



KELLY AFB  
TEXAS

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ADMINISTRATIVE RECORD  
COVER SHEET

AR File Number 3249.1

KELLY RESTORATION ADVISORY BOARD

October 10th, 2006, 6:30 p.m.  
Port Authority of San Antonio  
143 Billy Mitchell Blvd., Bldg. 43, Suite 6  
San Antonio, Texas 78226

APPEARANCES

RAB Community Member Attendees:

Rodrigo Garcia  
Nazirite Perez

RAB Government Member Attendees:

Adam Antwine, Installation Cochair  
Sal Aguinaga, Port Authority of San Antonio  
Kyle Cunningham, San Antonio Metropolitan Health District  
(SAMHD) (Alternate for Melanie Ritsema)  
Gary Miller, Environmental Protection Agency (EPA)  
Mark Weegar, Texas Commission on Environmental Quality  
(TCEQ)

AFRPA Staff:

Summer Allen, Air Force Real Property Agency (AFRPA)  
Leslie Brown, AFRPA  
Don Buelter, AFRPA  
Sonja Coderre, AFRPA  
Todd Colburn, AFRPA Contractor  
Jose Martinez, Facilitator

AFRPA Partner Agencies:

Alan Ferrell, SAMHD  
Greg Lyssy, EPA (Alternate for Gary Miller)  
Abigail Power, TCEQ (alternate for Mark Weegar)

Elected Officials:

David Rodrigues, Office of U.S. Rep. Charles A. Gonzalez

Public Participants:

Esmeralda Galvan  
Juan Gonzalez  
Robert Silvas

1 (Proceedings began at 6:31 p.m.)

2 MR. MARTINEZ: Good evening. My name is Jose  
3 Martinez and I've been asked to facilitate the RAB meeting  
4 for October 10th for the former Kelly Air Force Base. We  
5 have a lengthy agenda so I am getting familiar with these  
6 agendas. There are no brief agendas. There's a lot to  
7 discuss. So I would like to proceed with the introduction  
8 section that you have in your packets.

9 The first item on the agenda as usual is the  
10 Pledge of Allegiance so if I may ask everyone to stand and  
11 recite in unison.

12 (Pledge of Allegiance was said.)

13 MR. MARTINEZ: Thank you. As is also custom  
14 with the RAB board, the next item of the agenda is a  
15 moment of silence.

16 (A moment of silence was observed.)

17 MR. MARTINEZ: Thank you. I would like to  
18 take the opportunity in case there's a member of the  
19 audience -- I see possibly one member of the general  
20 public in the audience in addition possibly the two police  
21 officers -- to indicate the purpose of the RAB, the  
22 Restoration Advisory Board and the purpose of the program  
23 overall.

24 All the staff that is represented here this  
25 evening is here for one purpose. And the purpose -- I

Force Base. Our plan is to complete the RAB charter. Page 3

1 would simply like to recite or read to you two sentences  
2 from a little guide that I picked up at the office that I  
3 believe all of you have seen, a community resource guide  
4 for the former Kelly Air Force Base. I have a copy of it.

5 And the two sentences are as follows: The Air  
6 Force Real Property Agency, which is the agency  
7 represented by staff this evening, oversees the  
8 environmental clean-up activities at the former Kelly Air  
9 Force Base. Our goal is now complete the clean-up actions  
10 needed to protect human health and the environment and to  
11 transfer the property for reuse.

12 That is simply the sole purpose of the  
13 organization and the staff and the advisory board meeting  
14 this evening.

15 I'd like to also suggest as I did last time  
16 communications guidelines. And I will simply read to you  
17 one section of the RAB Charter Guiding Principles, section  
18 3.2.3. This is in dealing with communications between RAB  
19 members and the participation at the RAB meeting.

20 And it reads as follows: Communicate in an open,  
21 civil, organized focus and effective manner.

22 This is very important. I understand that as a  
23 result of the nature of this project, there could be some  
24 issues that need to be discussed in earnest, but I  
25 respectfully ask as I did last time that we conduct all

1 discussions in a civil manner.

2 The next item on the agenda is the role call. I  
3 will call the role and then I will explain briefly  
4 followed by possibly some comments that Mr. Antwine would  
5 like to make or comments that you would like to address to  
6 Mr. Antwine and he will be more than glad to respond to.

7 The role call of members that have been  
8 determined to be eligible as a result of the May 12th  
9 final RAB rule as published in the Federal Register are  
10 Mr. Garcia.

11 MR. GARCIA: Here.

12 MR. MARTINEZ: Present. Thank you. Mr.  
13 Gonzalez. (Not present.)

14 MR. MARTINEZ: And Mr. Perez.

15 MR. PEREZ: Here.

16 MR. MARTINEZ: Thank you. Now for the purpose  
17 of the rest of us, or the rest of you that may not be  
18 totally familiar, again, I repeat that as of May 12th, the  
19 Department of Defense issued a final RAB rule. For the  
20 past couple of years, approximately, the entire Air Force  
21 or military, Department of Defense -- excuse me, let me  
22 finish -- have been operating under draft RAB  
23 regulations. They have finally been adopted as of May  
24 12th of this year.

25 Last month, in September 12th, the staff and the

1 RAB conducted a special meeting on September 12th in this  
2 same very room totally dedicated to the purpose of  
3 explaining those final RAB -- that final RAB rule of May  
4 12th.

5 At that meeting, the staff provided the current  
6 RAB members an eligibility form to document their  
7 indication of their eligibility to continue serving as  
8 members of this RAB. There was a deadline of September  
9 29th. That deadline passed and I believe that there were  
10 four members of the RAB that submitted an eligibility  
11 form.

12 Based on that information, in that eligibility  
13 form and the interpretation of the final RAB rule dated  
14 May 12th of this year, it was determined that Mr. Garcia,  
15 Mr. Gonzalez and Mr. Perez were the individuals that were  
16 eligible to continue serving as members of the RAB.

17 The week after, on October 3rd, there was a  
18 letter that was submitted or mailed out to the RAB members  
19 indicating the findings by staff of the eligibility of the  
20 RAB members. And then that same week, on October 6th I  
21 believe, a member of the staff contacted each and every  
22 member of the RAB by telephone and spoke to a great number  
23 of them. Not all the members responded to that request  
24 for another opportunity to submit the eligibility form.  
25 So this evening is the fourth opportunity for members of

THE STATE OF ARIZONA  
COUNTY OF MARICOPA  
I, the undersigned, being duly qualified, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the County Clerk of Maricopa County, Arizona, at the date hereof.

Witness my hand and seal of office at Phoenix, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Clerk of Maricopa County, Arizona

1 the RAB that wish to submit documentation indicating or  
2 proving their eligibility to adequately submit that  
3 information.

4 So I'd like to ask if any member of the RAB that  
5 has been deemed ineligible, if you have additional  
6 documentation for you to submit it to the staff for  
7 evaluation.

8 Did you have such documentation, sir?

9 MR. SILVAS: First of all, did you get an  
10 updated version of that list that you're reading off?

11 MR. MARTINEZ: Yes, sir, I did.

12 MR. SILVAS: Well, I did submit one and it was  
13 faxed in.

14 MR. MARTINEZ: Yes. My understanding that  
15 there was an issue that -- pertaining to an area or  
16 property ownership.

17 MR. SILVAS: It's in the zip code of an  
18 affected area 237.

19 MS. CODERRE: And we did receive your fax, Mr.  
20 Silvas. Unfortunately, the document that you provided us  
21 proved that the property was registered to a person not  
22 you.

23 MR. SILVAS: No, it's my wife's deceased  
24 mother who lived in that neighborhood. And I can bring  
25 you the death certificate to prove that she is no longer



1 living and the birth certificate of the wife. I knew that  
2 would be a problem today. Secondly, who --

3 MS. CODERRE: If I may just address that  
4 issue, I understand that you are saying that that is from  
5 your deceased mother-in-law and it's her name that's on  
6 the property. The question was about individual RAB  
7 members providing documentation of their individual  
8 eligibility.

9 So the determination that we made when we looked  
10 at these forms was that the property needs to be in your  
11 name in order for you to be eligible. If you go back and  
12 look at the criteria that we made out, it is a member that  
13 either lives or works within the boundaries of the  
14 affected area that were defined by this RAB or are  
15 affected by, and one of the affected by criteria was a  
16 current landowner.

17 And because it's not your name on the property  
18 record, your eligibility -- you were considered  
19 ineligible.

20 MR. SILVAS: You're splitting hairs there  
21 because, again, if a spouse has property, that's joint  
22 properties. And you can split hairs all day long about  
23 the legality of how you're going to define that.

24 And what I want to know, who finally signed off  
25 on the charter RAB rules? Who finalized that?

1 MS. CODERRE: Who signed the final rule?

2 MR. SILVAS: Yes, the new updated version.

3 MS. CODERRE: The final rule was published in  
4 the Federal Register on May 12th as Mr. Martinez just  
5 indicated and --

6 MR. ANTWINE: I don't think there's a  
7 signature per se.

8 MS. CODERRE: It's not so much a signature,  
9 but it is signed as such by Mark E. Matthews, Deputy  
10 Commissioner for Services and Enforcement and I believe  
11 that's -- well, I don't know. That's what it says here.  
12 Oh, please let me correct the record. I apologize. I was  
13 looking at the wrong sheet.

14 It was signed by L.M. Bynum, OSD. That stands  
15 for Office of Secretary of Defense, Federal Register  
16 Liaison Officer, Department of Defense.

17 MR. SILVAS: And additionally, the letters  
18 that went out to each member, were they included in the  
19 packet today?

20 MS. CODERRE: They were not included in the  
21 packet today.

22 MR. SILVAS: Is there a reason for that?

23 MR. ANTWINE: The letter that went out for  
24 them?

25 MS. CODERRE: To each individual RAB member.

1 There was a reason for that. We made multiple copies of  
2 the packet to ensure that we would have enough copies for  
3 the public. And because we can't release personal,  
4 identifying information to the public, they were not  
5 included in here. And I regret that.

6 If you need copies, we can distribute them among  
7 only RAB members, but I didn't want them to get mixed in  
8 the packets that were --

9 MR. SILVAS: Well, how can that -- how can  
10 this be an item on this agenda if it's not included in the  
11 packet?

12 MS. CODERRE: I'm sorry. I'm confused.

13 MR. SILVAS: You have a packet here for this  
14 evening today which is supposed to include -- right here  
15 it says we're to discuss the issue of members that are  
16 eligible.

17 MS. CODERRE: Well, we were going through the  
18 role call and the explanation of why certain members were  
19 not called during role call we felt was in order.

20 MR. SILVAS: Well, you can't have a packet  
21 that's excluded items that are to be discussed that are as  
22 important as this to bring members' status of eligibility  
23 without including it in the packet.

24 MR. MARTINEZ: Mr. Silvas, I think the offer  
25 by staff is to discuss -- allow each member of the RAB

1 that has been determined to be ineligible to discuss the  
2 issue individually with the staff. So if you have an  
3 issue with your designation as being ineligible, the staff  
4 is here ready, willing and able to respond to those.

5 MR. SILVAS: Well, I got their response and  
6 I'm sure I know where that's going to go. Next of all, I  
7 want to include that gentleman that you mentioned, the  
8 fourth gentleman, Daniel.

9 MS. CODERRE: Gonzalez.

10 MR. MARTINEZ: Gonzalez.

11 MR. SILVAS: Gonzalez is not here today and  
12 hasn't been present for more than three RABs. And so his  
13 eligibility is null and void also. I'd like that for the  
14 record.

15 MS. CODERRE: Well, technically if I may, a  
16 point of order, the charter used to require. It was one  
17 of the things we covered under the last meeting when we  
18 went through. In the original wording of the charter, if  
19 a member had missed that many meetings, their seat was  
20 deemed vacated.

21 When the charter was revised, the addendum  
22 required the body to take action before that could  
23 happen.

24 MR. SILVAS: Okay. All right. So as far as  
25 my status of ineligibility, I'll have to correct that.

1 Because again, you're saying that because it's not in my  
2 name, yet it's property of my wife's which is property of  
3 myself, too, it's not sufficient enough for being  
4 eligible.

5 MS. CODERRE: Your name must be on the  
6 property record for you to be recognized as a property  
7 owner.

8 MR. SILVAS: Well, I'm mistaken. Would you  
9 provide that in record -- in writing, please.

10 MS. CODERRE: It's part of the record now.

11 MR. SILVAS: Well, I want to get it written on  
12 the document that you're referring to.

13 MR. PEREZ: Can I refer to something so we can  
14 get the ball rolling in the proper manner? He's  
15 referring -- I believe that he's referring to Texas law.  
16 According to Texas law, he's right. And of course you're  
17 referring to federal law.

18 MS. CODERRE: No.

19 MR. PEREZ: No?

20 MS. CODERRE: No. I'm not a lawyer. I'm not  
21 going to make a decision or make a call on the law. What  
22 I'm saying is that when we looked at this -- the final  
23 rule and when we talked about it, one of the criteria that  
24 is laid forth is to be a property owner. If your name is  
25 not on the property record, you're not an owner of that

1 property.

2 When we -- when we addressed this issue last  
3 month, several of you immediately held up your driver's  
4 licenses and asked us to go -- to make and we talked about  
5 CPS bills, whatever it is that proved that you are living  
6 and/or working if you wanted to have your -- your employer  
7 provide a letter saying yes, you work at this address,  
8 those were the things that we asked to provide proof of  
9 eligibility.

10 So a document with some other person's name on it  
11 only proves that that other person is eligible. It does  
12 not prove that Mr. Silvas is eligible.

13 MR. PEREZ: Okay. I'm not a lawyer either.  
14 But I did take paralegal class for the State of Texas and  
15 I passed. I'm licensed and forth and so on. And  
16 according to Texas law, a person is supposed to be  
17 recognized and I believe that we need to talk to somebody  
18 higher up so this can be cleared.

19 MS. BROWN: My name is Leslie Brown and I'm an  
20 attorney for the Air Force Real Property Agency and Texas  
21 is a community property state; however, it depends on Mr.  
22 Silvas' deceased mother-in-law's will. If she willed  
23 property to him and his wife, then he will be placed on  
24 the property and record and he can use that.

25 However, she may have willed it to his wife as

1 her separate property, which is allowed in Texas.

2 MR. PEREZ: Okay. I guess I need to check.

3 MR. GARCIA: Well, I want to see it cleared  
4 up. I want you to discuss it with them because if he and  
5 his wife inherited the property, they're married. And if  
6 they inherited the property, he becomes part of the  
7 property right of issue also.

8 Now, if it hasn't been put in his and his wife's  
9 name yet, do you realize how long it takes to get a will  
10 probated, how long it has to go through -- it took me two  
11 years to get all of my father's property and his assets  
12 changed over to my name because I was the sole executor  
13 and inheritor. It took me two years to get through all  
14 that legal paperwork.

15 And you need to have some consideration for him  
16 because if he's tied up in probate and all this other  
17 stuff, it takes a long time to solve all of this. And I  
18 want to -- and he's a valuable part of this board and if  
19 it takes him some time to figure this out and use that  
20 address and do all the probate and get all this paper  
21 changed in his name -- go through -- even Bexar Appraisal  
22 District, it took me almost eight months to get all those  
23 properties changed to my name going through Bexar County.

24 First I had to go through probate and all that  
25 other stuff and then finally go to Bexar Appraisal

1 District and it took me six to eight months to change all  
2 the property to my name. So you may have him on a  
3 technicality, but if he's telling the truth and he's  
4 working on getting it taken care of, we need to take that  
5 into account and realize that it's going to take some  
6 time.

7 She can verify how long probate takes to get  
8 property changed over. If they're going through the Bexar  
9 Appraisal District and the taxing agency and everything to  
10 get property changed over. So if he's working in good  
11 faith, I would recommend that we work with him and clarify  
12 his eligibility over the next six or eight months,  
13 whatever time it takes because I got stuck in that  
14 bureaucratic red tape that I'm talking about through the  
15 probate, through the law and then changing everything to  
16 the names and through the -- you know, and then dealing  
17 with the Texas property rights laws and changing the  
18 property over and turning in the death certificates and  
19 filling out all the forms. It took me almost a  
20 year-and-a-half to two years to get my father's assets  
21 changed in my name.

22 So if it's taking -- I recommend that you work  
23 with him in good faith and get him on this board and he  
24 will provide you the information and we will provide you  
25 the deed to that property with his name and his wife's



1 name on it, but you-all need to work with him and because  
2 he's vital -- a vital function of this board.

3 And the way I see it, unless you and Adam bring  
4 in more community members to all these meetings and  
5 publicize it more, then we don't have enough people to  
6 pick and choose from an audience of people and ask them in  
7 a meeting how many of you want to sit on this board. But  
8 until we start bringing in more people, we're going to  
9 have to work with what we have.

10 And I recommend that you work with him to settle  
11 this issue through the courts and through all the things I  
12 talked to you about. You know about all of this. She's a  
13 lawyer. She knows about all this and you work with him  
14 and in good faith and serve on and continue to serve  
15 because he's a vital function of this board.

16 Because until you clarify all of this and until  
17 we can work together, and see that he brings in more  
18 people to these meetings and more public participation at  
19 this meeting and start having it in a public place like  
20 the high school or the junior high school, where we can  
21 invite more people to a public facility like the schools  
22 and stuff, we need to have -- keep whatever members we  
23 have because we have a lot of work to do and we need to  
24 start working together.

25 MR. MARTINEZ: Mr. Garcia, if I may, I know

1 the staff will double over backwards in trying to work  
2 with Mr. Silvas. The issue that they have explained  
3 obviously you wish to discuss with them and it's something  
4 that I know that you will discuss with them over the next  
5 few days and we encourage you to do that.

6 If I may, I'd like to proceed with the rest of  
7 the packet, the agenda. I'd like to review the agenda and  
8 review the packet at the same time.

9 MR. SILVAS: Excuse me. To continue, we had  
10 another member arrive and would you --

11 MR. MARTINEZ: Thank you. Yes. I apologize.  
12 Is there another member of the RAB that would  
13 like to discuss her eligibility or ineligibility?

14 MS. GALVAN: Well, I was just given a letter  
15 and I just opened the letter a little late. And I was  
16 kind of surprised that after serving so many years I was  
17 ousted by this rule -- ruling which was not -- was never  
18 discussed before and suddenly I get a letter saying that  
19 I'm no longer to serve on this board.

20 And I don't understand because I've lived in the  
21 community 40 years and several of my family -- immediately  
22 family members have, you know, gotten cancer. Different  
23 types, no family history. And I'm here to represent  
24 anyone and everyone, family, friends, that are affected by  
25 this plume that still lies underneath these 20,000 homes.

1 MR. MARTINEZ: Could I ask you what was the  
2 reason you were deemed ineligible?

3 MS. GALVAN: I did not.

4 MR. MARTINEZ: The letter, what was the  
5 specific issue or reason?

6 MS. GALVAN: It said that I no longer live in  
7 the area. I no longer own property. I no longer have a  
8 spouse that works in this area. And I find it very  
9 interesting that someone would go all the way into my  
10 personal life to find all those details out.

11 MR. MARTINEZ: I think that the staff got the  
12 information -- excuse me. Maybe I'm going beyond my  
13 role. But you were asked to submit an eligibility form  
14 and if you did not submit an eligibility form by the 29th  
15 of September, then it went by the information that was on  
16 record.

17 MS. GALVAN: Yes, sir. I was not present at  
18 the last meeting so --

19 MR. MARTINEZ: Right.

20 MS. GALVAN: -- I was not told.

21 MR. MARTINEZ: It was totally devoted to this  
22 topic.

23 MS. CODERRE: And the packets were mailed out  
24 the day after the meeting with all of the information.

25 MS. GALVAN: I have not read my mail. Sorry.

1 MS. CODERRE: Well, the information was  
2 contained in the packet. We make it our practice that  
3 after a RAB meeting or subcommittee meeting, whatever,  
4 that those members and alternates that aren't here, the  
5 next day they're mailed a complete packet of the agenda  
6 and those items that were handed out. So I regret that  
7 you were not aware.

8 MS. GALVAN: Well, I did not read my mail so  
9 that probably was done.

10 MS. CODERRE: We did send the letters out.  
11 Mr. Martinez indicated the letters were sent out on the  
12 3rd of October. You were one of the few people that we  
13 were unable to reach by telephone. Mr. Colburn made phone  
14 calls on Friday so that this kind of situation wouldn't  
15 happen. And so we regret deeply that the first you heard  
16 of this was in writing.

17 MS. GALVAN: That's fine. I mean if my  
18 services are not needed --

19 MR. SILVAS: I would again like to reiterate  
20 what Rodrigo said about keeping the members currently here  
21 trying to speak on behalf of the community. And I think  
22 the facilitator was asking what do you have today as far  
23 as to reverberate or speak about why you think you should  
24 be continuing on the board. I think that's something that  
25 we would like to hear.

1 MS. GALVAN: I -- I am still very interested  
2 in getting the clean-up done and not letting the natural  
3 attenuation do it. I'd still like to speak for the  
4 community, which at many times cannot come and speak for  
5 themselves because many are becoming ill and dying of  
6 cancer, continuously as we talk, workers from Kelly, ex  
7 Kelly workers are still dying.

8 MR. MARTINEZ: The issue if I may remind  
9 everyone, the RAB members and the other members of the  
10 audience, is that staff has no ability to change the final  
11 Department of Defense final RAB rule. They have to follow  
12 that. All RABs across the nation --

13 MS. GALVAN: I understand.

14 MR. MARTINEZ: -- at all former military bases  
15 have to follow the same rule so it is being applied  
16 equally across the nation.

17 MS. GALVAN: I understand. I just finished --  
18 I'm not through, sir.

19 MR. MARTINEZ: I'm sorry. Go ahead.

20 MS. GALVAN: I just finished filling out some  
21 of the comment cards and at the present time I am going to  
22 be moving back into the area. So if there would be a  
23 rule, maybe an addendum or some kind of -- something put  
24 on that rule whereas I can temporarily be out but I will  
25 come -- I would like to come back to the RAB.

1 MR. MARTINEZ: There's going to be a  
2 process --

3 MS. GALVAN: If I live in the area, then I'm  
4 going to be part of the community.

5 MR. MARTINEZ: Mr. Antwine is going to  
6 summarize the process for adding of some of the vacant  
7 seats on the RAB in a few minutes and he will address that  
8 in a few moments.

9 MS. GALVAN: But if not, I can always speak as  
10 a community person.

11 MR. MARTINEZ: Of course.

12 MS. GALVAN: Especially --

13 MR. MARTINEZ: It's always a public meeting.

14 MS. GALVAN: Right now I'm presently living  
15 off and on into the south side so I will be able to --

16 MR. MARTINEZ: But do you understand, if I may  
17 ask you, the reason why it was --

18 MS. GALVAN: You have to follow rules.

19 MR. MARTINEZ: Reading black and white, the  
20 rule says X, Y, Z and you did not satisfy that -- either  
21 the X or the Y.

22 MS. GALVAN: Oh, that's fine. But, you know,  
23 it's funny how you just get a letter whereas ex RAB  
24 members that have been on this board member have gotten  
25 some kind of recognition for serving and this is the way

1 I'm going to be recognized, by a letter?

2 MR. MARTINEZ: No. No. This is simply the  
3 fourth opportunity afforded to RAB members that have been  
4 deemed to be ineligible to indicate why you feel you are  
5 eligible. It does not mean that you are not going to be  
6 recognized for the years of service.

7 MS. GALVAN: Okay.

8 MR. MARTINEZ: That has yet to come.

9 MS. GALVAN: That's fine.

10 MR. SILVAS: I got a question. Even though  
11 these RABs are finalized in writing on paper, don't the  
12 members now have means to --

13 MS. CODERRE: Ms. Galvan, you don't have to  
14 leave the table. Please feel welcome.

15 MS. GALVAN: (Inaudible).

16 MR. MARTINEZ: Ma'am, part of the reason we  
17 wanted to hold this meeting in this manner tonight was  
18 because we did not want it to feel as though members were  
19 all of a sudden being shoved away from the table.

20 MS. GALVAN: That's the way it feels.

21 MS. CODERRE: And I understand. And that is  
22 also part of the reason why we didn't want to come here  
23 tonight prepared with a thank you letter or certificate of  
24 appreciation which could be taken the completely wrong way  
25 considering that there are still questions about

1 eligibility or future eligibility.

2 We did not want this to be a contentious moment  
3 or feel that you do not still have a voice.

4 MS. GALVAN: Well, I was going to write to my  
5 congressman and my senator and tell them how I feel right  
6 now.

7 MS. CODERRE: I understand that.

8 MS. GALVAN: I think I have every right to  
9 feel this way because, you know, if --

10 MS. CODERRE: And you did touch on something  
11 that --

12 MS. GALVAN: I've been serving -- I have not  
13 been absent except the last couple of times.

14 MS. CODERRE: And you touched on something in  
15 your comments about your continued involvement  
16 regardless. And I would like to point that out to all of  
17 the people that are here this evening. Just because  
18 you're not eligible to sit at the table for future RAB  
19 meetings does not mean your participation isn't valued as  
20 a member of the public.

21 MS. GALVAN: Thank you.

22 MS. CODERRE: We encourage and we will be  
23 happy to keep people on our mailing list so that you get  
24 agendas and items as they come out. We will continue to  
25 make those -- those efforts so that you can stay engaged



1 in a process we know you feel seriously about.

2 We're not saying leave. We're just saying the  
3 roles need to be changed just a little bit because the  
4 rules have changed.

5 MS. GALVAN: I wasn't going to leave. I will  
6 be present.

7 MS. CODERRE: Thank you.

8 MS. GALVAN: I was just going to go by myself  
9 back here.

10 MR. PEREZ: You know what? You know what?  
11 Really, truly I'm going to write the president about  
12 this. Really.

13 MS. GALVAN: Well, see, I already talked to a  
14 congressman and we're working on a way to get more public  
15 to come and get involved. I think this idea that I have  
16 and maybe we can get someone to fund it, some foundation  
17 can help us fund it, it will help the public realize  
18 what's happening here at Kelly Air Force Base. And it  
19 will be a type of thing that will be permanent where  
20 everyone will know what happened here.

21 This will be part of the history of San Antonio.  
22 Everything that we've done, everything that we haven't  
23 done, will be recorded.

24 MR. SILVAS: I'd like to continue on what I  
25 was about to speak of and that's all of these rules are

1 written and finalized, there must be a way for the  
2 committee to amend those rules to where participation can  
3 be taken in part. Like we know most of these members and  
4 the Air Force knew ahead of time who was eligible or not.  
5 Participation is, you know, next to nothing.

6           However, you know, how is this committee going to  
7 continue to operate unless they have these other members  
8 continue on until they have support from the community  
9 that showed up from the affected area, which we know is a  
10 problem. The idea behind this RAB rule is obvious from  
11 the get-go that the people that were kept off because they  
12 have had no direct link unless they had work experience,  
13 you know, on the property for over better part of their  
14 life or lived there formerly kept those voices out by  
15 fixings the rules to bend in their favor.

16           And at that, it's really disappointing seeing  
17 here what's going on. And we may have lost this battle  
18 here, but it's far from over. It's way far from over.  
19 I'll let you-all know for a fact, you know, that I'm not  
20 going to give up. You know. This is -- this isn't --  
21 this isn't going to be over.

22           So with that in mind, I just want Adam to comment  
23 on what he thinks about having the members taken off that  
24 can't serve, why not have them stay on until they get more  
25 community support by amending the rules. Is that

1 possible?

2 MR. ANTWINE: Well, if you're talking about  
3 amending the rules as in the rules that are published, you  
4 know, once those are published I don't think any of us  
5 will have the ability to change those rules. Now whether  
6 those rules are interpreted as treating some members of  
7 the existing body differently because of where they sit in  
8 terms of eligibility, that's something that I think, you  
9 know, once we notified folks, I think -- and when you  
10 think about -- once we notified folks that obviously  
11 became clear.

12 The affected area was defined by the RAB. And if  
13 you go back, if you really have a history with this RAB,  
14 what you will recall is that the original reason that the  
15 affected area was developed because -- was because of the  
16 influences of folks outside of the Kelly area had.

17 And that was one of the reasons that this  
18 affected area map was developed because you had influences  
19 from people who really had never lived here, who might  
20 have lived in another city. And you came to the Air Force  
21 and said look, we want to limit the participation on this  
22 board to people that truly live within a boundary, those  
23 that are affected by the plume or potentially impacted by  
24 groundwater contamination and that was what the RAB agreed  
25 upon.

1           And it's unfortunate that now that same -- that  
2 same request by community members to keep those out who  
3 really had no affect or who were not affected are now  
4 being affected in a way that, you know, maybe it wasn't  
5 originally intended. And that's unfortunate.

6           But, you know, the rules are what the rules are.  
7 And the reason I want to -- way I want to go from there is  
8 the fact that you were also sent a letter that says please  
9 help us develop a panel of folks who can truly nominate  
10 RAB members from the affected area. Okay? We -- you also  
11 got a letter, and I don't have the date here in front of  
12 me, but it was probably sent out before the eligibility  
13 letter was sent that said, you know, we're soliciting your  
14 support as current RAB members.

15           We regret the fact that maybe you fall on the  
16 ineligible side of this line, but we still are soliciting  
17 your support to develop what will truly be folks that are  
18 affected and can contribute to the progress, you know,  
19 that we've already made so far and continue that.

20           And, you know, I know that this affects some  
21 people differently than others. Many of you did live here  
22 and did work here. But the rules that, you know, we  
23 fought so much for and that many of you on this board  
24 said, you know, we've got to go by the rules and when are  
25 the new rules coming out, those rules are out and I'm

1 afraid that some of those rules, you know, are affecting  
2 some of the folks here in the negative way.

3 MS. GALVAN: Not really because I'm moving  
4 back to the area so I don't look at it as a negative way.

5 MR. ANTWINE: We were soliciting your support  
6 for panel members. Those panel members are going to  
7 convene and develop the criteria for how future RAB  
8 members will be nominated for this board.

9 We're planning to do that probably within the  
10 next 30 days to convene a panel of folks that we've gone  
11 out to -- to the school districts, to council, to the  
12 regulatory agencies to nominate members of the community  
13 that can recommend to us a group of folks that live within  
14 the affected area, work within the affected area, that own  
15 property within the affected area and whatever other  
16 criteria they come up with, that we -- you know, we want  
17 to or that the panel wants to determine is a -- is a good  
18 criteria, we're going to consider that and ask them to  
19 commit.

20 We may not get any recommendations. If we don't  
21 get recommendations, we're going to be looking for other  
22 ways to -- to keep this board alive.

23 MR. SILVAS: I'd like to comment on what you  
24 just said a minute ago. I asked you about the final RAB  
25 rules and if they were written in stone and you're saying

1 yes and now you're commenting on a review committee that  
2 will be grouped together to consider a way to get  
3 eligibility to where they work or have property and to  
4 focus on how to get people on this advisory board.

5 And so they're going to take that and you're  
6 going to use that to draw people to this board.

7 MR. ANTWINE: Right.

8 MR. SILVAS: So again, if they say we want  
9 people who have worked there for the last ten years plus,  
10 they're going to be considered or not?

11 MS. CODERRE: No.

12 MR. ANTWINE: Well, they've got to meet the  
13 basic eligibility criteria.

14 MR. SILVAS: From the charter RAB?

15 MR. ANTWINE: Yeah. No, from the RAB rules.  
16 The charter doesn't define the eligibility; the RAB rule  
17 does.

18 MR. SILVAS: Right.

19 MR. ANTWINE: Of course the charter, you know,  
20 is something we're going to have to probably take a look  
21 at at some point once the board is established. But  
22 they're going to have to meet that minimum criteria. And  
23 what I'm saying is if there's other things like people who  
24 are familiar with Kelly or people who have worked here,  
25 those might also be desirable things, but they're going to

1 have to meet those minimal eligibility requirement that  
2 are in the rule to start with.

3 MR. SILVAS: Right now the charter has  
4 basically nothing to do with people getting elected or put  
5 on this board.

6 MR. ANTWINE: The charter?

7 MS. CODERRE: Right. If I may --

8 MR. ANTWINE: No, this rule affects the  
9 charter in the way we get people on the board. It sort of  
10 overrides the charter in that sense in that we've got to  
11 comply with it.

12 MS. CODERRE: If you remember the discussion  
13 we had at the special RAB on the 12th of September and  
14 gave it to you for the first time, Ms. Galvan, the final  
15 rule conflicted with the Kelly RAB charter in two areas,  
16 the name of the Kelly RAB being the former whatever.

17 And the two areas, number one, were eligibility.  
18 Well, it turns out the wording on the original charter,  
19 which talked about living and owning property and such,  
20 the addendum changed the language to allow folks that  
21 weren't from the affected area to be a member of -- of the  
22 charter.

23 MS. GALVAN: Okay.

24 MS. CODERRE: And the RAB had also in the  
25 addendum defined what the affected area was. But that

1 wasn't in conflict. It was only in that it permitted  
2 folks from outside the affected area to sit in an advisory  
3 capacity for what happens within the affected area. And  
4 that's what -- what Mr. Antwine referred to before is why  
5 the whole affected area was defined in the first place.

6 The second area that the final rule is requiring  
7 us to make a change is with the process that the Kelly RAB  
8 has used to bring new members aboard. And the way -- the  
9 way the final rule tells us to do it is because, number  
10 one, selection of RAB members is a highly sensitive  
11 issue. No one wants to feel that the Air Force had an  
12 opportunity and stacked the RAB with people that only  
13 agree with the Air Force nor is it -- you know, the rule  
14 tells us that this is also not an activist body. So  
15 that's also a concern that it not become an activist  
16 body.

17 So the rule established the process of using a  
18 selection panel where we identified, for lack of better  
19 word, constituency groups such as homeowners associations,  
20 businesses, schools, those -- those groupings of  
21 individuals, and then from there form a selection panel  
22 talk.

23 That's part of the reason why we ask the RAB  
24 members to provide input along with TCEQ, EPA and those  
25 folks. And then that selection panel is the one that says



1 okay, because I have the constituency group, I'm a  
2 homeowners association member and I know hundreds of  
3 people who are -- or a couple of people that I'd like to  
4 recommend for this RAB.

5 Or maybe folks want to self-nominate and put  
6 their information into that selection panel and say you  
7 may not know me, but I'd be interested in serving. And  
8 that selection panel then takes it out of everybody's hand  
9 that might have a stake in the outcome of that and gives  
10 us a list of name.

11 In the Kelly RAB case, we're looking for a list  
12 of 16 names. There are 16 seats for community members.  
13 And at that point, the Air Force has an opportunity to  
14 accept the list in its entirety or reject the list in its  
15 entirety. We do not have the opportunity to line item  
16 veto any name on the list.

17 MS. GALVAN: Okay.

18 MS. CODERRE: So we either accept it or we  
19 don't. If we don't, we ask the panel to go back to the  
20 drawing board. If we accept it, then those become the new  
21 members of the RAB and they -- it's the same kind of  
22 selection panel we have to set up in subsequent years.

23 I guess the best example was council member  
24 elections. It would be kind of shocking if after the  
25 council people went through the election process and sat

1 in the council room and said those elections were awful  
2 messy, let's not do that anymore, we'll decide who gets to  
3 be on this body, and that's what had actually -- not --  
4 not in a negative way, but it happened to this body that  
5 we got away from looking to an outside group to help us  
6 determine our membership and make sure that it was  
7 representative of the community.

8 So I hope that in a nutshell sums it up for you,  
9 that it addresses the selection panel issue.

10 MS. GALVAN: It brings up more questions than  
11 you would think because just now you said people who are  
12 living without that do not represent this area. There are  
13 a lot of people that used to live in this area that were  
14 affected for many years --

15 MS. CODERRE: Right.

16 MS. GALVAN: -- that have moved away but are  
17 in San Antonio like myself. Now, how do we represent  
18 those people that got affected and who still have family  
19 and friends still living in the area?

20 MS. CODERRE: Well, the rule is pretty clear.

21 MS. GALVAN: And want to be on the board.

22 MS. CODERRE: Right. Well, they can  
23 participate in the public and we discussed a little while  
24 ago. But the rule is pretty clear. The rule tells us  
25 that membership of the RAB by community members is'

1 restricted to those that live or work in the affected  
2 area.

3 MS. GALVAN: Well, I understand what you just  
4 said. I know what the rules are.

5 MR. GARCIA: Well, to me the bottom line seems  
6 to be that we wish for you to work with Robert and  
7 Esmeralda on some of these issues and I'd like to discuss  
8 the period where I can talk with Mrs. Coderre about it.

9 We need to do some public administration type  
10 work, network with the community, go to planning  
11 department and get all of the homeowner associations and  
12 see, you know, invite them to our meeting and then ask  
13 them who will be interested in serving and go through the  
14 whole process.

15 But we know -- you know, I work 50, 60 hours a  
16 week for two different transportation agencies and I  
17 really don't have time to do all that. I wish I did. I  
18 can help you do all of that, but, you know, it would be  
19 good if you would start networking with them and sending  
20 information to the different churches, the Catholic  
21 churches, some of the church groups that meet. Tell them  
22 that we're looking -- the meeting, the RAB meeting,  
23 (inaudible) tell the neighborhood associations.

24 You don't have to tell them everyone. They can  
25 just come to the meeting or tell them to apply. Just come

1 in. And start herding in people from church groups and  
2 communities, neighborhood associations.

3 Because there's a bunch of them now. You know?  
4 I kind of think about the metro line, but they're a little  
5 bit too -- too much on the -- on the single track main  
6 sometimes over other issues and I don't think they would  
7 be inject -- objective enough to set down and discuss and  
8 argue with you as I do Adam -- with Adam sometimes.

9 I like to get him all hypered up and angry, you  
10 know, but we need to start, you know, networking a lot  
11 more and tell us what you're doing and networking. I  
12 know, Ms. Esmeralda, if anything is going to happen, I'll  
13 put you as my alternative because the next time I have to  
14 go out of town I'm going to need an alternate.

15 So they just have to get to -- get to work on  
16 this stuff and take the lead on this thing and start going  
17 and approaching the neighborhoods, get churches to come in  
18 here and all that and we just have to really get into it  
19 and we're depending on you to take the lead, you and Adam  
20 take the lead, and start bringing in more people a lot of  
21 times because we -- we have other jobs.

22 I work with Department of Transportation so I  
23 (inaudible) way things are done now because I real -- I  
24 don't have to time to help you on all this, but I wish I  
25 could.

1 MS. CODERRE: Thank you.

2 MR. SILVAS: In closing, I want to state that  
3 really the final RAB rules, people who had submitted their  
4 ideas before they finalized them and really they could  
5 have considered about the people who were not living in  
6 the affected area but however worked there for better part  
7 of their lives and that really should have been  
8 considered.

9 And just to state for the record that this rule  
10 was probably written in this fashion in order to keep out  
11 because the participation is lacking and it's very  
12 well-known from AFRPA all the way up to the agencies that  
13 are involved that without the participation that they  
14 would be able to -- not be able to hold meetings much  
15 longer because lack of participation from the community.  
16 So keeping that RAB rule as it is, it is keeping the  
17 community from participating and the voice of the  
18 community is not being heard with the way the RAB rule is  
19 written and that's just for the record.

20 MR. MARTINEZ: I would like to go -- if I may,  
21 we're about 35, 40 minutes behind schedule. It is 7:15  
22 and I know that --

23 MR. PEREZ: Excuse me.

24 MR. MARTINEZ: Yes, sir.

25 MR. PEREZ: Can you give me five minutes? I

1 was meditating on what -- I was reading (inaudible).

2 Now it's the United States constitutional law,  
3 they -- the states made a contract when they started  
4 the -- they signed, you know, to become a member of a  
5 union.

6 And in return, every state would govern itself  
7 according to the state constitution. And the state  
8 constitution will let the cities have a charter of their  
9 own constitution as long as they don't cross over the  
10 boundaries, unless they supersede the state. And vice  
11 versa, the state does not supersede the United States  
12 law. They go down -- they trickle down.

13 Now, then the county of course, the counties that  
14 work directly with the city -- cities have their own  
15 charter that will allow their own charters as long as they  
16 don't supersede the law, you know, the higher law, the  
17 state rulings. And it trickles down.

18 (Inaudible) in the -- in the city, the companies  
19 can have their own bylaws, you know, their own charter as  
20 long as they don't supersede the city and let the  
21 independent county -- let the individual county and state  
22 and vice versa goes under United States law. It trickles  
23 down like it can trickle up.

24 Now this, all of what we were talking here was in  
25 reference to -- to self-governing ourselves. That's the

1 definition. It has to be like that because over in  
2 Washington, they don't really know what's going on over  
3 here. They got an idea, but they're not here right now.  
4 They have representatives such as you and others. The  
5 state has their own representative and the EPA have their  
6 own and of course you, too.

7 MR. MARTINEZ: May I respond in my personal  
8 experience? Almost 40 years of reviewing, reading and  
9 interpreting the federal regulations published in the  
10 Federal Register, they're never published without the  
11 public comment period. Each and every one of them.

12 This one had a period for the public to comment  
13 and probably saw and read the preamble. Many people  
14 across the nation read and contributed comments. Based on  
15 those comments, the Department of Defense drafted the  
16 final rule.

17 MR. SILVAS: But it --

18 MR. MARTINEZ: Let me --

19 THE COURT REPORTER: Excuse me. Mr. Martinez,  
20 could you back up? You're projecting that way.

21 MR. MARTINEZ: Sorry.

22 MR. SILVAS: (Inaudible) 40 years is stating  
23 that people have put in their thoughts and their ideas.  
24 You think for a moment that there wasn't input about  
25 people that formerly worked there and living in an

1 affected area? That's ludicrous. It had to be  
2 considered. But they knew very well that that idea or  
3 that suggestion would not be put down there because that  
4 would keep the voice of the community out like it is  
5 today.

6 MR. MARTINEZ: Mr. Antwine indicated why the  
7 RAB at one point decided to limit the --

8 MR. SILVAS: That has nothing --

9 MR. MARTINEZ: -- members to within the area.

10 MR. SILVAS: It was written at the top when  
11 she read the gentleman's name that signed off on that.

12 MR. MARTINEZ: But again, it was written based  
13 on a great number of comments contributed by people across  
14 the nation. It was not written in a vacuum.

15 MR. SILVAS: But you're suggesting --

16 MR. MARTINEZ: I believe it was not written in  
17 a vacuum.

18 MR. SILVAS: You're suggesting to say that  
19 after 40 years experience that all the input they had, the  
20 consideration they put in that final RAB rule, you don't  
21 think for a minute that there was more than one person  
22 suggesting that they had people formerly working there, no  
23 longer living in the affected area, that's a big issue.  
24 Very big. It had to be put in by most of the RAB here.

25 I bet if you pull all those suggestions that were



1 submitted, there had to be over 20 or 100 and get they  
2 knew very well from the input of these agencies that the  
3 community is lacked of because there's nobody showing up.  
4 Everyone has moved out, anyone who lived there are dead.

5 You know, you can argue all day on that until  
6 you're blue in the face.

7 MR. MARTINEZ: The issue that we have, with  
8 all due respect to all of you, we have a final rule from  
9 the Department of Defense, federal government, U.S.  
10 Government, that says you will operate the RAB in this  
11 manner that way that the rule is written. The staff does  
12 not have the right to change those rules. We all know  
13 that. They don't. They have to interpret the rule as  
14 it's written. They have no choice.

15 There may be a choice in a number of years if  
16 enough of you across the nation cite your opinion to the  
17 Department of Defense to the person that she quoted, that  
18 signed the document, maybe they will then reconsider.

19 But what the staff is doing is proposing to you a  
20 methodology, again according to the RAB rules, final rule,  
21 to truly represent the community by having the selection  
22 panel of community workers and residents and employers and  
23 people that are within the area to determine who will fill  
24 the vacancies.

25 There are two people that are eligible to

1 continue according to the final rule. They are very  
2 interested in filling completely every vacant chair with  
3 people that represent the area, as Ms. Galvan. If you  
4 move back into the area, you're automatically eligible and  
5 you have the value of the experience.

6 MR. SILVAS: Mr. Martinez, you've been here  
7 for more than one meeting and you know for a fact that the  
8 community is -- community being present at these meetings  
9 is next to zero.

10 MR. MARTINEZ: What, sir?

11 MR. SILVAS: The community being here from the  
12 affected zip codes or the rules, it's next to zero. They  
13 didn't fill a seat today, perhaps one. How do you expect  
14 them to fill the sub review committees and --

15 MR. MARTINEZ: May I suggest one thing?  
16 Again -- pardon me. I'm older than dirt as you can tell.  
17 I've been in many public meetings and many public projects  
18 in Texas and elsewhere. Let me tell you that in your  
19 packet, there's a series of pages, 10 October, Kelly RAB  
20 meeting, San Antonio Express News, 30 September, 2006.  
21 Paid advertisement announcing the meeting.

22 On the back, La Prensa, October 1, 2006, in  
23 Spanish, announcement for the meeting. The next page,  
24 Southern Reporter, 5 October, 2006, another paid  
25 advertisement announcing the meeting.

1           On the following page, Southside Reporter, 28  
2     September, another in English paid ad announcing the  
3     meeting. Following that, Southside Reporter, Thursday,  
4     September 14, 2006, a full page ad and a full -- full  
5     column announcing the meeting. That was again printed on  
6     October -- September 28th. And then in Spanish, full page  
7     ad, La Prensa, 13 September, 2006 and another article  
8     about the program, about the RAB and another announcement  
9     of the meeting. And last but not least, La Prensa, 27  
10    September, 2006, again a full page ad in Spanish and a  
11    full announcement of the meeting for 2007.

12           So they're already announcing the meetings. I  
13    personally do not know why people don't show up, but  
14    please know that the staff -- in my 40 years of  
15    experience, a meeting has never been so well publicized in  
16    the print media.

17           MS. GALVAN: But it's not working because the  
18    public is not here and there's million of dollars being  
19    spent --

20           MR. MARTINEZ: I agree with you.

21           MS. GALVAN: -- on the clean-up.

22           MR. MARTINEZ: I agree with you.

23           MS. GALVAN: And also on the community's part  
24    issue in getting the community involved, there are  
25    agencies being hired and being paid lots of money and

1 they're still not getting the community here. There is  
2 something wrong and our taxpayers' money is being spent --  
3 ill spent because if they can't get the community out  
4 here, there's a problem there.

5 MR. MARTINEZ: As important as this project  
6 is, I agree with you. There should be ten times as many  
7 people here.

8 MS. GALVAN: They're not looking for the  
9 answer and they're not trying very hard.

10 MR. SILVAS: I think this gentleman would like  
11 to speak up.

12 MR. GONZALEZ: I have a small question. You  
13 said you have 40 years experience in these meetings. How  
14 would you attract more people to them?

15 MS. GALVAN: Yeah.

16 MR. GONZALEZ: You have the experience, what  
17 would you suggest? How would you --

18 MR. MARTINEZ: There were some very good ideas  
19 mentioned by Mr. Garcia a little while ago. I think that  
20 you need to listen to what the community is saying. This  
21 gentleman has made comments not only this time, but the  
22 last time at the last month, that are excellent ideas.

23 MS. GALVAN: Where are yours, sir?

24 MR. MARTINEZ: Pardon?

25 MS. GALVAN: Where are yours? Can you share

1 some of your ideas and suggestions?

2 MR. MARTINEZ: Well, he mentioned an excellent  
3 idea a little while ago. The churches.

4 MS. GALVAN: But with all your years of  
5 experience, you can't give us one of your ideas?

6 MR. MARTINEZ: I said that one excellent way  
7 of announcing a program as important as this is through  
8 the churches. But what it requires is somebody that  
9 can -- for example, in this area, I would imagine some  
10 churches, some masses, you would have to have a Spanish  
11 speaking person that can go up and volunteer at the -- at  
12 the podium and announce the meeting and the value of the  
13 community's attendance at these meetings.

14 MS. GALVAN: We already have an agency as part  
15 of this RAB that goes out to the community, which can go  
16 to the churches and they have -- they're getting paid to  
17 do this.

18 MR. MARTINEZ: In my --

19 MS. GALVAN: And they're not doing this.

20 MR. MARTINEZ: In my experience, Ms. Galvan,  
21 with all due respect, an advisory board also can do that  
22 as well.

23 MS. GALVAN: Yes. And I've done that already.

24 MR. MARTINEZ: So I agree with you. The  
25 public participation on a program as important as this is

1 very, very important. But it is not who is not doing it,  
2 but why is it not happening and how can we all work  
3 together, all of us, including people in the audience,  
4 that can go out, each one of us, including me, can go out  
5 there and there try to drum up interest in this activity.

6 Now what they propose to do through the required  
7 selection panel is to find individuals that are rooted in  
8 the community -- not that you're not, but rooted in the  
9 community that can go out there then and, almost like  
10 missionaries, try to solicit interest in filling the other  
11 14 seats. To begin with. That has to be done  
12 immediately.

13 Prior to the subsequent meeting, January 7th or  
14 9th of 2007, we need to start with a full, full slate of  
15 RAB members. It is the responsibility of that new group  
16 to then answer the question that you both are very very  
17 correctly indicating is very important.

18 No denying. And the gentleman in the audience,  
19 you're right. That needs to be done. But with all due  
20 respect, you are also asked to participate as a member of  
21 the audience.

22 MR. GONZALEZ: I've got one more question.  
23 I've been in a lawsuit that lasted over 30 years at Kelly  
24 Air Force Base concerning promotions. This little  
25 in-fighting discourages a lot of people.

1 MR. MARTINEZ: Agreed.

2 MR. GONZALEZ: Making little technicalities  
3 that between trying to make him and everybody's waiting  
4 for the meeting to go through. So is this going to happen  
5 every time? These little technicalities? You don't get  
6 no business done.

7 MR. SILVAS: I'd like to point out, sir, that  
8 I've been on this a few years. Most of the people have  
9 been on here longer. And some of the issues that we argue  
10 over, and I do believe they do go too long, but today the  
11 issue being the people's eligibility to be on this board  
12 are important and we feel really that -- like I said  
13 before, this new rule was simply written to restrict who  
14 gets on this board and wait and see. If they don't fill  
15 these chairs by the end of the year, the board won't be  
16 here.

17 MR. MARTINEZ: Maybe, you're right, sir.

18 MR. GONZALEZ: I've been in other lawsuits and  
19 this little in-fighting is always happening. If it's not  
20 membership participation, it's another technicality. And  
21 it's always coming from over there. We're trying to --  
22 people are trying to get into it and doing it, but it  
23 comes up with technicalities all the time. This is  
24 already we got to follow the rule. Who made the rule.  
25 Well, you did the rules. I mean that happened two, three

1 meetings ago. It's going to happen again.

2 MR. MARTINEZ: Excuse me. Again, I go back to  
3 the inevitable truth. We have to follow the final RAB  
4 rule by the Department of Defense. It is a technicality,  
5 you're right. But it is a Department of Defense  
6 technicality that they, the staff, have to follow. They  
7 have to follow that in replacing, filling, new RAB seats.

8 And I think you-all know that. We all know  
9 that. And we would like to go forth to ensure that the  
10 next RAB that will be sitting here in January of 2007 is  
11 representative of the area as prescribed by the RAB in the  
12 area RAB and as required by the final RAB rule.

13 We are all very interested in cleaning this  
14 area. I don't live in this community, but I am very  
15 interested in getting this area clean. No one wants  
16 pollution to remain and the staff is working full-time in  
17 remediating. As I said earlier in my introduction, this  
18 is the sole purpose of the program that is supported by  
19 the staff and that is why you are here this evening. And  
20 that is why you in the audience are here because you're  
21 interested in that and we thank you for that.

22 MR. GONZALEZ: I'm interested, but I'm getting  
23 discouraged. I don't know that I'm going to attend the  
24 next meeting if that -- if you-all have another meeting.  
25 I come back here and what, another technicality?



1 I mean you already said you're late in your  
2 presentations because of what's going on over here.

3 MR. MARTINEZ: That's fine. That's perfectly  
4 fine.

5 MR. GONZALEZ: And -- and then you start going  
6 and everybody has to leave.

7 MR. MARTINEZ: We have a set agenda, but if we  
8 don't get to the rest of the agenda, frankly if you want  
9 to discuss this all night, that's fine. But the staff has  
10 a presentation to make to you to indicate the work that  
11 they have been doing since the last meeting in -- in July  
12 as part of the remediation program. And we have two of  
13 the staff here to discuss that if we get to that item on  
14 the agenda.

15 MR. PEREZ: Can I finish my conversation  
16 because really I'm not the one that started all the  
17 commotion and let me follow up on the record and explain  
18 and so on. Now -- okay. I speak enough Texas law and of  
19 course we're Texas law and United States law does respect  
20 the state law.

21 State law says, for example, that some changes  
22 that need to be done for the good. Now for example, a  
23 pickup truck in the city, nobody can be in the bed section  
24 of a trunk. Why? Because of safety. At one time they  
25 used to allow anybody that was at least 16 or 18 or higher

1 as long as they were lying down and then they went ahead  
2 and said -- insurance people said no, we're not going to  
3 pay. Too many breaks, people jump, you know, throw them  
4 out and so on.

5 State law and it's county law where the state  
6 says in the country it was different, you're in a truck,  
7 you're driving, there's no -- not that many trucks, cars  
8 and so on, no problem. So really, in that sense, the city  
9 can overrule the state and let -- the state gives them the  
10 right to govern themselves, once again, once the rule is  
11 in the charter, the city charter.

12 So they coincide. They kind of work together and  
13 so on. This RAB should be working in that sense, too. I  
14 mean regardless what -- to a certain point we go by what  
15 the Defense says or the United States says. But we still  
16 got to -- there's not to be a secondary way of doing  
17 things.

18 MS. BROWN: Can I respond to that? This is a  
19 Department of Defense RAB and it receives all of its money  
20 from the Department of Defense and so we have to follow  
21 the Department of Defense rules.

22 MR. PEREZ: The money. Yes, well, they're  
23 using the money. They're cleaning up. That's nice.

24 MS. BROWN: But they also pay for the RAB and  
25 the administrative support.

1 MR. PEREZ: I don't get paid money.

2 MS. BROWN: No, but the administrative support  
3 for the RAB.

4 MR. PEREZ: I don't get paid.

5 MR. MARTINEZ: Mr. Perez, correct me if I'm  
6 wrong, but I think the only instance in the function of  
7 this program that the state may supersede is the review of  
8 the actual work that's being accomplished. Is that  
9 correct? You can somehow supersede the -- you have some  
10 control of the program. You have to approve the work that  
11 is being done, the remediation work.

12 MR. WEEGAR: Mark Weegar, TCEQ. If I  
13 understand your comment question, TCEQ is not -- has no  
14 involvement in the RAB rule, federal rule, things of that  
15 nature. Texas Commission on Environmental Quality is the  
16 agency that directs the clean-up at Kelly Air Force Base.  
17 We're operating in lieu of the federal government by  
18 virtue of having been authorized to implement a Federal  
19 Regulation Resource, Conservation and Recovery Act.

20 So our program is operating as a federal  
21 program. So we -- we don't -- we don't supersede the  
22 federal government. We're acting as the federal  
23 government in lieu of them in implementing our program.

24 MR. MARTINEZ: Is there any other case?

25 MR. PEREZ: The State of Texas is connected to

1 the United States. We can't supersede them. They can  
2 give us leeway because we know our state is different than  
3 other states. We can -- we can help them make up their  
4 mind on decisions because we're from here and they're from  
5 over there. We have our own charter.

6 MS. LANDEZ: I think that what Mr. Perez is  
7 trying to say is that when -- okay. From like an  
8 environmental rules standpoint, the Environmental  
9 Protection Agency promulgates rules and then the state  
10 looks at those rules and they can either promulgate the  
11 rules as is or they can be stricter. But they cannot be  
12 less strict than what EPA has promulgated.

13 So say if the state says, you know, we want the  
14 standard of a constituent to be lower than what EPA has  
15 promulgated, then the state can do that and we living  
16 within the state would have to abide by that rule.

17 But Mr. Perez, from this standpoint, yes, we  
18 could as a RAB, when the RAB is seated and RAB makes a  
19 decision on the charter on how to fill when maybe one RAB  
20 member leaves during the year or the RAB member isn't  
21 present, you know, attending as needed to be, you can make  
22 a rule in that charter or whatever, you know, operating  
23 procedures that says this is how the RAB want to do these  
24 things.

25 You still have to meet the requirements that are

1 in the rule, but you can also add additional requirements  
2 to your RAB members.

3 MR. PEREZ: There you go. Local law works  
4 everywhere. It's the constitution, the higher up  
5 constitution.

6 MR. MARTINEZ: Would it be appropriate if we  
7 were to proceed with the rest of the agenda? Again the  
8 staff, hardworking staff, have been following the program  
9 and working on remediation activities and they would like  
10 to report what they have done since the last meeting.

11 Very briefly the next item on the agenda is a  
12 presentation by Mr. Adam Antwine and Ms. Norma Landez on  
13 the update of work to date on the BRAC clean-up. And Ms.  
14 Landez will also report to you or summarize to you the  
15 information that has been submitted into the library. She  
16 will indicate what those documents are. We are about to  
17 dim the lights and proceed to that agenda item.

18 MR. ANTWINE: Okay. Thank you, Jose. I want  
19 to just sort of tag team with Norma. She's going to be  
20 talking about most of the items that we're going to cover  
21 next with regard to environmental updates and the BCT  
22 update that she typically gives.

23 This first chart is just an ongoing number of  
24 clean-up sites that we have to address here at Kelly, the  
25 total number of those sites being 687. And this is

1 something that you guys have asked us to continually  
2 provide you in terms of information on what number of  
3 sites are being closed as we progress.

4 The details are over here in the charts that are  
5 behind Mark and Rodrigo. If you'd like to look at any  
6 particular area or zone or program, that's the way it's  
7 broken out. So we'd be glad to, you know, give you  
8 additional details on any of those locations, you know, as  
9 we proceed on tonight or any other time in the future.

10 Norma, if you would cover the next slide. Which  
11 one is -- is this the one --

12 MS. LANDEZ: We kind of moved slides around.

13 MR. ANTWINE: Okay. What's coming up next?  
14 Okay. This is something else I'll talk about. As many of  
15 you know and as many of you participated in Kelly Area  
16 Collaboration Meetings that we've had thus far, starting  
17 sort of the bottom, May 13th was the first kickoff meeting  
18 that was held over at Dwight.

19 We had an environmental roundtable that was the  
20 24th of June. The most recent one since we met last was  
21 the 23rd of September. That was held at Dwight Middle  
22 School. And if Kyle is here, she may want to make  
23 comments on that. I think that was a successful meeting.  
24 We had about 70 participants on Saturday before last I  
25 guess it was.

1 MS. CUNNINGHAM: Just a couple of weeks ago.

2 MR. ANTWINE: Just a couple of weekends ago.

3 Folks that showed up from various aspects of the community  
4 and universities and the like so we think that was a  
5 success.

6 There is another roundtable coming up in  
7 January. That's the 13th and Leticia here at the Port  
8 Authority is going to be the focal point for that one. So  
9 we'll be -- we'll be giving more information as we get  
10 closer to that meeting. ^ ATSDR, we did receive some  
11 final reports. Many of you saw these in draft and here  
12 are the three reports that are listed, Past Air Emissions,  
13 The Leukemia Update and The Health Consultation that was  
14 originally done in May 2005.

15 These are final reports that if any of you would  
16 like copies of those reports, they are available to you  
17 from the location listed below.

18 Okay. This is something I'd also like to mention  
19 that Gary may want to chime in, too. This is something  
20 that you have a flier in your handout. It's going to be  
21 held on the 18th of October and it's an outreach forum for  
22 Hispanics that the EPA is hosting here in San Antonio.  
23 And I'm not sure if the location is on here, but it may be  
24 on the flier that's in your packet. The actual location  
25 is not identified here; is it?

1 MS. CODERRE: I'm not sure. We got this  
2 information from Nelda Perez. She works with Tribal and  
3 Outreach Affairs, but you if you contact this Paula Flores  
4 at the bottom, if you're interested, she's -- she'll have  
5 the information for you. And the phone number and the  
6 e-mail is -- is on that handout.

7 MS. CUNNINGHAM: And there's also a website  
8 for registration.

9 MS. CODERRE: Yes. And that's on the handout  
10 that's in your packet.

11 MR. ANTWINE: This is something typically held  
12 downtown at a hotel, but I don't know that we have --  
13 Gary, you don't have a --

14 MR. MILLER: I don't know where this one is  
15 being held there. There's actually a newer flier and I  
16 don't know that Paula gave me one. She can -- I can  
17 probably send it to Sonja. I've got it at the office.

18 MR. ANTWINE: We'll have it available for the  
19 RAB members.

20 MS. CODERRE: Well, I mean it's going to be  
21 kind of late. I would recommend that they use that phone  
22 number. If Paula is not there, I'm sure it can be  
23 answered. But this is next week. If you're interested in  
24 attending, you're going to have to be a little proactive  
25 and go after the data.



1 MR. WEEGAR: Going to the website up there,  
2 the epa.gov earth blah, blah, blah, that -- that ought to  
3 give you information about where the meeting is located  
4 and registration and all that right there.

5 MS. CODERRE: Right.

6 MR. ANTWINE: Okay. So more information  
7 obviously is available. Okay. Is that it?

8 MR. SILVAS: I got a question before we move  
9 on. It seems that EPA is holding this outreach program  
10 far from where the contamination really is. And being  
11 Hispanic heavily populated in this side of town, this is  
12 being covered in a more Caucasian populated side of town.

13 How can it be an outreach if it's not held in the  
14 area down where it's located?

15 MR. ANTWINE: Do you know where it's located?  
16 We don't know where it's at.

17 MR. SILVAS: Well, I'm telling you it's not in  
18 the area --

19 MR. ANTWINE: Where is it?

20 MR. SILVAS: It's not in the affected area.  
21 No, it's not.

22 MR. ANTWINE: But there's people who might  
23 want to go so can you share with us where it is?

24 MR. SILVAS: It's on the northeast side of  
25 town if I'm not mistaken, 410 area.

1 MR. ANTWINE: Okay.

2 MS. CODERRE: And frankly the information was  
3 provided as a courtesy. This information, it has -- the  
4 outreach forum is not about the Kelly Restoration Program,  
5 but we thought that it might be something that you-all  
6 would be interested in so we wanted to make sure that we  
7 had the information here for you.

8 Can you back me up one slide, please? Okay. All  
9 right. So now we're up to Norma.

10 MS. LANDEZ: Okay. Here is an update on the  
11 radium program. We've got some reviews. We submitted a  
12 draft final report for phase III, basically  
13 decommissioning and decontaminating the sanitary sewer in  
14 area of building 326. And the report has been reviewed by  
15 both the Environmental Protection Agency and the  
16 Radioisotope Committee and we received a response that  
17 they have no further comments and therefor our site is  
18 closed as of 11 September of this year.

19 And we only have one area left of concern, that's  
20 building 1530. That one we would have to do once Lackland  
21 Air Force Base no longer occupies the area.

22 MS. CODERRE: If I may interject. Because the  
23 slides can get messed up between the time they're printed  
24 and the meeting, that was slide number six in your packet  
25 and this is the bottom of slide number five. And then

1 we'll be going forward. I apologize for the confusion,  
2 but all of it is there in your packet.

3 MS. LANDEZ: This is an update on the Class 3  
4 Modification for the Zones 4 and 5 areas. We received  
5 a -- the final draft for Class 3 Compliance Plan  
6 Modification from TCEQ. It basically was dated 21st of  
7 September and we're in the process of adding the  
8 information, the documents to the library. The  
9 information is available at the central public library and  
10 also we're in the process of making arrangements to  
11 publish notice regarding the modification or the final  
12 draft permit and the TCEQ's preliminary decision hopefully  
13 later this week.

14 MR. SILVAS: I've got a question. Go ahead.  
15 Although it's on this slide anyway.

16 MS. LANDEZ: From the Leon Creek guar spill,  
17 we have not received any response today regarding our  
18 response to the TCEQ's petition on the enforcement order  
19 and so we are still waiting for a decision from TCEQ.

20 MR. SILVAS: Question on the petition. What  
21 were the specifics of that? Specifics of the petition.

22 MS. LANDEZ: There was a request to go into --  
23 gosh, I can't remember anymore.

24 MS. BROWN: It was the TCEQ's petition.

25 MS. LANDEZ: I mean we're just waiting for a

1 response.

2 MR. SILVAS: Right. But what does the  
3 petition have to do with everything that's going on with  
4 this right now?

5 MS. LANDEZ: That's going on with what? This  
6 has to do with the Leon Creek.

7 MS. POWER: This is Abbi Power of TCEQ, region  
8 13. The petition is part of the legal process. The TCEQ  
9 lawyers write a petition which, correct me if I'm wrong,  
10 states the findings of facts.

11 MS. BROWN: True.

12 MS. POWER: Which basically says, you know,  
13 there was a spill that occurred on this date kind of  
14 thing. And that is filed with or they present the  
15 petition to the Air Force and say these are our findings  
16 of facts and they responded to it. Now our attorneys are  
17 looking at their response.

18 MR. SILVAS: Once your team has finished  
19 responding to that, where does it go?

20 MS. POWER: Our attorneys are currently  
21 looking at their response. It's in litigation. We can't  
22 say anything about it --

23 MR. SILVA: All right.

24 MS. POWER: -- until the litigation process is  
25 finalized.

1 MS. LANDEZ: Okay. We've had -- we had a BCT  
2 meeting on July 12th and also on September 12th and both  
3 of those meetings min -- minutes for both of those  
4 meetings are included in your packet free for you to look  
5 at and review. We had a meeting today. And we discussed  
6 the Zone 1 corrective measures study and we reviewed our  
7 ongoing project.

8 We have several that are going to start within  
9 the next few months. We have removal that we're doing at  
10 building 324, Soil Vapor Extraction System that we'll be  
11 installing at building 360 and also we received funding  
12 and award contracts for the Thermal Enhanced Extraction  
13 System that we'll be installing in the parking area where  
14 building 301 used to sit.

15 We also have -- we provided a listing of  
16 documents that will be submitted in the next 90 days and  
17 we will provide you a copy of the meeting minutes from  
18 today's meeting at the next RAB meeting.

19 MS. CODERRE: The next couple of slides that  
20 Ms. Landez will cover are descriptions of the documents  
21 that are listed on this sheet of paper that's in your  
22 packet.

23 MS. LANDEZ: These are documents that we are  
24 putting into the cochair library at the Environmental  
25 Health and Wellness Center. I think that's how you say

1 that. We submitted the final Semiannual Compliance Plan  
2 Report dated July 2006 and that is at the library and Mr.  
3 Buelter will be providing a report on that in a few  
4 minutes.

5 Also we put the Zone 3 Six Site Soil Revised  
6 Closure Report. We made some changes to the report and we  
7 basically presented findings of six sites in the  
8 industrial area that we are proposing to close, which we  
9 believe are close to Risk Reduction Standard 2 Industrial  
10 and we submitted to the state for review.

11 We received a multitude of letters back and forth  
12 from EPA or to -- from TCEQ. We received EPA's comments  
13 on the Six Site Soil Closure Report. We received  
14 acceptance of our deed certification for several IRP sites  
15 in Zone 2 and those sites are closed as of 6 July and we  
16 updated that information to you at the July RAB meeting.

17 We also received closure on our site SA-2 unit  
18 and all those sites were closed in accordance with Risk  
19 Reduction Standard 2. We received comments on our closure  
20 report for 1586 oil/water separator. That's in the north  
21 Kelly area. We received also review comments from the  
22 state on the building 348 aboveground storage tank and we  
23 received a comment also from the TCEQ on the Six Site Soil  
24 Closure Report.

25 From EPA, we submitted what we call a draft

1 Finding of Suitability to Transfer of the test cell parcel  
2 and we received comments from EPA. We -- when we reviewed  
3 EPA's comments for the Zone 3 Six Site Soil Closure Report  
4 we noted there was some discrepancies after we had some  
5 discussion.

6 Mr. Miller, he retracted his comments and  
7 submitted a letter to the state and courtesy copied us and  
8 that is in the library.

9 Let's see. There's a letter in response or that  
10 we responded to the Initial draft Class 3 Compliance Plan  
11 Modification for Zones 4 and 5 that's part of the process  
12 that was previously discussed.

13 Then we received a letter from EPA basically  
14 concurring on the draft Finding of Suitability to Transfer  
15 to on the test cells parcel and in regard we also have  
16 transfer test cell parcels to the Port Authority and a  
17 TCEQ letter accepting the deed certification for building  
18 3060 warehouse and building 3774, auto repair shop.

19 As we go on, we also received or we submitted --  
20 AFRPA submitted like a revised closure report basically in  
21 response to TCEQ's comments. Then we received approval  
22 from TCEQ on the Final Sampling and Analysis Plan and  
23 Quality Assurance Project Plan that we used when we do our  
24 sampling during our semiannual compliance plan events.

25 And we also submitted a letter to TCEQ that --

1 asking for an extension of submitting a deed recordation  
2 for building 348, the vaulted aboveground storage tank.  
3 So we're kind of wanting to do everything with some of the  
4 sites that we proposed closure that are in the area.

5 Those are all the correspondence back and forth  
6 between all three agencies.

7 MR. MARTINEZ: Thank you very much. As you  
8 can see, the next item is going to be a presentation by  
9 Mr. Don Buelter on the July 2006 Semiannual Compliance  
10 Plan Report.

11 And Don, I'd like to ask you if you would like to  
12 have comments during your presentation or hold them until  
13 you finish.

14 MR. BUELTER: Why don't we hold them till the  
15 end.

16 MR. MARTINEZ: Very good. So noted. Thank  
17 you.

18 MR. BUELTER: All right. As you know, we  
19 submit or collect a lot of data through our Kelly  
20 Restoration Program and this is part of a Permit and  
21 Compliance Plan that we have with the State of Texas  
22 signed in 1989. And it really dictates what sampling we  
23 need to do and how our program is to proceed.

24 And the compliance plan requires the Air Force to  
25 submit updates on the environmental conditions every six



1 months and this is to kind of allow us to continue to  
2 track progress in the environmental clean-up. We submit  
3 two reports, one in January, which is a fuller report, and  
4 one in July, which covered the periods from January to  
5 June 2006.

6 In the -- this slide here kind of outlines the  
7 entirety of our sampling that we do throughout a year --  
8 throughout the year. What I've highlighted here in the  
9 green box is the events that are covered in the July  
10 semiannual report. And what we do in January, we sample  
11 from our RCRA sites and I'll explain that in the slide  
12 coming up what those four sites are.

13 We -- in Leon Creek, we take sediment and water  
14 samples. And in March, we do an annual groundwater level  
15 measurements of 900 plus wells across Kelly proper and the  
16 off base areas.

17 In the April June period, we start to sample our  
18 groundwater basewide report and through -- even though  
19 some of these samples are collected in this January to  
20 June period, the agreement we have with the state is it  
21 takes time to validate all that data. That data of 450  
22 plus wells, plus the greater sampling of Leon Creek, which  
23 includes biological sampling, the fish tissue and some  
24 other things are put in the January report.

25 The January report, for those of you who have

1 seen it, is very large. The July report is actually  
2 relatively small. The particular report this year, we're  
3 in a transition. If you can remember back in March or  
4 April when I presented the January report, we had  
5 mentioned that we -- this year we changed contractors from  
6 CH2M Hill to Hydrogeologic. Sampling that was done in  
7 January was actually conducted by CH2M Hill.  
8 Hydrogeologic produced a report, the July report. It's  
9 kind of a transitional report. We made some changes to  
10 its appearance and we're not fully there yet.

11 In January, you'll see a much better product. It  
12 will be much easier to understand and it will focus more  
13 on our systems and how they're operating. But  
14 particularly the July report, there are four sections.

15 Introduction basically just outlines the  
16 requirements of the compliance plan, how this particular  
17 report meets the soil sampling that we do in this area.

18 Part two is groundwater level measurements. Kind  
19 of walks through what we did for that. And then we get  
20 into the RCRA regulated units and the sampling and the  
21 results we had there and then part four is the Leon  
22 Creek.

23 So the part two of the report, the water level  
24 measurements, we've been collecting groundwater level  
25 measurements at Kelly probably since 1994 basewide. We

1 kind of were doing the other units individually. Gives us  
2 a good look of, one, water level measurements. I think --  
3 I don't know if we were fully impacted in March but with  
4 the drought, water levels are much lower now than what  
5 they were several years ago when we were actually getting  
6 rain in the area. So that was one of the major changes we  
7 saw.

8 We sampled this year our gauge water level  
9 measurement of 956 monitoring wells on the base itself and  
10 out in the neighborhoods. And we use this data really to  
11 check groundwater flow directions and they haven't  
12 changed. You know, the water levels have changed  
13 throughout the years, but the flow of the groundwater  
14 remain constant. And we provide in the report just those  
15 surface level maps of the groundwater elevations.

16 Main part of the report starts getting into the  
17 RCRA regulated units. We have four units. One of them  
18 has been closed at the time of this so we sampled from  
19 three units. Two of these are down in Zone 2, the  
20 southern part of the base, and I'll show you where these  
21 are in the next slide. And the site S-8 is in the  
22 industrial area.

23 At these units, we are required to sample  
24 semiannually. The other environmental units on Kelly  
25 require annual samples so this is different. And

1 basically we look at the results and see if we are meeting  
2 the -- the groundwater protection standards that we need  
3 to meet per the compliance plan.

4 The unit -- four of the units are down here.  
5 This is kind of Southwest Military. The flight line is  
6 here. Industrial area is over here. So the three of the  
7 units are down. If you know where the jet engine test  
8 cells are kind of in this corner, they're near there. And  
9 the site S-8 is right as you're starting to get into the  
10 industrial area.

11 So those are where these particular units are.  
12 Just to point out, one of the units, site SD-1, we  
13 achieved closure on that unit and we did a compliance plan  
14 modification, removed from the RCRA or from the permit and  
15 we're no longer required to sample groundwater samples at  
16 that site.

17 SA-2, there are seven wells within the monitoring  
18 network for SA-2. In the January sampling, all seven  
19 wells were compliant with the Groundwater Protection  
20 Standards. I forgot to change it. This is SA-2, has been  
21 released from post culture care.

22 As Norma mentioned, one of the letters we  
23 received from the state accepted the deed recordation,  
24 which was the final step for that unit. And then we also  
25 completed the Permit and Compliance Plan mod to remove

1 that unit.

2 So we sampled in July because we hadn't had this  
3 closure yet, but we will not have a sample from -- at this  
4 unit any longer. This is a fully closed site right now.

5 There are two of these units that are -- have a  
6 lot of activity going. And down in Zone 2, site E-3, is a  
7 former waste pit. And oils and other items like that were  
8 disposed in this pit. The mid '80s, soil was removed from  
9 this area, but there was residual contamination and we are  
10 currently undergoing -- there's active soil, that's soil  
11 vapor extraction, to clean soil and we have some -- two  
12 groundwater recovery wells. We're pumping the water and  
13 treating the water.

14 There are several chemicals dissolved in the  
15 groundwater that exceed the clean-up criteria. Those are  
16 mostly solvents. And there are 17 wells in the network  
17 for site E-3. In the January sampling, seven of those  
18 were above for one per -- maybe not all these  
19 constituents, but at least one of those were above the  
20 clean-up standard. So there's more that needs to be done  
21 at this site.

22 The main chemicals that we -- that we find at  
23 this site are benzene and chlorobenzene. They were --  
24 well, chlorobenzene was a parts cleaner and it was part of  
25 the oils that were put into the pit. And the blue bar

1 here is actually showing what the clean-up level is. So  
2 you can see that the chlorobenzene within the site is much  
3 higher than the clean-up level as is the benzene and those  
4 are main things we're treating in the groundwater.

5 The PCE is actually downgrading the site and is  
6 more reflective of the plume that originates in the  
7 industrial area that moves across down toward Leon Creek.  
8 And also vinyl chloride was in the old waste pit. It's  
9 well above the standard.

10 MR. SILVAS: What's the standard?

11 MR. BUELTER: For vinyl chloride it's 2 part  
12 per billion. Chlorobenzene is 100 part per billion and  
13 benzene is 5 part per billion.

14 The monitoring network -- contamination is really  
15 confined to the former pit. The extraction wells are  
16 doing a good job of keeping the contaminant from moving  
17 and downgrading into the site. There used to be a plume  
18 that extended well beyond the site. It's not -- it's  
19 cleaned up below the site right now.

20 The monitoring network, we can define the  
21 extent. There is still, as you can see, a lot of  
22 contaminants that are still above the protection  
23 standard. We are looking at this site at ways to optimize  
24 the system, see if we can't have the clean-up become more  
25 rapid.

1 MR. SILVAS: What is predicted clean-up for  
2 that site?

3 MR. BUELTER: Right now, it's probably at  
4 about, with the latest data we looked at, 20 to 25 years.  
5 That's why we want to be a little more aggressive. Most  
6 of Zone 2 is -- has been cleaned up and we would like to  
7 get this site so we are looking to -- hopefully in the  
8 next year or so to go back in and aggressively treat this  
9 site, either dig it up or do some more aggressive  
10 treatment here.

11 Next unit, site S-8, is an industrial area. In  
12 one sense it's very similar to site E-3. I think the same  
13 shops that disposed of waste down in site E-3 pit were --  
14 originally were putting that waste into some underground  
15 storage tanks at site S-8 and these tanks released this  
16 contaminant to the groundwater.

17 Here there are 13 of 20 wells that are  
18 noncompliant. Most of these wells here are actually  
19 within the site. It's a much tighter network of wells.  
20 Like E-3 downgrading of the sites, there are two  
21 groundwater recovery wells and the soil treatment taking  
22 place here. Downgrading the site, we see very good  
23 degradation.

24 There used to be a plume of chlorobenzene.  
25 Looking at the July report, it's actually the -- just the

1 wells right in the site are above the Groundwater  
2 Protection Standard right now. And so degradation  
3 downgrading is working. We are seeing here whereas the  
4 site E-3, the concentration of chlorobenzene were ten  
5 times higher than they are here and these chlorobenzene  
6 concentrations have been improving so they're actually --  
7 you know, it's down to one or two wells that are above the  
8 protection standard.

9 MR. SILVAS: I got a question. The levels for  
10 arsenic, what are the standards?

11 MR. BUELTER: Arsenic in our compliance plan  
12 is at 50 part per billion is the standard. There is a  
13 couple of wells that are around 150, 200 part per billion  
14 at the site.

15 MR. GARCIA: So who is the doing most of the  
16 clean-up? Natural attenuation or your mechanical means?

17 MR. BUELTER: Mechanical means here.

18 MR. GARCIA: How much? About 80 or 90 percent  
19 and then natural attenuation is doing the other ten  
20 percent or what -- how is --

21 MR. BUELTER: Yeah, that's a pretty good  
22 percentage. There's much more mass that's in the --  
23 that's in the oil source area that the groundwater or the  
24 trees are collecting and --

25 MR. GARCIA: Than the natural degradation --



1 MR. BUELTER: Right. It's probably -- you're  
2 pretty close. It's probably 90-10 percent.

3 MR. GARCIA: How many more years of this?

4 MR. BUELTER: This site, I don't know if we  
5 really worked the numbers fully yet. It's -- it's less.  
6 We see much better -- here we see progress.

7 MR. GARCIA: 10, 20, 30 years.

8 MR. BUELTER: I would say 10 years, 10 to 15  
9 years.

10 MR. SILVAS: I have a question on the new  
11 standards of TCEQ being lowered, how is that affecting  
12 your -- your clean-up?

13 MR. BUELTER: Right now we're still working  
14 with the level of 5 part per billion that's in our  
15 compliance plan. Until that level is changed, if it ever  
16 is changed, that's what we'll be required to --

17 MR. SILVAS: It has changed; hasn't it?

18 MR. BUELTER: No, it has not.

19 MR. WEEGAR: The MCL for TCE has not been  
20 changed. It's still 5 parts per billion.

21 MR. SILVAS: And what are the standards they  
22 want to lower it to?

23 MR. BUELTER: They haven't -- they haven't  
24 valuated it fully yet. Really the question that came out  
25 was the matter of methodology, whether that methodology

1 was correct to move forward.

2 MR. SILVAS: But they do want to lower it;  
3 correct?

4 MR. BUELTER: I don't know what EPA -- I mean  
5 they're the -- their risk assessors will determine that.

6 MR. SILVAS: I mean the whole shebang was that  
7 the industries in the DOD were arguing that the standards  
8 didn't need to be lowered; is that correct? And now EPA  
9 and them are arguing otherwise?

10 MS. CODERRE: This presentation is about the  
11 Semiannual Compliance Plan, not about the National  
12 Research Center's Report on TCE so if we could stay  
13 focused about the subject that we're here to talk about.

14 MR. SILVAS: Well, see, again, TCE sets the  
15 standard. I'd like to address the EPA. Are the levels  
16 going to be considered to be lowered or not.

17 MR. MILLER: As Mark said -- Gary Miller, EPA,  
18 Region 6. There's been a subcommittee formed and they're  
19 actually looking at literature right now for different  
20 kinds of levels. It's a long process. That's all I can  
21 say about it. Our risk assessor says, you know, it can be  
22 eight years or longer before they ever get to a conclusion  
23 to actually change this number that Don is talking about,  
24 the NCL number.

25 MR. SILVAS: But my question being they want

1 to change it to lower it; right?

2 MR. MILLER: You know, it's going to depend  
3 what they come up with in the numbers. EPA did not really  
4 fight to lower it. There were some studies based I think  
5 on what the risk was and as Don mentioned earlier, it has  
6 to do with how you apply that risk to different numbers  
7 and whether or not that's going to work out when they go  
8 through all the reports and come to different levels.  
9 Yeah, it may come up with a lower number.

10 MR. SILVAS: Okay. Thank you.

11 MR. BUELTER: Part 3 of the RCRA regulated  
12 units, conclusion is pretty obvious. We're not at the  
13 standard yet so we need to continue operation of area soil  
14 and groundwater treatment systems. As I said, downgrading  
15 of both of these source areas, levels of contamination  
16 have decreased below the protection standards.

17 S-8 is improving more rapidly than E-3. We're  
18 looking at site E-3 to potentially refine or change our  
19 closure plan to do something more aggressive at that  
20 site.

21 Part 4 is Leon Creek. What's different in the  
22 July report from the January report is at Leon Creek, we  
23 only sample in January. We only take water and sediment  
24 samples. There's much less analysis done in the report on  
25 the Leon Creek outside of presenting the results.

1 We don't have that biological fish tissue data  
2 and some of the other biological data that is collected in  
3 July. So one aspect of the July report, which is kind of  
4 frustrating, is it's almost all just data. There's very  
5 little interpretation that is done.

6 So again, we collect samples, surface water,  
7 sediment, where there are seeps, the groundwater since  
8 groundwater flows into the creek. Storm water outfall,  
9 we'll collect water samples there. And even in the  
10 January period we still sample the reference creeks --  
11 these are just for comparison -- Salado Creek, Medio Creek  
12 and the Medina River.

13 What we do is look at historic trends of the  
14 contamination. January we looked at the trends of the  
15 biological assessments. We didn't have that for this  
16 sampling round. What we use is the Texas Soil Water  
17 Quality Standard basically to look at -- these are  
18 primarily ecological concerns.

19 So, you know, we compare this. These standards  
20 are just that. There's screening criteria and we look at  
21 these to see if there's a chemical that may indicate that  
22 there is a risk.

23 One item that was -- we've worked on in the state  
24 for some time and in November of 2005 was approved by the  
25 TCEQ, our Ecological Risk Assessment. Basically -- and

1 what that risk assessment did is look at the years of Leon  
2 Creek sampling to see if there was actually a risk to  
3 ecological receptors and conclusions of that report was  
4 that in Leon Creek, contamination that is found, there is  
5 not supposed an unacceptable risk to ecological  
6 receptors. What we found in the January sediment and  
7 sampling were similar concentrations to what we had in the  
8 past.

9 The chemicals that exceeded, there are 27. These  
10 are the ones that are found in the sediment. That's where  
11 we primarily find the contaminants that exceed the water  
12 quality standards. Various pHs. Actually most of these  
13 are down to here, few pesticides, DDT primarily and then  
14 these are breakdown products of DDT and then some low  
15 levels of various forms of TCB in the sediment.

16 In the surface water and the January report, none  
17 of -- within the surface water of Leon Creek, there were  
18 no samples that exceeded any of the water quality  
19 standards. However, in one of the groundwater seeps,  
20 chromium, cyanide, PCE and TCE were above that standard.  
21 And it was in an area where we know there's some chromium  
22 in the groundwater that's being treated and also the PCE  
23 TCE plume from Zone 3 is where that seep enters the creek  
24 and that's also being treated.

25 Just to show toxins and the water quality.

1 standards are pretty much based for ecological receptors.  
2 This particular graph in comparison is not in the report.  
3 It's just an informational one I wanted to show.

4 And basically it's taking these lighter bars here  
5 are the human health risks or values of Risk Standard 2  
6 residential. It's for soils so if you wanted to build a  
7 house on the site to show that.

8 Within the creek in the particular report, there  
9 is one station of benzoapyrene that was above the human  
10 health value. The rest of the contaminants that we found  
11 are at or below that residential standards.

12 Likewise, for the groundwater seep, blue bar is  
13 what we found within the seep. The gray bar or the  
14 drinking water standards for these particular  
15 constituents, PCE, TCE are slightly above standard.  
16 They're lower than what they've been in past years so  
17 there's been a decrease. Our treatment systems upgrading  
18 are working on those seeps.

19 Again, the observation of constituents that we  
20 find in Leon Creek and the seep and sediments are really  
21 reflected in a lot of the groundwater plumes. Seeps are  
22 part of the groundwater. Some of the sediment  
23 concentrations, some of those are distributable to past  
24 practices on Kelly Air Force Base. Like you see metals  
25 down in the Zone 2 area, probably from former industrial

1 wastewater treatment plant.

2 Some of the pHs of benzoapyrene are probably --  
3 may be related to industrial activities, but they're also  
4 related to automobile exhaust and -- and those type of  
5 things.

6 What we find really is that the Zone 2 area is  
7 where the highest concentrations are. These are where the  
8 largest storm water outfalls exist. They drain large  
9 areas of Kelly Air Force Base and there's one very large  
10 city storm water outfall that drains into the creek down  
11 in Zone 2.

12 In the reference creeks, cadmium, lead, selenium  
13 and zinc were slightly above the water quality standards  
14 in those area of the water and sediment. And we see that  
15 occasionally. They tend to change from time to time.

16 The report is in the downtown library. The  
17 volume -- the text part of the volume in January is -- if  
18 you put the reports together, it's probably a couple of  
19 feet worth of pages. This particular one fits in a little  
20 three-ring -- or a three-inch binder so it's much  
21 shorter. And we also have this which, as Norma said, was  
22 put at the Environmental Health & Wellness Center.

23 So any further questions?

24 Yes, Mr. Garcia?

25 MR. GARCIA: So bottom line is we're still

1 having problems with Leon Creek and we're still having  
2 trouble cleaning up the test sites. There's still a lot  
3 of work to do. Let me put it that way. Not having a  
4 problem, but there's still a lot of work to do.

5 MR. BUELTER: In Leon Creek, we said the  
6 ecological risk assessment, basically we've met standards  
7 there. It will improve. Well, actually has improved with  
8 time. We see that with the biological sampling that we  
9 have taken that there are sensitive species that are  
10 starting to migrate their way up Leon Creek. The water  
11 quality of Leon Creek is getting better.

12 MR. GARCIA: We still got a long way to go  
13 though.

14 MR. BUELTER: Yeah. A lot of urban streams  
15 are that way unfortunately. And we -- we're continuing  
16 the site E-3 and Zone 2 so it's not associated with the  
17 test. Actually the test zone we've closed. But there are  
18 sites -- site E-3, site S-8 that are mentioned in this  
19 report that still have a fair amount of work to do.

20 We're going to continue to look at ways to -- now  
21 that contamination is contained pretty much at the site  
22 and source is find a way to get those sources cleaned up  
23 faster. The faster we clean them up, the less money we  
24 spend in the long run.

25 MR. GARCIA: One more question. Could there



1 be some other sources of contamination and leaking into  
2 that thing with the chemicals, maybe from Lackland or from  
3 unknown Kelly sources or from chemicals and stuff being  
4 buried along Leon Creek that's leaking into the creek?  
5 Has that been investigated?

6 MR. BUELTER: Yeah. I mean the -- the Air  
7 Force installations have been -- we've hit those pretty  
8 well. If there are some old things, you know, upgrading  
9 or upstream of the bases, you know, we hear various  
10 stories once in a while that don't point to anything.

11 There's a lot of activity up at Leon Creek  
12 drainage basin. You know, those of us who live near that  
13 area, it is one of those tightrope areas. So while there  
14 are things happening to help clean up the creek,  
15 urbanization is just going to add more contaminants to a  
16 lot of that. I mean --

17 MR. GARCIA: The reason I ask is that the  
18 possible source that I've seen is they buried a lot of  
19 trash and junk over there by 151 and Pinn Road, that junk  
20 yard there. I wonder if any of the stuff they have buried  
21 there may be leaking chemicals that end up showing up down  
22 here.

23 MR. BUELTER: It's possible. It's possible.  
24 There's a lot activities up that way that just --

25 MR. GARCIA: Is there any way you can

1 investigate it? Put the blame on somebody else.

2 MR. BUELTER: That's really a City of San  
3 Antonio or TCEQ.

4 MS. POWER: Abby Power, TCEQ, Region 13. The  
5 San Antonio River Authority, working in conjunction with  
6 our agency and other agencies related to water quality,  
7 are in the process of trying to put a San Antonio River  
8 Basin-wide study together. It would not only look at all  
9 of Leon Creek. It would also look at the Medina River,  
10 Salado Creek, and all the contributors to the -- to the  
11 river system all the way down to the Gulf of Mexico.

12 So they're looking at all different sorts of  
13 possible industries and the landfills that you mentioned  
14 and the urban runoff and all that type of stuff. It's  
15 something that a lot of people have an interest in.

16 MR. BUELTER: It is. And it's a good point.

17 MS. POWER: Yes.

18 MR. BUELTER: It's state and it's nationwide.

19 MS. POWER: It's nationwide.

20 MR. BUELTER: Storm water nationwide is a huge  
21 deal now. That's why we pay so much on the --

22 MS. POWER: Our agency also has water quality  
23 monitoring stations throughout the state. We monitor the  
24 water throughout the state and there is a -- if you go to  
25 our web page, the TCEQ web page, you can access some of

1 that data. They actually have some of it on-line. You  
2 can look at the water quality.

3 There is a monitoring station at Highway 90 and  
4 Leon Creek. Also the U.S. Geological Survey has a lot of  
5 water quality data.

6 MR. GARCIA: Yeah, you told us about that.

7 MS. CUNNINGHAM: Yeah. Also -- actually there  
8 are two stations. There's one upstream and downstream.  
9 And PCEH is sponsoring both of those. And it's available  
10 either on the PCEH web page. I mean it's -- it's  
11 real-time data.

12 Now one of those monitoring stations, the level  
13 of the water has been really low so -- but, you know, you  
14 can look at that data either in USGS page, TCEQ page or  
15 PCEH page. So it's there.

16 MR. PEREZ: Just for your information, I spoke  
17 to the city council last week, last Thursday, and there's  
18 evidence that there's lot of contamination coming from up  
19 north coming downstream. Lot of evidence. In fact, it's  
20 seeping into the aquifer. There's evidence.

21 MR. BUELTER: Yeah. Right. That's the other  
22 concern with us is our recharge.

23 MR. PEREZ: I took advantage of it. I went to  
24 see that example on what's going on here. In fact, I was  
25 conferring with the city representative on that.

1 MR. SILVAS: The recent incident with the  
2 drums being unearthed at the golf course, that's just one  
3 of 17 holes that are along the Leon Creek. Wouldn't that  
4 be considered a source of contamination for that creek.

5 MR. BUELTER: We -- those units were known.  
6 Back in the early or mid '90s, some of the groundwater  
7 recovery systems that were put in really in Zone 1 along  
8 Leon Creek were to treat groundwater or capture  
9 groundwater from those sources before it entered Leon  
10 Creek.

11 That particular set of drums was -- is a known  
12 site. A contractor for Lackland was exploring to see,  
13 one, if there were drums, how many drums were there and if  
14 anything remained in those drums. So --

15 MR. LANDEZ: They're in the process of  
16 planning remedial action to the areas that have drums in  
17 them. Lackland Air Force Base is working with the  
18 contractor at this point in time and they will plan --  
19 they're looking at beginning next month in November and  
20 they're going to provide details of the removal action and  
21 what they're going to be doing when at the Lackland  
22 Community Council --

23 MS. POWER: Community Council on Restoration.

24 MS. LANDEZ: -- on Restoration next Wednesday,  
25 October 18th at 7 o'clock.

1 MS. POWER: It's at the elementary or the --  
2 is it an elementary school located on -- I left it out in  
3 my car.

4 MR. SILVAS: Going back to my question though  
5 that those drums, that's just one of 17 holes and you  
6 stated that that was a known site since '95 or whatever  
7 and there was in effect a plan put in place to capture  
8 that.

9 MR. BUELTER: Right.

10 MS. LANDEZ: Recovery system there to capture  
11 that groundwater.

12 MR. SILVAS: So that recovery] System is 100  
13 percent captured? Whatever has come out wasn't affecting  
14 Leon Creek?

15 MR. BUELTER: I haven't looked at the  
16 effectiveness of that particular one. But it's -- the  
17 plume is pretty -- yeah, I would say we captured most, if  
18 not all.

19 MR. WEEGAR: Mark Weegar, TCEQ. In response  
20 to your question, Robert, those ten landfills that are  
21 over there that are under the former Kelly Golf Course  
22 that are on Zone 1, which is now part of Lackland, are  
23 all -- those sites are in the Kelly Permit and Compliance  
24 Plan. Their groundwater monitoring and whatnot that's  
25 done on those sites is captured within the compliance

1 plan.

2 It's not -- these aren't sites that were just  
3 suddenly discovered. They've been part of the Kelly  
4 compliance plan and Kelly -- Kelly would have been  
5 responsible for developing the -- their remedial  
6 strategy. Now that it's gone over to Lackland, Lackland  
7 has that responsibility. It's still captured within Kelly  
8 Permit and Compliance Plan so it's not something that's  
9 unknown.

10 MR. SILVAS: I understand that, but they still  
11 have to impact the creek.

12 MR. WEEGAR: Yeah. There are --

13 MR. SILVA: The contaminants --

14 MR. WEEGAR: As Don said, there are  
15 groundwater recovery systems there. They look like  
16 they're doing a good job of capturing most of it. I don't  
17 think from what I've looked at that they're capturing all  
18 of the contamination.

19 It's my understanding that Lackland as part of  
20 their -- the remedy that they're developing for those  
21 landfills are also looking at either upgrading the  
22 recovery systems or replacing them with trenches to  
23 recover the groundwater out there.

24 MR. SILVA: Now I don't understand.

25 (Inaudible) you just stated that each one got a recovery

1 system.

2 MR. WEEGAR: No. There are only -- there are  
3 only two landfills that have drums in them and those two  
4 landfills have recovery systems.

5 MS. POWER: And not all of those ten landfills  
6 have an impact to groundwater.

7 MR. MARTINEZ: Are there anymore questions?  
8 Don does have another presentation to make after this  
9 one. Any more questions on this topic?

10 MR. WEEGAR: Can I suggest like a five-minute  
11 biological break?

12 MR. MARTINEZ: Consider it done.

13 (Off the record from 8:30 to 8:38.)

14 MR. MARTINEZ: The next item on the agenda,  
15 the last item on the agenda, again, Don reporting on site  
16 D-10 closure report.

17 MR. BUELTER: Thank you. This is one of our  
18 Zone 2 sites. We are -- this is actually a closure report  
19 that we have been working on with inhouse resources. It's  
20 not a -- the reports -- work was done by a contractor, but  
21 we've been writing the report and we had hoped to have it  
22 submitted to TCEQ -- it will be within the next week or so  
23 we'll get it there and into the library. That's why it  
24 wasn't on the list of documents that have been submitted  
25 to the -- to the library.

1           And this is a site -- and I'll have a location  
2 map in just a second -- in the southern most part of the  
3 base, the very southern tip, about a third of an acre in  
4 size and there are a couple of little disposal areas that  
5 were identified in the earlier investigation and you can  
6 see the dimensions 180 by -- in length, 20 feet wide,  
7 about nine feet deep and then little smaller sites.

8           In the main area was the Area 1 in this tar-like  
9 acidic waste. The actual source is unknown. It's  
10 suspected -- and I'll show this on the map, not the  
11 location but the general area -- that this waste actually  
12 came from an abandoned oil and gas refinery south of the  
13 base. That this refinery sold the property, future  
14 landowner kind of took this material and deposited it in  
15 various ravines on his property. Unfortunately one of  
16 those little bits of property were on our very southern  
17 tip.

18           MR. SILVAS: Do you have any data or deed  
19 records that show that?

20           MR. BUELTER: It's -- the refinery is Humble  
21 Oil. I know the region -- Abbi stepped out. Region  
22 office at TCEQ has mounted information on this and  
23 actually the closure report will have that. I don't have  
24 the specifics right now, but it's kind of the history of  
25 why we think that.



1           And it matches very -- the other little waste  
2 pits, the region office of TCEQ, I don't know if -- I  
3 guess Humble Oil had paid to have those removed and the  
4 characteristic of TPH and metals and pH match almost  
5 identical to this. So it's very likely that it was the  
6 same material.

7           Down here is the Kelly Military. Our drive is  
8 right here. And right here, this very southern tip, the  
9 site D-10 little closer area here, here is Leon Creek.  
10 The area where some of these other wastes or this tarry  
11 waste was found was kind of down in this area here south  
12 of the facility.

13           A little closer look at the two areas describe  
14 Area 1. Area 2 was just really a little surface area.  
15 Kind of an oil. Just some photos that were taken. This  
16 is kind of what this material looks like. Again, it's  
17 tar. It had kind of a crusty little bit on it.

18           You can kind of see it here, get a feel of --  
19 this is in the ravine. You kind of see how the sides go  
20 up. In the summertime, it's a little more fluid, you  
21 wouldn't want to step on it. In the winter you could step  
22 on it, but you probably shouldn't have. It was mainly  
23 because of the pH.

24           Closer look, again, you have kind of this clay  
25 crust on it. And this tar material again going down to

1 about nine feet.

2 Historically, the site was discovered in the mid  
3 to late '80s. The Air Force conducted some preliminary  
4 sampling just to kind of get an idea of what was here in  
5 this material. The main things that were found was the  
6 TPH, lead, zinc, copper, cadmium and the pH. It was  
7 acidic. It's actually -- pH is less than two. So it's a  
8 pretty acidic area that you really wouldn't want that to  
9 contact your skin.

10 The PCBs were really -- they're I believe below  
11 the actual clean-up standard that the state established  
12 when they did their risk reduction rule, but it's still  
13 identified as a chemical of concern.

14 Further investigation was conducted in '93 and  
15 '94. More soil borings. We actually got out into the  
16 tarry material to take samples of this waste material to  
17 characterize it. Few more things that popped up. Little  
18 bit of pesticide. Again, probably general application.

19 Again, the main thing is the hydrocarbons. A few  
20 semi volatile organics. Again, lead and copper and  
21 cadmium. Really the -- and again, you carry these on as  
22 chemicals concerned.

23 The main things that drove the remediation here  
24 were pH, levels of the petroleum hydrocarbon in the lead.  
25 Some of the lead concentrations were two to 3,000 parts

1 per million which is really high. And the remedial  
2 investigation feasibility study, this one combined report  
3 was approved by the state, 1998. Summarized the extent of  
4 the contamination and the alternatives were like  
5 excavation with off-site disposal.

6 We conducted the remedial invest -- or action to  
7 dig up this soil. The goal basically was to remove any  
8 soil and tar-like material that exceeded the Risk  
9 Reduction Standard 2 criteria for the state.

10 In total, we excavated 2300 cubic yards of  
11 material. 200 cubic yards of that material went out as  
12 hazardous waste. Primarily, the characteristic of  
13 hazardous waste, just they are within the RCRA regulations  
14 and disposal. Hazardous waste is either characteristic or  
15 listed or can be a characteristic or waste-like  
16 attributes.

17 And what drove this here were the pH being less  
18 than two made it a hazardous waste and then also some part  
19 of it was lead. That didn't meet the criteria that's set  
20 out. So 200 yards went out as hazardous waste. The  
21 rest -- these are non-haz waste, kind of industrial waste  
22 through the State of Texas.

23 Class 1 is driven primarily by petroleum  
24 hydrocarbons and then we had some that were mainly metal  
25 which would have drove the rest. We -- we're excavating

1 this. We had a pretty good idea of where the main  
2 contamination was. It was kind of where those photos  
3 showed. You could see it on the surface.

4 So through our investigation we started by  
5 targeting the areas where we knew these things were above  
6 the Risk Reduction Standard 2 level. Then we went out and  
7 collected samples. And we still had some areas where lead  
8 and -- primarily lead and some other metals were above the  
9 standard 2 and petroleum hydrocarbons were above standard  
10 2. So we dug those areas up and then we still found there  
11 are some areas that were above 4 petroleum hydrocarbons so  
12 we continued and we dug those out.

13 We did -- once we had the excavation done, we  
14 took a number of confirmation samples to make sure that we  
15 met criteria. Site was backfilled up with certified clean  
16 soil, soil brought in from off the installation that we  
17 get a certification from the landowner that it's clean.  
18 Site is regraded and we seeded the area.

19 This kind of shows the -- how we went about  
20 this. Our initial excavation was again for this yellow  
21 area and that was for all the COCs. Then we stepped out  
22 to take care of the petroleum hydrocarbon metal and in  
23 this last area we had to continue to reach the extent of  
24 the contamination for the petroleum hydrocarbon.

25 We got out into this area here. The hydrocarbons

1 weren't from surface down. They were like one foot seams  
2 of the acidic material that kind of made its way through.  
3 You couldn't see it from the surface, but as we were  
4 digging you could see it in the side of the trench so we  
5 continued to do that.

6 Just to show as we were going through the  
7 excavation, here is that material again. Getting ready to  
8 start. We had to go in to -- to be able to dig this  
9 material out, we had to remove the trees that were at the  
10 site before we could start. So, you know, showed the two  
11 guys walking down next to the site, you know, they're kind  
12 of walking along here and -- but all these trees were  
13 removed. You can kind of see the ravine that existed.

14 This black material here, some of that is  
15 petroleum hydrocarbon. We were digging. Again, you kind  
16 of can see where these little seams of petroleum  
17 hydrocarbon as we continue to dig out back through.

18 Even with all this material here, the groundwater  
19 at this site never really showed some of the initial  
20 samples. There are a couple of item or -- I think Norma  
21 said, like TCE, some of those just very barely above  
22 clean-up standard. And after a couple of years of  
23 sampling, none of the samples in this area have detections  
24 anymore. So they're well below the protection standards.

25 So fortunately at this site, groundwater -- this

1 was such a heavy oil that it didn't really leech into the  
2 groundwater. And the metals were really tied into that  
3 oil material.

4 Conclusion of the report, basically we went in  
5 through our confirmation samples. We've removed all the  
6 soil that was detected above Risk Standard 2. This was  
7 disposed of in approved off-base landfills. So we meet  
8 the criteria for Risk Standard 2 closure.

9 We said we'll be submitting this report to the  
10 state in the next week or two weeks. They will look to  
11 see if we've met this criteria. If they agree with our  
12 conclusion and approve that, we will have to do a public  
13 notice basically describing what we did at the site to  
14 meet the -- the closure and then we'll do a deed  
15 recordation of that property for the closure.

16 That's basically it. Any questions?

17 MR. MARTINEZ: Are there any questions or  
18 comments on Don's report on site D-10?

19 MR. SILVAS: What is the expected clean-up  
20 time on that site?

21 MR. BUELTER: It's done. We've removed the  
22 material there. The closure report is due to describe  
23 the -- the closure report describes the activity that we  
24 did in digging up the soil. Provides the confirmation  
25 soil data. Basically once we do the deed recordation of

1 the last, we'll get a letter from the state saying that  
2 it's removed from the post closure activity.

3 MR. SILVAS: So no natural attenuation or  
4 anything?

5 MR. GARCIA: You going to plant trees or  
6 vegetation or something?

7 MR. BUELTER: We reseeded the area. We didn't  
8 put any trees in. The trees there are -- they'll work  
9 their way back in. They're --

10 MR. GARCIA: Hackberry?

11 MR. BUELTER: Yeah. It's really a lot of  
12 scrub type vegetation in this area.

13 MR. WEEGAR: Mark Weegar, TCEQ. I know in  
14 some previous briefings on this site that the Air Force  
15 had indicated that the source of this contamination was  
16 probably I think Humble Oil and Refinery which is now --  
17 years ago was bought out and is part of Exxon Mobil and  
18 you guys were pursuing them through Department of Justice  
19 for cost recovery.

20 Is that -- is that an ongoing process, the cost  
21 recovery and where does that stand? What kind of  
22 response, if any, have you had from Exxon about paying for  
23 this clean-up, reimbursing you for clean-up cost?

24 MS. BROWN: That's something that JACE, which  
25 is the -- like the legal arm of the Air Force, is pursuing

1 against Exxon Mobil. And it's just an going process.

2 You know, part of it is difficult because, you  
3 know, when Humble Oil Refinery -- I think it ceased  
4 operation in the '50s and then subsequent landowners  
5 bought the property and then Humble Oil had sludge pits.  
6 A subsequent landowner excavated the sludge pit and dumped  
7 it in the ravine, which we didn't know at the time was Air  
8 Force property but turns out it was.

9 So it's just an ongoing process of seeing who --  
10 who is the responsible party and getting the information.

11 MR. WEEGAR: So is the Department of Justice  
12 pursuing Exxon and all previous landowners through the  
13 CERCLA process or --

14 MS. BROWN: The Air Force is pursuing Exxon  
15 through CERCLA. We have that ability in the CERCLA --

16 MR. WEEGAR: And it will be up to Exxon to sue  
17 the past property owners?

18 MS. BROWN: Right.

19 MR. MARTINEZ: Are there any other questions  
20 from the RAB on Don's last presentation?

21 Seeing none, I'd like to then ask for any kind of  
22 public comment by anyone, member of the public, questions  
23 on any of the items discussed this evening.

24 You had earlier raised your hand, but I didn't  
25 see it.



1 MR. GONZALEZ: I was going to ask about the  
2 wells, but I think they answered it. All of those wells  
3 were on base only?

4 MR. BUELTER: Yes. Oh, for the -- well,  
5 actually not. In the site S-8, there are some wells that  
6 extend out into the UPR property here. Site E-3 actually  
7 are a couple of wells that we sampled everything on  
8 there.

9 MR. GONZALEZ: Did you do what we call test  
10 wells beyond the --

11 MR. BUELTER: Yes.

12 MR. GONZALEZ: They were all negative?

13 MR. BUELTER: Our January sampling is very  
14 limited. In the sampling that will be presented in our  
15 January report, we have test monitoring wells and we have  
16 monitoring wells out in the neighborhoods that we sample  
17 on a yearly basis. That's presented in our January  
18 report.

19 MR. GONZALEZ: Okay. So wells -- there's  
20 300-something wells, that's going to be -- the quantity is  
21 going to be more then?

22 MR. BUELTER: Yes. Yeah. We sample  
23 approximately 450 wells between April and May. Or end of  
24 May and end of June to all throughout on base and then in  
25 all these areas that extend out into the area. That's how

1 these maps are developed.

2 So in our January sampling, it's pretty much  
3 confined to 40 wells on base for the few that are in the  
4 railroad primarily. But in this last sampling window we  
5 completed end of June, we do hit the neighborhood areas.

6 MR. MARTINEZ: Does that answer your  
7 question? Anybody else in the audience have a question or  
8 comment? None?

9 MR. SILVAS: Yes, sir. I've got two things.  
10 First, I'd like to ask Adam and the agency about  
11 the issues of the TAPP product -- TAPP project that I was  
12 working on. I haven't had the opportunity to complete  
13 it. Will they still allow me the opportunity to sit down  
14 with Nieto and complete that for the members or what is  
15 his decision on that?

16 MR. ANTWINE: Well, I think if we have an  
17 application that, you know, it can still be submitted.

18 MR. SILVAS: Right. But I had an appointment  
19 that I missed with Rey Nieto.

20 THE COURT REPORTER: Can you speak up?

21 MR. SILVAS: Yes. The appointment I had this  
22 morning was -- I was unable to make it and I'd like to sit  
23 down again and make an appointment with Nieto and the  
24 contractor to get those TAPP projects finalized.

25 MR. ANTWINE: Has Rodrigo or any of the other

1 folks here seen those? Were you part of the group that  
2 put those together?

3 MR. GARCIA: No. I was gone when that  
4 happened. I'd like to see them.

5 MR. SILVAS: That was the list that we had the  
6 subject for '06 year, everything they were going to have  
7 approved or finished, the TCEQ, so we brought them to  
8 before the RAB and you-all finally voted to approve them  
9 and pushed them through for the TAPP project. I just have  
10 to sit down with Nieto and get them finalized and that's  
11 basically it.

12 I was asking since now my status has changed, I  
13 need to know if I can still sit down with him and the  
14 (inaudible).

15 MR. ANTWINE: And I think we can still look at  
16 the applications.

17 MR. SILVAS: So I can push through those to  
18 you once they're finalized. I mean there's still other  
19 projects probably you're going to need to consider.

20 Secondly, this is for the lady there. Could you  
21 state your name?

22 MS. BROWN: Leslie Brown.

23 MR. SILVAS: Leslie Brown. I had passed some  
24 documents to Adam at our last executive meeting. I was  
25 hoping he was kind enough to pass them to you. They were

1 from the Dallas CID people and it was faxed to me on the  
2 9/-14-06 date regarding the Department of Justice  
3 prosecution of the case number 9038 BMI. Were you --

4 MS. BROWN: I haven't seen them.

5 MR. SILVAS: You should see that. That has to  
6 do with the EPA allowing the surplus herbicide Agent  
7 Orange to be sold. They were convicted in the State of  
8 Louisiana in federal court and I think you should study  
9 that before the debating goes on.

10 MS. BROWN: Okay. I'll look at it.

11 MR. SILVAS: Okay.

12 MR. MARTINEZ: Any other questions or  
13 comments? Yes, sir.

14 MR. GARCIA: Adam and Sonja, we need to -- I  
15 need to talk to you about the -- before the next meeting  
16 about what we discussed previously about getting in  
17 contact with churches and getting in contact with the  
18 planning department and getting the planning director Juan  
19 Cervalles to send you a list of all the neighborhood  
20 associations and then for you to research and find out  
21 which ones are in the affected area and then send those  
22 associations letters of interest stating and send them  
23 some application for RAB members and alternate and have  
24 you start networking for the affected area community, the  
25 churches and the neighborhood associations.

1 That's going to be your next best bet to go  
2 through those two avenues of start bringing in community  
3 participation.

4 MS. CODERRE: And we --

5 MR. GARCIA: And I'm not going to give you all  
6 that work. As soon I have some time, I'm going to come  
7 help you and we'll decide how we're going to write the  
8 letters and put the applications in there. As soon as I  
9 am -- I'm going to call you when I have a day off so we  
10 can sit down and start networking over the next week or  
11 two so we can start sending out application and start  
12 networking with the community.

13 And I want to help you with that as soon as I get  
14 some time off and we need to start doing that. We need to  
15 get Adam involved because I believe we need to give Adam  
16 more work.

17 MS. CODERRE: And we do frequently make  
18 contact with the neighborhood associations. And now that  
19 we're -- the rules tells us to use the selection panel, we  
20 had planned on making sure that we did specifically  
21 solicit them.

22 One place we haven't gone frequently is  
23 churches. And again, when we get ideas from this body, we  
24 consider them and use them as we can so that's another  
25 step that we'll be needing to take. And we welcome your

1 input, Mr. Garcia. Thank you.

2 MR. GARCIA: We need to get Adam so he goes to  
3 one of these neighborhood stores, get a copy of the West  
4 Side Sol, S-O-L, and on there they have a directory of all  
5 the churches on the west side so you need to use that  
6 because we need to start -- like I told you in the last  
7 RAB meeting, start networking in the community through  
8 churches, community groups such as homeowner associations  
9 and community associations that we need to get the list  
10 from (inaudible) Montevalles, the director and get started  
11 on that.

12 When I have some time I'll come and talk to you  
13 about that. We need to start getting that and possibly  
14 give Adam some more work.

15 MR. MARTINEZ: Wonderful suggestion. Thank  
16 you very much. Any comment from staff?

17 MS. CODERRE: I just want to point out that  
18 next meeting is scheduled for the 9th of January, 2007.  
19 And so it's scheduled for this location here.

20 MR. PEREZ: Say, I got something else in  
21 connection with this. Can we get a yearly schedule like  
22 we used to so I can plan things out? I take school  
23 weekends and things and --

24 MS. CODERRE: We'll take that into  
25 consideration doing that again. Okay?

1 MR. MARTINEZ: Mr. Silvas, are you stretching  
2 or --

3 MR. SILVAS: No. I'd just like to thank the  
4 community for showing up, especially the representative  
5 from the Gonzalez office. I thank Mr. Garcia.

6 MR. GARCIA: One final comment. We need to  
7 consider having this is in a -- in one of the neighborhood  
8 schools, somewhere so we can possibly draw in more  
9 residence because this is isolated out here on the base.  
10 And we only have a cemetery here, a railroad yard there, a  
11 bunch of overpasses over there. And, you know, we need to  
12 kind of put some of those meetings out in the community.  
13 We need to contact Romeo Nava, the president of the school  
14 board. I'll be glad to give it to you. Talk to Mr.  
15 Richard Molina about going back to the community and  
16 possibly publicizing the RAB meeting at the school and  
17 possibly publicize it, send notice of RAB meetings with  
18 the little kids or with the community at the school and  
19 plan to bring in parents and tell them we're having  
20 (inaudible) walk them home. We'll be here.

21 MS. CODERRE: Thank you.

22 MR. MARTINEZ: Thank you very much. I sense  
23 that there are no more comments. Questions? Therefore,  
24 thank you very much for attending. See you on the next  
25 RAB meeting.

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THE STATE OF TEXAS)  
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I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

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