

CSWAB

Citizens for Safe Water Around Badger
E12629 Weigand's Bay South - Merrimac, WI 53561
Telephone (608) 643-3124
Email: info@cswab.org
Website: www.cswab.org

U.S. Senator Herb Kohl
14 W Mifflin Street, Suite 207
Madison, WI 53703

U.S. Congresswoman Tammy Baldwin
10 E Doty, Suite 405
Madison, WI 53703

SENT BY ELECTRONIC MAIL

August 3, 2012

Dear Senator Kohl and Congresswoman Baldwin:

Thank you for your many years of active support for public participation in Department of Defense cleanup decisions through Restoration Advisory Boards and federally funded technical assistance to public members of these boards.

Under the Technical Assistance for Public Participation (TAPP) program – established by legislation which the Senator co-sponsored – communities like ours have access to independent technical advisers to deal with the complex technical issues involved in defense cleanups.

We are grateful for the Congresswoman's co-sponsorship of proposed legislation such as the Military Environmental Responsibility Act which would have required the Department of Defense to fully comply with federal and state environmental, public health and worker safety laws.

As part of your continued commitment to protecting communities and workers at risk from exposure to contamination from military sites across the U.S., CSWAB would like to ask you to consider requesting a U.S. Government Accountability Office report to determine the current number of active Restoration Advisory Board (RABs) and TAPP agreements and to review Department of Defense compliance with the RAB and TAPP rules at the Badger Army Ammunition Plant (Badger) and other communities nationwide.

If you agree to request such a study, we would appreciate the opportunity to solicit and submit input from other affected communities and provide you with their suggestions for a list of questions for the report to answer. While the study should address Badger, there are a number of other military facilities with similar problems that will benefit from such a review.

The U.S. Army at Badger recently announced that it intends to reorganize the local RAB – a process that is not mentioned anywhere in the RAB rule (32 CFR Part 202) and is expected to require that all seated members of the local board re-apply for a limited number of seats on a newly formed RAB. Comprised of representatives of local town,

village, county and tribal government, and residents who live near Badger, the current RAB was organized almost 20 years ago by the Army and U.S. Environmental Protection Agency. In accordance with the Badger RAB by-laws, CSWAB has one seat on this board.

We cannot find any reference to reorganizing or reconstituting a RAB in the federal RAB rule or the March 2007 *RAB Rule Handbook* provided to board members by the Army. These regulations and guidelines describe only procedures for dissolving and adjourning RABs. Adjournment by an installation requires that there is no longer public interest in cleanup and/or environmental cleanup and monitoring have ended. This does not apply at Badger. Dissolution of a RAB is a process for ending a RAB when the RAB no longer fulfills its purpose and responsibility – the Army has determined not to dissolve the Badger RAB.

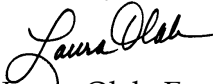
Army officials have also informed the Badger RAB that its membership is too large and that the total number of members must be reduced. However, it is our understanding that the RAB size is not limited in the rule. The *RAB Rule Handbook* contains only a general suggestion that a RAB have less than 30 members. The Badger RAB by-laws limit membership to 26. Nationwide, it is very common for RABs to have 25 members.

Because there is nothing in the federal RAB rule concerning reorganizing RABs (requiring seated members to re-apply for a position on a brand new RAB), we believe that the Army's conduct is inconsistent with this rule. For this reason, Army actions here in Wisconsin set a negative precedent not only for our community but for the RAB program nationwide. According to the U.S. Army at Badger, at least nine other RABs are currently being surveyed. These communities, which Army Environmental Command says it is not able to disclose, are expected to be vulnerable to the same conduct.

In accordance with the RAB rule, we believe that current Badger RAB members should be able to retain their seats on the existing board and that all members of the RAB (including Army) should encourage and invite applications for new members to improve the diversity of the board. Both the RAB rule and handbook encourage the addition of new members to improve the diversity and representation of the board – a policy that we heartily support.

Thank you again for your service to our community and your consideration of CSWAB's request.

Sincerely,



Laura Olah, Executive Director

Attached as .pd files:

- U.S. Department of Defense, Office of the Secretary, 32 CFR Part 202, Department of Defense Restoration Advisory Boards, Final Rule.
- Office of the Secretary of Defense, *Restoration Advisory Board Rule Handbook*, March 2007.
- Badger Restoration Advisory Board By-Laws, 2001.
- Capital Newspapers, *Army to disband, rebuild Badger advisory board*, August 1, 2012.
- List of current Badger RAB members