAL AND MILITARY POLICE CENTERS & FORT McCLELLAN
FORT McCLELLAN, ALABAMA 36205-5000

May 10, 1995

REPLY TO
ATTENTION OF

Strategic Plans Office

Honorable Glen Browder
House of Representatives
Washington, DC 20515-0103

Dear Mr. Browder:

This is in response to your request for information concerning recent inquiries made to Fort McClellan requesting support or assistance of any sort in combating terrorism.

I appreciate your continued interest in the role that Fort McClellan plays in training to combat terrorism. The U.S. Army Chemical and Military Police Schools have received five requests in the recent past. These requests are summarized below.

Since the recent sarin attack on the Japanese subway in Tokyo, the Chemical School has received several requests for training or advisory assistance. The Port Authority of New York and New Jersey requested assistance in defining and scoping potential responses to chemical and biological terrorism. They also sent four Port Authority representatives to visit Fort McClellan on 10 April 1995. The Argentina Ministry of Defense requested Fort McClellan's assistance in obtaining chemical and biological defensive equipment related to chemical and biological accidents and disasters. The Chicago Police Department Bomb and Arson Section requested Army Field Manuals related to chemical and biological defense and indicated an interest in potential training at Fort McClellan. The Federal Region IV, Regional Response Team from Atlanta, Georgia requested Fort McClellan's assistance in preparing for the 1996 Olympics. The Arizona Department of Emergency Management telephonically requested a program of instruction for any chemical and biological counter-terrorism courses. They were told that a program of instruction was under development and would be mailed to them as soon as it was approved. They also expressed an interest is conducting training prior to the Super Bowl activities in Phoenix, Arizona.

In addition to the requests received by the Chemical School, the Military Police School received a visit from The Port Authority of New York and New Jersey. The purpose of the this visit was to determine what Military Police countering terrorism courses could be combined with the chemical training to

produce a Port Authority First Response Team. The Alabama Olympic Security Planning Committee also visited Fort McClellan to tour possible training facilities and attend briefings on possible training programs which may meet their security requirements during the 1996 Olympics.

The U.S. Army Chemical and Military Police Schools have, and will continue, to play an important role in providing requested anti-terrorism training to cities, allied governments, and other federal or state government agencies. We will provide you with copies of any and all subsequent requests that we may receive in the future.

I hope you find this useful in responding to your request for information.

Sincerely,

Peter D. Hoffman
Colonel, General Staff
Chief of Staff

Copy Furnished:

Office Chief Legislative Liaison
ATTN: Gail Warren, Room 206000
1600 Army Pentagon
Washington, D.C. 20310-1600

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TAB A

STATE OF MISSOURI
Mel Carnahan, Governor • David A. Shorr, Director
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176 (314)751-4422
FAX (314)751-7627

May 19, 1993

Please refer to this number when responding 930510-2

Mr. Jim Courter
Chairman, Defense Base Closure and Realignment Commission
1700 North Moore Street, Suite 1425
Arlington, VA 22209

Dear Mr. Courter:

In your letter of May 7, concerning the relocation of the Chemical Defense Training Facility at Fort McClellan to Fort Leonard Wood in Missouri, you presented four issues for discussion by the State of Missouri. The Missouri Department of Natural Resources is still in the process of reviewing the applicable Environmental Impact Statement and permitting information from Fort McClellan for the Chemical Defense Training Facility. Below I have provided you with Missouri's initial response to the issues. We will continue to review documents recently received and will provide additional information within two weeks as appropriate.

Issue #1: The Chemical Defense Training Facility will require nine years to put into operation.

Discussion: (See enclosed timeline.) An Environmental Impact Statement will require four years to complete, based on experience at Lexington-Bluegrass Army Depot with chemical weapons demilitarization facility, and the Gaithersburg, MD chemical weapons research facility. There was no inkling of opposition until the Environmental Impact Statement scoping meeting.

Missouri's Response: We understand that it is the Department of Defense's intent to prepare an Environmental Impact Statement (EIS) for the movement of all operations to Fort Leonard Wood. The Chemical Defense Training Facility will be included in this package and not result in an additional document. All correspondence regarding the EIS should be directed to my office to ensure timely response. We are willing to cooperate to the maximum extent possible in the identification of issues for purposes of the EIS related to compliance with state environmental laws and permitting requirements.

Issue #2: The Resource Conservation Recovery Act (RCRA) permits required for the Chemical Defense Training Facility and smoke operations will take two-four years to obtain, with most probable timeframe being closer to four years.

RECYCLED PAPER

Discussion: Based on Army guidance, which provides a planning figure of two-four years (reference not stated). As an example, chemical demilitarization facility at Johnston Island took four years to obtain a RCRA permit, and it isn't even in the continental U.S. It is Army policy that construction cannot commence without a completed RCRA permit. This will also hold up the move of the Chemical School until 1998, after the RCRA permit is received.

Missouri's Response: Currently, we anticipate that the Chemical Defense Training Facility would require permits from Missouri's Air Pollution Control Program, Water Pollution Control Program (for NPDES), and the Hazardous Waste Program. The permit for the incinerator from the Hazardous Waste Program will, no doubt, take the most time to obtain. Air and water permits typically require six months or less. The original NPDES water quality permit issued to Lake City Army Ammunition was issued within seven months of receiving all necessary information. Depending on the complexity of the permit and the complexity of the incinerator, the Part 1 application will take nine to fourteen months to complete. Part 2 of the permit (after construction is complete), will take an additional eight months to a year to complete. I have enclosed a typical review schedule for your use in this matter. Please note the items with an asterisk on the schedule are dependent on Department of Defense, and the timeliness and completeness of their response can either accelerate or delay the process.

I have also included for your review Missouri's applicable hazardous waste rules for incinerators and a brief history of the permitting of a hazardous waste incinerator at Lake City Army Ammunition Plant, which took nine months to complete.

Issue #3: The Chemical Defense Training Facility will be more costly to build in Missouri because a technology upgrade will be required. This will add $20-25 million dollars to construction costs.

Discussion: Missouri will require a more advanced incineration system in order to obtain a RCRA permit.

Missouri's Response: At this time I see no reason to believe that construction of an incinerator in Missouri would be any more costly or time consuming than construction in any other state. Missouri's rules on hazardous waste incinerators parallel those of the U.S. EPA and these rules apply nationwide. As mentioned previously, I have enclosed a copy of Missouri's rules for the permitting of the incinerator through the Hazardous Waste Program.

Issue #4: Smoke training operations are not possible in an environmentally sensitive area like Fort Leonard Wood and the Ozarks, including the national forest areas surrounding Fort Leonard Wood.

Discussion: Last year, Fort McClellan used 600,000 lbs. of fog oil for smoke training operations. Missouri would never allow smoke to filter into national forest areas or be used around the sensitive Indiana and Grey Bat feeding areas.

Missouri's Response: Based upon information submitted to the Department of Natural Resources by Fort Leonard Wood, the Army is in the process of establishing numerous test areas and with monitoring of meteorological conditions they propose to ensure that the smoke stays on Army property. We will have to study the issue further. Currently, we are scheduled to observe trial runs of the smoke training exercise to give us a better feel for environmental impacts that can be anticipated.

I hope that this information will assist you in your deliberations. Should you have additional questions, please don't hesitate to call me at 314-751-4422.

Very truly yours,

DEPARTMENT OF NATURAL RESOURCES

David A. Shorr
Director

DAS:esp

Enclosures

c: The Honorable Christopher Bond
The Honorable John Danforth
The Honorable William Clay
The Honorable James Talent
The Honorable Richard Gephardt
The Honorable Ike Skelton
The Honorable Alan Wheat
The Honorable Pat Danner
The Honorable Melton Hancock
The Honorable Bill Emerson
The Honorable Harold Volkmer

TAB B

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176 (314)751-4422
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December 23, 1994

The Honorable William J. Perry
Secretary
Department of Defense
The Pentagon
Washington, D.C. 20301

RE: Fort Leonard Wood, Missouri

Dear Secretary Perry:

Enclosed you will find two letters regarding Fort Leonard Wood and the Defense Base Closure and Re-Alignment Commission. The letters relate Missouri's position regarding the transfer of the Chemical School and its Chemical Defense Training Facility (CDTF) from Fort McClellan to Fort Leonard Wood. This letter is to reiterate our position regarding permitting at Fort Leonard Wood.

As expressed in prior letters, the Missouri Department of Natural Resources has indicated that the CDTF is a permitable facility under Missouri law.

As I indicated on June 4, 1993, we anticipate the construction of this facility will require air pollution control, water pollution control and hazardous waste program-related permits. To date, we have not received applications for such permits and eagerly await their submittal so that we can timely review and approve if appropriate.

Missouri is prepared to expedite the review processes for these facilities.

We have an excellent working relationship with the environmental staff at Fort Leonard Wood and the bases' command. Fort Leonard Wood has and continues to demonstrate a commitment to sound environmental stewardship. That relationship certainly will add to our ability to have a prompt review with quick responses.

Should you have any questions, please feel free to contact me directly about any environmental activities at Fort Leonard Wood.

Very truly yours,

DEPARTMENT OF NATURAL RESOURCES

David A. Shorr
Director

DAS:sh

Enclosure

Permit Summary

CDTF Permits	Required	Application Before 1 March	Application After 1 March	Granted
Air Permit to Construct	Yes	No	Yes	No
Air Permit to Operate	Yes	No	No	No
RCRA	Yes	No	No	No
NPDES	Yes	No	No	No
EIS	Yes	Not Initiated		
Smoke Permits				
Air Permit	Yes	No	Limited to Fog Oil	No
EIS	Yes	Not Initiated		

GLEN BROWDER
3D DISTRICT, ALABAMA

COMMITTEE ON ARMED SERVICES
COMMITTEE ON THE BUDGET

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February 6, 1995

Mr. John M. Smith
Director, Alabama Department
of Environmental Management
PO Box 301463
Montgomery, AL 36130-1463

Dear Mr. Smith:

In less than a month, the Department of Defense will release its proposed list of actions for the 1995 round of base realignments and closures. As you know, Fort McClellan was previously proposed for closure by the Department in 1991 and 1993, but the Defense Base Realignment and Closure Commission found that the Department "substantially deviated" from the required closure criteria and removed Fort McClellan from the closure list.

In 1993 the Alabama Department of Environmental Management in a letter to the then-Acting Secretary of the Army seriously questioned the Department of the Army's ability to meet the requirements of its Resource Conservation and Recovery Act Hazardous Waste Permit Application for the chemical demilitarization activities at Anniston Army Depot should Fort McClellan be closed. As you know, the RCRA permit application includes extensive resources at both Fort McClellan and Anniston Army Depot for responding to a chemical accident/incident at the Depot. These resources are also cited in subsequent Department of Defense and Department of the Army internal correspondence.

With the 1995 round of base closures quickly approaching, I write to inquire how the Alabama Department of Environmental Management would view the viability of the Army's RCRA permit application for chemical demilitarization if Fort McClellan and/or Anniston Army Depot were to be considered for closure or realignment.

I look forward to your response.

Sincerely,

Glen Browder

Glen Browder
Member of Congress

ADEM

ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

~~James W. Warr, Director~~
John M. Smith
Director

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~~XXXXXXXX~~
Governor
Fob James, Jr.

February 13, 1995

The Honorable Glen Browder
Member of Congress
2344 Rayburn House Office Building
Washington, DC 20515

FEB 22 1995

Dear Congressman Browder:

Thank you for your letter inquiring about the impact that possible base-closure or realignment action at Fort McClellan or Anniston Army Depot could have on the Department of the Army's currently pending environmental permit application for the chemical demilitarization activities at Anniston Army Depot.

The relationship between the Department of the Army and the State of Alabama with respect to the proposed operation of the chemical demilitarization activities at Anniston Army Depot has been a long and complex one, owing to the nature of the undertaking and the risks associated with that undertaking. Further complicating the relationship has been the research and development necessary to bring this activity to fruition. For all of the difficulties inherent in this industrially difficult and publicly sensitive activity, the relationship between our organizations has been open, frank and productive. We have made progress in overcoming some of the technological and procedural hurdles necessary to satisfy the State of Alabama that the health and safety of our population is adequately protected and that risks related to chemical demilitarization are eliminated, minimized, or controlled.

As you are aware, Fort McClellan and Anniston Army Depot are major components of the Contingency Plan submitted by the Army and required by 40 CFR Part 270.14(b)(7) and Part 264, Subpart D. The purpose of this plan is to minimize hazards to human health and the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents associated with the demilitarization facility at Anniston Army Depot. As acknowledged by the Army in its Resource Conservation and Recovery Act (RCRA) Hazardous Waste Permit Application, the provisions of the Contingency Plan " . . . will be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment."

We see from correspondence provided by your office that the Deputy Secretary of Defense is fully cognizant of the resources at Fort McClellan and Anniston Army Depot that are committed to the chemical demilitarization program through the Army's RCRA permit. We note that the Deputy Secretary in an August 8, 1994, letter to you asked the Secretary of the Army "to work closely with the Alabama Department of Environmental Management to respond to the state requirements and to be fully responsive to their concerns."

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In response, the Principal Deputy Under Secretary for Acquisition and Technology in an August 11, 1994, memorandum to the Secretary of the Army stated, "We must commit appropriate military resources (such as the following, which have been identified at their current location) to support the demilitarization effort:"

> At Fort McClellan: "Decontamination Team, Medical Assistance Team, Security Control Team, Communications Support Team, Rescue Squad, Public Affairs Office, Plans and Operations Office, Explosive Ordnance Detachment, Noble Army Community Hospital, Provost Marshal, Traffic Control and Security Force, Directorate of Plans, Training, Mobilization and Security, Directorate of Logistics, Staff Judge Advocate, Directorate of Personnel and Community Activities, Joint Information Center, Emergency Operations Center."

And the Assistant Secretary of the Army for Installations, Logistics and Environment in a September 23, 1994, letter to the commanders of Fort McClellan and Anniston Army Depot, states:

> "As we approach construction and ultimate demilitarization operations at Anniston Army Depot, the comprehensive response plan will be a significant document subject to review by the Alabama Department of Environmental Management during the permitting process."

A review of the Army's pending application demonstrates that the Army, just as we, has relied heavily on the support available from Fort McClellan and Anniston Army Depot to satisfy the requirements of the Contingency Plan. Nowhere is this more apparent that in the Disaster Control Plan-Chemical Event Response Assistance Submission found in Volume VI A of the Army's application. This submission demonstrates the critical role which has been contemplated for Fort McClellan and Anniston Army Depot in the event of a chemical incident or accident relating to chemical demilitarization activities at Anniston Army Depot. It has been the availability of that emergency infrastructure which has given us the assurance as we reviewed the Army's submission that a chemical accident or incident would result in an immediate, effective, and appropriate response.

We recognize that the support available from Fort McClellan and Anniston Army Depot could be replicated with an appropriate dedication of resources. However, the resources appear to be extraordinarily large and will require extensive training of personnel, construction of facilities, and provision of equipment. This would be true whether the support were provided by Army personnel or through a contract. These required resources are in addition to the Chemical Stockpile Emergency Preparedness Program, which incorporates the use of Fort McClellan and Anniston Army Depot Resources.

A contract for such resources does raise an issue of concern, however. The chemical agents in question include some of the deadliest, most toxic compounds developed for chemical warfare. These include mustard (HD) and nerve agents (VX and GB). The availability of military personnel to respond to a chemical accident or incident gives us a level of confidence that appropriate action will be taken for the simple reasons that soldiers, unlike civilians, are subject to orders, the disobedience of which carries far more serious implications than those to which a civilian would be subject. The Army's plans include the use of deadly force in appropriate circumstances, a matter which also favors the employment of military security forces.

The area adjacent to Anniston Army Depot is a densely populated area, and the prevailing winds could carry an air emission across this populated area. This factor, coupled with the characteristics of the munitions and components to be demilitarized at Anniston Army Depot and our place in the schedule for demilitarization, distinguishes us from other chemical demilitarization sites. The requirement for immediate response to a chemical accident or incident includes extensive communication networks, security personnel to deal with population control, emergency medical personnel trained to deal with chemical injuries, and facilities designed to treat the chemically injured. Not least among our concerns is the potential for unauthorized intrusion at the Depot. Although the risk of such an event may be low, the implications are severe and require a high degree of security and reaction capability. These are not resources which are readily available for immediate response, and they will have to be replicated if Fort McClellan or Anniston Army Depot are closed or realigned substantially and the chemical demilitarization activity at Anniston Army Depot is to be permitted.

Because Fort McClellan is the home of the Army's Chemical School and Military Policy School, it is only natural that Army planners have included the resources at Fort McClellan in developing their Contingency Plan. Furthermore, Noble Army Hospital personnel and facilities are uniquely qualified to address chemical injuries due to the long experience with such risks, as well as the current operation of the Chemical Defense Training Facility (CDTF) at Fort McClellan. This facility also ensures that we will be able to train appropriate personnel at Anniston Army Depot as well as community emergency response personnel in chemical protection and decontamination techniques. I am aware of Army studies which establish the confidence-building aspect of CDTF training and consider such training for our community backup to your Contingency Plan to be an appropriate measure to be undertaken.

Some of the specific support elements to be forthcoming from Fort McClellan resources in the event of a chemical accident or incident include acceptance of casualties at Noble Army Hospital. This is particularly important to us because the operational concept developed by the Army stipulates that patients, attendants, equipment, and vehicles will be decontaminated before they are accepted at local civilian hospitals. Implicit within this concept is the capability to accomplish such decontamination. We are particularly concerned that the significant decrease in trained military health care providers associated with the closure of Noble Army Hospital at Fort McClellan will leave us with a

situation where, in the event of major chemical incident or accident, local hospitals will not accept contaminated personnel for fear of contaminating their own facilities, and the Army will no longer have a facility operational to deal with such circumstances.

Other areas which cause us concern include the availability within the immediate geographic area of an Explosive Ordnance Team. The 142nd Explosive Ordnance Detachment is currently located at Fort McClellan, and the notification procedures in the event of a chemical accident or incident clearly reflect that they have been included in the Army's plans. In addition, support teams from Fort McClellan respond to requirements for security, communications, on-site medical assistance, rescue squad and public affairs are assets which the Army and the State of Alabama have relied upon as available in the event of a chemical accident or chemical incident. If Fort McClellan were to be closed, adequate provision would have to be made to replace these support teams.

In addition to Fort McClellan's extensive resources, the Army's permit application and the Department of Defense's August 11, 1994, memorandum cites the following resources at Anniston Army Depot: "Directorate for Law Enforcement and Security, Directorate for Ammunition Operations, Ammunition Surveillance Division, Depot Equipment Division, Environmental Management Division, Health Clinic, Depot Commander, Electronics Liaison Office."

These are not minor considerations which can be overlooked. Rather, they constitute major concerns because they have significant impact upon the resources immediately available to respond to an emergency situation.

Under these circumstances, I express to you my grave concern about the promised emergency response capability which will be unavailable if Fort McClellan or Anniston Army Depot were to be closed or realigned. This is a substantive concern for the health and safety of the potentially affected populace. Of equal concern to me is the effect which this closure or realignment might have upon our reliance on representations made in the Army's permit application. I certainly would expect to be notified of any such drastic change in circumstances.

The substantive concerns which I call to your attention place at risk the permit which the Army seeks. Should Fort McClellan or Anniston Army Depot be closed or realigned, the Department could not issue the necessary environmental permits to allow construction and operation of the chemical demilitarization activities at Anniston Army Depot unless and until such time as the Army could demonstrate to our satisfaction that adequate and competent emergency response and backup security capabilities are in place.

Sincerely,

John M. Smith

John M. Smith
Director

JMS:SRR:se

Congress of the United States
Washington, DC 20515

March 24, 1995

Re: Environmental Permit Requirements to Relocate the Chemical Defense Training Facility (CDTF)

Ms. Madeline Creeden
General Counsel
Defense Base Closure and Realignment Commission
1700 North Moore Street
Arlington, VA 22209

Dear Ms. Creeden:

During Commissioner Davis's site visit to Fort McClellan, Alabama, the state congressional delegation and representatives from the community raised the military value issues that justify the retention of the Fort. We believe the military value issues by themselves mandate a decision to retain Fort McClellan; nevertheless, the question of environmental permitting of a new Chemical Defense Training Facility (CDTF) at Fort Leonard Wood, Missouri, has been raised repeatedly throughout this process.

As you know, the 1993 Commission investigated the question very closely and recommended in its final report:

> "... that if the Secretary of Defense wants to move the Chemical Defense School and Chemical Decontamination (sic.) Training Facility in the future, the Army should pursue all of the required permits and certification for the new site prior to the 1995 Base Closure Process."

On May 19, 1993, in response to a request from then-Chairman Courter, the Director of the Missouri Department of Natural Resources, David A. Shorr, stated:

> "... we anticipate that the Chemical Defense Training Facility would require permits from Missouri's Air Pollution Control Program, Water Pollution Control Program (NPDES), and the Hazardous Waste Program." (Letter enclosed as Tab A)

On December 23, 1994, Mr. Shorr wrote to Secretary of Defense Perry confirming his 1993 decision:

> "As I indicated on June 4, 1993, we anticipate the construction will require air pollution control, water

pollution control, and hazardous waste program-related permits." (Letter enclosed as Tab B)

As summarized in the chart shown to Commissioner Davis at the Fort McClellan site visit (enclosed as Tab C), we believe that in order to operate a CDTF, the Department of the Army must obtain not only an air permit to construct the facility, but an air permit to operate the facility as well as Resource Recovery and Conservation Act (RCRA) and NPDES permits.

As of March 1 of this year, the Army had not applied for any of the required permits. On March 1, the Army did apply for the easy-to-obtain air permit to construct the facility but did not apply for the more-difficult-to-obtain air permit to operate the facility. Moreover, the Army has not sought to obtain a hazardous waste program permit for the incinerator which, as Mr. Shorr states in his May 19, 1993, letter, "the permit for the incinerator from the hazardous waste program will, no doubt, take the most time to obtain."

It seems clear that the Army has not followed the 1993 Commission's clear guidance and is not making a good faith effort to meet the standard set by the Commission.

Sincerely,

Howell Heflin
United States Senator

Richard Shelby
United States Senator

Glen Browder
Member of Congress

/vfp

Enclosures: as stated

cc w/enclosures: Mr. Walt Phillips
Mr. Pete Hidalgo
Mr. Rick Zehrer
Mr. George R. Schlossberg

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Missouri Coalition for the Environment

6267 Delmar Boulevard, Saint Louis, Missouri 63130 (314) 727-0600, FAX: (314) 727-1665

April 11, 1995

The Honorable Alan Dixon
Chairman
The Defense Base Closure and Realignment Commission
c/o Rosemont Convention Center
9301 West Brynn Mawr
Rosemont, Illinois 60018

RE: Relocation of U. S. Chemical School from Alabama to Missouri

Dear Chairman Dixon:

The intent of this letter is to call to the attention of the BRAC the fact that our review of the permit applications submitted to the Missouri Department of Natural Resources (MDNR) for construction of new sources of air contaminants associated with the relocation of the U. S. Army Chemical School has found the applications seriously flawed. These applications demand careful, deliberate scrutiny by MDNR officials in accordance with both the letter and spirit of all applicable laws and regulations which protect the environment of our state and nation. After its initial review is complete, MDNR should also provide ample opportunity for public review and comment. We seek the assurances of the members of the BRAC that all actions by public agencies regarding relocation of the U. S. Army Chemical School will follow all established regulations and guidelines.

Both of the permit applications filed with MDNR on March 1, 1995 are seriously flawed by incomplete and missing data, lack of detail and supporting documentation, incorrect calculations, and omissions of critical information. These apparent oversights could seriously call into question any conclusions MDNR might reach regarding the type or amount of air contaminant emissions from the proposed sources, or the impact of the emissions on the environment surrounding Ft. Leonard Wood. The applications are for construction permits for air emissions sources from the relocation of the U. S. Army Chemical School from Fort McClellan, Alabama to Fort Leonard Wood, Missouri. One permit application is to construct an incinerator for disposal of chemical decontamination wastes, while the other is to construct oil fog smoke generator units to be used in smoke training exercises.

We want to call to your attention some specific areas where we believe there are potential conflicts between the permit applications and the requirements of Title 10 of the Missouri Code of State Regulations. A discussion of the three air permitting issues that stand out as potential problems follows. It is essential that these potential conflicts be carefully considered and resolved, and not be overlooked in a rush to expeditiously approve the permit applications.

First, the oil fog smoke generators used for military training emit smoke with an opacity far exceeding

20%, which exceeds the opacity limits established by the regulations. The Missouri regulation entitled "Restriction of Emissions of Visible Air Contaminants " (10 CSR 10-3.080) limits emissions from new sources of air contaminants to no more than 20% opacity (Number 1 on the Ringlemann Chart). Military training is not exempted from compliance with this rule.

Second, the permit application does not contain the ambient air quality modeling data required for this emissions source. The permit application for the oil fog smoke generators incorrectly indicates that the only air contaminants emitted by these devices will be Volatile Organic Compounds. This is contradicted by supplementary information contained in the application which indicates that the fog oil used in these units contains zero percent volatiles. In fact, the air contaminant emissions from these units will be predominantly particulate matter (commonly referred to as aerosols). The permit application shows projected emissions of 233 tons per year from the smoke generating units. According to 10 CSR 10-6.060 (Construction Permits Required), permit applications for new air contaminant sources with potential emissions of particulate matter over 50 tons per year are required to contain ambient air quality modeling data in order to determine air quality impacts. No such ambient air quality modeling data was contained in the construction permit application package submitted to MDNR on March 1, 1995.

Third, the estimated emissions outlined in the permit application appear to be represented far below the actual projected emissions, and may require a Prevention of Significant Deterioration of Ambient Air Quality (PSD) permit. The Army's estimate of 233 tons per year of emissions from the fog oil smoke generators was based on a projected annual consumption of 63,000 gallons of fog oil per year. However, the average consumption of fog oil for this purpose at Ft. McClellan over the past five years has been 77,476 gallons per year. Using the methodology of the submitted permit application, an annual usage of 77,476 gallons of fog oil results in 287 tons per year of smoke emissions. In addition, a March 23, 1995 letter to MDNR, the Special Assistant to the Commandant of the U. S. Army Chemical School indicated that potential emissions from the fog oil smoke generators would be roughly double the average of 287 tons per year over the past five years at Ft. McClellan.

We fear that the curiously low emissions estimate of 233 tons per year stated in the permit application might be deliberately underestimated in an attempt to avoid the more rigorous permit application and review process mandated by the federal Prevention of Significant Deterioration of Ambient Air Quality (PSD) provisions (40 CFR Part 52). In this case, PSD permitting requirements would be triggered by 250 tons per year in potential emissions from the smoke generator units. It is worthy of note that if MDNR issues a construction permit limiting fog oil use to 63,00 gallons per year at Ft. Leonard Wood, the Army would be required to prepare and submit an in-depth PSD construction permit application and an Environmental Impact Statement should it ever desire to expand smoke training to the point where emissions exceed 250 tons per year. In order to deter such scenarios, the USEPA (in a June 28, 1989 preamble to a final rulemaking on Approval and Promulgation of Implementation Plans) addressed this issue. **The preamble indicated that if a source obtained a construction permit allowing it to escape PSD preconstruction review as a major new source, primarily with an intent to subsequently construct and begin operation of a major new source without first obtaining a PSD permit, the source would be viewed as intentionally avoiding preconstruction review. In such cases, USEPA indicated it would consider seeking injunctive relief, civil penalties, and criminal sanctions, from the beginning of actual construction.**

Over the past 25 years, with our active participation, our elected representatives in Jefferson City and

Washington, D. C. have enacted a set of laws aimed at stabilizing the delicate balance between economic development and protection of our air, land, and water resources. These laws, and the regulations promulgated under their authority, have been carefully crafted to ensure that each potential source of air and water contamination is deliberately studied to determine its long-range consequences to our environment before permits are granted allowing its construction. We seek the assurances of the BRAC that the State of Missouri's Department of Natural Resources (MDNR) will closely follow its written guidelines and policies when considering the applications for permits to construct two new sources of air contaminant emissions which are associated with the relocation of the Army Chemical School to Ft. Leonard Wood.

Yours sincerely,

R. Roger Pryor
Executive Director
Missouri Coalition for the Environment

cc The Honorable Mel Carnahan, Governor of Missouri
Mr. David Shorr, Director, Missouri Department of Natural Resources
Mr. Dennis Gramms, Regional Administrator, Region VII, USEPA
Defense Base Closure & Realignment Commission, 1700 North Moore Street, Suite 1425, Arlington, VA 22209

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To Cong. Brewder	From Roger Pryor
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Dept.	Phone #
Fax # 205-237-9203	Fax # 314-727-1665

GLEN BROWDER
3D DISTRICT, ALABAMA

COMMITTEE ON NATIONAL SECURITY
COMMITTEE ON THE BUDGET

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April 27, 1995

The Honorable Molly H. Beattie
Director, U.S. Fish and Wildlife Service
3256 Interior Building
1849 C Street, NW
Washington, DC 20240

Dear Director Beattie:

The purpose of this letter is to request your assistance in providing information to me regarding compliancy with the Endangered Species Act at Fort Leonard Wood, Missouri.

As you may know, the Army proposes to close Fort McClellan, Alabama, and relocate its current activities and missions to Fort Leonard Wood. This recommendation is currently under review by the independent Defense Base Closure and Realignment Commission.

It is my understanding that the Endangered Species Act requires federal agencies to consult with the Fish and Wildlife Service on any proposed action that may affect a listed endangered/threatened species. It has been determined that breeding populations of two listed species, Indiana and Gray Bats, are found at Fort Leonard Wood.

Among the many activities being proposed for transfer to Fort Leonard Wood is smoke/obscurant training for U.S. Army Chemical Corps soldiers. A key aspect of this training is dissemination into the atmosphere of large quantities (77,000 gallons per year) of a smoke-producing material known as fog oil. Fog oil is a petroleum derivative that is disseminated by means of mechanical smoke generators and in typical training exercises, areas as large as 20-25 square kilometers may be covered with a dense cloud of the material. Smoke training also involves the dissemination of colored smoke containing dyes, brass flakes and carbon fibers. It would seem to me that dissemination of these materials on a large scale would have an adverse impact on the bat population.

It is also my understanding that Army installations (Fort Leonard Wood, in this case) must formally consult with the Fish and Wildlife Service on an action that may affect a listed species or critical habitat unless the listing service agrees in writing that the action is not likely to adversely affect any listed species or critical habitat.

My question to you is this: Has there been any consultation (formal or informal) between the Army and your Service regarding the proposed move of activities from Fort McClellan to Fort Leonard Wood? If so, please provide me with copies of all related correspondence, decision or other communications and documentation. If not, do you anticipate any consultation on this issue in the future?

Thank you for your assistance with this matter, and because of base-closure deadlines, I would appreciate receiving your reply by May 10, 1995.

Sincerely,

Glen Browder

Glen Browder
Member of Congress

GB/vfp

THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION
1700 NORTH MOORE STREET SUITE 1425
ARLINGTON, VA 22209
703-696-0504

ALAN J. DIXON, CHAIRMAN

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MG JOSUE ROBLES, JR., USA (RET)
WENDI LOUISE STEELE

May 8, 1995

95C5C9-5

Colonel Michael G. Jones
Director, The Army Basing Study
Department of the Army
Office of the Chief of Staff
200 Army Pentagon
Washington, DC 20310-0200

Dear Colonel Jones:

Request your office provide information regarding compliance with the Endangered Species Act (the Act) at Fort Leonard Wood, Missouri. Specifically, please provide the documentation, if any, of the Army's consultation, formal or informal, with the U.S. Fish and Wildlife Service regarding the Indiana and Gray Bats, both determined to be present and to have breeding populations at Fort Leonard Wood. The Act requires the Army to consult with the Fish and Wildlife Service on any proposed action that may affect a listed endangered/threatened species and/or critical habitat.

Request you provide the information as soon as possible, but no later than 29 May 1995. Thank you for cooperation and assistance.

Sincerely,

Edward A. Brown III
Army Team Leader

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/AES-TE/CCU95-01360

MAY 19 1995

MAY 12 1995

Honorable Glen Browder
House of Representatives
Washington, D.C. 20515-3261

Dear Mr. Browder:

This responds to your April 27, 1995, letter which requested information regarding Endangered Species Act compliance and the possible relocation of Fort McClellan, Alabama, military training missions and activities to Fort Leonard Wood, Missouri. Specifically, you asked whether informal or formal section 7 consultation had occurred on the proposed relocation and, if so, you asked us to provide related documents and other administrative records. Secondly, you asked whether we anticipated a future consultation on the relocation action if consultation had not occurred.

Consultation has not been initiated by the Army with the U.S. Fish and Wildlife Service (Service) on the proposed relocation action. Based on discussions between our Columbia, Missouri, Ecological Services Field Office staff, Fort Leonard Wood, and the Corps of Engineers, we understand that the proposed action is only a Base Realignment and Closure Commission recommendation at this time. Until Congress makes a final decision, there is no Federal action (and site-specific details) on which to consult. However, installation and Corps staff have assured our Field Office that informal or formal consultation for the proposed new activities will be requested if and when a final decision to relocate these activities to Fort Leonard Wood is made.

Since 1992, our Field Office has been in informal section 7 consultation with Fort Leonard Wood on their ongoing military training and natural resource management activities. At our Field Office's request, the installation is conducting extensive studies of the effects of these activities on the gray and Indiana bat and bald eagle populations which occur on the post.

Field staff inform me that Fort Leonard Wood has been very forthright and cooperative in working with the Service to ensure that installation training and management activities comply with the Endangered Species Act and do not detrimentally affect the Indiana bat or gray bat populations. They expect this relationship to continue and are confident that section 7 consultation will be initiated by the Army for any new training activities which may affect the bats or bald eagle.

I hope this answers your questions. Please feel free to contact me or Mr. Gary Frazer, Columbia, Missouri, Field Office Supervisor (314-876-1911), if you have any questions or if we may be of further assistance on this matter.

Sincerely,

Thomas O. Kemp
Acting Regional Director

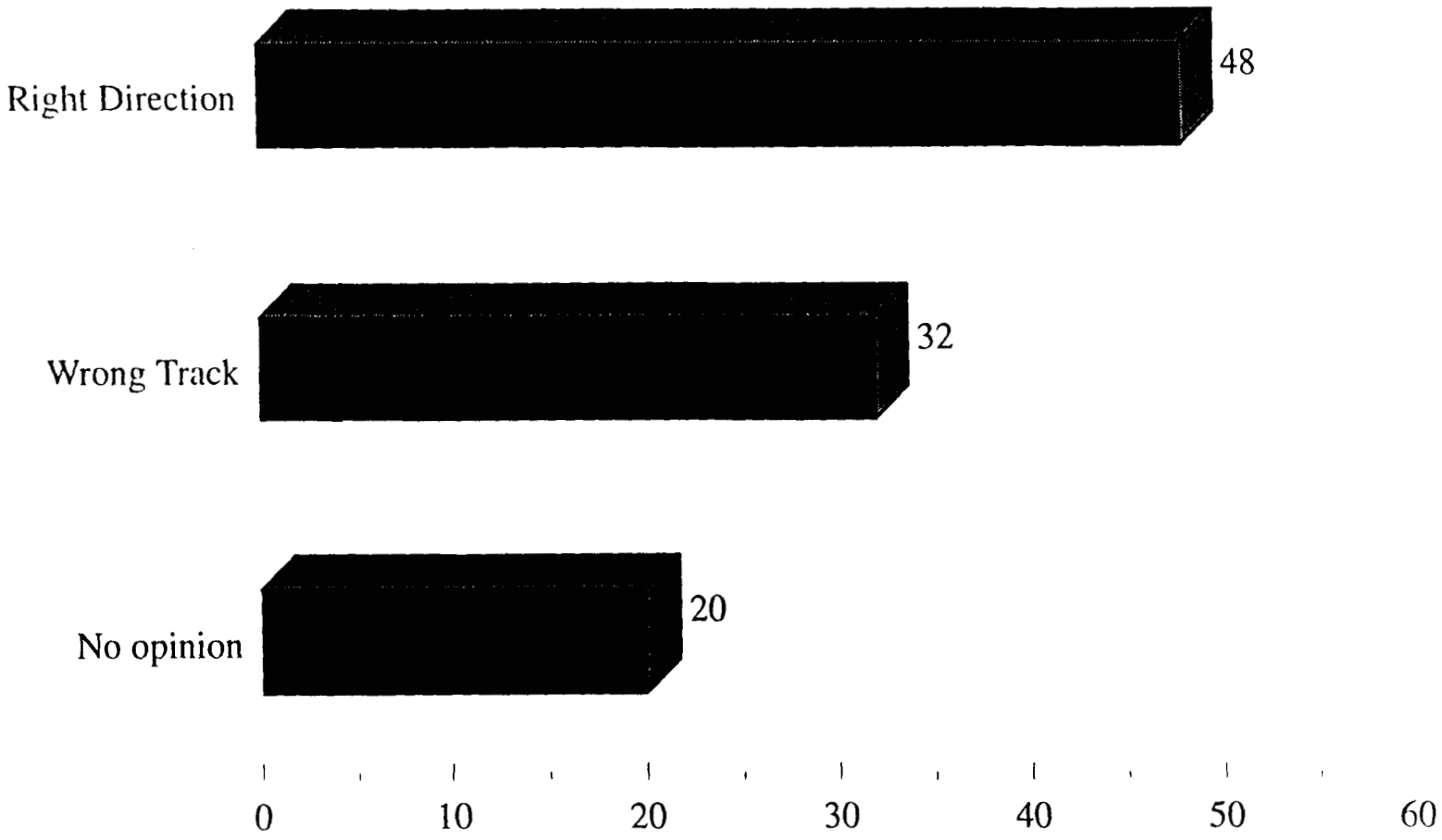
Missouri Issues

March 29 - April 3, 1995

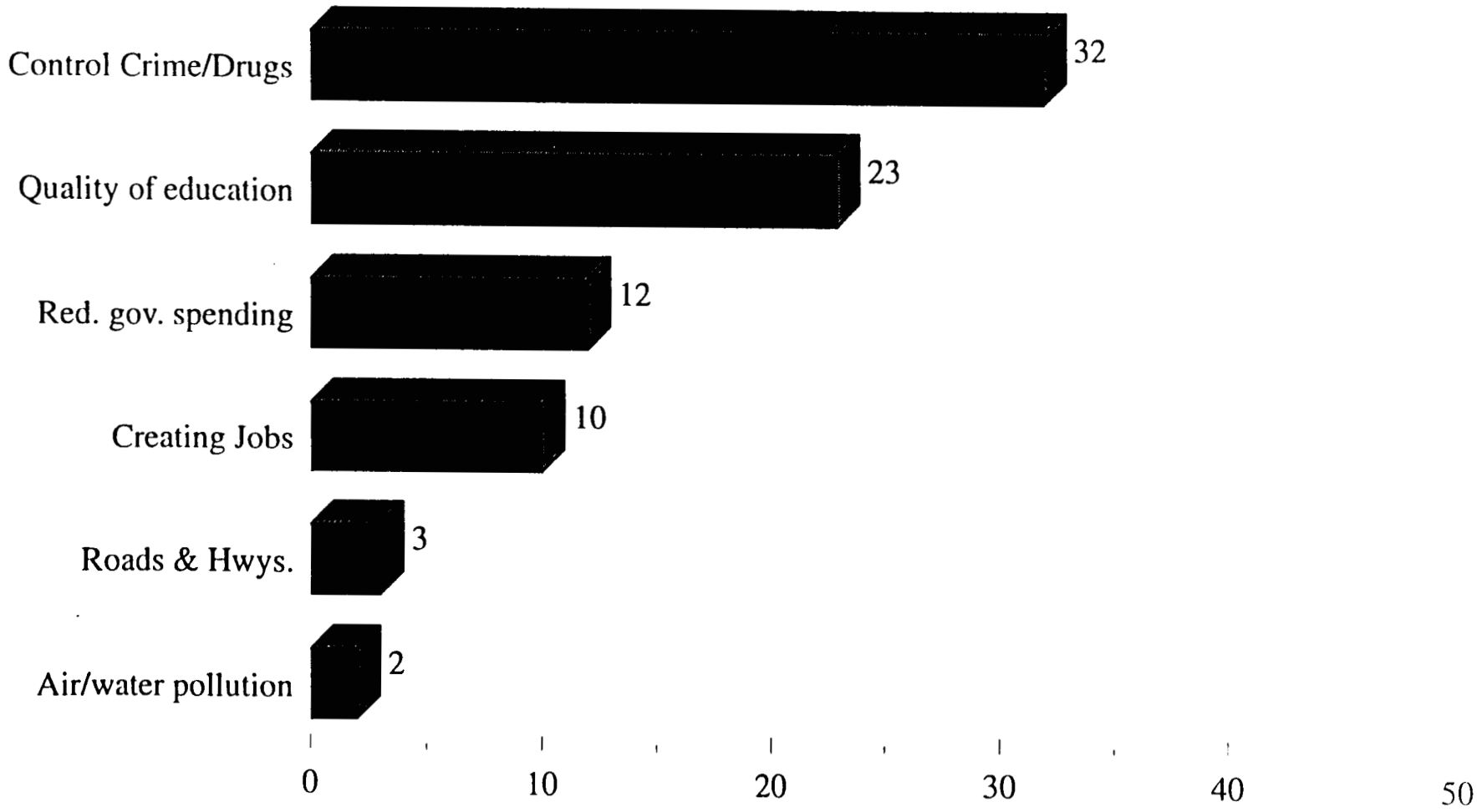
Prepared by
Politics and Policy
Market Strategies, Inc.

Privileged and Confidential

"Do you feel things in Missouri are generally headed in the right direction, or do you feel things have pretty seriously gotten off on the wrong track?"

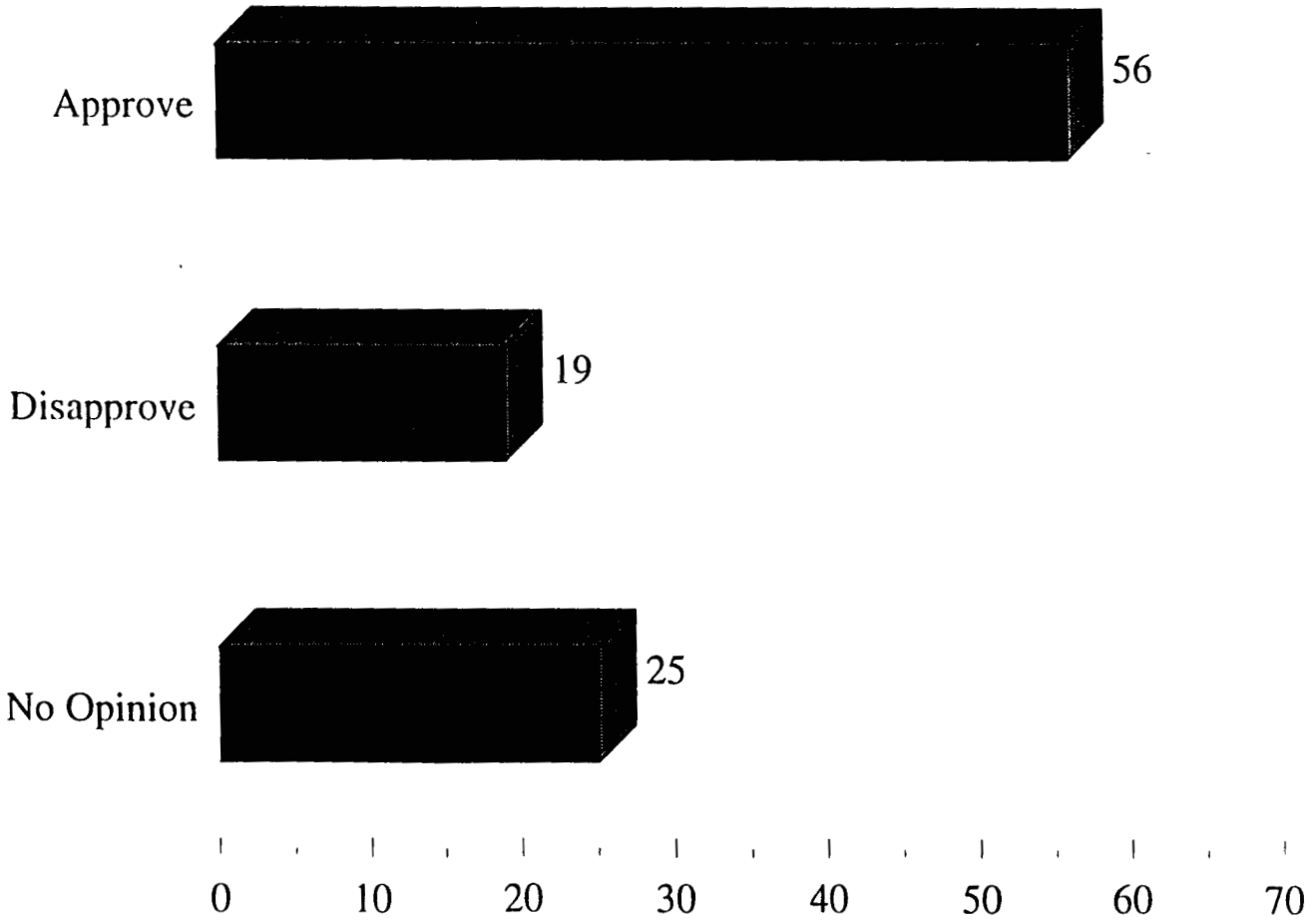


"Of the following issues, which one do you think needs the greatest attention from the state government at the present time?"



Politics and Policy
Market Strategies, Inc.

"Do you approve or disapprove of the way Mel Carnahan is handling his job as Governor?"



Politics and Policy
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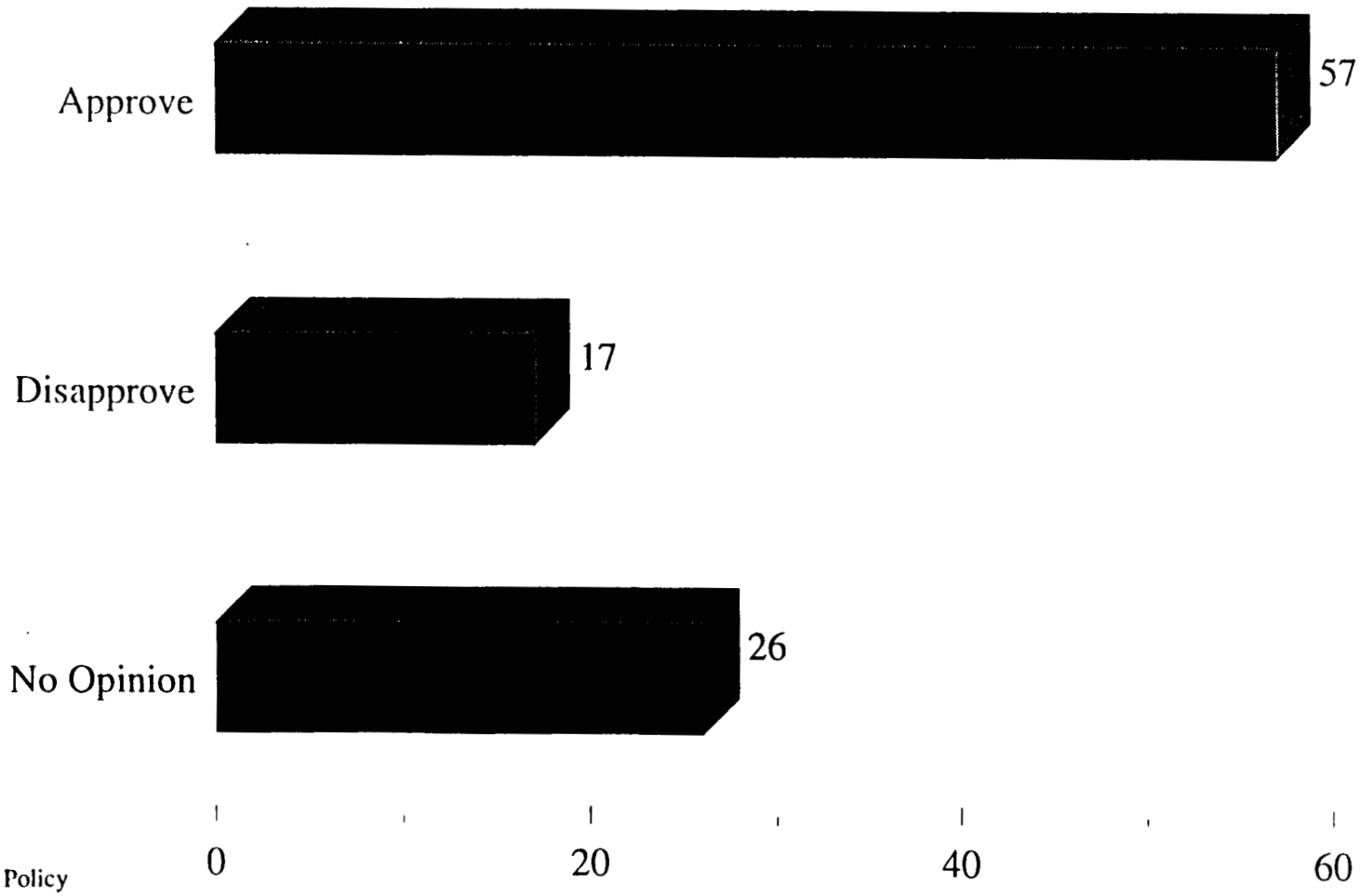
"Do you approve or disapprove of the way your state legislator in Jefferson City is handling his or her job?"



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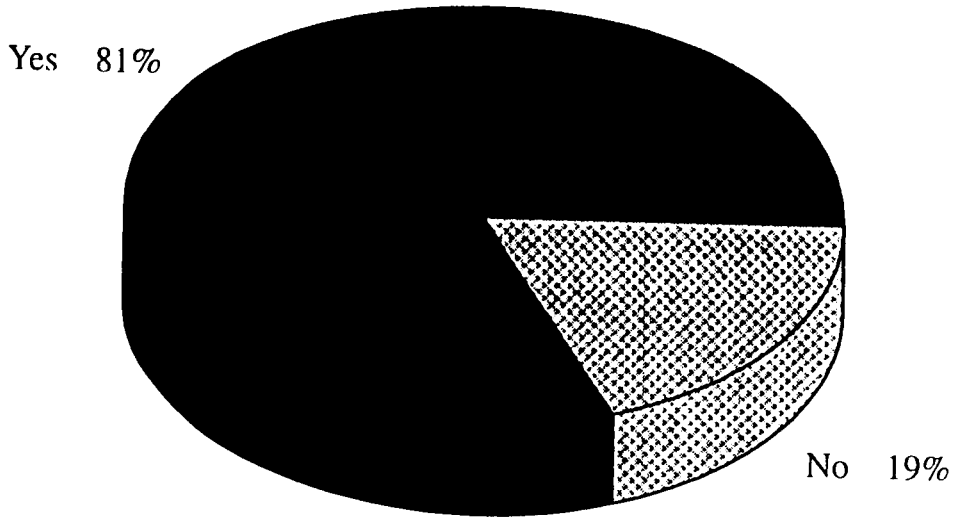
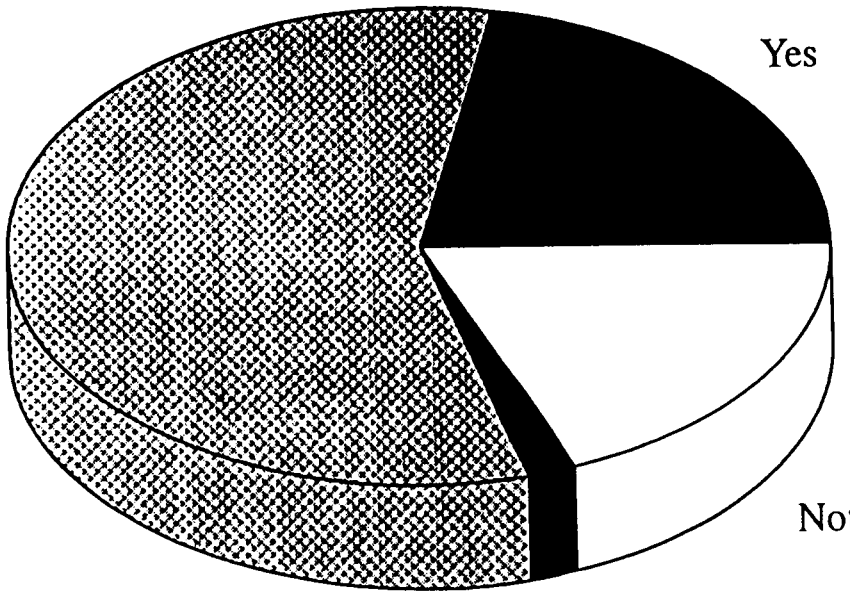
Media Exposure

"Have you read, seen, or heard anything recently about the closing and relocation of various U.S. military bases around the country?"

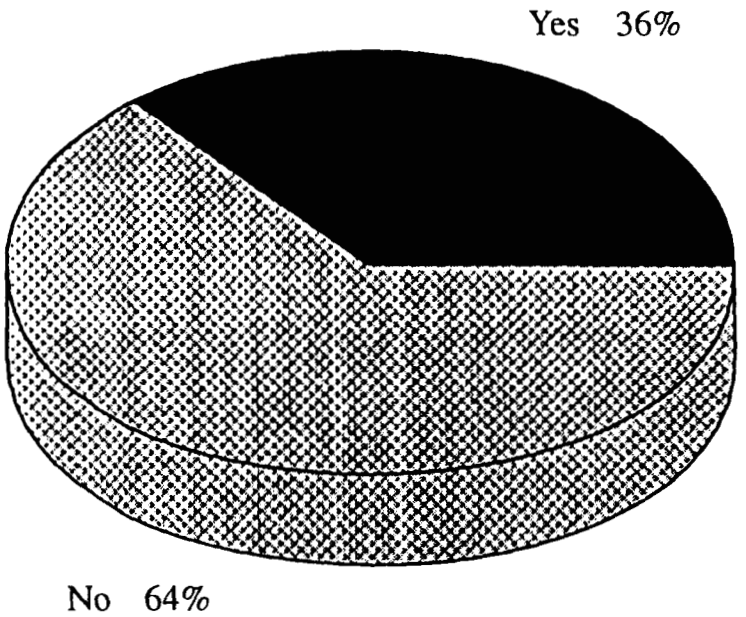


"From what you know, is there a military base closing or relocation affecting your local community?"

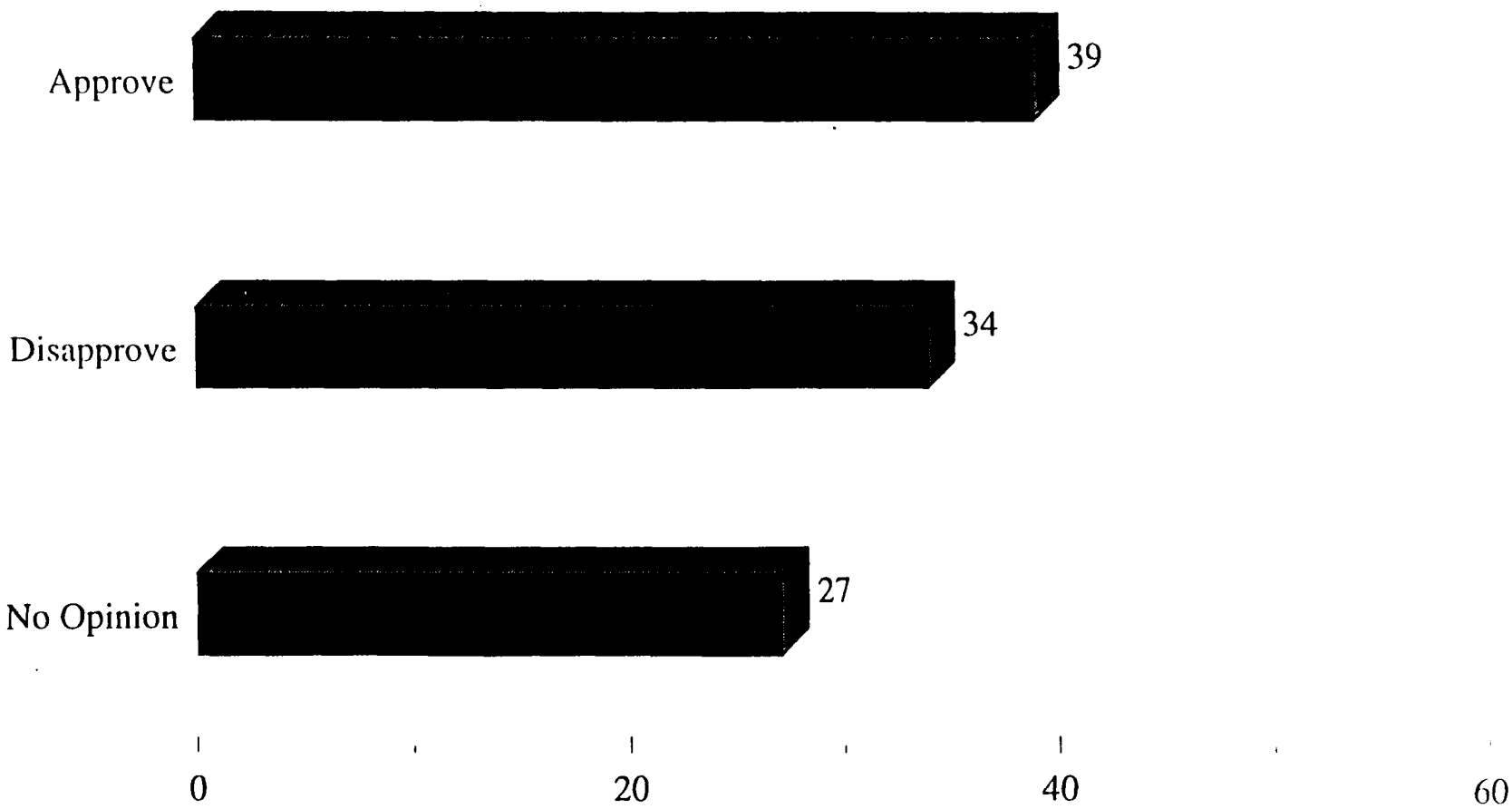


As part of the U.S. military base closings and relocations, The U.S. Army has recommended closing Fort McClellan, Alabama and relocating the Chemical Warfare School, which includes the Chemical Defense Training Facility, from Alabama to Fort Leonard Wood, Missouri.

"Have you read, seen, or heard anything recently about this particular base closing and relocation plan?"



"In general, even though you may have questions about the specifics, do you approve or disapprove of moving the U.S. Army's Chemical Defense Training Facility from Fort McClellan, Alabama and relocating the facility at Fort Leonard Wood, Missouri?"

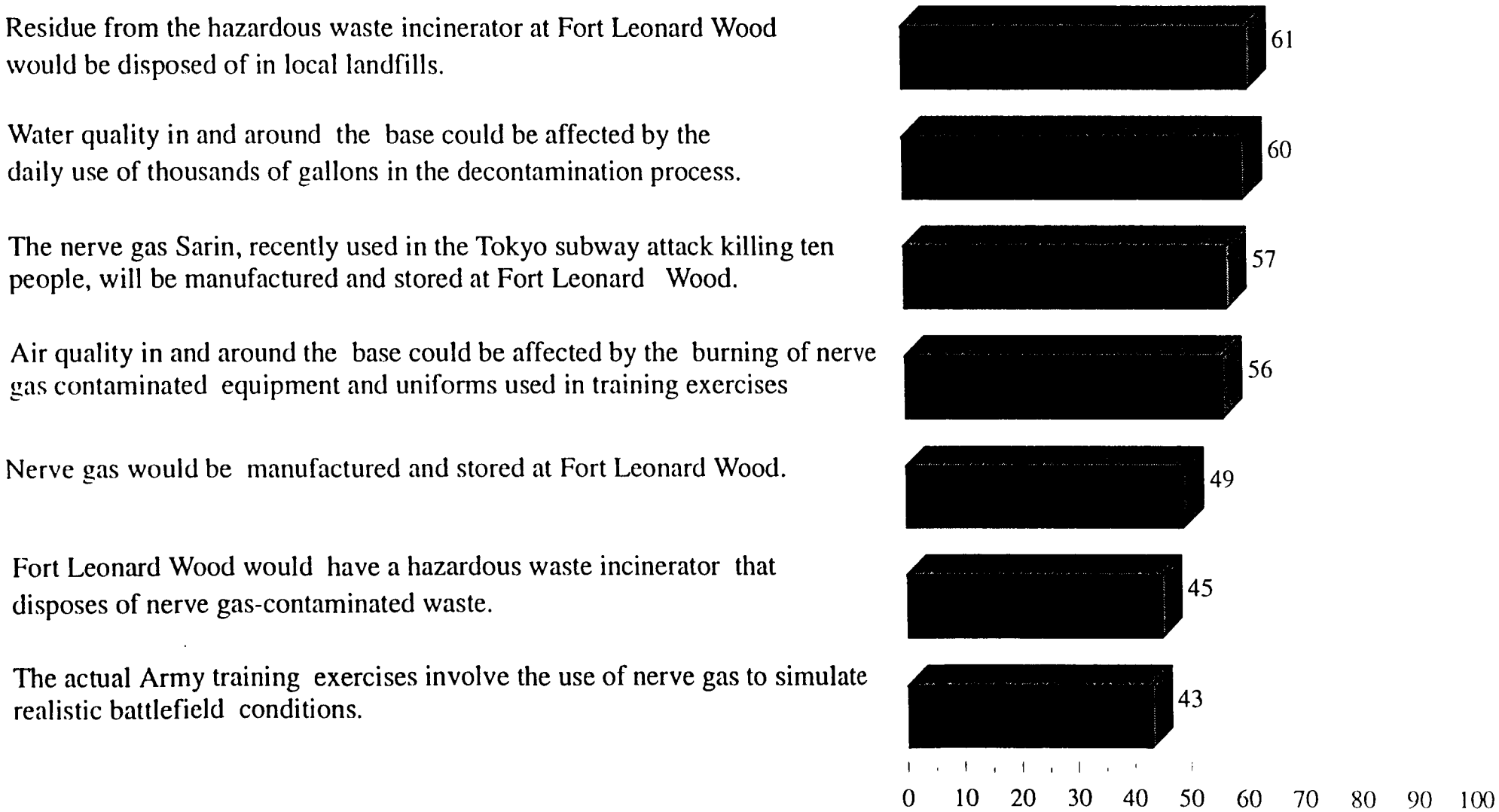


Exposure and Approval of the Military Base's Closing and Relocation

	Exposed	Approve	Disapprove	No Opinion
Total	36%	39%	34%	28%
Party ID				
Republicans	42	49	27	24
Democrats	29	32	40	27
Independents	34	29	36	35
Media Markets				
St. Louis	39	39	34	27
Kansas City	17	30	36	24
Springfield	60	51	31	18
Columbia/Jefferson	52	34	47	19
Balance of State	21	42	27	31
Fort Leonard Wood Area	69	54	22	24
Age and Gender				
Men under 40	28	55	25	20
Men over 40	54	48	25	27
Women under 40	20	37	40	24
Women over 40	34	24	43	33

Concerns for Fort Leonard Wood due to the relocation of the Chemical WarfareSchool to Missouri

(rank ordered by % "Concerned a great deal")



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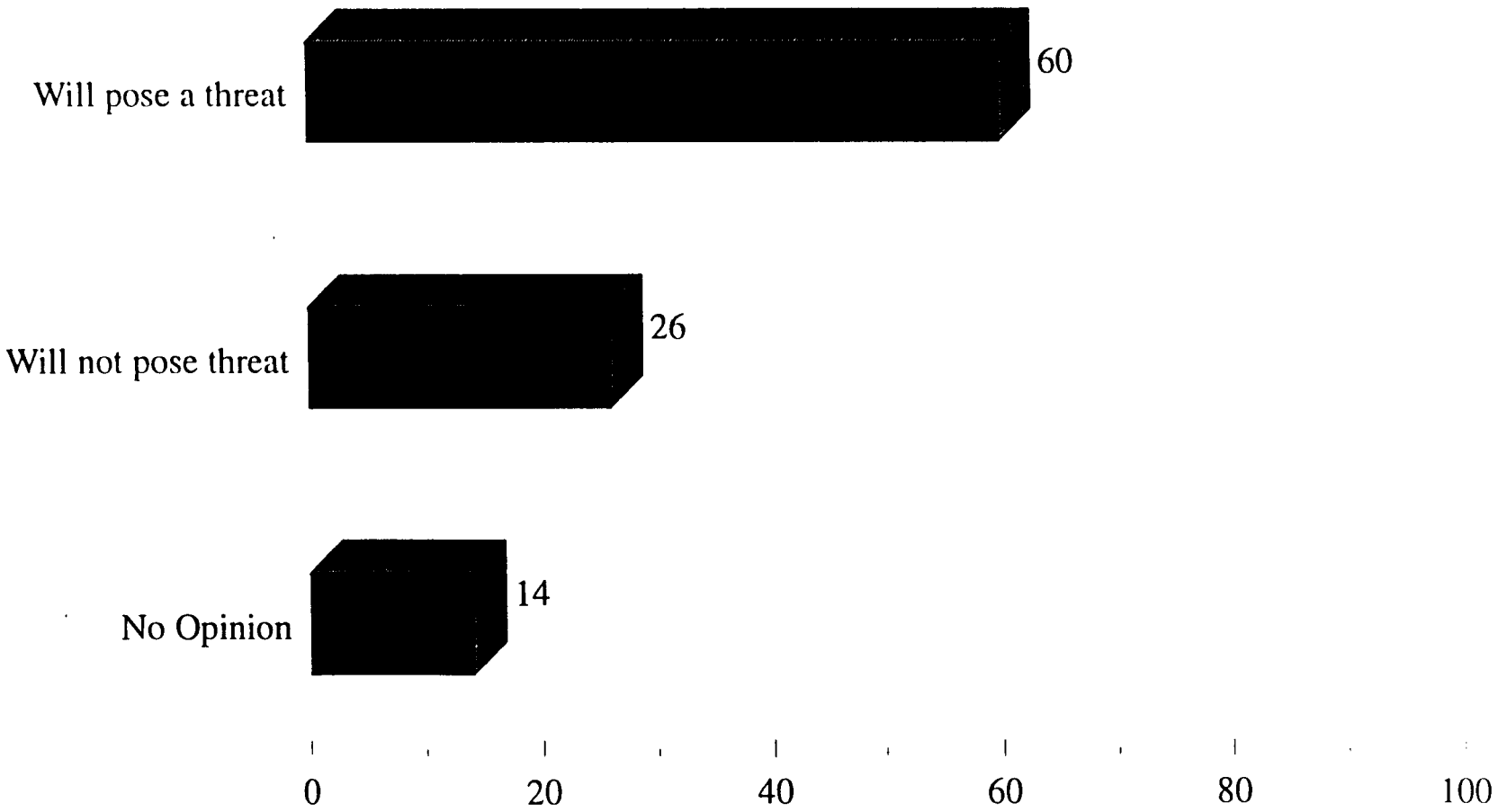
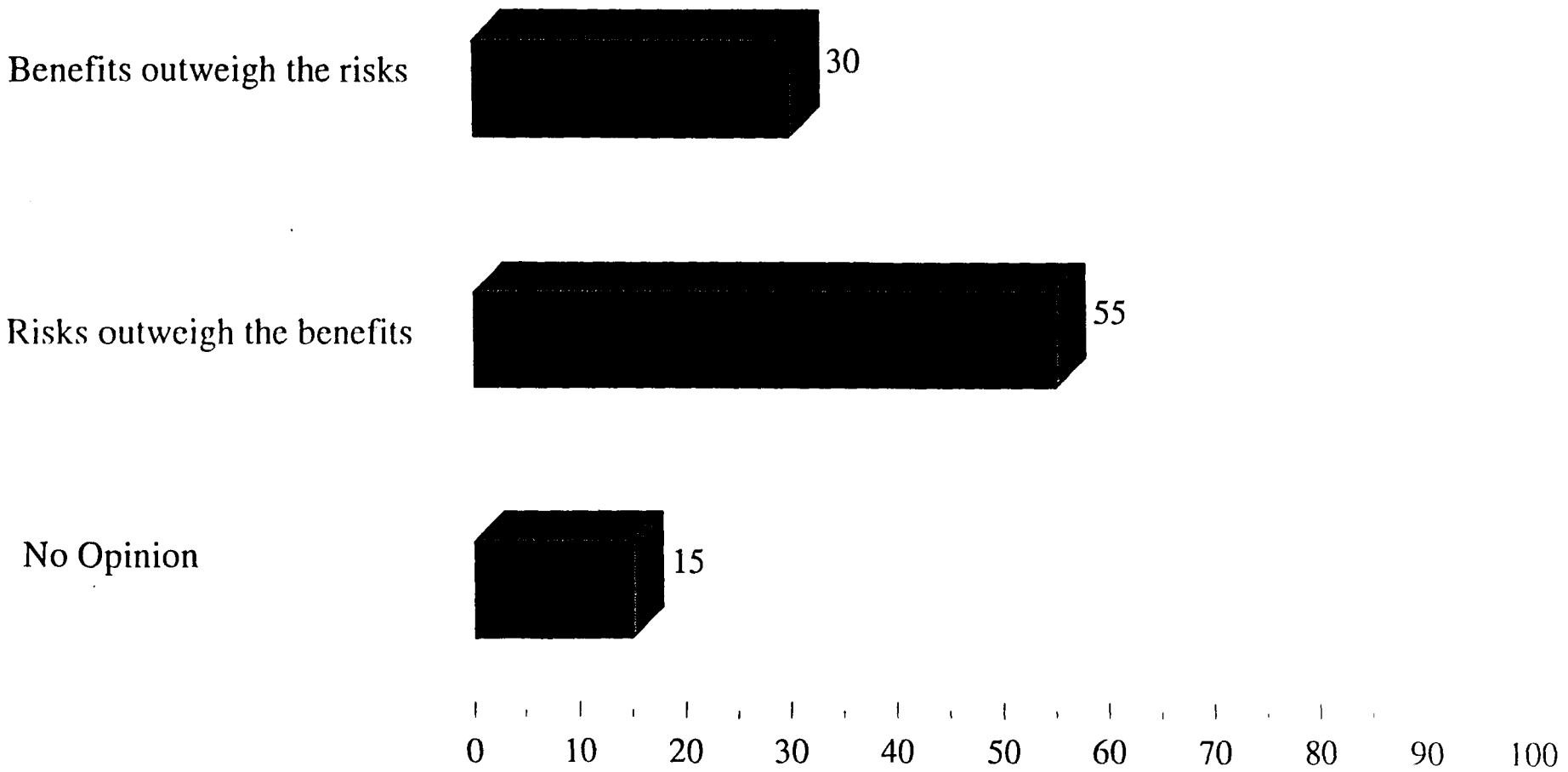
% Concerned *"a great deal"* about Potential Actives at Fort Leonard Wood

	Water quality	Air quaility	Residue diposal in local landfill	Sarin manuf./ stored at FLW	Nerve gas manuf./ stored at FLW	Live agent training w/nerve gas	Incinerator to dispose of waste
Total	61%	60%	57%	56%	49%	45%	43%
Party ID							
Republicans	56	53	48	54	42	41	38
Democrats	71	70	68	60	60	53	49
Independents	52	54	55	50	46	37	41
Media Markets							
St. Louis	62	59	59	56	51	46	44
Kansas City	59	61	55	52	49	44	42
Springfield	62	60	57	57	44	39	49
Columbia/Jefferson	60	56	52	56	49	55	39
Balance of State	61	63	55	60	51	44	39
Fort Leonard Wood Area	53	58	48	53	35	36	35
Age and Gender							
Men under 40	50	51	37	47	31	31	26
Men over 40	44	41	40	41	37	31	27
Women under 40	72	67	65	60	52	49	49
Women over 40	74	76	78	70	69	61	61

"All things considered, do you think having the Chemical Defense Training Facility will or will not pose a threat to public health in and around Fort Leonard Wood, Missouri?"



"All things considered, do you think the economic benefits resulting from the relocation of the Chemical Defense Training Facility to Fort Leonard Wood outweigh the potential risks, or do you think the potential risks associated with nerve gas outweigh the economic benefits?"



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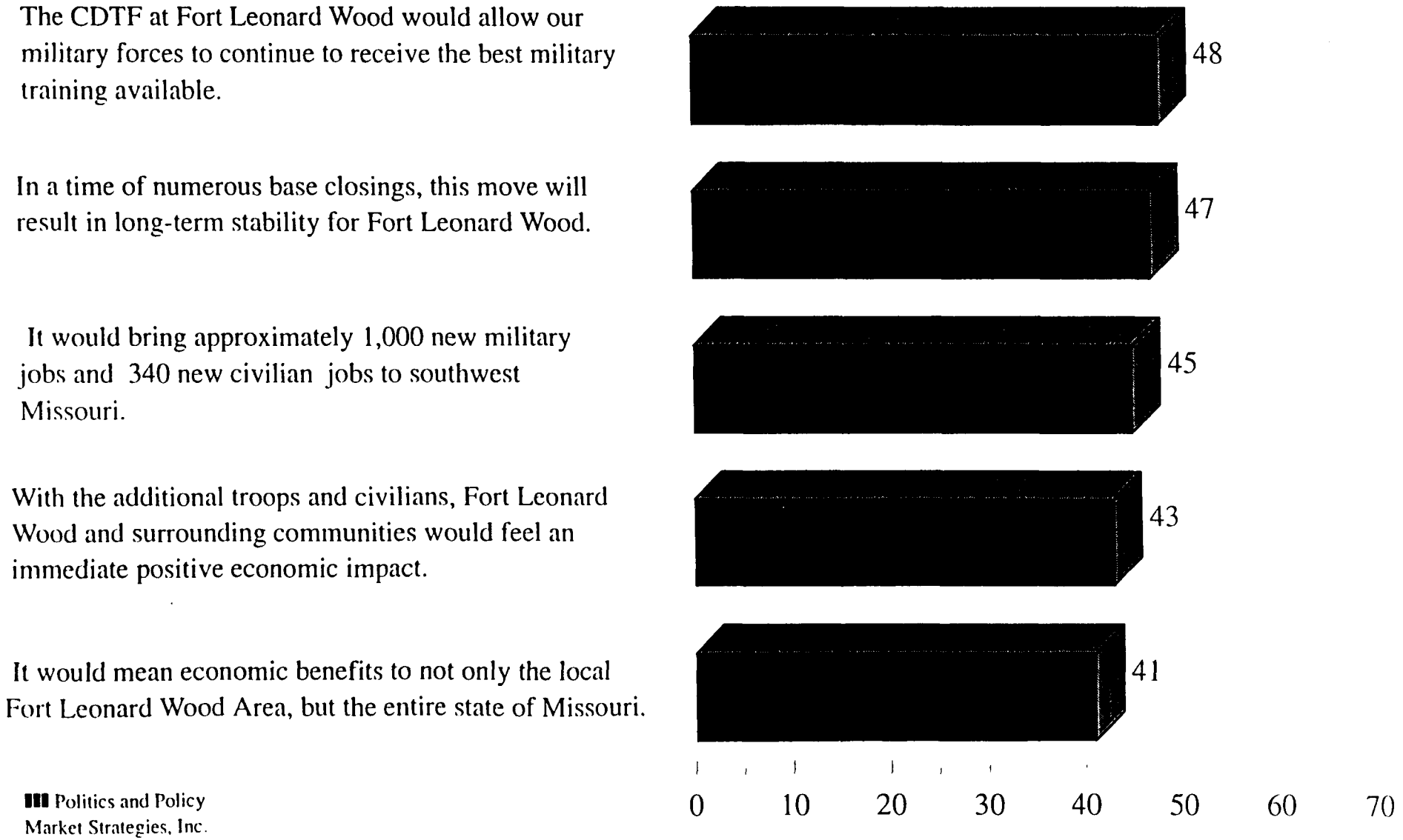
Potential Benefits Resulting From the Relocation of the Chemical Warfare School to Fort Leonard Wood

(rank ordered by % "benefits outweigh the potential risks from the storage and use of nerve gas at Fort Leonard Wood")



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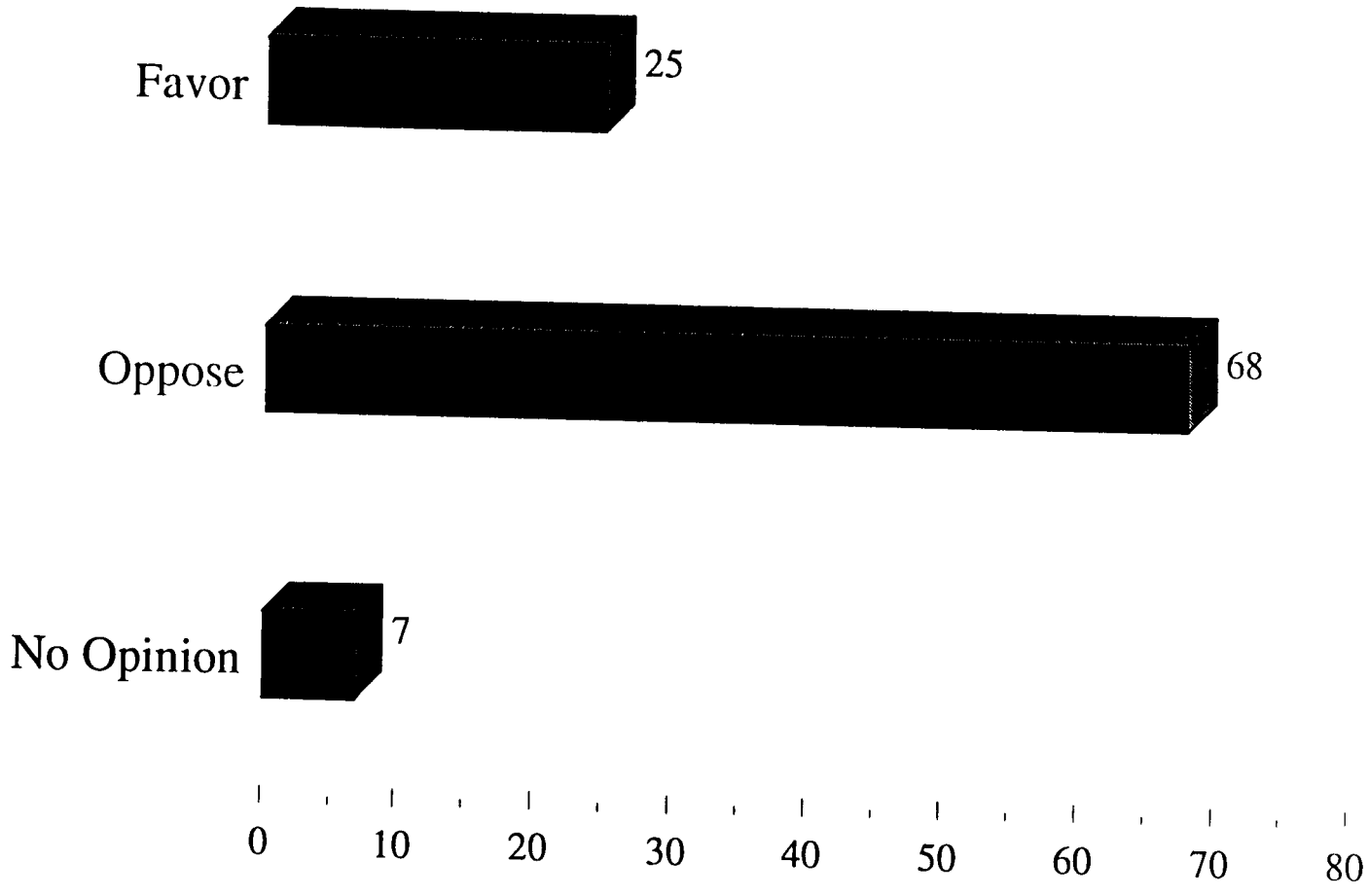
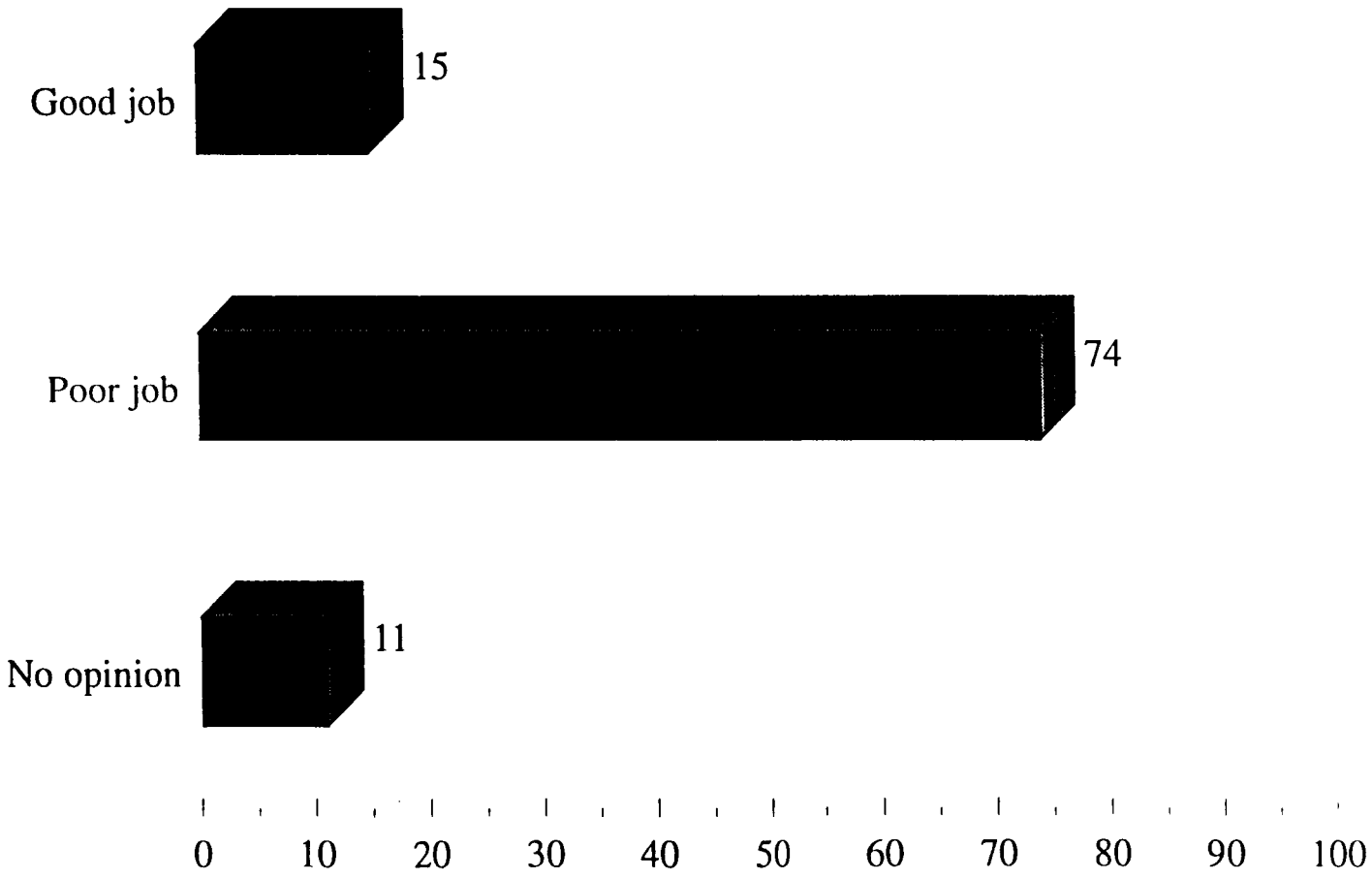
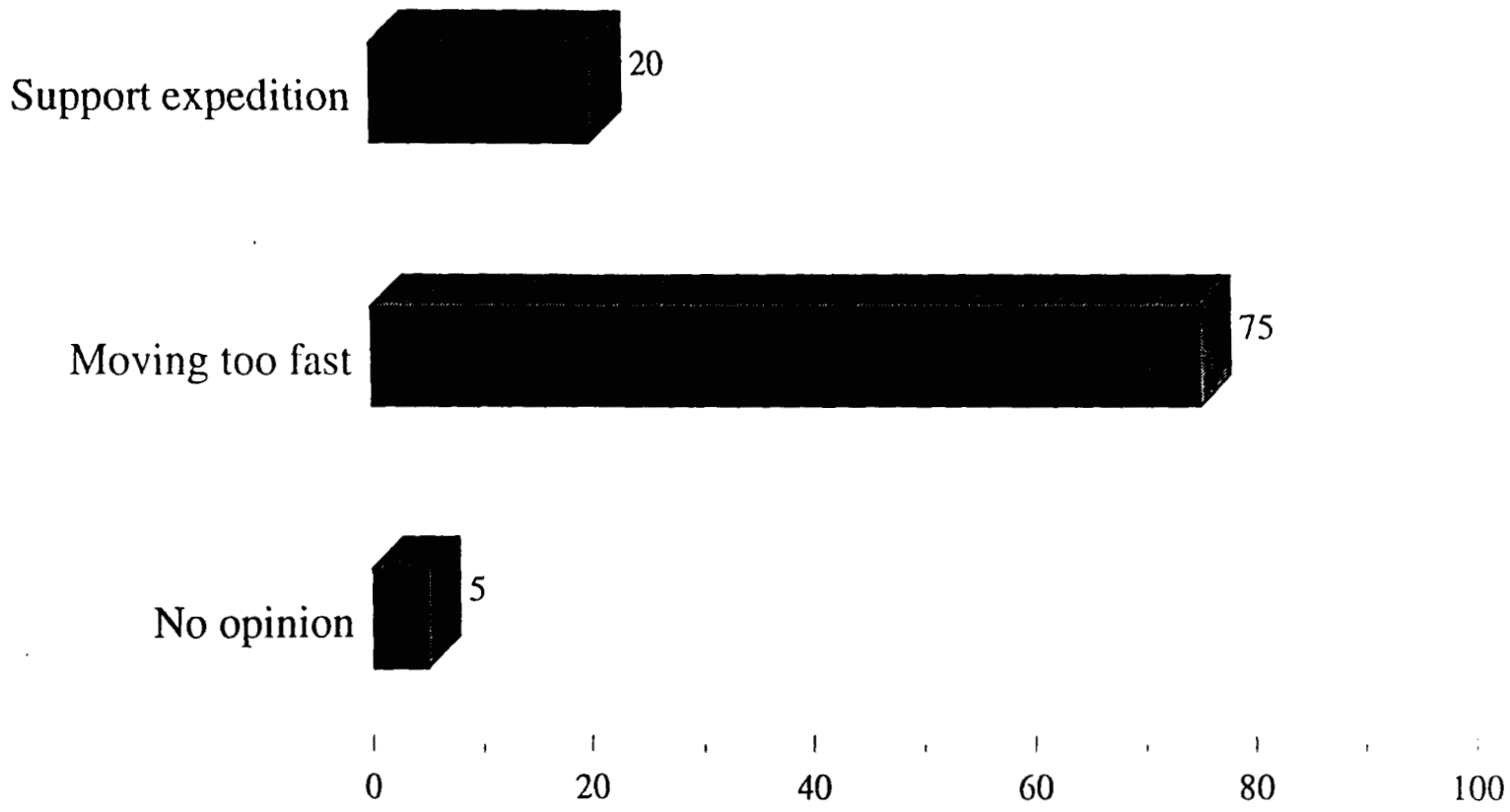
"Would you favor or oppose having the Chemical Warfare School within 30 miles of your home?"



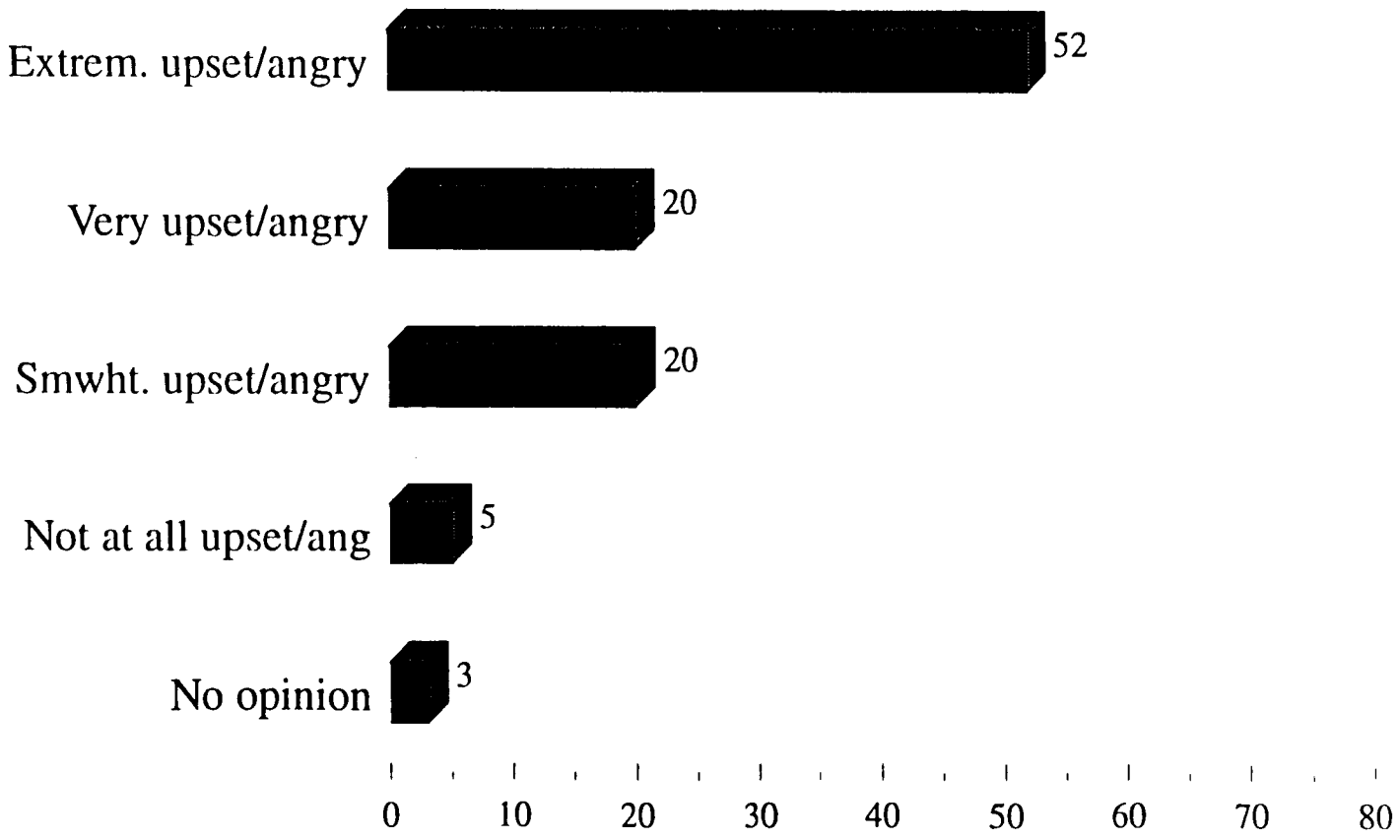
"From what you know, do you think the federal and state government and Army officials have done a good or poor job in informing citizens about the relocation of the Chemical Defense Training Facility and its impact?"



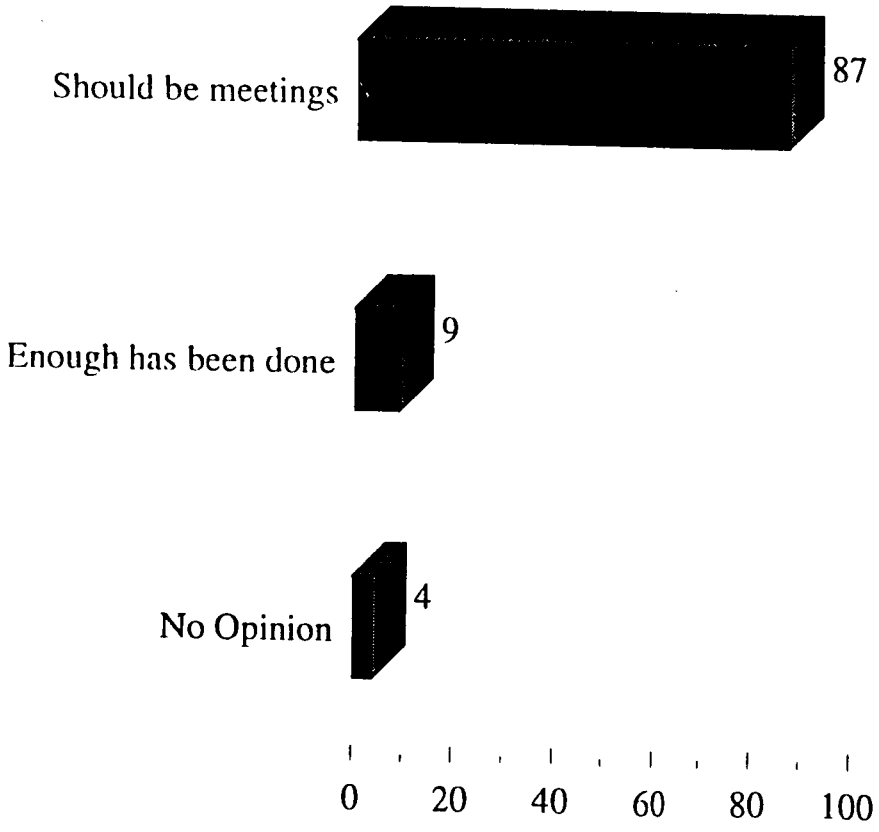
"Some people support the Governor's commitment to expedite the relocation to Fort Leonard Wood as soon as possible. Others feel the Governor is moving too fast without taking the necessary time to study the possible risks of relocating the nerve gas unit. Who do you most agree with?"



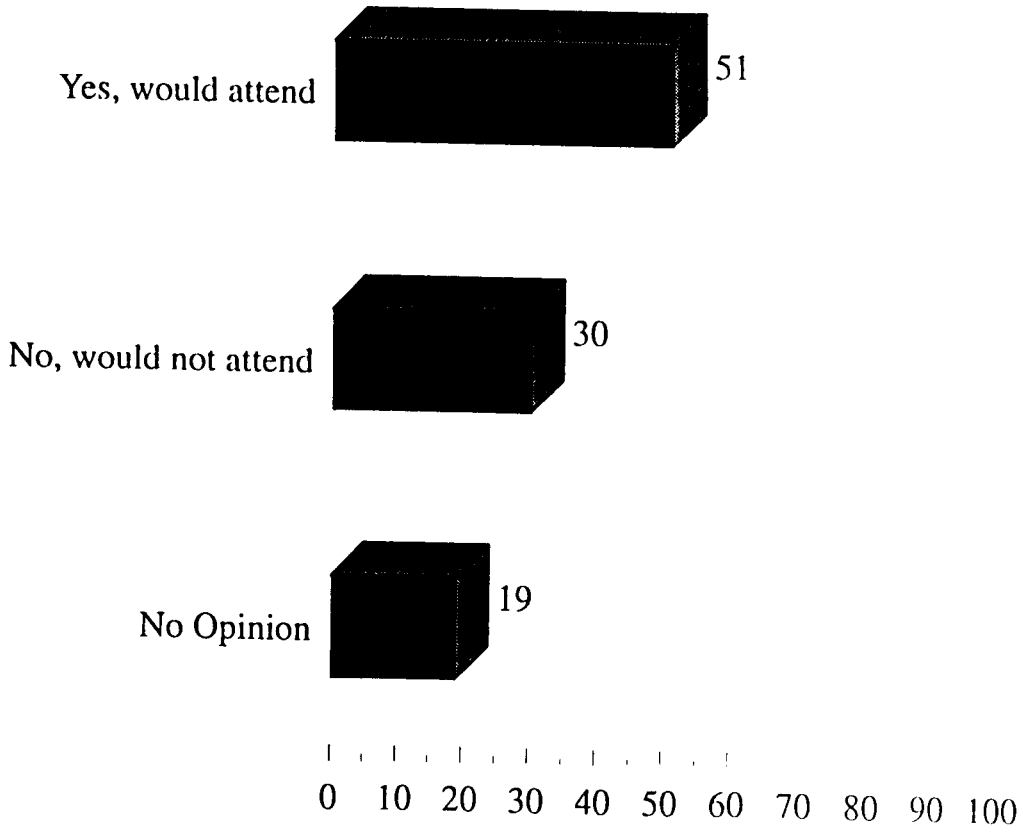
"How upset and angry would you be if you learned that the state government officials decided to only require the Army to get an air quality permit and NOT a hazardous waste incineration permit and water quality permit?"



"Do you think there should be public information meetings to give citizens a chance to learn more about the relocation of the CDTF and to express their opinions, or do you think public officials from the government and the U.S. Army have done enough to insure the public's safety?"



"Would you personally attend a public meeting or hearing to learn more about the relocation issue and express your opinions about the issue?"



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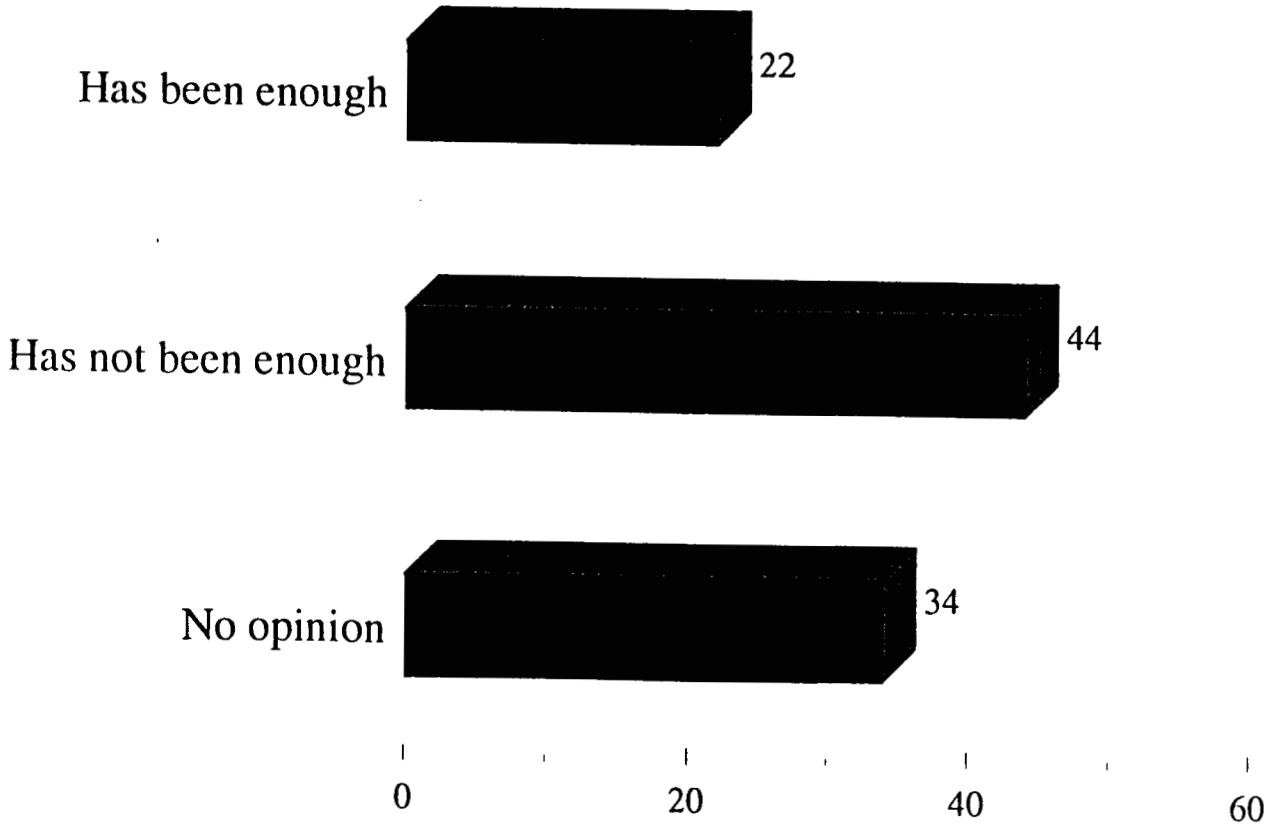
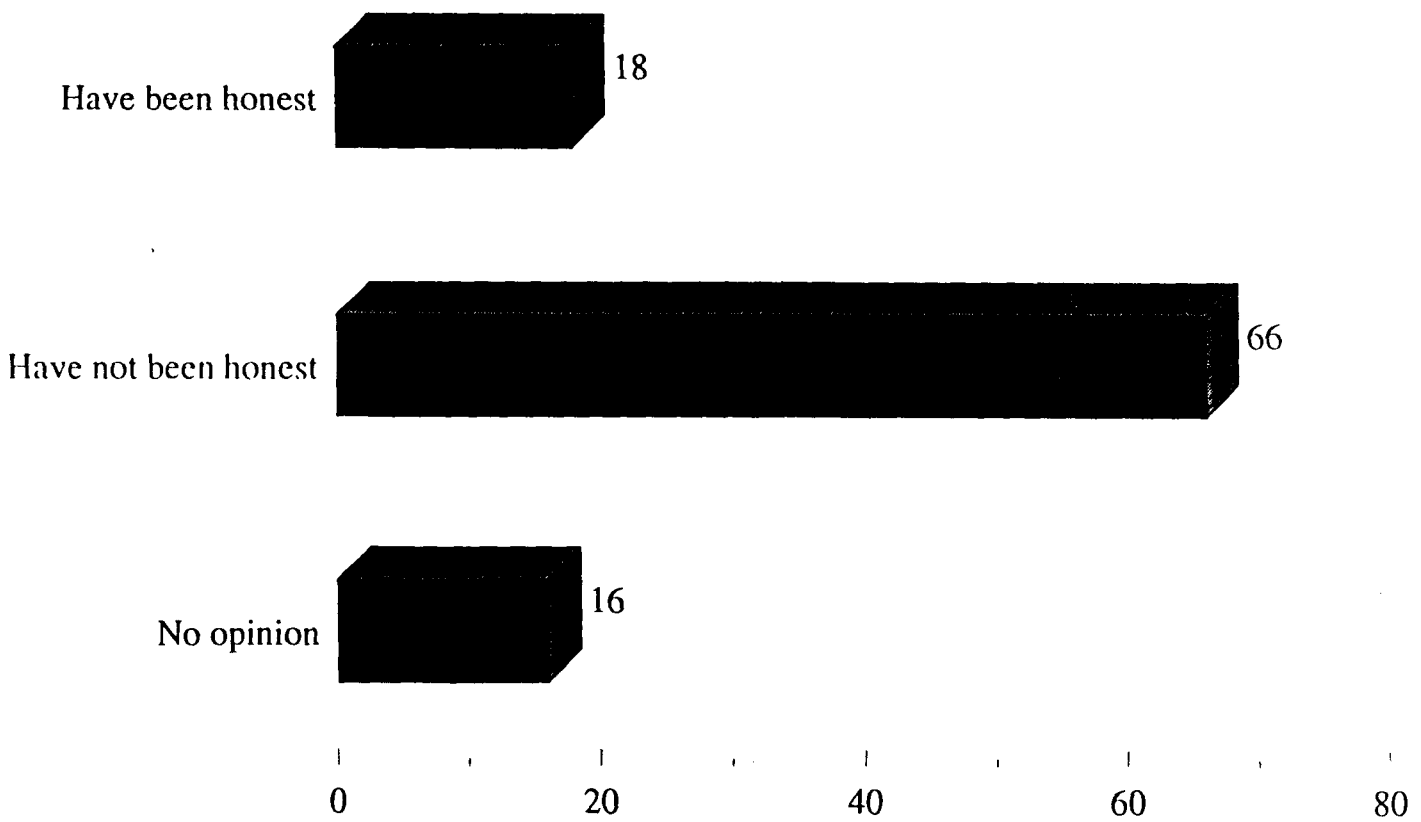
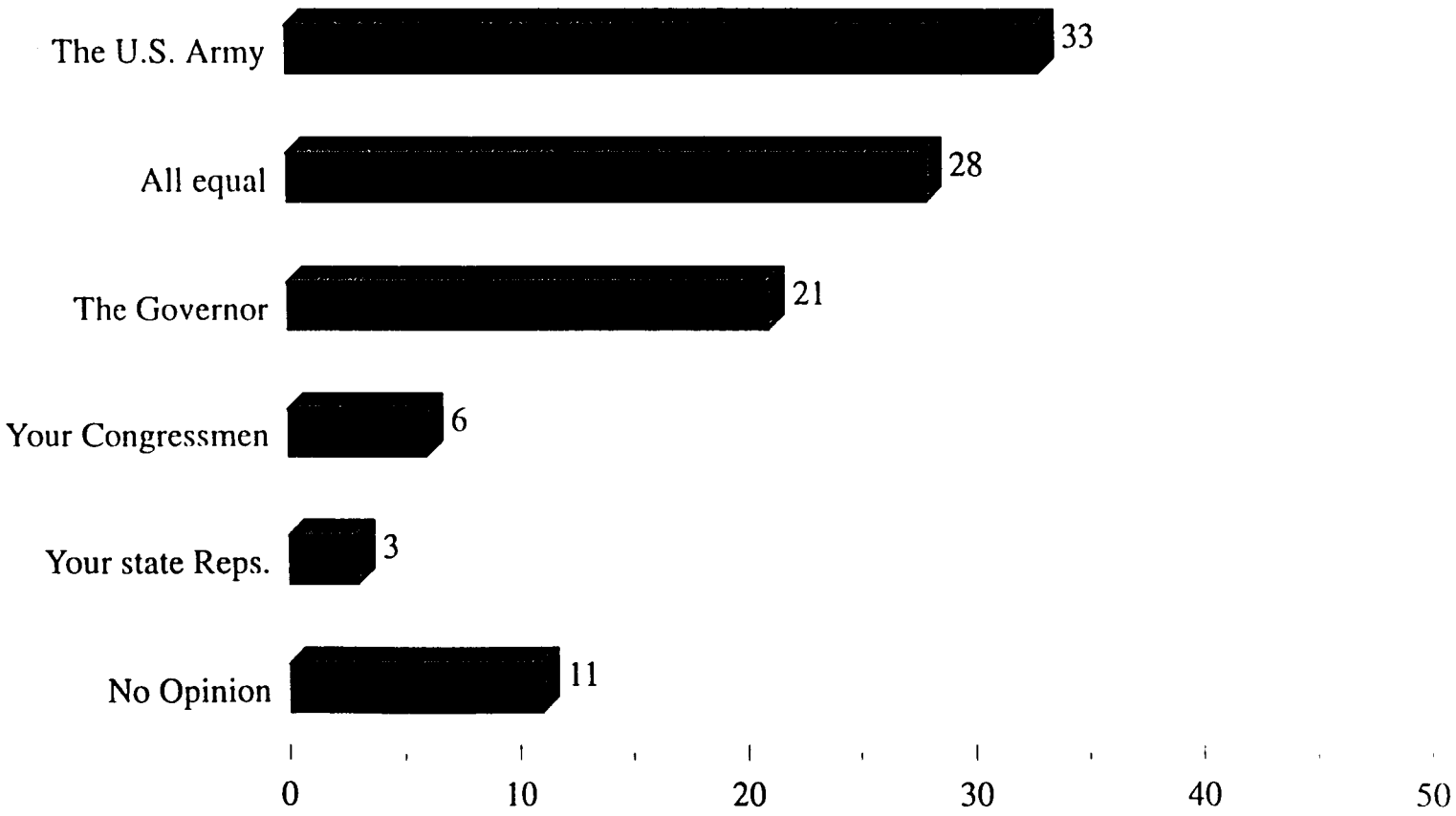
"Do you think there has or has not been sufficient research done on the possible environmental and health risks associated with the Chemical Warfare School?"



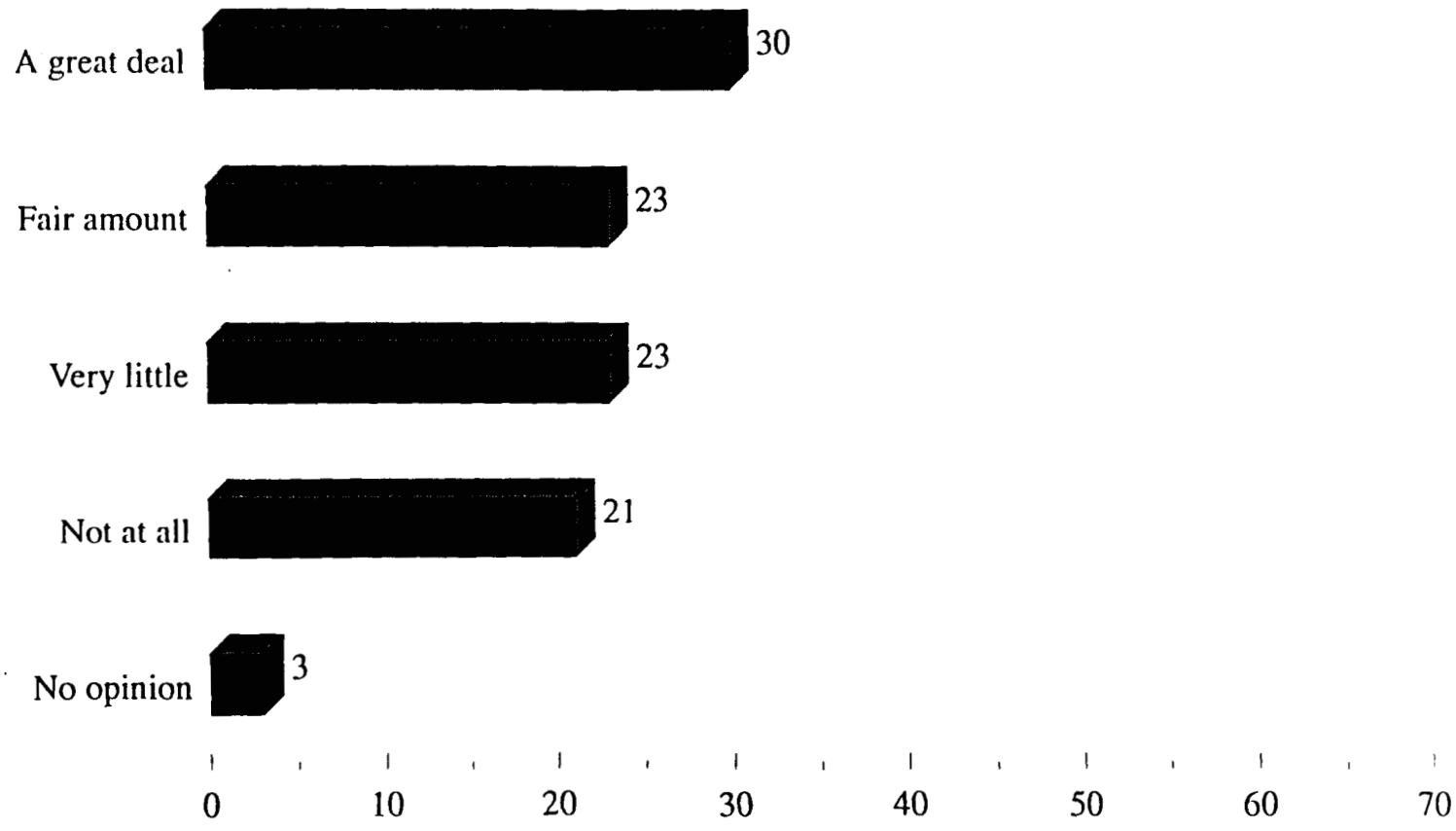
"Do you think that state government and U.S. Army officials have been honest and straightforward about informing the public of possible environmental and health risks associated with the Chemical Warfare School?"



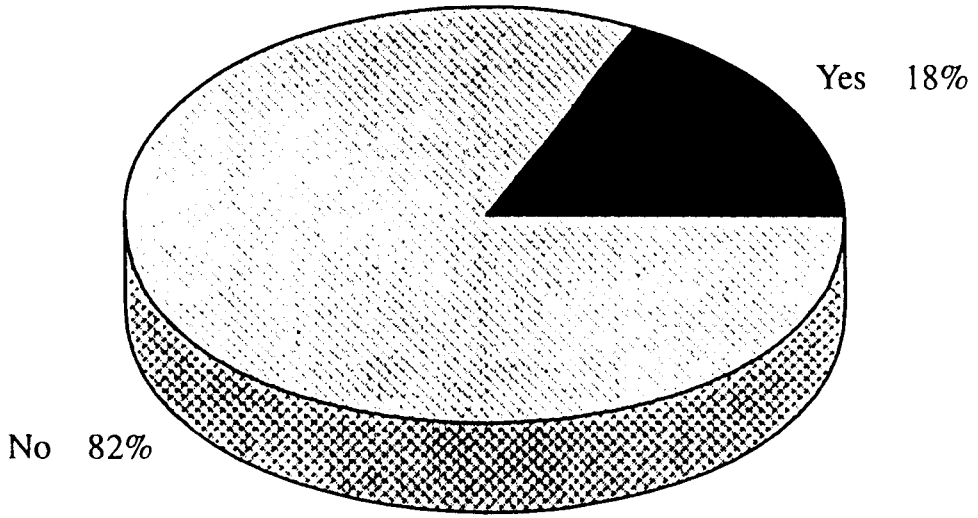
"If the Chemical Defense Training Facility was moved to Fort Leonard Wood despite public concerns about safety and there was an accident involving the release of nerve gas, who would you hold MOST responsible..."



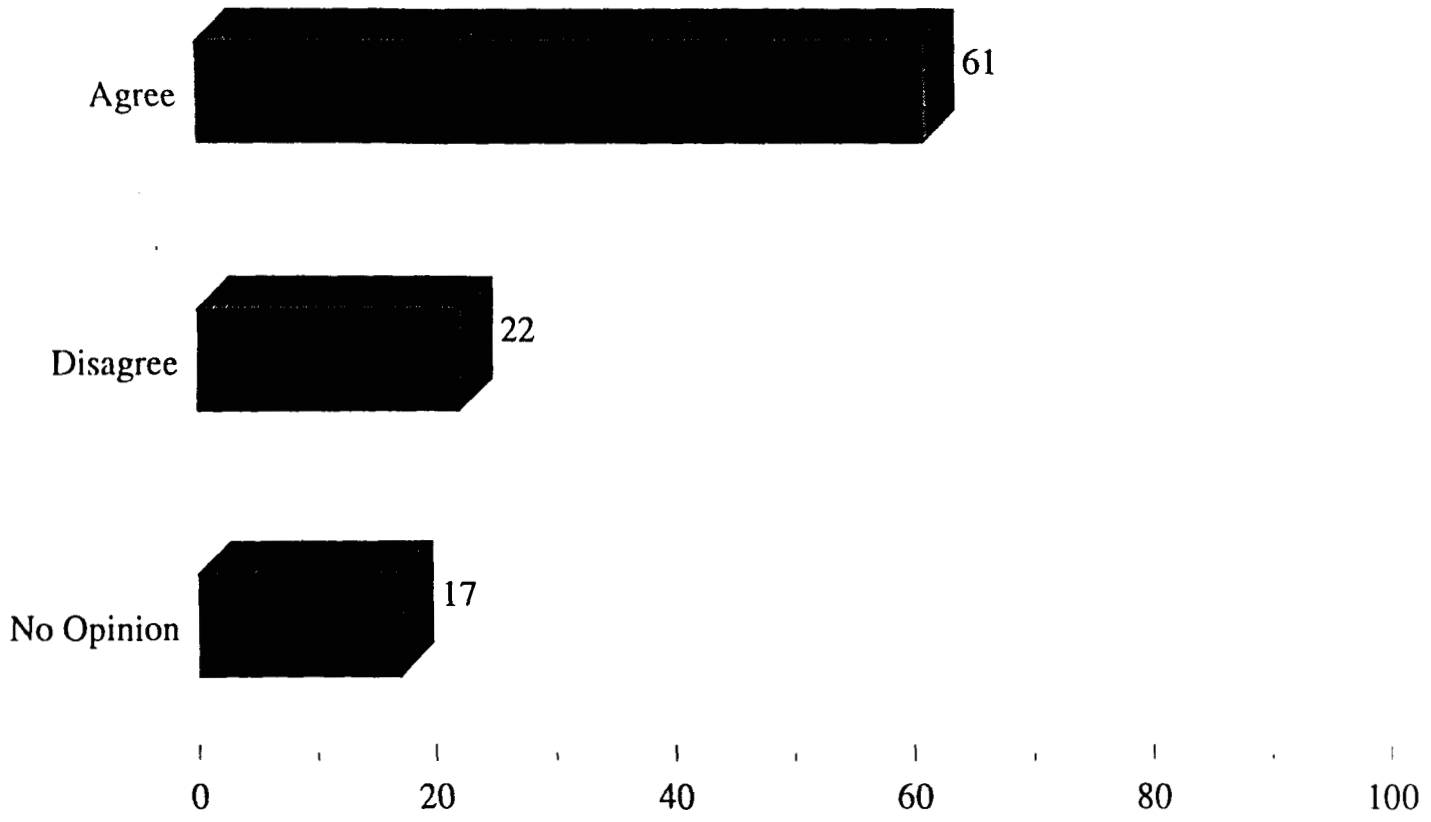
"As you may or may not know, Fort Leonard Wood is the state of Missouri's major training facility for the Missouri National Guard. How much does it concern you that members of the National Guard will be conducting weekend training at Fort Leonard Wood near the Chemical Warfare School? "



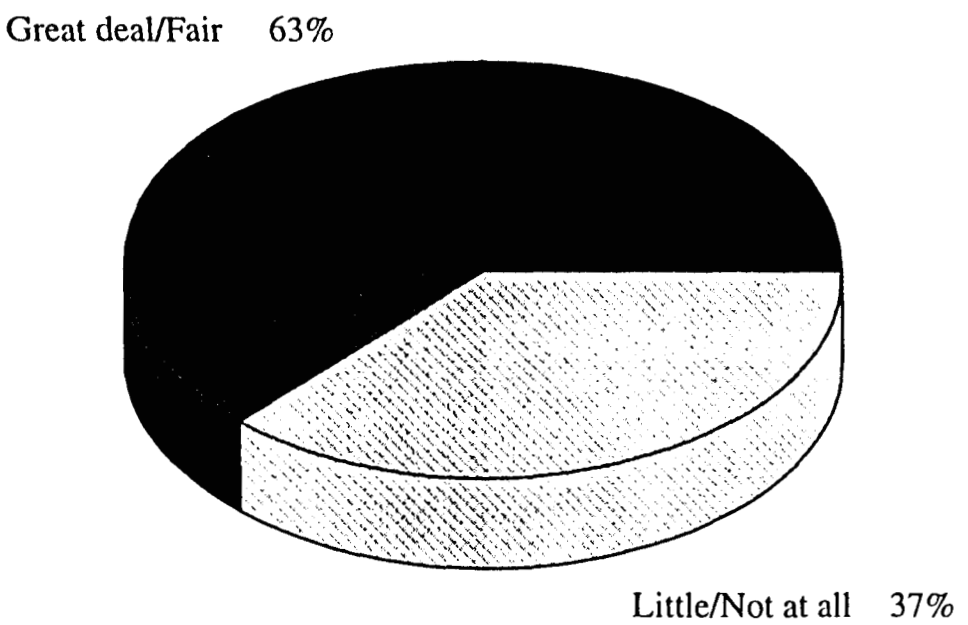
"Are you, or any members of your family or friends, members of the Missouri National Guard?"



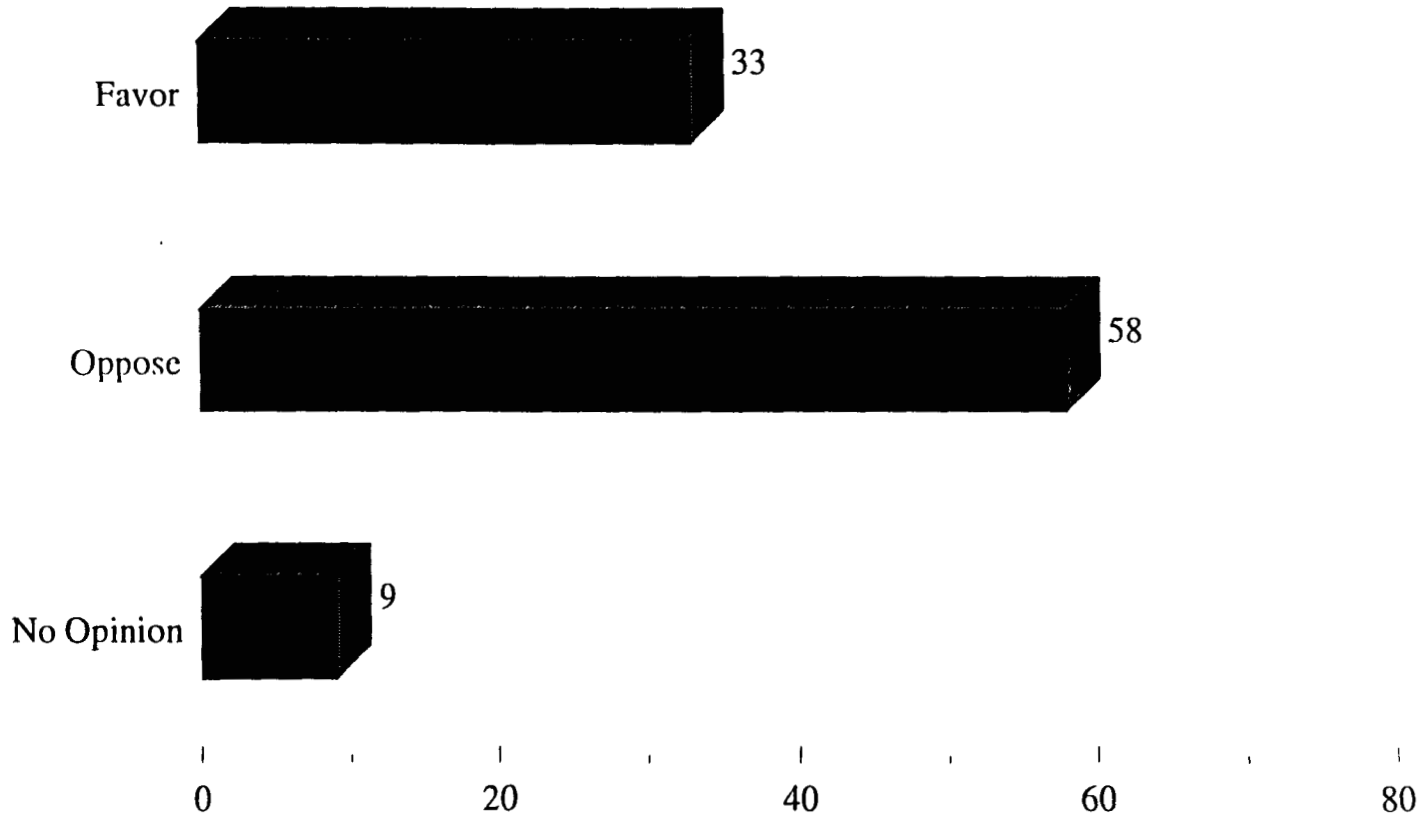
"Some people say they are very concerned about the Chemical Warfare School with its Chemical Defense Training Facility coming to Missouri because an accident there could potentially do more damage to the environment than was done at Times Beach. Do you agree or disagree with this?"



"How concerned are you that your personal health and safety, or the health and safety of your family may be put directly at risk as a result of the relocation of the Chemical Warfare School? Does it concern you a great deal, a fair amount, very little, or not at all?"



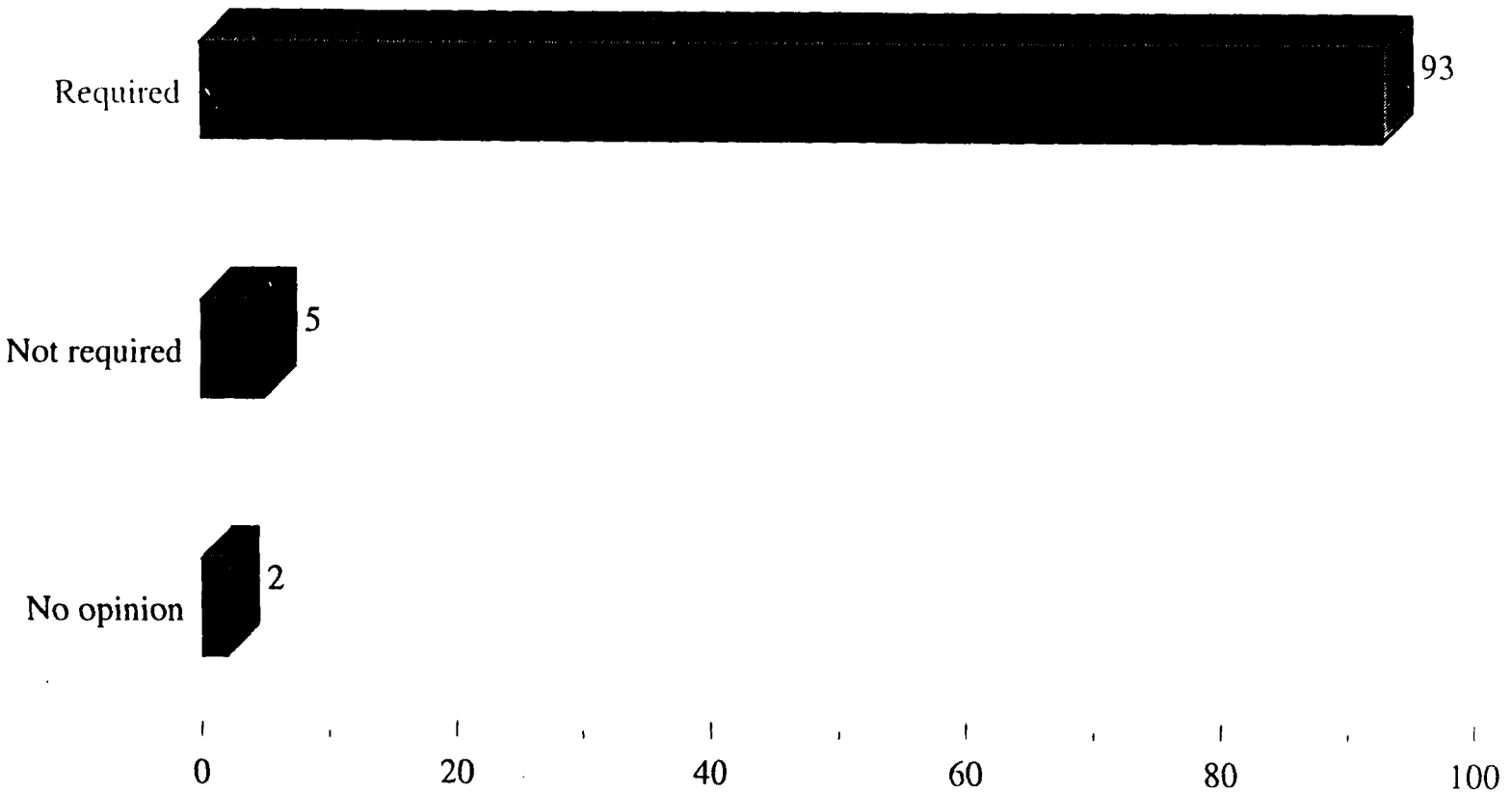
"Now that you have had a chance to consider the possible consequences of a nerve gas facility, do you favor or oppose the relocation of the Army's Chemical Warfare School from Fort McClellan, Alabama to Fort Leonard Wood, Missouri? "



Support and Opposition to Fort Leonard Wood
(asked early and late in questionnaire)

	Favor			Oppose		
	Early	Late	Change	Early	Late	Change
Total	39%	33%	-6	34%	47%	+13
Party ID						
Republicans	49	44	-5	27	47	+20
Democrats	32	24	-8	40	70	+30
Independents	29	29	--	36	57	+21
Media Markets						
St. Louis	39	34	-5	34	59	+25
Kansas City	30	30	--	36	62	+26
Springfield	51	38	-13	31	49	+18
Columbia/Jefferson	34	35	+1	47	53	+6
Balance of State	42	33	-9	27	57	+30
Fort Leonard Wood Area	54	43	-11	22	43	+21
Age and Gender						
Men under 40	55	50	-5	25	39	+14
Men over 40	48	53	+5	25	39	+14
Women under 40	37	20	-17	40	71	+31
Women over 40	24	16	-8	43	76	+33

"Regardless of whether you favor or oppose the relocation of the Chemical Warfare School to Fort Leonard Wood, do you think that the government should or should not be required to submit and make public more information concerning possible consequences associated with the relocation?"



FINAL REPORT

MARCH 1995

ASSESSMENT OF PERMITTING AND OTHER COMPLIANCE RISKS
for
THE TRANSFER OF FT. McCLELLAN
CHEMICAL DECONTAMINATION TRAINING FACILITY
(CDTF)
to
FT. LEONARD WOOD, MO.

EXECUTIVE SUMMARY

The Army proposal to move the Ft. McClellan Chemical Decontamination Training Facility (CDTF) to Ft. Leonard Wood, Missouri entails a number of risks and is certain to cause strong public reaction. The Base Realignment and Closure (BRAC) Commission has imposed a deadline of June 22, 1995 for the Army to acquire all required permits from the State of Missouri.

Several major issues have been identified as the Army seeks to acquire these permits by the deadline-all of which are problematic and have a high probability of extensive and expensive delays which may ultimately affect mission readiness.

- Any permit(s) issued by June 22 are likely to be challenged for several reasons:

(1.) There have been confusing and contradictory statements by the Missouri Department of Natural Resources (MDNR) as to the number and kind of permits required to be obtained by the Army

(2.) The time period for review of permit applications may be inadequate

(3.) There is historical precedent that projects with significant environmental issues can become controversial and may become substantially different than originally contemplated or result in cancellation because of public opposition

(4.) Missouri statutes provide liberal rules for administrative and judicial review in contested matters involving the MDNR

- In addition to the one permit that the Army has in fact applied for (an Air Construction Permit) there are several other environmental permits which may be required under the Resource Conservation and Recovery Act (RCRA) which will not have been issued by the deadline

The Army has produced a document labeled "*Analysis of CDTF Hazardous Waste Generation* which describes several items from the operation of the CDTF which are in fact listed hazardous wastes under RCRA regulations.

If this analysis report is representative of what the CDTF operation would entail in Missouri, then there is a high probability that such operations in Missouri would be subject to RCRA regulations and the Army would need to acquire the necessary permits. General RCRA requirements are discussed including specific Missouri requirements with legal references and definitions.

- The impact of the National Environmental Policy Act (NEPA) is also discussed with historical examples to illustrate that this process could result in expensive and untimely delays which may affect mission readiness. The NEPA process does not apply to the decision to move, but does apply to the methods involved with the move. In accordance with Army directives, it is Army policy that NEPA documentation and permitting will be conducted simultaneously.

OVERVIEW: The US Army's proposal to move the CDTF will be controversial and likely to entail a number of risks:

- any permits issued by the BRAC Commission deadline of 22 June 95 could be and most likely will be challenged
- even if the permit(s) issued by 22 June are not challenged or ultimately stand up to challenge, additional permits which may be required will not have been issued by the 22 June 95 deadline
- historically, many projects with significant environmental problems, both in Missouri and elsewhere in the U.S., have ultimately failed to be completed due to citizen opposition
- even if all required permits are received by the 22 June deadline, the subsequent National Environmental Policy Act (NEPA) process may result in extensive and expensive delays, making the move impracticable and thereby affecting mission readiness

PROBLEM STATEMENT:

The US Army proposes to build a Chemical Decontamination Training Facility (CDTF) at Ft. Leonard Wood, MO to replace the one at Ft. McClellan, AL which will be closed. The CDTF at Ft. McClellan is the only facility of its kind in the country.

The BRAC Commission has stated that the Army must have all necessary permits by 22 June 95 or they will vote against closing Ft. McClellan. The Army has indicated to the BRAC Commission that all permits and compliance requirements necessary for the move will, in fact, be received from the Missouri Department of Natural Resources (MDNR) in time to meet the BRAC-imposed deadline. The State of Miissouri has indicated that it would indeed meet the BRAC deadline and would issue certain permits by that time.

If the permitting process does not go as smoothly as claimed due to legal challenges and public controversy, then the BRAC Commission will have committed the Army to an irreversible course of action that could leave it without a CDTF facility, thus impairing mission readiness. This paper will assess the risks that this could possibly happen.

COMPLIANCE/PERMITTING RISKS:

Other than item number one, the following discussion is presented in the probable order of the event/risk occurring. This is not meant to imply that Missouri authorities from the DNR will fail to issue some type of permit. The probability that they will issue some type of permit is high.

1. *Missouri will fail to issue <u>any</u> permits as promised by the 22 June deadline.*

If this happens, then the BRAC Commission has already indicated that they will drop Ft McClellan from the closure list and the proposed relocation will become moot.

2. *Any permits issued by 22 June could and will most likely be challenged after 22 June*

2.1 <u>Rationale:</u>

The probability of this occurring is based on several factors: (1) conflicting and contradictory information from the MDNR itself; (2) time constraints; (3) the availability of an appeals process, and (4) historical precedent.

The MDNR has indicated in previous documentation to the BRAC Commission [i.e. letters of May/June of 93 signed by David Shorr, Director of MDNR] that it would require the Army to have air, water, and hazardous waste permits (exact types not specified) before the CDTF move could be effected. Subsequent statements of Mr. Shorr to the Army indicate that these time frames and requirements were still valid.

However, the present position of the MDNR is that they are not going to be issuing (nor is there a need for) any other type of permit for the transfer of the CDTF to Missouri, contradicting what was stated earlier by the Director of MDNR . This significant change in Missouri's official position (from requiring several permits to requiring only one) raises issues and casts doubt as to the exact type of permits that are actually required, and may add significant grounds for any appeal of any permits issued prior to the BRAC deadline.

Another report prepared by personnel from Ft. McClellan entitled "Environmental Analysis of Locating the CDTF. . . at Fort Leonard Wood, Missouri" prepared for the US Army Basing Study Office dated January 1993, states in section 2.2.1.2 that ". . . operation of the CDTF at Fort Leonard Wood will require the following permits, authorizations and compliance [from the state of Missouri]: Air Construction, Operation, and Discharge permits, Stormwater Discharge permit, and a Wastewater Discharge permit."

To date, however, the Army has applied to Missouri for only <u>one</u> type of permit, (application dated 1 March 95) to be issued by the Air Pollution Control Program: Minor Source Construction permit (Air Construction Permit).

In a recent press release (7 March 95), Secretary of the Army Togo D. West Jr. stated that the Army had done nothing about obtaining any permits until the base closure list was released on 1 Mar 95. Therefore, the time that the Army has "given itself" to complete all necessary permit applications, have them reviewed, processed, and issued is 114 days, ***or just under 4 months.***.

The MDNR has listed time lines required for review of the permit applications and subsequent issuance of the permit(s). For instance the average time from receipt of application to issuance of a construction permit for an incinerator ranged from ***260 to more than 500 days.***

The provisions and legal requirements and associated environmental compliance issues in Missouri are found in the *Revised Statutes of Missouri* (RSMo). Applicable interpretive regulations are found in the *Missouri Code of State Regulations* (CSR). The air program in Missouri is governed by the Missouri Air Conservation Act (RSMo 643.010 et seq)

The requirements for the aforementioned Air Construction Permit are as follows:

1. *Documentation Required*: Air Pollution Control program application and an Emissions Inventory Questionnaire (EIQ)

2. *Review Type*: unified process for both construction and operation permit applications unless applicant requests that they be reviewed separately

3. *Public Participation Requirement*: none required (but see section 2.2 and below)

4. *Decision Time*: MDNR Director decides w/in 90 days of receipt of completed application to approve or deny the permit

5. *Length of Permit*: two years to begin construction, otherwise permit can be revoked.

6. *Appeal Opportunity* : Any aggrieved person may appeal any permit decision under section 643.075 of RSMo. Notice of appeal must be filed with the Missouri Air Conservation Commission within 30 days of the MDNR Director's action or within 30 days from the date by which the decision should have been rendered if the Director has failed to act.

7. *Applicable Missouri Statutes* : RSMo 643.075, *et seq.*

8. *Applicable Regulations*: 10 CSR 10-6.020 and .060

An operating permit is required for any source which has emissions at a level requiring control under the Clean Air Act (CAA). The Army's current permit application may in fact be the "unified" type as mentioned in item #2 above (Review Type) as provided for under RSMo 643.078. It should also be noted that under Missouri law all permit applications are subject to a public hearing process and notice to EPA (RSM 643.078.12). No permit will be issued to which EPA objects (RSM 643.078.11). Also, no varience will be granted for a permit where the effect would be to allow the construction and operation of a health hazard (RSM 643.110)

If the permit is issued, it may not be comprehensive and may be procedurally flawed. Even if the permit seems comprehensive the probability is high that it will be challenged because it may seem to have been "fast-tracked" which would not have allowed for adequate review or possible public hearing especially if the applicant (the Army) has not submitted an "operation" permit application as required by RSMo sec. 643.078.

2.2. Appeals Process and Contested Matters

The MDNR organizational structure includes oversight by citizens who make up certain special "Commissions" for nearly every important environmental program within the MDNR and help in the program's administration. These include, for example, the Missouri Air Conservation Commission, the Hazardous Waste Commission, the Clean Water Commission, etc.

Generally speaking, permits may be challenged before a Commission as invalidly issued (40 CFR 124.5(a)) Challenges may also be made with respect to *failure* to require or to issue a particular type of permit. It is unclear, however, without the assistance of Missouri counsel, as to whether persons outside of the State of Missouri may have standing to appear and raise these issues before the applicable Commission. The "ripeness" doctrine (wheather the issue has or will have an immediate effect or that the possibility is remote and would occur at some future time) may also affect whether any action may be taken in the Missouri administrative forum prior to the BRAC deadline.

Contested matters are governed by the Administrative Procedures and Review Act (APRA) per RSMo Chapter 536, 1986, 1991 Sup. Each environmental program has its own unique set of administrative remedies which must be exhausted prior to judicial review.

For instance, grievance notices under the Air Control Program are filed with the Mo. Air Conservation Commission within 30 days of the Director's action or decision (RSMo 643.078.9). Aggrieved persons may also file a petition with the Hazardous Waste Commission within 30 days of a MDNR decision. (10 CSR 25-7.270(2)(C)1.D). Hearings are held according to APRA rules. Decisions may then be appealed to the Missouri Administrative Hearing Commission and thereafter for judicial review (RSMo 260.235).

All aggrieved persons are entitled to judicial review (RSMo 536.100). Their legal standing must be demonstrated to be the result of a contested act that would interfere with their personel property rights or interests, and that such interference is immediate and not a remote possibility (see case cited at 682 SW 2d 821 MO. App 1984).

It is also important to note that an aggrieved person does not have to be a party to the administrative decision to have legal standing in order to seek judicial review (see case cited at 622 SW 2d 724 MO App 1981). APRA does not apply to agencies which have their own review provisions established by statute (see case at 313 SW 2d 65 MO App 1985).

Federal law requires all states under the CAA to develop and implement a permit program the meets the requirements of the CAA section 501 (42 USC 7661b). This program must provide for public hearing and citizen intervention. The USEPA has permit review authority and has 45 days to review and object to any state permit. Any person may petion EPA to object within 60 days after EPA's 45 day review period. These procedures are provided for in Missouri law (RSMo 643.078.12).

2.3. Other Possible Permits.

Whether additional permits may be required will be dependent upon how the Army, MDNR, and perhaps, the public, ultimately characterizes the CDTF facility. Given the short time frame, it is unlikely that any permits other than the one the Army has already applied for, will be issued unless there is a political decision to do so. The following information summarizes other types of Missouri permits that *may* be required, and/or that may be used by potential opponents as a basis for legal action intended to obstruct or delay the process of moving the CDTF:

a. *Hazardous Waste Generator Registration*

- Required for all hazardous waste generators; and those who store hazardous waste
- Registration is valid until registrant requests deactivation
- Average review time is 30 days for in-state generators
- No public participation requirements
- Applicable Missouri Statutes are RSMo 260.350 through .552
- Applicable Rules are found in 10 CSR 25-5.262

b. *Hazardous Waste Facility Permit*

- Required for construction and operation of hazardous waste treatment, storage, or disposal facilities (TSDF)
- Required documentation includes application form and engineering plans. Air or water pollution permits may also be required
- Permit is valid for a maximum of 10 years
- Public Participation is required. Public notice must be given with a 45 day comment period. Public hearings are available upon request
- Average processing time is 495 days
- Applicable Missouri Statutes are RSMo 260.350 through .552
- Applicable Regulations are found in 10 CSR 25

c. *Solid Waste Disposal Area Permit*

- Required for construction and operation of any solid waste disposal facility accepting waste from any commercial, industrial, or governmental operation. Certain exemptions apply (10 CSR 80-2.020 (9) (A))

- Required documents include application form, design and operation plans, site geologic and hydrologic evaluation, closure and post-closure bond, and a water pollution permit

- Permit is valid for expected life of facility

- Average processing time is 18 to 24 months

- Public notice and public hearing is required

- Applicable Miissouri Statutes are RSMo 260.200 through .345

- Applicable Rules are found in 10 CSR 80-1.010 through 80-4.010

d. *Solid Waste Processing Facility Permit*

- Required for construction and operation of solid waste processing facilities such as incinerators. Exemptions as in "c" above may apply

- Documents required include application form, design and operating plans and past history of any solid or hazardous waste violations, if any. In addition, air or water pollution permits may be required

- Permit is valid for estimated life of facility

- Average processing time is 6 to 18 months

- Public notice is required with a public hearing upon request

- Applicable Miissouri Statutes are RSMo 260.200 through .345

- Applicable Regulations are found in 10 CSR 80-1.010, 80-2.010, 80-2.080 and 80-5.010

e. *Storm Water Permit-National Pollutant Discharge Elimination System*

- Required for storm water runoff from listed industries or any activity that disturbs five (5) or more acres of land

- A completed application form is required

- Permit is valid for a maximum of five years

- Average processing time is 20 to 90 days
- Type of permit can be site specific or a general permit
- A 30 day public notice is required for a site specific permit. If an appropriate state-wide general permit is in place, no public participation is required. Otherwise, 90 days public notice is required before issuing a suitable state-wide general permit
- Applicable Missouri Statutes are RSMo 644
- Applicable Regulations are found in 10 CSR 20-6.200

The permit application process basically involves a permit application, a review period, supporting documentation, and a filing fee. The review period can be very lenghty depending upon the state agency involved, technical details,and if a Federal agency is involved. Missouri considers all issued permits to be legal binding contracts.

Considering the time involved to process some of the permit applications listed in items a through e, including required documentation and the necessity of obtaining other permits, it is unlikely, should the Army be required to seek one of these permits, that it would have the time available to do so by 22 June (See also para. 3.1 Rationale)

2.4. Legal Precedents :

The probability of a challenge to any permit issued by the BRAC deadline, or possible action brought because of failure to obtain other allegedly required permits may also be assessed based on historical precedent. The history of environmental projects that became embroiled in controversy is suggestive that a similar situation may befall the Army in its current efforts. This would heighten the likelihood that a local environmental group or similar citizen coalition would bring some type of action and would offset the Army spokesperson's assertion that they (as quoted in the 7 Mar 95 press release) "do not know of any opposition." It would only take one member of such a group to claim that they were an "aggrieved" person to bring some type of action which could slow, unduly delay, or completely prevent the ultimate operation of the CDTF at Ft. Leonard Wood. The following examples are illustrative:

a Army Chemical Demilitarization Program-Stockpile Incinerators

This program resulted from a mandate by Congress that all stockpiles of chemical warfare agents be destroyed in order to comply with the requirements of the Chemical Weapons Convention. The Army will construct large complicated incinerators near each stockpile location in the United States. Each incinerator is supposed to efficiently and safely burn this material and will ostensibly pose no health hazards to the surrounding community or environment. To date, only the incinerator pilot facility, located on Johnson Atoll in the Pacific Ocean, is permitted and operational. All the other sites are involved in extensive public controversy. The program is significantly behind schedule and over budget.

b. Shoreham Nuclear Facility

This facility was proposed in the mid '70's for construction and operation on Long Island New York. It was granted a construction permit from Suffolk County and had insignificant public opposition because of low population density. By the time the operation permit was applied for, however, the population had increased enough that organized opposition prevented the operating permit from being granted. Concern centered on an unsatisfactory emergency preparedness plan for the facility, indicating that all available evacuation routes from Long Island would not be sufficient in the event of an accident. After the expenditure of millions of dollars, the Shoreham facility never went operational.

c. Biological Aerosol Test Facility (BATF)

The BATF, (now renamed the Life Sciences Test Facility), was proposed in the late 1980's to be constructed at the Dugway Proving Ground (DPG) in Utah. The facility was to function as a "Biosafety Level 4" (BL4) secure area in which the efficacy of protective clothing and masks worn by the military were to be tested against BL4 biological agents such as the Lassa, Marburg, and Ebola viruses. They are characterized by high mortality rates (typically, 50% or more), easily transmitted, with no known cure. The BATF would have been similar to existing facilities at Ft. Detrick, Maryland. Officials claimed that the BATF would actually be used for agents that posed a much lesser risk. Notwithstanding this assertion, significant delays were encountered because of public opposition to the fact that the BATF could test deadly biological organisms. The BATF facility was never constructed to BL4 status.

D. Times Beach, Missouri

This was a precedent-setting event to the enactment of the Comprehensive Environmental Restoration, Compensation and Liability Act (CERCLA) otherwise known as "Superfund". This incident involved large amounts of oil contaminated with the toxic chemical dioxin which was sprayed on land surrounding a horse farm in order to control dust. Several children were subsequently hospitalized. In addition, number of horses and other wildlife succumbed to the contaminated oil. The local citizenry was concerned that Spring flooding would spread the contaminated soil throughout the community. The town and surrounding area was eventually evacuated permanently and the EPA agreed to purchase all the abandoned homes and pay for all displacement costs. A temporary incinerator was proposed to burn the dioxin- contaminated soil in 1990 at an estimated cost of $118 million. There is conflicting opinion regarding the efficacy of incineration among the EPA and the American Medical Association, and the public has vigorously opposed (some protestors were arrested) constructing the incinerator. The dioxin contaminated soil remains in drums stored at 17 different locations throughout Eastern Missouri. The incinerator has never been built.

e. *Other Troubled Incinerator Projects in Missouri*

In addition to "Times Beach", Missouri recently has had a number of other troubled incinerator projects. In the St. Louis metropolitan area an incinerator was proposed near the riverfront which would take municipal trash, burn it, and thus convert the solid waste to steam to power turbines which would then produce electricity. This was vigorously opposed by the public and the project was scrapped. In another recent project, a consortium of 22 hospitals proposed an incinerator to be located in St. Louis which would burn assorted medical waste. Because of public outcry and concerns regarding infectious waste, construction permits were never issued and the project was cancelled.

2.5. Consequences

The information presented regarding public challenges to permits and concerns over other compliance issues serves to illustrate that projects begun with a high level of enthusiasm and confidence for completion often do not turn out that way.

If for nothing else, Missouri law is instructive because it has a unique system of citizen oversight for virtually all of its important environmental programs (i.e. the "Commission" system), and a guaranteed appeals process with subsequent judicial review under its Administrative Procedures Act.

Challenges, particularly when taking into account Missouri case law, are not dismissed out of hand nor does there seem to be a history of such. In any event, it can certainly be said that significant delay or inability to obtain required permits is supported by case histories both on a national level and locally within the state of Missouri. For example, even though the number of incinerator permits applied for is a matter of public record in Missouri, the documentation for the acutal number granted or denied must be examined in person at MDNR offices. This requirement precludes quantification in time for this report.

3. *Even if permit(s) issued by 22 June are valid, they may not be the only permits that will be required for the move to proceed, and the additional required permits may prove to be excessively difficult or impossible to obtain*

3.1 Rationale

The additional permits that were discussed under section 2.2.a through.e are illustrative of other permits that may be required. Foremost among them are permits required under the *Resource Conservation and Recovery Act* (RCRA) and the application of the *Federal Facilities Compliance Act* (FFCA). Each of these will be discussed in turn.

One of the primary goals of RCRA is the appropriate management of solid and hazardous wastes. In order for the Army to become subject to RCRA permitting requirements, it must first be determined whether the Army, as a result of its construction and operation of the CDTF at Ft. Leonard Wood, will be generating solid wastes. and if so whether any of these wastes are hazardous. In addition, it will be necessary to determined whether the operation of the CDTF involves any treatment, storage, or disposal (TSD) of solid wastes as defined under RCRA.

If either of these criterion are met, then the probability is high that one or more of the Missouri RCRA permits discussed under section 2.3 (i.e. *Solid Waste Disposal Area Permit, Solid Waste Processing Facility Permit, Hazardous Waste Generator Registration License,* and *Hazardous Waste Facility Permit)* would be required by the Army before it could proceed with the construction and operation of the CDTF.

There is a high likelihood that the time needed for EPA review of a RCRA permit will exceed the time allotted by the BRAC Commission. This is due to the requirement that a facility must first process trial burn data after construction before the final operating permit is issued (40 CFR 264.344 and 40 CFR 270.62). Typically this entire process takes about two years to complete. Also, the review period of a new facility permit application, the RCRA part "B", can typically take more than a year.

3.2 Resource Conservation and Recovery Act (RCRA)

3.2.1 *Overview*

The regulations pertaining to RCRA are described in title 40 of the Code of Federal Regulations (CFR). Cites to illustrate a particular point will be given by title and part of the CFR (e.g.40 CFR 260.10).

RCRA's goals are the appropriate management of solid and hazardous waste, and the protection of human health and the environment. To accomplish these goals, three distinct, but interrelated programs exist:

- Subtitle D encourages the sound disposal of *solid waste.* It includes technical standards and guidelines for state solid waste plans including recycling

- Subtitle C establishes a management system for *hazardous waste* from cradle (generation) to disposal (grave)

- Subtitle I establishes a program that regulates petroleum products and hazardous substances stored in *underground tanks*

RCRA provides that the person who produces a solid waste (the *generator)* is responsible for its management as well as for determining if the waste is hazardous, by reference to identified wastes listed in the statutes by name, or by the testing for certain characteristics making it hazardous under accepted EPA protocols.

Operator means the person responsible for the operation of a facility

Incompatible Wastes means a hazardous waste which is unsuitable for placement in a particular facility because it may cause corrosion of containment materials or be unsuitable because commingling with another waste or material might produce heat, pressure, violent reaction or toxic fumes or gases.

Reactivity means a solid waste exhibits this characteristic if it has any of the properties listed in 40 CFR 261.23 including the generation of toxic gases or vapors in quantities sufficient to present a danger to human health or the environment.

Transfer Facility means any transportation related facility including loading docks, parking areas, and storage areas where shipments of hazardous waste are held prior to transportation.

Transportation means movement of hazardous waste by air, rail, highway, or water.

Transporter means a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water.

3.2.3 Discussion

These few definitions are meant to demonstrate the scope of requirements that the Army would have to meet to become subject to RCRA regulations. As the RCRA laws are extremely complex and diverse, the ultimate determination of which permits are required is likely to be a legal question. For instance, owners and operators of facilities that burn hazardous wastes may be exempt from subpart H of RCRA, Hazardous Waste Burned in Boilers or Industrial Furnaces (40 CFR 266.108) because the hazardous waste that is processed is below a defined minimum.

The determination of whether the Army will produce "hazardous waste" may also be examined from the standpoint of the chemical agents themselves. Even though GB and VX are used in training at the facility, they are not specifically *listed* as a hazardous waste or as an *acute toxic waste* under RCRA. Another chemical agent, *Phosgene*, does appear on the list of *acutely hazardous chemicals.*

Phosgene (COCL2, synonym Carbonyl Chloride), is a colorless, oderless poison gas. It is commonly found in commerce being used to manufacture dyestuffs based on coal tar and urea. It is also used in metallurgy and in the manufacture of insecticides and pharmaceuticals. The National Institute of Occupational Safety and Health (NIOSH) estimates that more than 10,000 workers have occupational exposure to Phosgene during its manufacture and use. Unprotected workers who may be exposed to Phosgene can suffer lethal effects.

According to FM 3-9, Potential Military Chemical/Biological Agents and Compounds, Phosgene is grouped with GB and VX under "Chemical Agents and Their Properties." Thus, the RCRA listing of Phosgene , which the Army considers a chemical agent with lethal properties like GB and VX, is a recognition of its potential lethal properties. The same reasoning, one would presume, would be applicable to GB and VX irrespective of the fact that GB and VX are not commonly found in commerce nor are they listed hazardous materials under RCRA. However, their failure to be listed does not mean that they are not hazardous.

Additionally, the possible hydrolysis products of the decontamination process should be considered. The contaminated objects used for training are treated with a water wash incorporating the Army's standard decontamination solution DS2. When VX undergoes hydrolysis, toxic products/gases form at a pH of 7 to 10. These products are listed in the above referenced Army manual, FM 3-9, Dec 1990, on page 24. This information then may be used to fit the definition of the hazardous characteristic of ***reactivity*** as found in 40 CFR 261.23. Some of the specific toxic products produced include:

- Diethyl methylphosphonate
- ethyl hydrogen methylphosphonate
- 2-diisopropylaminoethyl mercaptan
- bis (ethylmethylphosphonic) anhydride
- bis S-(2-diisopropyl-aminoethyl) methylphosphonodithioate

The Army is responsible under RCRA Subtitle C as a "generator" to determine if in fact it is generating "hazardous solid waste" (40 CFR 262.11). See definitions. If so it must notify EPA under RCRA section 3010. A "Generator" is the owner/operator of a facility who first creates a hazardous waste and who first subjects the waste to regulation.

There are several classes of "generators":

- Large Quantity Generator, (LQG).

  Produces more than 1,000kg/mo of hazardous waste or more than 1kg/mo of acutely hazardous waste.

- Small Quantity Generators (SQG).

  Produce more than 100 kg but less than 1000 kg of hazardous waste/mo without accumulating more than 6,000 kg at any one time or produces less than 1 kg of acutely hazardous waste/mo without accumulating more than 1 kg at any one time.

- Conditionally Exempt Small Quantity Generator, (CESQG)

Produces less than 100 kg/mo of hazardous waste and less than 1 kg/mo of acutely hazardous waste. They are still required to identify their waste, if it is hazardous, by complying with part 262.11; they cannot accumulate more than 1,000 kg of hazardous waste at any one time; and can treat, or dispose of the hazardous waste on or off-site.

The term *Acute Hazardous Waste* implies an immediate danger and small doses can be fatal to humans if ingested, inhaled, or absorbed through the skin. All such wastes are listed with a generic "P" code in 40 CFR 261.33. Mercuric Cyanide is listed on the Army's CDTF Hazardous Waste Analysis Generation report (date not specified). Cyanide, not otherwise specified, is listed with a "P" code of P030. The total amount listed as generated in one year is 90 lbs. or a bit more than 7 lbs/mo (3.2 kg/mo). Mercuric Cyanide may qualify as an acute hazardous waste.

There are special requirements for hazardous wastes generated by CESQGs. These are found in 40 CFR 261.5. Any CESQG that produces more than 1kg of acute hazardous waste/mo must comply with all requirements of parts 262 through 266, part 268, and part 270 (permits) and 124, and notification requirements under RCRA section 3010.

If it is determined that the Army does not produce any "acute hazardous waste" then the hazardous waste that is produced at the CDTF (less than 100kg/mo) may be exempt from full regulation if the procedures in part 262.11 are complied with (see next para). Such waste may be treated (i.e. incinerated) on-site or transported off-site to a treatment, storage, or disposal (TSDF) *provided that*: the TSDF facility is permitted under part 270; it is authorized by a state who has an EPA approved RCRA program for hazardous waste; and the facility has a permit by that state to manage solid waste.

Part 261.11 of 40 CFR specifies the responsibilities of a generator to determine if its generated material is a hazardous waste (must be determined to be a "solid waste" first). The material can be identified as a hazardous waste by:

- determining that it is a "listed" hazardous waste (40 CFR 261.30)

- or that it is "excluded" (40 CFR 261.4 (a) & (b)); but note that a generator can petition the EPA to exclude a listed waste under 40 CFR 260.22

- or if neither listed nor excluded,then having it tested to determine if it exhibits one or more of the of four characteristics listed in 40 CFR 261.20 that would make it hazardous (corrosive, reactive, ignitable, toxic) using the testing stands as listed in this section. For instance, If the extract from the representative sample contains any of the contaminants listed in Table 1 at or above the regulatory level for the 'Toxicity Characteristic' test, then the waste is considered hazardous

- applying knowledge of the hazard characteristic of the waste to the particular process or materials used (the waste stream)

- If identified as hazardous, then the generator must refer to parts 264, 265, and 268 for further exclusion and restrictions

According to AR 200-1 para 6-4 (e)(4) the Director of Engineering and Housing (DEH) is responsible to determine if materials to be disposed of from a installation waste generating facility are in fact hazardous, and what appropriate treatment, storage, and disposal options are appropriate.

AR 200-1 para 6-1 also defines Army policy for managing solid and hazardous waste. This includes complying with all federal, state, and local laws. (Also see para 6-2(7) which includes a reference to generation, treatment, storage, transport and disposal of wastes such as pesticides, hazardous chemical stocks. . . . or *chemical warfare agents* in a manner that protects public health and the environment.)

Mixtures. For any hazardous listed waste that is mixed with a non-hazardous solid waste, the resultant mixture is still considered hazardous. Therefore, the Army could not claim that their solid waste was not hazardous because it mixed mask filters with Chromium (a listed hazardous waste) with for instance, uncontaminated M 8 and 9 paper. (See 40 CFR 261.3)

Waste Derived from Hazardous Waste. Any residue, like ashes, from any treatment, like incineration, of a listed hazardous waste is still considered a hazardous waste unless the generator can demonstrate otherwise that it does not pose a threat to human health and the environment

The residue (such as ash) derived from incinerating Hazardous wastes are not exempt from the definition of hazardous waste unless the owner/operator meet the specific requirements of 40 CFR 266.112. These requirements involve sampling of the residue to ensure that it does not contain, within any 24 hour period, concentrations of any substance listed in appendix VIII of part 261 above the regulatory health-based level. Chromium is one of the substances listed in Appendix VIII (also see the Army's CDTF *Hazardous Waste Analysis* report).

3.2.3 RCRA TSD Facility Permits

Owners/opwerators or facilities that treat, store, or dispose of hazardous waste must obtain a permit under RCRA Subtitle C. There are only a few circumstances that a person can treat, store, or dispose of hazardous waste without a permit. Specific requirements are found in 40 CFR 264.

- a large quantity generator storing waste on-site for less than 90 days
- an SQG who stores waste on-site for less than 180 days
- transporters storing waste at a transfer facility for less than 10 days
- An owner/operator handling conditionally exempt SQG waste

Permit applications for new facilities consist of a part "A" and a part "B". Part A is a standard form requesting general information about the facility. Part B is much more complex, requiring technical detail but there is usually no standard format. In addition, the effects and prohibitions of certain other Federal laws must be considered such as the Endangered Species Act and The National Historic Preservation Act of 1966.

Under Federal law, new facilities must submit parts A and B simultaneously at least 180 days before actual physical construction is anticipated to begin.

Once a draft permit is completed, EPA is required (40 CFR 124) to allow 45 days for written comments. Major construction projects require public notice and EPA must publish a "Fact Sheet" about the proposed facility.

3.2.4 State of Missouri Requirements

3.2.4.1. General

The definitions of *Incinerators* under Missouri law are contained in 10 CSR 10-6.160 (3)(E). These regulations incorporate tougher air pollution standards. *Solid Waste* as defined at 10 CSR 80-2.010 (49) includes all *discarded* material but does not include hazardous waste. All persons must obtain a permit from the MDNR to construct and operate a "Solid Waste Processing Facility" or "Disposal Area" (RSMo 260.205).

Some solid wastes are also hazardous wastes. If this is so, then this fact triggers additional requirements. Missouri follows the regulatory scheme of RCRA (42 USC 6901) in its state regulatory provisions (10 CSR 25).

The Missouri Hazardous Waste Commission has defined *hazardous waste* as "any waste, or combination of wastes. . .

which because of its quantity, concentration, or physical, chemical, or infectious characteristic may cause or significantly contribute to an increase in mortality or. . . illness, or pose a present threat or potential threat to the health of humans or the environment" (RSMo 260.360.10)

State law defines a "*generator*" as anyone who produces waste (RSMo260.360.9). *Waste* is defined as "any material for which no use or sale is intended and which will be discarded. . ."

Each generator has specific responsibilities under the law including *registering* with the MDNR, *segregating* hazardous from non-hazardous and non-compatable waste, and using only *authorized/permitted* TSD facilities (RSMo 260.380.1)

Hazardous waste stored on-site must comply with the provisions of 40 CFR 262 and all waste must be checked to determine if it is a Missouri - listed hazardous waste and stored accordingly ((10 CSR 25-5.262(2)(C)2).

3.2.4.2. Hazardous Waste Permits

Once a waste has been determined to be hazardous, and if the owner/operator wishes to operate a hazardous waste facility, such facility may not be constructed and operated without obtaining a permit from the MDNR (RSMo 260.390(1)-(2) and .395.7). Exemptions are listed in RSMo 260.395.13. Definitions for "treatment', "storage", and "disposal" are similar to the Federal RCRA definitions in 40 CFR 260.10.

Prior to applying for a TSD permit, the owner/operator must file a *letter of intent* to construct and operate such a facility with the MDNR (RSMo 260.395.7). The MDNR must then publish each week for four consecutive weeks the letter of intent in the county where the proposed facility is to be located (RSMo 260.395.7).

Interested persons may request a public hearing in the area affected by the issuance of the permit (10CSR 25-8.010). The MDNR must issue or deny the permit within 180 days from receipt of the application (RSMo 260.395.9) and the TSD permit term cannot be valid for more than 10 years (RSMo 260.395.12).

In addition, a hazardous waste permit may be denied or revoked if the applicant submits insufficient information or fails to disclose relevant information such as possesing technical information but not disclosing it (10 CSR 25-7.207(2)(C).2) Permit holders, upon completion of construction, must submit a *written request* to begin operation of a TSD facility (10 CSR 25-7.270(2)(C).1.B).

Any person aggrieved by a permit issuance, denial, revocation, or modification may file a petition in accordance with the information outlined in paragraph 2.2 above.

3.2.4 Federal Facilities Compliance Act (FFCA)

The FFCA applies only to RCRA and amends it to permit federal, state, or local regulators to impose civil penalties upon the Department of Defense and its service branches for violations of federal, state or local solid and hazardous waste laws. This Act may thus serve as another method to require the Army to comply with RCRA, preparatory to moving the CDTF.

4. *Even if the full complement of required permits are received by the 22 June deadline, the NEPA process may result in extensive and expensive delays, making the move impracticable and thereby affecting mission readiness.*

4.1 Discussion

Even though NEPA does not apply to the BRAC deliberation and decision process, it does apply to the method of implementing those decisions -- such as the relocation of the CDTF.

Under NEPA, the environmental and socio-economic effects of relocating the CDTF must be appropriately analyzed for the receiving installation with specific documentation.

Scenarios that may result in challenges under the NEPA process to relocating the CDTF include:

- Challenges to an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI)
- Challenges to the adequacy of an Environmental Impact Statement (EIS)

4.2 Examples

There are numerous examples of environmental projects that have experienced NEPA difficulties, including:

Ground Wave Emergency Network (GWEN)

This Air Force project was proposed in the mid 1980's to be a low energy communications network for the National Command Authorities. It operated on the low AM band. The system was supposed to have consisted of hundreds of radio towers across the United States. Because the operating frequency was so low, it was considered less vulnerable than other methods of communication to interference, especially electromagnetic pulse bursts, such as those caused by nuclear explosions. During preparation of the EIS, public controversy during scoping meetings and hearings over the health and environmental effects of electromagnetic radiation caused extensive delays and the eventual cancellation of all tower construction in the New England area. Funding was terminated in the early 90's. The system is operational, but on a much-reduced scale.

Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS)

This was a Navy program proposed in the mid 1980's as a method of testing Navy ships and associated electronics for their ability to survive and operate in a severe electromagnetic environment such as that produced during a nuclear blast. Empress I was a land-based tower of low power that rapidly became inadequate as testing progressed. Therefore, a much higher-powered pulse device,Empress II, was proposed to be constructed and then floated on a barge in the Chesapeake Bay. However, during the course of developing the EIS, public outrage became so intense over harmful effects of EMP on aquatic organisms that the project was killed

The intensity and magnitude of public challenges during the NEPA process cannot be underestimated. It should be noted however, that even if the Army applies for and is granted one or more permits (notewithstanding the fact that that they may be challenged), this probably could not be used as an argument that the Army has in some fashion circumvented the requirement to incorporate NEPA early in the planning process - that the granting of a permit(s) is equivelant to not considering the "no action" alternative or any other alternative during the EIS process.

The *decision* to move Ft. McClellan to Ft. Leonard Wood is exempt from NEPA. Even though the *methods* are not exempt, doing an EIS later, with permits in hand,would not be considered inappropriate.

CONCLUSION

The Army's decision to move the CDTF will be very controversial. Relocation efforts will be expensive, likely to take years, and there is a high probability that any permits issued by the 22 June 1995 deadline will be challenged.

There is ample precedent to demonstrate a history of challenge to the permit process for other environmental projects, particularly in Missouri. The probability is also high that there may be other permits that will be required because the Army may be producing hazardous solid waste, and operating a treatment, storage, and disposal facility for these hazardous wastes thus subjecting them to regulation under RCRA and requiring them to apply for and obtain one or more of the Missouri permits which have been discussed. Considering the average processing time involved for some of these permits, it is highly unlikely that any of these permits could be obtained by 22 June 1995. Failure to obtain these permits may also result in legal action.

Using the appeal procedures provided for in Missouri's Administrative Procedures Act, does provide a mechanism for an "aggrieved" person to challenge the adequacy of any issued permits.

As to the probability that the Army is in fact producing hazardous waste as defined in 40 CFR 260.10, we must consider a number of factors but in any case consider that the hydrolysis products of VX are in fact toxic and may be reactive.

The previous statements by David Shorr, Director of the MDNR, that the Army would need a variety of permits but now apparently needs only one,would certainly cause confusion as to what legal standard Missouri is using and whether Missouri officials know exactly what permits are required.

In any event, the challenges that may result during the NEPA process may overwhelm the Army causing extensive and expensive delays. There is also ample precedent that the likelihood of this happening is high.

Military policy, state and local economic cconsiderations political and public relations efforts notwithstanding, the ability of the Army to ultimately comply with environmental requirements in a timely manner should probably be the main focus of decisions as to whether the close Ft. McClellan and move the only Chemical Decontamination Training Facility of its kind to Ft. Leonard Wood, Missouri.

May 3, 1995

MEMORANDUM FOR COMMISSIONER REBECCA COX

SUBJECT: ENVIRONMENTAL PERMITTING AT FORT LEONARD WOOD

Notwithstanding David Shorr's letter of April 18, 1995 to Ms. Creedan, there are matters now pending in Missouri which question the validity of the permits granted and the likelihood that additional required permit requests will be approved by 22 June 1995, if at all.

Two petitions have been filed with the Missouri Air Conservation Commission which challenge the application by the Army for a variance for visible emissions resulting from operating the Smoke Training School (Tab 1 and 2). In addition, a motion to expedite the hearing on the CDTF permit to construct, or in the alternative to stay the permit to construct, has been filed with the Missouri Air Conservation Commission (Tab 3). Finally, a motion of appeal of the Missouri Department of Natural Resource's approval to construct the CDTF has been filed with the Missouri Air Conservation Commission (Tab 4).

In addition to the foregoing, there will be a hearing before the Missouri House of Representatives Energy Committee on 3 May 1995. This hearing will consider the nuclear permitting requirements associated with the proposed location of the Chemical School at Fort Leonard Wood. To our knowledge, no application for a permit for this activity has been sought by the Army, nor does it appear that Missouri officials were aware of the mission before the release of the Secretary of Defense Base Closure recommendations on 28 February 1995. Enclosed is a White Paper concerning Live Agent Nuclear Defense Training at Fort McClellan and the related permits (Tab 5).

It is anticipated that there will be public meetings of Missouri State Environmental Panels on 9, 12, and 25 May 1995. The 12 May hearing is a public hearing in Waynesville, Missouri concerning the fog oil permit; the 25 May hearing is a full Commission hearing to address the CDTF permit to construct and the fog oil permit.

At least one letter, (Tab 6) has been received by Chairman Dixon from Missouri environmental groups, a letter dated April 11, 1995 from the Missouri Coalition for the Environment which raises questions with respect to the accuracy and adequacy of the information provided by the Army in its permit applications, and the adherence of Missouri officials to their own written guidelines and policies.

At Tab 7 are various Missouri media articles and press releases reflecting concern and opposition by Missouri citizens.

BEFORE THE MISSOURI
AIR CONSERVATION COMMISSION

IN THE MATTER OF:	)
	)
WILLIAM A. GIBBS, REBECCA I. GIBBS, AND THE COALITION FOR THE ENVIRONMENT	)
	)
Petitioners,	)
vs.	)
	)
MISSOURI DEPARTMENT OF NATURAL RESOURCES,	)
	)
Respondent.	)

PETITION AND REQUEST FOR A HEARING IN OPPOSITION TO MDNR REQUEST FOR VARIANCE FOR FOG TRAINING EXERCISES AT FORT LEONARD WOOD

Come Now Petitioners, by and through their attorneys, and pursuant to § 643.110(4) RSMo., appeal the decision of the Missouri Department of Natural Resources ("MDNR") to issue a variance to the U.S. Army Engineering Center and Fort Leonard Wood for visible emissions resulting from the operation of an obscurant (smoke) training school at the facility and request the Commission to conduct an evidentiary hearing on the proposed variance. In support thereof, Petitioners state as follows:

1. Petitioners William A. Gibbs and Rebecca I. Gibbs (hereinafter "the Gibbs") are residents of Newberg, Missouri and own real property near Fort Leonard Wood. The Gibbs and their minor children use for recreational purposes the streams and national forest areas adjacent to Fort Leonard Wood and live and recreate within the potential impact area of the proposed smoke training exercises. The Gibbs from time to time visit Fort Leonard Wood and are present on the premises. They will be

adversely affected by the emissions resulting from the smoke training exercises.

2. The Missouri Coalition for the Environment ("Coalition") is a corporation organized and existing under the not-for-profit corporation laws, qualified to do business in Missouri, with its principal office located in St. Louis County, Missouri. The Coalition exists for the purpose of protecting and preserving environmental values in Missouri, and has for years been actively concerned with protecting air quality throughout the state. The Coalition has thousands of members, many of whom seek recreation in floating the Big Piney River, which flows through Fort Leonard Wood, and the Gasconade River, which flows within approximately three miles of the fort, and also in hiking and camping in the Mark Twain National Forest, which surrounds the fort on three sides. The Coalition's interest in protecting and enhancing the quality of the ambient air throughout the state will be adversely affected if the variance is granted. The Coalition members will be adversely affected by the emissions from the fogging operations which are the subject of this variance request, if the variance is granted. The Coalition files this petition on its own behalf and on behalf of its members.

3. The Gibbs and the Coalition are "aggrieved persons" within the meaning of § 643.110(4) in that each Petitioner has a specific and legally cognizable interest in the subject matter of this administrative action, and the decision of the Commission will have a direct and substantial impact on that interest.

4. As part of the base closure and realignment process, the Army has proposed to relocate from its present location in Fort McClellan, Alabama to Fort Leonard Wood, Missouri the United States Army's nuclear, biological and radiological training programs including the Chemical Decontamination Facility and Thermal Treatment Unit ("CDTF") and smoke obscurant training. Approval of such a move by the BRAC Commission is contingent upon the Army obtaining all necessary environmental permits from MDNR.

5. As part of the chemical, biological and radiological training program, the Army intends to conduct fog oil obscurant training exercises. Accordingly, on or about March 1, 1995, the Army submitted to MDNR for approval an Application For Authority to Construct a Static Or Mobil Fog Oil Generators (hereinafter the "Fog Oil Permit") at Fort Leonard Wood.

6. A public hearing on the Fog Oil Permit is scheduled for May 12, 1995 in Waynesville, Missouri.

7. Missouri regulations require that new sources, such as those proposed in the Fog Oil Permit, limit opacity to 20%. The opacity requirements provide regulators with the ability to make instantaneous determinations as to regulatory compliance. See 10 CSR 10-3.080

8. MDNR estimates that opacity from the smoke training will routinely be 100% and has recommended that the Army be granted a variance from Missouri's opacity requirements.

9. Pursuant to 643.110(1) RSMo., the Commission may grant a variance of a rule or requirement only where, upon presentation of adequate proof, the requirement would result in either the

taking of property or the closing and elimination of any business, occupation or activity. Neither of these conditions exist here.

10. Moreover, MDNR's variance request is tantamount to a modification of the State Implementation Plan ("SIP"). Revisions to Missouri's SIP, in addition to EPA approval, require proper notice and the opportunity for a public hearing. MDNR has failed to provide adequate notice and the opportunity for meaningful public comment.

11. Pursuant to 643.110(1) RSMo., no variance may be granted where the effect of that variance would permit the continuance of a health hazard.

12. In its evaluation of the variance request, it appears that MDNR failed to adequately assess the potential threat to health posed by the fog training to nearby residents, Army personnel, or visitors to Fort Leonard Wood and recreational users of the national forest, rivers and streams surrounding Ford Leonard Wood.

13. MDNR apparently failed to address the impact of the proposed blanket variance respecting emissions which extend beyond the immediate training area.

14. Lastly, MDNR failed to assess the impact of such a variance and the fog training exercises on endangered species such as the Indiana bat, the gray bat and the American Bald Eagle, which live and feed in the Fort Leonard Wood area.

WHEREFORE, for all the foregoing reasons, Petitioners respectfully request that the Commission conduct an evidentiary

hearing pursuant to § 643.100 RSMo. concerning the Army's request for a variance from Missouri's opacity requirements and for such other and further relief as the Commission deems just and proper.

GREEN, HENNINGS & HENRY

By: _____

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Attorneys for Petitioners

BEFORE THE MISSOURI
AIR CONSERVATION COMMISSION

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AIR POLLUTION
CONTROL PGM

IN THE MATTER OF:	)
WILLIAM A. GIBBS, REBECCA I. GIBBS, AND THE COALITION FOR THE FOR THE ENVIRONMENT	)
Petitioners,	)
vs.	)
MISSOURI DEPARTMENT OF NATURAL RESOURCES,	)
Respondent.	)

PETITION AND REQUEST FOR A HEARING IN OPPOSITION TO MDNR REQUEST FOR VARIANCE FOR FOG TRAINING EXERCISES AT FORT LEONARD WOOD

Comes now Wendy Pelton, by her attorney, pursuant to § 643.110.4, RSMo., and joins in the petition and request for hearing of William A. Gibbs, et al., on the application of the U.S. Army and Fort Leonard Wood for variance for visible emissions resulting from operation of a smoke training school. Petitioner Pelton resides and owns property a short distance from Fort Leonard Wood. From time to time she drives through the fort. She frequently floats the Big Piney River a few miles from the fort. She will be adversely affected by the emissions resulting from the smoke training exercises. She incorporates by reference the petition of William A. Gibbs, et al.

Wendy Pelton to be added to CDTF Appeal.

GREEN, HENNINGS & HENRY

by Lewis C. Green
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BEFORE THE MISSOURI
AIR CONSERVATION COMMISSION

IN THE MATTER OF:	)
	)
WILLIAM A. GIBBS, REBECCA I. GIBBS,	)
AND THE COALITION	)
FOR THE ENVIRONMENT	)
	)
Petitioners,	)
vs.	)
	)
MISSOURI DEPARTMENT OF	)
NATURAL RESOURCES,	)
	)
	)
Respondent.	)

MOTION TO EXPEDITE OR, IN THE ALTERNATIVE, FOR AN INTERLOCUTORY ORDER STAYING PERMIT TO CONSTRUCT CHEMICAL DECONTAMINATION FACILITY AND THERMAL TREATMENT UNIT

Come Now Petitioners, by and through their attorneys, and respectfully request this Commission to direct the Missouri Department of Natural Resource's ("MDNR") staff and the hearing officer assigned to this appeal to expedite a hearing on the merits of Petitioners' Appeal so as to allow this Commission to determine the matter finally before June 22, 1995. As grounds therefor, Petitioners state as follows:

1. As part of the base closure and realignment process, Fort Leonard Wood seeks to relocate the United States Army's Chemical Decontamination Facility and Thermal Treatment Unit ("CDTF") from its present location in Fort McClellan, Alabama to Fort Leonard Wood, Missouri. Approval of such a move by the BRAC Commission is contingent upon the Army obtaining all necessary environmental permits from MDNR prior to June 22, 1995.

2. Accordingly, on or about March 1, 1995, the Army submitted to MDNR for approval an Application For Authority to

Construct a Thermal Treatment Unit to treat waste generated from a Chemical Decontamination Training Facility. The Army intends to conduct nerve agent training at the proposed facility, as more fully described in Petitioners' Notice of Appeal.

3. On April 11, 1995, MDNR approved the Army's application and issued the permit to construct and subsequently operate the CDTF facility (Permit No. 0495-013).

4. A public hearing was not held prior to MDNR issuing its approval.

5. As set forth more fully in their Notice of Appeal, Petitioners object to MDNR's issuance of the Permit To Construct in that the issuance of the Permit was based upon erroneous and incomplete data submitted by Fort Leonard Wood and was not in compliance with specific requirements of Missouri regulations controlling the permitting of such facilities.

6. On June 21, 1995, the BRAC Commission begins its final evaluation and deliberations and must submit its final recommendation of base closures and realignments to the President by July 1, 1995.

7. So that the BRAC Commission may base its final evaluation and deliberations upon a complete and accurate record as to the status of Fort Leonard Wood's Application and Permit to Construct, Petitioners respectfully request an expedited hearing. Since MDNR has already approved the Permit Application, neither MDNR nor the Army are prejudiced by such a request.

8. Alternatively, Petitioners request that the Commission issue its interlocutory Order staying the effectiveness of Permit

No. 0495-013 until such time as the Commission enters its final Order on this Appeal. Since neither the BRAC Commission nor the President have approved the Army's request to relocate the CDTF, MDNR and the Army would not be prejudiced by such an interlocutory Order.

9. Petitioners and the public at large on the other hand would be severely prejudiced if it is found, as Petitioners contend, that the permit was improperly issued without public hearing and was based on incomplete and inaccurate data. In such an event the BRAC Commission's determination may be final and could result in an imminent and substantial endangerment to human health of the Petitioners and the environment of the citizens of the State of Missouri.

WHEREFORE, for all the foregoing reasons, Petitioners respectfully request that the Commission: (a) direct MDNR to appoint a hearing officer forthwith to determine their appeal; (b) direct the hearing officer to allow expedited discovery, an expedited hearing, and to report his recommendations to the Commission prior to June 20, 1995, or on such other date to allow this Commission to issue its Order on or before June 20, 1995; and (c) issue such other orders or directions as may be required to expedite this Appeal. In the alternative, Petitioners request the Commission to enter its interlocutory Order staying Permit No. 0495-013 until such time as Petitioners' Appeal may be heard.

Respectfully submitted,

GREEN, HENNINGS & HENRY

By: _____

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Attorney for Petitioners

BEFORE THE MISSOURI
AIR CONSERVATION COMMISSION

Omitted from FAX
Permit Application (Exhibit A)
and
Permit (Exhibit B)

IN THE MATTER OF:	)
WILLIAM A. GIBBS, REBECCA I. GIBBS, AND THE COALITION FOR THE ENVIRONMENT	)
Petitioners,	)
vs.	)
MISSOURI DEPARTMENT OF NATURAL RESOURCES,	)
Respondent.	)

NOTICE OF APPEAL OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES' APPROVAL OF APPLICATION TO CONSTRUCT CHEMICAL DECONTAMINATION FACILITY THERMAL TREATMENT UNIT

Come Now Petitioners, by and through their attorneys, and pursuant to § 643.075(6) RSMo., appeal the decision of the Missouri Department of Natural Resources ("MDNR") to issue Permit Number 0495-013 to the U.S. Army Engineering Center and Fort Leonard Wood for the construction and subsequent operation of a Chemical Decontamination Facility and Thermal Treatment Unit (hereafter the "CDTF"). In support thereof, Petitioners state as follows:

1. Petitioners William A. Gibbs and Rebecca I. Gibbs (hereinafter "the Gibbs") are residents of Newberg, Missouri and own real property near Fort Leonard Wood. The Gibbs and their minor children use for recreational purposes the streams and national forest areas adjacent to Fort Leonard Wood and live and recreate within the potential impact area of the proposed CDTF incinerator site. The Gibbs from time to time visit Fort Leonard Wood and are present on the premises. They will be adversely

affected by the emissions resulting from the proposed incinerator.

2. The Missouri Coalition for the Environment ("Coalition") is a corporation organized and existing under the not-for-profit corporation laws, qualified to do business in Missouri, with its principal office located in St. Louis County, Missouri. The Coalition exists for the purpose of protecting and preserving environmental values in Missouri, and has for years been actively concerned with protecting air quality throughout the state. The Coalition has thousands of members, many of whom seek recreation in floating the Big Piney River, which flows through Fort Leonard Wood, and the Gasconade River, which flows within approximately three miles of the fort, and also in hiking and camping in the Mark Twain National Forest, which surrounds the fort on three sides. The Coalition's interest in protecting and enhancing the quality of the ambient air throughout the state will be adversely affected if the permit is upheld. The Coalition members will be adversely affected by the emissions from the incinerator which is the subject of this appeal, if the permit is upheld. The Coalition files this appeal on its own behalf and on behalf of its members.

3. The Gibbs and the Coalition are "aggrieved persons" within the meaning of § 643.075(6) in that each Petitioner has a specific and legally cognizable interest in the subject matter of this administrative action, and the decision of the Commission will have a direct and substantial impact on that interest.

4. On or about March 1, 1995, the Army submitted to MDNR

for approval an Application For Authority to Construct a Thermal Treatment Unit to treat waste generated from a Chemical Decontamination Training Facility ("CDTF") at Fort Leonard Wood in Pulaski County, Missouri. The Army intends to conduct nerve agent training at the proposed facility. Army personnel will identify and decontaminate vehicles and equipment tainted with nerve agents. A copy of Fort Leonard Wood's original application is appended hereto as Exhibit "A".

5. The Army intends to manufacture and use at the CDTF the following nerve agents: GB, VX, and HD. All of these agents are highly toxic and, if mishandled, pose a threat to human health and the environment. Agent GB (Sarin) is a colorless liquid which, when vaporized, is readily absorbed through the skin. It is the same substance implicated in the recent tragedy of the Tokyo subway system, resulting in the death and injuries to hundreds of people. While Agent VX does not volatize as rapidly as agent GB, it is estimated to be 100 times more toxic. Exposure to agents VX and GB can result in death within 15 minutes after exposure to a lethal dose. Agent HD (mustard gas) is a known carcinogen and, when heated, releases toxic fumes. Exposure to lethal doses of HD can result in death within 4 to 6 hours.

6. The operations conducted at CDTF will include identification and decontamination of live nerve agents. The decontamination wastes and potentially contaminated materials include clothing, gas mask filters, laboratory wastes, medical and infectious wastes, air filters and washdown water. Debris

from the training, laboratory and CDTF will be burned in the incinerator.

7. According to the Permit Application, emissions from the incineration process will produce VOCs, carbon monoxide (CO), NOx, sulfur dioxide, particulate matter and toxic substances including Sarin. Through the proposed combustion of the on-site wastes, dioxins and furans will also be emitted. The incinerator will operate 8 hours per day, 250 days per year.

8. The Permit Application is based on 1983 design and on data collected in 1983 and 1985 from operations at Fort McClellan, Alabama, where the Army's CDTF is sited currently. Upon information and belief, the current operations at Fort McClellan differ in many material respects from those described in the Permit Application for Fort Leonard Wood, yet the Army does not intend to change its CDTF operation to revert back to practice that may have been in effect more than a decade ago. The Permit Application is defective in many material respects as it does not accurately and truthfully describe the conditions under which the CDTF will operate at Fort Leonard Wood and, therefore, it needs to be revised and resubmitted. The Permit Application contains incomplete and missing data, lacks sufficient detail and supportive documentation, contains incorrect calculations and omits critical information necessary for the proper construction and operation of an incinerator. The Permit Application is defective and deviates from actual practice at Fort McClellan in at least the following material respects:

(a) inaccurately depicts maximum sulfur emissions from the

Thermal Treatment Unit, the generators and the boilers;

(b) fails to identify infectious waste, blood products drawn at the conclusion of the training period, as being incinerated in the Thermal Treatment Unit;

(c) omits from its supporting diagram a 20 x 10 x 10 foot secondary chamber and two (2) autoclave which treat personal protection equipment ("PPE") contaminated during the nerve gas training;

(d) proposes to use an incinerator designed in 1983 which does not represent the technology currently in use at the CDTF in Fort McClellan, which is what is proposed by the Army for use at Fort Leonard Wood; and

(e) fails to identify hazardous wastes which will be incinerated in the Thermal Treatment Unit.

Numerous other defects are contained in the Application, as will be developed during the hearing of this case.

9. Upon information and belief, the CDTF has the potential of emitting more than 100 tons of pollutants a year.

10. MDNR incorrectly classified the Permit Application as being a "de minimis permit" for which no public hearing requirements are required. In addition, "de minimis permits" are exempt from most regulatory requirements.

11. On March 28, 1995, MDNR staff reviewed the Army's permit application and recommended approval.

12. On April 10, 1995, MDNR approved the Army's application and issued the permit to construct and subsequently operate the CDTF facility. A copy of the Permit to Construct is appended

hereto as Exhibit "B".

13. Had the Fort Leonard Wood Permit Application been accurate, complete and truthful, as required by law, MDNR would have been required to hold a public hearing and would and should have taken different action with respect to the Permit, at the very least requiring a RCRA Part B permit for the incinerator and imposing other special conditions not in the Permit as issued. Because the underlying Permit Application is inaccurate and incomplete, the Permit is invalid.

14. In approving the permit application, MDNR imposed certain Special Conditions including, inter alia, that no hazardous waste be burned in the Thermal Treatment Unit and that emissions from the facility not exceed limits set forth in the approved Permit. Specifically, no detectable limits of GB (Sarin) or VX may be emitted or released from the facility and the Army is prohibited from incinerating gas mask filters containing chromium, a listed hazardous waste under 40 CFR Part 261. Missouri has adopted and incorporated by reference the federal RCRA regulations. See 10 CSR 25-3.260.

15. Some of the materials the Army proposes to incinerate, and which the permit allows the Army to incinerate, are hazardous wastes. Specifically, agent VX is a sulfide bearing material and is a D003 reactive hazardous waste within the meaning of 40 CFR § 261.23(a)(5). Agent VX is absorbed into carbon filters which are then incinerated in the Thermal Treatment Unit. The incineration of these filters account for nearly half of the CDTF's total weight of solid wastes.

16. Upon information and belief, during the course of training Army personnel use nerve agent detectors which utilize pads containing silver nitrate which are then incinerated along which other wastes. Silver is a characteristic listed hazardous waste under 40 CFR Part 261. Upon information and belief, laboratory analysis of pads used at Fort McClellan indicate that the material in question exhibits the characteristic of toxicity using the Toxicity Characteristic Leaching Procedure ("TCLP").

17. In addition, upon information and belief, the Army uses in the CDTF laboratories non-halogenated solvents which are listed hazardous wastes under 40 CFR §261.33. These solvents are then incinerated in the Thermal Treatment Unit.

18. MDNR failed to impose Special Conditions on the use of the nerve agent HD.

19. By manufacturing live nerve agents at the CDTF, the installation is a "chemical process plant" within the meaning of 10 CSR 10-6.020(3)(B)(20), Table 2.

20. Pursuant to 10 CSR 10-6.020(8) (hereinafter "Section 8"), Table 2 installations which have the <u>potential</u> to emit one hundred tons or more of <u>any</u> pollutant are considered major sources of emissions and as such must comply with the requirements of Section 8 and the procedures for public participation set forth in 10 CSR 10-6.060(12) ("Section 12, Appendix B").

21. Section 8 requires, inter alia, pre-application modeling and monitoring, analysis of visibility and air quality impacts projected for the area as a result of general commercial,

residential, and industrial growth, as well as growth associated with the installation and conduct a fisheries and wildlife review.

22. In addition, Section 8 permits must comply with the procedures for public participation which include holding a public hearing prior to issuance of the permit. At such a hearing, any interested party may submit information or materials in opposition to the application.

23. Prior to approving the Permit Application, MDNR failed to hold a public hearing as required by law.

24. Each of the petitioners oppose MDNR's issuance of the Permit To Construct on grounds that they have private rights and/or property interests that will be damaged by the operations at the proposed incinerator site. The injuries that Petitioners presently suffer or may in the future incur as a result of the approval of the Permit and the subsequent construction and operation of the facility including diminished property value, diminished quality of life, detrimental effects upon health, detrimental effect upon quality of the environment and reduced marketability of property.

25. In issuing the Permit, MDNR has failed to (1) properly categorize the installation as requiring an Attainment and Classification Area Permit pursuant to 10 CSR 10-6.060(8); (2) require in the Permit Application monitoring, modeling, visibility analysis, and air quality impact analysis; (3) hold a public hearing as required by Section 12; and (4) determine that the Permit Application submitted by Fort Leonard Wood was

defective, incomplete, inaccurate and deviated from current CDTF operations.

WHEREFORE, for all the foregoing reasons, Petitioners respectfully request the Commission to:

(a) Grant a full evidentiary hearing as required by law, at which time Petitioners may present evidence regarding their appeal.

(b) Enter its Order that the Permit to Construct be denied;

(c) Enter its Order expediting the appeal process to allow this Commission to enter an order prior to June 20, 1995, or alternatively, immediately staying the effectiveness of the Permit and all conditions thereof pending final resolution of this appeal; and

(d) For such other and further relief as the Commission deems just and proper.

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Attorney for Petitioners

WHITE PAPER ON THE LIVE AGENT NUCLEAR DEFENSE TRAINING CONDUCTED BY THE U.S. ARMY CHEMICAL SCHOOL AT FORT McCLELLAN, ALABAMA, WHICH HAS BEEN RECOMMENDED FOR RELOCATION TO FORT LEONARD WOOD, MISSOURI

APRIL 18, 1995

WHITE PAPER ON THE
LIVE AGENT NUCLEAR DEFENSE TRAINING
CONDUCTED BY THE U.S. ARMY CHEMICAL SCHOOL
AT FORT McCLELLAN, ALABAMA,
WHICH HAS BEEN RECOMMENDED FOR RELOCATION
TO FORT LEONARD WOOD, MISSOURI

CHEMICAL SCHOOL'S NUCLEAR DEFENSE OPERATIONS

The United States Army Chemical School at Fort McClellan, Alabama, conducts training and research in nuclear, biological and chemical warfare defense. The nuclear defense portion of the Chemical School training is conducted by the Edwin R. Bradley Radiological Laboratories, consisting of ten laboratories performing separate functions. Eight of the laboratories provide initial entry and professional development live agent nuclear training for:

(a) Chemical Corps soldiers;

(b) Joint services training for Navy, Marines, Air Force, Defense Logistics Agency, On-Site Inspection Agency, and Defense Nuclear Agency personnel; and

(c) Radiation Protection and Safety Training for Department of Defense military and civilian personnel.

The Army nuclear defense facility's two other laboratories provide support for the radiological labs, such as preparing radioisotopes, and safety support for the Chemical Defense Training Facility ("CDTF"), which provides live agent nerve gas chemical training at Fort McClellan.

The Radiological Laboratories contain specially-designed safety features including: a high efficiency particulate air filter system, an interlock system for high nuclear radiation areas, special shielding barriers and double shielded walls, a liquid

waste containment system, a special monitoring and alarm system, a state-of-the-art health physics laboratory, and special use laboratories. The radiological facility covers approximately 11,500 square feet and was completed in 1988 at a cost of approximately $1 million. Decommissioning costs for this facility alone would be approximately $1 million, and replacement cost would be approximately $3 million.

NUCLEAR DEFENSE TRAINING

Fort McClellan is the only Army school capable of providing broad-scope, hands-on training and experience with live radioactive materials for radiation protection and nuclear defense. It is also the only Army facility licensed to conduct live agent radiological identification and decontamination training.

The largest training mission for the radiological labs involves nuclear and radiological training for the Army's Chemical Corps soldiers. During 1994, approximately 4,000 Chemical Corps soldiers, mainly privates and second lieutenants, received training on nuclear agent detection and area and personnel monitoring. Live nuclear agents, including Cobalt 60 and Calcium 45, are used during this training.

The facility also conducts Radiation Protection Officer/ Radiation Safety Officer training. This training includes Department of the Army and Department of Defense civilians, Defense Logistics Agency personnel, and military personnel from the Army, Navy, Air Force and Marine Corps. Each military installation, activity and division is required by federal law to have two

Radiation Protection Officers ("RPO's"). Because of the widespread use of radioactive elements in various military equipment, this requires over 300 military installations and units around the world to have trained RPO's. During 1994, approximately 400 RPO's were trained at Fort McClellan.

RPO's learn identification of particular radioactive isotopes in common use, protective measures, decontamination techniques, transportation requirements for nuclear materials, monitoring and surveying techniques, and various laws and regulations including Title 10 of the Code of Federal Regulations (Atomic Energy Act) and Army and Department of Defense regulations. As part of their training, a number of different types of live radiological agents are used in identification, decontamination, and monitoring exercises.

Fort McClellan's radiological laboratories also conduct radiological training for U. S. State Department personnel assigned to the U.S. On-Site Inspection Agency. This training focuses on protective measures needed to protect American and foreign personnel from radiation exposure during their activities related to nuclear arms treaty compliance and verification inspections.

SUPPORT FOR THE NERVE GAS TRAINING FACILITY

The Chemical School radiological labs also support the nerve gas training conducted at the Chemical Defense Training Facility ("CDTF") at Fort McClellan. The CDTF uses three types of nerve gas detection equipment which contain radioactive source materials: (1) The M8A1 Tactical Chemical Agent Alarm; (2) the Chemical Agent

Monitor ("CAM"); and (3) the Improved Chemical Agent Monitor ("ICAM"). Because these hand-held nerve gas detection devices contain radioactive sources, they are required to be tested every twelve months for radioactive leakage. Consequently, a procedure called a "wipe test" is performed on this equipment. This involves wiping the nerve gas detection equipment with a piece of absorbent cloth and then analyzing the cloth for the presence of radioactive material. Because this detection equipment is used in the CDTF where live nerve gas is present, the detection equipment is potentially contaminated with nerve agent. Since the absorbent cloths used in the wipe test might also be potentially contaminated with nerve agent, the wipe test analysis is conducted on-site at Fort McClellan by the radiological labs. This arrangement avoids having to ship potentially extremely hazardous substances off-site to another installation.

While the M8A1 and the CAM nerve gas detection equipment is licensed under a general Nuclear Regulatory Commission license held by the Army Material Command, as is all other common Army equipment containing radioactive source material, the ICAM is an experimental piece of equipment not yet adopted by the Army. It is used solely at Fort McClellan under the nuclear license held by the radiological laboratory. Consequently, until a new facility receives a nuclear license at Fort Leonard Wood, soldiers would not be able to use the ICAM in their Chemical School training in Missouri.

NUCLEAR REGULATORY COMMISSION LICENSES AT FORT McCLELLAN

The United States Army Chemical School at Fort McClellan currently possesses two Nuclear Regulatory Commission ("NRC") licenses issued by NRC's Region II office in Atlanta, Georgia: (1) a Part 70 special nuclear material license; and (2) a Part 30 nuclear byproduct material license. Both NRC licenses are specific to Fort McClellan. Copies of McClellan's two latest licenses (they are renewed every five years) and an April 5, 1995, letter from LTC Edward Newing, Special Assistant to the Commandant, are attached.

A. Part 70 License No. SNM-1877 (Special Nuclear Material)

The Chemical School has a Part 70 special nuclear material license, because the school has small amounts of Plutonium 239 and Uranium 233 on hand which is used to calibrate the lab's radiation equipment and to train nuclear weapons response teams in the proper calibration of their own equipment. Small amounts of these two nuclear isotopes are needed for this purpose.

B. Part 30 License No. 01-02861-05 (Nuclear Byproduct Material)

The Chemical School also has a Part 30 nuclear byproduct material license for the other radioactive isotopes and the materials exposed to radiation which are used in live agent nuclear training, operation of the laboratory, and research and development. This Part 30 NRC license is a broad-scope license which allows Fort McClellan to possess and use many different radioactive isotopes. There are currently 25-30 different nuclear isotopes in use at the Chemical School's radiological laboratories including: Americium 241, Nickel 63, Cobalt 60, Calcium 45, Cesium 137, Radium 226, Gold 198, Polonium 210, Promethium 147, Strontium 90, Thorium 232, and Hydrogen 3

(tritium). These isotopes, which emit varying amounts of alpha, beta and gamma radiation, are used in training (detection, identification, monitoring and decontamination), support functions, laboratory research and development.

NRC LICENSING REQUIREMENTS AT FORT LEONARD WOOD

The only NRC license currently held by Fort Leonard Wood is a Part 35 license for the Post hospital. Consequently, to move the Army Chemical School's nuclear defense training to Missouri would require additional NRC licenses at Fort Leonard Wood. These licenses could be obtained by two methods: (1) Fort Leonard Wood would have to apply for and receive two new licenses from NRC's Region III office in Lisle, Illinois. (2) Alternatively, the Army Chemical School could apply to the NRC's Region II office in Atlanta to amend its current licenses to add Fort Leonard Wood as a second location on its existing licenses. Under either scenario, however, the plans and design for the new nuclear facilities at Fort Leonard Wood must be included with either NRC application. The process of designing and preparing the plans for a new nuclear facility in Missouri is estimated to take twelve months. To date, no such application has been submitted. Once an application is received by the NRC, estimates of the processing time vary from thirty days to one year. Even then, however, a final Full Operations License would not be issued by the NRC until after the facility at Fort Leonard Wood is constructed and inspected. Engineers from Fort Leonard Wood have optimistically estimated it would take three years at the earliest to design, construct, and

move the Chemical School from Alabama to Missouri. This estimate only takes into account the engineering and construction aspects of the relocation. It does not include any possible and highly probable permitting, bureaucratic, or legal delays.

STORAGE OF LOW-LEVEL RADIOACTIVE WASTE

The Bradley Radiological Labs at Fort McClellan currently produce approximately three 55-gallon drums of Low-Level Radioactive Waste ("LLRW") each year. This LLRW consists mainly of surgical gloves, lab trash, and contaminated clothing and equipment used in training that is no longer serviceable. Normal types of equipment carried by a soldier into a combat situation, including uniforms, gas mask covers, rucksacks, entrenching tools, canteen cups, etc. are contaminated with live agent radioisotopes. These items are then used in training Chemical Corps soldiers in the detection, monitoring, and isolation of nuclear contamination. As the items become unserviceable from repeated use, they must be disposed of as LLRW because they have been contaminated. Other items, such as the air filters removed from the lab's ventilating systems, also become part of the LLRW. This LLRW is segregated by like items into 55-gallon drums. When the drums are full, they are shipped (every two to three years) to the regional LLRW disposal facility at Barnwell, South Carolina.

Only LLRW generators whose states are members of the Southeast Interstate Low-Level Radioactive Waste Management Compact, of which Alabama is a member, may ship their LLRW to Barnwell. While Barnwell is tentatively scheduled to close at the end of 1995, work

on establishing a new Southeast regional LLRW disposal facility in North Carolina is well underway. That new facility is projected to be open by late 1998. If Barnwell closes as scheduled, the LLRW generated at Fort McClellan would have to be stored on-site. In that event, the amount of LLRW currently generated at Fort McClellan could be reduced by half using work reduction and compaction techniques, and that reduced volume of LLRW could be stored for five to seven years using the current storage capacity at Fort McClellan under their Part 30 byproduct material license. Moreover, the Part 30 NRC license at Fort McClellan could not be terminated until the LLRW stored there is removed. While it is possible that the LLRW could eventually be shipped to Fort Leonard Wood if a LLRW storage facility is built and licensed there, that LLRW transfer would require approval of the Southeast Compact Commission.

Fort Leonard Wood, Missouri, is in the Midwest Intrastate Low-Level Radioactive Waste Management Compact, which does not have an LLRW disposal site. In fact, the designated Midwest Compact host state of Ohio does not yet even have legislation in place to designate and construct a site. It is estimated it will be ten to twelve years before a Midwest Compact LLRW disposal facility is open once a site is designated. Consequently, Fort Leonard Wood will have to construct a much larger and much more expensive on-site LLRW storage facility capable of holding at least twelve to fifteen years of LLRW before the Chemical School could be moved to Missouri.

OBSTACLES TO RELOCATION OF NUCLEAR TRAINING FACILITIES

The process of moving the Radiological Laboratories which are an integral part of the United States Army Chemical School from Fort McClellan, Alabama, to Fort Leonard Wood, Missouri, would be lengthy, complicated and expensive. Two key actions that must occur are: (1) both a new radiological laboratory and an on-site LLRW storage facility must be designed and constructed at Fort Leonard Wood; and (2) NRC licenses must be obtained for the new facilities at Fort Leonard Wood. The design and construction process alone, not including any highly likely permitting, bureaucratic or legal delays, is optimistically estimated to take at least three years.

The process of obtaining the required NRC licenses is inextricably linked to the construction of the new facilities at Fort Leonard Wood. Preparation of a complete 100+ page application alone could take from several months to more than a year. Moreover, final approval from the NRC for Fort Leonard Wood to begin full-scale operations will not come until after construction of the new facility is completed and it has been inspected and approved by the NRC. As a direct example of how long this process can take, the radiological facility at Fort McClellan received its initial Limited Operations License in 1980, but it was not allowed to begin full-scale operations until its facilities were finally completed and inspected by the NRC in 1988.

While it is conceivable that a Limited License could be obtained in less than a year, this would merely allow the storage but not the use of radioactive materials at Fort Leonard Wood;

hence, both the nuclear and chemical training at the Chemical School would be severely degraded. Moreover, the radiological facility at Fort McClellan would have to remain open at least until the facility at Fort Leonard Wood is built and licensed by the NRC merely to accept and store the radioactive materials from Fort McClellan. Only after the radioactive materials have been removed from Fort McClellan and the facility has been decommissioned may that facility close and its licenses be terminated. During the interim years before a radiological facility is fully operational at Fort Leonard Wood, nuclear training operations using radioactive materials would either have to be continued at Fort McClellan or they could not be done at all.

It must also be recognized that the federal law establishing the base closure process mandates that a base selected for closure must be closed within six years of the submission of the list by the President to the Congress. It would be highly speculative at best to presume that a similar nuclear defense training facility could be built, licensed, and in operation at Fort Leonard Wood within six years. To risk closing the Army's only nuclear defense training facility at Fort McClellan without first having the guaranteed ability to conduct similar training and operations at Fort Leonard Wood would pose a severe threat to both the military capability and the national security of the United States.

DEPARTMENT OF THE ARMY
U.S. ARMY CHEMICAL SCHOOL
FORT MCCLELLAN, ALABAMA 36205-5020

REPLY TO
ATTENTION OF

ATZN-CM-SAC (5-10c)

[redacted]

MEMORANDUM FOR TRADOC BRAC OFFICE, ATTN: ATCS-OR

[redacted]

1. This memorandum forwards information requested in TRADOC (ATCS-OR) memo dated 30 Mar 95, subject: Congressional Request - Permits.

[redacted] Next under, is a full list including permit numbers, dates, issuing agencies, and general conditions. The last set of documents are copies of the two Nuclear Regulatory Commission (NRC) licenses for radiological material used at the Chemical School. [redacted]

3. Point of Contact is LTC Newing, DSN 865-6228, Fax DSN 865-6786.

FOR THE COMMANDANT:

Encls

EDWARD W. NEWING
LTC, CM
Special Assistant to the Commandant

CF: Strategic Plans Office, ATZN-SP

Corrected Copy

MATERIALS LICENSE

Amendment No. 9

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Ti Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 39, 40 and 70, and in reliance on statements and representations here made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and s nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such m to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the cond specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations and orders of the N Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	
1. Department of the Army U.S. Army Chemical School	In accordance with letter received January 22, 1991 3. License number SNM-1877 is amended in its entirety to read as follows:
2. Fort McClellan, Alabama 36205-5020	4. Expiration date May 31, 1996
	5. Docket or Reference No. 070-02934

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that license may possess at any one time under this license
A. Plutonium 239	A. Plated alpha sources (Eberline Model S94-1 or AN/UDM-6)	A. 12.5 microcuries (200 microg
B. Uranium 233	B. Plated alpha sources (Oak Ridge National Laboratory custom stainless steel plates)	B. 24 microcuries (25 milligra

9. Authorized use

A. and B. To be used for instrument calibrations and in the training of students.

CONDITIONS

10. Licensed material shall be used only at the U.S. Army Chemical School, Fort McClellan, Alabama.

11. A. The Radiation Safety Officer for the activities authorized by this license is John W. May.

    B. Alternate Radiation Safety Officers are Dr. Charles Sondhaus, Juan A. Torres, and James V. Landingha

12. Licensed material shall be used by, or under the supervision of, individuals trained as specified in the letter w attachments received January 22, 1991. The licensee shall maintain records of individuals designated as users.

13. A. Sealed sources designed to emit alpha particles shall be tested for leakage and/or contamination intervals not to exceed 3 months.

    B. In the absence of a certificate from a transferor indicating that a leak test has been make within s months prior to the transfer, a sealed source received from another person shall not be put into use un tested.

(continued) CONDITIONS

13. C. Sealed sources need not be leak tested if:

(1) they contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material; or

(2) They are not designed to emit alpha particles, are in storage, and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source stored for a period of more than 10 years without being tested for leakage and/or contamination.

D. The test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, the source shall be removed from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the date the leak test result is known with the U. S. Nuclear Regulatory Commission, Region II, Division of Radiation Safety and Safeguards, Nuclear Material Inspection Section, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30323. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.

E. Tests for leakage and/or contamination shall be performed by the licensee or by other persons specifically licensed by the Commission or an Agreement State to perform such services.

14. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 2 years from the date of each inventory.

15. The licensee shall maintain records of information important to safe and effective decommissioning at its location specified in Condition 10 in accordance with the provisions of 10 CFR 70.25(g) until this license is terminated by the Commission.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License number SNM-1877
Docket or Reference number 070-02934

Corrected Copy

Amendment No. 9

(continued) CONDITIONS

16. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance wit the statements, representations, and procedures contained in the documents including any enclosures, listed belov The Nuclear Regulatory Commission's regulations shall govern unless the statements, representations an procedures in the licensee's application and correspondence are more restrictive than the regulations.

A. Letter received January 22, 1991
B. Letter May 29, 1991

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

SANDRA W. BUTLER

Date JAN 03 1994

By Sandra W. Butler
Region II, Nuclear Materials Licensing Section
101 Marietta Street, Suite 2900
Atlanta, GA 30323

NRC FORM 374
(10-89)

U.S. NUCLEAR REGULATORY COMMISSION

MATERIALS LICENSE

Amendment No. 13

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 39, 40 and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	
1. Department of the Army U.S. Army Chemical School	In accordance with application dated November 29, 1990 3. License number 01-02861-05 is amended in its entirety to read as follows:
2. ATZN-CM-AHP Fort McClellan, Alabama 36205	4. Expiration date February 28, 1997
	5. Docket or Reference No. 030-17584

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Any byproduct materials with atomic number 3-83, inclusive	A. Any	A. Not to exceed 100 millicuries per radionuclide and 3 curies total, additionally see Condition 16
B. Cesium 137	B. Sealed sources (3M Model AF6S)	B. Not to exceed 500 millicuries per source and 2 curies total
C. Cesium 137	C. Sealed sources (UDM-1A)	C. 120 curies
D. Hydrogen 3	D. Any	D. 1 curie
E. Americium 241	E. Plated sources	E. Not to exceed 1 microcurie per source and 10 microcuries total
F. Polonium 210	F. Plated sources	F. 1 microcurie

9. Authorized Use:

A. through F. For research and development as defined in 10 CFR 30.4, and for instruction of personnel in the safe use and measurement of ionizing radiation.

CONDITIONS

10. Licensed material shall be used only at The U.S. Army Chemical School, Building 1081, Fort McClellan, Alabama except one Cesium 137 sealed source of 500 millicuries may be used in the licensee's Alpha Field for instructional purposes.

11. The Radiation Protection Officer for the activities authorized by this license is John W. May, and in his absence Juan A. Torres, or James V. Landingham.

12. Licensed material shall be used by, or under the supervision of individuals designated by the licensee's Radiation Safety Committee and trained in accordance with the application dated November 29, 1990 and the letter with attachments dated February 6, 1992. The licensee shall maintain records of the training and experience of individuals designated as authorized users.

13. A.(1) The source(s) specified in Item 7, shall be tested for leakage and/or contamination at intervals not to exceed 6 months. Any source received from another person which is not accompanied by a certificate indicating that a test was performed within 6 months before the transfer shall not be put into use until tested.

(2) Notwithstanding the periodic leak test required by this condition, any licensed sealed source is exempt from such leak tests when the source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material.

B. Any source in storage and not being used need not be tested. When the source is removed from storage for use or transfer to another person, it shall be tested before use or transfer.

C. The test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, the source shall be removed from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the date the leak test result is known with the U. S. Nuclear Regulatory Commission, Region II, Division of Radiation Safety and Safeguards, Nuclear Material Safety Section, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30323. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.

D. Tests for leakage and/or contamination shall be performed by the licensee or by other persons specifically licensed by the Commission or an Agreement State to perform such services.

14. Sealed sources containing licensed material shall not be opened by the licensee.

15. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under this license. Records of inventories shall be maintained for 2 years from the date of each inventory.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License number 01-02861-05

Docket or Reference number 030-17584

Amendment No. 13

continued

CONDITIONS

16. The licensee is authorized to hold radioactive material with a physical half-life of less than 65 days for decay-in-storage before disposal in ordinary trash provided:

   A. Radioactive waste to be disposed of in this manner shall be held for decay a minimum of 10 half-lives.

   B. Before disposal as normal waste, radioactive waste shall be surveyed to determine that its radioactivity cannot be distinguished from background. All radiation labels shall be removed or obliterated.

17. The licensee shall maintain records of information important to safe and effective decommissioning at the location specified in Condition 10 pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.

18. In addition to the possession limits in item 8, the licensee shall further restrict the possession of licensed material as follows:

   A. For unsealed sources, to quantities less than 10^5 times the applicable limits in Appendix C, 10 CFR 20 as specified in 10 CFR 30.35(d) and

   B. For sealed sources, to quantities less than 10^{10} times the applicable limits in Appendix C, 10 CFR 20 as specified in 10 CFR 30.35(d).

19. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents including any enclosures, listed below. The Nuclear Regulatory Commission's regulations shall govern unless the statements, representations and procedures in the licensee's application and correspondence are more restrictive than the regulations.

   A. Application dated November 29, 1990

   B. Letter dated August 29, 1991

   C. Letter with attachments dated February 6, 1992

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

EARL G. WRIGHT

Date FEB 12 1992

By Earl G. Wright

Region II, Nuclear Materials Safety Section
101 Marietta Street, Suite 2900
Atlanta, GA 30323

Effective Citizen Action Since 1969

Missouri Coalition for the Environment

6267 Delmar Boulevard, Saint Louis, Missouri 63130 (314) 727-0600, FAX: (314) 727-1665

April 11, 1995

The Honorable Alan Dixon
Chairman
The Defense Base Closure and Realignment Commission
c/o Rosemont Convention Center
9301 West Brynn Mawr
Rosemont, Illinois 60018

RE: **Relocation of U. S. Chemical School from Alabama to Missouri**

Dear Chairman Dixon:

The intent of this letter is to call to the attention of the BRAC the fact that our review of the permit applications submitted to the Missouri Department of Natural Resources (MDNR) for construction of new sources of air contaminants associated with the relocation of the U. S. Army Chemical School has found the applications seriously flawed. These applications demand careful, deliberate scrutiny by MDNR officials in accordance with both the letter and spirit of all applicable laws and regulations which protect the environment of our state and nation. After its initial review is complete, MDNR should also provide ample opportunity for public review and comment. We seek the assurances of the members of the BRAC that all actions by public agencies regarding relocation of the U. S. Army Chemical School will follow all established regulations and guidelines.

Both of the permit applications filed with MDNR on March 1, 1995 are seriously flawed by incomplete and missing data, lack of detail and supporting documentation, incorrect calculations, and omissions of critical information. These apparent oversights could seriously call into question any conclusions MDNR might reach regarding the type or amount of air contaminant emissions from the proposed sources, or the impact of the emissions on the environment surrounding Ft. Leonard Wood. The applications are for construction permits for air emissions sources from the relocation of the U. S. Army Chemical School from Fort McClellan, Alabama to Fort Leonard Wood, Missouri. One permit application is to construct an incinerator for disposal of chemical decontamination wastes, while the other is to construct oil fog smoke generator units to be used in smoke training exercises.

We want to call to your attention some specific areas where we believe there are potential conflicts between the permit applications and the requirements of Title 10 of the Missouri Code of State Regulations. A discussion of the three air permitting issues that stand out as potential problems follows. It is essential that these potential conflicts be carefully considered and resolved, and not be overlooked in a rush to expeditiously approve the permit applications.

First, the oil fog smoke generators used for military training emit smoke with an opacity far exceeding

20%, which exceeds the opacity limits established by the regulations. The Missouri regulation entitled "Restriction of Emissions of Visible Air Contaminants" (10 CSR 10-3.080) limits emissions from new sources of air contaminants to no more than 20% opacity (Number 1 on the Ringlemann Chart). Military training is not exempted from compliance with this rule.

Second, the permit application does not contain the ambient air quality modeling data required for this emissions source. The permit application for the oil fog smoke generators incorrectly indicates that the only air contaminants emitted by these devices will be Volatile Organic Compounds. This is contradicted by supplementary information contained in the application which indicates that the fog oil used in these units contains zero percent volatiles. In fact, the air contaminant emissions from these units will be predominantly particulate matter (commonly referred to as aerosols). The permit application shows projected emissions of 233 tons per year from the smoke generating units. According to 10 CSR 10-6.060 (Construction Permits Required), permit applications for new air contaminant sources with potential emissions of particulate matter over 50 tons per year are required to contain ambient air quality modeling data in order to determine air quality impacts. No such ambient air quality modeling data was contained in the construction permit application package submitted to MDNR on March 1, 1995.

Third, the estimated emissions outlined in the permit application appear to be represented far below the actual projected emissions, and may require a Prevention of Significant Deterioration of Ambient Air Quality (PSD) permit. The Army's estimate of 233 tons per year of emissions from the fog oil smoke generators was based on a projected annual consumption of 63,000 gallons of fog oil per year. However, the average consumption of fog oil for this purpose at Ft. McClellan over the past five years has been 77,476 gallons per year. Using the methodology of the submitted permit application, an annual usage of 77,476 gallons of fog oil results in 287 tons per year of smoke emissions. In addition, a March 23, 1995 letter to MDNR, the Special Assistant to the Commandant of the U. S. Army Chemical School indicated that potential emissions from the fog oil smoke generators would be roughly double the average of 287 tons per year over the past five years at Ft. McClellan.

We fear that the curiously low emissions estimate of 233 tons per year stated in the permit application might be deliberately underestimated in an attempt to avoid the more rigorous permit application and review process mandated by the federal Prevention of Significant Deterioration of Ambient Air Quality (PSD) provisions (40 CFR Part 52). In this case, PSD permitting requirements would be triggered by 250 tons per year in potential emissions from the smoke generator units. It is worthy of note that if MDNR issues a construction permit limiting fog oil use to 63,00 gallons per year at Ft. Leonard Wood, the Army would be required to prepare and submit an in-depth PSD construction permit application and an Environmental Impact Statement should it ever desire to expand smoke training to the point where emissions exceed 250 tons per year. In order to deter such scenarios, the USEPA (in a June 28, 1989 preamble to a final rulemaking on Approval and Promulgation of Implementation Plans) addressed this issue. **The preamble indicated that if a source obtained a construction permit allowing it to escape PSD preconstruction review as a major new source, primarily with an intent to subsequently construct and begin operation of a major new source without first obtaining a PSD permit, the source would be viewed as intentionally avoiding preconstruction review. In such cases, USEPA indicated it would consider seeking injunctive relief, civil penalties, and criminal sanctions, from the beginning of actual construction.**

Over the past 25 years, with our active participation, our elected representatives in Jefferson City and

Washington, D. C. have enacted a set of laws aimed at stabilizing the delicate balance between economic development and protection of our air, land, and water resources. These laws, and the regulations promulgated under their authority, have been carefully crafted to ensure that each potential source of air and water contamination is deliberately studied to determine its long-range consequences to our environment before permits are granted allowing its construction. We seek the assurances of the BRAC that the State of Missouri's Department of Natural Resources (MDNR) will closely follow its written guidelines and policies when considering the applications for permits to construct two new sources of air contaminant emissions which are associated with the relocation of the Army Chemical School to Ft. Leonard Wood.

Yours sincerely,

R. Roger Pryor

R. Roger Pryor
Executive Director
Missouri Coalition for the Environment

cc The Honorable Mel Carnahan, Governor of Missouri
Mr. David Shorr, Director, Missouri Department of Natural Resources
Mr. Dennis Grammis, Regional Administrator, Region VII, USEPA
Defense Base Closure & Realignment Commission, 1700 North Moore Street, Suite 1425, Arlington, VA 22209

PEER
People
for Enforcing
Environmental Regulations

Contact: Odie Dickens
(314) 635-8694
or
Dana Spitzer
(314) 821-6979

For Immediate Release
April 27, 1995

Missouri Environmental Experts Express Concern About Permits and Procedures for Fort Leonard Wood

(Jefferson City, MO) -- Three Missouri environmental experts, including two former officials of the state's environmental agencies, today expressed concerns about the Missouri Department of Natural Resources' (MDNR) handling of environmental permits relating to proposed facilities at Fort Leonard Wood in the central Missouri Ozarks. The permits relate to the Army's proposed move of its chemical warfare training school to Fort Leonard Wood from Fort McClellan, Alabama.

MDNR actions for which concern was expressed include: the haste with which two permits have already been approved; the issuance of two permits based upon inaccurate and incomplete information in the Army's permit applications; the approval of the permits without full information having been presented to Missouri citizens; and the Army's application for a variance (waiver) to the state's environmental standards relating to an additional permit that would allow the Army to spew thousands of gallons of petroleum-based chemical fog oil into the Ozark air.

The Missouri Coalition for the Environment and individuals residing near Fort Leonard Wood filed requests with the Missouri Air Conservation Commission today for hearings in connection with the Army's permit applications. These requests included:

- an Appeal of MDNR's approval of the air construction permit which would allow the Army to construct a facility to manufacture, store and use live nerve gas, as well as incinerating nerve gas-contaminated waste; and

- a Petition asking for a hearing on the Army's request for a variance (waiver) of Missouri's air pollution standards for fog oil training exercises at Fort Leonard Wood.

Appearing before the Air Commission were: Bob Schreiber, an environmental engineer and former state Director of Environmental Quality; Lewis Green, an environmental attorney and former chairman of the Air Conservation Commission; and Roger Pryor, executive director of the Missouri Coalition for the Environment, one of Missouri's leading environmental organizations.

-more-

These experts asked the Commission to schedule public hearings on the environmental permit applications and to provide a more thorough review of environmental issues associated with the chemical warfare training facility, which includes nuclear and biological warfare training, and the use of live nerve gas.

"The State owes the public a more detailed accounting of information involving these permits," Green told the Commission. "We could be rushing into something here that we may eventually regret. The procedures exist for a reason and must be carefully followed, otherwise we will have no idea whether the facility is safe for people and the environment, or not."

Schreiber said it was highly unusual - and maybe unprecedented - for environmental permits involving such sensitive materials to be issued as quickly as the MDNR acted on the Army's permit applications. "It normally takes nine to 18 months for Missouri businesses to receive environmental permits," Schreiber said.

Pryor stressed the importance of following established procedures. "It is important that all procedures be fully followed in evaluating the Army's permit applications," Pryor said. "All the facts must be brought out so the people of Missouri will know exactly what is being planned and have an opportunity to be heard before the Commission makes a final decision."

The MDNR issued two permits April 11 and released a third for public comment on the proposed Fort Leonard Wood training project. The Army applied for the permits March 1.

One permit allowed construction of a chemical decontamination training facility. The facility includes an incinerator which will be used to destroy wastes associated with this facility, including clothing, waste water and other materials. The facility will involve the use of live nerve gas.

A second permit covers water discharges. The department also gave preliminary approval for a fog oil permit. But later it asked the Air Commission for a variance for the fog oil permit because the fog used during training would exceed standards allowed by state law. The variance request was on Thursday's Commission schedule, even though no public notice had been issued that the Army was seeking a variance.

Green, who filed an appeal of the department's permit for an incinerator, said the permit application was based on data from 1983 and 1985 from operations at Fort McClellan. But the current operations at Fort McClellan differ in many respects from those described in the application. Furthermore, the training at Fort Leonard Wood would differ in many respects from that described in the application, he said.

For example, Green pointed out that the application proposed to use an incinerator designed in 1983, rather than a modern state-of-the-art facility. It also does not identify many of the hazardous wastes to be burned at the incinerator.

-more-

The incinerator is likely to emit more than 100 tons of pollutants a year, but its permit application was classified "deminimis" in order to avoid a public hearing, Green said.

"This facility requires a public hearing. We just don't know enough yet about what will be going on there," Green said, noting that nuclear and biological training wastes will also be produced at the training center.

Green, Schreiber and Pryor also asked the Commission not to allow a variance to the Army's air permit without a required public hearing.

People for Enforcing Environmental Regulations (PEER) is part of the Missouri Environmental Trust, dedicated to ensuring that the Army's applications for permits to construct and operate a nerve gas facility and a fog oil training center at Fort Leonard Wood are given a full, careful review. In addition, the organization seeks to provide the public with complete and accurate information and an opportunity to be heard before final decisions are made. The Chemical School which the Army proposes to locate at Fort Leonard Wood includes what is called NBC Training -- nuclear, biological and chemical training.

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Jefferson City Post-Tribune

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OL. 130, NO. 56 JEFFERSON CITY, MISSOURI FRIDAY AFTERNOON, APRIL 28, 1995

Environmentalists fight plan to move chemical training to Fort Wood

The Associated Press

Rebecca Gibbs worries that a thick, white oil-based fog might some day float through the air and into her back yard from nearby Fort Leonard Wood.

"What I hear is that it coats things when it settles to the earth – the grass, the trees, the streams, the bugs, my kids," Ms. Gibbs said. "I have no idea what the potential effects could be."

So Ms. Gibbs contacted an environmental attorney to try to delay a plan to move the Army's only chemical defense training base from Fort McClellan, Ala., to Fort Leonard Wood in southern Missouri.

On Thursday, Gibbs and an environmental group filed petitions with the Department of Natural Resources alleging that the Army failed to assess the "potential threat to health" posed by the fog used in its training.

Army officials said those concerns have no validity.

As for the oil-fog sprayed from jeep-bound canisters: "I've observed it, I've walked through it, and it has no effect at all," said Fort Leonard Wood environmental chief Scott Murrell.

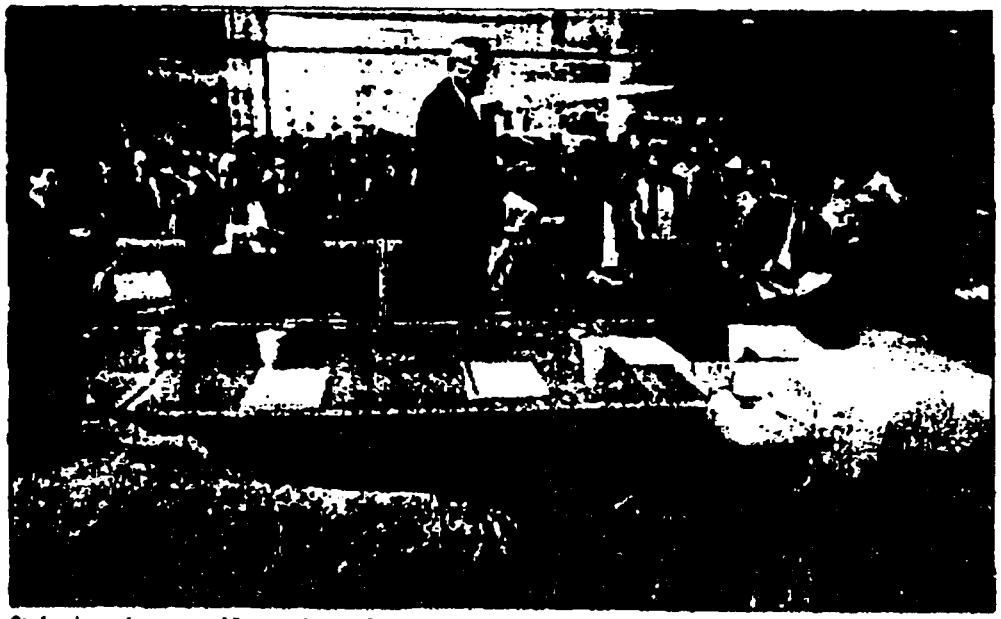
The Coalition for the Environment also is appealing a state permit issued April 17, giving the Army the go-ahead to build and operate an incinerator that would burn chemically decontaminated materials. Environmentalists want the permit overturned until a public hearing is held.

Approval of both permits is vital to proceed with moving the Army's chemical school to Missouri. The federal Base Closure and Realignment Commission plans to make its final recommendations to President Clinton by July 1.

If the commission doesn't have the state permits approved by June 22, "they cannot consider the recommended move," said Fort Leonard Wood spokesman Brad Rose.

During a meeting Thursday with state environmental officials, Army officials stressed the need for quick action on their requests.

"This is essential for the defense of the country and it does need to be done," Murrell said.



St. Louis environmental lawyer Lewis Green presses his case to the Air Conservation Commission. AP

The base relocation would bring an additional 4,200 soldiers yearly to Fort Leonard Wood, plus 1,800 permanent jobs and 400 civilian jobs, Rose said. It also could pump up to $150 million in salaries and construction contracts into the state economy, he said.

But environmentalists and nearby residents fear the new mission could spew tons of contaminants.

Among the chemicals used in Army training is Sarin, the colorless vapor that recently killed 10 people and injured hundreds more on a Tokyo train.

Army officials said concerns about a similar disaster in Missouri are unwarranted.

Murrell said Sarin and other nerve gases only are produced in small quantities and are kept inside at all times. Furthermore, polluted materials are decontaminated before being incinerated, he said.

The petitions filed Thursday allege that the Army underestimated the incinerator's potential sulfur emissions, failed to identify some waste products to be burned and overlooked the oil-fog's potential effect on endangered species, such as the bald eagle and Indiana bat.

See FT. WOOD, page 8

MAY-03-1995 12:07 FROM ENGER & SINGER TOTAL P.02

☆Ft. Wood

From page one

"This is serious business. We're talking about nerve gases, biological agents and chemicals," environmental attorney Lewis Green said in a session with three members of the Missouri Air Conservation Commission. A formal hearing before the commission was canceled Thursday because four of its seven members were absent.

"We're not trying to stop the darn thing. We're trying to get information out to the public," Green said.

Commission chairman Harriet Beard said the panel will "take the concerns under advisement" and try to reach some decision by June.

Officials at the Department of Natural Resources, which grants the permits, said they already had done a thorough job of evaluating the permit applications.

"Some of the stuff they brought up we've already talked about with our staff. It's not an issue," said Roger Randolph, director of DNR's air pollution control program.

Commissioners and DNR employees plan to hear public comments about the oil-fog training on May 12 in Waynesville, near Fort Leonard Wood. A hearing about the state waiver is set for May 25 in Kansas City.

In response to the petitions, an appeal hearing also must be held on the incinerator permit. No hearing date has been set.

BARRY PAUL STEINBERG
ATTORNEY AT LAW

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May 18, 1995

Ms. Madelyn R. Creedon, General Counsel
Defense Base Closure and Realignment Commission
1700 North Moore Street, Suite 1425
Arlington, Virginia 22209

Subject: Environmental Permitting at Fort Leonard Wood, Missouri

Dear Ms. Creedon:

As we have discussed previously, serious questions exist with respect to the environmental permits required by Missouri and the United States, in order for the Army's Chemical School, currently located at Fort McClellan, Alabama, to move to Fort Leonard Wood, Missouri. Notwithstanding the representations made by Army officials and the Missouri Department of Natural Resources, the permit process is fraught with procedural and substantive errors. You are already aware of some of these.

As a result of the accelerated consideration of these matters by the Missouri Department of Natural Resources, the review process and public participation have been compromised. While speedy consideration is laudable, there has been a failure by the permit applicant to provide an accurate description of the waste stream, and an unwillingness by Missouri officials to undertake an independent evaluation of the waste stream.

Under such circumstances, the RCRA permit potential has not been properly addressed. I expect to provide you with an analysis of the waste stream in the very near future.

Enclosed is an analysis of the permits required, the status of such permits, and the procedural avenues which are being pursued or may be pursued by aggrieved parties in Missouri. In addition, there are non-permit issues which are addressed, because the Army has chosen to ignore them or defer them until after the Base Closure process is completed.

I am available to address these matters further, should you desire. You can reach me at any of the phone numbers on my letterhead.

Sincerely,

Barry P. Steinberg

BPS/rs

Enclosures: 1. CURRENT STATUS OF ENVIRONMENTAL PERMITS FOR RELOCATION OF THE ARMY'S CHEMICAL SCHOOL TO FORT LEONARD WOOD, MISSOURI -- May 17, 1995

2. Attachments: Tabs A-F

CURRENT STATUS OF ENVIRONMENTAL PERMITS FOR
RELOCATION OF THE ARMY'S CHEMICAL SCHOOL TO
FORT LEONARD WOOD, MISSOURI
May 17, 1995

I. HOW MANY PERMITS ARE REQUIRED?

A. David Shorr, Director of the Missouri Department of Natural Resources ("MDNR"), in separate letters to the BRAC Commission on May 19, 1993, and to Secretary of Defense Perry on December 23, 1994 *(Tab A)* wrote that <u>four</u> State-issued environmental permits are needed: two air permits, one water permit and one hazardous waste incinerator permit.

B. MDNR Director Shorr in testimony before the BRAC Commission on April 12, 1995, stated that only <u>three</u> permits are needed from the State: two air permits (incinerator and fog oil) and one water permit.

C. Col. Anders B. Aadland, Chief of Staff for Fort Leonard Wood, in a letter to U.S. Congressman Glen Browder dated April 5, 1995, *(Tab B)* stated that Fort Leonard Wood had submitted applications to MDNR for <u>four</u> State permits: an air permit for the CDTF incinerator, an air permit for fog oil smoke training, a stormwater permit and a hazardous waste permit for the CDTF.

D. Based on a detailed analysis of how the Chemical School operates at Fort McClellan, an analysis of Missouri's environmental regulations and information contained in Fort Leonard Wood's permit applications, <u>four</u> environmental permits are needed in Missouri, including a hazardous waste permit for the CDTF incinerator.

II. CDTF INCINERATOR AIR PERMIT.

A. Fort Leonard Wood submitted an application for a <u>permit to construct</u> the CDTF to MDNR on March 1, 1995, based on data and drawings assembled during 1983-1985 on which Fort McClellan's original air permit was issued in Alabama in 1987.

B. MDNR Director Shorr determined that the air emissions from Fort Leonard Wood's CDTF permit application would be *de minimis*, and no public comment period or public hearing was provided by the State on the permit application.

C. MDNR issued a permit to construct the CDTF incinerator on April 10, 1995, conditioned on Fort Leonard Wood conducting and meeting stringent test burns and emission tests after construction of the facility.

D. Special conditions in the Missouri air permit indicate that hazardous waste cannot be burned in the CDTF incinerator, e.g., gas mask filters containing chromium, or materials contaminated with nerve agents (Sarin and VX), etc. Nevertheless, the Review Summary Section of the permit states: "The debris from the training, which can include nerve agents. . . will be burned in the incinerator" (pg. 1) and "While the nerve agents are toxic, they also decompose very rapidly at the temperatures encountered in the incinerator" (pg. 11).

E. Another major discrepancy is that the original June 1, 1987, Alabama air permit used by Fort Leonard Wood to prepare its CDTF permit application in Missouri was withdrawn by the Alabama Department of Environmental Management ("ADEM") on December 17, 1992, when it was replaced by a new air permit on that same date *(Tab C)*. The 1992 permit was issued by ADEM to encompass the dozens of changes and substantive modifications which had been made to the CDTF at Fort McClellan which were not included in Fort Leonard Wood's permit application and are, therefore, not included in the air permit issued by MDNR.

F. EPA-Region VII has indicated that it is concerned when a state regulatory agency says it can issue a permit within such short timetables, and without an opportunity for public review and comment, as was done in Missouri.

G. On April 27, 1995, two individuals and the Missouri Coalition for the Environment filed an appeal of the issuance of the CDTF construction permit before the Missouri Air Conservation Commission. The appeal alleges the air permit was based on incomplete and inaccurate design and operational data, that hazardous wastes will be burned in and emitted from the incinerator, that more than 100 tons/year will be emitted from the incinerator requiring a public hearing process, and numerous other defects. The parties seek denial of the permit and a public hearing on the permit application.

H. On April 27, 1995, the same parties filed a motion with the Missouri Air Commission to expedite and complete the permit appeal process prior to the BRAC Commission decision deadline on June 22, 1995. That motion was opposed by MDNR and was subsequently denied by the Air Commission during a telephone conference call on or about May 9, 1995.

I. The Air Commission's next regularly scheduled meeting is set for May 25, 1995, at which time the Commission is expected to appoint a hearing officer and establish a discovery schedule for the permit appeal. Consequently, the permit appeal process will <u>not</u> be completed before the BRAC Commission's decision date on June 22.

J. The Air Commission's ultimate decision on the permit appeal will be reviewable in the

State circuit court and by the Missouri Court of Appeals. That process typically takes from 18 months to 2 years to complete.

K. In addition, under the requirements of the 1990 Clean Air Act amendments, the CDTF incinerator will also require an operating permit from either the State of Missouri or EPA before it can begin operation. No such permit application has been filed by Fort Leonard Wood with either permitting agency.

III. FOG OIL AIR PERMIT.

A. Fort Leonard Wood submitted an air permit application to MDNR on March 1, 1995, to conduct fog oil smoke training in Missouri without first coordinating with officials at Fort McClellan on the permit requirements in violation of specific instructions from TRADOC to do so.

B. On March 16, 1995, Fort Leonard Wood submitted supplementary information to MDNR modifying their permit application from VOC emissions to PM-10 (particulate) emissions and stating that 63,000 gallons of "light grade mineral oil" will be used per year to generate smoke at Fort Leonard Wood. No permit application for the use of additives in the fog oil or use of obscurants in the smoke training has been submitted by Fort Leonard Wood to MDNR.

C. On March 23, 1995, in response to a request from MDNR, Fort McClellan supplied written information directly to MDNR indicating the Army's average use of fog oil at Fort McClellan over the past five years was over 77,000 gallons per year *(Tab D)*. In addition, Fort McClellan told MDNR that numerous other types of fuel and obscurants are used at Fort McClellan. To date, Fort Leonard Wood has not requested this same information from Fort McClellan, nor have they asked MDNR to include these emissions in their air permit.

D. On April 11, 1995, MDNR issued a proposed air permit to Fort Leonard Wood which limits the Army to the use of no more than 65,000 gallons per year of fog oil. No use of any other type of fuel or obscurants is permitted under MDNR's proposed permit. There is also no mention of the use of anti-freeze type additives which must be mixed with the SGF-2 fog oil (which is 20 weight motor oil, not mineral oil) when the temperature drops below 40° F during the winter months. Numerous Fort Leonard Wood personnel have repeatedly stated publicly in the past two weeks that the air permit will limit them to doing smoke training a maximum of 135 days/year for a maximum of one hour per day. Fort McClellan trains with smoke at least 200 days per year, sometimes as much as 4 to 5 hours per day, depending on weather conditions.

E. On April 24, 1995, Fort Leonard Wood submitted to MDNR an application for a variance from Missouri's State air regulations which impose a maximum 20% opacity limit. The Chemical School's fog oil operations are by design intended to generate a smoke cloud which is 100% effective in obscuring vision. Consequently, Fort Leonard Wood must be granted a variance from the State's air regulations, before the Fort can be issued a fog oil air permit.

F. At the Missouri Air Commission's regularly scheduled meeting on April 27, 1995, the granting of the opacity variance was formally opposed by a number of parties, including three individuals and the Missouri Coalition for the Environment.

G. A required public hearing on the proposed fog oil air permit was held in Waynesville, Missouri, on Friday evening, May 12, 1995. Opposition to the fog oil permit was voiced on the record including individual citizens who are not connected with either the three individual opponents or the Coalition. Formal statements of opposition were also filed by several participants including the Ozark chapter of the Sierra Club.

H. The evidentiary phase of the variance opposition is underway, and numerous depositions of the individual opponents, Fort Leonard Wood personnel, MDNR personnel, and the Coalition's expert witnesses began on May 15 and will be concluded on May 23.

I. The Chairwoman of the Missouri Air Commission appointed herself as hearing officer on the Army's variance request, and that hearing will be conducted on May 25 and 26 following and/or in conjunction with the next regularly scheduled meeting of the Air Commission on May 25.

J. The Air Commission will have to make a decision on the opacity variance before MDNR can issue the air permit for the fog oil smoke operations. Once the Commission makes its decision on the variance, that decision will then be ripe for appeal to State circuit court and the Missouri Court of Appeals, along with a potential request that the issuance of the fog oil air permit be stayed or held in abeyance until the judicial appeal of the variance is decided. That process typically takes 18 months to 2 years to complete, during which time the fate of both the variance and the fog oil air permit will be uncertain.

K. Even presuming the variance is granted and the air permit is issued by MDNR, the issuance of the permit will also be subject to appeal to the Air Commission which will undoubtedly take months beyond the BRAC Commission's June 22 decision deadline.

L. Moreover, the Air Commission's final decision on the air permit appeal will also be reviewable in the State circuit court and by the Missouri Court of Appeals. That process typically takes from 18 months to 2 years to complete.

IV. STORMWATER PERMIT.

A. On January 24, 1994, Fort Leonard Wood submitted a general facility-wide stormwater discharge permit application to MDNR for a number of ongoing activities at Fort Leonard Wood, such as maintenance facilities, fuel storage areas, asphalt plant, airfield operations, landfills, ordnance ranges, etc.

B. On February 17, 1995, MDNR issued Fort Leonard Wood a State operating permit for those discharges, which will be effective for five years in accordance with normal timetables under the Clean Water Act.

C. On March 2, 1995, in a one paragraph letter submission which attached a one page map sketch *(Tabs E and F)*, Fort Leonard Wood requested a modification to the Fort's general stormwater discharge permit to include the proposed fog oil smoke training activities proposed for relocation from Fort McClellan.

D. The very next day, on March 3, 1995, MDNR issued a draft State operating permit modifying the discharge of stormwater from Fort Leonard Wood's operational activities, <u>including</u> the proposed fog oil smoke training activities.

E. On April 4, 1995, MDNR issued a revised State operating permit for stormwater discharges which included fog oil smoke training at several outfalls and additional discharge points at Fort Leonard Wood.

F. On May 3, 1995, three individuals and the Missouri Coalition for the Environment filed an appeal of the issuance of the revised stormwater discharge permit before the Missouri Water Conservation Commission. The appeal alleges that the revised permit does not include necessary control measures required under State law, that the Army failed to seek authority to use flame training and fog oil obscurants which will adversely impact water quality, and that monitoring requirements for heavy metals were not included for discharges into the Big Piney River, along with a number of additional defects in both the Army's application and the permit issued by MDNR. The parties seek denial of the permit by the Water Commission.

G. The next regularly scheduled meeting of the Water Commission is June 21, 1995, the day before the BRAC Commission's June 22, 1995, decision deadline. Consequently, unless the Water Commission decides to deal with this appeal on an expedited basis, the stormwater permit appeal process will <u>not</u> be completed before the BRAC Commission's decision date.

H. The Water Commission's ultimate decision on the permit appeal will also be reviewable in the State circuit court and by the Missouri Court of Appeals. That process typically takes from 18 months to 2 years to complete.

V. HAZARDOUS WASTE PERMIT.

A. As stated in Col. Aadland's April 5, 1995, letter to Congressman Browder, Fort Leonard Wood claims a hazardous waste permit has been filed with MDNR for the CDTF incinerator. However, MDNR has no such permit application on file, and MDNR Director David Shorr now states that a hazardous waste permit is not needed, despite his previous written statements to both the BRAC Commission and to the Secretary of Defense to the contrary.

B. In 1984, the Army filed a RCRA, Part B hazardous waste permit with the Alabama Department of Environmental Management ("ADEM") for the CDTF incinerator at Fort McClellan. However, ADEM decided that it was not necessary at that time for them to issue a permit due to the state of the environmental laws in the mid-1980s. Consequently, the existing CDTF incinerator at Fort McClellan has enjoyed the benefit of the grandfathering provisions in subsequent legislation to avoid the necessity for a RCRA permit. However, a new incinerator at Fort Leonard Wood will be required to meet the more stringent permitting requirements in existing laws. Fort McClellan officials firmly believe that if they were now going through the permitting process for a new CDTF incinerator, a hazardous waste permit would also be required in Alabama.

C. The conditions contained in the CDTF incinerator air permit issued by MDNR clearly state that hazardous waste cannot be burned in the incinerator. However, the Review Summary included in the CDTF air permit states: "Hazardous air pollutants will be emitted from the incinerator, though in minute amounts" (pg. 1).

D. On May 12, 1995, three individuals and the Missouri Coalition for the Environment filed a petition before the Missouri Hazardous Waste Management Commission asking the Commission to prohibit Fort Leonard Wood from constructing and operating the CDTF incinerator without first obtaining a hazardous waste permit. The petition alleges hazardous wastes will be burned in and emitted from the incinerator, and that Fort Leonard Wood has failed to identify the hazardous wastes which will be incinerated because their evaluation is based on outdated information, drawings and operational plans which have been significantly modified by Fort McClellan during the past eight years.

E. The Hazardous Waste Commission's next meeting is set for May 17, 1995, at which time it is expected the Commission will either appoint a hearing officer and establish a discovery schedule on the petition or dismiss the petition.

F. If the Hazardous Waste Commission allows the petition process to go forward, that process will not be completed before the BRAC Commission's June 22, 1995, decision deadline. Moreover, the Waste Commission's ultimate decision on the petition will be reviewable in the State circuit court and by the Missouri Court of Appeals. That process typically takes from 18 months to 2 years to complete.

G. If the Hazardous Waste Commission dismisses the petition, in accordance with Mo. Rev. Stat. § 260.415, any of the parties who filed the petition have the option to immediately file suit for injunctive relief in State circuit court in Missouri.

VI. NUCLEAR PERMITS.

A. One of the vital training components of the Army's Chemical School is the nuclear defense training conducted at Fort McClellan using live nuclear agents. The nuclear training component is included in the proposed relocation to Fort Leonard Wood.

B. The nuclear radiation training facilities at Fort McClellan consist of ten laboratories which utilize 25-30 different radioisotopes, many of which have half lives that last for decades.

C. During the Chemical School's training and testing exercises, the radiation facilities produce low level radioactive waste (LLRW), which averages three 55 gallon drums per year.

D. Because the Chemical School utilizes special nuclear materials and produces LLRW, Fort Leonard Wood will have to obtain two new licenses from the Nuclear Regulatory Commission, a Part 30 license and a Part 70 license. The only NRC license Fort Leonard Wood possesses is a Part 35 license utilized by the base hospital.

E. To date, Fort Leonard Wood has not applied for these two new NRC licenses. In order to do so, the plans and design for the new nuclear facilities at Fort Leonard Wood must be attached to the 100+ page NRC application. The process of designing and preparing those plans is estimated to take 12 months.

F. Once an application is received by the NRC, it can take from 30 days to a year to process, depending on the completeness of the application.

G. Even then, Fort Leonard Wood would have only a Limited Operations License, which would allow only the storage but not the use of radioactive materials. A final Full Operations License would not be issued by the NRC until after the facility at Fort Leonard Wood is constructed and inspected. Optimistic estimates by Fort Leonard Wood engineers

indicate this could take at least three years.

H. As an example of how long this complete licensing process can take, when the Chemical School was moved back to Alabama from Maryland the radiological facility at Fort McClellan received its Limited Operations License in 1980. However, the Chemical School was not allowed to begin full-scale operations until its facilities were finally completed and inspected by the NRC in 1988.

I. During the years before Fort Leonard Wood receives its Full Operations License, nuclear defense training would either have to be continued at Fort McClellan or it would have to be discontinued. Moreover, only after the radioactive materials have been removed from Fort McClellan and that facility is decommissioned by the NRC may that facility close and its two existing licenses be terminated.

VII. ENDANGERED SPECIES.

A. To date the Army has refused to seek consultation with the U.S. Fish and Wildlife Service as required by Section 7 of the Endangered Species Act regarding the impact of this proposed relocation on listed endangered species. Specifically, the American bald eagle and the Indiana and grey bats all reside on Fort Leonard Wood, and a number of scientists are concerned they may be adversely affected by the proposed CDTF facility and/or the Chemical School's proposed fog oil smoke training.

B. Individuals from both the Fish and Wildlife Service and EPA who observed the fog oil tests conducted at Fort Leonard Wood in 1993 voiced their concerns about the impact the fog oil smoke training may have on both endangered species and on human health and safety.

C. Any decision to relocate the Chemical School to Fort Leonard Wood is clearly a federal action within the purview of the Endangered Species Act. As such, Section 7 consultation must be conducted now, <u>before</u> a decision is made by the BRAC Commission. The required consultation cannot wait until some potential NEPA process which "might" occur at some point in the future. Otherwise, the Department of Defense, and perhaps the BRAC Commission itself, will be in violation of the Endangered Species Act and subject to appropriate citizen suits under that Act.

Attachments: Tabs A-F

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR
P.O. Box 176 Jefferson City, MO 65102-0176 (314)751-4422
FAX (314)751-3822

December 23, 1994

The Honorable William J. Perry
Secretary
Department of Defense
The Pentagon
Washington, D.C. 20301

RE: Fort Leonard Wood, Missouri

Dear Secretary Perry:

Enclosed you will find two letters regarding Fort Leonard Wood and the Defense Base Closure and Re-Alignment Commission. The letters relate Missouri's position regarding the transfer of the Chemical School and its Chemical Defense Training Facility (CDTF) from Fort McClellan to Fort Leonard Wood. This letter is to reiterate our position regarding permitting at Fort Leonard Wood.

As expressed in prior letters, the Missouri Department of Natural Resources has indicated that the CDTF is a permitable facility under Missouri law.

As I indicated on June 4, 1993, we anticipate the construction of this facility will require air pollution control, water pollution control and hazardous waste program-related permits. To date, we have not received applications for such permits and eagerly await their submittal so that we can timely review and approve if appropriate.

Missouri is prepared to expedite the review processes for these facilities.

We have an excellent working relationship with the environmental staff at Fort Leonard Wood and the bases' command. Fort Leonard Wood has and continues to demonstrate a commitment to sound environmental stewardship. That relationship certainly will add to our ability to have a prompt review with quick responses.

Should you have any questions, please feel free to contact me directly about any environmental activities at Fort Leonard Wood.

Very truly yours,

DEPARTMENT OF NATURAL RESOURCES

David A. Shorr
Director

DAS:sh

Enclosure

TOTAL P.03

DEPARTMENT OF THE ARMY
HEADQUARTERS
U.S. ARMY ENGINEER CENTER AND FORT LEONARD WOOD
FORT LEONARD WOOD, MISSOURI 65473-5000

REPLY TO
ATTENTION OF

ATZT-CS

5 APR 1995

MEMORANDUM FOR Department of the Army, Office of the Chief of Staff, The Army Basing Study, 200 Army Pentagon, Room 2A684, Washington, DC 20310-0200

SUBJECT: Congressional Inquiry from Congressman Browder

1. As requested by Congressman Browder, environmental permits submitted by Fort Leonard Wood are enclosed as follows:

a. Air permit for the CDTF incinerator

b. Air permit for large area smoke training

c. Installation-wide storm water permit

d. Hazardous waste permit for CDTF

2. As of this date, no official reply has been received from the Missouri Department of Natural Resources regarding any of these permit applications.

FOR THE COMMANDER:

ANDERS B. AADLAND
COL, EN
Chief of Staff

CF (wo/encls):
HQ, TRADOC

ADEM

ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Leigh Pegues, Director

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FAX 340-9359

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(205) 450-3400
FAX 479-2593

Guy Hunt
Governor

December 17, 1992

Department of the Army
U. S. Army Chemical and Military
Police Center and Fort McClellan
Director of Engineering and Housing
ATTN: Environmental Management Division
Mr. Shih-Chi Wang
Fort McClellan, AL 36205-5000

Dear Mr. Wang:

RE: Permit No. 301-0017-Z007 (CDTF)

The enclosed revised Air Permit is issued pursuant to the Department's air pollution control rules and regulations. It reflects the installation of a steam autoclave at the CDTF to recycle Battle Dress Overgarments. Note the conditions which must be observed in order to retain this permit. Please return the original copy of Air Permit No. 301-0017-Z007 dated June 1, 1987 which you presently hold.

If you have any questions or require clarification of permit conditions, please write or call Nathan Hartman at 205/271-7861 in Montgomery.

Sincerely,

Richard E. Grusnick, Chief
Air Division

REG/NH:klh

Enclosure

cc: Doug Lipsey

ADEM

ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

eigh Pegues, Director

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Guy Hunt
Governor

December 17, 1992

Department of the Army
U. S. Army Chemical and Military
Police Center and Fort McClellan
Director of Engineering and Housing
ATTN: Environmental Management Division
Mr. Shih-Chi Wang
Fort McClellan, AL 36205-5000

Dear Mr. Wang:

RE: Permit No. 301-0017-Z007 (CDTF)

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If you have any questions or require clarification of permit conditions, please write or call Nathan Hartman at 205/271-7861 in Montgomery.

Sincerely,

Ronald W. Gregg

Richard E. Grusnick, Chief
Air Division

REG/NH:klh

Enclosure

cc: Doug Lipsey

ADEM

Alabama
Department of Environmental Management

AIR PERMIT

PERMITTEE: U.S. ARMY CHEMICAL AND MILITARY POLICE CENTERS AND FORT MCCLELLAN

LOCATION: FORT MCCLELLAN, ALABAMA

PERMIT NUMBER	DESCRIPTION OF EQUIPMENT, ARTICLE OR DEVICE
301-0017-Z007	Chemical Decontamination Training Facility (CDTF) Incinerator with Wet Scrubber

In accordance with and subject to the provisions of the Alabama Air Pollution Control Act of 1971, as amended, Code of Alabama 1975, §§22-28-1 to 22-28-23 (the "AAPCA") and the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the conditions set forth in this permit, the Permittee is hereby authorized to construct, install and use the equipment, device or other article described above.

ISSUANCE DATE: December 17, 1992

Alabama Department of Environmental Management

March 23, 1995

Special Assistant to the Commandant

Subject: Request Under the Freedom of Information Act

Mr. John A. Young
State of Missouri Department of Natural Resources
Division of Environmental Quality
Post Office Box 176
Jefferson City, Missouri 65102

Dear Mr. Young,

This letter is in reference to your request regarding fog oil use at Fort McClellan, Alabama. The military stock number of fog oil is 9150-00-261-7895. Other data helpful for identification is Fog Oil: 55 gallon drum (81349) MILF12070 Type SGF-2.

year (gallons of fog oil) (variance due to US Army Reserve training flux)

1994 (93,800) 1993 (116,350) 1992 (56,400) 1991 (54,970) 1990 (65, 860)

If this request is the basis for determining air emission calculations, you should be aware of other types of fuel and obscurants used on Fort McClellan. Smoke generators use gasoline to aerosolize fog oil droplets. The consumption rate is 3 1/2 gallons of gasoline per 55 gallons of fog oil.

Other sources include hexachloroethane smoke pots, colored dye smoke grenades, infrared defeating obscurant grenades (brass flakes) and large area infrared defeating obscurants (graphite powder). Millimeter wave obscurants (similar to radar chaff) are expected to be available for use in the next two years. Environmental assessment information for some of these items are enclosed. The "potential to emit" with 20 mobilizing chemical units, would roughly double the gasoline and fog oil totals per year.

Sincerely,

Edward W. Newing
Lieutenant Colonel, U.S. Army
Special Assistant to the Commandant

Enclosures
Environmental Assessments for Red, White, Plasticized White Phosphorus; Dye Colored Smokes; Hexachloroethane (HC) Smoke

DEPARTMENT OF THE ARMY
UNITED STATES ARMY ENGINEER SCHOOL
FORT LEONARD WOOD, MISSOURI 65473-8900

REPLY TO
ATTENTION OF

March 2, 1995

Mr. Tim L. Stallman
Environmental Specialist - Geologist
Water Pollution Control Program
Division of Environmental Quality
Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102-0176

Dear Mr. Stallman

Please review the attached map of Fort Leonard Wood showing locations which have been considered as possible sites for large area smoke training. These areas were considered in 1993 for this type of training and, due to the recent Base Realignment and Closure Commission anouncement, could be used for this activity in the future. As you realize, modifications might be required in the non point source water discharge permit for the installation.

Sincerely,

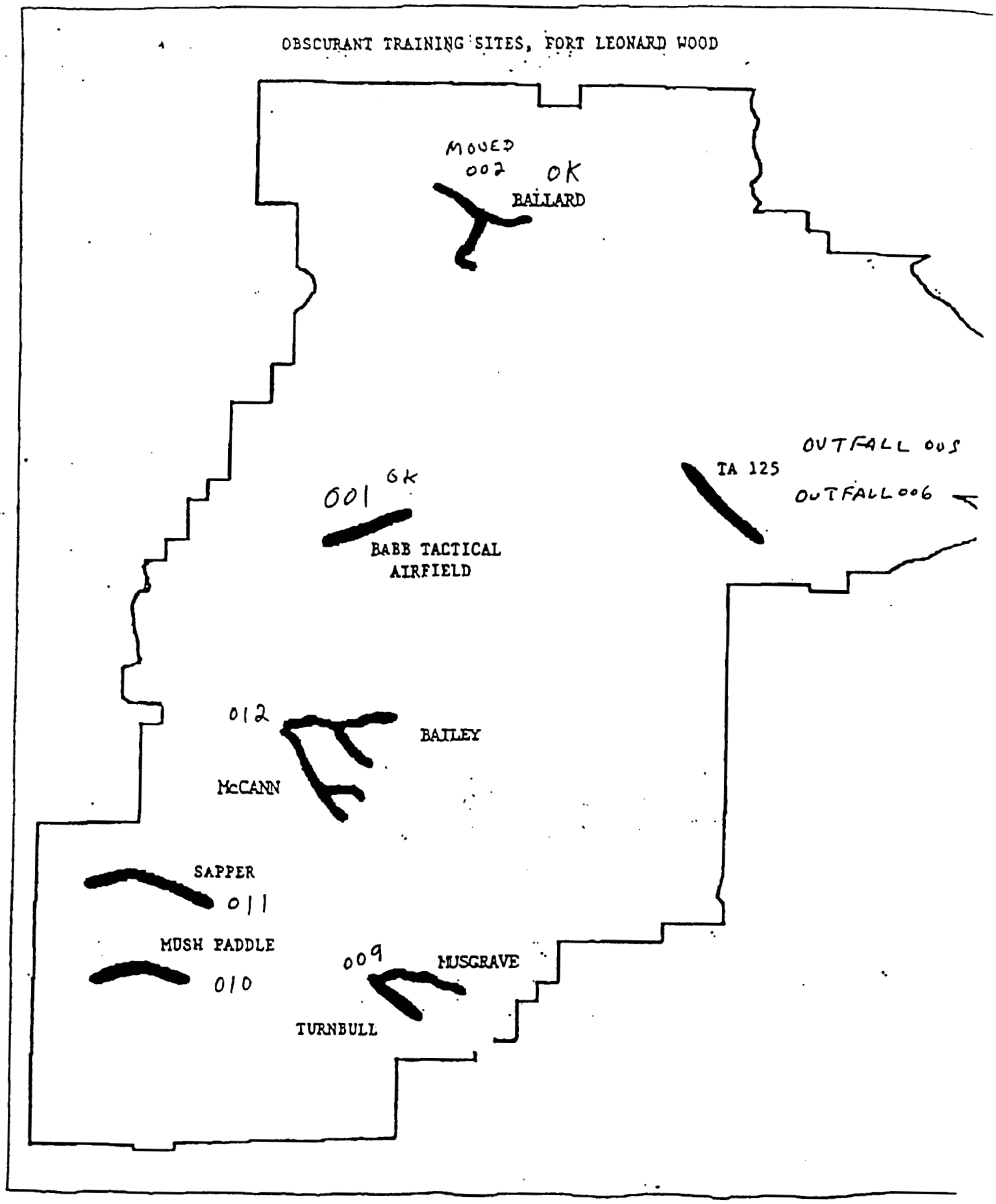
Scott Murrell
Scott Murrell
Chief/ Environment, Energy
and Natural Resources Div.
Directorate of Public Works

Enclosure

Center for Excellence

Produced by: US Army CERL, Champaign ...
Software: GRASS

TITLE: (smoke.bull.11)
LOCATION: Fort Leonard Wood, Missouri



DEPARTMENT OF THE ARMY
U.S. ARMY CHEMICAL SCHOOL
FORT MCCLELLAN, ALABAMA 36205-5020

REPLY TO ATTENTION OF

ATZN-CM-SAC

16 May 95

MEMORANDUM FOR MAJ TELLER, HQDA, OSJA, ENVIRONMENTAL OFFICE

SUBJECT: Review of Draft Air Permit, Fort Leonard Wood Smoke Training

1. The purpose of this memorandum is to provide comments on the subject document per your request. More detailed comments are found at the enclosure.

2. The State of Missouri smoke permit restrictions, if implemented, will create overwhelming degradation to Chemical Mission readiness. The restrictions will cut back the minimum amount of annual fog oil use by 30%. The daily allowance for smoke training time will be cut by 75%. After suffering these unacceptable losses, it further limits our Joint forces to smoke operations during weather conditions which may exist only 60% of the year. The smoke permit virtually eliminates more than one smoke event per day. The impact would be violations (subject to fines) for 92 days when two events are trained, another 56 days when three events are trained, and another 21 days when four separate events are underway at one time. If allowed to stand, the Missouri smoke permit allows us to conduct roughly 25% of training to standards, these restrictions would kill both the US Army and US Air Force smoke training.

3. During the Chemical Functional Area Analysis on 31 Oct 94, the Vice Chief of Staff challenged the Army to "take the lead on proactive involvement with agencies drafting environmental regulatory requirements that impact on chemical training on Army ranges. Focus on leading towards the least restrictive measures that provide the maximum training opportunities. (Action ODCSOPS)"

4. Under Base Realignment and Closure actions, Fort Leonard Wood, unfortunately without coordination with the Chemical School, applied for a smoke permit and variance. The Missouri smoke permit restrictions will inadvertently squash the VCSA's goal and tragically cripple the capability to conduct smoke training. One of the most stunning restrictions of this permit is the loss of capability to train with smoke hand grenades, vehicular smoke grenades, smoke pots, infrared defeating grenades, riot control agents, and large area infrared obscurants. The Reserve Component smoke training at the Chemical School would also be a casualty.

5. If you have questions regarding this quick assessment of the smoke and obscurants issue, please call me, DSN 865-6228 or commercial 205-848-6228 or Fax 865-6786.

Encl

EDWARD W. NEWING
LTC, CM
Special Assistant to the Commandant

POSITION PAPER ON ENVIRONMENTAL AND PERMITTING ISSUES RELATIVE TO THE PROPOSED CLOSURE OF FORT McCLELLAN, ALABAMA PRESENTED BY SENATOR HOWELL HEFLIN TO THE 1995 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION MONDAY, JUNE 12, 1995

Mr. Chairman and Members of the Commission, I thank you for this opportunity to again address the Defense Base Closure and Realignment Commission (BRAC) concerning the recommendation to close Fort McClellan in my home state of Alabama.

In my previous testimony before this Commission at the April 4, 1995, BRAC regional hearing held in Birmingham, Alabama, I focused on the Army's failure to consider the joint service and domestic and international training needs currently provided by Fort McClellan. The Army never consulted the Air Force, the Navy, the Marine Corps or the National Security Council about the military value of the Fort, and that is still the case. In addition, since April the Fort's far-reaching international and domestic anti-terrorism responsibilities have increased.

In the past few years, twenty-four countries have trained their military and civilian defense personnel at Fort McClellan, including the Japanese personnel who responded to the nerve gas attack in Tokyo's subway on March 20, 1995. As a result of the World Trade Center bombing in New York City last year, Tokyo's sarin gas attack on March 20, a threatened nerve gas attack at Disneyland in Anaheim, California, on Easter weekend (April 15-16, 1995), the Oklahoma City bombing on April 19, and the discovery just four days ago of a stockpile of nuclear-grade zirconium in Queens, New York, (See news stories attached at Tab A) the entire world -- and especially the United States -- has become acutely aware of the absolute necessity for us to maintain the best anti-terrorism training capability in the world, which we already have at Fort McClellan. As an example of many of our cities' recognition of the need to improve their ability to counter chemical and biological terrorist attacks, the Port Authority of New York

and New Jersey recently requested Fort McClellan to assist them in training their 1,400 officers to be prepared to respond to any such attacks. (See Tab A, page 5). As another example, the City of Atlanta is already training their officials to respond to an emergency during the 1996 Olympics. (See Tab A, page 6). We fully expect Atlanta to also request important training assistance from Fort McClellan. It is clear to me, as I'm sure it is to you, that the Army Chemical School's training expertise and capability to respond to the growing terrorist threat is directly related to national security, as well as having a major and direct impact on military value -- which is the most important criteria of your own decision process.

Contrary to their ill-advised recommendations in previous years, this year not even the Defense Department has recommended the outright closure of the Army's chemical defense training facilities -- they just want to move it. However, if you go along with that poorly conceived idea under the guise of theoretically trying to save a few dollars -- which I very seriously doubt will ever be achieved -- you will be putting our country's internal and national security at grave risk.

The Defense Department's recommendation to close Fort McClellan and to move the Army's Chemical School and its nuclear, biological and chemical defense training facilities to Missouri is hinged on the assumption that they can somehow obtain all the permits, licenses and certifications which are required to construct, operate and move the Army's state-of-the-art training facilities to Fort Leonard Wood in the short six year time frame required by the BRAC enabling legislation. Ladies and Gentlemen, anyone who's had any experience with the complicated business of trying to obtain environmental permits and build those kinds of sophisticated facilities knows you can't validly obtain all the required permits in 90 days. It just can't be done, and with all due respect, when the officials of the State of Missouri say they've

given the Army all the permits they need, please don't be fooled by that misrepresentation.

When you began your review of the Fort McClellan recommendation earlier this year, you keyed on the permit issue. As you knew, the 1993 BRAC Commission wisely rejected the Army's recommendation to close Fort McClellan two years ago, because the Army couldn't produce the permits necessary to accomplish the Chemical School's and the Chemical Defense Training Facility's ("CDTF") relocation to Missouri. Despite the 1993 BRAC Commission's instructions to the Defense Department for the Army to obtain all the required permits before the 1995 BRAC process began (See page 101 of BRAC hearing transcript dated March 1, 1995, attached at Tab B), the Army did not begin their permit application process until March 1, 1995, after Secretary of Defense Perry's base closure recommendations had been submitted to you. (See page 37 of BRAC hearing transcript dated March 7, 1995, attached at Tab C). In his appearance at the March 1, 1995, BRAC hearing, Deputy Secretary of Defense John Deutsch testified: "I believe that the proposal . . . to move the Chemical Warfare School Element up to Fort Leonard Wood, Missouri -- it would not go to Fort Leonard Wood . . . unless the proper permits are received from the State of Missouri." (emphasis added) (See Tab B, page 102). A week later, on March 7, 1995, in his appearance before this Commission, Army Secretary Togo West acknowledged that the permitting process in Missouri would be uncertain. In response to Commissioner Steele's questions, Secretary West candidly testified: "I would say that there are no guarantees in the permitting process. The one thing that I, as a lawyer, over the years have learned, is that we have no real indication as to how the process could turn out when a community and a permitting authority begin to come to grips with the reality." (See Tab C, page 37).

That reality check has now occurred just as Secretary West predicted. In the past two months, the environmental community and a number of concerned citizens in Missouri have

raised serious objections about the speed of the permitting process and have filed numerous appeals in and challenges to every single permit proceeding in the state. So when Missouri officials tell you the Chemical School's move is guaranteed don't you believe them, because the long and uncertain permitting debate has just begun. It won't be settled for years, during which time Fort McClellan will have to remain open, and when it is over the Army may never obtain all the permits they need to move the chemical training to Fort Leonard Wood. The long and expensive permit fight and the increased costs of building the new facilities in Missouri, which will inevitably result from the permit appeals process, will likely negate any predicted current costs savings projected from the recommended move. Moreover, there will only be costs, and no savings at all, if the Army ultimately loses the permit battle and the Chemical School's facilities have to remain at Fort McClellan. In that event, this Commission's hoped for cost-cutting accomplishments will be lost, because the Army won't be able to make good on its very uncertain permitting predictions to you.

Since the permits seem to be the predominant issue regarding the Fort McClellan recommendation, I urge you to closely examine and seriously question the glaring defects in that process.

CDTF INCINERATOR HAZARDOUS WASTE PERMIT

The most controversial permit question is whether or not the Army needs a hazardous waste permit in Missouri to build and operate the Chemical Defense Training Facility ("CDTF"). On May 19, 1993, in response to a request from 1993 BRAC Chairman Jim Courter, the current Director of Missouri's Department of Natural Resources, David A. Shorr, replied:

> ". . . we anticipate that the Chemical Defense Training Facility would require permits from Missouri's Air Pollution Control Program, Water Pollution Control Program (for NPDES), and the Hazardous Waste Program. The permit for the incinerator from the Hazardous Waste Program will, no doubt, take the most time

to obtain. . . Depending on the complexity of the permit and the complexity of the incinerator, the Part 1 Application will take nine to fourteen months to complete. Part 2 of the permit (after construction is complete), will take an additional eight months to a year to complete." (emphasis added). (See copy of letter dated May 19, 1993, attached at Tab D).

Nineteen months later, on December 23, 1994, in a letter to Defense Secretary Perry, Mr. Shorr confirmed and reiterated for the third time the State of Missouri's position regarding permits for the Chemical School and the CDTF at Fort Leonard Wood. Mr. Shorr stated:

> "As I indicated on June 4, 1993, we anticipate the construction of this facility will require air pollution control, water pollution control and hazardous waste program related permits. To date, we have not received applications for such permits and eagerly await their submittal so that we can timely review and approve if appropriate." (emphasis added) (See copy of letter dated December 23, 1994, attached at Tab E).

Consistent with Mr. Shorr's repeated assurances to both BRAC and the Department of Defense that the CDTF incinerator requires a hazardous waste permit, on April 5, 1995, Col. Anders B. Aadland, Chief of Staff, Fort Leonard Wood, Missouri, responded in writing to the office of the Chief of Staff, Department of the Army, Washington, DC, as follows:

> "1. As requested by Congressman Browder, environmental permits submitted by Fort Leonard Wood are enclosed as follows:
> a. Air permit for the CDTF incinerator
> b. Air permit for large area smoke training
> c. Installation-wide storm water permit
> d. Hazardous waste permit for CDTF
>
> 2. As of this date, no official reply has been received from the Missouri Department of Natural Resources regarding any of these permit applications." (emphasis added) (See copy of memorandum dated April 5, 1995, attached at Tab F).

Surprisingly, and totally inconsistent with his often repeated official position during the previous two years, a week after Col. Aadland's memorandum was transmitted, Missouri's Director of Natural Resources, David Shorr, stated that a hazardous waste permit is not needed for the CDTF. In sworn testimony before this BRAC Commission at your regional hearing in Chicago, Illinois, on April 12, 1995, Mr. Shorr stated:

"To answer your question, Mr. Commissioner, three permits are required by... Missouri: A permit for air construction for the CDTF, which is the Chemical Decontamination and Training Facility, a water permit for the base, and a permit for the smoke school, which is going -- which was issued as a PSD permit application to significantly deteriorate the air around the area of Fort Leonard Wood. A hazardous waste permit is not required for the thirty-four thousandth time. Okay. Any other questions?" (emphasis added) (See page 99 of BRAC hearing transcript dated April 12, 1995, attached at Tab G).

According to records at the Missouri Department of Natural Resources ("MDNR"), the state received Fort Leonard Wood's hazardous waste permit application referenced in Col. Aadland's memorandum on April 6, 1995, and within a single day determined that a RCRA hazardous waste permit was not needed for the CDTF. During that extremely limited review, MDNR evaluated only two waste streams which would be incinerated in the CDTF facility. Those were the chromium impregnated filters used in the gas masks and the wastewaters resulting from the decontamination of the nerve agents (i.e. Sarin & VX). MDNR's primary focus on the gas mask filters was highlighted in MDNR Director Shorr's testimony at the April 12 BRAC regional hearing in Chicago. (See Tab G, pages 102-103). However, Fort Leonard Wood's permit application did not include the following hazardous, or potentially hazardous, wastes which are generated at the CDTF and are likely to be burned in the incinerator:

a. Laboratory wastes generated at the CDTF facility - Numerous solvents are used in the CDTF laboratory at Fort McClellan for quality control checks and for normal maintenance requirements on various pieces of equipment. That use produces wastes which are possibly contaminated with nerve gas agents and are, therefore, required to be incinerated at the CDTF by U.S. Army Directive. Other laboratory material wastes contain metals above allowable Toxicity Characteristic Leaching Procedure ("TCLP") levels which are also incinerated. Specific laboratory chemicals which would be considered hazardous waste when they are incinerated include: acetone, carbon disulfide, chloroform, cyclohexane, ethyl alcohol, hexane, hydrochloric acid, isopropyl alcohol,

mercury, methyl alcohol, methyl ethyl ketone, methylene chloride, nitric acid, potassium dichromate, silver nitrate, sodium hydroxide and sulfuric acid. (See inventory of CDTF MSDS attached at Tab H).

b. Waste nerve agent detector pads containing silver nitrate - These pads are known to fail the TCLP test for silver and are burned in the CDTF incinerator.

c. Ventilation carbon filters - Carbon filters are used to absorb the active nerve agents from the ventilation system which maintains a negative air pressure in the CDTF building. Nerve agents and materials containing nerve agents have been classified as D003 reactive wastes by the U.S. Army at facilities that are destroying nerve agent weapons. This determination is based on the fact that VX nerve agent is a sulfur-bearing material. VX can generate toxic gases, vapors or fumes in sufficient quantities to present a danger to human health. A mere rise in temperature will cause a release of toxic fumes from the filters.

Unfortunately, in their hasty review MDNR failed to investigate the above-mentioned waste streams and also failed to obtain answers to these questions from either Fort McClellan or Fort Leonard Wood prior to concluding that a hazardous waste permit would not be required for the CDTF incinerator.

As a result of Fort Leonard Wood's and MDNR's incomplete review of the CDTF's potential hazardous waste stream, on May 12, 1995, three individuals and the Missouri Coalition for the Environment (an established environmental organization representing thousands of members throughout the state) filed an appeal petition before the Missouri Hazardous Waste Management Commission ("HWMC"). (See copy of petition attached at Tab I). The petitioners asked the HWMC to prohibit Fort Leonard Wood from constructing and operating the CDTF incinerator without first obtaining a hazardous waste permit from the state. The petition alleges

that hazardous wastes will be burned in and emitted from the incinerator and that Fort Leonard Wood failed to appropriately identify all the hazardous wastes which will be incinerated in the CDTF as discussed above.

In response to that appeal petition, on June 1, 1995, the Attorney General for the State of Missouri filed a "Motion to Dismiss" with the HWMC based on the arguments set forth in an accompanying brief entitled "Suggestions in Support of Respondent's Motion to Dismiss." (See copy attached at Tab J). As in most states, in Missouri it is the Attorney General, not MDNR Director Shorr, who is responsible for interpreting the law and representing the state in legal matters. In his brief on the application of Missouri law to MDNR Director Shorr's decision on the hazardous waste permit, the Attorney General contradicted Mr. Shorr by stating:

> ". . . the decision petitioners claim is a final agency decision is not a final, appealable decision. An agency decision is final when 'the agency arrives at a terminal, complete resolution of the case before it. An order lacks finality in this sense while it remains tentative, provisional, or contingent, subject to recall, revision or reconsideration by the issuing agency.'
>
> Under this analysis, the decision by the MDNR that a permit is not required to operate the CDTF is not a final administrative decision which would render it subject to appeal before this Commission. The MDNR decision is contingent upon the accuracy of the information that was supplied to it by the U.S. Army Engineers Center in Fort Leonard Wood (Army). The decision is also contingent upon the procedures, methodologies and waste streams, among other things, remaining the same as currently envisioned by the Army. Furthermore, the determination whether a particular facility needs a hazardous waste treatment, storage or disposal permit is, by statute, the responsibility of the facility owner and/or operator, not the MDNR. The MDNR's responsibility is to review and approve or deny permit applications submitted to it." (emphasis added) (See Tab J, page 5).

As we know, Fort Leonard Wood had made this determination by the submission of their hazardous waste permit application to MDNR in early April of 1995. Consequently, by not acting to either approve or deny the permit, MDNR has placed the whole hazardous waste permit issue in complete limbo.

In his June 1 filing with the HWMC, the Attorney General continued:

". . . the MDNR may change its mind as to whether the CDTF, even based on the information currently available to the MDNR, requires a hazardous waste treatment, storage or disposal permit. This 'decision' such as it is, confers no rights upon the Army. In any later administrative or judicial action citing the Army for the failure to have a treatment, storage or disposal permit for the CDTF unit, the Army could not utilize any previously made statements by the MDNR such as those cited in paragraphs 11 and 12 of the Petition filed herein to estop the government from bringing its action." (emphasis added) (See Tab J, pages 5-6).

Paragraphs 11 and 12 in the appeal petition (See Tab I, pages 4-5) which the Attorney General cited above are the statements which MDNR Director Shorr made to this BRAC Commission during the regional hearing in Chicago on April 12 that a hazardous waste permit is not needed for the CDTF incinerator. Clearly, as Missouri's Attorney General -- the state's top legal officer -- concluded in his brief, MDNR Director Shorr's recent assurances to you are not supported by Missouri law:

"The MDNR position that the CDTF unit does not require a hazardous waste treatment, storage or disposal permit does not determine any obligations. . . . legal consequences will not flow from this agency position complained of. The MDNR position that a permit is not required does not really decide anything because the MDNR is not strictly vested with the power to decide that issue." (emphasis added) (See Tab J, page 6).

Consequently, it is clear that instead of being settled as Director Shorr would have you believe, Missouri's Attorney General has determined that under the state's statute the hazardous waste permit issue in Missouri is not resolved. (See copy of Mo. Rev. Stat. § 260.395 attached at Tab K). Therefore, the Army has not met your requirement to have all the necessary permits in hand prior to your making a decision on the closure recommendation. In the short time remaining, it is now virtually impossible for the Army and MDNR to go back and properly and legally deal with the hazardous waste permit prior to your June 22 decision deadline. Meanwhile, the appeal of MDNR's decision is still pending before the MHWC, and their next meeting is not until August 3, 1995, well after your deadline.

As if the Army doesn't already have enough problems, Missouri's hazardous waste law also contains a provision which allows interested parties to file a citizen's suit for failure to possess a properly issued hazardous waste permit. (See copy of Mo. Rev. Stat. § 260.415.3 attached at Tab K). Such a lawsuit typically could not be filed until the operation of the CDTF facility is imminent. Consequently, a citizen suit filed against Fort Leonard Wood four or five years from now, during the final stages of construction or just before operation of the CDTF incinerator begins, could block the whole process at the 11th hour; and the Army would have to continue training at Fort McClellan after wasting hundreds of millions of dollars on the proposed move. As we've already seen, there are several well organized citizen groups and environmental organizations in Missouri who will continue to oppose this move, unless the Army and MDNR properly and legally follow the state's well-established hazardous waste permitting process, including allowing public input and providing adequate due process. Some of those groups have already indicated they will likely file a citizens suit, if it becomes necessary to force the Army and MDNR to follow the applicable provisions of the state's environmental laws and regulations. Consequently, unless the Army obtains a properly issued hazardous waste permit for the CDTF incinerator -- which they most assuredly have <u>not</u> received -- this facility will be caught up in controversy and uncertainty for years in the future.

<u>CDTF INCINERATOR AIR PERMIT</u>

Fort Leonard Wood submitted an application for an air <u>permit to construct</u> the Chemical Defense Training Facility ("CDTF") to the MDNR on March 1, 1995. Key personnel within the Army's chain of command, including Army Secretary West (See Tab C, page 37) and the permit preparers at Fort Leonard Wood, have repeatedly stated they did not begin work on the permit applications until <u>after</u> the Secretary of Defense announced his base closure recommendations on February 28, 1995. In the rush to prepare and submit their permit

applications, Fort Leonard Wood personnel failed to consult with anyone at Fort McClellan, as they had been instructed to do by higher Army headquarters (See copy of memorandum dated March 13, 1995, attached at Tab L). In 1983 it took personnel at Fort McClellan months to prepare the complicated application for the permit to construct the CDTF, at a time when the applicable environmental laws and regulations were much simpler to understand and comply with than they are today. By then, Fort McClellan had also spent two years working on an Environmental Impact Statement ("EIS") for the CDTF, which began in 1981. Miraculously, Fort Leonard Wood's personnel prepared and submitted their CDTF permit application in only one day! (See copy of permit application attached at Tab M). Moreover, to date Fort Leonard Wood personnel have repeatedly stated they do not intend to begin work on an EIS for any facet of the proposed Chemical School move, including the CDTF, until after you members of the BRAC Commission make your decision.

Because they did not know enough about the CDTF and because they failed to consult with Fort McClellan, Fort Leonard Wood's personnel prepared their CDTF permit application based on outdated drawings, information and engineering data assembled during 1983-1985, (See Tab M, pages 2, 4, 8, 11, 13 and 14) on which basis Fort McClellan's original permits to construct and operate were issued on November 2, 1983, and June 1, 1987, respectively. (See copies of Ft. McClellan's 1983 and 1987 CDTF permits attached at Tabs N and O). Another major defect in Fort Leonard Wood's permit application process is their personnel did not realize that Fort McClellan's June 1, 1987, permit to operate the CDTF was withdrawn by the Alabama Department of Environmental Management ("ADEM") on December 17, 1992, when it was replaced by a new permit to operate on that same day. (See copy of Fort McClellan's December 17, 1992, permit attached at Tab P). The 1992 operating permit was issued by ADEM to encompass the dozens of changes and major modifications which had been made to the CDTF

at Fort McClellan. As you can see by comparing the information and flow diagrams in Fort McClellan's August 25, 1992, application to ADEM for a permit modification (See copy attached at Tab Q) with Fort Leonard Wood's CDTF permit application to MDNR (See Tab M), Fort McClellan's modifications to the CDTF were not included in Fort Leonard Wood's permit application. Therefore, they are also not included in the CDTF air permit issued by MDNR.

Based on the incomplete and inaccurate information in Fort Leonard Wood's permit application and because of MDNR's rush to issue the permits before June 22, MDNR Director David Shorr conveniently determined that the air emissions from Fort Leonard Wood's CDTF would be *de minimis*. Consequently, no public comment period and no public hearing opportunity was provided by the state on the CDTF permit application, which would have taken a minimum of 45 days under Missouri law and would have slowed down the permit process.

On April 10, 1995, MDNR issued a "permit to construct" the CDTF incinerator, which Director Shorr has since said is also a permit to operate. (See copy of permit attached at Tab R). However, it is clear from the detailed Conditions attached to the permit that the incinerator cannot begin operation until <u>after</u> Fort Leonard Wood conducts and meets stringent burn tests and strict emissions tests <u>after construction</u> of the facility. In addition, Special Conditions (a) and (b) on page 2 of the Missouri air permit (See Tab R, page 3) state that no hazardous wastes can be burned in the CDTF incinerator, specifically gas mask filters containing chromium. However, as described in the earlier detailed discussion on the hazardous waste permit, it is clear that hazardous wastes other than the gas mask filters will be burned in the incinerator -- which requires a permit from the Missouri Hazardous Waste Program.

The accelerated "fast track" review of the CDTF permit application, without providing any opportunity for public input or giving Missouri citizens time to study the public health and safety and environmental issues, resulted in immediate anger and opposition from environmental

organizations and public interest citizen's groups in Missouri. (See copies of news articles attached at Tab S). Consequently, on April 27, 1995, three individuals and the Missouri Coalition for the Environment filed an appeal of the issuance of the CDTF construction permit with the Missouri Air Conservation Commission ("MACC"). (See copy of Notice of Appeal attached at Tab T). The appeal alleges the CDTF air permit was based on incomplete and inaccurate operational data; that hazardous wastes will be burned in and emitted from the incinerator; that more than 100 tons/year of pollutions will be emitted from the incinerator requiring a public hearing process; that the required pre-application modeling, monitoring, analysis of visibility and projected air quality impacts were not done; that the requirements for prevention of significant deterioration ("PSD") review were not met; and numerous other defects. The parties seek denial of the permit and a public hearing on the CDTF permit application. (A partial discussion of the technical defects in the CDTF air permit application and MDNR's permit approval process, which was prepared by the environmental engineering firm of Schreiber, Grana & Yonley, Inc. and submitted to the MACC in support of the permit appeal, is attached at Tab U).

On April 27, 1995, the same appealing parties filed a motion with the MACC to expedite and complete the appeal process on the CDTF air permit so there would be some modicum of final state agency action on the CDTF permit prior to this BRAC Commission's decision deadline of June 22, 1995. (See copy of Motion to Expedite attached at Tab V). Unfortunately for all concerned, including you members of the BRAC Commission, that motion to expedite was opposed by MDNR (See copy of MDNR's May 5, 1995, Response in Opposition attached at Tab V), and it was subsequently denied by the MACC in a hurriedly convened telephone conference on or about May 9, 1995. The MACC has indicated they intend to assign the CDTF air permit appeal to an Administrative Hearing Officer who will then be responsible for

establishing a discovery schedule and eventually conducting a hearing on the permit appeal. That process, which has not yet begun, will take several months to complete. Consequently, the CDTF air permit appeal process will obviously not be completed before the BRAC Commission's decision deadline of June 22.

The MACC's ultimate decision on the CDTF air permit appeal will in turn be reviewable by a judicial appeal to the State Circuit Court and by the Missouri Court of Appeals. That process typically takes a minimum of eighteen months to two years to complete. It is clear from the public statements recently made by several of the environmental and citizen's groups in Missouri that they intend to fight these permits to the end; consequently, the CDTF air permit will be subjected to continuing controversy and legal appeals for years to come. During that time, of course, no one will know the eventual outcome, and the Chemical School's training facilities will be left in a continuing state of limbo with no way for anyone to undo or rectify a hasty decision made by this BRAC Commission.

In recent days, various staff members at the MDNR have been making what I consider to be brash and factually misleading statements about the status of these permits. For example, in an Associated Press story written by David A. Lieb filed in Jefferson City, Missouri, on June 7, 1995, Roger Randolph, director of MDNR's air pollution control program stated: "These permits are well researched, and the models are double and triple checked. The permits have undergone such scrutiny that they are near perfect." The next day, on June 8, 1995, in a story written by Thomas Hargrove published in the Birmingham Post-Herald, MDNR Director Shorr was quoted as saying: "We follow the law here (in Missouri). If they (Alabama) are playing games with the law, they should play the same game across the board." Unfortunately for MDNR, their permitting process has been far from perfect. In fact, as the detailed technical comments which were filed in support of the permit appeal before the MACC have shown, there

are major serious defects in the permits which don't need a rocket scientist to understand.

To begin with, the legal description of the location of the CDTF contained in the air permit issued by MDNR is Section 21, Township 35 North, Range 8 West. However, that location is approximately 12 miles east of the location specified by the longitude and latitude coordinates contained in Fort Leonard Wood's CDTF permit application. Moreover, the location specified for the CDTF in MDNR's air permit is outside the boundaries of Fort Leonard Wood, is even outside of Pulaski County where Fort Leonard Wood is located, and instead is actually situated in the Mark Twain National Forest in adjacent Phelps County.

Second, the air permit issued by the State of Alabama for the CDTF at Fort McClellan specifically restricts the quantity of live nerve agent on site to a maximum of one liter at any one time. Contrary to the repeated public statements and assurances of both Fort Leonard Wood and MDNR personnel to the citizens of Missouri, the air permit issued by MDNR for the CDTF at Fort Leonard Wood does <u>not</u> include a quantity restriction.

Third, a temperature of 1,750°F for at least two seconds is required for the complete destruction of GB and VX nerve agents in the incinerator. However, no detention time, which would assure complete destruction of all live nerve agents in the secondary chamber of the CDTF incinerator, is specified in the air permit issued by MDNR. Moreover, no operating conditions are included in the air permit issued by MDNR, even though MDNR Director Shorr now says permission was granted by the state permit to also operate the CDTF.

Fourth, the existing CDTF at Fort McClellan uses two autoclaves for the decontamination of the Battle Dress Overgarments ("BDO") worn by the troops while training in the CDTF. This makes possible the reuse of the BDO's up to four times before they have to be incinerated. This information was included in a letter sent to Mr. Art Groner at MDNR on February 18, 1994, and received by MDNR's Hazardous Waste Section on February 22, 1994. However, the

inclusion of the two autoclaves was left out of both Fort Leonard Wood's permit application and the air permit for the CDTF issued by MDNR. In addition, none of the emissions from the autoclaves was included in the emission calculations. Because the autoclaves are not included in the permitted equipment for the CDTF, the amount of BDO's which will be required to be incinerated in Fort Leonard Wood's CDTF will be four times greater than the planned amount. Consequently, this major omission of the autoclaves from MDNR's air permit will increase the daily waste load to be incinerated at Fort Leonard Wood's CDTF to approximately 1,300 pounds, which exceeds the permitted quantity of 1,000 pounds contained in the CDTF air permit issued by MDNR. This serious omission will also drive up the cost of the CDTF training, because four times as many BDO's will have to be purchased by the Chemical School in order to provide the live nerve agent training in Missouri.

Fifth, Fort Leonard Wood's air permit application for the CDTF and MDNR's permit review (which is part of the air permit) specify use of a Midland Ross Pyrobatch model, forced draft, batch type, dual chamber incinerator unit at Fort Leonard Wood. However, Midland Ross is no longer in business, and this model is no longer in production. Consequently, Fort Leonard Wood cannot procure the CDTF incinerator specified in their air permit from MDNR.

In the event this list of obvious deficiencies is not enough to prove the point that MDNR's air permit won't allow the Army to build and operate the required CDTF at Fort Leonard Wood, a detailed description of additional permit errors and omissions is attached at Tab W.

Because numerous significant errors and omissions have been identified in the CDTF permit application and the air permit issuance process, MDNR will eventually be required to reevaluate the CDTF permit application and all supplemental information submitted by the U.S. Army for the Chemical School's proposed operations and facilities at Fort Leonard Wood.

MDNR clearly failed to adequately consider all the applicable regulatory requirements and potential environmental impacts associated with the multiple operations and facilities that are an integral part of the Chemical School's operation, including the CDTF. Until these numerous and serious permit issues are addressed and all required procedures, regulations, and requirements of law (both Missouri and Federal) are complied with by MDNR, the Army will not possess all the necessary permits which this BRAC Commission has said are required in order to approve the Defense Department's recommendation. With only ten days to go before your decision deadline, it is obvious that the requisite permits will not be obtained by the Army. Consequently, I urge you to join with the 1991 and 1993 BRAC Commissions and once again reject this ill-advised recommendation.

FOG OIL SMOKE AIR PERMIT

Fort Leonard Wood submitted an air permit application to MDNR on March 1, 1995, to conduct static and mobile fog oil smoke training in Missouri. (See copy of permit application attached at Tab X). Like their CDTF air permit application, Fort Leonard Wood's personnel prepared their fog oil permit application in only one day, because they did not begin work on the application until after Defense Secretary Perry announced his base closure recommendations on February 28, 1995. Also like the CDTF permit application process, Fort Leonard Wood's personnel hurriedly prepared and submitted their fog oil permit application to MDNR without first talking to or coordinating with officials at Fort McClellan, despite receiving specific instructions from TRADOC headquarters to do so. (See Tab L).

Because they had been in too big a hurry earlier in the month, on March 16, 1995, Fort Leonard Wood had to submit supplementary information to MDNR modifying their original permit application from VOC (volatile organic compound) to PM_{10} (particulates) emissions. Their modification also stated that 63,000 gallons per year of "light grade mineral oil" would

be used to generate smoke at Fort Leonard Wood. (See copies of supplementary March 16, 1995, information attached at Tab Y). For some strange reason, no permit application for use of additives (such as kerosene which is required to thin the fog oil during cold weather) or for use of any other kinds of obscurants or smoke generators was ever submitted by Fort Leonard Wood to MDNR, despite the fact that those kinds of materials are a vital component of the Chemical School's smoke training program at Fort McClellan. (See Description of Fog Oil Smoke/Obscurant Training conducted at Fort McClellan attached at Tab Z).

On March 23, 1995, in response to a Freedom of Information Act request filed by MDNR, Fort McClellan provided written information directly to MDNR detailing the use of fog oil, other fuels and obscurants at Fort McClellan over the past five years. (See copy of March 23, 1995, memorandum attached at Tab 1). The March 23 memo explained that during the past five years Fort McClellan used an average of 77,476 gallons of fog oil each year. In 1993, the actual fog oil usage was 93,800 gallons, and in 1994 Fort McClellan used 116,350 gallons of fog oil in the Chemical School's smoke training exercises. (See Tab 1). Fort McClellan also informed MDNR they used gasoline to run the smoke generators, and the Fort's "potential to emit" with 20 mobilizing chemical units would roughly double the above listed fog oil and gasoline usage totals each year. In addition, Fort McClellan pointed out to MDNR that they also use other required smoke generation sources including hexachloroethane smoke pots, colored dye smoke grenades, infrared defeating obscurant grenades (brass flakes), and large area infrared defeating obscurants (graphite powder). Finally, Fort McClellan notified MDNR that they also expect to begin using millimeter wave obscurants (similar to radar chaff) within the next two years. (See Tab 1). Even after receiving that information, neither Fort Leonard Wood nor MDNR made any further changes to the permit application.

On April 11, 1995, MDNR issued a draft air permit to Fort Leonard Wood which limits

the Army to the use of no more than 65,000 gallons per year of fog oil. (See copy attached at Tab 2). No use of any other type of fuel or obscurants was allowed under MDNR's draft permit. There was also no mention of the use of anti-freeze type additives which must be mixed with the SGF-2 fog oil (which is 20 weight motor oil, not mineral oil as stated in the permit application) when the temperature drops below 40°F to be able to use the fog oil during the winter months. Other conditions in the draft permit limited the Chemical School to doing smoke training a maximum of 135 days/year for a maximum of one hour per day. Fort McClellan currently trains with smoke at least 250 days per year, conducting from one to four exercises per day, with each exercise averaging one hour each, depending on weather conditions.

Officials in the Army's chain of command subsequently became concerned about the severely restrictive conditions in the draft fog oil permit issued by MDNR, because it would clearly not allow the Chemical School to do the type and extent of smoke training in Missouri which is presently conducted at Fort McClellan. Consequently, they requested an analysis of the draft permit from the experts at the Chemical School. In response, on May 16, 1995, the Special Assistant to the Commandant of the U.S. Army Chemical School, sent a detailed five page memorandum to Headquarters, Department of Army, concluding that the draft permit conditions will essentially destroy the Chemical School's ability to effectively do smoke training. (See copy of May 16, 1995, memorandum attached at Tab 3). In summary, the May 16 memo concluded that Missouri's smoke permit restrictions "will create overwhelming degradation to Chemical Mission readiness" which "would kill both the U.S. Army and U.S. Air Force smoke training." (See Tab 3, page 1). The memo also stated that under MDNR's draft permit the Chemical School would lose the ability to train with any other obscurant except fog oil, and the fog oil training itself would be drastically reduced to only 25% of current training standards. In addition, the Reserve Component smoke training would also be a casualty of the severely

restrictive Missouri draft air permit. (See Tab 3, page 1).

After subjecting the draft fog oil permit to a thirty day comment period, MDNR held a required public hearing at Waynesville, Missouri, on May 12, 1995. Public opposition to issuance of the fog oil permit was voiced by several citizens, and formal statements of opposition were filed by several attendees, including the Ozark Chapter of the Sierra Club (See copies attached at Tab 4). In addition, detailed technical comments on the numerous deficiencies in the draft fog oil permit were filed with MDNR by the environmental engineering firm of Schreiber, Grana & Yonley, Inc., St. Louis, Missouri, on May 12, 1995. A partial summary of those technical comments is attached at Tab 5.

On June 7, 1995, MDNR issued a final fog oil air permit to Fort Leonard Wood. (See copy attached at Tab 6). Unfortunately for the Army, the final permit is even more restrictive than the draft permit. The number of special conditions was increased from 24 in the draft permit to 37 in the final permit. Moreover, whereas the draft permit simply failed to mention the use of such items as kerosene additives, obscurants and smoke sources other than fog oil, MDNR's final permit specifically prohibits their use in Missouri. Therefore, the final permit is even more damaging to the Chemical School's ability to conduct smoke training at Fort Leonard Wood than even LTC Newing predicted in his May 16 memorandum at Tab 3. (See article on the impact of the fog oil permit limits on the Army's smoke training attached at Tab 7). The Army now finds itself in a difficult dilemma. They have received a fog oil permit, but in reality it's a worthless piece of paper, because it won't allow the Chemical School to properly train in Missouri. Undoubtedly it will be a difficult "gut check" decision for the Army, but now they really have only two alternatives. They can either be honest and admit to you they don't have the permits they need to move the Chemical School to Missouri. Or, they can file an appeal of their own permit with the Missouri Air Conservation Commission ("MACC") hoping

to convince the MACC to remove the fatally restrictive conditions in MDNR's permit. In either event, however, the Army will be acting against self-interest, because they will be admitting to you that despite the "hype" coming out of Missouri, the fog oil permit is of no real military value to the Army. In any event, it is now clear to everyone that your first and most important criteria for making your decision as members of the BRAC (i.e. preservation of military value) will not be met by this permit. Moving the smoke training to Fort Leonard Wood will damage national security by compromising the military mission; therefore, you should vote to reject the recommendation to close Fort McClellan.

Even if the Department of Defense decides to ignore the obvious and play out their bluff by not admitting the fog oil permit will seriously degrade the Chemical School's training capability, environmental groups in Missouri have already put the Army and MDNR on notice that they intend to appeal the issuance of the fog oil permit. Roger Pryor, Executive Director of the Missouri Coalition for the Environment ("Coalition") was quoted in the press on June 8, 1995, as follows: "We're going to fight this thing to the end. If the (Missouri Air) Commission wants to go forward, they can, but they do so at the risk of it being thrown out of court." (See copy of news story from the June 8, 1995, Birmingham News attached at Tab 8). St. Louis attorney Lew Green, Counsel for the Coalition, has indicated in the press that he expects to file an appeal with the MACC within a few days. That appeal will take months to be resolved, and the MACC's decision will then be reviewable in the State Circuit Court and by the Missouri Court of Appeals. The judicial appeals process alone typically takes from eighteen months to two years to complete, during which time the fate of the fog oil air permit will remain uncertain. Clearly, the finality of the permit process which you members of this BRAC Commission have so forthrightly sought before you have to make your decision will not be achieved for years into the future.

FOG OIL VARIANCE

Despite being in such a rush to immediately prepare and submit their permit applications to MDNR on March 1, 1995, Fort Leonard Wood's personnel did not realize they would need a variance for their fog oil permit until after they were so informed by MDNR in mid-April. Consequently, on April 24, 1995, Fort Leonard Wood submitted to MDNR an application for a variance from Missouri's state air regulations which impose a maximum 20% opacity limit on air emissions. (See copy of variance application attached at Tab 9). The objective of the Army Chemical School's fog oil training mission is to generate a smoke cloud which is 100% effective in obscuring vision to protect our troops and equipment from enemy detection. Consequently, Fort Leonard Wood needed a variance from the state's air regulations before they could be legally issued a fog oil air permit.

The variance application was discussed at the Missouri Air Conservation Commission's ("MACC's") regularly scheduled meeting on April 27, 1995. However, the granting of the opacity variance was formally opposed by a number of parties, including three individuals and the Missouri Coalition for the Environment ("Coalition"). (See copies of news stories and a copy of the petition filed by the opponents attached at Tab 10).

The evidentiary phase of the administrative hearing process on Fort Leonard Wood's variance request was quickly initiated by the MACC at the insistence of the MDNR, because they recognized that timetables normally followed in processing variance applications would prevent MDNR from issuing the fog oil permit before June 22. As a result, fifteen depositions of the opponents, Fort Leonard Wood personnel, MDNR personnel and the Coalition's expert witnesses were scheduled and taken in an extraordinarily short nine day period between May 15 and May 23, 1995. The parties then had only one day to pour over the voluminous record which had been developed and prepare for the MACC's hearing on the variance application,

which began on May 25, 1995.

In another unusual turn of events, the Chairwoman of the MACC designated herself as the hearing officer, instead of following the normal procedure of referring the matter to an appointed administrative hearing officer. A formal hearing on the variance was conducted over the two day period of May 25 and 26, with various members of the MACC in attendance, several of whom actively and aggressively participated in the hearing process, often recommending to the Chairwoman how she should rule on various legal issues, objections and evidentiary questions.

Following the conclusion of the hearing of testimony, the parties were given only five short days over the Memorial Day holiday weekend to review the lengthy depositions and transcripts and prepare and submit by June 1, 1995, replies and exhibits for consideration by the MACC.

Under Missouri law, the four (out of six) members of the MACC who did not attend the entire two days of the hearing, had to review the lengthy transcript and exhibits before they could participate in the variance decision. Moreover, all six members of the MACC who voted on the variance had to review, discuss and vote on the proposed findings of fact, conclusions of law and language in the MACC's order. If you think, like I do, that it was a tall order for the six members of the MACC who have full time jobs and other important day-to-day responsibilities to get this done, you would be in good company. Nevertheless, in just five short, but undoubtedly backbreaking days over another weekend, the members of the MACC accomplished their task. On June 6, 1995, the MACC approved an order granting Fort Leonard Wood's request for an opacity variance <u>for only one year</u> from the date of startup testing. (See copy of MACC order attached at Tab 11). The very next day, on June 7, 1995, MDNR speedily issued Fort Leonard Wood's fog oil air permit, based on the issuance of the opacity

variance by the MACC.

In response, on June 9, 1995, an individual plaintiff, along with the Missouri Coalition for the Environment, filed a complaint in the State Circuit Court in St. Louis, Missouri, against the MACC and Fort Leonard Wood challenging the granting of the opacity variance and asking the court to void its issuance. (See copies of news article and Petition for Judicial Review attached at Tab 12).

In conjunction with filing their lawsuit, the plaintiffs also asked the State Circuit Court for a stay of the MACC's order granting Fort Leonard Wood's opacity variance. (See copies of Motion for Stay and the plaintiffs' memorandum in support of their motion attached at Tab 13). On June 9, 1995, the State Circuit Court issued an "Order to Show Cause" to the MACC and to Fort Leonard Wood to explain why the stay should not be granted. A hearing on the Motion for Stay is scheduled for June 16, 1995. (See copy of Show Cause Order attached at Tab 13). If the stay of the variance is granted, then the issuance of the fog oil permit would also be adversely affected, because the fog oil permit could not be legally issued or remain in effect if the variance is stayed by the court.

In any event, the environmental groups in Missouri have kept their promise to challenge the permits and variances, not only in the administrative forum, but also in court. Even if the stay of the variance is not granted, it will be eighteen to twenty-four months before the outcome of that litigation is finalized, including further review by the Missouri Court of Appeals. Meanwhile, the fate of the fog oil permit, which depends on the validity of the issuance of the opacity variance, will also be unknown.

STORMWATER PERMIT

On January 24, 1994, Fort Leonard Wood submitted a general facility-wide stormwater discharge permit application to MDNR for a number of ongoing activities at Fort Leonard

Wood, such as maintenance facilities, fuel storage areas, asphalt plant, airfield operations, landfills, ordnance ranges, etc. On February 17, 1995, MDNR issued Fort Leonard Wood a state operating permit for those discharges, which will be effective for five years in accordance with normal timetables under the Clean Water Act.

On March 2, 1995, in a one paragraph letter submission which attached a one page map sketch (See copies attached at Tab 14), Fort Leonard Wood requested a modification to the Fort's general stormwater discharge permit to include the proposed fog oil smoke training activities proposed for relocation from Fort McClellan. With lightning-like speed, the very next day, on March 3, 1995, MDNR issued a draft state operating permit modifying the discharge of stormwater from Fort Leonard Wood's operational activities to include the Chemical School's proposed fog oil smoke training activities.

Despite opposition from established environmental groups, including the Ozark Chapter of the Sierra Club (See copy of written comments attached at Tab 14) and the Missouri Coalition for the Environment, on April 4, 1995, MDNR issued a revised state operating permit to Fort Leonard Wood without providing a requested public hearing. The permit was issued for a number of stormwater discharges which included fog oil smoke training at several outfalls and additional discharge points at Fort Leonard Wood. (See copy of permit attached at Tab 14).

In response, on May 3, 1995, three individuals and the Coalition filed an appeal of the issuance of the revised stormwater discharge permit with the Missouri Water Conservation Commission ("MWCC"). The permit appeal alleges that the stormwater permit does not include necessary water quality control measures required under State law, that the Army failed to seek authority to use flame training and fog oil obscurants which will adversely impact water quality, and that monitoring requirements for heavy metals were not included for discharges into the Big Piney River, along with a number of additional defects in both Fort Leonard Wood's permit

application and in the permit issued by MDNR. The parties seek denial of the permit by the MWCC. (See copy of appeal attached at Tab 15).

The next regularly scheduled meeting of the MWCC is not until June 21, 1995, the day before this BRAC Commission's June 22, 1995, decision deadline. Clearly, the MWCC has decided not to deal with this appeal on an expedited basis, since no action has been taken on the appeal. Consequently, the stormwater permit appeal process will not be completed before the BRAC Commission's decision date. The MWCC's ultimate decision on the permit appeal will also be reviewable in the State Circuit Court and by the Missouri Court of Appeals. The judicial process along typically takes from eighteen to twenty-four months to complete, during which time the final status of the water permit will be uncertain.

NUCLEAR REGULATORY COMMISSION LICENSES

One of the vital training components of the Army's Chemical School is the nuclear defense training conducted at Fort McClellan using live nuclear agents. That nuclear training component is included in the Chemical School's proposed relocation to Fort Leonard Wood. The nuclear radiation training facilities at Fort McClellan consist of ten laboratories which utilize 25-30 different radioactive isotopes, many of which have half lives that last for decades. During the Chemical School's training and testing exercises, the radiation facilities produce low level radioactive waste ("LLRW"), which averages three 55 gallon drums per year. Unlike Fort McClellan, Fort Leonard Wood does not have access to a functioning regional LLRW disposal facility. Consequently, Fort Leonard Wood will have to construct a LLRW facility on site with the capability of storing and managing LLRW for at least fifteen years and perhaps longer.

Because the Chemical School utilizes special nuclear materials and produces LLRW, Fort Leonard Wood will have to obtain two new licenses from the Nuclear Regulatory Commission ("NRC"), a Part 30 license and a Part 70 license. For a more detailed discussion of the

operation of Fort McClellan's nuclear defense training facilities, its important functions in support of the CDTF, and the requirements for NRC licenses and LLRW facilities at Fort Leonard Wood, see the copy of the White Paper attached at Tab 16. The only NRC license Fort Leonard Wood possesses is a Part 35 license utilized by the base hospital. To date, Fort Leonard Wood has not applied for these two new NRC licenses. In order to do so, the plans and design for the new nuclear facilities at Fort Leonard Wood must be attached to a 100+ page NRC application. The process of designing and preparing those plans and application is estimated to take twelve months. Once an application is received by the NRC, it can take from thirty days to a year to process, depending on the completeness of the application.

Even then, Fort Leonard Wood would have only a Limited Operations License, which would allow only the storage but not the use of radioactive materials. A final Full Operations License would not be issued by the NRC until after the facility at Fort Leonard Wood is constructed and inspected. Optimistic estimates by Fort Leonard Wood engineers indicate this could take at least three years. As an example of how long this complete nuclear licensing process can take, when the Chemical School was moved back to Alabama from Aberdeen Proving Ground, Maryland, the radiological facility at Fort McClellan received its Limited Operations License in 1980. However, the Chemical School was not allowed to begin full-scale operations until its nuclear facilities were finally completed and inspected by the NRC in 1988.

During the years before Fort Leonard Wood receives its Full Operations License, nuclear defense training would either have to be continued at Fort McClellan or it would have to be discontinued. Moreover, only after the radioactive materials have been removed from Fort McClellan and that facility is decommissioned by the NRC may that facility close and its two existing licenses be terminated. In addition, if and when Fort Leonard Wood decides to apply for their NRC licenses, the Army can fully expect opposition from environmental groups and

nuclear activists in Missouri. As an example, see the May 10, 1995, testimony presented to the Missouri House of Representatives Energy Commission by Kay Drey attached at Tab 17. Consequently, like the challenges which have been filed on the issuance of the various air, water and hazardous waste permits, it is almost guaranteed that the NRC licensing process at Fort Leonard Wood will also be subjected to legal challenges and uncertainty for a number of years in the future. Until that is settled, no one will know for sure whether the Chemical School's nuclear training facilities can ever be relocated to Missouri.

ENDANGERED SPECIES AND WILDLIFE ISSUES

Another disturbing and extremely serious issue involved in the Chemical School's proposed relocation is the Army's failure to comply with, and cavalier attitude toward, its obligations under the Federal Endangered Species Act and other wildlife protection statutes. According to both the Army and the Missouri Natural Heritage Program, Fort Leonard Wood is home to a large number of imperiled species, native species and migratory species. Of particular concern are the federally listed endangered American bald eagle, Gray bat and Indiana bat, which are known to inhabit Fort Leonard Wood. The Army has recommended transferring several training activities to Fort Leonard Wood which would likely harm these species. As discussed in detail earlier in this position paper, one of the primary activities conducted by the Army's Chemical School is obscurant training utilizing fog oil smoke and other smoke obscurants. During fog oil smoke training, SGF-2 (similar to 20 weight motor oil) and/or diesel fuel are vaporized and dispersed into the air, where they form a smoke screen composed of small droplets of the vaporized substance. Ideally, the smoke screen created during these exercises hugs the ground to conceal troop movements. According to the Army's report on a smoke trial conducted at Fort Leonard Wood in 1993:

> "No findings were available on the environmental acceptance of fog oil dispersion or effects on [Fort Leonard Wood's] three endangered species of Indiana bats,

Grey bats, and American Bald eagles. An assessment by Federal, State, and local environmental officials is a critical factor to feasibility of smoke operations on the installation." (See copy of excerpt from "Assessment Report -- Smoke Trial 1993" attached at Tab 18).

To date, no such assessment has been done, in spite of available and alarming information demonstrating that fog oil and obscurant training will likely adversely affect these three endangered species, as well as other wildlife at Fort Leonard Wood.

The Army is already well aware of the potential adverse impact of fog oil smoke on the endangered Indiana and Gray bats. On January 17, 1995, the U.S. Army Corps of Engineers Construction Engineering Research Laboratories published a draft document entitled "Potential Impact of Fog Oil Smoke on Selected Threatened and Endangered Species" (See copy of excerpts attached at Tab 19). That report recognized the Army's need "to minimize adverse impacts upon individuals or populations of threatened and endangered species present in training areas", and notes that "[e]xposure to smokes and obscurants is perceived to constitute such a potential negative impact." The document also states that there are currently "inadequate data to provide an accurate assessment of the potential impact of smokes and obscurants . . . on threatened and endangered species occupying training installations." On the contrary, sufficient information <u>does</u> exist to demonstrate that the various types of obscurants, including fog oil smoke, will have an adverse impact on, or at the very least "may affect", the Indiana and Gray bats at Fort Leonard Wood, as well as the endangered American bald eagle.

Many other documents -- both Army reports and scientific publications -- reveal the likely adverse impact of fog oil smoke on these bats. According to a report entitled "Environmental and Health Effects Review for Obscurant Fog Oil" by C.J. Driver and others (See copy attached at Tab 20), "[f]og oils have the potential to accumulate in the aquatic environment while they are being routinely used and could reach acutely toxic levels for some benthic organisms." The

Driver report also states that "[l]ubricating oils such as SGF-2 have been shown to bioaccumulate in aquatic food chains with mammalian top consumers" and that "[l]oss of aquatic food sources may affect the survivability of aquatic wildlife young that are dependent on limited local resources and high nutrient requirements during their initial growth period." The bats prey primarily upon mayflies, caddisflies, stoneflies, and other insects associated with the aquatic environment. These same mayflies, caddisflies, and stoneflies reside at the bottom of rivers and lakes during their larval state, and thus are "benthic organisms". The Driver report confirms the Army's own conclusion that fog oil smoke will have a direct adverse affect on the primary prey of the Indiana and Gray bats, and thus on the bats themselves.

Efforts made by the Corps of Engineers in its January 17, 1995, report (See Tab 19) to attempt to discount the impact of fog oil smoke on the endangered Indiana and Gray bats are highly questionable. For example, the conclusions in the Impact Document are premised on the incorrect notion that fog oil smoke training will not occur at night. Furthermore, the Corps' Impact Document ignores the fact that fog oil smoke generation occurs most often at prime foraging time for the bats -- dusk and dawn. The Corps document does recognize that "fog oil precipitating onto the vegetation would be ingested by and accumulated in the prey insects", and that "oils have been used as insecticides in the past . . . ; thus, there may be a reduction in insect populations and in turn a reduction in food availability should fog oil precipitate onto the vegetation." In spite of its recognition of these facts, the Corps report concludes that the adult bats "would not be expected to ingest significant quantities of fog oil." However, in the next paragraph, the Corps report recognizes the need to test their critical assumption that "[t]he prey of bats does not contain sufficient quantities of fog oil to cause toxicological effects when ingested by bats." Furthermore, the Corps report ignores the Driver Report's conclusion that fog oil smoke <u>will</u> have an adverse impact on the bats' food chain. Likewise, other scientists

have documented mortality of Gray bats resulting directly from pesticide application on the bats prey. E.g., Clark, D., et al. 1978. "Dieldrin-Induced Mortality in an Endangered Species, the Gray Bat (Myotis grisescens)" Science, 199(4335):1357-59.

Unfortunately, the Army failed to reveal in its fog oil permit application or otherwise to the Missouri Department of Natural Resources that the Chemical School's obscurant smoke training also utilizes graphite flakes, brass flakes and other additives. Fort Leonard Wood has also failed to apply for permission to use HC smoke, a pyrotechnic smoke-producing composition of grained aluminum, zinc oxide and hexachloroethane contained in smoke munitions and "floating smoke pots". In addition to fog oil smoke and HC smoke and munitions, the Army Chemical School utilizes munitions containing red, white and plasticized phosphorus during obscurant training, as well as dye colored smokes for signaling purposes. The Army has failed to even preliminarily address the impact which these activities will have on the bald eagle and Indiana and Gray bats. I suggest they have failed to do so, because even a preliminary analysis would reveal that the planned move of the Chemical School to Fort Leonard Wood would be doomed due to the adverse impact the training would have on the resident endangered species and their habitat.

In July of 1993, the Chemical Research & Development Center of the U.S. Army Armament, Munitions and Chemical Command at Aberdeen Proving Ground, Maryland, ("CRDC") published a five-volume document intended "to provide a general environmental assessment for the overall smoke/obscurant program." According to Volume 4 of that document, "HC smoke mix and its combustion products pose significant health hazards to manufacturing personnel and using troops" and "is fairly toxic to mammals." A training accident in the 25th Infantry Division, Hawaii, in 1984 seriously injured twenty-two soldiers, one of whom died. According to Volume 2 of the CRDC document, the phosphorus compounds

used in smoke training are potentially lethal to both humans and wildlife, and may cause sublethal effects after prolonged exposure. In at least one case, bald eagles in Alaska died after eating fowl which had consumed phosphorus residue. Volume 5 of the CRDC document states that "some of the organic dyes presently used in colored smoke pyrotechnic formulations pose potential serious health hazards to occupationally exposed personnel" and present toxic and carcinogenic hazards. While the CRDC documents do not address the health and environmental effects of smoke containing graphite or brass flakes, they clearly reveal that the Chemical School's obscurant training activities will have a potentially devastating effect on the bats, bald eagles, and wildlife on and near Fort Leonard Wood.

Mr. Chairman and Members of the Commission, it is important for you to understand the adverse impact the Chemical School's activities will likely have on the wildlife and protected species at Fort Leonard Wood. Moreover, I draw your attention to the fact that I was able to do so relying almost exclusively on the Army's own documents and reports. It is particularly disturbing to me that the Army, which has this information in its possession, has failed to live up to its obligations under the Endangered Species Act and other wildlife laws.

Before anyone discounts the importance of this issue, let me remind the Committee of the impact the Endangered Species Act had on a multi-million dollar dam which the Tennessee Valley Authority had largely completed prior to the passage of that Act. I was elected to the Senate just a few months after the U.S. Supreme Court handed down its famous decision in TVA v. Hill back in 1978, and I can personally attest to the consternation in the Senate over the Court's ruling that TVA could not complete the Tellico Dam. As a result of my own experience with the snail darter and numerous other endangered species issues since -- including the recent Alabama sturgeon fiasco -- I am acutely aware that one small critter can shut down the best laid plans of any agency -- whether it be the TVA, the Federal Highway Administration, or even the

U.S. Army. Consequently, I strongly encourage this Commission to examine carefully the Army's failure to comply with the Endangered Species Act and other wildlife protection statutes in making your decision on the Chemical School's recommended move to Fort Leonard Wood.

Section 7 of the Endangered Species Act requires that the Army, in consultation with the U.S. Fish & Wildlife Service, ensure that any action it authorizes, funds or carries out is not likely to jeopardize the continued existence of any endangered or threatened species. 16 U.S.C. § 1536(a)(2). Section 7 also prohibits the irreversible or irretrievable commitment of resources during the consultation period. It is my belief that Fort Leonard Wood's submittal of their permit applications to the State of Missouri, coupled with the Army's knowledge that the Chemical School's activities "may affect" the endangered species at Fort Leonard Wood, triggered its obligations under Section 7 of the Endangered Species Act. Certainly that action was an action authorized, funded or carried out by the Army. Furthermore, if you elect to accept the Army's recommendation that the Chemical School and other activities be transferred from Fort McClellan to Fort Leonard Wood, you will set in motion a process which cannot be stopped by you or officials at the Department of Defense -- thus resulting in an irreversible and irretrievable commitment of resources. Based upon the available science, it is clear that the Chemical School's activities will either be prohibited or at the very least severely curtailed by the presence of these endangered species at Fort Leonard Wood.

On April 27, 1995, Congressman Glen Browder wrote to the U.S. Fish & Wildlife Service Director, Mollie Beattie, requesting from her information on the Army's compliance with the mandates of ESA section 7. (See copy of April 27 letter attached at Tab 21). The Fish and Wildlife Service replied on May 12, 1995, that the Army had not initiated consultation with the Service on this issue, and that the Army did not intend to do so until after this Commission has made its decision. (See copy of May 12 letter attached at Tab 21). In my opinion, that

decision to delay consultation is contrary to federal law, and I suspect a federal court would confirm my opinion. With all due respect, I remind the Commission that, while your own actions are expressly exempted from the requirements of the National Environmental Policy Act, 42 U.S.C. § 4321-4370, your actions are not exempted from the requirements of the Endangered Species Act ("ESA"). This Commission is well aware of the substantial resources which will be required to close Fort McClellan and transfer the Chemical School's activities to Fort Leonard Wood. It would be a travesty if the Army's violation of the ESA ultimately blocks the transfer of the Chemical School and other activities to Fort Leonard Wood **after** substantial taxpayer money has been spent to effectuate the move.

Finally, the documented bald eagle death from obscurant training, and the known toxicity of these compounds to other birds, raise the question of whether the Army has satisfied its obligations under the Bald and Golden Eagle Protection Act, 16 U.S.C. § 16 U.S.C. §§ 668-668d and the Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712. Although those statutes do not contain consultation requirements like those found in Section 7 of the ESA, they do prohibit the taking, killing, or poisoning of migratory birds (including bald eagles) and more specifically, the taking, killing, poisoning, molesting or disturbing of bald eagles. I am concerned that the relocation of the Chemical School and the CDTF to Fort Leonard Wood will have just such an adverse effect on migratory birds and bald eagles in violation of these two laws. Unfortunately, I can find no evidence that the Army has even contemplated its obligations under these latter two laws, much less taken steps to comply with them, any more than they have the Endangered Species Act.

NATIONAL ENVIRONMENTAL POLICY ACT REQUIREMENTS

I now call your attention to the issue of compliance with the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370 ("NEPA"). I recognize that the authorizing legislation for

the BRAC and the relevant case law demonstrate that this Commission's decisions are not subject to NEPA. While this may have been a wise decision by Congress, I note that it leaves you members of the BRAC Commission, the public, and the Army in the dark regarding the environmental impact of your decision. As you know, NEPA requires federal agencies to prepare an environmental impact statement before approving any "major federal action significantly affecting the quality of the human environment." 42 U.S.C. § 4332. It has been conceded by both Army and EPA personnel, as well as the environmental coordinator at Fort Leonard Wood, that the Army will "definitely have to do an impact statement" pursuant to NEPA if this BRAC Commission makes the decision to relocate the CDTF, Chemical School and other Fort McClellan activities to Fort Leonard Wood. (See copies of news articles attached at Tab 22). Unfortunately, no one will truly understand the environmental consequences of this decision until after it has been irrevocably made by this Commission.

You Commission members have previously expressed your concerns regarding the Army's ability to obtain all of the necessary environmental permits and approvals in a timely fashion to effectuate the relocation of the Chemical School to Fort Leonard Wood. Based on the Army's previous experience with hundreds of projects, it is undisputed that the Army will not be able to secure the requisite NEPA approvals in the near future --and perhaps not at all. As an example, it took the Army four years (from 1981 to 1985) to complete the environmental impact statement ("EIS") on the CDTF currently in operation at Fort McClellan. (See also copy of letter from David Shorr to BRAC dated May 19, 1993, indicating that preparation of an EIS for Fort Leonard Wood will take four years, attached at Tab D).

One of the primary components of an EIS is an analysis of the impacts of an agency action upon endangered and threatened species and other wildlife. As discussed at length in the previous section, relocating the Chemical School to Fort Leonard Wood will very likely have

a severe adverse impact on the three listed endangered species known to inhabit Fort Leonard Wood. Therefore, the EIS will likely show that this proposed move will have a significant adverse impact on the environment, and I believe the Army will be bound to reverse its decision to close Fort McClellan. However, because of the Army's unwillingness to comply with its obligations to consult pursuant to the ESA, and because this Commission's decision process is exempted from NEPA, we will not know for four or five years whether the recommendation to relocate Fort McClellan's activities to Fort Leonard Wood was doomed from the start. Mr. Chairman and Members of the Commission, even though you are not required by law to do an EIS, if you carefully consider the available information regarding the adverse impact on the environment of this proposed move, I believe the only reasonable decision you can make is to reject the Army's recommendation to close Fort McClellan. By rejecting that recommendation now, this Commission will have avoided needlessly wasting millions of taxpayer dollars on an ill-fated endeavor which will never be successfully completed.

CONCLUSION

Mr. Chairman and Members of the Commission, there are a host of other permits, licenses and certifications which will be needed by the Army to accomplish the relocation of the Chemical School to Fort Leonard Wood. One example is a required approval from the Federal Aviation Administration, because the CDTF which has three stacks exceeding 50 feet in height, will be located in a fly over zone less than 2500 feet from Forney Air Field which services three commercial TWA Express Airline flights each day. Another example is an approval from the Department of Defense Explosive Safety Board for the CDTF, as is currently required at Fort McClellan. Numerous other examples abound, which I dare say Fort Leonard Wood has not even focused on. Nevertheless, I do not believe further elaboration of additional permitting deficiencies is necessary. That's because I sincerely believe that the detailed discussion already

provided in this position paper should be more than enough to firmly convince you that the Army does not now possess, nor are they ever likely to acquire, all the required permits to accomplish moving the Chemical School and its training facilities to Fort Leonard Wood. I trust you agree, and I urge you to vote to reject this recommendation.

MISSOURI PERMIT STATUS
June 13, 1995

THE ISSUE

The Department of Defense has recommended the closure of Ft. McClellan, Alabama and the transfer of the Chemical and Military Police Schools to Ft. Leonard Wood, Missouri. Ft. McClellan houses the only live chemical agent training facility in the "free world." This is the third time Ft. McClellan has been proposed to be closed. The 1993 Defense Base Closure and Realignment Commission (BRAC) made it clear that all permits must be in order before a recommendation to close Ft. McClellan would be approved. The 1995 Commission has made similar direct statements with regard for the need for all permits.

The Army has filed for and received only three of several permits that are needed to operate the Chemical School in Missouri, and all three of the permits they have received are tied up in appeals that could prevent the School from ever opening in Missouri.

Chemical Decontamination Training Facility (CDTF)

Fort Leonard Wood submitted an application for a permit to construct the CDTF to the Missouri Department of Natural Resources (MDNR) on March 1, 1995, based on data and drawings assembled during 1983-1985 on which Fort McClellan's original air permit was issued in Alabama in 1987.

MDNR issued a permit to construct the CDTF incinerator on April 10, 1995, conditioned on Fort Leonard Wood conducting and meeting stringent test burns and emission tests after construction of the facility. Special conditions in the Missouri air permit indicate that hazardous waste connot be burned in the CDTF incinerator, e.g., gas mask filters contining chromium, or materials contaminated with nerv agents.

EPA Region VII has indicated that it is concerned when a state regulatory agency says it can issue a permit within such short timetables, and without an opportunity for public review and comment, as was done in Missouri. **An appeal of this permit was filed before the Missouri Administrative Hearing Commission.**

Fog Oil Smoke Generation

Fort Leonard Wood submitted an air permit application to MDNR on March 1, 1995, to conduct fog oil smoke training in Missouri without first coordinating with officials at Fort McClellan on the permit requirements in violation of specific instructions from TRADOC to do so.

On April 11, 1995, MDNR issued a proposed air permit to Fort Leonard Wood which limits the Army to the use of no more than 65,000 gallons per year of fog oil. No use of any other type of fuel or obscurants is permitted under MDNR's proposed permit. Numerous Fort Leonard Wood personnel have repeatedly stated publicly that the air permit will limit them to doing smoke training a maximum of 135 days/year for a maximum of one hour per day. Fort McClellan trains with smoke at least 200 days per year, sometimes as much as 4 to 5 hours per day, depending on weather conditions.

On April 24, 1995, Fort Leonard Wood submitted to MDNR an application for a variance from Missouri's state air regulations which impose a maximum 20% opacity limit. The Chemical School's fog oil operations are by design intended to generate a smoke cloud which is 100% effective in obscuring vision.

On June 6, 1995, The Missouri Air Commission granted a variance to the Opacity Rule which allows the fog oil smoke generation to exceed Missouri's 20% opacity limit. Granting of this variance paved the way for the approval of the fog oil smoke generation permit the next day.

On June 7, 1995, an Air Permit for fog oil usage was approved by the Missouri Air Conservation Commission. This permit allows smoke training to be conducted using fog oil.

On June 9, 1995, the Missouri Coalition for the Environment and individuals from the area surrounding the base, filed an appeal of the issuance of the fog oil usage permit in Circuit Court in the city of St. Louis.

Hazardous Waste Permits

The Director of the Missouri Department of Natural Resources, David Shorr, has made contradictory public statements as to whether or not a hazardous waste permit will be needed for the CDTF. The following documents establish the record regarding Director Shorr's inconsistencies over the past few months.

In letters in 1993 and 1994, to 1993 BRAC Chairman Jim Courter and Secretary of Defense William J. Perry, respectively, MDNR Director David Shorr wrote that a hazardous waste permit will be needed for the CDTF. He also noted in this letter that a hazardous waste permit would normally take 1 ½ to 2 years to complete. In a 1995 letter, however, Director Shorr tells Major General Joe Ballard, Commandant at Ft. Leonard Wood, Missouri, that a hazardous waste permit for the CDTF will now not be required.

On April 12, 1995, before a 1995 BRAC Regional Hearing, Director Shorr testified under oath that a hazardous waste permit for the CDTF will not be required. Mr. Shorr's vehement response to the Chairman of the BRAC Commission was, "... [A] hazardous waste permit is not required for the thirty-four thousandth time."

This decision not to require a hazardous waste permit resulted in an appeal filed by the Missouri Coalition for the Environment before the Missouri Hazardous Waste Commission. In a motion to dismiss appeal, filed by Missouri Attorney General Jay Nixon, Nixon finds that a decision on the need for hazardous waste permit for CDTF is not final, arguing, among other things, that the Director of MDNR did not have the authority to make the decision that a permit was not needed.

Additional Required Permits

In addition, there are the many permits, licences and certifications which are required for the Chemical School to operate in Missouri -- but for which no applications have yet been filed. These include a hazardous waste permit for the incinerator at the CDTF, several stormwater and air quality permits, two Nuclear Regulatory Commission licenses, a radioactive waste storage permit, a NESHAPS hazardous air pollutants permit relating to the radiation laboratory, a wastewater permit and a public water supply permit.

- **Section 7 consultation with U.S. Fish and Wildlife.** Under Section 7 of the Endangered Species Act, the Army is required to seek consultation with the U.S. Fish and Wildlife Service regarding the three listed endangered species on the base (Indiana Bat, Gray Bat and American Bald Eagle). To date, the Army has refused to seek this consultation.

- **Environmental Impact Statement.** The Army has not developed a required environmental impact statement.

- **Nuclear Regulatory Commission permits.** Because the Chemical School utilizes special nuclear materials and produces low-level radioactive waste, Ft. Leonard Wood will have to obtain a Part 30 and a Part 70 license. To date, Ft. Leonard Wood has not applied for these two NRC permits. Once received, it can take from 30 days to a year to process.

A trail of permitting errors that began when the Army failed to even apply for its Missouri permits until March 1, leaving very little time for Missouri to respond. Fort Leonard Wood hurriedly prepared permit applications, leaving out required data and using obsolete and inaccurate information. Missouri rushed the three permits through, awarding two of them in 43 days and a third in just over 60 days -- even though these permits normally take 250 to 500 days. **The rush resulted in permits so flawed that all have been challenged, and are on appeal or in court.** If challengers win, these three permits will be negated; if challengers lose, the three permits could be tied up in court for years, delaying the full operation of the Chemical School until long after the same operations at Fort McClellan have been shut down.

U.S. ARMY PERMIT REQUIREMENTS FOR CHEMICAL TRAINING SCHOOL TRANSFER

REQUIRED PERMITS	IS IT REQUIRED?	REQD. FROM WHOM	APPLICATION STATUS	PERMIT STATUS
Air Permit - Fog Oil Usage	Yes (10 CSR 20-6.200)	Missouri DNR	Granted June 7, 1995 Pending Opacity Appeal	Variance Appealed
This permit allows smoke training to be conducted using fog oil.				
Air Permit - Opacity Rule Variance	Yes (10 CSR 10-6.060)	Missouri DNR	Approved June 6, 1995	Appealed
This variance would allow the fog oil permit to be granted by allowing fog oil smoke to exceed Missouri's 20 percent opacity limit.				
Air Permit - CDTF Construction	Yes (10 CSR 10-6.060)	Missouri DNR	Granted April 11, 1995	Appealed
This permit allows the post to build the CDTF, which includes an incinerator.				
Stormwater Permit - Fog Oil Usage	Yes (10 CSR 20-6.200)	Missouri DNR	1st Granted February 17, 1995 Revised March 2, 1995 Granted April 4, 1995	Appealed
This permit allows storm water to be discharged from the base.				
Stormwater Permit - CDTF Construction	Yes (10 CSR 20-6.200)	Missouri DNR	Not filed	
This permit allows the post to build the CDTF which includes clearing more than 5 acres of land.				
Stormwater Permit - Flame Training	Yes (10 CSR 20-6.200)	Missouri DNR	Not filed	
Since flame training is a significant potential stormwater pollution source, this permit is required for any designated flame training area.				

U.S. ARMY PERMIT REQUIREMENTS FOR CHEMICAL TRAINING SCHOOL TRANSFER

REQUIRED PERMITS	IS IT REQUIRED?	REQD. BY WHOM	APPLICATION STATUS	PERMIT STATUS
Stormwater Permit - Other Construction This permit is necessary for any construction which would result in a stormwater point source. It is required for all construction areas exceeding 5 acres.	Yes (10 CSR 20-6.200)	Missouri DNR Missouri Clean Water Law	Not filed	
Air Permit - Other Obscurants This permit allows the use of other types of obscurant training (other than fog oil) which is necessary for the comprehensive training in battle conditions.	Yes (10 CSR 10-6.060)	Missouri DNR	Not filed	
Air Permit - Flame Training This permit is required for flame training - an integral part of Chemical School training - to be conducted.	Yes (10 CSR 10-6.060)	Missouri DNR	Not filed	
RCRA Hazardous Waste - CDTF Operation This permit allows for the hazardous waste disposal of waste pads containing silver which are used to detect nerve agents. EPA Waste Code D011.	Yes (40 CFR 261.24)	Missouri DNR	Not filed	

U.S. ARMY PERMIT REQUIREMENTS FOR CHEMICAL TRAINING SCHOOL TRANSFER

REQUIRED PERMITS	IS IT REQUIRED?	REQD. BY WHOM	APPLICATION STATUS	PERMIT STATUS
NRC Permit **Radioactive Isotope Training Labs** **Part 30** This permit is required for the radioactive laboratories to be constructed at the base. A Part 30 license is for byproduct materials and specific source materials.	Yes (10 CFR 30)	Nuclear Regulatory Comm.	Not filed	
NRC Permit **Radioactive Isotope Training Labs** **Part 70** This permit is required for the radioactive labs to be constructed. A Part 70 license is for Special Nuclear Material.	Yes (10 CFR 70)	Nuclear Regulatory Comm.	Not filed	
Radioactive Training-Laboratory Wastes This permit is required for Fort Leonard Wood to store all radioactive waste materials on-site until a disposal site is available (estimated 10-15 years.)	Yes (10 CSR 25-7.264 and 40 CFR 264)	Missouri DNR	Not filed	
Air Permit - NESHAPs (Rad. Lab) The National Emissions Standards for Hazardous Air Pollutants permit is required for any new facility with an NRC-regulated license.	Yes (10- CSR 10-6.060)	US EPA Missouri DNR	Not filed	

U.S. ARMY PERMIT REQUIREMENTS FOR CHEMICAL TRAINING SCHOOL TRANSFER

REQUIRED PERMITS	IS IT REQUIRED?	REQD. BY WHOM	APPLICATION STATUS	PERMIT STATUS
Air Permit - Process Weight Rule The Process Weight Rule restricts the amount of allowable particulate emissions from the generation of fog oil.	Yes (10- CSR 10-3.050)	Missouri DNR	Not filed	
Air Permit - Modeling for PSD EPA guidelines require that total emissions (major and minor) from all of the Chemical School operations be evaluated to prevent significant deterioration of air quality.	Yes (10- CSR 10-6.060)	Missouri DNR	Not filed	
Wastewater Permit - CDTF Air Scrubber Water This is a water polution control construction permit which will allow wastewater from the incinerator scrubber to be discharged into Fort Leonard Wood's waste-water treatment plant.	Yes (10 CSR 20-6.010)	Missouri DNR	Not filed	
Public Water Supply Permit This permit allows the base to dispense water from its nontransient noncommunity water system to staff exceeding 25 persons.	Yes (10 CSR 60-3.010 and 10 CSR 60-2.015)	Missouri DNR Missouri Drinking Water Regulations	Not filed	

DEPARTMENT OF THE ARMY
U.S. ARMY CHEMICAL AND MILITARY POLICE CENTERS & FORT MCCLELLAN
FORT MCCLELLAN, ALABAMA 36205-5000

REPLY TO
ATTENTION OF

ATZN-CMA (5-10c) 09 JUN 1995

MEMORANDUM THRU COMMANDER, TRADOC, ATTN: ATCS-OR, FORT MONROE, VA 23651-5000

FOR HEADQUARTERS, DEPARTMENT OF THE ARMY, ATTN: DACS-DM, WASHINGTON, DC 20310-0200

SUBJECT: Review of Proposed Draft Air Permit--Fog Oil Smoke

1. This memorandum forwards a review of the proposed draft Air Permit for smoke training at Fort Leonard Wood (Tab A) and presents the U.S. Army Chemical School assessment of its impact on smoke training.

2. The capability to train soldiers and leaders to effectively employ smoke is absolutely essential to Army readiness and operations. Modern technology greatly increases the lethality of the battlefield throughout the entire spectrum of conflict. Sophisticated weapon systems and sensors, using the entire electromagnetic spectrum, have vastly improved target acquisition and surveillance. In an age of increasing weapon sophistication, smoke and obscurants are effective combat multipliers and low technology countermeasures to modern systems. Combat development studies show large area smoke, when properly used, provides combat commanders a 30% increase in survivability and even greater force protection percentages in defeating long range anti-tank fires. This capability is provided by the chemical officers, noncommissioned officers, and soldiers who receive smoke training at the U.S. Army Chemical School under Training and Doctrine Command approved Programs Of Instruction which define the task, conditions, and standards for branch qualification.

3. Currently, smoke training for the Army and Air Force is effectively conducted at Fort McClellan. The Alabama Department of Environmental Management is fully informed of the smoke training program and has concluded that this training does not require an air permit for smoke operations (Tab B).

DRAFT

ATZN-CMA
SUBJECT: Review of Proposed Draft Air Permit--Fog Oil Smoke

4. NBC defense/smoke employment subject matter experts have reviewed the draft Missouri Department of Natural Resources Air Permit and have concluded that it will severely limit our ability to adequately conduct smoke training to standards. Operator and unit proficiency cannot be effectively achieved under the restrictions of the draft air permit and will result in significantly reduced survivability for U.S. Army forces on future battlefields.

5. Point of Contact for the issue is the undersigned, (205) 848-5265 or DSN 865-5265.

FOR THE COMMANDER:

2 Encls

J HAROLD MASHBURN
Colonel, CM
Assistant Commandant

CF:
Commander, U.S. Army Engineer Center and Fort Leonard Wood,
ATTN: ATZT-CG, Fort Leonard Wood, MO 65473-5000

DRAFT

ATZN-CMN 9 June 95

MEMORANDUM FOR RECORD

SUBJECT: Review of Draft Smoke Permit

1. The U.S. Army Chemical School reviewed the 7 Jun 95 Missouri Department of Natural Resources Air Permit for fog oil at Enclosure 1 in light of potential impacts on smoke training. Smoke training is an integral part of all Chemical Corps professional development courses taught at the Chemical School. All branch qualification smoke training for chemical officers (74A), Chemical NCOs (54B), and Initial Entry soldiers (OSUT). This training is conducted in accordance with the tasks, conditions, and standards contained in relevant TRADOC approved Programs of Instruction.

2. The permit would imposes 37 special conditions on the conduct of smoke training at Fort Leonard Wood. These special conditions vary in their impact on the effectiveness of smoke training from severe to minor. Only the most severe restrictions will be addressed in succeeding paragraphs due to time constraints imposed on this analysis.

3. The Permit caps annual consumption of fog oil at 65,000 gallons per year. The FY 96 consumption of fog oil is estimated to be 123,562 gallons by the Active Army and Air Force (Enclosure 2). Based on empirical data that includes the impact of weather, low student show rates, and optimistically lower average fog oil consumption rates, this estimate may be as low as 99,888 gallons. The proposed annual permitted quantity of fog oil (65,000 gallons) then represents a loss of between 47.4% and 34.9% of training time at the macro level. Additionally, the FY 96 projected requirement does not include Reserve Component usage factors (Enclosure 3) because of the uncertainty associated with their availability to train at Fort Leonard Wood. By way of comparison, 93,800 gallons were used in FY 94 and 116,350 gallons were used in FY 93 at Fort McClellan.

4. The Air Permit establishes a daily limit of 3,700 pounds (500 gallons) of fog oil. Our review of FY 96 schedule of training events (Enclosure 4) shows 190 days of smoke training. The proposed restriction would be exceeded on 154 of 190 training days. A review of multiple smoke event training days shows 83 days where more than one event would need to take place. On 78 of these 83 multiple smoke training days, the limit of 3,700 pounds (500 gallons) would be exceeded. Our greatest concern is for the One Station Unit Training (OSUT) smoke training requirements. One platoon of OSUT soldiers consumes 1,050 gallons of fog oil in one afternoon of hands-on training. This results in 0.42 hours (25 minutes) of actual operating time per student. Under the proposed restrictions, the training would need to be cut by one-half to meet the limit assuming this is the only smoke training event occurring that day.

5. The Proposed Draft Air Permit creates a limit of PM-10 emissions not to exceed 2,600 pounds per hour. Considering a 70% suspension rate of fog oil droplets, this equates to approximately 10 generators running for one hour. It is not clear to us how the Missouri Department of Natural

Resources will interpret this standard. If the maximum limit of generators running at one time is indeed limited to only ten generators, then 8 of the 11 types of smoke training events would be degraded. If the PM-10 emissions standard is an average rate, then no single smoke training event would be degraded, assuming our current smoke training hours are not compressed.

6. The Air Permit specifies that only the M3A3 smoke generator may be used for training. The M3A3 smoke generator is obsolete and has been for six years. It was replaced with an array of systems as shown at enclosure 5. At present, chemical soldiers train on M3A4 (static), M157 (HMMWV), and M1059 (mechanized) generator systems. By the end of 1997, the Chemical School will train soldiers to operate a minimum of four separate systems. These additional systems in the inventory will increase fog oil requirement by 43,000 gallons annually.

7. The Air Permit specifically prohibits the use of graphite or brass to change or enhance obscurant effectiveness. This prohibition eliminates our ability to train with multispectral obscurants, a significant modernization the Army has spent millions of dollars to achieve. Both the M56 and M58 smoke generator systems (with turbine generators) were designed to specifically add infrared (graphite) obscurants to the fog oil for large area obscuration. This Air Permit will allow neither system to be used at Fort Leonard Wood.

8. Appendix A of the Permit recommends that the number of smoke training days be limited to 135 days annually. This artificial limit will compress the training now conducted over 190 days and further increase the number of multiple smoke event days. This in turn, increases the need to exceed the 3,700 pounds per day emission standard.

9. Training degradation caused by limitations on the number of training days are further exacerbated by the limitation that only one training event may take place at one time. The permit does allow multiple training events in a day, but no simultaneous smoke training missions. This combination of limitations will create a scheduling nightmare. The best time for making smoke is during inversion conditions, specifically prohibited by the Permit. Add variable wind conditions which will lead to cancellations and effective smoke training indeed becomes a severe challenge.

10. Record keeping, reporting, monitoring and modeling requirements are excessive and costly. Meteorological monitoring requirements begin one hour prior to an event and end one hour after completion of an event. The trained meteorologist required by the permit or his staff must measure and record (every 60 seconds) air temperature, pressure, relative humidity, atmospheric stability, mixing height, wind speed, and wind direction. If the meteorology system malfunctions for two consecutive minutes, the smoke training must stop. If meteorological parameters cited above go out of tolerance for three consecutive minutes, training must stop. The permittee must also run a (nonstandard Army) predictive computer model (TACSMK) prior to smoke training events. Finally, a certified meteorological forecast must be obtained less than two hours prior to any smoke event that forecasts favorable weather conditions for the projected smoke period.

SUBJECT: Review of Air Permit

11. The State of Alabama does not currently require U.S. Army Chemical School or Fort McClellan to submit an air permit for fog oil. While Federal guidelines exist, each State has primacy for enacting or enforcing guidelines. Currently, fog oil training requirements are not limited by State of Alabama restrictions (Encl 6).

12. In conclusion, the Air Permit would severely reduce the annual and daily quantity of fog oil required to adequately train soldiers in smoke tasks. In order to approach the proposed limitations, either hands-on training for OSUT soldiers and junior officers will need to be significantly reduced or the number of generator systems trained would need to be reduced. One way to avoid degradation of smoke training requirements would be to request modification of the draft air permit allowing 170,000 gallons of fog oil per year (projected use plus modernized systems demand) and an increase to 1,700 gallons of fog oil per day. In order to provide flexibility while still respecting environmental quality, no limit should be placed on the annual training days or hours within a smoke training day. Finally, meteorological measurement, recording, predictions, and simulation requirements must be reduced to realistic levels.

5 Encls
(rel 1 wD)

ROBERT J. COUGHLIN
COL, CM
Director of Training

AVERY® Aigner® LEGAL INDEX™ EXHIBIT DIVIDERS

DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

8 AUG 1994

Honorable Glen Browder
House of Representatives
Washington, DC 20515

Dear Mr. Browder,

In our meeting on June 16, 1994, you and I discussed Department of Defense policy and intentions on several matters related to the Chemical Demilitarization Project scheduled for Anniston Army Depot. You requested that I provide assurances on these matters, and I am pleased to respond to this request. As you know, the Department is eager to conduct its business in a manner that is open and meets community concerns to the maximum extent possible. The "safeguard" assurances you request serve this purpose and therefore deserve the positive responses provided below.

Please rest assured that we share your concern for safe and environmentally sound destruction of chemical weapons at Anniston. Specifically:

Prohibition against transportation:
As required in section 8075A of Public Law 103-139, no federal funds will be used to study the feasibility of removal or transportation of unitary chemical weapons from or into Anniston Army Depot, except as permitted by that section.

Enhanced stockpile surveillance:
Anniston is already incorporated into the enhanced stockpile surveillance program and will be monitored until completion of the chemical weapons destruction program.

Site-specific risk assessment:
We will perform a site-specific risk assessment at Anniston before construction of the chemical weapons disposal facility begins.

Neutralization research:
We will continue research into neutralization technology and, should breakthroughs occur early which demonstrate improved safety or environmental performance, we will endeavor to apply the new data to destruction design and operation at Anniston.

Lessons learned:
We will incorporate lessons learned from the Johnston Atoll and Tooele Army Depot destruction facilities into the design and operation of the Anniston facility.

Successful JACADS operation/Third facility contract:
As required in section 2106 of Public Law 103-160, none of the funds appropriated, pursuant to an authorization of appropriations in section 2104(a) for construction of the chemical weapons destruction facility at Anniston will be obligated until the Secretary of Defense submits a certification in accordance with that provision.

Carbon filtration system:
We will incorporate the most effective carbon filtration system available into the design of the Anniston disposal facility.

Monitoring for long-term health effects:
We will coordinate with public health agencies to monitor long-term health effects of the destruction program at Anniston.

Anniston Army Depot/Fort McClellan support resources:
By separate correspondence, I am asking the Secretary of the Army to work closely with the Alabama Department of Environmental Management to respond to the state requirements and to be fully responsive to their concerns.

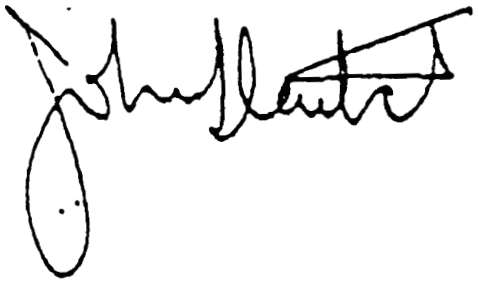
Chemical Stockpile Emergency Preparedness Program:
We will provide for maximum protection for the environment and human health of the community surrounding Anniston Army Depot by providing effective leadership to ensure the successful implementation of the Chemical Stockpile Emergency Preparedness Program.

Destruction of facility upon completion of demilitarization:
The facility constructed at Anniston Army Depot will be used only for destruction of chemical weapons and munitions stored at Anniston Army Depot, and once the elimination of that stockpile is completed, the facility will be dismantled and removed.

Congressional oversight:
We will conduct all operations in full awareness of Congressional oversight through the authorization and appropriations process.

I assure you that the Department of Defense will continue to ensure that the destruction of our chemical weapons stockpile is accomplished in full cognizance of the ongoing need to protect our people and our environment.

Sincerely,



THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

ACQUISITION AND TECHNOLOGY

AUG 11 1994

MEMORANDUM FOR THE SECRETARY OF THE ARMY
ATTN: ASA(ILE)

SUBJECT: Chemical Weapons Demilitarization Facility at Anniston Army Depot, Anniston, Alabama

Efforts are ongoing to ensure the successful start of chemical weapons demilitarization operations at Anniston Army Depot. In order to gain the requisite support for these operations, we must ensure the application of certain safeguards which will satisfy local concerns and enhance the safety of the demilitarization process.

We need to be fully responsive to the Alabama Department of Environmental Management, and we must commit appropriate military resources (such as the following, which have been identified at their current location) to support the demilitarization effort:

Anniston Army Depot:

Directorate for Law Enforcement and Security
Directorate for Ammunition Operations
Ammunition Surveillance Division
Depot Equipment Division
Environmental Management Division
Health Clinic
Depot Commander
Electronics Liaison Office

Fort McClellan:

Decontamination Team
Medical Assistance Team
Security Control Team
Communications Support Team
Rescue Squad
Public Affairs Office
Plans and Operations Office
Explosive Ordnance Detachment
Noble Army Community Hospital
Provost Marshal
Traffic Control and Security Force
Directorate of Plans, Training, Mobilization and Security

Encl 1

Directorate of Logistics
Staff Judge Advocate
Directorate of Personnel and Community Activities
Joint Information Center
Emergency Operations Center

I will appreciate your timely attention in this matter. I hope that you will be able to report to me in the very near future that the coordination required to ensure commitment of appropriate resources has been accomplished.

Please inform Dr. Ted Prociv, Deputy Assistant to the Secretary of Defense (Chemical and Biological Matters) on the status of your coordination efforts. Dr. Prociv can be reached at Extension #51097.

Noel Longuemare

R. Noel Longuemare
Principal Deputy Under Secretary of Defense (Acquisition & Technology)

Congress of the United States
Washington, DC 20515

April 17, 1995

The Honorable Alan J. Dixon, Chairman
Defense Base Closure and Realignment Commission
1700 North Moore Street, Suite 1425
Arlington, VA 22209

SUBJECT: Army Support to the Chemical Demilitarization Program at Anniston Army Depot

Dear Chairman Dixon:

Fort McClellan and Anniston Army Depot are major components of a Contingency Plan submitted by the Army and required by 40 CFR Part 270.14(b)(7) and Part 264, Subject: to support the chemical demilitarization program at Anniston Army Depot.

In the recommendation on Fort McClellan in the 1995 Department of Defense Base Realignment and Closure report it is stated that there will be "... minimum essential facilities, as necessary, to provide auxiliary support to the chemical demilitarization operation at Anniston Army Depot." And, in the justification paragraph it states, "The Army has considered the use of some Fort McClellan assets for support of the chemical demilitarization mission at Anniston Army Depot. The Army will use the best available assets to provide the necessary support to Anniston's demilitarization mission."

We are aware that the current Fort McClellan Chemical Response Plan (March 22, 1989) will be updated based on recent DOD guidance (enclosure 1) following ongoing coordination between Fort McClellan and Anniston Army Depot. The DOD guidance for Army support appears to be more comprehensive than the support currently specified in the current Fort McClellan Chemical Response Plan (enclosure 2).

We have requested that the Department of the Army provide the following information:

1. Specific definition of the support the Army will provide to the chemical demilitarization operation.

2. Where this support will be located and what facilities and equipment it will involve.

3. The annual cost of this support.

4. How this cost is figured into the Return on Investment for closure of Fort McClellan.

We will provide the Commission with a copy of the Army's response to this request for information as soon as we receive it.

Thank you for your consideration of this information. With kindest regards, we are

Sincerely,

Howell Heflin
United States Senator

Richard Shelby
United States Senator

Glen Browder
Member of Congress

Enclosures (2)

cc: Fort McClellan
Anniston Army Depot

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
INSTALLATIONS LOGISTICS AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

September 23, 1994

Major General Alfonso E. Lenhardt
Commanding General
U. S. Army Chemical and Military
Police Centers
Fort McClellan, Alabama 36205

Dear General Lenhardt:

Fort McClellan and Anniston Army Depot have historically maintained an outstanding relationship. This relationship has resulted in cooperative agreements and mutual support for each installation's unique roles and missions.

Since March 1989, a response plan has provided the basis for procedures and actions to be employed by Fort McClellan in support of a chemical accident/incident should such an event occur at Anniston Army Depot. As we approach construction and ultimate demilitarization operations at Anniston Army Depot, the comprehensive response plan will be a significant document subject to review by the Alabama Department of Environmental Management during the permitting process. It will also become visible to elected officials and local citizens as they evaluate the emergency preparedness posture of Anniston and the surrounding communities.

The commitment to provide appropriate Department of Defense resources is demonstrated in the attached memorandum from the Principal Deputy Under Secretary of Defense for Acquisition and Technology. Request the Memorandum of Agreement between the U. S. Army Chemical and Military Police Centers and Fort McClellan and Anniston Army Depot be reviewed and updated to assure the resources referenced in the attached memorandum are specifically addressed. Also, request a copy of the revised contingency plan be provided to my Deputy for Chemical Demilitarization, Colonel James Coverstone, after revision.

I appreciate your cooperation on this extremely important matter.

Sincerely,

Robert M. Walker
Assistant Secretary of the Army
(Installations, Logistics & Environment)

Attachment

CF:
Commanding General, U. S. Army
Training and Doctrine Command

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
INSTALLATIONS LOGISTICS AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

September 23, 1994

Major General Dennis L. Benchoff
Commanding General
U. S. Army Industrial Operations Command
Rock Island, Illinois 61299

Dear General Benchoff:

Anniston Army Depot and Fort McClellan have historically maintained an outstanding relationship. This relationship has resulted in cooperative agreements and mutual support for each installation's unique roles and missions.

Since March 1989, a response plan has provided the basis for procedures and actions to be employed by Fort McClellan in support of a chemical accident/incident should such an event occur at Anniston Army Depot. As we approach construction and ultimate demilitarization operations at Anniston Army Depot, the comprehensive response plan will be a significant document subject to review by the Alabama Department of Environmental Management during the permitting process. It will also become visible to elected officials and local citizens as they evaluate the emergency preparedness posture of Anniston and the surrounding communities.

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Sincerely,

Robert M. Walker
Assistant Secretary of the Army
(Installations, Logistics & Environment)

Attachment

CF:
Commander, Anniston Army Depot
Assistant Deputy Chief of Staff
for Chemical and Biological Matters,
U. S. Army Materiel Command

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SEP 29 1993

THE WHITE HOUSE

WASHINGTON

September 28, 1993

Dear Glen:

Thank you for sharing your views on some of the urgent chemical weapons issues confronting the United States.

I share your commitment to ensuring that these issues receive the attention they deserve. Fighting the proliferation of weapons of mass destruction, including chemical weapons, is a top priority of my Administration. We are continuing to press other countries to sign the Chemical Weapons Convention and are moving forward with our own preparations for ratification. Fort McClellan will play a special role in support of the CWC as a training center for U.S. troops under our chemical defense program and also possibly for international inspectors preparing for CWC implementation.

I hope that I can count on your support as we continue to address these issues in the months and years ahead.

Sincerely,

Bill Clinton

The Honorable Glen Browder
House of Representatives
Washington, D.C. 20515

GLEN BROWDER
3D DISTRICT, ALABAMA

COMMITTEE ON ARMED SERVICES
COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives
Washington, DC 20515-0103

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August 16, 1993

The Honorable Bill Clinton
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

I am writing to make you aware of serious concerns that I have about chemical weapons issues confronting the United States.

I write as a Member of Congress whose four-year tenure in the House of Representatives has revolved to a great extent around chemical weapons. I chaired a House Armed Services Committee Special Inquiry into the worldwide chemical and biological warfare threat and our nation's ability to counter that threat; and I represent a district which includes Anniston Army Depot, one of the country's eight chemical weapons stockpile sites, and Fort McClellan, home of the Army Chemical School and the only live-agent chemical defense training facility in the free world.

I am concerned about the broad spectrum of chemical weapons policies and programs, particularly the proposed Chemical Weapons Convention (CWC), the Chemical Weapons Stockpile Destruction treaties and program, the Chemical Stockpile Emergency Preparedness Program, and the Pentagon's entire chemical defense program. Collectively, these chemical weapons efforts are at a criticial, almost crisis, stage. Many good people are rendering solid public service in this area; but some activities are out of control, and some are at risk because of a lack of comprehensive focus and attention at the national level.

Therefore, I ask you to exert your leadership in this area by taking the following actions:

1. Establish national chemical weapons policy and programs as a priority of your Administration.

2. Assign chemical weapons responsibility and accountability within the White House and among the various departments and agencies.

3. Declare fully your Administration's position on chemical weapons issues.

4. Develop a more structured relationship with the Congress on these issues.

I will not go into detail in this letter about the problems with our chemical weapons program, other than to repeat that the CWC, chemical demilitarization and chemical defense are at risk if you don't take some decisive action. I will be happy to respond to any questions you might have about this letter, and, hopefully, to work with you in addressing this growing crisis.

Sincerely,

Glen Browder

Glen Browder
Member of Congress

GB/vfp

cc: The Honorable Les Aspin
The Honorable John Deutch
The Honorable Harold Smith
The Honorable John Shannon
The Honorable Mike Owen
General Colin Powell
General Jimmy Ross
Major General Robert Orton
Brigadier General Walter Busbee
Colonel Patrick Kirby
The Honorable Warren Christopher
The Honorable Thomas Graham
The Honorable Anthony Lake
The Honorable Ron Brown
The Honorable James Lee Witt
The Honorable John Murtha
The Honorable Ron Dellums
The Honorable Sam Nunn
The Honorable Daniel Inouye
The Honorable Howell Heflin
The Honorable Richard Shelby
The Honorable Mike Synar
The Honorable John Glenn
The Honorable Lee Hamilton
The Honorable Claiborne Pell

A NATIONAL SECURITY STRATEGY OF ENGAGEMENT AND ENLARGEMENT

THE WHITE HOUSE
FEBRUARY 1995

tively on those areas that most affect our national interests — for instance, areas where we have a sizable economic stake or commitments to allies, and areas where there is a potential to generate substantial refugee flows into our nation or our allies.

Second, in all cases the costs and risks of U.S. military involvement must be judged to be commensurate with the stakes involved. We will be more inclined to act where there is reason to believe that our action will bring lasting improvement. On the other hand, our involvement will be more circumscribed when other regional or multilateral actors are better positioned to act than we are. Even in these cases, however, the United States will be actively engaged at the diplomatic level. In every case, however, we will consider several critical questions before committing military force: Have we considered non-military means that offer a reasonable chance of success? Is there a clearly defined, achievable mission? What is the environment of risk we are entering? What is needed to achieve our goals? What are the potential costs — both human and financial — of the engagement? Do we have reasonable assurance of support from the American people and their elected representatives? Do we have timelines and milestones that will reveal the extent of success or failure, and, in either case, do we have an exit strategy?

The decision on *how* we use force has a similar set of derived guidelines:

First, when we send American troops abroad, we will send them with a clear mission and, for those operations that are likely to involve combat, the means to achieve their objectives decisively, having answered the questions: What types of U.S. military capabilities should be brought to bear, and is the use of military force carefully matched to our political objectives?

Second, as much as possible, we will seek the help of our allies and friends or of relevant international institutions. If our most important national interests are at stake, we are prepared to act alone. But especially on those matters touching directly the interests of our allies, there should be a proportionate commitment from them. Working together increases the effectiveness of each nation's actions, and sharing the responsibilities lessens everyone's load.

These, then, are the calculations of interest and cost that have influenced our past uses of military power and will guide us in the future. Every time this Administration has used force, it has balanced interests against costs. And in each case, the use of our military has put power behind our diplomacy, allowing us to make progress we would not otherwise have achieved.

One final consideration regards the central role the American people rightfully play in how the United States wields its power abroad: the United States cannot long sustain a fight without the support of the public. This is true for humanitarian and other non-traditional interventions, as well as war. Modern media communications confront every American with images which both stir the impulse to intervene and raise the question of an operation's costs and risks. When it is judged in America's interest to intervene, we must use force with an unwavering commitment to our objective. While we must continue to reassess any operation's costs and benefits as it unfolds and the full range of our options, reflexive calls for early withdrawal of our forces as soon as casualties arise endangers our objectives as well as our troops. Doing so invites any rogue actor to attack our troops to try to force our departure from areas where our interests lie.

Combating the Spread and Use of Weapons of Mass Destruction and Missiles

Weapons of mass destruction — nuclear, biological and chemical — along with their associated delivery systems, pose a major threat to our security and that of our allies and other friendly nations. Thus, a key part of our strategy is to seek to stem the proliferation of such weapons and to develop an effective capability to deal with these threats. We also need to maintain robust strategic nuclear forces and seek to implement existing strategic arms agreements.

Nonproliferation and Counterproliferation

A critical priority for the United States is to stem the proliferation of nuclear weapons and other weapons of mass destruction and their missile delivery systems. Countries' weapons programs, and their levels of cooperation with our nonproliferation efforts, will be among our most important criteria in judging the nature of our bilateral relations.

Through programs such as the Nunn-Lugar Cooperative Threat Reduction effort and other denuclearization initia-

tives, important progress has been made to build a more secure international environment. One striking example was the successful transfer last fall of nearly six hundred kilograms of vulnerable nuclear material from Kazakhstan to safe storage in the United States. Kazakhstan was concerned about the security of the material and requested U.S. assistance in removing it to safe storage. The Departments of Defense and Energy undertook a joint mission to retrieve the uranium. Similarly, under an agreement we secured with Russia, it is converting tons of highly-enriched uranium from dismantled weapons into commercial reactor fuel for purchase by the United States. The United States is also working with Russia to enhance control and accounting of nuclear material.

As a key part of our effort to control nuclear proliferation, we seek the indefinite and unconditional extension of the Nuclear Nonproliferation Treaty (NPT) and its universal application. Achieving a Comprehensive Test Ban Treaty as soon as possible, ending the unsafeguarded production of fissile materials for nuclear weapons purposes and strengthening the Nuclear Suppliers Group and the International Atomic Energy Agency (IAEA) are important goals. They complement our comprehensive efforts to discourage the accumulation of fissile materials, to seek to strengthen controls and constraints on those materials, and over time, to reduce worldwide stocks. As President Clinton announced at last September's UN General Assembly, we will seek a global ban on the production of fissile material for nuclear weapons.

To combat missile proliferation, the United States seeks prudently to broaden membership of the Missile Technology Control Regime (MTCR). The Administration supports the earliest possible ratification and entry in force of the Chemical Weapons Convention (CWC) as well as new measures to deter violations of and enhance compliance with the Biological Weapons Convention (BWC). We also support improved export controls for nonproliferation purposes both domestically and multilaterally.

The proliferation problem is global, but we must tailor our approaches to specific regional contexts. We have concluded an agreed framework to bring North Korea into full compliance with its nonproliferation obligations, including the NPT and IAEA safeguards. We will continue efforts to prevent Iran from advancing its weapons of mass destruction objectives and to thwart Iraq from reconstituting its previous programs. The United States seeks to cap, reduce and, ultimately, eliminate the nuclear and missile capabilities of India and Pakistan. In the Middle East and elsewhere, we encourage regional arms control agreements that address the legitimate security concerns of all parties. These tasks are being pursued with other states that share our concern for the enormous challenge of stemming the proliferation of such weapons.

The United States has signed bilateral agreements with Russia, Ukraine and South Africa which commit these countries to adhere to the guidelines of the MTCR. We also secured China's commitment to observe the MTCR guidelines and its agreement not to transfer MTCR-controlled ground-to-ground missiles. Russia has agreed not to transfer space-launch vehicle technology with potential military applications to India. South Africa has agreed to observe the MTCR guidelines and to dismantle its Category I missile systems and has joined the NPT and accepted full-scope safeguards. Hungary, the Czech Republic, the Slovak Republic and Poland have joined the Australia Group (which controls the transfer of items that could be used to make chemical or biological weapons). Hungary and Argentina have joined the MTCR and Brazil has committed itself publicly to adhere to the MTCR guidelines. Argentina, Brazil and Chile have brought the Treaty of Tlatelolco into force. We continue to push for the dismantlement of all intercontinental ballistic missiles located in Ukraine and Kazakhstan. With the United States and Russia, Ukraine is pressing forward on implementation of the Trilateral Statement, which provides for the transfer of all nuclear warheads from Ukraine to Russia for dismantlement in return for fair compensation.

Thus, the United States seeks to prevent additional countries from acquiring chemical, biological and nuclear weapons and the means to deliver them. However, should such efforts fail, U.S. forces must be prepared to deter, prevent and defend against their use. As agreed at the January 1994 NATO Summit, we are working with our Allies to develop a policy framework to consider how to reinforce ongoing prevention efforts and to reduce the proliferation threat and protect against it.

The United States will retain the capacity to retaliate against those who might contemplate the use of weapons of mass destruction, so that the costs of such use will be seen as outweighing the gains. However, to minimize the impact of proliferation of weapons of mass destruction on our interests, we will need the capability not only to deter their use against either ourselves or our allies and friends, but also, where necessary and feasible, to prevent it.

This will require improved defensive capabilities. To minimize the vulnerability of our forces abroad to weapons of mass destruction, we are placing a high priority on improving our ability to locate, identify and disable arsenals of weapons of mass destruction, production and storage facilities for such weapons, and their delivery systems.

Nuclear Forces

In September, the President approved the recommendations of the Pentagon's Nuclear Posture Review (NPR). A key conclusion of this review is that the United States will retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests and to convince it that seeking a nuclear advantage would be futile. Therefore, we will continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders. The President approved the NPR's recommended strategic nuclear force posture as the U.S. START II force. The forces are: 450-500 Minuteman ICBMs, 14 Trident submarines all with D-5 missiles, 20 B-2 and 66 B-52 strategic bombers, and a non-nuclear role for the B-1s. This force posture allows us the flexibility to reconstitute or reduce further, as conditions warrant. The NPR also reaffirmed the current posture and deployment of non-strategic nuclear forces; the United States will eliminate carrier and surface ship nuclear weapons capability.

Arms Control

Arms control is an integral part of our national security strategy. Arms control can help reduce incentives to initiate attack; enhance predictability regarding the size and structure of forces, thus reducing fear of aggressive intent; reduce the size of national defense industry establishments and thus permit the growth of more vital, nonmilitary industries; ensure confidence in compliance through effective monitoring and verification; and, ultimately, contribute to a more stable and calculable balance of power.

In the area of strategic arms control, prescribed reductions in strategic offensive arms and the steady shift toward less destabilizing systems remain indispensable. Ukraine's accession to the Nuclear Non-proliferation Treaty — joining Belarus' and Kazakhstan's decision to be non-nuclear nations — was followed immediately by the exchange of instruments of ratification and brought the START I treaty into force at the December CSCE summit, paving the way for ratification of the START II Treaty. Under START II, the United States and Russia will each be left with between 3,000 and 3,500 deployed strategic nuclear warheads, which is a two-thirds reduction from the Cold War peak. The two Presidents agreed that once START II is ratified, both nations will immediately begin to deactivate or otherwise remove from combat status, those systems whose elimination will be required by that treaty, rather than waiting for the treaty to run its course through the year 2003. START II ratification will also open the door to the next round of strategic arms control, in which we will consider what further reductions in, or limitations on, remaining U.S. and Russian nuclear forces should be carried out. We will also explore strategic confidence-building measures and mutual understandings that reduce the risk of accidental war.

The full and faithful implementation of other existing arms control agreements, including the Anti-Ballistic Missile (ABM) Treaty, Strategic Arms Reduction Talks I (START I), Biological Weapons Convention (BWC), Intermediate-range Nuclear Forces (INF) Treaty, Conventional Forces in Europe (CFE) Treaty, several nuclear testing agreements, the 1994 Vienna Document on Confidence and Security-Building Measures (CSBMs), Open Skies, the Environmental Modification Convention (EnMod), Incidents at Sea and many others will remain an important element of national security policy. The on-going negotiation initiated by the United States to clarify the ABM Treaty by establishing an agreed demarcation between strategic and theater ballistic missiles and update the Treaty to reflect the break-up of the Soviet Union reflects the Administration's commitment to maintaining the integrity and effectiveness of crucial arms control agreements.

Future arms control efforts may become more regional and multilateral. Regional arrangements can add predictability and openness to security relations, advance the rule of international law and promote cooperation among participants. They help maintain deterrence and a stable military balance at regional levels. The U.S. is prepared to promote, help negotiate, monitor and participate in regional arms control undertakings compatible with American national security interests. We will generally support such undertakings but will not seek to impose regional arms control accords against the wishes of affected states.

THE CWC AND BILATERAL AGREEMENTS: AN OVERVIEW

The Chemical Weapons Convention

The Chemical Weapons Convention will prohibit the development, production, acquisition, stockpiling, retention, transfer, and use of chemical weapons. The Convention was negotiated over a 24-year period in Geneva by a group of 40 western, eastern, and non-aligned states. Unprecedented in its scope and complexity, the Convention is the most significant agreement to stem the proliferation of weapons of mass destruction since the 1968 Nuclear Non-proliferation Treaty. While more than 145 countries have signed the CWC, the treaty is will not enter into force before 1995. Ratification, effective implementation, and strict compliance by these signatories will constitute a very significant step toward creating a global norm against the proliferation and possession of chemical weapons.

The treaty stipulates that states possessing chemical weapon must totally destroy their stocks over a ten-year timeframe. Destruction of chemical weapons stockpiles is to take place according to a "levelling out" principle, with all possessor states destroying their stockpiles at approximately the same rate. Five years after entry into force, destruction of twenty percent of the stockpile is to be completed. After seven years, forty-five percent of the destruction should be complete. States can proceed at a faster rate, as long as they destroy their stockpiles in a way that is safe and environmentally sound.

The Bilateral Memorandum of Understanding

The September 1989 Memorandum of Understanding between the United States and the USSR provided for a bilateral verification experiment and data exchange between the two countries, to be carried out in two phases. On 29 December 1989 the United States and USSR exchanged data on their aggregate stockpile size; the types of agents; percent of chemical agents in munitions, devices, or bulk containers; location of storage, production, and destruction facilities; and types of agent and munitions at each storage facility. Phase I was completed with a series of visits to two production facilities, three storage facilities, and two industrial chemical production facilities in each country.

Phase II originally required the parties to exchange detailed data on their chemical weapons capabilities and for each side to conduct up to ten challenge inspections at undeclared facilities in the other country. The United States and Russia subsequently agreed to strike five challenge inspections from this slate. The first of the remaining five challenge inspections -- all of which are to be conducted at declared, not undeclared sites -- will be a "practice" challenge, with the host country selecting the site to be inspected. While this revision diminishes the scale of the effort, the operational procedures agreed by the two sides for the challenge and routine inspections are intended to represent as closely as possible what should happen during CWC inspections, including testing of managed access inspection procedures. Phase II is now being implemented, with the second set of data to be exchanged on May 15th. Five trial inspections in each country will also take place between July 13th and November 10th.

21 Dupont Circle, NW Fifth Floor Washington, DC 20036 tel 202/223-5956 fax 202/785-9034

The Bilateral Destruction Agreement

The most important provisions of the June 1990 Bilateral Destruction Agreement between the United States and the Soviet Union require both states to stop producing chemical weapons and to reduce their respective chemical weapons stockpiles to no more than 5000 agent tons by the end of 2002. The bilateral destruction process is to be verified with the continuous presence of inspectors and monitoring instruments on-site at destruction facilities and on-site inspections at storage facilities. The bilateral destruction agreement also requires the United States and Russia to cooperate on establishing safe methods and technologies for destruction of their chemical weapons stockpiles. Initially, the parties were to have begun destruction no later than 31 December 1992 and completed the task by 31 December 2002. The Russian government has encountered numerous problems in trying to initiate its destruction program. Enormous economic difficulties make it hard to fund the program, and planners are encountering grassroots resistance from those wary of having a chemical weapons destruction plant operating in their back yard. Given the problems in the Russian destruction program, these deadlines were revised and now call for destruction to begin by 30 June 1997 and end by 30 June 2004. The bilateral destruction agreement will enter into force when the parties exchange instruments accepting the agreement.

CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION

TABLE OF CONTENTS[1]

Preamble 1

ARTICLES

I. General Obligations 3
II. Definitions and Criteria 4
III. Declarations 8
IV. Chemical Weapons 11
V. Chemical Weapons Production Facilities 14
VI. Activities not Prohibited Under this Convention 17
VII. National Implementation Measures 19
VIII. The Organization 21
IX. Consultations, Cooperation and Fact-Finding 31
X. Assistance and Protection Against Chemical Weapons 36
XI. Economic and Technological Development 39
XII. Measures to Redress a Situation and to Ensure Compliance, including Sanctions 40
XIII. Relation to Other International Agreements 40
XIV. Settlement of Disputes 41
XV. Amendments 42
XVI. Duration and Withdrawal 44
XVII. Status of the Annexes 44
XVIII. Signature 44
XIX. Ratification 44
XX. Accession 45
XXI. Entry into Force 45
XXII. Reservations 45
XXIII. Depositary 46
XXIV. Authentic Texts 46

[1] To aid the reader, this Table of Contents was compiled by the Arms Control and Disaramament Agency from the tables contained throughout the Convention text. The last lines of some pages of this document end before the right margin to maintain identical pagination with the document produced by the United Nations.

ARTICLE X
ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS

1. For the purposes of this Article, "Assistance" means the coordination and delivery to States Parties of protection against chemical weapons, including, inter alia, the following: detection equipment and alarm systems; protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures.

2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited under this Convention.

3. Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

4. For the purposes of increasing the transparency of national programmes related to protective purposes, each State Party shall provide annually to the Technical Secretariat information on its programme, in accordance with procedures to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

5. The Technical Secretariat shall establish, not later than 180 days after entry into force of this Convention and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.

The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist the State Party in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.

6. Nothing in this Convention shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.

7. Each State Party undertakes to provide assistance through the Organization and to this end to elect to take one or more of the following measures:

(a) To contribute to the voluntary fund for assistance to be established by the Conference at its first session;

(b) To conclude, if possible not later than 180 days after this Convention enters into force for it, agreements with the Organization concerning the procurement, upon demand, of assistance;

(c) To declare, not later than 180 days after this Convention enters into force for it, the kind of assistance it might provide in response to an appeal by the Organization. If, however, a State Party subsequently is unable to provide the assistance envisaged in its declaration, it is still under the obligation to provide assistance in accordance with this paragraph.

8. Each State Party has the right to request and, subject to the procedures set forth in paragraphs 9, 10 and 11, to receive assistance and protection against the use or threat of use of chemical weapons if it considers that:

(a) Chemical weapons have been used against it;

(b) Riot control agents have been used against it as a method of warfare; or

(c) It is threatened by actions or activities of any State that are prohibited for States Parties by Article I.

9. The request, substantiated by relevant information, shall be submitted to the Director-General, who shall transmit it immediately to the Executive Council and to all States Parties. The Director-General shall immediately forward the request to States Parties which have volunteered, in accordance with paragraphs 7 (b) and (c), to dispatch emergency assistance in case of use of chemical weapons or use of riot control agents as a method of warfare, or humanitarian assistance in case of serious threat of use of chemical weapons or serious threat of use of riot control agents as a method of warfare to the State Party concerned not later than 12 hours after receipt of the request. The Director-General shall initiate, not later than 24 hours after receipt of the request, an investigation in order to provide foundation for further action. He shall complete the investigation within 72 hours and forward a report to the Executive Council. If additional time is required for completion of the investigation, an interim report shall be submitted within the same time-frame. The additional time required for investigation shall not exceed 72 hours. It may, however, be further extended by similar periods. Reports at the end of each additional period shall be submitted to the Executive Council. The investigation shall, as appropriate and in conformity with the request and the information accompanying the request, establish relevant facts related to the request as well as the type and scope of supplementary assistance and protection needed.

10. The Executive Council shall meet not later than 24 hours after receiving an investigation report to consider the situation and shall

take a decision by simple majority within the following 24 hours on whether to instruct the Technical Secretariat to provide supplementary assistance. The Technical Secretariat shall immediately transmit to all States Parties and relevant international organizations the investigation report and the decision taken by the Executive Council. When so decided by the Executive Council, the Director-General shall provide assistance immediately. For this purpose, the Director-General may cooperate with the requesting State Party, other States Parties and relevant international organizations. The States Parties shall make the fullest possible efforts to provide assistance.

11. If the information available from the ongoing investigation or other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director-General shall notify all States Parties and shall take emergency measures of assistance, using the resources the Conference has placed at his disposal for such contingencies. The Director-General shall keep the Executive Council informed of actions undertaken pursuant to this paragraph.

Document Separator

SOS

Ray Glime - Chairman

CITIZENS DEDICATED TO SAVING OUR SELFRIDGE ANG AS AN ACTIVE AND INTEGRAL MEMBER OF OUR COMMUNITY.

June 19, 1995

950620-82

The Honorable Alan J. Dixon, Chairman
The Defense Base Closure and
Realignment Commission
1700 North Moore Street, Suite 1425
Arlington, VA 22209

Dear Chairman Dixon:

On behalf of the Selfridge ANG Base Community Council and its Save Our Selfridge subcommittee, I want to express our appreciation for the opportunities provided to us to point out the flaws in the Army's logic and computations in their recommendation to close the Selfridge Army Garrison, also known as the TACOM Support Activity ("TACOMSA"). Both in our regional meeting in Chicago and during individual meetings with several Commissioners, we have been gratified and reassured in knowing that the issues we raise are given serious consideration. We would especially like to commend Mike Kennedy of your staff who has patiently spent many hours with us trying to make sense out of the Army's cost and savings estimates.

I want to respond to several questions raised by various Commissioners concerning the Army's proposed closure of the TACOMSA, to reiterate the major flaws in the Army's analysis, and to substantiate the Army's substantial deviation from the BRAC criteria.

AN EXPANDED COMMITTEE OF THE SANG BASE COMMUNITY COUNCIL
25 North Main Street • Mount Clemens, MI 48043 • 810-469-5000 • Fax: 810-469-3464

Several weeks ago, various Commissioners were promised answers to four questions, specifically, the relocation costs for all units at Selfridge if, as suggested in the Army Basing Study, all units were required to move, the identification of any coordination of the Army's proposal with other Services, the other Service's force requirements at Selfridge, and the validity of the Army's revised return on investment figures.

To understand the impact of the Army's recommendation, it is crucial to understand the role of the TACOMSA in the operation of Selfridge. By Air Force and Air National Guard Regulation, ANG Bases generally do not exist independent of active duty forces. Because forces in the Guard usually serve on weekends and on short training tours, all but a small cadre of full-time Guard employees are "part-time" service members. In light of the expense involved in maintaining a military installation and the nature of the Guard's mission, it is customary for ANG Bases to have tenant units on them (both active duty and reserve) with a unit from the largest local active duty Service funding the operation and maintenance ("O&M") of the base, to include base housing, Morale, Welfare and Recreation ("MWR") activities and other base infrastructure costs. This arrangement is memorialized in what is referred to as a host-tenant support agreement, with the predominant active duty Service performing what are typically "host" functions on the installation. This is exactly what has happened at Selfridge.

The Army is the predominant active duty Service at Selfridge[1] and, as such, has performed the typical "host" functions on Selfridge such as managing the base housing and funding MWR activities and the O&M of the installation since 1971. TACOMSA has performed these functions since 1975. The host-tenant support agreement that outlines in great detail the Army's commitment on this matter was revised as recently as February, 1993.

While the TACOMSA has only a hand-full of military members assigned, their budget includes all the funding for Selfridge's base housing and its infrastructure costs. Closing the TACOMSA does nothing more than abrogate the Army's obligations under the host-tenant support agreement and leaves the other units that are not scheduled to move without funds tooperate. What the Army counts as "savings" are really infrastructure costs and transferred housing costs that will ultimately be paid by DoD, resulting in no overall savings to DoD at all.

THE COST TO RELOCATE ALL UNITS ON SELFRIDGE ANG BASE

The Army basing study recognized the impact of closing the TACOMSA on the other units on Selfridge and euphemistically relocated all other units to Base X or Base Y, with some other units moving to undesignated installations. See Tab A. However, in spite of the fact that their recommendation would

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1/ Seven major commands from all four military services and the U.S. Coast Guard are represented among the 41 units assigned or attached to Selfridge. The Army's predominant status is caused by the nearby location of TACOM and is evident from the fact the 329 of Selfridge's 754 inhabitable military family housing units are occupied by Army service members and their families. The next highest occupant is the Coast Guard with 123 family housing units.

displace a number of other units, the Army did not include the cost of moving these units in their one-time closure costs. In other words, in their COBRA run, the Army looked only at the Army's costs in moving its people from Selfridge and measured as "savings" the difference between the Army's costs in running all of Selfridge's housing and funding the base's infrastructure costs against what it would cost the Army to move only its people off Selfridge and pay their housing allowances. They ignored completely the cost of providing housing to other service members currently in base housing and the one-time costs to move all units currently on Selfridge to some other location. Subsequently, the Army admitted their error in calculating replacement housing allowances and VHA for evicted members, however, even these revised figures contain errors. The Army refuses to acknowledge that their "savings" are transferred infrastructure costs, from both the O&M and MWR accounts.

A coordinated effort to determine the cost of relocating all of the activities supported by TACOMSA is detailed at Tab B. The bottom line is that it will cost roughly $50 million to move the active duty and reserve units to other locations, and an additional $200 million to relocate Michigan ANG units.

The costs associated with relocating the two Michigan ANG units are so large because unlike active duty and reserve units which can be absorbed into other existing units and installations, the Michigan ANG must remain somewhere in Michigan. There are no other active duty AF bases in Michigan,

so significant expense will be incurred in modifying some existing airport to receive these units.[2] The cost of hanger construction as well as other facility requirements will be substantial. In large measure, these costs will be borne by DoD.

All these costs should be included in the Army's estimated one-time cost to remove all funding for the TACOMSA and displace these units, in order to make the Army's COBRA model consistent with their Basing Study recommendation and their implementation plans. When an analysis of the Army Basing Study recommendation is done properly, it is clear the Army's proposed action does not and never will save money, and the one-time closure costs will never be recovered.[3]

In addition, moving the ANG units from Selfridge is likely to have a devastating impact on retention. Over 75% of the ANG members who train at Selfridge live within 50 miles of the installation. If these units are required to move to some location away from southeastern Michigan, a substantial loss of personnel should be expected.

THE ARMY'S BRAC RECOMMENDATION WAS NOT COORDINATED WITH THE OTHER SERVICES AND IS INCONSISTENT DOD GOALS FOR BRAC 1995

In reality, the Army's recommendation to "displace" these units from other Services and agencies is unpalatable and unacceptable to the other Services. The Army's recommendation

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2/ Kincheloe AFB, Wurtsmith AFB, and K.I. Sawyer AFB all of which were located in Michigan have already been closed.

3/ The Army's implementation plan continues to call for the displacement of all units currently assigned to Selfridge by FY 1998, but does not include the funds to effect these moves. See Tab C which contains an annex to the Army's BRAC implementation plan.

to close the TACOMSA and remove its funding was not coordinated with any of the other Services prior to DoD's announcement of the proposal to close the TACOMSA. The non-Army units assigned to Selfridge have gone up their chain-of-command to see if the Army's proposal to close TACOMSA was coordinated with that Service, and have also contacted their respective members of the BRAC staff. No one has found any non-Army official that coordinated upon the proposal for that Service. In addition, there was no coordination with the Michigan National Guard.

The published goals for DoD for the 1995 BRAC included:

> It is DoD policy to make maximum use of common support assets. DoD components should, throughout the BRAC 95 analysis process, look for cross-service or intra-service opportunities to share assets and look for opportunities to rely on a single Military Department for support.

In an effort to avoid any charge of playing politics with the Base Closure process, DoD forwarded all the individual Service BRAC recommendations without any changes and apparently without any substantive review. It is ironic that Selfridge has exactly the arrangement that DoD is encouraging, but is being jeopardized by the parochial interests of the Army in trying to use the BRAC process to abrogate their host-tenant support agreement. For a joint installation such as Selfridge, how can an accurate assessment of military value occur if the services represented on the installation are not consulted?

The Army classified Selfridge as a Command and Control/Administrative Support Installation. The Army did not evaluate the military value of the whole installation, only the TACOMSA. Yet, they propose deleting all of the installation's O&M and MWR funding which will have a devastating effect on the other operational units on Selfridge. It is a substantial

deviation from the BRAC criteria to take an action that removes funding support for a whole installation without making an assessment of the installations total military value. That is why an assessment of Military value dominates the BRAC analysis and is addressed in four of the eight BRAC criteria.

THE LACK OF NON-ARMY BRAC RECOMMENDATIONS REPRESENT A POSITIVE BASING DECISION CONSISTENT WITH CURRENT FORCE REQUIREMENTS

The fact that the Army's BRAC recommendation was not coordinated with the other Services is important in that those Services also completed a rigorous review of the basing of all of their units and activities as part of the BRAC process. The Navy, Air Force and Marine Corp decision to not recommend any closure of Selfridge units indicates a positive basing decision.[4] In other words, the units at Selfridge from these other services are properly based, play an important role in that Service's strategy and plans and should not be closed, realigned or adversely affected. These force levels assume the continued funding of all support activities at Selfridge. These forces will require the continued infrastructure services, support and funding provided by the TACOMSA to perform their mission. If the O&M or MWR costs are not paid, readiness will be severely hampered. If the funding requirement is merely moved to another Service, there is no overall cost savings to DoD, which is an essential criterion of the BRAC process.

4/ In fact, as a part of the 1995 BRAC, the Marine Corp proposed modifying a previous BRAC action to keep the Marine Wing Support Group 47 at Selfridge. This unit had been approved for realignment away from Selfridge in the 1993 BRAC.

INFRASTRUCTURE COSTS WILL NOT CHANGE

Accepting the premise that these units will not move, someone in DoD will have to pay the infrastructure costs to continue the installation's operation. We have previously provided a detailed analysis to the BRAC staff that indicates that because the number of active duty members of the TACOMSA is so small, the impact on the base's operating costs by the closure of this unit will likewise be small. In other words, it will cost nearly the same to run Selfridge with or without TACOMSA.[5] However, the Army plans to move several functions from Selfridge to TACOM (such as a housing referral office, Community and Family services, an education office, a transportation office to handle household goods and other shipments, and other similar activities) which will have to be duplicated on Selfridge for the units which are not moving. Consequently, the closure of the TACOMSA will result in duplicative services (and duplicative costs) at Selfridge and at TACOM, which are only 20 miles apart. Our detailed computations (previously provided to the BRAC staff) indicate it will cost DoD $1.6 million more each year for these duplicative services, or $32 million over a 20 year period.

We have previously provided a detailed breakdown that addresses how TACOMSA spends its annual budget for military housing ($5.4 million) for operations and maintenance, Army

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5/ Obviously, regardless of the closure of TACOMSA, O&M or MWR funding can be slashed, but these "savings" will not be without a cost-specifically in readiness and Quality of Life. Surely the Army is not arguing that it was inefficient or ineffective in managing the bases infrastructure costs. It is clear that if these costs were reasonable when funded by TACOMSA, they will still be reasonable when funded by someone else. Since all operational units plan to stay on Selfridge, these costs must be funded or readiness and Quality of Life will be impacted.

($7.7 million) and MWR support ($2.5 million). The figures we have used match those provided by TACOMSA directly to the BRAC staff, but are vastly different from what the Army uses in its COBRA runs. See Tab D. For example, the Army proposes savings of $6 million in MFH costs, a spectacular feat when you consider the entire MFH budget was $5.4 per year even before any offsetting housing allowances or VHA are paid. Even after the Army corrected their housing figures, they continue to show a $6 million annual recurring savings in MFH in their most recent COBRA run.

THE ARMY'S REVISED RETURN ON INVESTMENT ESTIMATES

Since the Army's initial COBRA run and in response to questions by the GAO prompted by Commissioner Cornella and Chairman Dixon, the Army has conceded that their computation regarding the cost of providing housing allowances and VHA to members currently residing on base was in error, and have increased their estimated costs by over $2 million per year. Their computation remains flawed in that they are comparing Selfridge's actual MFH budget for FY 1995 ($5.4 million) against the COBRA model's estimated cost housing allowances and VHA ($4.4 million) and ignoring the fact that because of the nature of Selfridge's role in supporting the Guard and the Reserves, it always has had and will continue to have more senior officers and enlisted than the typical military installation.[6] When you compute what the actual housing

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6/ The COBRA model assumes all officers are O-3's and all enlisted members are E-5's. A more accurate assumption for this installation is that all officers should be considered O-4's and all enlisted members E-6's. Due to the nature of Selfridge and its mission, there are very few junior officers or junior enlisted members assigned to the installation We have previously provided an actual breakdown by rank of the people currently living on Selfridge.

allowance and VHA for the members currently residing in family housing on Selfridge, this figure is $5.6 million.[7] In other words, in reality, it will cost DoD more to move everyone out of base housing onto the local economy than it will cost to continue to let them live on-base, which is where these members chose to live in the first place. When you consider that DoD is proposing to increase BAQ and VHA for high cost areas such as Detroit, future negative cost savings become even larger.

Selfridge's housing has been recently renovated with over $17 million invested in major renovations over the past six years. See Tab E. Numerous other smaller renovations have taken place within Selfridge's existing MFH budget. For example, expenditures for this fiscal year indicate a budget surplus of roughly $400,000.[8] The TACOMSA housing office intends, just as they did last year, to request Army approval to reprogram this excess funding to continue to improve the Quality of Life for on-base residents.

THE ARMY'S RECOMMENDATION TO CLOSE THE TACOMSA WILL RESULT IN ABANDONING KEY FACILITIES ON BASE

The Army's implementation plan calls for the closure of a host of facilities on base that support the units which

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7/ The computation which was provided to the BRAC earlier does not include the cost of providing housing allowance for the 78 unaccompanied members currently residing on Selfridge. If the funds for the installation's infrastructure are removed, these members will also be evicted and will receive housing allowances and VHA. Also, this calculation does not include the 57 Army members scheduled to be assigned to Selfridge over the next two years. (The Ground Forces Readiness Enhancement (GFRE) Organization). While an exact computation will depend upon their grade, it is likely the addition of these members will add $500,000 each year to the cost of providing off-base housing allowances to Selfridge area service members. If the MFH at Selfridge remains open, there is sufficient vacancies to accommodate these members.

8/ Information provided to the BRAC staff as part of the Army's BRAC implementation plan indicated savings of $267,000. See Tab F. A more current surplus estimate is $400,000 stemming from reduced utility consumption and reduced expense from the self-help store.

will remain to include transient quarters, the child care center, numerous MWR facilities and the base chapel. For a complete list, as submitted by the Army, See Tab G. In addition, the recently released Army implementation plan calls for closing the Army and Air Force Exchange and the Commissary in 1988. These facilities are the last of their kind in Michigan since all other major DoD installations have already been closed. Any Michigan retiree then wants to use the privileges obtained from a career of service will have to go to Dayton, Ohio for the nearest BX, Commissary or MWR facility - there will be no such services in Michigan.

Several of these affected facilities are either new or recently renovated. The BX was constructed in 1982 and received major renovations in 1994. The Child Development Center was constructed in 1988, the Commissary in 1990. A new BX Class VI store was completed in 1991. During her visit to Selfridge, Commissioner Steele toured the Guest Quarters in Lufberry Hall and will confirm that this beautiful facility provides outstanding transient quarters to Selfridge's guests. The Army has spent $11 million over the last eight years in constructing and renovating MWR facilities on Selfridge. If the Army's plan is approved, all of these facilities will close.

THE ARMY CONTINUES TO TREAT TRANSFERRED INFRASTRUCTURE COSTS AS SAVINGS

While the Army's revised COBRA run acknowledges their error in the computation of housing allowances and VHA for evicted service members, they continue to play a shell game with the installation's infrastructure costs. On the one hand, they acknowledge that the closure of the TACOMSA will displace other units on Selfridge,[9] but they do not include any cost

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9/ See Page 2 of Tab A and an extract from the Personnel Action Plan of the Army's Implementation Plan, Tab C.

associated with the relocation of these units to Base X, Base Y or any other installation. When confronted with this fact, they point out the remaining units need not leave, and that each of the individual units affected is below the BRAC threshold, even though collectively, they far exceed it. The Army also continues to refuse to acknowledge that the infrastructure "savings" they are claiming will have to be paid by some other Service in order for Selfridge to continue to operate.

We have obtained a copy of the TACOMSA'S original data used by the Army for their COBRA run and performed our own COBRA analysis with the proper assumptions for Selfridge. It indicates that the closure, even as the Army proposes it, will result in negative savings. In short, the move will never pay for itself, even ignoring the infrastructure costs analysis which is absent from the Army's COBRA model.

THE ARMY'S RECOMMENDATION AND ANALYSIS IS DEVOID OF ANY QUALITY OF LIFE ASSESSMENT AND IS INCONSISTENT WITH ARMY POLICY

Nearly 700 military families live on Selfridge because they chose to do so.[10] On base housing provides numerous tangible and intangible benefits - unit cohesion, morale and esprit de corp, safety, convenience, affordability, security, minimum deposits and contractual commitments, predictable expenses and family care and support if a deployment occurs. These factors and others combine to form what is referred to a Quality of Life. The importance of housing to retention and the importance of retention to readiness has been a consistent theme of this administration and is well known to military commanders. Tab I is a slide used by Assistant Secretary of

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10/ Of these families, 210 are on the Women's, Infant's and Children's program.

Defense (Economic Security) Joshua Gotbaum during testimony before the Subcommittees on Personnel and Readiness of the Senate Armed Services Committee on May 15, 1995, which visually depicts the important relationship between housing and readiness. The Army's BRAC proposal to close TACOMSA cavalierly states that comparable, affordable off-base housing is readily available to service members currently residing on Selfridge which will provide the same Quality of Life features as Selfridge's on-base housing, and that their recommended closure of the TACOMSA will not degrade local military activities. This is simply not true. We have previously provided you with a comprehensive report of the availability of nearby housing.[11] It is far more costly than these service member's housing allowances for a substantially inferior product.[12] A supply adequate to replace the units currently at Selfridge simply does not exist in the local community. If this off-base housing was so available, reasonable, and attractive, why would these 694 members (329 of them Army service families) chose to live on base in the first place?

11/ The BRAC staff has in its possession a housing availability study performed by the Coast Guard that looked at housing availability in a 50 mile radius of Selfridge, since their area of operations covers a much wider distance than just Selfridge. The "availability" data from this study is deceiving because such a wide search area includes some of the poorest, most rundown and crime infested areas in the country. Surely the Army doesn't expect its displaced personnel to live in a slum or at risk in a high crime area. Our Housing availability survey focused on a 15 mile radius of Selfridge which, while inferior to on-base housing, provides a more comparable community to that of the housing at Selfridge.

12/ We recognize that off-base residents are expected to pay roughly 15% of their housing costs out of their own pocket, however, our survey indicates they will pay nearly double this in rent alone, not including the additional off-base costs of gas and electricity which are provided in on-base housing at no cost. See also Tab F.

In Volume III of their original report to the BRAC, the Army stated:

> "In cases where an installation exists solely to provide quality of life functions for forces stationed in the immediate area, closure should be considered only when similar quality of life can be provided through a less costly alternate. In most situations, current stationing is not vital to successful mission accomplishment of tenant units. Any closure recommendations should, however, carefully consider operational requirements when considering relocation options." (emphasis added).

Even if Selfridge is considered only a Quality of Life installation, had the Army followed its stated policy, they would not have recommended the closure of the TACOMSA. There is no similar quality of life in the local community, and there certainly is no less costly alternative to DoD other than keeping this housing open. As pointed out earlier, the Army did not consider or even coordinate with the other tenant units or their Services before making their BRAC recommendation to close the TACOMSA.

ARMY'S BRAC IMPLEMENTATION PLAN REVEALS SUBSTANTIALLY MORE COSTS THAN PREVIOUSLY ESTIMATED

Within the past few days we have received a copy of the Army's BRAC implementation plan for the TACOMSA. Our review of this plan, which was provided to the BRAC staff within the past week indicates that the execution of their recommended closure will be far more costly than they originally indicated. We have provided extracts of this plan at Tabs G & H. Our analysis indicates that there are over $2 million in additional personnel costs each year and an additional $5 million in expenses contained in the Logistics Action Plan to include substantial long-term caretaker costs. The savings claimed by the Army simply do not exist; a conclusion they are now reaching for themselves.

CONCLUSION

The evidence is overwhelming that the closure proposed by the Army is not cost effective, will never pay for itself, detrimentally impacts the readiness of other units attached to Selfridge, abandons exceptional and popular MFH units, will result in higher overall costs to DoD, and was not made in substantial compliance with the BRAC criteria. It is inconsistent with the stated Army policy on closing such units and is the antithesis of the philosophy and objective of DoD in promoting, fostering and encouraging "joint" operations and the pooling of resources. The Army is doing nothing other than using the BRAC process to abrogate its host-tenant support agreement. The proper course of action for the Army is not to close Selfridge through the BRAC process, but negotiate with the other Services represented on Selfridge to obtain an orderly and efficient transfer of responsibilities (and funds) to decrease or eliminate their presence on Selfridge. This orderly transfer will allow the other Services to budget properly so operations and the overall Selfridge Quality of Life are not jeopardized.

We know you are bombarded with information and pleas to justify keeping military bases open. This closure is unique, however, in that it only closes a small unit, but may result in the closure of a whole installation without any coordination with the affected units or Services. The Army's cost savings like their logic, simply do not make sense. We urge you to look beyond the Army's recommendation and prohibit them from abusing the BRAC process and ignoring the BRAC criteria. Do not permit the closure of the TACOMSA as a part of the 1995 BRAC.

Sincerely,

Ray Glime

Ray Glime - Chairman
Save Our Selfridge

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 ED11-AC RECYCLED

U.S. ARMY GARRISON SELFRIDGE, MI

MILITARY VALUE ASSESSMENT

FT BELVOIR
FT McPHERSON
FT MYER
FT SHAFTER

FT MEADE
FT MONROE
FT RITCHIE
FT GILLEM
SELFRIDGE
PRICE SPT CENTER
FT BUCHANAN
RSF
KELLY SPT CENTER
FT HAMILTON
FT TOTTEN

BASE X

75th EOD DET
RTT SELFRIDGE
CIDC 3d REGION
COMMISSARY

DETROIT ARSENAL

TACOM SA (-)
CONTRACT SPT
AAFES

BASE Y

USCG, USN
USMC & USAFNG

SELFRIDGE

TACOM SA(-)
MED CLINIC

COSTS ($M)

O&M	$ 4
MILCON	$ 0
OTHER	$ 1
	$ 5

PAYBACK PERIOD (YRS)	IMMED
BREAK EVEN YEAR	1997
STEADY STATE ($M)	$ 10
(YR)	1998
20 YEAR NPV ($M)	140

CLOSE SELFRIDGE

- Eliminate most of TACOM Support Activity
- Relocate some Army tenants to Detroit Arsenal
- Relocate other Service tenants

IMPACT SUMMARY
U.S. ARMY GARRISON SELFRIDGE, MI

OPERATIONAL:

- Displaces wide variety of tenants (Other Services and multiple Army organizations)
- Loses high quality housing community; displaces occupants onto Warren, MI community
- No recommendations during previous BRAC rounds

PERSONNEL:

	MILITARY	CIVILIAN
REDUCTIONS	19	61
REALIGNMENTS	268	81

ENVIRONMENTAL: There are no known impediments

ECONOMIC: Assuming no economic recovery, this recomendation could result in a maximum potential reduction of 867 jobs (536 direct jobs and 331 indirect jobs) over the 1996 to 2001 period in Detroit, MI, PMSA, which is 0.0% of the area's employment.

OTHER SERVICE/DOD FACTORS:

- USN/USMC, USCG & AF ANG will need to absorb several below threshold activities

ALTERNATIVES CONSIDERED None

ALL-STATE LEGAL SUPPLY CO., 1-800-222-0510 ED11-AC RECYCLED

TAB B

ONE TIME RELOCATIONS COSTS FOR UNITS ASSIGNED TO SELFRIDGE ANG BASE

UNIT	REPLACEMENT COST
927 ARW - AFRES	$ 10 Million
191 ALF - ANG	$100 Million
127 TFW - ANG	$100 Million
NARA	$ 11 Million
NRRC	$ 11 Million
85th Division	$ 3 Million
AMMC	$ 3 Million
MWSG 47	$ 3 Million
USCG Flight Facility	$ 15 Million
TACOMSA	$ 5 Million *
Total All Units	$251 Million
Total All Non-ANG Units	$ 51 Million

* This figure was computed by the Army as the one-time cost associated with the closure of the TACOMSA. Despite the Army Basing Study's acknowledgement that these other units will be displaced (See Tab A) only the TACOMSA's relocation cost was considered in the Army's COBRA report.

ALL-STATE LEGAL SUPPLY CO., 1-800-222-0510 ED11-AC RECYCLED

ANNEX B

PERSONNEL ACTION PLAN

1. Nature of Actions.

a. Narrative Summary of BRAC Actions. The closure of the U.S. Army Garrison, Selfridge Air National Guard Base, Michigan will transfer 30 civilian positions and 283 military to other locations/activities and eliminate 114 civilian positions and 17 military by the end of FY 98.

b. Factors Affecting Impact on Personnel.

(1) In the closure of the U.S. Army Garrison, Selfridge the U.S. Army Tank-automotive and Armaments Command Support Activity (TACOMSA) in FY 98 will realign and relocate 24 civilian positions and 15 military positions to the U.S. Army Tank-automotive and Armaments Command (TACOM), Detroit Arsenal. The Medical Services Command will eliminate military and civilian positions in FY 96. The Defense Commissary Agency (DECA) will eliminate civilian positions by the end of FY 98. The U.S. Army Criminal Investigation Division-3d Region, U.S. Air Force, U.S. Navy, U.S. Marine Corp, U.S. Coast Guard, U.S. Army 85th Division Training, and the 75th Explosives Ordnance Detachment will transfer positions by the end of FY 98 to Base X since a determination of relocation has not been made.

(2) While it is too early to assess specific impact to employees, many factors must be considered in the planning process. It is the goal of this organization to reduce, to the maximum extent possible, the number of involuntary separations. This will be accomplished through various means to include voluntary attrition; the use of VERA and VSIP; and indepth outplacement assistance, including the DoD Civilian Assistance and Re-employment Program, the Transition Assistance Office, the DoD Priority Placement Program, The Defense Outplacement Referral System, the OPM Interagency Placement Program, job fairs, and the administration of a selective hire freeze policy. The elimination of positions will occur gradually over the next three years through attrition, with the remaining positions to be eliminated in FY 98. The rate of attrition will determine the magnitude of any reduction in force (RIF). Although RIFs may be unavoidable, they will be prevented through all possible means.

(3) While the number of affected positions can be determined at this time, estimating the personnel impacts through FY 98 is difficult. The geographical moves of employees from Selfridge to DETAR is assumed to be a realignment at this time as the employees of TACOMSA are in the commuting area and in the same competitive area with the employees of DETAR. The transfer of employees to Base X are assumed at this time to be a transfer of function (TOF). Individual TOF determinations will be made when a determination of relocation has been made.

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 ED11-AC RECYCLED

AMSTA-CY-R 27 April 95

INFORMATION FOR: Mr. Kennedy - DA

PURPOSE: Data Call for TACOMSA FY93 and FY94 Operating Program

FACTS: TACOMSA's Annual Operating Program consists of Operations, Maintenance Army (OMA), Army Family Housing (AFH) and Reimbursable funding. The following will breakout obligations for FY93 and FY94 data. Dollars are represented in thousands (K).

Category	FY93	FY94
Base Operations	$4,481.0	$4,154.6
Government Contractor (Serv Air)	$4,907.1	$4,958.8
Sub Total	**$9,388.1**	**$9,113.4**
Army Family Housing:		
Direct Program	$2,975.3	$2,884.7
Government Contractor (Serv air)	$2,341.7	$1,864.8
Reimbursable (Coast Guard)	$ 665.8	$ 705.2
Sub Total	**$5,982.8**	**$5,455.7**
Environmental:		
In house Costs	$ 177.4	$ 278.4
Government Contractor (Serv Air)	32.0	70.2
Sub Total	**$ 209.4**	**$ 348.6**
RPMA	**$ 436.1**	**$ 497.1**
Family Programs (Army Community Services, Al/Drug, Child Development Center, Relocation, Family Advocacy Program)	**$1,043.4**	**$1,006.5**
GRAND TOTAL	**$17,059.8**	**$16,421.3**

CONCURRENCE:

RALPH E. ALLISON, JR
LTC, AG
TACOMSA Commander

ALL-STATE LEGAL SUPPLY CO., 1-800-222-0510 ED11-AC RECYCLED

INFORMATION PAPER

SUBJECT: Physical condition of the Family Housing Quarters at U.S. Army Garrison (TACOMSA) Selfridge Air National Guard Base Michigan.

PURPOSE: To provide information pertaining to the condition of the family housing quarters located at TACOMSA, Michigan.

FACTS.

a. Over the past 10 years TACOMSA has repaired, renovated and improved the physical condition of quarters to a level where just normal maintenance is required for upkeep.

b. The following is a list of the major repairs, renovations and improvements performed on the quarters at TACOMSA.

1. WHERRY RENOVATIONS - $6.8M - replaced outdated metal kitchen cabinets with new birch cabinets. Installed dishwashers, added bedrooms and storage rooms, renovated bathrooms, added insulation and replaced sidewalks.

2. SEBILLE RENOVATIONS - $5.1M - Replaced outdated metal kitchen cabinets. Installed dishwashers, renovated bathrooms, built garages, added insulation, improved windows, replaced sidewalks and installed patios and electrical improvements.

3. ALL QUARTERS - $1.0M - Repaired and replaced roofs.

4. SEBILLE MANOR - $310K - Foundation repairs.

5. 200/400/700 AREAS - $500K - Replace windows and exterior doors.

6. 200/400/700 AREAS - $819K - Remove asbestos piping insulation.

7. 400/700 AREAS - $700K - Electrical upgrade.

8. 200/400/700/900 AREAS - $35K - Installed additional hardwired smoke detectors.

9. 200/400 AREAS - $500K - Exterior painting.

10. 200/400 AREAS - $190K - Installed attic ventilation fans.

11. 700 AREA - $30K - Installed dishwashers.

c. Renovations have been completed bringing quarters up to a desirable level for residents. This has not always been the case and units fought mandatory housing policies which were in place in the early eighties. With no mandatory policy in place, occupancy rates remain at 91% or better.

RELEASED BY: RALPH E. ALLISON, JR.
LTC, AG, Commanding (810) 574-6420

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 ED11-AC RECYCLED

INFORMATION PAPER

1. PURPOSE: To provide data to BRAC Amalyst, Mike Kennedy, which pertains to TACOMSA's FY95 Army Family Housing (AFH) Operating Program, Area Utility Costs, and costs of MWR Facilities and Personnel.

2. Information provided as requested is below.

a. Projected FY95 TACOMSA AFH obligations; Dollars are represented in thousands (K).

	FY95
1. Gov't Contractor (Serv-Air)	$1,870.0
2. Other Direct Costs	2,623.0
3. Reimbursable (Coast Guard)	730.0
Total AFH Program	$5,223.0

** Latest projections for basic contract (labor, materials, award fee), and anticipated FY95 modifications.

4. Current direct AFH program is $4,760K. Excess program of $267K (primarily in utilities) identified to AMC in Program Review (Apr 95) tentatively scheduled for return. Subtracting the above contractor amount from this adjusted program leaves $2,685 available for other direct costs.

5. Projected FY95 FRA collections.

b. FY94 Morale Welfare and Recreation Costs: Dollar Figures are in thousands.

		CIV WKYRs	NAF WKYRs	TOTAL OMA $	% OF OMA TOT
A	OFFICER'S CLUB	0	25	$31.9	0.3%
B	NCO CLUB	0	0	32.6	0.3%
C	TACOM COMMUNITY CLUB	0	0	0.0	0.0%
D	BOWLING CENTER	1	10	67.6	0.6%
E	GOLF COURSE	0	32	21.1	0.2%
F	TEEN CENTER/YOUTH SERVICES	4	0	174.8	1.7%
G	ARTS & CRAFTS/MULTICRAFT	1	2	41.3	0.4%
H	WOODCRAFT	1	0	42.2	0.4%
I	AUTOCRAFT	3	0	146.0	1.4%
J	PHOTOCRAFT	1	0	35.0	0.3%
K	LIBRARY	3	0	267.3	2.5%
L	OUTDOOR RECREATION/RECREATION/POOl	3	3	312.8	3.0%
M	FITNESS CENTER/SPORTS	5	0	211.8	2.0%
N	BASE GYM	2	0	73.1	0.7%
O	RELOCATION/FAMILY ADV/EXC FAM MEM	1	0	93.7	0.9%
P	EMPLOYMENT HELP OFFICE	0	0	0.0	0.0%
Q	CHILD DEVELOPMENT CTR	14	19	535.7	5.1%
R	FAMILY CHILD CARE PROG	1	3	76.9	0.7%
S	MILITARY FAM TEAM BUILDING	0	0	0.0	0.0%

		CIV WKYRs	NAF WKYRs	TOTAL OMA $	% OF OMA TOT
T	MORALE, WELFARE, & SPT OFCS	5	15	325.3	3.1%
U	ARMY EMERGENCY RELIEF PROG	0	0	0.0	0.0%
V	DRUG & ALCOHOL PROGRAMS	1	0	42.0	0.4%
W	ARMY COMMUNITY SERVICES	9	0	338.7	3.2%
		55	109	2,869.8	27.2%

** NOTE OMA COSTS INCLUDE BUILDING MAINTENANCE DOLLARS.

c. Utility Costs.

1) Eight apartment complexes were canvassed in the vicinity of Selfridge ANGB and Warren Michigan. This is not a study which will hold up under severe scientific scrutiny, but the numbers are realistic. Based on the information collected, the following dollar amounts are the monthly gas and electric costs.

MONTHLY GAS BILLS

- 1 Bedroom Apartment	=	$24.50
- 2 Bedroom Apartment	=	35.50
- 3 Bedroom Apartment	=	38.35

MONTHLY ELECTRIC BILLS

- 1 Bedroom Apartment	=	$20.65
- 2 Bedroom Apartment	=	36.45
- 3 Bedroom Apartment	=	55.00

* Water is routinely a part of the rent and not charged separately.

2) Based on communication with Consumers Power and Detroit Edison, the following are monthly average costs.

CONSUMERS GAS

- 1 Bedroom Apartment	=	$30.00
- 2 Bedroom Apartment	=	50.00
- 3 Bedroom Apartment	=	50.00

DETROIT EDISON - ELECTRICITY

- 1 Bedroom Apartment	=	$17.00
- 2 Bedroom Apartment	=	40.00
- 3 Bedroom Apartment	=	60.00

SOUTHEASTERN MICHIGAN GAS CO.

- 1 Bedroom Apartment	=	$20.00
- 2 Bedroom Apartment	=	33.00
- 3 Bedroom Apartment	=	47.00

3. POC for questions or futher information is the undersigned.

RELEASED BY _____

RALPH E. ALLISON, Jr.
LTC, AG (810)-574-6420
Commanding

FY94 MORALE, WELFARE, & RECREATION
OMA DIRECT DOLLAR FIGURES IN THOUSANDS

		CIV WKYRs	NAF WKYRs	TOTAL OMA $	% OF OMA TOT
A	OFFICER'S CLUB	0	25	$31.9	0.3%
B	NCO CLUB	0	0	32.6	0.3%
C	TACOM COMMUNITY CLUB	0	0	0.0	0.0%
D	BOWLING CENTER	1	10	67.6	0.6%
E	GOLF COURSE	0	32	21.1	0.2%
F	TEEN CENTER/YOUTH SERVICES	4	0	174.8	1.7%
G	ARTS & CRAFTS/MULTICRAFT	1	2	41.3	0.4%
H	WOODCRAFT	1	0	42.2	0.4%
I	AUTOCRAFT	3	0	146.0	1.4%
J	PHOTOCRAFT	1	0	35.0	0.3%
K	LIBRARY	3	0	267.3	2.5%
L	OUTDOOR RECREATION/RECREATION/POOLS	3	3	312.8	3.0%
M	FITNESS CENTER/SPORTS	5	0	211.8	2.0%
N	BASE GYM	2	0	73.1	0.7%
O	RELOCATION/FAMILY ADV/EXC FAM MEM	1	0	93.7	0.9%
P	EMPLOYMENT HELP OFFICE	0	0	0.0	0.0%
Q	CHILD DEVELOPMENT CTR	14	19	535.7	5.1%
R	FAMILY CHILD CARE PROG	1	3	76.9	0.7%
S	MILITARY FAM TEAM BUILDING	0	0	0.0	0.0%
T	MORALE, WELFARE, & SPT OFCS	5	15	325.3	3.1%
U	ARMY EMERGENCY RELIEF PROG	0	0	0.0	0.0%
V	DRUG & ALCOHOL PROGRAMS	1	0	42.0	0.4%
W	ARMY COMMUNITY SERVICES	9	0	338.7	3.2%
		55	109	$2,869.8	27.2%

ALL-STATE LEGAL SUPPLY CO. 1-800-222-0510 ED11-AC RECYCLED

INFORMATION PAPER

SUBJECT. Impact of Base Realignment and Closure Action on U. S. Army Garrison (TACOMSA) Selfridge Activities.

PURPOSE. To provide information pertaining to the impact on facilities and services as a result of 1995 BRAC becoming law.

FACTS. During a recent BRAC visit by Commissioner Steele, information was requested in line with the above subject. Impact is as follows:

a. Closure:

1) Lufberry Hall Guest House
2) Guest Quarters (Bldg 916)
3) Family Housing
4) Troop Billets
5) Chapel and Chapel Programs
6) Morale Welfare & Recreation

A) Officers Club
B) NCO Club
C) TACOM Community Club
D) Bowling Center
E) Golf Course
F) Teen Center
G) Youth Services
H) Arts and Crafts, Multicrafts
I) Woodcraft
J) Autocraft
K) Photocraft
L) Library
M) Outdoor Recreation
N) Fitness Center
O) Base Gym
P) Exceptional Family Member Program
Q) Relocation Assistance
R) Employment Help Office
S) Child Development Center
T) Family Child Care Programs
U) Military Family Team Building

7) Base Services Contractor
8) Officer Wives Club Thrift Shop
9) TACOMSA Offices that close

A) Commander's Office
B) Director of Public Works - All Housing
C) Resource Management
D) Morale Welfare and Support Offices
E) Logistics

b. Recommended for movement to TACOM as the soldier population does not change thus requiring these services.

1) Education Programs
2) Army Emergency Relief Services
3) Drug and Alcohol Programs
4) Inbound and Outbound Household Goods Movements in and out of the TACOMSA Area of Responsibility.

c. Below organizations have support agreements with TACOMSA. Organizations will need support from another organization. If another organization does not pick up the support, then closure is likely.

1) U.S. Army Health Clinic (Fort Knox has stated will close)
2) U.S. Army Dental Clinic (Fort Knox has stated will close)
3) U.S. Army Veterinary Clinic (Fort Knox has stated will close)
4) Commissary
5) Army Air Force Exchange System

A) Base Exchange
B) Military Clothing Sales Store
C) Class VI Store (Class VI - Alcohol)
D) Four Seasons

6) 127th FW will pick up police and fire support costs currently paid by TACOMSA.
7) 75th Explosive Ordnance Disposal Unit.

Released by _____
RALPH E. ALLISON Jr.
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Commanding

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SECTION V. COSTS.

1. Justification for real property costs to implement BRAC as identified in the Financial Plan.

   a. One-time Requirements.

      (1) OMA Demolitions. There is no projected BRAC requirement for demolition of OMA facilities.

      (2) Family Housing Demolition. There is no projected requirement for demolition of Family Housing Quarters.

      (3) Stabilizing of OMA Facilities. List provided at Annex E & F includes commercial, industrial, and administrative buildings which are considered worthy of retaining.

      (4) Stabilizing of Family Housing Buildings. The lists provided at Annex C & D are of the Family Housing buildings which are considered worthy of retaining.

      (5) OMA Moves. No costs were add because the OMA building occupants will not be compressed or relocated to stabilize under-utilized facilities.

      (6) Moves. As Family Housing units are vacated, remaining occupants maybe moved and consolidated under-utilized buildings can be stabilized. Estimated moving 100 families @ $2,000 per move. See Annex I for Projected Departures in the Family Housing Areas.

   b. Recurring Costs.

      (1) RPMA Base Operations Contract. This cost is to maintain facilities until transferred. These cost include operating and maintaining utility systems which deteriorate whether or not people are in the buildings. It also includes weekly or monthly inspections of all buildings, cutting grass, keeping pests under control, and maintaining any environmental clean-up systems necessary. These also include emergency maintenance and repairs for one time repairs.

      (2) Utilities. As noted above, even though the buildings may be closed, some utilities shall be required to maintain facilities.

c. Costs.

Description	FY96	FY97	FY98	FY99	FY00
Military Construction Projects:					
Install Preimeter Fencing	$0	$0	$620,000	$0	$0
Total Mil. Projects:	$0	$0	$620,000	$0	$0
Family Housing Construction Projects:					
	$0	$0	$0	$0	$0
Total AFH Projects:	$0	$0	$0	$0	$0
Family Housing Operations:					
Labor: 200	$78,704	$92,391	$157,757	$135,277	$135,277
400	$85,730	$114,352	$154,040	$117,346	$117,346
700	$25,150	$48,826	$66,370	$57,960	$57,960
900	$547,482	$453,718	$596,001	$540,469	$540,469
Sebille	$259,103	$428,814	$673,727	$569,762	$569,762
Material:	$480,000	$600,000	$720,000	$480,000	$480,000
Total Stabilization:	$1,476,170	$1,738,101	$2,367,895	$1,900,814	$1,900,814
Projects:					
Title Search & Survey	$250,000	$25,000	$0	$0	$0
Fill Sanitary S. Sebille Manor	$0	$100,000	$0	$0	$0
Move Families	$0	$0	$200,000	$0	$0
	$250,000	$125,000	$200,000	$0	$0
Utilities:					
Gas	$300,000	$245,859	$214,135	$158,619	$158,619
Electrical	$1,000,000	$850,243	$740,534	$548,544	$548,544
San. Sewer	$220,000	$188,774	$164,416	$121,789	$121,789
Water	$140,000	$109,055	$94,983	$70,358	$70,358
Total Utilities:	$1,660,000	$1,393,931	$1,214,068	$899,310	$899,310
Total AFH Operations:	$3,386,170	$3,257,032	$3,781,963	$2,800,124	$2,800,124
O&M					
Labor:	$7,238	$20,643	$239,262	$206,579	$206,579
Material:	$24,000	$60,000	$144,000	$120,000	$120,000
Totals	$31,238	$80,643	$383,262	$326,579	$326,579
Projects:					
Title Search & Survey	$250,000	$25,000	$0	$0	$0
Renovate TACOM Offices	$0	$0	$50,000	$0	$0
	$250,000	$25,000	$50,000	$0	$0
Utilities:					
Gas	$155,000	$150,000	$140,000	$77,500	$77,500
Electrical	$550,000	$530,000	$490,000	$275,000	$275,000
San. Sewer	$68,000	$65,000	$60,000	$34,000	$34,000
Water	$36,000	$33,000	$30,000	$18,000	$18,000
	$809,000	$778,000	$720,000	$404,500	$404,500
Total O&M:	$1,090,238	$883,643	$1,153,262	$731,079	$731,079
Total Costs:	$4,476,408	$4,140,676	$5,555,225	$3,531,203	$3,531,203

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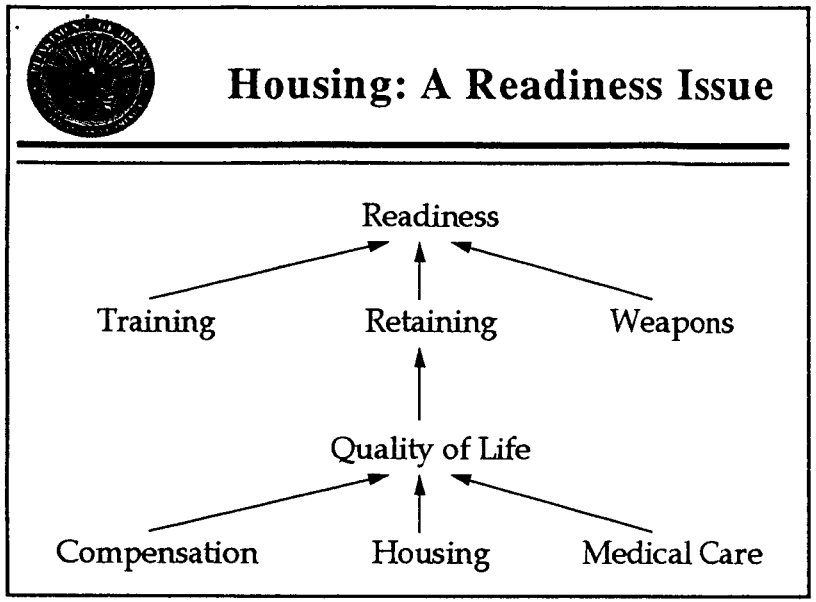

Housing is key to readiness

- **For a ready force, must train *and retain.***
- Retaining our people is essential.
- ***Housing is key to retention.***
  - Professionals expect to be treated as professionals.
  - Most soldiers today have families.
  - They expect a home, not a bunk.

"We enlist soldiers, but we re-enlist families."