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ADMINISTRATIVE RECORD  
COVER SHEET

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KELLY RESTORATION ADVISORY BOARD (RAB)

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SPECIAL COMMITTEE MEETING  
SEPTEMBER 14, 2004  
6:30 - 8:12 p.m.

ENVIRONMENTAL HEALTH & WELLNESS CENTER  
911 CASTROVILLE ROAD  
SAN ANTONIO, TEXAS

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APPEARANCES:

Dr. David Smith;	Ms. LeAnn Herren;
Mr. Michael Sheneman;	Ms. Leighann Fabianke
Mr. Don Buelter;	Ms. Larisa Dawkins;
Mr. Sam Murrah;	Ms. Robyn Thompson;
Mr. Mark Stough;	Ms. Rose Campos;
Mr. Rodrigo Garcia;	Ms. Tanya Huerta;
Mr. Armando Quintanilla;	Ms. Esmeralda Galvan;
Mr. Daniel Gonzales;	Ms. Abbi Power;
Mr. Mark Weegar;	Ms. Kelley Siwecki;
Mr. Sam Sanchez;	Ms. Norma Landez;
Mr. Robert Silvas;	Ms. Gloria Ramos Cortes;
Mr. Nazirite Perez;	Ms. Leslie Brown;
Mr. Jay Romo.	

And others in attendance who were not identified.

1 RAB 09/14/04 6:30 P.M.

2 DAVID SMITH: I'd like to welcome you to the RAB  
3 meeting. This, as you know, is a special meeting called to  
4 review the semi-annual compliance plan and its reporting process.

5 In order to try to do a little bit better job of  
6 keeping track of who's here and when and how that all works, I'm  
7 going to do a quick role call to make sure we have names of  
8 everybody who's here. So, if you'll shout out for me -- and if  
9 you're covering for someone tonight, please let me know so I can  
10 get that spot filled.

11 I'm sorry, this type is much smaller than I can read,  
12 so I'll give it my best shot.

13 Mr. Converse? Mr. DeNuccio? Mr. Galindo?  
14 Ms. Galvan?

15 ESMERALDA GALVAN: Here.

16 DAVID SMITH: Mr. Garcia is here.

17 Daniel Gonzales?

18 ROSE RAMOS: I'm here for him.

19 DAVID SMITH: Okay. Mr. Murrah? I saw Mr. Murrah.

20 Pete Muzquiz? Mr. Pena? Not here.

21 ARMANDO QUINTANILLA: Who's his alternate?

22 DAVID SMITH: I don't believe he has an alternate.

23 Mr. Perez?

24 Oh, Daniel is here. We did pick up Daniel Gonzales.

25 Mr. Rice, are you filling for --

1 ARMANDO QUINTANILLA: I'm filling in for Rice.

2 DAVID SMITH: Sergio Rodriguez? Not here.

3 Mr. Sheneman is here. Mr. Silvas is here. Carol  
4 Vaquera.

5 At the moment we have eight, which is one less than  
6 we need for a quorum. We may end up having a quorum here, in  
7 fact. The purpose of the meeting, of course, is to review this  
8 work. So we may or may not have a need for it or actions, but at  
9 the moment, that's where that piece will stand.

10 Some of you may have heard that Mr. Antwine has been,  
11 at least temporarily, reassigned to the D.C. area and because of  
12 that, he will not be with us tonight. Larisa Dawkins will be  
13 filling in that spot and will take the portion of the evening, as  
14 least, as the government co-chair.

15 Ms. Dawkins, it looks to me like we're one short of a  
16 quorum. If we do not in fact have a quorum, then you can call  
17 the meeting to order.

18 LARISA DAWKINS: I'd like to call the meeting to order.

19 DAVID SMITH: Okay. Next item on our agenda is the  
20 Pledge of Allegiance.

21 (PLEDGE OF ALLEGIANCE)

22 LARISA DAWKINS: During a moment of silence, we'd just  
23 like to recognize Dick Walters. He was an integral part in the  
24 development of the RAB and he is going to be sorely missed. He  
25 passed away last week. So if we could all just remember him

1 during a moment of silence.

2 (MOMENT OF SILENCE)

3 DAVID SMITH: Thank you.

4 Those of you who are working me with on the agenda  
5 we're still in Section Number 1.

6 Boy, it sure is warm in here, isn't it? Anybody have  
7 any influence about getting us some air conditioning?

8 As we noted, the specific goal for this meeting is to  
9 review the semi-annual compliance plan reporting process. Some  
10 of you who worked with us at the TRS last time know we used a bit  
11 different format for gathering questions, and we'd like -- it  
12 seemed to work very well, so we're going to try to follow that  
13 again this time.

14 The way that format worked was, we know that some of  
15 you have some questions that you already have in mind that you'd  
16 like to ask. We'd like to gather those as quickly as we could  
17 and get those written down on the board and see how many of those  
18 we in fact pick up in the reporting process. At the end of the  
19 reporting process, then we'll give you a chance to pose  
20 additional questions and try to pick up anything that didn't get  
21 picked up. And anything that can't be responded to directly in  
22 this meeting will be responded to in terms of a request for  
23 information that will get turned around to you.

24 So, the place that we need to start is wondering if  
25 at the moment there are some specific questions that you would

1 like to have addressed in this presentation.

2 COURT REPORTER: Hi, I'm Vickie Garza. I'm the court  
3 reporter taking tonight's meeting down. I ask that everyone  
4 please speak as loudly as possible and give me your name before  
5 you speak so that I know who's talking and who to give credit.  
6 Thank you.

7 DAVID SMITH: Thank you. That was my fault. I was  
8 supposed to make that announcement. I didn't do it. I was also  
9 supposed to point out that we do have services.

10 SPANISH INTERPRETER: I have an announcement for Spanish  
11 speaking people. (SPEAKING SPANISH)

12 Thank you.

13 DAVID SMITH: Thank you so much.

14 Presentation questions? Yes, sir?

15 MALE SPEAKER: The new chair -- (inaudible-name), is  
16 there any way we can get some background on her, what her  
17 experience is and where she's from. I know nothing about her.

18 DAVID SMITH: Do you want to address that?

19 LARISA DAWKINS: My name is Larisa Dawkins. I am not  
20 from San Antonio. I moved here about two years ago. I have a  
21 Masters in Public Health from George Washington University and I  
22 also have a Bachelor of Science and (inaudible) Technology from  
23 Howard University.

24 I've been working with the Air Force through the Real  
25 Property Agency since July of 2002. I work in the Community

1 Involvement Section. My title is Environmental Health  
2 Coordinator. I've worked with (inaudible), City of San Antonio.  
3 I'm pretty much an interim public affairs officer right now.  
4 Anything you want, I can get it for you.

5 MALE SPEAKER: That's fine. Thank you. Nice to you  
6 know you.

7 DAVID SMITH: Anything else? Yes, sir?

8 RODRIGO GARCIA: I submitted a lot of basic questions in  
9 writing and I'm going to let some of the committee members read  
10 them and pass the list around.

11 One of the things I want investigated is when we made  
12 this motion to have this special meeting, we requested in that  
13 motion that CH2MHill be here to give a presentation and expertly  
14 answer these questions, because they're the ones that prepared  
15 the report. I was told briefly before this meeting it was done  
16 by Air Force personnel. Well, who did it? That's the mass  
17 confusion we have with things not be clarified to the community  
18 and the board members. That's the first thing; is who did it,  
19 and why isn't CH2MHill here to answer these questions like we  
20 have put in the motion?

21 I want you to review how the motion was sent and  
22 review minutes, how the motion was presented and why we -- we  
23 requested and how it was prepared.

24 There are a lot of other things that I was reading in  
25 minutes that we requested in the past concerning this report, and

1 they have not been answered. And I am very angry about CH2M Hill  
2 not being here to answer these questions after we put that in a  
3 motion, and I am going to take some action against it. I'm going  
4 to go after Mr. Antwine and the Air Force staff here because this  
5 is not Burger King. They cannot make decisions and have it their  
6 way when the RAB made a motion and passed certain motions and  
7 asked for some information that has never been given to us. And  
8 that's the first issue. Why aren't they here, and who actually  
9 put this report together?

10 DAVID SMITH: Okay. Robyn captured that on the board  
11 here.

12 ROBERT SILVAS: There's something else I'd like to add.  
13 It's sort of what he's going along with the lines of. Companies  
14 come in and review the studies; for example, CH2 at Kelly was  
15 brought up. The other one was SAIC. I repeatedly asked these  
16 people to come up and give us a breakdown on Zone 3 report and  
17 they haven't done that, and I'd like that addressed that also.

18 ROBYN THOMPSON: And that's for Zone 3?

19 ROBERT SILVAS: Zone 3.

20 DAVID SMITH: Zone 3.

21 Okay. Well then, how about if we go ahead and work  
22 our way through the presentation. At the end of the  
23 presentation, we'll take a look and see what already got answered  
24 and see what we need to add to that list. And we'll also work  
25 our way through the comments made as part of that.



1           As you can see from the agenda, Mark Stough is going  
2 to do that presentation for us.

3           I'll turn that to you.

4           MARK STOUGH: Thanks, David.

5           He's already mentioned my name. I'm Mark Stough.  
6 I'm a project manager with the Air Force Real Property Agency,  
7 and I manage the project that generates the compliance -- semi-  
8 annual compliance plan reports. So I wanted to kind of focus  
9 tonight on the compliance plan and hopefully get an understanding  
10 of what the requirements are of the compliance plan and that will  
11 give us a better understanding, perhaps, of why the semi-annual  
12 compliance reports contain certain information and not other  
13 information.

14           So, hopefully it will assist in answering some of the  
15 your questions that you've had with regard to the preceding  
16 reports.

17           I just want to begin tonight's presentation with just  
18 a brief -- some brief background information that will help us in  
19 understanding the objective and the purpose of the compliance  
20 plan. In all likelihood you've probably seen this information in  
21 previous presentations here, but I believe it's important for the  
22 context of our discussion tonight.

23           The former Kelly Air Force Base Environmental Team  
24 began or initiated environmental restoration activities in the  
25 early 80s under the Defense Environmental Restoration Program.

1 And it was in the late 80's that there was a discovery of jet  
2 fuel in shallow groundwater during the city -- the storm drain  
3 project. And as a result of that, we installed our first  
4 clean-up system in 1990.

5 Further investigations in the late 90s, around the  
6 1998 timeframe, lead to the discovery of a shallow plume, a  
7 groundwater plume, extending off base. And the chemicals of  
8 concern are essentially those handful of VOC's you see there on  
9 the slide.

10 History of the compliance plan. In 1989 the Kelly  
11 Air Force -- or former Kelly Air Force Base was issued an order  
12 by the State Regulatory Agency -- I believe at the time it was  
13 the Texas Water Commission, they're now known as TCEQ -- as a  
14 result of a number of compliance issues related with the base.  
15 And part of the order related to impacts to the shallow  
16 groundwater and they essentially required us to do remedial  
17 assessments and to begin some groundwater monitoring and also  
18 monitoring associated with Leon Creek.

19 And while we were under order, initial remedial  
20 investigation and feasibility studies were completed for Zones 1,  
21 2, and 3. And we also began what we called Base-Wide Remedial  
22 Assessments in 1994. And what those were, those were basically a  
23 base-wide look at the shallow groundwater, included sampling  
24 monitoring wells, and also included sampling wells associated  
25 with some RCRA units and we'll talk about that a little bit in

1 detail, and also Leon Creek. And we began that in 1994 and it's  
2 been ongoing since that time.

3           There were four waste management units that -- where  
4 we have releases that occurred after 1982, and they were required  
5 to be permitted or to have a hazardous waste permit. And because  
6 they were permitted, the state rules required that we submit an  
7 application for a compliance plan for -- because we had impacted  
8 the shallow groundwater. And that process was initiated in the  
9 early 90's. And then after some formal proceedings, the  
10 commission issued the compliance plan and June of '98, and that  
11 was after a 45-day public comment period. I believe it was in  
12 the September '96 time frame. So, there was a process there for  
13 public participation before the compliance plan that was actually  
14 issued.

15           Most of the issues related to the order were  
16 addressed before the compliance plan was even issued. But then  
17 those few things that were not, were carried forward in the  
18 compliance plan. So, basically the compliance plan supersedes  
19 the order.

20           Of course, the major requirement of the compliance  
21 plan is the semi-annual reports that you see in January and July.  
22 We submitted our first semi-annual report in January of 1999, and  
23 we'll talk a little bit about the reports in a later slide.

24           This is just an attempt to kind of give a general  
25 picture of the compliance plan. It's not exhaustive. But

1 essentially the compliance plan is broken down into two  
2 components, two sections -- corrective action and compliance  
3 monitoring and reporting. Obviously -- or tonight we're going to  
4 focus on compliance monitoring and reporting because that's where  
5 we get the semi-annual reports from. But I'd like to make just a  
6 couple of quick comments about the corrective action side of  
7 that. You'll see under the Corrective Action we have a block  
8 there for RFI, CMS, CMIs, and that's basically the stage that we  
9 go through to bring a site from investigational all the way  
10 through closure.

11 RFI is a Requisite Facility Investigation. That's  
12 where we investigate (inaudible) site or sites.

13 Then we do a Corrective Measure Study, and that's  
14 where we actually look at alternatives for cleaning up particular  
15 sites and we actually select a remedy for a site.

16 And then of course the CMI, is Corrective Measures  
17 Implementation. That is the actual design and installation of  
18 the system that we select during the Corrective Measures Studies.

19 The other sub box over there, Operation of Corrective  
20 Action System. We have a number of interim remedial action  
21 systems, most of them are pump and treats. And we have a whole  
22 separate project and a project manager who manages that aspect of  
23 our program.

24 The left box over here is the one we want to focus on  
25 tonight, and that's the actual monitoring and reporting. In

1 terms of the reports that we submit semi-annually, the January  
2 and the July report, it's important to note that they are  
3 prepared specifically to address requirements from the  
4 compliance plan. They are derived from the actual compliance  
5 plan requirements, and the compliance plan lays out specific  
6 guidelines as to what those reports are to contain.

7           You'll notice here there's some units there, SWMU,  
8 Solid Waste Management Unit. That's essentially IRP sites or  
9 groups of IRP sites. Of course Leon Creek flows through Zones 1  
10 and 2 of Kelly Air Force -- former Kelly Air Force Base and  
11 adjacent to Lackland. And then there are four, as I said  
12 earlier, regulated units.

13           And the compliance plan specifically identifies each  
14 of those solid waste management units and it identifies  
15 monitoring to monitoring network. The actual specific wells that  
16 are associated with those IRP sites are solid waste management  
17 units, and it also identifies the sampling frequency. It pretty  
18 much tells us that we are to sample during April through June of  
19 each year those specific wells, and it also outlines the exact  
20 chemical perimeters that we are required to analyze for. So it's  
21 very, very specific in terms of what we are to do in terms of  
22 monitoring these sites.

23           The same applies for Leon Creek. There are specific  
24 stations that are called out in the compliance plan that we are  
25 to sample and it identifies the exact perimeters that we are to

1 test for, and also the sampling frequency, January and July of  
2 each year.

3 RCRA units, the same there. It identifies the units,  
4 the four units, specifically. It identifies the set of wells  
5 associated with each unit, and it identifies sampling frequency  
6 of January and July, and it also outlines for us the actual  
7 specific perimeters that we are to analyze for.

8 The January report, just to comment on, covers the  
9 previous six months period. So it would cover the period of July  
10 through December. And the July report would cover the previous  
11 six-month period, which would be January through June. So,  
12 that's how the reports are set up.

13 It also, the compliance plan, goes into detail or  
14 outlines exactly who we submit the reports to. We're required to  
15 submit them to TCEQ, EPA, and the regional office. And of course  
16 we also submit information to hospitals.

17 This is pretty much in general what the reports  
18 contain. I don't want to read through all of that information  
19 there. You can -- it's there on the slide for you and you have  
20 handouts. Essentially, water level information -- that's where  
21 we obtain water level measurements for monitoring wells, and we  
22 can actually draw what we call (potential) metric surface map to  
23 see what the constant level of water is, the shallow groundwater.  
24 It also helps us determine direction of the flow of the  
25 groundwater. Of course, the vadose is chemical analysis results.

1 That information is there and that helps us in determining what  
2 constituents are present at what locations in the shallow  
3 groundwater.

4 There's a requirement for non-aqueous phase liquid,  
5 you would need to note that. By that, a non-aqueous phase liquid  
6 might be a fuel, it may float on top of the water or it could be  
7 a heavy solvent that might be at the very bottom of the well, so  
8 we have to make a note of that in the report. That's one of the  
9 requirements of the compliance plan.

10 We're also required to identify and report the  
11 quantities of groundwater that we have recovered through our  
12 corrective action system in terms of this is the amount that we  
13 recovered. And course, we draw the -- you see the plume maps  
14 that we draw that show the extent of the constituents in shallow  
15 groundwater.

16 With regard to the monitoring aspect of the  
17 compliance plan, the bottom line is, how was the clean-up of the  
18 shallow groundwater progressing? And the focus is on  
19 specifically the shallow groundwater.

20 The compliance plan has a sampling and analysis plan  
21 and quality assurance project plan, and in that document it  
22 identifies specific methods that we're to use to collect samples,  
23 whether it be a groundwater sample or surface water sample, or  
24 even sediment sample. It identifies the specific types of  
25 analysis that we're supposed to -- or that we're required to

1 perform, the procedure we're to follow when handling the  
2 procedure, and it also spells out quality assurance and quality  
3 control measurements.

4 One of the things that this helps us do is it insures  
5 that data that we collect from one event is comparable to a  
6 subsequent event because we're collecting the data, basically,  
7 with consistent method and we're analyzing consistent perimeters.  
8 So, it helps us maintain consistency and we're not allowed to  
9 change that without regulatory requirements.

10 The bottom bullet there, the monitoring requirements  
11 of the compliance plans pertain only to groundwater, Leon Creek  
12 surface water, Leon Creek sediment and Leon Creek biological  
13 samples.

14 The compliance plan also does a lot of things for us.  
15 One of the things it does is it tells us how we are to determine  
16 if we're in compliance with the standards, with the clean-up  
17 standards. And essentially, there are only two ways that we can  
18 do that. One is to take the chemical result for each well and  
19 compare that to the standard that is identified in the compliance  
20 plan. Or we can use the statistical method where you look at a  
21 site and you look at wells used in the statistics. And they even  
22 call out which statistical method that we're to use for the  
23 statistic.

24 And there's an actual exhibit in the semi-annual  
25 report, which there's a copy here at this location and also at



1 other information repositories that actually have well numbers  
2 and everything. We just kind of wanted to show a plot of wells  
3 that we monitor. It includes the wells we sampled in January and  
4 July and also the wells we sample during the big base-wide annual  
5 monitoring of the skews.

6 This is just a -- this slide just shows basically the  
7 monitoring network associated with Site S-8. That is the only  
8 site from which we have actual, I guess, final remedial action  
9 and final monitoring network in place. And that there just shows  
10 you how the wells are laid out and that we are required to sample  
11 specific wells.

12 Again, I apologize for this slide. It's really  
13 difficult to show because of the large number of stations that we  
14 monitor on Leon Creek. But, again, there's a foldout exhibit in  
15 the semi-annual report that you can look at. But we just  
16 essentially want to show you those are the stations that we  
17 monitor associated with this.

18 These here I just want to run through real quickly.  
19 I'm not going to read all these off to you. Again, you have a  
20 handout. These are the perimeters. The specific analytes that  
21 we are to analyze for in the compliance plan is called outforce.  
22 These are metals. We've also got cyanide there that we're  
23 required to monitor for.

24 Volatile Organic Compounds, that's the list of VOCs  
25 that is identified in the compliance plan that we are required to

1 monitor in our wells and Leon Creek.

2 SVOC, Semi-Volatile Organic Compounds. A lot of good  
3 names up there to practice pronouncing. But those essentially  
4 are the SVOC's that we're monitoring for.

5 And then herbicides, pesticides, PCBs, those are on  
6 the list there. And those are monitored in Zones 1 and 2 only  
7 and Leon Creek.

8 Just real quickly, I wanted to identify the public  
9 participation process that we have that's available. Of course,  
10 the compliance monitoring program, we present the semi-annual  
11 reports at the TRS, and like tonight at the RAB. And copies of  
12 the reports are all available at the information repositories.

13 Just a real quick comment on the corrective action  
14 program, as far as the public participation, of course the RCRA  
15 Facility Investigation the brief for RAB and TRS, we have -- in  
16 fact, we just had recently, I believe, a public meeting with the  
17 Zones 2, 3, CMS, Corrective Measure Study. Of course, there's  
18 the process for the actual design and implementation of remedy,  
19 the CMI. There's a process there that the state has for public  
20 comment and responding to those comments.

21 Questions?

22 DAVID SMITH: Okay. The process, as you recall now, is  
23 whatever questions you have that are fresh in your mind, we'd  
24 like to collect those and get them on the board so we don't lose  
25 track of them. We'll add additional ones if you need to.

1 So, anything else we want to add to the board?

2 Yes, ma'am?

3 ROSE RAMOS: My name is Rose Ramos. These charts -- all  
4 the sampling, the herbicides, the VOCs, the metals that were  
5 listed -- is each and every one of these monitoring wells samples  
6 for all of this?

7 MARK STOUGH: That's correct. With the exception of the  
8 pesticides and the PCBs. Herbicides, pesticides and PCBs are  
9 only required to be sampled from wells in Zones 1, Zones 2 and  
10 Leon Creek. That's the only exception. All other metals, VOCs,  
11 COCs, normal wells are sampled.

12 ROSE RAMOS: So we could get a copy of each well and  
13 their purpose?

14 MARK STOUGH: Yeah. It's in the semi-annual report and  
15 it identifies every well, every analytical result. All of that  
16 is summarized.

17 ROSE RAMOS: Okay.

18 ARMANDO QUINTANILLA: Is Zone 1 the golf course?

19 MARK STOUGH: Yes.

20 ARMANDO QUINTANILLA: How come you're doing that? It  
21 belongs to Lackland?

22 MARK STOUGH: The Zone 1 portion is still in the  
23 compliance plan, and since it's still in the compliance plan, we  
24 have to continue to monitor it. We do get funding from Lackland  
25 to accomplish that portion of the monitoring.

1 MARK WEEGAR: And that property transferred over to Zone  
2 1 and Zone 5 and transferred to Lackland. We had some meetings  
3 with the Air Force to advise them about getting their own  
4 compliance plan and to address them. Of course the problem is  
5 inherited and they were --

6 ARMANDO QUINTANILLA: They haven't done it yet?

7 MARK WEEGAR: No. They were resistant to doing that.

8 ARMANDO QUINTANILLA: Of course.

9 MARK WEEGAR: So, since we already had the Air Force  
10 captured in the compliance plan via Kelly --

11 ARMANDO QUINTANILLA: You didn't want to gamble, right?

12 MARK WEEGAR: It doesn't matter. I mean, it's the U.S.  
13 Air Force, right. It's our tax dollars they're spending,  
14 whichever base it is and Kelly's responsible for submitting the  
15 data on time and as required. If that doesn't happen, everyone's  
16 getting in trouble. They have their own motivation for going  
17 back with their brother Air Force installations to get them to do  
18 what they need to do.

19 ARMANDO QUINTANILLA: And did --

20 DAVID SMITH: Mr. Silvas was next.

21 ROBERT SILVAS: The sites where there are herbicides  
22 that support Agent Orange, et cetera, what tests were there or  
23 were they tested?

24 MARK STOUGH: Again, the actual wells that were sampled  
25 there -- the map that's included in the compliance plan, it shows

1 which wells we sampled for. We're not required in the compliance  
2 plan to sample for dioxins, so we don't analyze those.

3 ARMANDO QUINTANILLA: Why?

4 MARK STOUGH: It's not a requirement in the compliance  
5 plan.

6 ARMANDO QUINTANILLA: Although they might have leaked  
7 there and everything else and it's still not a requirement?

8 MARK STOUGH: I think we looked at -- we've briefed that  
9 at previous RABs as far as what we looked at with Agent Orange.

10 ARMANDO QUINTANILLA: Okay.

11 ROBERT SILVAS: I don't understand. You're testing  
12 these other sites for herbicide, yet you haven't -- the site that  
13 stored it, you're not testing for it. That's kind of confusing  
14 there. It should be tested for it.

15 DAVID SMITH: I think the message that I heard though  
16 was that what you're trying to do is stay within the boundaries  
17 that are set for you for the compliance plan.

18 MARK STOUGH: The compliance plan.

19 MARK WEEGAR: Let me butt in there. Before the state  
20 issues a direct permit in the compliance plan, what Kelly was  
21 required to do was to look at all the groundwater monitoring data  
22 there across the site and identify which chemicals had been  
23 identified in the groundwater in specific areas. There were no  
24 pesticides, herbicides, things of that nature identified for the  
25 area that was Site S-7. There were pesticides and herbicides

1 identified in Zone 1 and Zone 2, so that's why those areas are  
2 included for the sample for those COCs and groundwater under the  
3 compliance plan.

4 ROBERT SILVAS: My next question --

5 DAVID SMITH: Just a second.

6 RODRIGO GARCIA: No, let him ask it.

7 ROBERT SILVAS: One other thing. What's the common  
8 measurements for these data gatherings? Is it parts per million  
9 or billion?

10 MARK STOUGH: PPB, Micrograms per billion.

11 DAVID SMITH: PPB, was that --

12 MARK STOUGH: That's correct.

13 Mr. Garcia?

14 RODRIGO GARCIA: I need to ask you several questions.  
15 My first one is, if we have to have this in a semi-annual  
16 compliance plan, how come you haven't given RAB members an  
17 outline of the criteria that you have to follow in developing a  
18 compliance plan?

19 And also, what does it say in that criteria about  
20 hiring consultants and the public participation of consultants in  
21 making presentations to the RAB and community when they are  
22 requested? Are you going to give us copies of all that criteria  
23 so we know what proper procedure has to be followed in preparing  
24 semi-annual Compliance reports in the future? Because we need to  
25 know what goes into those reports, who's going to do what, and

1 what are the responsibilities of the consultant you hired to do  
2 this. Because this has never been explained to the community, it  
3 has never been explained to the board members or anything.

4 There's a lot of things that we questioned and our questions are  
5 never answered. That's why I'm always complaining.

6 And also, the criteria, does it have anything to say  
7 in there about air emissions? I have brought that issue up over  
8 and over again and it has never been answered. Is there anything  
9 in the criteria for compliance plan for review in past history of  
10 air emission, historical data, and all of this? And what is the  
11 compliance? And I have asked about air monitoring stations and  
12 all kinds of other things dealing with air emissions and the  
13 criteria for compliance plans to deal with that.

14 DAVID SMITH: Let me hold this right there. There were  
15 at least three questions.

16 MARK STOUGH: I believe in the past that when the  
17 compliance plan -- and that was issued -- was that briefed  
18 initially?

19 LESLIE BROWN: During the compliance plan, original  
20 compliance plan, we had to submit an application.

21 I'm Leslie Brown, attorney with the Air Force Real  
22 Property Agency.

23 We had to submit an application. We had to put it  
24 out for public comment that requests for hearings. During that  
25 time period, we had several meetings with Sicon (sp), they were

1 the main contestant. And the criteria for receiving from the  
2 Edwards compliance plan was discussed, it was discussed during  
3 RAB meetings, and the settlement agreement that we entered into  
4 before we got the permit for the compliance plan was discussed  
5 during that meeting.

6 MARK STOUGH: In terms of the contract, that's not --  
7 that's an Air Force contracting mechanism. That's not tied into  
8 the compliance plan in terms of the compliance plan documents  
9 itself. That's something that the Air Force builds through  
10 contract mechanisms to --

11 RODRIGO GARCIA: Well, several days ago, Adam told me  
12 that you do a lot of the work of putting the data and the  
13 information in doing this report. Not the contractor, CH2MHill.  
14 And then I asked him, well, why in the world do we have CH2MHill  
15 if you're telling me now that your staff is doing all of this  
16 work? I have been getting, you know, several conflicting answers  
17 from Adam and I have not gotten a straight answer for all of  
18 this. And I want to know who to hold responsible for this and  
19 the lack of participation from the consultant that you hired.

20 DANIEL GONZALES: If I may. My understanding of it was  
21 that we -- in order to get a clear understanding of the  
22 community, the Air Force staff went back and readdressed what  
23 CH2MHill originally prepared, and it's really bringing back  
24 presentation of the work that they did. That was the  
25 understanding that I got from basically the same conversation.



1 So I don't know -- but that was put down on the table as well.

2 DAVID SMITH: Thank you. We will go back and check the  
3 minutes as you asked.

4 TONYA HUERTA: My name is Tonya. Once this compliance  
5 plan -- are you still working on the original compliance plan or  
6 is it modified according to each issue?

7 NORMA LANDEZ: The compliance plan has been modified.  
8 The only substance modification that we made in the last few  
9 years has been the Site S-8 or the corrective actions system in  
10 groundwater monitoring requirements for Site S-8. That's the  
11 only final remedy that was collected.

12 TONYA HUERTA: Was the compliance plan ever written?

13 NORMA LANDEZ: The original compliance plan was issued  
14 to us June 12, 1998, and we've had about six modifications since  
15 then. Some of them have been minor, like changing of names --  
16 you know, misspells of close-out sites, and others have been to  
17 make changes as needed. But --

18 TONYA HUERTA: Were the plumes known to be as big as it  
19 is now in 1998?

20 NORMA LANDEZ: In 1998 we were still -- For Zone 4 we  
21 were still in investigation. But for the zone -- I mean, we  
22 don't -- even though Zone 4 has no -- currently has no well  
23 selected for required monitoring, we do monitor the Zone 4  
24 groundwater and include the data in the report.

25 TONYA HUERTA: It does?

1           NORMA LANDEZ: And those are choices that we made  
2 in-house in the office.

3           TONYA HUERTA: And the other question is: In the past  
4 we had like charts that sort of went along with the compliance  
5 plan that we could show the public about the cleanup and how much  
6 of it had been cleaned up. Is that -- do we still have those  
7 available so we can compare the stuff from four years ago to show  
8 how much was cleaned up and what the levels were?

9           MARK STOUGH: We have these plume plans and it's got the  
10 overlays that shows the concentrations in time -- it compares  
11 current to previous.

12           TONYA HUERTA: But how far previously, like from '98?

13           MARK STOUGH: I'm not sure.

14           TONYA HUERTA: '99?

15           MARK STOUGH: '99 to 2003.

16           DON BUELTER: The PCBs, that's '98 because that's pretty  
17 much when we got the plume.

18                    So, I think you're -- you're asking about the -- like  
19 the sites and the charts, about how much they disclose and those  
20 kings of things?

21           TONYA HUERTA: That, but also the plumes that -- people  
22 will know that those concentrations have changed over the years.  
23 Because I think when we look at the map, we just see a bunch  
24 still. Is there any way you can put them side by side? I mean,  
25 you used to do that.

1 DON BUELTER: Yeah, this is kind of an overlay. It's  
2 difficult. Size sometimes doesn't change as much as the  
3 concentration within the plume.

4 TONYA HUERTA: We want to make certain concentrations  
5 changes are showing up as well.

6 DON BUELTER: It's hard to -- you know, you go down and  
7 you only have so many shades and colors you can use year to year  
8 without it getting too complicated.

9 DAVID SMITH: So, Tonya, is the request really then a  
10 request for making available some kind of representation that's  
11 going to allow you to convey that to the public?

12 TONYA HUERTA: I think so. Even if we took the maps  
13 from 2000 and 2002 and then this, maybe they could help. I know  
14 the colors changes.

15 DON BUELTER: And that's something that we can look at.  
16 Not only here, but -- I mean, other people visualize things  
17 differently. One of the things we may look at is more --  
18 starting to have our systems in place or interactions and  
19 performances using graphs and monitoring wells, how the  
20 concentrations change year to year that you can actually see  
21 graphically. Some people see that easier than concentrations  
22 going down right outside of treatment. So, those are good  
23 suggestions Tonya.

24 TONYA HUERTA: I think that would help.

25 DAVID SMITH: We're going to put that on as a request

1 for information to get that for you. Okay?

2 TONYA HUERTA: Okay.

3 DAVID SMITH: Who's next? Sam?

4 SAM SANCHEZ: Going back to that same question. You  
5 know when they developed the original compliance plan in 1998,  
6 they had certain assumptions, certain inputs went into that TCEQ.  
7 Are those assumptions still valid? I mean, is there anything  
8 that's happened that might make us change those functions? For  
9 instance, the rediscovery and the walling off of the -- and the  
10 concentration of chemicals in east Kelly? The flow of water, is  
11 it still -- groundwater, is it still the same rate or has  
12 anything happened to change those assumptions?

13 I think there was a presentation you did at one of  
14 the RABS or one of the meetings. It was like an animated  
15 presentation that showed the plume and then the concentration  
16 getting smaller or changing or doing different things. There  
17 might be somebody -- perhaps the staff might be -- for this  
18 particular RAB, they might need to know that -- who we were, and  
19 where we were, and where we are now, and whether those  
20 assumptions still remain the same. I mean, that's a question and  
21 a statement both.

22 TONYA HUERTA: This goes back to what I was saying. I  
23 don't think people realize that this breaks up and it becomes  
24 this. So when you see this growing, it's because this is  
25 breaking up. And I don't think we remember that presentation

1 where they talked about monitoring chemicals, but it was just --

2 DAVID SMITH: I remember it.

3 TONYA HUERTA: I think people don't realize that.

4 DAVID SMITH: Robyn is collecting that for you.

5 Did you want to respond to that?

6 NORMA LANDEZ: Yeah. I wanted to respond to what Sam  
7 was saying. Just for your information, we go through the  
8 corrective action process where we go from the (inaudible)  
9 investigation into the corrective measure study, and then into  
10 the CMI, Corrective Management Implementation. When we move to  
11 that process, we come in here at different times and talk to the  
12 other TRSs and RABs about where we are. We've talked -- we've  
13 reviewed Zones 4 and 5, RS-5s and the CMSs. It's several public  
14 meetings. Also, recently we did the Zone 3 RS-5 and we also did  
15 the Zone 2 and 3 CMS.

16 When the TCEQ approves the Corrective Measure Studies  
17 for each of the zones and for each of the sites that we have  
18 identified in the zones, then we'll be obligated to the next  
19 step, which is to submit a Corrective Measure Implementation work  
20 plan with a Class 3 modification to this compliance plan. The  
21 Class 3 modification provides for -- do we have that slide in  
22 there; the participation slide?

23 When we submit that Class 3 modification, we will be  
24 required to do notices and public meetings, and you'll have an  
25 opportunity to comment to the state, and then the state will

1 provide responses back to your comments. Again, there will be  
2 two notices. The last one we had was about a year timeframe  
3 between one notice to the next.

4 So, it does provide you with another opportunity to  
5 make comments on not only the design for the corrective measure  
6 but also groundwater monitoring and networking we're going to be  
7 pulling for each one of the sites and also anything else that's  
8 within that Class 3 modification for those specific sites.

9 So, if you look at our current compliance plan and  
10 what we've done, especially in the areas that I've been working  
11 in, Zones 2 and 3, the Zone 3 -- what we originally did in the  
12 compliance plan application, there were some sites that we didn't  
13 know that really had them there. When we get a groundwater  
14 contamination, we'll be monitoring that groundwater contamination  
15 for a long period of time. But now we know where the sources are  
16 specifically and so all of that information will eventually  
17 put -- rolled into the compliance plan and will be required of  
18 the -- PRBs will have to be monitored, the slurry wall around  
19 and -- I mean, we're already monitoring them, but those will be  
20 requirements and those will be specific wells we have to monitor  
21 every year, and that report will come out once a year to you  
22 guys.

23 DAVID SMITH: Okay. Yes, sir?

24 JAY ROMO: I had a question in reference to these zones  
25 and the response that you made earlier concerning compliance

1 plan which -- his question about Agent Orange being involved in  
2 parameters, but it bodes the question, who is responsible for  
3 testing for that type of chemical?

4 COURT REPORTER: I'm sorry. What was your name?

5 JAY ROMO: Jay Romo.

6 MARK STOUGH: It's my understanding that we --

7 MARK WEEGAR: Let me try to answer that. The way the  
8 compliance plan works is that there were -- whatever issues there  
9 were with specific units that are identified with the compliance  
10 plan, there were also lists of units that not been investigated  
11 yet, but the Air Force was required to investigate it. If we had  
12 an investigation process, it would determine those units released  
13 into the environment and that release had impacted the  
14 groundwater and would require some remedial action. They would  
15 then have been required to modify the compliance plan and add  
16 that specific unit to the long-term monitoring compliance plan.

17 So, they did an investigation at Site S-7, which is  
18 the Agent Orange storage area.

19 JAY ROMO: Who did the investigation?

20 MARK WEEGAR: The Air Force.

21 JAY ROMO: Oh, okay.

22 MARK WEEGAR: The Air Force investigated and determined  
23 that the releases that occurred could be remediated through slow  
24 removal. They did a remedial action, there was no impact to the  
25 groundwater. That site has actually been closed out and

1 certified by the State of Texas as having been approved for  
2 closure. There was no groundwater impact. So because of that,  
3 it was not carried forward and added to the compliance plan. If  
4 that site had been determined to have released into groundwater,  
5 then that release would require a clean up. A groundwater clean  
6 up application would be put in place and the Air Force would have  
7 been required to modify the compliance plan and add that to the  
8 semi-annual reports. That's how the process gets there.

9           If they had release, they could clean it up. But if  
10 there's no groundwater contamination, they're not required to  
11 have it because basically they can clean up -- you know, it's  
12 good once it's certified. No further action is required. No  
13 further monitoring. It's basically closed out.

14           JAY ROMO: What about undiscovered sites?

15           MARK WEEGAR: Any -- the process of Kelly's directive  
16 action out here, if they identify a site previously unknown, the  
17 same process is in play. They investigate the site, the release.  
18 If they can go out there with just a simple soil contamination,  
19 they can go out there and remove the soil or treat the soil. IF  
20 there's no groundwater impact, they can send a report to the  
21 state that verifies what they've done to investigate a remedial  
22 site. If that site has released some groundwater requiring some  
23 type of corrective action, they would be required -- it's the  
24 same process -- come back, modify the compliance plan and add  
25 that as one of their long-term remedial actions sites. They



1 would have to go through the whole corrective action process and  
2 have to establish long-term monitoring wells, monitor corrective  
3 action purposes.

4 LESLIE BROWN: The entire process is set out.

5 MARK STOUGH: There's something else I'd like to add.

6 ROBYN THOMPSON: I'm sorry. I just wanted to come back  
7 before we forget Mr. Garcia's question with regard to air  
8 emissions and historical data.

9 MARK STOUGH: The compliance plan is specifically  
10 limited to shallow groundwater, so we do not do -- we're not  
11 required to do air monitoring. So we don't do that.

12 DAVID SMITH: Mr. Romo, did that answer your question,  
13 sir?

14 JAY ROMO: Partially.

15 DAVID SMITH: If there is more, we should try to get him  
16 the answers.

17 Mr. Silvas, do you have something you want to ask?

18 ROBERT SILVAS: Yes, there's a couple things I want to  
19 add to the same line. The unknown areas that do exist that have  
20 not been confirmed because of investigations done by two  
21 agencies -- if those investigations are being held back, if they  
22 do exist -- Building 171, we need to realize that building there  
23 was just recently taken off the property. The city leased it.  
24 It was a former storage area during Vietnam and Korea.

25 So, there's one other warehouse that's possibly known

1 and yet hasn't come out and identified. The other one is 2103  
2 Ackerman Road, which handled Agent Orange. And the study -- the  
3 investigation that was done by the state was inadequate and  
4 failed to identify the release to the public.

5 MARK WEEGAR: Robert, we investigated that site and made  
6 that information public record.

7 ABBI POWER: And the other thing is, the Ackerman Road  
8 site was not part of Kelly Air Force Base. It is a separate part  
9 owned by a separate entity.

10 ARMANDO QUINTANILLA: Who investigated it?

11 ABBI POWER: We've investigated it, TCEQ. We  
12 investigated it.

13 MARK WEEGAR: At Mr. (inaudible)'s request, we provided  
14 documentation. That investigation gave us (inaudible)

15 ABBI POWER: That information is public record. You're  
16 more than welcome to it. If you don't like the copies you  
17 receive through this venue, you're more than welcome to come to  
18 our office and look at the entire file.

19 ARMANDO QUINTANILLA: My point is, TCEQ is  
20 responsible -- was responsible --

21 ABBI POWER: We've investigated it. We've investigated  
22 it and closed the investigation.

23 LARISA DAWKINS: (inaudible)

24 COURT REPORTER: I can't hear.

25 MARK WEEGAR: Yes. Building 171 she's asking about was

1 recently just taken off the property market for the city.

2 (inaudible) Kelly Health Authority.

3 DANIEL GONZALES: Are you saying that that building does  
4 not have --

5 MARK WEEGAR: They're no longer going to put it up for  
6 rental. What else can I say? The base is no longer going to  
7 be --

8 DANIEL GONZALES: Are you saying there's something  
9 stored there?

10 MARK WEEGAR: Whatever the Air Force handled. They  
11 handled chemicals, parts. If they handled it, it's laying there.

12 GLORIA RAMOS CORTES: You have what they stored in  
13 there, the Air Force? There was never any paper trail stating  
14 what was stored there and nothing we could say -- we have no  
15 information. It was pretty much, you know, your guess is as good  
16 as my guess, and that was their answer.

17 DAVID SMITH: Sounds like we don't have the answers to  
18 that question, but we'll get it on there and get responses.

19 ROBYN THOMPSON: I'm sorry. Mr. Silvas, is your  
20 question you'd like to know --

21 ROBERT SILVAS: Just confirming the two unknown sources  
22 that were not identified. One was the (inaudible) board to the  
23 State, 2103 Ackerman Road. The other site was identified by  
24 Mr. Wilkerson at a meeting and recently was taken off the  
25 property for the city to put through Kelly authority to rent that

1 space.

2 ROBYN THOMPSON: And you'd like to know if there was  
3 Agent Orange stored there?

4 ROBERT SILVAS: Well, it does have a high case of ALS in  
5 Building 171, that's correct.

6 LARISA DAWKINS: Would you like to know why they took it  
7 off the market?

8 ROBERT SILVAS: I can already tell you why. It was a  
9 storage warehouse.

10 LARISA DAWKINS: Okay. What is your questions? I mean,  
11 what do you want to know; if they took it off the market?

12 ROBERT SILVAS: Yes.

13 LARISA DAWKINS: Okay.

14 DAVID SMITH: Okay. Mr. Gonzales?

15 DANIEL GONZALES: As far as the compliance plans, them  
16 being modified, when was the last modification? When was it last  
17 modified?

18 NORMA LANDEZ: The last modification was approved  
19 August 12 of this year. It was basically to remove property that  
20 corrective action -- or all corrective action (inaudible) and we  
21 are in the process of --

22 DANIEL GONZALES: Now, has that been brought back to the  
23 RAB?

24 LARISA DAWKINS: No, because they're minor  
25 modifications. You know, we just recently did that and we're in

1 the process of putting a letter -- rules of the state require  
2 that if we do modify, then we have to submit a letter to the  
3 community that identifies the modifications through the  
4 compliance plan, that there have been some modifications of some  
5 sort.

6 DANIEL GONZALES: So, will it be sent out?

7 LARISA DAWKINS: We will send that letter to the RAB.

8 DANIEL GONZALES: But will it -- is it something that  
9 the RAB can expect to -- that if there are questions to that  
10 modification for a reason, that they can at least know? Because  
11 one of our key functions is to also be able to answer questions  
12 in a survey, general questions. That's the only thing.

13 LARISA DAWKINS: Right. We can do that or we can  
14 provide you a list of the modifications.

15 DANIEL GONZALES: Well, that would help, I think, the  
16 current RAB, get caught up --

17 LARISA DAWKINS: Okay.

18 DANIEL GONZALES: -- to the changes of members. It  
19 might be addressed.

20 LARISA DAWKINS: Okay.

21 DAVID SMITH: Mr. Garcia, then Mr. Quintanilla.

22 RODRIGO GARCIA: First of all, I have a question. I  
23 have not gotten the name and the address and the phone number for  
24 Mr. Michalek, that Agent Orange specialist that came and  
25 addressed us. I think Mr. Romo needs to be given that

1 information too so he can direct his Agent Orange questions at  
2 him also.

3           Second, there are six big volumes in there concerning  
4 that semi-annual report. When that thing was coming out, I asked  
5 Mr. Antwine, why didn't you as a client require and ask the  
6 consultant to put together for the benefit of the community and  
7 the RAB members a 30 or 40-page executive summary of all that so  
8 we could get a very full understanding of what is in those books.  
9 I have requested it four or five times. I have been ignored by  
10 Mr. Antwine and some of his people. And part of -- he says that  
11 they didn't do that. I said, well, that's negligence on your  
12 part because you should have requested it in your contract with  
13 the next consultant that does the semi-annual report, you put in  
14 there he has to attend so many public meetings, he has to provide  
15 executive summaries of all the information he puts in there, and  
16 he has to communicate with the community as required and make  
17 public presentations. Because the fiasco that's happening now  
18 with CH2MHill is because you didn't write it in your contract as  
19 the client that he has to do all of this.

20           And a lot of RAB members and community members are  
21 very upset that we have all this information rammed in there and  
22 we don't have time to sit down here eight hours a day, five days  
23 a week, studying all of that and learning all of that to see a  
24 status of this condition. So, I suggest that you find a way to  
25 hire a consultant that will attend public meetings.

1           And I also need you to clarify who did most of the  
2 reports and how are we going to get executed summaries to RAB  
3 members so we can more fully understand what goes into all of  
4 that, and the guidelines from the government or the Air Force as  
5 to what is supposed to go in compliance reports.

6           LESLIE BROWN: There is an executive summary in there  
7 that explains the six volumes. It sounds to me like what you're  
8 requesting is more appropriate for a TAPP contract, that a TAPP  
9 contract who knows and review --

10           RODRIGO GARCIA: Well, I have asked for the TAPP  
11 guidelines. I have asked for funding information, the status of  
12 the TAPP program. I have asked all kinds of questions of the  
13 TAPP and that has never been answered. I asked for questions of  
14 all the clean-up projects going on, itemize all the projects, how  
15 much money is being spent on these projects, how many projects  
16 are now closed and how much money was spent, how many projects  
17 are now open and how much money is being spent on them.

18           And those questions have never been answered by Adam  
19 Antwine or anyone on staff. That's why I say we're going to have  
20 to make some attitude adjustments and change the operation of  
21 this TAPP (inaudible) and the way they hire consultants.

22           DAVID SMITH: Mr. Garcia, I beg to differ with you.  
23 That TAPP material was briefed. It was briefed twice. It was  
24 briefed at two TRSs and you missed them both.

25           RODRIGO GARCIA: We still didn't get any written

1 information.

2 DAVID SMITH: We have. If you need additional  
3 information, that can be provided. Please don't take it out on  
4 the folks--

5 RODRIGO GARCIA: I expected to see it in one of the  
6 folders, to see a section on funding and all this and I have  
7 never seen them give us a folder that explains all the funding  
8 and money being spent on TAPP and all these other clean-up  
9 programs and that's the truth.

10 DAVID SMITH: Okay. TAPP has already been addressed  
11 several times.

12 Mr. Quintanilla?

13 ARMANDO QUINTANILLA: I'm going to give a brief  
14 statement here. The RAB is responsible for advising the staff  
15 concerning all of these items, and has enough -- I feel that the  
16 RAB has not done it's job. In regard to this briefing here  
17 today, has the RAB ever participated in the decisions to modify  
18 the compliance plan or in coming up with modification for the  
19 compliance plan? And I'll give you a copy of this. They're all  
20 written in here.

21 My other question is on the environmental clean-up  
22 history. It says here the environment program was initiated in  
23 1982 under CERCLA. When was it changed to RCRA? That's my  
24 question.

25 The other question that I have is on the discovery of



1 the off-base shallow groundwater. What year did the Air Force  
2 discover the contaminated shallow groundwater plume off base?

3 MARK STOUGH: That was in 1998.

4 ABBI POWER: No, it wasn't in '98, it was '87.

5 LESLIE BROWN: When it was first discovered, it was off  
6 base. But the Zone 4 plume was discovered in 1998.

7 ARMANDO QUINTANILLA: Okay. Well, anyway, what year did  
8 the Air Force discover the contamination of shallow groundwater?

9 LESLIE BROWN: That depends on the area.

10 ARMANDO QUINTANILLA: Off base.

11 ABBI POWER: 1987.

12 ARMANDO QUINTANILLA: '88?

13 ABBI POWER: '87, '88. We're arguing back and forth.

14 ARMANDO QUINTANILLA: Okay. Now, the other question is  
15 on the history of the compliance plan. In June of 1998, TCEQ  
16 issued a compliance plan to the former Kelly Air Force Base after  
17 the mandated public comment period. Now, why did it take nine  
18 years for TCEQ to issue the first compliance plan?

19 You know, you ordered Kelly in 1989 --

20 NORMA LANDEZ: Long history, but I can put a history  
21 together of the modifications along with the --

22 ARMANDO QUINTANILLA: That's what I want.

23 ABBI POWER: Isn't it part of the compliance plan?

24 Isn't there a table exhibited in Page 78 of the compliance plan  
25 report that briefly says what's happened since the last one?

1 NORMA LANDEZ: Yeah, since the last one.

2 ABBI POWER: Yeah. So, I mean, that's part of the  
3 compliance plan. So if you spend the time -- I mean, I think the  
4 purpose of this briefing, Mr. Garcia, was to give you an idea of  
5 what's in that document and how to look at that document.

6 And as Ms. Brown mentioned, there's an executive  
7 summary. So you can take the information in this briefing and go  
8 look at the executive summary and maybe focus in on parts of that  
9 report that you have a little more interest in. And as part of  
10 that report, as was mentioned in this briefing, there's a table  
11 in there that says, since the last time we gave you a semi-annual  
12 report, these things have happened.

13 My name is Abbi Power and I work for the TCEQ.

14 And so, I mean, the purpose of this briefing was to  
15 give you guys a little more guidance on how to look at those big  
16 giant reports. I mean, Mark and I have to look at them all the  
17 time. Mark Weegar, also with the TCEQ.

18 But anyways, I think that was the purpose of this  
19 presentation, is to give you guys some guidance on how to attack  
20 the report.

21 ARMANDO QUINTANILLA: Now, as to what month the reports  
22 include -- my question is on the amount of groundwater recovered.  
23 How much groundwater has been recovered to date?

24 MARK STOUGH: That information is in the report. I  
25 don't have it off of the top of my head, but it is in there.

1 ARMANDO QUINTANILLA: Okay.

2 ROBYN THOMPSON: He asked, it was initiated under CERCLA  
3 and then it changed to --

4 ARMANDO QUINTANILLA: I'll give you the questions in a  
5 minute here.

6 Another questions is, the cost of this CMS report;  
7 how much did it cost?

8 LARISA DAWKINS: Which CMS report?

9 ARMANDO QUINTANILLA: This one. This report.

10 DAVID SMITH: Let me get Mr. Perez's question.

11 NAZIRITE PEREZ: On all the sampling that's done on  
12 those wells, during that sampling, does any Mercury ever appear,  
13 and if it has, at what level does it appear?

14 MARK STOUGH: I don't know that I'm comfortable with  
15 saying that it's never appeared, but off the top of my head I  
16 can't recall any groundwater Mercury. I mean, every well that  
17 we've sampled in the semi-annual report, there's a table that has  
18 the metals and Mercuries in there and you can go through and look  
19 at all the different wells and see. I don't believe that it has.

20 ARMANDO QUINTANILLA: My next question that's been  
21 answered, Why does Leon Creek need samples since it belongs to  
22 Lackland? That's been answered. And the questions are here.

23 DANIEL GONZALES: There's a reference made that the  
24 results, I guess, will be done in June. The standards,  
25 compliance standards for statistical method, are these the ones

1 that are used or --

2 MARK STOUGH: We use statistics to determine if we've  
3 met the standard. If we haven't, the program is ongoing, but the  
4 method and confidence interval procedure is the actual statistic  
5 that was used.

6 RODRIGO GARCIA: First of all, I want to address one of  
7 the issues that Armando said about the RAB not doing its job.  
8 First of all, we don't have enough meetings and we don't have  
9 enough participation from RAB members.

10 Second, when we go to RAB meetings, the agenda has  
11 already been prepared and a lot of the stuff being discussed in  
12 the executive section is very sketchy. We are not involved in  
13 the selection process of projects. We are not involved in the  
14 discussion of how money is being spent on these projects. We are  
15 not involved in the decisions on the status of these projects.  
16 We're not involved in asking staff questions on the status of  
17 these projects. We're completely shut out of the process and  
18 that's one of the things I resent. And that's why the RAB -- you  
19 feel the RAB is not working, it's because we're not part of the  
20 planning process and we don't know enough of what's going on and  
21 we're not making decisions as to what's getting cleaned up and  
22 what's going.

23 ARMANDO QUINTANILLA: It's not a question of resenting.  
24 It's a question of not following the guidance that has been  
25 provided.

1 RODRIGO GARCIA: That's another issue too.

2 ARMANDO QUINTANILLA: And that's what's causing the  
3 whole problem. This is causing all of this that's occurring  
4 here.

5 RODRIGO GARCIA: And all of these problems that are  
6 happening, including that one, we're not getting enough out to  
7 the community. Staff is not getting -- and the government  
8 agencies, they're not getting it out to the community enough and  
9 putting stuff in the paper on the progress we've made. You know,  
10 there's not enough being put out to the community of the positive  
11 work that we're doing that shows that we're doing a good job and  
12 that a lot of things are being addressed. We need to put out  
13 more positive press on all of this. That's part of the problem.

14 ARMANDO QUINTANILLA: Changes are needed.

15 RODRIGO GARCIA: The newspaper and the television  
16 stations only look at the negative. They don't look at the  
17 positive. I have yet to see a full blown 12-part series in the  
18 newspaper explaining to the community the good work that we're  
19 doing, and that's part the problem. You know, newspapers and TVs  
20 are in the business of looking at the negative to sell news.  
21 They're not here to look at the positive. That's part of our  
22 problem that we need to solve. We need to get more involved in  
23 the decision making process and in making this thing go forward.  
24 And that has been the door that has been shut in our face ever  
25 since Patrick McCullough was here. I used to give Patrick

1 McCullough 40 to 60-page reports answering questions, and not  
2 once did any one of those reports get answered in writing as I  
3 have requested over and over again.

4 GLORIA RAMOS CORTES: That's a big problem, talking  
5 about having a lot of negativity amongst the community members  
6 towards the RAB. As a community member and also as a member of  
7 RAB, I see that -- today where is our community co-chair? He's  
8 not here. That's the point that I brought up at the last RAB  
9 meeting. He wasn't there the last -- the two meetings prior to  
10 this one. So, it's states in the guidelines that if a RAB member  
11 misses two meetings or more, they can be voted off of the board.

12 LARISA DAWKINS: That's something to be addressed in the  
13 RAB.

14 MICHAEL SHENEMAN: She needs to address it now. We  
15 don't have a quorum.

16 LARISA DAWKINS: We've already -- at the request of the  
17 RAB committee, the prior RAB, we've already gone through the list  
18 of attendees, contacted the ones that have missed, like you said.  
19 I think it's three or more consecutive meetings they may be voted  
20 off, but that's up to the RAB and we're going to be addressing  
21 that in October.

22 GLORIA RAMOS CORTES: I also have a couple questions. I  
23 was under the impression that these meetings were about the  
24 compliance and we can also ask questions and hopefully they're  
25 going to be answered. I was reading in the ATSDR report and the

1 Air Emissions Report that what's not considered was accidental  
2 spills of fluids and solvents, non-intentional, and repeated  
3 dumping, the mixing of fuels and other liquids from the jets from  
4 the airplanes and the (inaudible) of cyanide and other wastes.  
5 That was not considered in the report.

6 And as a community member who is definitely aware of  
7 a lot of illnesses and diseases and other things that are  
8 obvious, I want to know when is that going to be recalculated  
9 considering -- concerning those elements? And also, I mean, I  
10 want some more realistic numbers.

11 COURT REPORTER: Your name?

12 GLORIA RAMOS CORTES: I'm sorry. I'm Gloria Ramos  
13 Cortes.

14 ROBYN THOMPSON: If you would like, we can get you a  
15 request for information and you can write it down and we'll  
16 forward that to the woman at ATSDR that briefed it. Would that  
17 be okay?

18 GLORIA RAMOS CORTES: All right. I have another  
19 question. It's also on the air emission reports. It was based  
20 on personnel that was -- that worked on base, but that they were  
21 not wearing protective gear. It was like secondary exposure that  
22 was reported for a person that was there for about seven years.  
23 Well, we also have to consider the people that lived in Kelly's  
24 backyard, like myself and my family. A lot of family members  
25 have become very ill. It's not just me. There are tons of

1 people in my neighborhood and there are people in the whole  
2 community. And I want to know why does that report only consist  
3 of secondary exposure for seven years when you should consider  
4 folks who have lived there, grown up there, small children,  
5 pregnant women, and the elderly people, people that are more  
6 susceptible? I would like to see something on that.

7 LARISA DAWKINS: If I can just speak briefly. The ATSDR  
8 reports, the old ATSDR process, public health assessment, was  
9 started because of the concern that was brought up by the  
10 community that lived here at the Air Force base. It doesn't have  
11 anything to do with that report and we -- the last TRS, I  
12 believe, the woman from ATSDR actually came down and availed  
13 herself to the community for people to ask her questions.

14 So, the only thing that we can do concerning the  
15 ATSDR report, because you've brought up some good questions, is  
16 to forward them to the people that actually did the reports.

17 GLORIA RAMOS CORTES: No problem.

18 LARISA DAWKINS: Definitely. We can do that for you.

19 ARMANDO QUINTANILLA: Let me correct that a little bit.  
20 True, it was the RAB that requested that ATSDR report, but the  
21 people that wrote the requests through Congressman Tejera (sp)  
22 was the staff. They're supposed to provide all administrative  
23 assistance to the RAB. Okay? As long as that's clear.

24 ESMERALDA GALVAN: I have a question related to another  
25 question. You know, you've mentioned the fact that the ATSDR



1 doesn't address the problems that she was speaking of --

2 LARISA DAWKINS: No, no, no, no, no. I said that we  
3 have to ask ATSDR about her questions and then respond. We  
4 didn't do the report.

5 ESMERALDA GALVAN: Is that the responsibility of the Air  
6 Force from all the workers that have been exposed in the past?

7 LARISA DAWKINS: You mean in their report?

8 ESMERALDA GALVAN: No, I'm talking about responsibility,  
9 accountability to all of those men and workers that worked at  
10 Kelly Air Force Base that got injured or exposed to hazardous  
11 materials and chemicals. Does that release all the  
12 responsibility from the Air Force to be accountable for that?

13 LARISA DAWKINS: As far as the report is concerned, I  
14 don't think that absolution of responsibility is in that report.

15 ESMERALDA GALVAN: So that's still in the works, right?

16 LARISA DAWKINS: Yes, ma'am. The past air emission  
17 report hasn't come out yet. Just the current year. The past  
18 year has not been released.

19 ARMANDO QUINTANILLA: In that regard, we have asked and  
20 they got a person in their office that handles the compensation  
21 claims for anybody that has worked with chemicals and stuff at  
22 Kelly Air Force Base.

23 ESMERALDA GALVAN: Is that -- well, are any of our State  
24 Representatives present tonight?

25 DAVID SMITH: I don't think so.

1           ESMERALDA GALVAN: Councilmen?

2           DAVID SMITH: No. Can I just kind of hold this for  
3 just -- I don't want to lose all of your questions, but I kind of  
4 need to hold to the purpose of this meeting because we're going  
5 to lose some of our staff.

6           ESMERALDA GALVAN: Okay.

7           DAVID SMITH: And then we can get back and pick the  
8 other ones up if you wish after that. I don't want to lose these  
9 guys before we get your questions answered.

10                  Yes, sir?

11           RODRIGO GARCIA: Before we leave, I need to ask one  
12 question about the compliance report. In the compliance report,  
13 we studied chemical spills here, chemical spills there, chemicals  
14 that were here and chemicals that were there. I tie that into  
15 air pollution because some of those chemicals gave off fumes,  
16 dangerous fumes and stuff like that, and those things polluted  
17 the air. Now, are you going to find a direct link to study how  
18 the fumes from those chemicals effected the air pollution or are  
19 we going to hire a consultant that's going to study that and not  
20 include it in this compliance report to study what those  
21 chemicals, air emission from those chemicals, whether they were  
22 used inside a building, whether they were used inside an airplane  
23 or something? You know, there's a direct link to these  
24 chemicals.

25                  Now, when they're in the groundwater, when they

1 permeated into the groundwater, did they give off any fumes or  
2 anything that contributed to the air pollution? Is there any way  
3 you can tie all that together and say, Yes, we studied the  
4 chemicals, but this is a direct effect that the air pollution  
5 that these chemicals caused when they were being used above  
6 ground, when they were spilled or permeated into the ground and  
7 ended up in the groundwater. Is there anything like that that's  
8 going to be studied by your staff or are we going to put  
9 contractors together for somebody to study that and find a direct  
10 link between doing a compliance report that studies how chemicals  
11 are a problem now and how they might contribute to air pollution?

12 NORMA LANDEZ: The compliance plan is -- I mean, that's  
13 beyond the scope of the compliance plan.

14 RODRIGO GARCIA: Yeah, but --

15 NORMA LANDEZ: What the air studies is, is basically --

16 RODRIGO GARCIA: I know. In the compliance plan -- the  
17 compliance plan started -- it basically studies chemical effects.

18 Now, if we need to study the chemical effects of --  
19 or the past history of what these chemicals, air pollution and  
20 air pollutants, these chemicals put out while they were being  
21 used, we're studying what happened to them after they got into  
22 the groundwater, after they did this, after they did that. But  
23 how are we going to study what they -- what kind of air pollution  
24 they created when they were being used above ground and in the  
25 air and above ground and everything else?

1 NORMA LANDEZ: Semi-annual compliance report basically  
2 is a report that is a collection of a data taken twice a year and  
3 data that's reported --

4 RODRIGO GARCIA: Yes, I know that.

5 NORMA LANDEZ: -- report for remediations and spills and  
6 the quality of the groundwater to determine whether we are  
7 meeting with the standards in the compliance plan.

8 RODRIGO GARCIA: Yes, I am aware of that.

9 NORMA LANDEZ: It's now -- now, we do have some of the  
10 system, the radiation systems that we have -- like we have soil  
11 vapor extractions and biomonitoring at some of our sites, we do  
12 have standard air permits for those, but, you know, those are  
13 done under a separate program for the state. They're not -- they  
14 don't get reported in semi-annual compliance reports.

15 RODRIGO GARCIA: I don't remember, have we been getting  
16 a full report on where all of that is going on that you told me  
17 about, that soil vapor study and the vapor control? Have we been  
18 getting a full report on where all of that is going on?

19 NORMA LANDEZ: The information is in the semi-annual  
20 compliance report.

21 RODRIGO GARCIA: So, we need to -- like I said, you need  
22 to give us the executive summary so we know what is in there.

23 ARMANDO QUINTANILLA: The RAB has to request it for  
24 presentations at perhaps the next meeting.

25 NORMA LANDEZ: We have -- you know, we have provided a

1 report on the semi-annual compliance plan report, the  
2 January one, at both the June TRS and the July RAB meeting. So,  
3 we did it and the CH2MHill did briefings at both of those  
4 meetings.

5 ABBI POWER: There's a summary in the RAB package, so  
6 it's all in there. You just need to look for it. The executive  
7 summaries are given to you.

8 RODRIGO GARCIA: I read one of them. It was very, very  
9 sketchy. It was not -- you know, you can put an executive  
10 summary that is very, very sketchy, or you can put a well-written  
11 executive summary done by a real professional who can put all of  
12 that in 30, 40 pages. I know because I've taken school design  
13 analysis and put about 200, 300 worth of pages into 5, 10 pages  
14 that explains everything. You know, it can be done.

15 DAVID SMITH: That brings us back to our purpose of this  
16 meeting. Are there further questions we need to discuss on that?

17 ROBERT SILVAS: This plan, was the PRB reviewed under  
18 this?

19 MARK STOUGH: PRBs -- there was only one PRB that was  
20 installed at the time of the sampling we did here and that was  
21 the one in Northern Kelly portion. The rest of the PRBs were not  
22 installed in time to get -- having sampling done.

23 ROBERT SILVAS: When are we going to see the data review  
24 on that?

25 MARK STOUGH: I'm not --

1 DON BUELTER: At the last TRS we talked about when we're  
2 going to start doing PRBs samples, kind of get on the  
3 November/May cycle; the samples associated with PRBs and  
4 incorporate them into the -- I guess it would probably be --  
5 probably all be in the January report.

6 ROBERT SILVAS: So it will still show up in next  
7 compliance plan?

8 MARK STOUGH: Possibly in January 2005.

9 ROBERT SILVAS: In the PRBs do you check for arsenic?

10 DON BUELTER: I don't think so right off hand.

11 ARMANDO QUINTANILLA: I have a suggestion on these PRBs.  
12 Approximately \$23 million are being expended on PRBs on 34th  
13 Street, Building 360, Building 301, Zone 5, Zone 2 and Commercial  
14 Street. We need a briefing on those, the status of those, and  
15 answer some of these questions on PRBs.

16 ABBI POWER: That happened last time.

17 ARMANDO QUINTANILLA: It happened last time, but they  
18 didn't give us a price on that; how much it was.

19 ABBI POWER: Well, you got the information. Why don't  
20 you share the information. Isn't it your job as a RAB member to  
21 share with the public?

22 ARMANDO QUINTANILLA: I missed that. I have some  
23 questions and that's the reason I'm asking for a briefing. If we  
24 already had it, well fine.

25 ESMERALDA GALVAN: Well, you're the experts. Shouldn't

1 you know too?

2 ABBI POWER: How much it cost?

3 ESMERALDA GALVAN: Yeah.

4 ABBI POWER: No.

5 ESMERALDA GALVAN: Not off the top of your head, but a  
6 round figure or something.

7 ABBI POWER: He has the information right there.

8 NORMA LANDEZ: He requested it and we gave it to him.

9 DAVID SMITH: Everybody stop talking for a second.

10 ARMANDO QUINTANILLA: He asked a question about arsenic  
11 and I'm just wondering what does it filter, what is it not  
12 filtering.

13 DON BUELTER: It doesn't.

14 MARK WEEGAR: They were installed to address the  
15 groundwater.

16 ABBI POWER: And we talked about that in the last  
17 meeting.

18 ROBERT SILVAS: I've got one last question I'd like  
19 answered. The questions that were put in on the deadline on the  
20 CMS, were they reviewed? There was a deadline for input on this.

21 ABBI POWER: When you guys had the public briefing,  
22 those two RAB meetings or the last RAB meeting, that was for Zone  
23 2, CMS, when you guys had your public meeting. That was the Air  
24 Force public meeting. That wasn't the state's public meeting.

25 ROBERT SILVAS: And the Air Force put an ad in the

1 newspaper about this?

2 DON BUELTER: Yeah. We received your comments and we're  
3 working on responses to those. They're going through review  
4 right now.

5 ROBERT SILVAS: When will those be available to RAB?

6 DON BUELTER: I would think by the next RAB meeting  
7 they'll be ready.

8 ESMERALDA GALVAN: It says review -- what it says on  
9 this page, what the reports include, it says review of well  
10 inspections, problems and repairs. What problems did you all  
11 find, if any?

12 MARK STOUGH: Typically what those involve is when they  
13 go to the well pad, into the well to actually sample it, they  
14 look for the -- occasionally a shredder, a mowing machine will  
15 hit the pad and cause a crack in the slab and we have to replace  
16 it, or a lid may be on the well opening or the manhole may be  
17 missing and we have to put one on there. Those are the kinds of  
18 things that they look for, and those are all documented in the  
19 report, and there's a place in the report for those inspections,  
20 you know, which wells had which problems.

21 MARK WEEGAR: Mark, you might clarify, those are for the  
22 monitoring wells at Kelly Air Force Base. That's not public  
23 wells. That's Kelly Air Force Base groundwater monitoring  
24 program.

25 MARK STOUGH: Correct.



1 MARK WEEGAR: It's not public.

2 TONYA HUERTA: Last time when you were talking about the  
3 Agent Orange, I'm not sure that I understood when you talked  
4 about health risk. You sort of implied that the workers who  
5 handled the chemicals had the greatest exposure. And then there  
6 seems to be a relationship between that and community members  
7 that may have a greater time exposure because the workers go home  
8 after eight hours, but the community members stay here 20 or 15  
9 hours. But then sometimes they talk about using these  
10 contaminated areas as recreational areas because people don't  
11 spend a lot of time there.

12 Is there anybody that can sort of explain that, those  
13 different assumptions that were made? Did anybody talk about  
14 Agent Orange who said that the workers are considered more  
15 exposed to the highly concentrations? And then the assumption is  
16 that the community members maybe don't have as high a  
17 concentration but have more hours a day, say, the air emissions  
18 or whatever. But yet some of the remediations they did, they  
19 turned that into a recreational area. I mean, that's what they  
20 did with the golf course and we have all those barrels buried  
21 there. Somehow that didn't all relate back to me. It doesn't  
22 make sense to me.

23 DAVID SMITH: Let me see if I can capture it so they can  
24 get on the board. Reflecting back on the Agent Orange  
25 presentation and the point was that probably the most directive

1 source of people who worked directly with the chemicals --  
2 you're -- and that people who live nearby probably had some  
3 exposure but not as much as --

4 TONYA HUERTA: Or maybe longer exposure.

5 DAVID SMITH: Longer.

6 TONYA HUERTA: And how do they link that back into  
7 remediation, (inaudible) recreational areas because wouldn't the  
8 workers there be exposed? I just don't understand all that  
9 relationship.

10 NORMA LANDEZ: I think if she writes something down, he  
11 was willing to respond.

12 LARISA DAWKINS: He was willing to respond.

13 If you write that down, he said he would take any  
14 questions and we can get that to him.

15 DAVID SMITH: Thank you.

16 ROBERT SILVAS: One more question. The Air Force and  
17 the boundaries of Kelly Air Force Base, have they shifted any as  
18 opposed to, you know, gutters being moved in? Is that taken into  
19 account?

20 MARK STOUGH: Yes.

21 ROBERT SILVAS: Well, the boundaries -- you have Air  
22 Force boundaries there that should have been looked at, yet now  
23 in 2004, those boundaries could be shifted. Does that make it  
24 more clear?

25 FEMALE SPEAKER: In compliance plan (inaudible)

1 ROBERT SILVAS: Kelly Air Force Base in general. Plans  
2 that they're doing.

3 DON BUELTER: Part of the BRAC came out in the  
4 environmental impact statements. They looked at title records to  
5 see who owned property within and how far. Actually the base  
6 started smaller and grew larger. The warehouse area was  
7 purchased later, so it was a later addition.

8 ROBERT SILVAS: So, you're saying we may have added  
9 property and not taken property back?

10 MARK WEEGAR: I've seen aerial photographs too, so we  
11 would have looked at the photographs that showed how the facility  
12 changed over time as well.

13 DAVID SMITH: It got bigger instead of smaller.

14 Okay. Yes, sir?

15 RODRIGO GARCIA: Did this compliance report investigate  
16 or follow up on that radioactive material that was buried over  
17 there across the street from Medina and Military that was in one  
18 of those ATSDR reports that said there was buried dead  
19 radioactive carcasses, piping, and all kinds of material over  
20 there?

21 MARK STOUGH: The scope of the compliance monitoring is  
22 limited to groundwater and for those parameters that are in the  
23 compliance plan, and so those radiologicals is not one of those.

24 RODRIGO GARCIA: The reason I ask is, it has caused  
25 any -- you know, I know it's radium and radiology. The reason I

1 ask because with being buried out there on that golf course, all  
2 that radium, did it -- with rain and everything, did it dissolve?  
3 Did any of that radium break off? Did any of the radium seep  
4 through the ground and become part of the groundwater? You know,  
5 that's why -- that's how I tie it in. Did that ever happen or  
6 did it happen or has it happened?

7 NORMA LANDEZ: Are you talking about those on the golf  
8 course?

9 RODRIGO GARCIA: Yeah. All that radioactive material is  
10 buried in the golf course. We've never received an answer when  
11 we brought that up.

12 DON BUELTER: I believe there was initially when the --  
13 back in the early period of investigate, investigational reports,  
14 samples for radiological material in and around those two units  
15 were done. I can't remember the year, but the radium dials and  
16 whatever -- one of those sites, those were removed.

17 RODRIGO GARCIA: Dead carcasses, radium dials?

18 DON BUELTER: Right. Those were removed.

19 RODRIGO GARCIA: And radioactive pipe and there was a  
20 whole list of junk that was buried out there.

21 DON BUELTER: Right. And those were removed in the late  
22 90s, I believe, and I they were closed under the radiological  
23 isotope commission or committee. One of those. RIC.

24 So, the radium dials were all removed in concrete  
25 canisters. They were removed and disposed of in the late 90s,

1 disposed of appropriately.

2 ARMANDO QUINTANILLA: Did that include the carcasses?

3 DON BUELTER: I don't know.

4 RODRIGO GARCIA: Well, we need a follow up to see if it  
5 caused any groundwater damage. We need a follow up.

6 DON BUELTER: I'll look back at the Zone 1 RI report.  
7 I'm Pretty sure they did.

8 RODRIGO GARCIA: Follow up with the people who removed  
9 it. See how much they took out, if there's anything left under  
10 there that might have saturated the groundwater because of all  
11 the rain hitting, whatever's left there and saturating the  
12 groundwater.

13 DON BUELTER: The wastes there was -- it was  
14 containerized and in concrete cylinders.

15 ESMERALDA GALVAN: On the last part it says a person can  
16 request a contested case hearing. Can you explain what that is,  
17 what that means.

18 LESLIE BROWN: For every corrective measure study that  
19 we provide -- and the corrective measure study provides the  
20 additional alternatives for remedies -- then after that point is  
21 submitted, the corrective measures sets out a work plan and we  
22 put out public notice to the community, to the RAB, in the  
23 newspaper, and that's an opportunity for people to request an  
24 evidentiary hearing. They can provide comments that the TCEQ  
25 will address and they can also request an evidentiary hearing.

1           MARK WEEGAR: The way the process works, Kelly is  
2 required to submit their final clean up plan along with a permit  
3 to TCEQ, and our commissioners have to authorize that in order  
4 for that to be the final clean-up plan. They are the decision-  
5 makers in authorizing the final clean up. And during the plan  
6 figures being submitted, there's an opportunity for public  
7 comment and the commission responds to comments with the  
8 community. If the community doesn't feel like their comments are  
9 adequately addressed, they can enter requests, contest a case  
10 hearing, in which case you would have to document why you are an  
11 effective person and go through the specific set of criteria and  
12 state laws that (inaudible) has to be heard in order to be  
13 granted contested case hearing.

14           If that is granted, what happens is the commission  
15 refers that decision to the state office security administrator and  
16 it become basically a trial. There are depositions. You know,  
17 you're the person granted the contested case hearing. Your  
18 attorney would get the opportunity to depose TCEQ staff, Air  
19 Force staff, what have you. The Air Force staff would have the  
20 opportunity to depose their folks. It basically becomes a  
21 hearing, or becomes a court action. The judge then would make  
22 his recommendation back to the commission, either the permit  
23 should be granted or the permit should not be granted, these  
24 things and this should be done. If the commission chooses to  
25 accept the administrative law judge's recommendation or they

1 chose to override the administrate law judge's decision -- If  
2 they choose to override that administrate law judge's decision,  
3 the community disagrees, the plan disagrees, there will be an  
4 opportunity to sue the agency in civil court.

5 So basically that is the -- as a matter of fact,  
6 tomorrow at 9:30 the commission will be ruling on a final  
7 clean-up plan for Site S-4. If they approve that clean-up plan,  
8 which I assume they will, that will make the second final  
9 clean-up plan for the Site that's been approved by the  
10 commission.

11 So, that's a very large hurdle get over. It's a long  
12 administrative process, but that will -- we're making progress  
13 getting these final clean-up plans authorized. The big ones are  
14 still out there, but I want to let you know they are moving  
15 forward. That public comment period is over and we received  
16 comments and responded to comments, request for hearing. The  
17 commission will decide tomorrow whether or not the commenters who  
18 requested the hearing are effective persons. I anticipate the  
19 commissioners will rule they are not effective persons and will  
20 issue the permit.

21 ESMERALDA GALVAN: Are you aware of any that applied for  
22 this? Are you cognizant of anyone that's already applied for the  
23 hearing?

24 MARK WEEGAR: Well, tomorrow -- at tomorrow's commission  
25 agenda, the commission will be making a ruling on whether or not

1 the individuals who have requested a hearing for Site S-4 are or  
2 are not effective persons.

3           ESMERALDA GALVAN: So there have been some applications?

4           MARK WEEGAR: Yes.

5           DAVID SMITH: Mr. Garcia?

6           RODRIGO GARCIA: I'd like to make a couple of final  
7 comments. Rodrigo Garcia. First of all, we discussed -- the RAB  
8 members want to know more about this plan that was put together  
9 and the criteria to developed a compliance plan. And I wish that  
10 you'd get this to us. And I would like to have the RAB members  
11 and maybe some of the community members would want to -- would  
12 possibly get copies of the minutes of this meeting so they can  
13 know what we asked and what you guys are going to answer. So,  
14 that's two things that I would like to see. And I would like  
15 clarification of the process, the responsibilities of your  
16 agency, and the responsibility of the consultants, the guidelines  
17 you use to put this together, who they come from and who's  
18 responsible for putting these guidelines together, and all the  
19 background information and all the questions that we asked.

20                   I would like to see RAB and community members that  
21 want it to have all of this answered in writing, a well as an  
22 executive summary for RAB members and the community members that  
23 fully describe very briefly everything that is compiled in that  
24 report. Thank you.

25           DAVID SMITH: Okay. Anybody else? Okay. To move to



1 the meeting wrap-up section.

2 DANIEL GONZALES: One final thing.

3 DAVID SMITH: Sorry. I don't want to miss you.

4 DANIEL GONZALES: On behalf of the community members  
5 that voted to support Mr. Garcia's motion to hold this meeting, I  
6 want to thank Mark Stough for coming here taking the time to  
7 readdress the matter and address the RAB twice before. We  
8 appreciate it.

9 RODRIGO GARCIA: We brought up a lot of issues of  
10 concern and things that we want to do, so we want to thank you  
11 also, for listening to all of us and I hope that you can address  
12 everything that we need and everything that we asked for. Thank  
13 you.

14 MARK STOUGH: Thank you.

15 DAVID SMITH: Okay. Meeting wrap-up item. Since this  
16 is a special meeting regarding this topic, actions items that  
17 were left from the previous RAB will be carried to our regular  
18 RAB meeting, as will the minutes from our past RAB meeting.

19 The next RAB meeting is proposed for Tuesday, October  
20 19th, AT 6:30 at Kennedy High School auditorium. Next TRS is  
21 Tuesday, November 9th at 6:30 in this building here.

22 Some of you mentioned a little bit earlier that you  
23 were concerned that there are apparently some RAB members that  
24 have crossed that three consecutive meetings line. The Charter,  
25 as I read it, is that if they have not shown at this meeting,

1 then at the next meeting you would have the opportunity with a  
2 two-thirds vote of community members to remove those persons.

3 The persons who fall into that category at the moment  
4 are Mr. Pena and Mr. Person and Sergio Rodriguez. They've got  
5 three, so they fall in that category.

6 MICHAEL SHENEMAN: Who?

7 DAVID SMITH: Mr. Pena, Mr. Paul Person and Sergio  
8 Rodriguez. We'll verify all those prior next to the meeting to  
9 make certain that is true. I believe this is the accurate  
10 information at the moment.

11 Final comments?

12 ROBERT SILVAS: Is there any way we can get the location  
13 of tomorrow's hearing?

14 MARK WEEGAR: 9:30, TCEQ offices in Austin. It's  
15 building E, Room 210, I believe.

16 ROBERT SILVAS: Who's on the commission?

17 MARK WEEGAR: There will be Ralph Marquez, there will be  
18 Larry Sowark, and the chairman is Kathleen White.

19 ROBERT SILVAS: (inaudible) questioned earlier?

20 MARK WEEGAR: I am with the TCEQ, not with Kelly. I'm  
21 the overall project manager. I receive the agency's review of  
22 the --

23 ROBERT SILVAS: Your name is?

24 MARK WEEGAR: Mark Weegar.

25 DAVID SMITH: Any further items?

1 ARMANDO QUINTANILLA: Well, for the TRS meeting in  
2 November, I think we should discuss at that TRS meeting an agenda  
3 item, this TAPP fund and perhaps come up with -- whatever is  
4 left, come up with someone to do whatever we intended to do and  
5 then request additional TAPP money, another \$25,000.

6 LARISA DAWKINS: I was going to say that the report  
7 (inaudible)

8 NORMA LANDEZ: But isn't -- will the Zone 2 and 3 CMS --

9 COURT REPORTER: I can't hear.

10 NORMA LANDEZ: I'm sorry. I was just asking Larisa if  
11 the Zone 2 and 3 CMS TAPP review report will be ready for -- the  
12 draft will be ready for the November TRS.

13 LARISA DAWKINS: I'm hoping -- right. The draft should  
14 be ready for the November TRS, for the Zone 2 and 3, Zone 2 and 3  
15 CMS of the --

16 ARMANDO QUINTANILLA: Which maybe -- could -- report to  
17 get another opinion on and that will save us a lot of time.  
18 Maybe select someone either -- of all the companies that we can  
19 go to. Seffer (sp) is one of them from Austin. There's another  
20 one --

21 DAVID SMITH: You already have a TAPP contractor.

22 ABBI POWER: You already have a TAPP contractor.

23 ARMANDO QUINTANILLA: Okay.

24 ABBI POWER: You're trying to say it's ready to be --

25 LARISA DAWKINS: It's ready -- the draft.

1 ABBI POWER: -- to give us presentation.

2 LARISA DAWKINS: Right, in November.

3 ARMANDO QUINTANILLA: But has the money been -- say we  
4 do this evaluation, this other opinion by this company --

5 LARISA DAWKINS: The CMS for Zone 2 and 3, the RAB, to  
6 my understanding, has already chosen a TAPP contractor. He has  
7 the report and he's going to have the draft ready by the November  
8 TRS.

9 ARMANDO QUINTANILLA: Who is this contractor?

10 LARISA DAWKINS: I think it's Netherly.

11 DAVID SMITH: Are you also suggesting we look at that at  
12 this meeting?

13 ARMANDO QUINTANILLA: No, we already got it.

14 DAVID SMITH: Okay.

15 ROBERT SILVAS: We're going over the next meeting, is  
16 that what your doing?

17 DAVID SMITH: No. Let's close this meeting down.

18 ROBERT SILVAS: Well, there's just one last comment I'd  
19 like to make from the last RAB meeting, we started impeachment  
20 hearings, the TCEQ and EPA aligned with the closed door meeting,  
21 next meeting and continue that.

22 DAVID SMITH: I don't believe we have provisions for a  
23 closed door meeting, it may have to be made public.

24 ROBERT SILVAS: Well, the (inaudible).

25 DAVID SMITH: Okay. We'll turn that to a motion to a

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vote.

Okay. Anything else? Will you adjourn our meeting,  
please.

LARISA DAWKINS: Motion to adjourn. Do I have a second?

MICHAEL SHENEMAN: I second that.

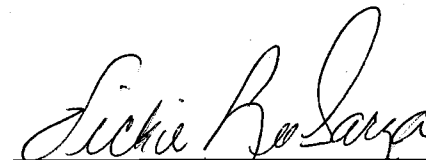
(8:12 p.m.)

-oOo-

STATE OF TEXAS )  
COUNTY OF BEXAR )

I, VICKIE-LEE GARZA, Certified Shorthand Reporter,  
do certify that the foregoing is a correct transcript, to the  
best of my ability, of the proceedings held in this matter.

10/13/04  
DATE

  
VICKIE-LEE GARZA, CSR  
NOTARY PUBLIC STATE OF TEXAS  
MY COMMISSION EXPIRES 4/15/06

**FINAL PAGE**

**ADMINISTRATIVE RECORD**

**FINAL PAGE**