



KELLY AFB
TEXAS

ADMINISTRATIVE RECORD
COVER SHEET

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RESTORATION ADVISORY BOARD

AUGUST 27, 1996

ROUGH DRAFT



CORPORATE OFFICE

San Antonio

The Lincoln Center, 7800 I.H. 10 West, Suite 100

San Antonio, Texas 78230

(210) 377-3027 Toll Free 1-800-969-3027 Telefax (210) 344-6016

BRANCH OFFICES

Laredo

402 E. Hillside #3
Laredo, TX 78041

(210) 726-3232
Fax (210) 725-3376

Austin

5701 Parkview Trail
Austin, TX 78734

(512) 452-0011
Fax (210) 344-6016

Corpus Christi

800 N. Shoreline Blvd. #700-N
Corpus Christi, TX 78401

(512) 880-5927
Fax (512) 880-5627

1 APPEARANCES:

2 MR. EDWARD RIOJAS
Kelly AFB Co-chair;

3 MR. JUAN SOLIS, SR.
4 Community Co-chair;

5 MR. ALLAN HAGELTHORN
6 Community Member;

7 MR. GARY BEYER
TNRCC, Austin;

8 MR. ARMANDO C. QUINTANILLA
9 Keep South San Proud;

10 MR. GEORGE RICE
Groundwater Hydrologist;

11 PROF. GENE W. LENE
12 Academic Community;

13 MR. RICK EHRHART
Environmental Protection Agency;

14 MR. P.K. PAUL PERSON
15 Manager, Compliance Measurements
Union Pacific Railroad;

16 MR. SAM SANCHEZ
17 San Antonio Metropolitan Health
District;

18 MR. ED WEINSTEIN
19 San Antonio Water System;

20 MR. CARL MIXON
Chief Bexar County Fire Marshal;

21 MS. YOLANDA JOHNSON
22 Committee for Environmental Justice
Action;

23 MS. ANNALISA PEACE
24 Council District Seven;

25 MR. SAM MURRAH
Real Estate Broker;

1 MR. WILSON PARKER
2 Texas Natural Resource Conservation
3 Commission;
4
5 MS. BOBBIE ERLWEIN
6 Agency For Toxic Substances and
7 Disease Registry;
8
9 MR. DAVID FOWLER
10 Agency For Toxic Substances and
11 Disease Registry;
12
13 MS. DIANE JACKSON
14 Agency For Toxic Substances and
15 Disease Registry;
16
17 MR. DAN MEDINA
18 Kelly AFB Employee;
19 MR. CHAVEL LOPEZ
20 Committee for Environmental Justice
21 Action;
22
23 MR. DAVID JOHNSON
24 Local Resident;
25
26 MS. DOMINGO ADAMES
27 Local Resident;
28
29 MS. CHRISTINA FLORES
30 Local Resident;
31
32 MS. VELIA LIMON
33 Local Resident;
34
35 MR. ROBERT A. HERRERA
36 City Councilman, District 6;
37
38 MR. LARRY BAILEY
39 Kelly AFB Employee;
40
41 MR. DENNIS GUADARRAMA
42 Kelly AFB, Restoration Division Chief;
43
44 MR. DICK WALTERS
45 Environmental Cleanup Program,
46 Community Relations;
47
48 MR. BYRON COCHRAN
49 Kelly AFB, Judge Advocate's Office;

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JULIE A. SEAL
Certified Shorthand Reporter
and Notary Public.

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1 On the 27th day of August, A.D. 1996,
2 between the hours of 6:07 o'clock p.m. and 8:15
3 o'clock p.m., at St. John Berchman's Catholic
4 Church, the above entitled meeting came on for
5 discussion before said EDWARD RIOJAS and the
6 following proceedings were had:

7 MR. RIOJAS: Good afternoon,
8 everyone. Can you hear me? Can you hear me
9 back there?

10 Good afternoon, ladies and gentlemen.
11 Welcome to the RAB. I'd like to introduce
12 myself -- take a few minutes. My name is
13 Edward Riojas, Jr. I work at Kelly Air Force
14 Base. I'm the executive director to the
15 commander and we have -- the commander has
16 decided that he would like somebody from the
17 command section to represent him on the RAB, so
18 I've asked Mr. Solis and he -- and he acquiesced
19 to let me co-chair the RAB with him. So, from
20 now on, you will see me as the co-chair of the
21 RAB.

22 Let me tell you a little bit about myself.
23 I'm a south-sider. I've been at Kelly Air Force
24 Base since 1958. I'm a senior executive, which
25 is equivalent to a general officer. I've worked

1 at Kelly Air Force Base for 34 years and four
2 years at McClellan, the other base that's being
3 closed. I left here in '88 and came back in
4 '92.

5 Okay. The first thing I'd like to do is
6 call the meeting to order. The second thing --
7 I'd like to remind anybody that has not signed
8 in, please sign in so we can get your name on
9 the mailing list so we can mail data to you.

10 At this time, what I would like to do is
11 I'd like to go around the room and let the RAB
12 introduce themselves, so that everybody will
13 know who's here. Starting over here, please.

14 MR. EHRHART: I'm Rick Ehrhart
15 with the Environmental Protection Agency in
16 Dallas. I'm a member of the federal facilities
17 team and work on Kelly Air Force Base.

18 MR. BEYER: I'm Gary Beyer. I'm
19 with the TNRCC out of Austin and I work with the
20 federal facilities team out of Austin.

21 MR. QUINTANILLA: My name is
22 Armando Quintanilla. I live in an area that has
23 been impacted by the contamination from Kelly
24 Air Force Base.

25 MR. HAGELTHORN: My name is

1 Allan Hagelthorn. I'm a resident of the north
2 side of San Antonio.

3 MR. MURRAH: I'm Sam Murrah. I'm
4 a resident -- a real estate broker and
5 resident -- ranch real estate broker.

6 MR. PERSON: My name is
7 Paul Person and I represent Union Pacific
8 Railroad.

9 MR. SOLIS: Juan Solis, civilian
10 co-chair. I've lived in the area for 38 years.

11 MR. LENE: I'm Gene Lene. I'm
12 from St. Mary's University.

13 MS. JOHNSON: My name is
14 Yolanda Johnson and I represent the community,
15 North Kelly Gardens, and I've lived there 35
16 years.

17 MR. SANCHEZ: My name is
18 Sam Sanchez and I'm with the San Antonio
19 Metropolitan Health District.

20 MR. MIXON: I'm Carl Mixon, Bexar
21 County Fire Marshal and Emergency Management
22 Coordinator and also a chairman of the local
23 Emergency Planning Committee.

24 MR. WEINSTEIN: I'm
25 Ed Weinstein. I'm with the San Antonio Water

1 System.

2 MR. RICE: I'm George Rice.

3 MR. RIOJAS: First of all, I'd
4 like to apologize for everyone for the setup
5 that we have right here. It's not a setup to my
6 liking. The next time, we'll try to work it in
7 such a way that we're facing the audience,
8 because I think it's better communication.

9 I've got a few articles of business to
10 conduct here before we get into some of the
11 briefings. First of all, what I would like to
12 do is, I'd like to recap for you a public
13 meeting that we had on the 19th of August at
14 Dwight Middle School. We had this meeting to
15 where the community could come and speak to us
16 and tell us what their concerns were, and we
17 recorded these concerns. These concerns, as we
18 recorded them, are in the members of RAB's book
19 and we also have some out on the table over
20 there.

21 What our plan is, is to have a series of
22 community gatherings where we can feed back the
23 information and answer questions that were asked
24 19th of August. Our first one, we're going to
25 have at J.F. Kennedy High School -- J.F.K. --

1 Kennedy High School and we're going to have it
2 prior to the 5th of October -- probably in the
3 week just preceding that. Notices will go
4 out -- and what the plan is for us to give a
5 response to all those questions that were asked
6 at that meeting.

7 Okay. The first thing I would like to do,
8 also, is to talk about the -- the minutes of the
9 18th of June meeting. RAB members, do you
10 approve those minutes? Are there any additions
11 or deletions to the minutes? Do I hear a motion
12 for approval?

13 MR. RICE: I move we approve the
14 minutes.

15 MR. RIOJAS: We have a motion to
16 approve the minutes. Do I have a second?

17 MR. PERSON: Second.

18 MR. RIOJAS: All in favor?

19 (Vote by the RAB members.)

20 MR. RIOJAS: All opposed?

21 I have a series of briefings. I'm going to
22 change the order a little bit, because the TNRCC
23 has got to catch an airplane and get out of here
24 early. So, what I would like to do is, I would
25 like to move them ahead of the ATSDR briefing

1 and give them an opportunity to catch an
2 airplane.

3 Okay. And the rest of the meeting, I will
4 conduct from the -- from my chair over here.

5 MR. BEYER: I'm Gary Beyer with
6 the TNRCC. I don't know how many of you know,
7 but Kelly Air Force Base has applied for a
8 permit and it's for corrective action regarding
9 groundwater contamination and soil contamination
10 at Kelly Air Force Base. The permit has been
11 written and gone through various draft stages.
12 It has gone to the Chief Clerk's office now and
13 will be available for public comment, and here
14 to talk about the public comment period and
15 public hearing process for the permit, is our
16 legal staff, Parker Wilson.

17 MR. WILSON: Hello. Again, my
18 name is Parker Wilson. I'm legal with the
19 TNRCC, and Gary asked me to come speak a few
20 moments about the hearing process, how to
21 request a hearing and how you-all can get
22 involved in the process.

23 As Gary said, the final draft permit was
24 ready -- was sort of issued -- on August 9th
25 by the TNRCC -- Louder? I'm sorry.

1 The final draft permit was issued August
2 9th by the TNRCC, but has not been issued. It's
3 just ready for comment and for notice. A little
4 bit about the -- the basic process -- if I can
5 find it -- here it is -- I have no idea if
6 you-all can see that at all. I'll try to walk
7 through it at the same time.

8 Approximately, sometime next week, the
9 Chief Clerk's office of the TNRCC will issue
10 notice of the application for the permit. That
11 notice will be sent to the applicant, it will be
12 sent to state and county officials and will be
13 sent to surrounding landowners. Sometime soon
14 after that, the applicant will be required to
15 publish notice in a newspaper -- a local
16 newspaper -- and have -- do a radio spot. At
17 that point, a clock is started. That clock is
18 45 days, and during that 45-day period, what --
19 people who are interested -- and we'll get into
20 who are interested or who are affected people in
21 a second -- what you-all can do is submit
22 comments to the Chief Clerk's office, giving in
23 detail what it is you think about the permit,
24 whether it should or should not be issued and
25 also any comments that you have. If, at that

1 time, you would like to request a public
2 hearing, you would do so at that time.

3 After the 45-day period is up, the -- and
4 if there -- assuming there is a request for a
5 hearing that will -- then, a date will be set
6 for one of the commissioners' regularly
7 scheduled business meetings called an agenda.
8 That will be set approximately 40 days after the
9 45-day period has elapsed. You're looking at --
10 basically, about 85 days. Once the commission
11 has listened to the request and made a decision,
12 they can do one of three things. They can go
13 ahead and issue the permits, if they decide to,
14 and deny the hearing requests. They can grant
15 the hearing request and send it over to the
16 State Office of Administrative Hearings for a
17 hearing on the merits, or in some cases, they
18 can send it over to the State Office of
19 Administrative Hearings for a limited procedural
20 hearing on standing. That is going to be set
21 then -- If the agenda -- If the commissioners
22 decide to send it off for a hearing, assuming
23 that is the case, what will happen is that the
24 general council will issue an order -- and this
25 can take anywhere from 24 hours, in some cases,

1 to 30 days, in other cases.

2 Once that order is issued, the Chief Clerk
3 will then set a hearing date and will notify all
4 parties who are -- the same people we talked
5 about before -- and anybody who submitted a
6 hearing request -- and try to arrange a time to
7 have a hearing. That will be set about 60 days
8 after the agenda meeting. It could be
9 anywhere -- because of the range I told you --
10 it could be anywhere from 60 days to 90 days.

11 Essentially, I think if we follow this
12 process -- and, please -- I can't make this
13 strong enough -- if we follow that process
14 starting today or next week or the week after
15 that, we're looking at probably having a
16 hearing -- if a hearing is going to be held --
17 sometime in the spring -- and I would have to
18 guess March. Now, there is a possibility --
19 there's one other track -- is that if the -- one
20 of the commissioners -- or if the applicants or
21 the executive director requests it, then the --
22 a hearing can be held without the necessity of
23 going to an agenda meeting. And, by the way,
24 this overhead right here -- I will have extra
25 copies if you-all are interested. It's a rather

1 abbreviated process, trying to make it as simple
2 as possible -- and I'll put some copies over
3 there on the table.

4 UNIDENTIFIED SPEAKER: Excuse
5 me?

6 MR. WILSON: Yes, sir.

7 UNIDENTIFIED SPEAKER: Referring
8 to Kelly Air Force Base, is that only going to
9 encompass the installation itself or surrounding
10 neighborhoods?

11 MR. WILSON: I'll probably let
12 Gary talk about that.

13 The permits for the cleanup, I believe --
14 correct me if I'm wrong -- applies to the
15 facility, but also to contamination that
16 emanates from the facility. So, any off-base
17 contamination will be addressed under the
18 permit.

19 Yes, sir?

20 MR. QUINTANILLA: I understand
21 that the request for this permit was submitted
22 in 1986; is that correct?

23 MR. BEYER: I'm not sure, but it
24 was around that time.

25 MR. WILSON: We think it may have

1 been.

2 MR. QUINTANILLA: And you're
3 issuing it now on August the 9th for comment.
4 Is this permit based on the plan for Zone 3,
5 which we had a public hearing on in
6 July of 1995.

7 MR. BEYER: No. It's not based
8 on that. It's primarily a performance-based
9 permit that established certain health-based
10 levels to be achieved, and that is yet to be
11 approved.

12 MR. QUINTANILLA: I have another
13 question for the chairman, then. When was this
14 performance-based permit request submitted and
15 how come it didn't come before the board.

16 MR. BEYER: The performance --
17 The permits as they are -- or -- or as -- as
18 they are being written at the TNRCC are
19 undergoing some changes right now -- and, so,
20 it's only recently that the TNRCC has -- has
21 been going toward this idea. So -- But --

22 MR. QUINTANILLA: That answers
23 part of the question. Can you assure me that
24 we're not being back-doored on this -- I mean,
25 that something is not happening behind our

1 backs?

2 MR. BEYER: No. You're not going
3 to be back-doored on that. What we're going to
4 do -- and what Parker is talking about -- is
5 opening up the process to comment by the
6 public -- you know, we'll welcome all
7 questions -- and -- and -- and I'm here and a
8 lot of the TNRCC staff is available to discuss
9 all the different aspects of the permit. So --

10 MR. QUINTANILLA: Definitely.
11 Since -- you know, this thing was -- permit was
12 submitted in '86 -- Definitely. We need a
13 hearing on this thing. That's all there is to
14 it.

15 MR. BEYER: It's your option to
16 request a hearing.

17 MR. QUINTANILLA: I would like to
18 request one right now, Mr. Gary Beyer.

19 MR. BEYER: I guess --

20 MR. WILSON: Oddly enough, the
21 way -- I guess -- the -- the agency is with
22 regards to -- it's a little early to be asking
23 for a hearing.

24 I think everybody knows there's going to be
25 a lot of people who are very interested in a

1 hearing and very interested in addressing the
2 merits of the permit -- and I want to assure you
3 nobody is going to be locked out of this
4 process. It's going to be very open and that's
5 what we're here for -- to try to make sure that
6 you know a little bit about what to expect and
7 anticipate and what to look for.

8 MS. FLORES: Can you -- Can you
9 speak up so we can hear? We can't hear you very
10 well.

11 MR. WILSON: Am I not speaking
12 loud enough?

13 Okay. If I'm not speaking up loud enough,
14 tell me. It sounds like I'm booming in here.
15 I'll try to yell, then.

16 MR. RICE: This is a bit of a
17 follow-up to Armando's question. You said there
18 are going to be hearings on performance-based
19 standards. Is that -- Did I understand you
20 correctly?

21 MR. BEYER: Well, the hearing is
22 actually on the permit itself -- the permit
23 document itself -- but included in -- within the
24 permit document is requirements for Kelly Air
25 Force Base to conduct cleanup activities at

1 both -- in the groundwater and the soil -- at
2 the installation and off base.

3 MR. RICE: Okay. I guess that
4 leads into my question, Gary. In speaking of
5 Zone 3, in particular, and the Quintana Road
6 neighborhood, there the Air Force has withdrawn
7 its plan for cleaning up the neighborhood.

8 MR. BEYER: Correct so.

9 MR. RICE: So, will a new hearing
10 be held for the Quintana Road neighborhood
11 plan -- cleanup plan?

12 MR. BEYER: Right. Kelly will
13 then -- is going to then submit, you know,
14 revised plans, which, then, we will review --
15 and maybe -- I don't know if someone at Kelly
16 could -- might want to address that issue,
17 but -- yeah -- there will be opportunity to
18 comment on -- on the types of cleanups that are
19 being proposed.

20 MR. RICE: Thank you. And does
21 that mean that any -- I believe you had given
22 preliminary approval to that plan in the past.
23 Has that preliminary approval been withdrawn?

24 MR. BEYER: Until we receive
25 something from the military saying that they are

1 changing the -- the plan -- or -- or get an
2 alternate proposal -- we -- we see it as
3 standing at this -- at this point in time. I
4 think --

5 MR. RIOJAS: Excuse me, if I
6 may. I think the ball is in Kelly's court with
7 respect to that. I think the -- the ball is in
8 our court with respect to coming back to
9 what -- the plan -- and we will do that.

10 The reason we're having this meeting right
11 here is for you to address how we go about a
12 hearing, so I'd like for you to continue on
13 that -- and one more thing, Parker, if I may ask
14 you -- that -- and I know you've got to catch
15 a plane -- but either you or this gentleman
16 here -- would you mind giving us a written -- a
17 written step-by-step synopsis on how to do this,
18 so we can include it in the -- in the folders
19 and make it available to the people, also.

20 MR. WILSON: Sure. I'd be glad
21 to. Do you need that tonight or are you wanting
22 it just sometime soon?

23 MR. RIOJAS: No, just sometime
24 soon. We'll have it by -- by the next meeting
25 we're going to have -- not at the next RAB

1 meeting, but at the next open meeting we'll
2 have.

3 MR. WILSON: Absolutely. We'll
4 be glad to do that.

5 MR. RIOJAS: Okay.

6 MR. WILSON: Sort of in line with
7 what he was saying -- Again, I tried to
8 abbreviate as much as possible -- because when
9 you start reading through the regulations, they
10 become very complex and confusing, but -- I
11 guess one of the first questions is, "Who can
12 request a public hearing?" The following
13 persons may request a public hearing. It can be
14 one of the commissioners, as I said; the
15 executive director of the TNRCC; the
16 applicant -- and, I guess, most important to
17 many of the people here -- affected persons.

18 The question is, "What is an affected
19 person?" This is where it starts to get a
20 little bit odd. An affected person is a person
21 who has a personal justiciable interest related
22 to a legal right, duty, privilege, power or
23 economic interest affected by the application.
24 And, if you don't understand what that means,
25 don't worry, not many people really do. What

1 they're really looking for is that you've got
2 some sort of legal right that you feel is being
3 affected by the proposed permit -- whatever that
4 is -- and you need to think of it in terms of,
5 "What legal right do I have that this permit is
6 affecting and how is it affecting?"

7 There's a note that an interest common to
8 members of the general public is not enough to
9 establish affected party status. You can't --
10 It's not enough to simply say, "Well, the
11 community is upset about this. It's affecting
12 all of the community." You need to articulate
13 something that is specific to you.

14 MR. RICE: Is being a member of
15 the RAB good enough?

16 MR. WILSON: I don't believe so.

17 MR. RIOJAS: Who makes the
18 determination on who is an affected person?

19 MR. WILSON: Well, for purposes
20 of requesting a hearing, that can happen two
21 different ways. At the meeting of the
22 commissioners -- the agenda meeting -- they
23 can make a determination there that people are
24 affected and that their hearing request is
25 reasonable and such as that and -- and then

1 have -- go ahead and schedule a hearing.

2 In some cases --

3 MR. RIOJAS: I guess my question
4 is: If some of these ladies and gentlemen here
5 decide that they are an affected person and if
6 they ask for a hearing and then it goes forward
7 to somebody to approve whether or not they are
8 an affected person -- an affected person, who
9 would that be?

10 MR. WILSON: Well -- Again, this
11 goes -- is part of the process of going to -- in
12 front of the commissioners at the agenda and
13 making your argument -- and I don't want to get
14 too caught up in this --

15 MR. RIOJAS: I guess you're
16 saying the commissioners --

17 MR. WILSON: Well, commissioners
18 can do that and, in some cases, what they will
19 do is, they will forward on a question of
20 affected person status to the State Office of
21 Administrative Hearings and have them decide
22 that question. Generally, it's going to be the
23 commissioners -- and, generally -- there's
24 some -- a sub-time line prior to going to agenda
25 where different written documents are

1 submitted -- different arguments. You say, "I
2 am affected because of this, this and this," and
3 there's a response.

4 MR. HERRERA: Excuse me?

5 MR. WILSON: Yes, sir.

6 MR. HERRERA: I'm not here as a
7 state employee. I'm here as a representative.
8 I represent this area. One question that you
9 didn't answer the first time around -- TNRCC --
10 We understand what TNRCC's concerns are and what
11 they do, but you still have not answered what
12 the time frame is. What time -- time -- type
13 of time frame do they have to apply for such
14 requisition and how long will it take and how
15 much money will it cost?

16 MR. WILSON: I'm not sure about
17 that -- the second part of your question you're
18 asking. Are you asking the time frame for
19 submitting a request for a hearing?

20 MR. HERRERA: Yes.

21 MR. WILSON: Okay. Once the
22 Chief Clerk's office issues the notice of the
23 application to the applicants, to state and
24 county officials and to surrounding
25 landowners -- landowners that are surrounding

1 the permit premises -- the facility -- once
2 that happens, then the applicant is responsible
3 for publishing in the newspaper notice of the
4 application -- and that application will -- that
5 notice will have all sorts of information in
6 there about -- it will be redundant from what
7 we're talking about here. It will say, "Here's
8 what you need to do. Here's where you need to
9 send it. Here's what you need to essentially
10 address." That is either -- for a hazardous
11 waste permit -- a 45-day period from the time
12 that they -- that gets published.

13 Let's say that it was published the
14 1st of September -- which I don't think that's a
15 realistic date, so don't -- I'm just using this
16 for -- theoretical. If it was published on the
17 1st of September, then you're looking at the
18 middle of October. That's 45 days to submit a
19 hearing request to the Chief Clerk's. Is that
20 clear? And, as far as money, there's no -- it
21 doesn't cost -- there's no application fee for
22 it.

23 MR. HERRERA: No application
24 fee?

25 MR. WILSON: No. It's free.

1 It's taxpayer money.

2 UNIDENTIFIED SPEAKER: Excuse
3 me. How much of a --

4 MR. WILSON: I'm sorry.

5 UNIDENTIFIED SPEAKER: Does it
6 have to be 10 -- 20 pages long or --

7 MR. WILSON: For the written
8 document, you're saying?

9 No, sir. And, in fact, it's not actually
10 required. You can make a very, very simple
11 short statement -- and I'll get a little bit
12 into that in a second -- if you'll bear with
13 me -- but as far as the document saying that
14 you -- prior to the agenda for the
15 commissioners -- it can be zero pages to a half
16 page or it can be 100 pages.

17 Yes, ma'am?

18 MS. JOHNSON: You say that you
19 will notify the people through the newspaper
20 and, again, the neighbors around the area by
21 mail -- are you -- about this --

22 MR. WILSON: Okay. The --

23 MS. JOHNSON: -- to let them know
24 about --

25 MR. WILSON: The Chief Clerk's

1 office at the TNRCC will -- when they submit --
2 when they issue the notice to the applicant,
3 they will also notify surrounding landowners --
4 and I don't know exactly who that is. There's a
5 process they have set up where they know --

6 MS. JOHNSON: They will find out
7 who the landowners are and notify them?

8 MR. WILSON: I believe -- Yes --
9 and I think they already know who the
10 surrounding landowners are. But --

11 MS. JOHNSON: Okay. The reason
12 I'm asking this is, because -- you know, this
13 week this card that was sent out by Kelly
14 Field -- you know, to let us know that a meeting
15 was held today. People on the back side of my
16 block did get the the notice. All the front
17 side of the block did and the -- on the back
18 hand of the block, they didn't get it. So, I'm
19 just wondering how do you go about notifying
20 people -- you know, I know that the meetings --
21 not everybody gets the card, so -- I don't know
22 if it's because they don't have the right
23 owner's name or -- I just don't know why they're
24 not getting them.

25 MR. WILSON: I really -- I'm

1 sorry. I can't really address that. I don't
2 know why people on the back side of the block
3 would not get the notice, except that -- I
4 imagine you have to draw a line somewhere -- and
5 if those people got it and the people across the
6 street may not get it -- and, so -- I don't know
7 how they determine who the surrounding
8 landowners are. I wish I could answer that
9 better.

10 MS. JOHNSON: Right now, you
11 don't know how to determine how far down the
12 block or how far from the base -- if it's six
13 blocks down or a mile down -- you just don't
14 know that?

15 MR. WILSON: No, ma'am. I really
16 couldn't say -- and I think -- if you look at
17 the process, the intent of the process is a
18 little bit redundant -- the process. They send
19 out to immediate landowners, to my
20 understanding -- and then there's a requirement
21 to publish it in the newspaper so that hopefully
22 everybody will see it or will be looking for it
23 and to advertise it on the radio. And, then,
24 also, they even go further and say, "State and
25 county officials must be notified," so that,

1 hopefully, there is this wave of information
2 coming out -- different -- different ways --
3 so, hopefully, everybody -- and I think that's
4 perhaps part of the intent today of the RAB.

5 MR. RIOJAS: I think that
6 maybe -- maybe the RAB will help with that,
7 also.

8 MR. WILSON: Right.

9 MR. RIOJAS: We will help get the
10 information out to the RAB at the same time.
11 So, if the RAB can talk to those people who they
12 represent -- I cannot answer the question on why
13 some -- some people got -- there may have been a
14 mix-up in the mail or something -- I do not
15 know -- but I do know one thing -- is that
16 we're going to try to get these out a little bit
17 earlier than we did this time. This was just a
18 little bit late, so -- so, maybe, about a week
19 ahead of time.

20 MS. JOHNSON: I hope we'll be
21 more efficient from now on.

22 MR. RIOJAS: That's my goal.

23 MS. JOHNSON: Thank you.

24 MR. QUINTANILLA: Mr. Riojas, it
25 used to be -- had an ad in the paper advising us

1 of the meeting. Has it been stopped?

2 MR. RIOJAS: No, it has not been.

3 MR. QUINTANILLA: I have not seen
4 it for several --

5 MR. RIOJAS: They do that -- We
6 do this in both -- both La Prensa -- and we do
7 this in the -- in the -- and in the
8 San Antonio newspaper -- and, in fact, I was
9 called today because the -- the Flying Times
10 said that they would have gotten it into their
11 newspaper had they gotten the notice earlier
12 enough -- and that's why we're going to step up
13 the notice a little bit on it.

14 Do you want to continue?

15 MR. WILSON: Sure. We have one
16 more question back there.

17 MS. LIMON: Who is responsible
18 for giving the community -- you know, what's
19 going on with the Kelly contamination?

20 MR. WILSON: Who is responsible
21 for the publicity --

22 MS. LIMON: In today's paper it
23 said today at 6:00 o'clock. A lot of people
24 didn't have time to come to this meeting.

25 MR. WILSON: Okay. I -- That, I

1 cannot address.

2 MR. RIOJAS: That's a RAB
3 responsibility and -- and I'll take full
4 responsibility for that.

5 MS. LIMON: Well, we need to let
6 the people know in advance --

7 MR. RIOJAS: That's exactly what
8 I said, that the timing on this meeting was not
9 as good as I would have liked to have had it,
10 and we'll make some changes to that. Thank you.

11 MS. LIMON: Thank you.

12 MR. WILSON: Okay. The next
13 question, "What do you put in your hearing
14 requests?" Hearing requests are actually
15 pretty -- a lot more straightforward than you
16 might think. You want to have your name,
17 address and telephone number and then -- this is
18 the only complex thing -- you want your personal
19 justiciable interest affected by the
20 application. Again, some sort of a legal right
21 or interest that you have that is affected --
22 and you just want to -- a very simple
23 statement. There's no particular form, no -- no
24 legalese you have to put in there, just say,
25 "This is my right and this right is being

1 affected by this proposed permit." And then you
2 want to make a statement in there saying you're
3 requesting a public hearing.

4 Now, the rules also say you must
5 substantially conform to these. So, don't be
6 too worried about it. If you get it in and you
7 get it in within the 45 days, saying, "I'm" --
8 "I'm" -- "I'm mad as heck. I want a hearing,"
9 then you're probably going to be okay, but try
10 to get all these things in here -- and I will
11 get that to you so you can have -- publish it.

12 There is also a chance that there be other
13 information that's requested in the notice that
14 is published in the paper. I don't want you to
15 say, "Well, what recommendations do you have as
16 far as changing or modifying the permit?"

17 MR. QUINTANILLA: One more
18 question, Mr. Parker. When you talk about the
19 Chief Clerk, is that the Chief Clerk with TNRCC
20 or the Chief Clerk with the --

21 MR. WILSON: Yes, sir. The
22 Chief Clerk is -- it's an office of the
23 Texas Natural Resource Conservation Commission
24 and -- perfect timing. Where do you send your
25 hearing requests? This is where you send it.

1 You can address it to: Laurie Lancaster --
2 although that's not essential, but it's
3 helpful -- Texas Natural Resource Conservation
4 Commission, Chief Clerk's Office, Building F --
5 and the "MC" stands for mail code -- you can
6 write it out or just abbreviate it "MC-105" --
7 and then Austin, Texas -- and I misspelled
8 "Texas" -- sorry -- and I'm a native.

9 This is redundant, by the way -- let me
10 speed it up -- in regard -- any hearing request
11 must be submitted to the Chief Clerk's office no
12 later than the 45 days after the notice of
13 application is published in a local newspaper --
14 and, again, the notice is sent to the applicant,
15 surrounding landowners, county and state
16 officials by the Chief Clerk's office of
17 TNRCC -- and, again, the 45-days' notice does
18 not start until after it's published in the
19 newspaper.

20 Mr. Bailey?

21 MR. BAILEY: Can you put that
22 name and address back up? There were some
23 people in the back that were writing it --

24 MR. WILSON: My apologies. I'll
25 leave that up there.

1 MR. RIOJAS: That's why I asked
2 for him to give me a package with all this -- a
3 package that has all the information in it.

4 MR. WILSON: Let me get my last
5 little thing and then I can get out of here and
6 I'll just leave that up here.

7 Sometimes people ask me -- I don't know if
8 this is going to be appropriate here, but --
9 some people ask if a public -- if they can
10 request a public hearing on behalf of a group,
11 and the answer is yes, but you have to do
12 certain things and you have to show certain
13 things. One of them is that you -- you have to
14 show that one or more members of the group could
15 request a hearing on their own. So, you have to
16 look through your membership and say, "This
17 person would be affected. We have a personal
18 justiciable interest affected" -- "impacted by
19 the permit" -- that sort of thing. You have to
20 show that the interests sought to be protected
21 are germane to the group's purpose. So, you
22 say, "I'm upset about this. The group is upset
23 about this and this is what the group is for."
24 Merely having a group may not be enough. That's
25 sort of important to understand. If you're

1 going to have a group, it needs to be a group
2 that is interested in these sorts of things --
3 and there's another sort of bizarre little
4 requirement that participation of any individual
5 member cannot be required as a result of this.

6 And that -- that's about it. If anybody
7 has any more questions, I'd be glad to take them
8 and I'll leave that up there for right now.

9 Mr. Rice?

10 MR. RICE: Parker, I'm still a
11 little unclear as to what this permit is going
12 to cover. Could you go over that briefly?

13 MR. WILSON: What the permit is
14 going to cover?

15 MR. RICE: Yes.

16 MR. WILSON: I couldn't answer
17 that. I think I'd rather have Gary answer
18 that.

19 MR. BEYER: Actually, I have -- I
20 have six copies with me of the -- of the final
21 draft of the permit -- as they call it, FDP --
22 with me for your review and what it covers is --
23 what -- what it's called is a post-closure care
24 permit, which means, after the four RCRA units
25 that have been -- that are on Kelly Air Force

1 Base -- once those units have been deactivated
2 and closed, there are requirements for
3 corrective action, which is a fancy way of
4 saying "cleaning up things" -- cleaning up the
5 soil and the groundwater that are associated
6 with those four regulated units that they call
7 them.

8 In addition to the cleanup of the four
9 regulated units, there are many solid waste
10 management units, which are described in the
11 permit and compliance plan, that will be where
12 the cleanup of soil and groundwater is also
13 mandated by law.

14 MR. RICE: Is that essentially
15 Zones 1, 2 and 3?

16 MR. BEYER: It's for the entire
17 facility. It's for Kelly Air Force Base,
18 inclusive of the runways and East Kelly for
19 the -- So, it's not only -- it's Zones 1, 2 3, 4
20 and 5.

21 MR. BEYER: Thank you.

22 MR. RIOJAS: Okay.

23 MR. QUINTANILLA: And it is not
24 based on the current plan?

25 MR. BEYER: No.

1 MR. RIOJAS: Thank you very much.

2 Next on the agenda is -- I would like to
3 introduce to you the members of the ATSDR. I
4 would like for -- You are through, are you not?

5 MR. WILSON: One thing.

6 MR. RIOJAS: That's what I asked.

7 MR. WILSON: Yes. I thought you
8 told me. I missed -- I put the wrong ZIP code.
9 It's 78711-3087. I don't know if you can read
10 that up there, but it's 78711. I was in a hurry
11 when I was doing this. Sorry.

12 MR. RIOJAS: Okay. Now?

13 As I was saying, I would like to introduce
14 our visitors from the ATSDR. Doctor David
15 Fowler is one of the four that are here and he
16 will come up and speak to you. What I've asked
17 them to do, is to tell you exactly why they're
18 here, what they're going to do, how they're
19 going to do it and what information they're
20 going to give us as a result of doing what
21 they're going to do.

22 I would like to ask the audience here,
23 also, in the interest of the time, that if you
24 have any questions that you -- any detailed
25 questions that you'd like to ask of them, please

1 do that at the break time or right after the
2 meeting so they can spend a little bit more time
3 with you.

4 With that, David?

5 MR. WILSON: We would like --

6 MR. RIOJAS: Let's do that,
7 then. This is Bobbie Erlwein.

8 MR. HERRERA: Excuse me? Are
9 they still going to be recorded if they're on
10 break or afterwards? I mean, this is a public
11 hearing, isn't it? Don't they have a right to
12 say what they want to say --

13 MR. RIOJAS: No, this is not a
14 public hearing. This is a RAB meeting.

15 MR. HERRERA: A RAB meeting?

16 MR. RIOJAS: This is an official
17 RAB meeting and -- and although we're going to
18 have the opportunity to speak and ask questions
19 at the end, this is a duly conducted meeting and
20 we'll follow Robert's Rules of Orders.

21 MS. ERLWEIN: Sorry to change up
22 on you speakers. I'm not David Fowler. My name
23 is Bobbie Erlwein and I am with the Agency for
24 Toxic Substances and Disease Registry. I work
25 out of the Dallas regional office. David is

1 going to come up and speak to you in a few
2 minutes, but we thought it might be a good idea
3 for me to go over just in general what ATSDR is
4 all about. It's kind of a strange agency. You
5 may not have heard of us. And, then, David will
6 talk a bit about what we're going to do out here
7 at Kelly.

8 Before I start, the very first thing I want
9 to say is thank you very much to the RAB for
10 inviting us out and thank you to each and every
11 one of you who's giving up time from your
12 evening to come out and meet with us. It's very
13 important that we hear from you what your
14 concerns are and I know that we all really do
15 appreciate you coming out. I also would just
16 make mention that, in addition to David, who you
17 will meet in a moment, and myself, we have
18 Diane Jackson with us and Jeff Kellum. So, we
19 will be around at the break and we'll try and
20 hang around after and talk with you about your
21 concerns and we have some ways for you to reach
22 us later, so this isn't a one-stop shopping
23 opportunity. You'll get a chance to talk with
24 us as the process goes on.

25 Okay. Enough intro. ATSDR is -- it's a

1 federal agency. We're a health agency. We are
2 not a regulatory agency. In fact, we've often
3 been described as a sister agency to the
4 Center for Disease Control and Prevention. So,
5 our mission is all about health. We are not
6 regulatory. That's important for you to
7 understand.

8 We were established under the
9 legislation -- the law -- that created the
10 Superfund -- and, so, we work very closely with
11 the U.S. Environmental Protection Agency. We
12 also have a memorandum of understanding that
13 lets us work with the Department of Defense,
14 which means we can come out and work here at
15 Kelly Air Force Base.

16 I want to tell you a little bit about two
17 of the major kinds of documents that we write.
18 The first one I want to tell you about is called
19 a Public Health Assessment. That's a very
20 comprehensive document and what it tries to do
21 is look at all the chemicals on a certain site,
22 how those chemicals can get into the
23 environment -- and what I mean is how it can get
24 into the soil, the air, the groundwater, the
25 surface water, the food chain -- and how that

1 can ultimately get into people and whether or
2 not that can pose a threat to our health.

3 We try and look at those chemicals -- in
4 the past -- given that we may not have a lot of
5 information about what happened in the past --
6 also what's going on right now and we try and
7 estimate what might happen in the future, given
8 land use and that kind of thing. So, it's a
9 very comprehensive document. It covers a lot of
10 ground. Because it's such a -- a universal
11 approach to a site, it can take a long time to
12 write one -- and when I say "long time," it may
13 be that in years. It can take two -- maybe even
14 three years -- to complete a health assessment.
15 It really depends on how complex the facility
16 is. That's the first document I want to tell
17 you about.

18 The second document I want to tell you
19 about is called a Public Health Consultation.
20 That document tries to do the same kind of
21 thing, but it's much shorter. The reason it's
22 much shorter is because it only tries to answer
23 a question or two. So, instead of trying to do
24 everything, it tries to do a few things. An
25 example of a question that you might answer with

1 a consultation is: Is a certain amount of the
2 chemical in soil a threat to my health? That's
3 the kind of question that we may answer in a
4 consultation. Consultations can take anywhere
5 from a couple of weeks to a couple of months.
6 So, still it takes some time, usually, but it's
7 certainly less than two to three years.

8 The reason I told you about those two
9 documents is because both of those documents do
10 the same thing in that they make the agency
11 think about what health follow-up activities are
12 needed. So, what I'm saying is, the reason we
13 do an assessment or the reason we do a
14 consultation is because it lets us use as a
15 springboard -- a trigger -- to figure out what
16 we ought to be doing.

17 Some of the things we might decide to do --
18 First of all, it's possible that we'd look at a
19 site and not find a threat and we could decide
20 to do nothing. That's possible. It might be
21 there's nothing needed. But some of the things
22 we might decide would be appropriate are things
23 like health education, maybe for physicians,
24 maybe for the community. Sometimes we might
25 decide to recommend some chemical-specific

1 research. Maybe there's a data gap, something
2 we just don't know. Sometimes we'll recommend
3 some studies to help fill in that gap, something
4 we don't know.

5 Sometimes we'll recommend a health
6 surveillance activity, such as following people
7 through time, maybe setting up an exposure
8 registry so that we can understand what happens
9 down the line to folks who had a certain
10 exposure. Sometimes we'll choose to do a health
11 study. Sometimes we'll choose to do a
12 combination of those things. So, it's really
13 very site specific. It depends on what we see
14 in writing that consultation or in writing that
15 assessment. The point I want to make is that
16 either document can trigger those actions. It
17 really depends on the question and what we find
18 when we look at it.

19 I only wanted to do a few things in my few
20 minutes with you. I wanted to tell you a little
21 bit about the agency and I've told you that
22 we're a federal health agency and that we're not
23 regulatory. I told you -- I think I mentioned
24 that I'm out of the Dallas regional office and
25 my colleagues are from Atlanta, Georgia -- I may

1 have left that out -- but that's our
2 headquarters office -- and I've told you about
3 the two major documents that we might be writing
4 out here at Kelly.

5 And, with that, I think it's really a
6 pretty good lead-in for David to come and tell
7 you how it's all going to work out here at this
8 site. Thanks very much and I really appreciate
9 you-all coming out.

10 I lied. I have one more thing. I said I'd
11 let you know how to reach us. That was my most
12 important thing. I brought a whole handful of
13 business cards and I'm going to set them right
14 over there on that desk. If you-all think of
15 something later on that you wish you had told us
16 or you wanted to ask us and didn't get a chance,
17 please feel free to call me. You'll get my --
18 either my voice live -- or my voice mail
19 machine. Also, there's an 800 number you can
20 call and -- you won't get a person -- but you
21 can leave a message and -- I certainly may not
22 be the best one to answer your question, but I
23 can usually find the best -- one of the best
24 folks to help answer your question.

25 So, let me read that 800 number for you.

1 I'm sorry, David. I thought I was done.

2 MR. FOWLER: No problem.

3 MS. ERLWEIN: All right. Good
4 deal. The 800 number is 1-800-447-4784 -- and
5 then the system will ask you for a mailbox
6 number -- and my mailbox number -- because
7 Erlwein is pretty hard to spell -- so, my number
8 is 329-1519 -- and I do check that system a
9 couple times each day. So, don't despair.
10 Someone will get back to you.

11 Did you-all get the number? Do you want it
12 again? Okay. Good enough. Thank you very
13 much.

14 MR. FOWLER: As you will learn
15 shortly, I am not a public speaker. I'm a
16 toxicologist and I just want to tell you what
17 you can expect and when you can expect it from
18 us in the near future.

19 What we're here for on this site is to see
20 things firsthand for ourselves and view the
21 situation, to collect information and collect
22 data from all the sources we can. We have been
23 meeting this week with the environmental
24 officials at the base to collect data from
25 them. We have met with the TNRCC and EPA to get

1 information from them, also, and we also want to
2 meet with you. Our job is to protect public
3 health. That's what we're here for.

4 This site visit will result in a document
5 in less than 30 days about what our findings
6 are, as far as what we think the issues are
7 here. This document will tell you what we think
8 are not issues here, also, and why we think
9 they're not an issue here. For those that are
10 an issue, we also include in that document what
11 we think should be done in the future about
12 these. We will address those. If it's of
13 immediate concern, then we'll make
14 recommendations as to what to do immediately.
15 Those things that are not of immediate concern,
16 then we'll work on those. The evaluation of
17 data can take months sometimes. It depends on
18 the data, how much you have, how good it is.
19 So, one of the things we need from you is any
20 data that you have, information that you have.
21 We have to get that from you.

22 Ms. Erlwein has told you an avenue to do it
23 afterwards. We've arranged to meet with a few
24 of the community leaders -- and we can't get to
25 everybody, so don't be offended if you weren't

1 selected in that. It's not a selection
2 process. We -- Just those -- Some of those that
3 have been most vocal, we'll be talking to. The
4 members of ATSDR will be happy to talk with you
5 at the break or afterwards to try to answer some
6 of your questions. Please, remember we just got
7 here on site. We've just been collecting
8 information and data. We don't have answers to
9 a lot of questions right now. We can answer
10 questions about what our purpose is and what
11 we're going to do, but we're not going to be
12 premature in saying what we might think about
13 something until we've had a chance to evaluate
14 the data and we need you to give us any
15 information that you have. We'll also be
16 meeting with the health officials and some of
17 the political figures in this area. Please
18 understand that we're here for you, so you have
19 to give us information. Feel free to do that.

20 Thank you.

21 MR. RICE: Question: Can you
22 tell us which members of the community you're
23 going to meet with? Do you have names -- or
24 organization names?

25 MR. FOWLER: We have names. I

1 don't know if that's appropriate to do here.
2 I'll be glad to do that -- Maybe we should do
3 that at the break. I'll be happy to do that --

4 MR. RIOJAS: But I think we do
5 have some members of the community here --
6 political members of the community here -- that
7 can check with you at the break and if -- if
8 they want to, give you their name. I'm sure
9 that you'll accommodate that.

10 Diane? Is there anything that you have to
11 say?

12 MS. JACKSON: We're going to be
13 available for the rest of the evening to take
14 anyone's concerns. We want to collect the
15 concerns you have.

16 MR. RIOJAS: Okay. Ms. Jackson
17 said that she will be available for the rest of
18 the evening to take anybody's concern. This is
19 part of their information-gathering period
20 here. So, please, if you've got some concerns
21 that you'd like to register with them, please
22 tell them who you are and give them your name or
23 phone number so they can conduct an interview
24 with you. That is what you will do, is it not?

25 MS. JACKSON: Get information

1 back.

2 MR. RIOJAS: Sure.

3 Okay. And, Jeff, is there anything you
4 have to say?

5 Okay. Next on the agenda, we have a report
6 on the Installation Restoration Program Update
7 by Mr. Medina.

8 MR. MEDINA: Good evening,
9 everyone. My name is Dan Medina. Can everybody
10 hear me back there?

11 Thank you. My name is Dan Medina with the
12 Restoration Program here at Kelly Air Force
13 Base. I'm glad to be here this evening and
14 we'll be discussing -- giving you an update on
15 our restoration program, going over some issues
16 that will also be coming up in the next few
17 months and giving you a status as to where we
18 see some of the program items going in the next
19 few years.

20 Just as a point of reference, on my
21 right-hand side -- to your left -- is a
22 restoration site map, showing where all five
23 zones are located at Kelly Air Force Base.
24 Zone 1 is the golf course area -- currently
25 being used as a golf course area. Zone 2 is an

1 industrial area located on the southern end of
2 the base. Zone 3 is the area -- both the
3 industrial shop area at Kelly Air Force Base, as
4 well as -- includes some of the off-base area --
5 just the Quintana Road neighborhood,
6 specifically -- just off base. Zone 4 is the
7 East Kelly area and Zone 5 covers the rest of
8 the base, including the runway area and the area
9 located just by the North Kelly Gardens area.

10 Just as an overview of our program for
11 FY-96 -- We're coming to a close on our fiscal
12 year 1996. This past year, we had several
13 different categories of projects that we had
14 going on, including management-related projects,
15 including the BRAC cleanup plan, community
16 relations plan, administrative record,
17 historical data management and technical
18 information systems. These are the type of
19 management program -- projects -- I'm sorry --
20 that we have at Kelly to manage and oversee a
21 lot of our work, as well as provide management
22 of information to the community.

23 Study-related projects for fiscal year '96,
24 also included two remedial investigations that
25 are currently ongoing. Those include Zones 4

1 and 5. Zone 4 being the East Kelly area, as
2 well as Zone 5, the central part of Kelly.
3 We've also had another project installation
4 restoration technical support, as well as
5 basewide remedial investigation, which is going
6 back and looking at additional data, based upon
7 completion of the remedial investigations for
8 Zones 1, 2 and 3. There were additional areas
9 we needed to stop and take a look at again from
10 a -- from a view of looking at where we needed
11 to go and collect additional information -- and
12 that includes both soil and groundwater
13 information.

14 Cleanup projects. We are currently working
15 on preparing cleanup designs for Zones 1, 2
16 and 3. We are also continuing on with
17 operations and maintenance of cleanup systems.
18 These are the interim systems that we briefed
19 previously. These are cleanup systems that were
20 installed to address a concern that we had,
21 especially in cases where we had off-base
22 migration where contamination may be going
23 outside of the base. Those types of systems
24 were put in to address those situations. We
25 also are conducting basewide remedial

1 assessment -- and that's for purposes of
2 collecting groundwater information -- and in
3 the past couple of RABs, we've presented some of
4 that information through the basewide remedial
5 assessment.

6 The next slide includes current cleanup
7 strategy. This is a timeline, if you will, of
8 how we envision a lot of our cleanup process
9 being installed. These are final remedial
10 actions that we're discussing here of concern to
11 everyone and -- and, certainly, it's been one of
12 our focuses as part of our cleanup strategy --
13 is to install and remediate -- or install
14 remedial actions prior to the base being
15 realigned and -- and closed -- and just as a
16 reminder, again, the base is not going through a
17 total closure. Portions of it, including
18 Zone 5, as well as Zone 1 on the western side of
19 Kelly, are being realigned to Lackland Air Force
20 Base. The remaining portions of the base,
21 including Zones 2, 3 and 5, as well as -- a
22 portion of 5 -- and Zone 4 -- are being -- are
23 what we're calling surplus property after the
24 base closes -- after 2001.

25 The next chart includes a proposed cleanup

1 strategy. One of the issues that has been
2 raised by both the RAB and the community is the
3 time that it's taking to commit to some of these
4 cleanups. One issue that I would like to
5 address here is that that is certainly one of
6 our concerns as well. Where we can make a
7 technology work better for us, where we can make
8 well construction work better for us, where we
9 can make groundwater recovery for soil
10 remediation work better for us to shorten the
11 time is certainly something that we're going to
12 take a look at.

13 We've had quite a bit of work done in,
14 say -- for example, the underground storage tank
15 program -- we've had quite a bit of work done as
16 far as the interim remedial actions. We're
17 certainly drawing our conclusions and taking a
18 look at the information that we've gathered with
19 those actions to see how we could accelerate
20 some of this cleanup -- and there are some areas
21 where we can certainly accelerate the cleanup,
22 as well as reduce the amount of time that the
23 cleanup is going to take place.

24 MR. RICE: Dan, I have a question
25 on that chart.

1 MR. MEDINA: Yes.

2 MR. RICE: Remedial action, I
3 guess that means you construct -- is that
4 correct?

5 MR. MEDINA: Yes, that's
6 correct. Those are the -- And those are final
7 actions.

8 MR. QUINTANILLA: On operations
9 and maintenance, does that mean that you will
10 finish in 19 -- 2001?

11 MR. MEDINA: Actually, the
12 operations and maintenance will -- we will be
13 working with the regulators. Before we can shut
14 any system off, we have to work with both the
15 EPA and TNRCC to ensure that the systems have
16 cleaned up. Now, again, if there is a goal that
17 has been set forth by regulations to go out and
18 do a cleanup, we have to meet those standards
19 before we can turn any of the systems off --
20 and, in fact, if you remember, in the
21 feasibility studies -- there's a five-year
22 evaluation period -- that would put us right
23 about the time of the evaluation period -- about
24 2001 -- and, again, regulators, as well as the
25 community, will have an opportunity to take a

1 look, at that time, how well these systems are
2 performing. In addition to that, we do plan on
3 conducting and presenting more information
4 through the basewide remedial assessment -- the
5 information as far as how these systems are
6 operating.

7 MR. QUINTANILLA: That didn't
8 quite answer my question. I'm concerned with
9 Zone 3 and the fuel that's underneath the
10 people's homes there. Does this mean that
11 operations and maintenance will be completed by
12 the year 2001?

13 MR. MEDINA: We'll certainly take
14 a look at that and that's noted.

15 The next slide is Quintana Road update.
16 What we're doing here is taking a look at just
17 this general background. This is the
18 Quintana Road culvert -- storm water culvert
19 project -- being worked by the City of
20 San Antonio. We are currently working with the
21 City on both reviewing the new and old route
22 designs in that area and the Quintana Road
23 neighborhood. We're also planning on conducting
24 some additional soil borings in the area to
25 enhance the design, as well as get more

1 information, such as you just mentioned,
2 regarding the fuel and impact to the soils.

3 We're also currently looking at
4 constructing a soil-staging facility at Kelly to
5 help with handling the soils that will be
6 generated during the construction project --
7 and, tentatively, the City has looked at
8 beginning the Quintana Road project in early
9 1997. Now, we do plan on conducting further
10 presentations to the community as the date
11 gets -- gets closer -- and -- and, certainly,
12 the City will also be looking at doing some
13 presentations, I'm sure, as well, on that
14 project.

15 MR. QUINTANILLA: This
16 soil-staging facility that you have there, how
17 will it affect the transfer of that property to
18 the other people?

19 MR. MEDINA: Oh, as surplus
20 property? Actually, the facility is only going
21 to be there for the time that the -- say, for
22 example, Quintana Road project -- it will be in
23 operation during that project. It's mostly to
24 handle soils while they're being sampled, before
25 they're disposed of -- and once the Quintana

1 Road project -- that's one example -- once
2 that's done, then the facility would have to be
3 closed. But one of the other things is this
4 facility would be able to handle, as well --
5 there's a potential to handle other soils from
6 other cleanup actions at Kelly.

7 MR. QUINTANILLA: How many cubic
8 yards of contaminated soil do you expect to get
9 out of the Quintana Road project?

10 MR. MEDINA: I don't have that
11 number for you, sir. But I can -- we can get
12 back and address that to you.

13 MR. QUINTANILLA: What I'm trying
14 to get across here -- We don't want another
15 Alamodome dirty-dirt deal at all, period.

16 MR. MEDINA: Yes, sir.

17 MR. QUINTANILLA: We don't want
18 the people affected in that neighborhood.

19 MR. MEDINA: That's correct --
20 and that's the same thing we're trying to do is
21 to manage the soils as they're generated and
22 then disposed of after we get our samples
23 back -- and that's what we'll also be working
24 with the State -- to get clearance on that soil
25 before it's even disposed of.

1 (Annalisa Peace enters the
2 meeting.)

3 MR. MEDINA: On our last slide is
4 the Installation Restoration Program activities
5 for September through December, '96. We'll be
6 conducting some additional groundwater tests.
7 We'll be providing some more information --
8 especially to the RAB -- on these issues, as
9 well as on all these updates to the community
10 that -- that we're going to go out to -- and
11 this is where we will be working with the RAB
12 members to ensure that the folks in the
13 neighborhood are getting this information.

14 We'll also be doing -- We'll also be
15 conducting some additional geophysical tests in
16 the neighborhood area. This is where we can go
17 and get soil information without actually
18 putting holes in the ground. We can actually
19 use a system that's -- the trade name is
20 SeisPulse -- but basic seismic information on
21 the underground areas just below the surface and
22 getting information back within a matter of
23 days.

24 We'll also be working -- and -- and --
25 working with -- as far as remedial designs --

1 working with the RAB, as far as -- and the
2 community -- at presenting those designs, as
3 well as working with the regulators on that.

4 MR. QUINTANILLA: I have one
5 question. We give out a lot of progress reports
6 to the people around the neighborhoods that
7 we're going to conduct a test -- a sound
8 test -- to determine what -- how bad the soil
9 is contaminated or the water is contaminated,
10 but we never get a report on the findings.
11 Why?

12 MR. MEDINA: Part of that is
13 found in reports. For example, when we have
14 gone out --

15 MR. QUINTANILLA: Why don't we
16 get a progress report stating --

17 MR. MEDINA: After that.

18 MR. QUINTANILLA: After that? We
19 get a progress report stating that you're going
20 to do it, but we never hear what you -- you
21 know, the results of that.

22 MR. MEDINA: Okay.

23 MR. QUINTANILLA: -- you know,
24 did you find contamination? Did you find
25 arsenic in there or thallium -- or whatever it

1 is? We never hear that.

2 MR. MEDINA: Okay. We can --
3 That's certainly noted -- and one other way we
4 can present that information where folks --
5 especially through the Technical Subcommittee
6 Meeting at the Restoration Advisory Board -- can
7 do is where this information generated as data
8 is generated, we can provide that information
9 back and let you-all know, "These are the
10 reports that that information can be found," and
11 that information will be made available.

12 And the last will also include -- the last
13 point here will also include discussing the soil
14 feasibility studies for Zones 1, 2 and 3, as
15 well as the compliance plan application. We
16 will be, from time to time, providing updates on
17 that, as well as with the TNRCC, as far as
18 hearing dates and any other information that
19 comes around on that.

20 Thank you very much for your time.

21 MS. LIMON: Sir?

22 MR. MEDINA: Yes.

23 MS. LIMON: Are you going to let
24 us know when these meetings are?

25 MR. MEDINA: Yes, we will. As a

1 matter of fact, we will be going out --

2 MS. LIMON: By mail and the
3 media, also?

4 MR. MEDINA: Yes -- Yes, we will.

5 MS. LIMON: Thank you.

6 MR. RIOJAS: Okay. Thank you,
7 Dan.

8 At this time, we have a break scheduled.
9 We have a ten-minute break scheduled -- and I'll
10 go ahead and call for a fifteen-minute break and
11 I'll get back -- I'll call the meeting back to
12 order at 7:25.

13 Thank you.

14 (Short break taken.)

15 MR. RIOJAS: I'd like to call the
16 meeting back to order, please, if everybody
17 would grab a seat.

18 Okay, RAB. The meeting will now come to
19 order. The last order of business for old
20 business is the subcommittee reports. I'm going
21 to ask the RAB: Do we have any subcommittee
22 reports?

23 MR. RICE: Technical.

24 MR. RIOJAS: Do you have one?

25 MR. RICE: Yes.

1 MR. RIOJAS: Would you like to
2 make a report?

3 MR. RICE: Dan Medina covered
4 most of what was said in the technical committee
5 meeting that was held -- I believe it was the
6 17th of July -- or 18th of July. Members of the
7 RAB met with Air Force folks and with the
8 contractor, SAIC. The contractor told us about
9 characterization work being done in Zone 3.
10 They've done pump tests and they intend to do
11 the seismic work. They have not yet started
12 developing a cleanup plan for Zone 3, but they
13 intend to put together the broad outlines of a
14 plan. Back then, we said it would be in around
15 two months. So, we'll get back together maybe
16 in about a month from now with SAIC and the
17 Air Force and look at their outline of the
18 cleanup plan at that time.

19 MR. RIOJAS: Okay. Thank you,
20 George.

21 Yes?

22 MR. HAGELTHORN: I'd like to
23 address the charter subcommittee real quickly.

24 MR. RIOJAS: Yes.

25 MR. HAGELTHORN: We're planning

1 on holding a meeting on the 16th of September at
2 9:00 o'clock in the morning, Building 306 in the
3 conference room, and the issue we're going to
4 address is membership. We have an issue that --
5 Right now, the current membership is two years
6 on the RAB, and the majority of the members of
7 the RAB -- that two years ends up in January of
8 next year. So, we need to decide how we are
9 going to handle membership for the RAB --
10 renewal of memberships, et cetera.

11 The rest of the issues for the charter, we
12 will table until after we receive the final
13 documents from DoD and EPA on the formation and
14 membership operation procedures for the
15 Restoration Advisory Boards.

16 MR. RIOJAS: Thank you, Allan.

17 MR. RICE: Excuse me, Allan. Was
18 that 9:00 o'clock?

19 MR. HAGELTHORN: 9:00 o'clock in
20 the morning, yes -- and that's also open to any
21 member of the RAB that wants to be there.

22 MR. RIOJAS: Okay. Under new
23 business, I'm going to introduce
24 Mr. Dennis Guadarrama from the Restoration
25 Division.

1 Dennis?

2 MR. GUADARRAMA: Good evening.

3 My name is Dennis Guadarrama and I wanted to say
4 good evening to the RAB members and
5 Chairman Riojas and Chairman Solis. I currently
6 serve as the Restoration Division Chief at Kelly
7 Air Force Base where I support Mr. Medina and
8 Mr. Bailey on our long-term and short-term
9 restoration goals.

10 I have a kind of short agenda this evening,
11 consisting of just basically two items, both
12 very important. One is risk communication and
13 the other is soil and air sampling at
14 North Kelly Gardens that are in the planning
15 phase. If there's any questions from the RAB, I
16 will take those after the briefing. But, again,
17 don't -- don't hesitate to interrupt me during
18 if there is a question you have.

19 Not shown on this chart is an item that was
20 brought to my attention this afternoon by
21 Mr. Riojas and our J.A. staff regarding concern
22 for the defense -- is it Reauthorization Act --
23 that's what J.A. does -- Authorization Act --
24 I'm sorry -- thank you very much -- that was
25 brought up at the last RAB -- and our

1 Judge Advocate office has put together a
2 response and it should be in your packets.

3 As the RAB members serve as representatives
4 to the community in the vicinity of Kelly Air
5 Force Base -- and to assist them in this
6 effort -- we have queried with our colleagues
7 Brooks Air Force to offer a risk communication
8 course to all the RAB members. As the chart
9 identifies, the course will enhance the RAB
10 communication skills to better understand and
11 explain technical environmental issues to your
12 constituents -- that would be in the community.

13 There are environmental issues within the
14 community that are sensitive and this training
15 will assist you in addressing those --
16 addressing those issues in a clear
17 understandable format. Therefore, we request
18 that all the RAB members -- and encourage them
19 to take their time and effort -- to attend this
20 training that will be offered to them. Again,
21 this will be offered by our friends at
22 Brooks Air Force Base -- and I've been in
23 contact with them and they stand at the ready to
24 help you-all.

25 MR. RIOJAS: Dennis, will you

1 send out a notice on the RAB to that -- a
2 written notice?

3 MR. GUADARRAMA: Yes, sir. We're
4 looking at somewhere in October of this year to
5 have that training.

6 The next and final -- I'm sorry.
7 Yes, ma'am?

8 MS. JOHNSON: Does that apply to
9 the alternates, also?

10 MR. GUADARRAMA: Yes, ma'am.

11 The next and final chart is to update you
12 on our efforts on the soil and air sampling
13 efforts in the North Kelly Gardens area. We
14 know that it's been a concern to many of you.
15 We have previously submitted a proposal package
16 to one of the most reputable organizations here
17 in the San Antonio -- and I think in the
18 United States -- at Southwest Research Lab
19 Institute to act as a third-party in this
20 effort -- basically, unbiased. We are planning
21 some surface soil sampling and some air sampling
22 in the area. We're looking at about 110 points,
23 according to the sampling plans I reviewed.

24 MR. RIOJAS: Dennis, will you
25 tell them what the 1592 area is?

1 MR. GUADARRAMA: Okay. Thanks.
2 The 1592 area is, basically, the area around the
3 fuel farm on the north end of the base. We're
4 also planning for some air sampling in the area
5 to address the community concerns -- and this
6 information, if there is some question of -- as
7 far as ATSDR using -- if they feel that it is
8 warranted, we will provide that to them.

9 In the spirit of cooperation with the RAB
10 and the community, we invite the members of the
11 RAB and the community to be part of the sampling
12 effort. If you wish to observe the samples
13 being taken, you're more than welcome to be
14 there.

15 We will mail out -- Again, as a reminder,
16 we will mail out a flyer to the RAB members and
17 to the community notifying them of the sampling
18 effort -- when it will begin -- it will
19 probably be about a two-week time frame. Again,
20 everyone is welcome. We look forward to seeing
21 you there -- and we should start the soil
22 sampling within the next three weeks or so --
23 and the air sampling will probably be right
24 after that.

25 At this time, that concludes my briefing

1 this evening. I'll be happy to take some
2 questions.

3 Yes, George?

4 MR. RICE: Dennis, as you know,
5 the residents of North Kelly Gardens have
6 collected some soils samples and have had them
7 analyzed. Would it be possible for us folks to
8 get together and help you develop your sampling
9 plan, based on information that we've gotten
10 from our samples?

11 MR. GUADARRAMA: We can work
12 as -- as a -- in a cooperative effort, yes.
13 I'd like to see -- I know that you've taken some
14 samples, also. I'd like to see, again, how --
15 again, in sharing information, see how -- what
16 kind of plan you have also used, also.

17 MR. RICE: Maybe we could get
18 together after the meeting and work out some --

19 MR. GUADARRAMA: Sure. I'd be
20 more than happy to talk to you about it.

21 Any other questions from the RAB? That's
22 it, Mr. Riojas. Thank you very much.

23 MR. QUINTANILLA: Mr. Chairman, I
24 have one question on the first chart,
25 "Understand and Explain Technical Environmental

1 Issues." Several months ago we wrote a
2 letter -- Major Ayala, who used to be a member
3 of this board --

4 MS. LIMON: Could you speak a
5 little louder for us, please.

6 MR. QUINTANILLA: I'd be happy
7 to.

8 Several months ago, Major Ayala, who was a
9 member of this board, and several other members
10 of the RAB wrote a letter to the Department of
11 Defense asking for a grant so that we would have
12 someone to explain some of these technical terms
13 and technical issues and perhaps give this RAB
14 some technical assistance. We have not heard
15 from that grant. Could a follow-up letter from
16 your office, perhaps, go on this case?

17 MR. RIOJAS: I'll take that under
18 advisement. I'll believe -- This is first I've
19 heard it about, Armando, but I'll be glad to do
20 that.

21 Next, I have Mr. Walters from
22 Community Outreach.

23 MR. WALTERS: My name is
24 Dick Walters. I do the community relations
25 support for the Environmental Cleanup Program,

1 which we know is the Installation Restoration
2 Program at Kelly, and tonight I wanted to share
3 with you a little bit about what we're doing in
4 our Community Outreach.

5 We will be continuing our efforts to share
6 information effectively with the community. Our
7 contractor, SAIC, is updating the community
8 relations plan for us. This is a plan that sets
9 down the concerns that we should be addressing.
10 It evaluates the tools that we have for
11 communicating, compares them with the intended
12 audience and gives us a logical sequence to
13 follow in the months that are coming up.

14 As you know, we've relied quite a bit on
15 mail-outs. We've had meetings. We have the RAB
16 meeting. We've done public meetings. There
17 will be activities like that going on. In fact,
18 with all the many events and activities that are
19 scheduled in the cleanup program this fall and
20 right on into the winter season, you can expect
21 to see more of those progress reports and fact
22 sheets being mailed out, more news releases and
23 more media stories and more continued attention
24 from your neighbors as you see these things
25 and -- and -- and just as a subject of

1 conversation as we're talking with people that
2 we know.

3 We'll also be trying some
4 information-sharing methods that have been used
5 effectively at the other bases and we're going
6 to be doing this in our sharing of information
7 to answer those questions and issues that were
8 brought up in the public meeting that we held on
9 the 19th of August at Dwight Middle School.

10 While we're doing this -- We also know of
11 several other organizations that are going to be
12 holding public meetings or hearings and they're
13 going to be designed to reach the same community
14 residents. So, basically, you're going to hear
15 about quite a few meetings that will be coming
16 up in the next few months. They will -- These
17 will include the GKDC, the contractor that is
18 doing our environmental impact statement for
19 Kelly, the Metropolitan Planning Organization,
20 transportation officials. We're looking at the
21 transportation into and out of Kelly as it is
22 realigned and privatized and as commercial
23 businesses come in.

24 And, finally, of course, there will be a
25 public hearing at some point, expecting that

1 someone will be requesting a public hearing on
2 the TNRCC permit. So, we're going to be having
3 a lot of meetings and you're going to be seeing
4 quite a few different people. But within that,
5 we are going to try to communicate as best we
6 can to tell you about the environmental cleanup
7 program, the progress that's being made, the
8 steps that are being taken and we will try to
9 keep you up-to-date and to do it more
10 effectively.

11 To handle the increased pace right now --
12 we are short on public affairs staff.
13 Mr. Estrada has left and is in Nevada now. So,
14 I have relocated. I'm now across the hall from
15 Mr. Bailey's secretary in Building 306. If you
16 need to find me, my new phone number, which is
17 on the slide, has voice mail. If you call and
18 I'm not there, you can leave a voice message and
19 I will get back to you as quickly as I can. I
20 also have new batteries in my pager. So, if you
21 can't get me on the voice mail or you have
22 something that you want somebody to come out and
23 know about right away, page me. I don't mind.
24 I would rather. If you have an odor, if you see
25 water -- like the story in the newspaper a few

1 weeks ago -- it doesn't do any good if we find
2 out about it two weeks after the water is dried
3 up. Call us when things are happening and we
4 will come out and we will respond and we will
5 see what -- see what it is and try to get
6 answers.

7 So, that's my message for tonight,
8 basically, that we have a lot coming up. We're
9 going to be working with the plan and we're
10 going to be trying our best to keep you informed
11 in the months ahead.

12 MS. JOHNSON: Mr. Walters?

13 MR. WALTERS: Yes, ma'am.

14 MS. JOHNSON: Is this number also
15 available on Sundays or on weekends? Because
16 one time, Mr. Villar had a problem and it was
17 during the weekend and he had to wait until
18 Monday. This happened Friday evening, maybe,
19 and he had to wait until Monday and it was
20 something that was quite alarming, you know.

21 MR. WALTERS: I could give you my
22 home telephone number, but my best
23 recommendation would be to call the Kelly
24 switchboard and ask for the command post and
25 they will get the on-call public affairs

1 representative.

2 MS. JOHNSON: All right.

3 MR. WALTERS: But if you call the
4 switchboard and ask for the command post, you'll
5 always get something. If you call my house and
6 my wife is at work and I'm out doing something
7 in the yard, I'll miss you. So, I would suggest
8 calling the switchboard.

9 MR. QUINTANILLA: Mr. Walters?

10 MR. WALTERS: Yes, sir.

11 MR. QUINTANILLA: Our contractor,
12 SAIC, who is SAIC? Where are their
13 headquarters?

14 MR. WALTERS: SAIC, as I
15 understand it, is an employee-owned company that
16 is one of our four A&E contractors.

17 MR. RIOJAS: To answer the
18 question, they're everywhere. SAIC is
19 headquartered out of San Diego -- yeah --
20 San Diego -- but they've got various divisions
21 all over. SAIC has been in San Antonio for at
22 least 20 years that I know of.

23 MR. QUINTANILLA: Let me explain
24 why I'm raising the question. We had an open
25 meeting -- a public meeting -- on July the

1 25th, 1995, and we had a community relations
2 company there that could not even pronounce the
3 names of the people that live here in
4 San Antonio. They could not speak the language,
5 much less understand the problem. I hope this
6 is not the case today.

7 MR. RIOJAS: Well, SAIC is
8 sitting right here today. So, we have members
9 of SAIC here. If you'd like, I'll introduce you
10 to them a little bit later on.

11 Are you through, Dick?

12 MR. WALTERS: Yes, sir.

13 MR. RIOJAS: Thank you so much.

14 Okay. The next meeting. The next meeting
15 of the RAB will be on the 18th of November at
16 J.F.K. High School and that meeting will be
17 chaired by Mr. Solis, my esteemed colleague
18 here. Don't forget that we will be putting out
19 a notice before the 5th of October for the next
20 hearing -- public hearing -- that we're going
21 to have at J.F.K. -- and that -- the purpose of
22 that is to answer the questions that were given
23 to us last week.

24 At this time, I'd like to call for agenda
25 items from the RAB for the next meeting.

1 MR. SANCHEZ: I'd like to see on
2 the agenda some more information on this
3 sampling that is going to be done in North Kelly
4 Gardens in terms of the strategy that you
5 ultimately follow and --

6 MR. RIOJAS: From the ATSDR?

7 MR. SANCHEZ: No. The one that
8 Mr. Guadarrama alluded to in his presentation
9 that would be starting within three or four
10 weeks. Hopefully, by that time you will have some
11 information to share with us --

12 MR. RIOJAS: Good.

13 MR. SANCHEZ: -- in terms of what
14 exactly was done, what areas were sampled and
15 what kind of methodology --

16 MR. RIOJAS: And what are the
17 findings?

18 MR. SANCHEZ: Right.

19 MR. RIOJAS: Good. Gotcha.

20 George?

21 MR. RICE: When we first started
22 meeting, we were meeting monthly and then we
23 went to a six-week -- every six week meetings --
24 and this date you've just given us is about
25 three months off --

1 MR. RIOJAS: It's a quarterly
2 meeting.

3 MR. RICE: Yeah. I'd like to
4 give you my personal opinion. I think there's a
5 whole lot happening and that's too long between
6 RAB meetings.

7 MR. RIOJAS: Well -- But, also,
8 we do have the other public forums that we're
9 going to have in the meantime, too, George,
10 which we are all going to be a party to. Do you
11 think that we need more -- meetings more often
12 for the RAB to conduct RAB business or to
13 conduct open sessions with the public?

14 MR. RICE: Yeah, both.
15 Especially now that these permits are coming up,
16 I think it's very important for RAB members to
17 keep abreast of what's going on there.

18 MR. RIOJAS: Okay. Any other
19 comments?

20 Okay. So, we've got two action items for
21 the agenda. Next time we will discuss -- we
22 will discuss the data that Mr. Guadarrama comes
23 up with and also the advisability of changing
24 the frequency of the meetings.

25 Okay. I'd like to ask all the RAB members

1 to come in prepared to talk about that and come
2 in with your -- with your opinion on that.

3 Yes, sir?

4 MR. QUINTANILLA: On the status
5 of Zone 3 -- the plan -- you know, the -- I
6 understand the plan was withdrawn. We'd like to
7 know -- you know, what has been done to --

8 MR. RIOJAS: The status of
9 Zone 3.

10 MR. QUINTANILLA: And I have one
11 more item. The status of the Quintana Road
12 project -- the exact status of that. Perhaps,
13 people from the City can come in --

14 MR. RIOJAS: Yeah. We will -- We
15 gave you the status of that. They're not going
16 to start until the beginning of '97, but
17 there's -- we will reconfirm that -- that the
18 date is still the same or if it has changed.

19 MR. QUINTANILLA: You're supposed
20 to start the moving of the utilities six months
21 before the construction start date and this is
22 what I want to know. When will they start
23 moving the utilities?

24 MR. RIOJAS: Gotcha.

25 Okay. Any other topics?

1 Yes, ma'am?

2 MS. PEACE: This is just in
3 reference to the minutes -- and I know I wasn't
4 here when the minutes were approved, but -- I
5 would prefer that when motions are made that the
6 motions be recorded and -- you know, passed --
7 because there's several things here where it
8 said it was suggested, which were actually
9 motions which were approved by the RAB.

10 MR. RIOJAS: Yes, ma'am. When
11 you weren't here, I -- I -- you know, I
12 introduced myself and I told the RAB I would be
13 the co-chair and that I would follow proper
14 procedures that are Rules of Robert. So, we
15 will do that, yes -- and, so, therefore, we
16 could also have the motions verbatim on the
17 record and who seconded it and the vote.

18 MS. PEACE: Okay. Thank you.

19 MR. RIOJAS: Yes, ma'am.

20 Any other agenda items?

21 Okay. Now, this is the part in the meeting
22 that I'm sure that many of the audience has been
23 waiting for. We're going to have an opportunity
24 to have questions from the audience.

25 Okay. And I will -- I'll moderate this.

1 So, if there's anybody that wants to speak --
2 Any questions?

3 MR. LOPEZ: I have a comment I
4 would like to make.

5 MR. RIOJAS: Sure.

6 MR. LOPEZ: My name is
7 Chavel Lopez. I'm with the Committee for
8 Environmental Justice Action and our
9 organization and several people in our community
10 feel that Kelly Air Force Base is not acting in
11 good faith in trying to work with the
12 community. The reason I say this is because, on
13 July the 18th, we came to a RAB meeting here at
14 this very place -- here at St. John Berchmans --
15 and we expressed, you know, to the RAB that
16 there should be, you know, more work done with
17 the community to find out, you know, what our
18 concerns are about and you -- and the RAB
19 agreed, you know, that we needed to -- then we
20 said that we needed a meeting in our community.
21 So, on July 11th, Mr. Juan Solis,
22 Mr. Larry Bailey and somebody from the
23 Greater Kelly Development Corporation met at
24 Mr. Raul Villar's house -- Mr. and Mrs. Raul
25 Villar's house -- and there was -- there was a

1 proposed agenda of discussion on what we
2 wanted -- you know -- and what we wanted was a
3 community meeting -- a community meeting held in
4 our community at the North Kelly Gardens
5 community -- and Mr. Solis and Mr. Bailey and
6 everybody came to an understanding that the --
7 that the Air Force would set up a tent right in
8 our community and they would bring in tables and
9 chairs to the community, and the next thing we
10 know is that we get a -- we get a notice in the
11 mail that there's going to be a meeting at
12 Dwight Elementary -- at Dwight Middle School on
13 the south side, you know. So, we felt that was
14 a -- that was a unilateral decision made by
15 the -- by whoever made that decision, because we
16 didn't know anything about it, you know, so
17 that's the reason that we feel that Kelly is not
18 acting in good faith in trying to work with the
19 community.

20 Another point that we're going to stress,
21 also, is that we would have liked to have seen
22 the -- the -- the investigation that is going
23 to be conducted by -- by the -- ATSDR, which
24 is another governmental agency. We would have
25 liked to have seen a nongovernmental agency

1 conduct this -- this investigation, because a
2 lot of the -- the people in the community have
3 lost faith in -- in -- in the federal agency.
4 One, because it took -- I don't know how many
5 years -- for Kelly Air Force Base to -- to
6 notify them about the contamination that existed
7 in the community -- and, two, because -- you
8 know, ATSDR is another governmental agency and
9 they might -- I mean, for all we know, it might
10 be just another rubber -- it might be just a
11 rubber stamp to fast track the whole
12 privatization effort.

13 That's all I have to say.

14 MR. RIOJAS: Mr. Solis, would you
15 like to respond to that any?

16 MR. SOLIS: Yes. I feel that the
17 concerns of the North Kelly people have been
18 addressed -- and, specifically, with the visit
19 of ATSDR -- that we, in fact, are bringing
20 somebody that can evaluate your concerns, look
21 at them, study -- conduct studies to determine
22 what exists that may pose health problems.

23 Now, what other areas do you feel should be
24 addressed, other than those? I know there is
25 primarily health issues that concern you and it

1 was a good concern and we have -- we now have
2 people that are qualified to respond to those.
3 I suggest we give them an opportunity to respond
4 and we go from there.

5 Now, it is -- and I don't know the answer
6 to having other than government agencies conduct
7 it -- what that would entail or at what point --
8 see, that was some of the feeling that, "We
9 don't trust anybody that's government." Well,
10 that's -- that's hard to address. Okay? And
11 maybe someone has the answer.

12 I believe that in good faith we have
13 listened and we have made possible a study of
14 the North Kelly area and these people are going
15 to conduct this evaluation and we're going to
16 find out what exists, what -- maybe what exists
17 and what should be done about it -- and,
18 basically -- like Mr. Fowler described as to the
19 mission of his group. Now, can we give them an
20 opportunity to respond and find out what they
21 have to say?

22 MR. RIOJAS: -- you know, one of
23 the -- I would like to say that this morning
24 that I met with the ATSDR and I advised them
25 that one of the things that I thought -- one of

1 the big challenges they were going to have -- is
2 the -- is the -- is the challenge of -- of
3 convincing the people of the community that they
4 are not pawns of Kelly Air Force Base -- because
5 I have never met these people before. I think
6 they're -- they're -- they're true -- they are
7 civil servants. They are a member of the
8 government. They're a different agency than we
9 are. They're under H/HS; is that not correct?
10 They're health and human services -- and --
11 and -- I wish I could convince you otherwise. I
12 know that I can't, but I can just tell you --
13 and I cannot -- and I can't -- cannot discuss
14 what happened before I came about, also. I can
15 only promise you -- my own promise -- that
16 we're going to do what's right. We're going to
17 do as much as we can to answer your questions,
18 to answer your concerns. If it takes bringing
19 third-party people in here, we're going to do
20 that.

21 MR. JOHNSON: That's something --

22 MR. RIOJAS: Yes, sir?

23 MR. JOHNSON: My name is

24 David Johnson and I'd like to redirect -- and
25 perhaps something that CEJA and the government

1 can do -- ATSDR is here, but can we also have a
2 nongovernmental agency work in conjunction with
3 ATSDR in fact-finding and also come up to
4 whatever conclusions or inconclusions there may
5 be?

6 MR. RIOJAS: Are you talking
7 about funding an outside third-party
8 contractor?

9 MR. JOHNSON: Possible --
10 Possible right now. Because you mentioned
11 earlier that we have Southwest Research right
12 down the road and you're using them for some
13 soil sampling and whatnot, but they also have
14 medical capabilities. I don't know whether
15 that's within their scope, but at least it would
16 be something that we would be able to
17 investigate and perhaps -- say that or maybe the
18 UT Health Science Center, as well.

19 There are agencies here who can also
20 conduct some investigative work -- and, again,
21 I'm not -- I'm not trying to get ATSDR not to do
22 their job. But what I'm saying is in good
23 faith. Perhaps there needs to be more than just
24 one agency. Understand his point of view and
25 our point of view as a community -- especially

1 in this? I'm -- This is exactly what the RAB
2 needs. They need more public forum even at the
3 RAB meeting, so that some of these questions can
4 be brought up -- and that's a comment I made
5 just a little bit earlier. If you're not
6 finding out what the community is asking -- and
7 a lot of times, the question is asked. There is
8 an answer given, but it's not a direct answer --
9 and, so, these are the things that we are trying
10 to investigate.

11 I propose that as perhaps maybe a
12 recommendation that the RAB can -- can at least
13 consider to have a local agency -- whether it's
14 UT, Bexar County, whoever -- work in conjunction
15 with the ATSDR.

16 MR. RIOJAS: Thank you for your
17 comments.

18 Okay. One of the problems that we might
19 have with any third party is that -- that most
20 contractors at some time or another have a
21 government contract and may even work for us.
22 So, therefore, we -- do we have a credibility
23 problem with a contractor that's under contract
24 with the government? I don't know. But we can
25 certainly take a -- Yes, sir?

1 UNIDENTIFIED SPEAKER: Once the
2 data is collected by the group and a study
3 determines -- a determination is made, who's
4 going to release that report? Are they going to
5 do it or is it going to go straight to your
6 office, DoD or Department of the Air Force?

7 MR. RIOJAS: ATSDR?

8 UNIDENTIFIED SPEAKER: They are
9 going to release it?

10 MR. RIOJAS: Is that your
11 question? How are they going to get the
12 information back to you?

13 UNIDENTIFIED SPEAKER: Are they
14 going to do it through your office or are they
15 going to do it themselves after they make a
16 determination --

17 MR. RIOJAS: This is their
18 report.

19 MS. ERLWEIN: Okay. What I guess
20 the question is -- is how are we going to let
21 you know what we're doing and what we're about?
22 And what I'm hearing is that we have a lot of
23 options. The Air Force does have a mailing
24 list, so we might take advantage of that and try
25 and share stuff with you that way. But,

1 certainly, the idea of us coming out and doing
2 our own meeting is not out of the question,
3 so --

4 MR. RIOJAS: I think the question
5 is -- I think the question is: Are you going to
6 give the report to us to send out to them? And
7 the answer is no.

8 MS. ERLWEIN: Oh, no.

9 MR. RIOJAS: They're going --
10 They're going to send it directly to you. We're
11 not going to filter it.

12 MS. ERLWEIN: Right.

13 MR. RIOJAS: Now, we may give
14 them our -- the mailing list -- you know, but
15 that's going to be their responsibility.

16 UNIDENTIFIED SPEAKER: Don't use
17 the mailing list. Sometimes we don't get
18 anything. I read the newspaper in the evening.
19 I didn't know the meeting was on for today.

20 MS. ERLWEIN: If ATSDR chooses to
21 do a public meeting --

22 MR. RIOJAS: I think it's also
23 important for us to bring that data to meetings
24 like this -- to where you can pick it up at
25 these meetings, also.

1 UNIDENTIFIED SPEAKER: We need to
2 know when the meeting is.

3 MR. RIOJAS: I'm sorry?

4 UNIDENTIFIED SPEAKER: We need to
5 know when the meeting is, so we can --

6 MR. RIOJAS: Yes. That's right.
7 The question was: We need to know when the
8 meeting is so that -- that -- and you are --
9 you are on the mailing list, are you not?

10 I think that we have to rewrite --
11 revitalize this thing by getting it out in the
12 media, getting it out in the newspaper, getting
13 it out in the Kelly Observer and the
14 Flying Times and get it on the radio.

15 MR. QUINTANILLA: The Southside
16 Reporter, also.

17 MR. RIOJAS: Southside Reporter.

18 Okay. Questions?

19 MR. HERRERA: I have a couple.

20 MR. RIOJAS: Yes. Councilman
21 Bob Herrera.

22 MR. HERRERA: I know I should
23 have been up here with these guys since I've
24 been in office, but I've been around doing other
25 things and there's no excuse for coming around.

1 But to answer your questions on these four
2 people who are here today -- I don't know if
3 you-all know this or not -- but thanks to
4 Congressman Tejeda, that's one of the reasons
5 why these people are here today. I'm not
6 knocking these four people down. I really honor
7 and cherish the time that Frank Tejeda -- for
8 what he does for the community. Believe me,
9 Congressman Tejeda is here to fight for all of
10 us. He was here to fight for Kelly. Believe
11 me, he's going to be here to fight for what's
12 contaminated or what's not contaminated in front
13 of Kelly or behind Kelly.

14 UNIDENTIFIED SPEAKER: We can't
15 hear you, sir.

16 MR. HERRERA: He's behind you
17 110 percent -- he really is -- and there's a few
18 things that I want -- that I'd like to bring
19 up.

20 These four people are here for efforts to
21 see what really is wrong, what we do have and
22 what we do not have, if we have health hazards
23 or toxic hazards in our neighborhoods or in our
24 backyards. We don't know that. That's why
25 we've brought these people from Atlanta,

1 Georgia. That's where you-all are from,
2 right -- from at Atlanta, Georgia?

3 There is a few questions that I have
4 concerns with. The fuel tanks back over here
5 north on the perimeter road back over here where
6 you-all live, what type of fuel is in those? Is
7 it JP-4 or --

8 MR. RIOJAS: JP-8.

9 MR. HERRERA: Okay. How long has
10 J-8 been in there?

11 MR. RIOJAS: A little bit less
12 than a year.

13 MR. HERRERA: -- But prior, it
14 was JP-4?

15 MR. RIOJAS: That's affirmative.

16 MR. HERRERA: Now, within that
17 certain time frame, does the Air Force have any
18 type of Air Force guidelines that regulates or
19 states if a residence can or cannot be built
20 within a certain amount of feet of that certain
21 fuel tank?

22 MR. RIOJAS: I would like to
23 answer that, but I don't think that I can.

24 MR. HERRERA: I -- Let me --

25 MS. JOHNSON: Mr. Herrera, our

1 houses were there before this --

2 MR. HERRERA: I understand that.
3 Please, let me get my point across.

4 Is there an Air Force regulation?

5 UNIDENTIFIED SPEAKER: Answer.
6 We need answers.

7 MR. BAILEY: If, in fact -- My
8 name is Larry Bailey. If, in fact, those tanks
9 were to be constructed today, they would have to
10 comply with state requirements and the state
11 requirements today are very restrictive on
12 location of fuel tank farms and other such tanks
13 close by residences. A public hearing would
14 have to be held and, at that time, the
15 proponent -- the people who wanted to construct
16 those tanks -- would have to come forward and
17 explain why these tanks could be constructed
18 where they are. But the current standard that I
19 have seen that the State has in place, it would
20 be difficult for a company to build that
21 today -- if it was constructed today.

22 MR. HERRERA: Okay. Basically --
23 and I hope you guys know this -- I am also a
24 Kelly Field employee, but I'm not here as a
25 Kelly Field employee. I'm here as a

1 representative on this area. As a matter of
2 fact, I cover the portion -- a majority of the
3 Kelly baseline -- on the outskirts. This part
4 over here is in District 5, but across the
5 street -- from right here back this way is
6 District 6. That's why I'm concerned and that's
7 why I was called by a few people to come out
8 here and ask a few questions. So, I just hope
9 that you don't keep personal vendettas on me
10 because I'm a Kelly employee.

11 My next question: In the near future, the
12 GKDC, if turned over to the city, what are they
13 going to do in terms of the fuel tanks versus
14 these people out there? Are they going to be
15 fully responsible for removal of the fuel tanks
16 or are they just going to dry them up
17 completely -- or can you please explain to them
18 what JP-8 is versus JP-4 fuel?

19 MR. RIOJAS: Of course -- Of
20 course, that question would have to be directed
21 to the GKDC -- and I'm not trying to get out of
22 answering the question -- but that would really
23 be their -- their question to answer. Whether
24 or not they would discontinue use of those tanks
25 or not, you'd have to talk to them.

1 But, as it stands right now, GKDC does not
2 have any of the responsibility for the
3 restoration. That's an Air Force requirement.
4 Any contamination that we have put into the
5 ground or into the air or into the water is
6 Air Force responsibility and Air Force will live
7 up to that responsibility.

8 At such time -- At such time as -- as the
9 property is actually turned over to the GKDC --
10 I think this is a question that you can ask
11 them -- and I guess -- I'm not trying to shirk
12 the question. It's a good question. My sense
13 is -- My sense is that they're going to continue
14 to try to operate a distribution system here and
15 they're going to continue to be flying airplanes
16 in and out of here -- that they will attempt to
17 continue to use those tanks, but I cannot say
18 for sure. It's not my call.

19 MR. HERRERA: Okay. Last week in
20 the newspaper -- Last week in the newspaper, you
21 had Ms. Sherri Goodman -- she's the
22 Under Secretary -- she stated that the Air Force
23 will be responsible for all cleanup and all
24 environmental mistakes that was left behind by
25 the Air Force. Is that true or false?

1 MR. RIOJAS: That is true.

2 MR. HERRERA: So, therefore, by
3 the year 2001, when privatization is already in
4 place and the jobs are -- some of the jobs are
5 still here versus Lackland, they're not going to
6 back door the people and say, "We need more
7 money for this"?

8 MR. RIOJAS: No. The Air Force
9 still has a responsibility. There's another
10 agency within the Air Force that has that
11 responsibility. Even now, all the cleanup work
12 has to be done with their coordination. When
13 Kelly Air Force Base, as we know it today, is
14 gone, they will still be here until everything
15 is cleaned up to the satisfaction of the EPA and
16 the TNRCC.

17 MR. HERRERA: How much money are
18 we talking about?

19 MR. RIOJAS: I do not know.

20 MR. HERRERA: You do not know?

21 MR. RIOJAS: I don't know. We
22 have some -- We have some -- We have some
23 figures right now -- but, see, thresholds change
24 in the future and we have to clean it up cleaner
25 than -- than what the standards are right now --

1 that will take -- that will take additional
2 money and take additional time. I can tell you
3 one thing: We're going to use the latest
4 technology that we -- that we have -- and if new
5 technology comes out, we're going to change our
6 technology to the newest. The funds will be
7 made available and we will do that. The
8 Air Force -- and I will make a commitment to
9 that.

10 MR. HERRERA: There is one thing
11 that was mentioned earlier by Mr. Quintanilla
12 over here and the one thing that is true. One
13 thing that we do not want for the taxpayers to
14 put out more monies than what they don't have
15 to. When I came on council last year, we were
16 stuck with -- with TNRCC where -- with the
17 Alamodome dirt project -- and spending thousands
18 of dollars that belong to the taxpayers is not
19 right -- and it's bottom line. It's not right.

20 MR. RIOJAS: I understand that.

21 MR. HERRERA: It is my duty and
22 my obligation to come up here and speak forth
23 and to do what I can do to help them out in the
24 near future. No, I'm not up here politicking.
25 Because, believe me, I could be elsewhere.

1 We have our budget review tonight from 7:00
2 to 11:00 o'clock tonight. I've already missed
3 an hour of it. But, then, again, we all learn
4 from our mistakes and I've learned a great deal
5 since I've been in office -- and I will say this
6 just to -- since I've been in office -- I've
7 only been in office a year and a month -- you
8 gain a lot of new friends when you're in
9 politics or when you're in office -- a lot of
10 good friends, a lot of bad friends. I just
11 haven't sorted them out yet. But, believe me,
12 they're surfacing now -- and what I'm trying to
13 say is this: These people deserve better
14 treatment -- they really do -- I mean -- not
15 because I'm standing up here and I'm running as
16 a candidate -- no -- other than that, I also
17 have friends that live over here on Bay Street,
18 the Serape (phonetic) family -- and they live
19 right -- right around the corner from here.
20 They live in the corner house. They've been
21 there for 15, 20 years -- and I've know one of
22 the brothers to have cancer -- and they come
23 from a healthy family, then, all of a sudden,
24 something like this pops up and then all of a
25 sudden another neighbor versus another neighbor

1 versus another neighbor. Now, it's obvious
2 something is wrong out there. It's obvious.
3 It's something that we have to look at
4 together. I know those who will never be
5 heard -- those who will never speak out will
6 never be heard.

7 Okay. I'm here now. I am going to speak
8 out. Mrs. Johnson has tried to get a hold of me
9 for -- for many a time now -- many a day. No, I
10 have not been around. But, like I said, it's
11 never too late -- and, as far as I'm concerned,
12 they're part of me and I'm going to stick with
13 them from here on out. So, any other questions
14 or whatever -- I will be knocking on your door.
15 I know where your door is.

16 MR. RIOJAS: It won't be the
17 first time.

18 MR. HERRERA: That's right. I
19 will be knocking on your door -- and he has been
20 responsive.

21 MR. RIOJAS: We can talk in my
22 office.

23 MR. HERRERA: He has been
24 responsive and -- I've got to admit that --
25 Mr. Riojas has been responsive towards any

1 questions that I have asked -- but you'll be
2 hearing more of me -- especially on this
3 particular issue here.

4 MR. RIOJAS: And we appreciate
5 you being here, Mr. Herrera.

6 Yes, ma'am?

7 MS. ADAMES: My name is
8 Domingo Adames. He says he's got other
9 responsibilities. I would like to find somebody
10 who doesn't have that much of a responsibility,
11 but a responsibility to us -- to me. My house
12 is about 125 yards from those tanks. I want
13 somebody who will take time -- time -- his
14 time is precious. Is mine not precious to me?
15 Everybody has got other engagements -- can't
16 come to our meetings -- they've got other
17 appointments. What's the matter with us? Give
18 me an answer. What is the matter with us if
19 nobody can make time for us?

20 MR. RIOJAS: I think that the
21 whole RAB Board right here is making time for
22 you right now.

23 MS. ADAMES: We need somebody
24 else.

25 MR. RIOJAS: I think that the

1 ATSDR is making time for you. I'm making time
2 for you.

3 MS. ADAMES: Thank you.

4 MR. RIOJAS: Mr. Solis is --

5 MS. ADAMES: You're one of the
6 first ones I feel comfortable with.

7 MR. RIOJAS: Mr. Solis is making
8 time for you, too.

9 MS. ADAMES: When he went to our
10 meeting last week, he was in a hurry, too.

11 MR. RIOJAS: Let me tell you,
12 when it comes to environmental cleanup --

13 MS. ADAMES: We need somebody to
14 speak for us -- to be there for us.

15 MR. RIOJAS: And I think that --
16 I think that what we've showed you tonight is
17 that there's some things that are going on -- It
18 takes lots of time to do this. It takes a lot
19 of research --

20 UNIDENTIFIED SPEAKER: Thirty
21 years?

22 MR. RIOJAS: Yes, sir. It
23 takes -- I takes a --

24 UNIDENTIFIED SPEAKER: How many
25 more people need to get sick before you guys

1 start saying enough is enough?

2 MR. RIOJAS: Yes, ma'am?

3 MS. PEACE: Councilman Herrera,
4 I'm -- I'm really glad that you've expressed
5 this commitment to be here and to stand up for
6 the people in this community and I would like
7 you -- suggest to you that you direct council to
8 direct the Greater Kelly Development Corporation
9 to also advocate for this community and -- and
10 make it part of the base closure and make it
11 part of their agenda -- that these people be
12 dealt with satisfactorily and -- and get what
13 they want out of this, also -- as part of the
14 base closure.

15 MR. RIOJAS: The GKDC -- just
16 this morning -- made a commitment to do just
17 that.

18 MS. PEACE: Oh, great.

19 MR. RIOJAS: The GKDC has a --
20 has a new contractor working for them by the
21 name of EG&G that -- their -- their
22 responsibility is to look after the well-being
23 of the -- of the community. But let me tell
24 you, when it comes to cleanup, that's an
25 Air Force responsibility.

1 MS. PEACE: I understand that.

2 MR. RIOJAS: I would love to give
3 that responsibility to somebody else, but we
4 have to step up to that responsibility.

5 MS. PEACE: But this -- this
6 board made a motion at the last meeting that a
7 buy-out be considered and that's what I was
8 referring to, specifically.

9 MR. RIOJAS: Well, that's
10 improper for this board to consider a buy-out.
11 This board is not funded to -- to do buy-outs,
12 nor can we make a decision about that.

13 MR. QUINTANILLA: But we can
14 recommend it to you, sir?

15 MS. PEACE: That's right.

16 MR. RIOJAS: It will not do any
17 good to make a -- recommend it to me.

18 MR. QUINTANILLA: Because the
19 Air Force will not buy contaminated property?
20 Is that the reason?

21 MR. RIOJAS: No, that isn't it --
22 and you know -- and you know that isn't the
23 reason. You've worked for the Air Force too
24 long not to understand that, Mr. Quintanilla.
25 You know exactly what the situation is.

1 MR. QUINTANILLA: You-all
2 contaminated that property. You have a legal
3 responsibility to the people.

4 MR. RIOJAS: We have a legal
5 responsibility to clean it up and I admit -- I
6 admit -- I admit that.

7 MR. QUINTANILLA: And you're
8 taking 30 years.

9 MR. RIOJAS: I admit that.

10 MR. QUINTANILLA: "Hey, our hands
11 are clean. We're going to do it in 30 years."

12 MS. LIMON: You should have never
13 contaminated it in the beginning -- in the first
14 place.

15 MR. JOHNSON: The one thing that
16 they did want you to bring up to Greater Kelly
17 Development is that currently under DoD there is
18 a consideration -- a loophole -- right now,
19 currently they cannot turn over a property until
20 it is actually cleaned up. There is an action
21 being presented to the House, I believe -- if
22 it's not passed already -- to be able to
23 expedite the sale of property before the cleanup
24 is actually completed and this is something that
25 we have great concern.

1 MR. HERRERA: If I just may
2 clarify something -- if I may -- two weeks
3 ago, this all came before council for the GKDC
4 to take over everything. Council has no longer
5 the power or the authority to tell them what to
6 do. They're -- They're -- The GKDC is strictly
7 on their own now. We were just there for the
8 beginning -- to form the IBASC committee and to
9 form everything else. Two weeks ago it came
10 before council. It was voted in to where GKDC
11 is fully responsible for all the decisions that
12 are made with the privatization and the GKDC --
13 the -- EG&G and the GKDC people. City council
14 has no longer a tie with it. We did our part by
15 putting the people on the board and the board
16 appointed their people. That's all we did.

17 MR. JOHNSON: Who, in turn, holds
18 the GKDC responsible for --

19 MR. HERRERA: Paul Roberson is
20 the GKDC overall, but he still answers to
21 our -- our -- somewhat called city manager.

22 MR. RIOJAS: The city council
23 does hold a responsibility. They're an
24 independent corporation, but they are -- they
25 are answerable to the city council.

1 MR. JOHNSON: This is exactly why
2 I wanted this to be brought out -- is to
3 inform -- to inform you that currently, under
4 DoD specifications, the property cannot be
5 turned over.

6 MR. RIOJAS: Dennis -- Dennis, I
7 have got the -- I have got somebody that can
8 address that. That -- That is --

9 MR. JOHNSON: Again, it is under
10 consideration to create a loophole to expedite
11 privatization to allow sale of property prior to
12 the cleanup -- and, again, my point was: This
13 is a concern to us as a community to find out
14 whether or not there are other legal
15 ramifications that will come about with this
16 type of proposal.

17 MR. RIOJAS: This is
18 Byron Cochran from the Judge Advocate's Office
19 at Kelly Air Force Base contending what the law
20 says with respect to that, Dennis.

21 MR. COCHRAN: First of all, there
22 are some -- there are some proposals before
23 Congress that would attempt to amend CERCLA.
24 This is not a DoD proposal. There are many
25 aspects to -- to the proposal -- and I have read

1 a number of commentaries regarding the -- the
2 different sides to this issue. As I understand
3 it, if this were to be passed as a matter of
4 law -- and -- and there's no certainty at all
5 that it will be -- it would involve certain
6 responsibilities to the governor of the state
7 for non-MPL sites -- such as Kelly is -- to
8 make a determination as to the type of
9 restrictions that would be put on the cleanup
10 required. It would become a condition and those
11 conditions would have to be met. They would
12 have to be addressed and they would have to be
13 recorded in the deed for the property and this
14 would also include budgetary requirements. But
15 this is purely speculation, you have to
16 understand. This is one proposal that was
17 before the Senate. The House has a different
18 version of this and it's anybody's guess as to
19 how this might be passed. And what I'm telling
20 you is purely based on commentators that are
21 astute observers of the congressional process.

22 MR. RIOJAS: What does the law
23 say now about transferring property?

24 MR. COCHRAN: The law states now
25 that the remedial action would have to be in

1 place and that the remedial action would have to
2 be approved by the regulatory community before
3 the property could be transferred. So, one
4 thing that this would do -- it would involve a
5 certain amount of that responsibility to the
6 governor of the state for non-MPL sites. If
7 it's an MPL site, that responsibility would
8 remain with EPA. But, as to what might happen,
9 is pure speculation.

10 MR. JOHNSON: I've got one more
11 point of interest here. The other question that
12 we have -- as Mr. Bailey said, under current
13 regulations, it would almost be impossible --
14 and the other concern that we have -- and a
15 legal matter -- if this is turned over, do
16 those current regulations -- would they apply?
17 And, if so, how will that affect the immediate
18 community, especially with houses being only
19 125 yards away? Because this is another
20 question that needs to be raised and that's why
21 I like a public forum. It allows the community
22 to come out here and talk. I will emphasize
23 that over and over and over again. Please allow
24 us to speak even if it's at the end of your RAB
25 meetings. We get a lot of information. It's

1 hard for us to assimilate all that information
2 and just ask questions right off the bat. So,
3 we do require a little bit of time. I will
4 be -- and you will continue to see me at these
5 meetings to raise these questions.

6 Again, understand, none of these
7 communities want -- want to interfere with the
8 economic growth of San Antonio. But we are
9 concerned for our immediate communities -- not
10 only -- not only for the past families -- but
11 for the families that are coming in. That
12 particular area where I grew up had five houses
13 on the block. All of a sudden, HUD came in and,
14 boom, the whole place was built -- and I can
15 tell you from personal experience -- you know,
16 I've dug up the whole area. So, if there is
17 heavy metals, if there is lead -- you know, I've
18 been exposed to it -- you know, firsthand.
19 Growing up as a kid, we never thought
20 anything -- you know, the puddles would go up --
21 I'd go running down -- and this is another thing
22 that I would ask the RAB -- I did recommend it
23 then -- is that some type of public notice be
24 posted on the streets stating that there is a
25 possible -- doesn't say that they're going to

1 get contaminated -- but there is a possible --
2 and public safety has to be paramount with the
3 RAB and GKDC.

4 Thank you.

5 MR. RIOJAS: That's one of the
6 questions that we owe you an answer on, because
7 you mentioned before, Dennis.

8 MR. HERRERA: And I guess the
9 bottom line is -- before I take off -- I'd
10 just like to add, also --

11 MR. RIOJAS: David. I'm sorry.

12 MR. HERRERA: -- that -- I guess
13 basically the next meeting is going to be a
14 public hearing for the citizens to be heard --
15 that's what I was told -- that the citizens
16 will be able to speak up and these guys will be
17 in the back -- in the background.

18 And just to answer your question: Why
19 wasn't I always there? Let me tell you
20 something, it's not easy -- when I took this
21 job, I thought it was only a Thursday job. That
22 is not true. Thank God I'm not married.
23 Because a lot of these people, they never see
24 their spouses. I come to work over here from
25 7:00 o'clock to 3:30 every day. I report

1 downtown. Just like today, I reported
2 downtown. I had meetings until 5:15. I
3 reported over here at 5:30. I go back. Every
4 day -- and it's Saturday and Sunday. It's not
5 only a five-day work week. It's Saturday and
6 Sunday. Just like Ka'Boomz, that nightclub off
7 Highway 90, I get phone calls at my home at 2:30
8 in the morning. What can you do about it? I
9 call the police officers. They go -- They go
10 pick me up. And what do I do? I'm just sitting
11 there in the police car. What am I supposed to
12 do? But that's part of my job --

13 MR. RIOJAS: Okay. Councilman, I
14 hate -- I hate to interrupt you, but --

15 MR. HERRERA: I just want you to
16 know it's not that I wasn't there for you, but
17 it's a seven-day work week deal and it's almost
18 24 hours a day.

19 MS. ADAMES: It feels like a
20 nasty feeling when you speak up and nobody
21 listens, especially -- We need a voice that will
22 speak for us. Where was our voice?

23 MR. HERRERA: Well, it's like I
24 said, it's never too late. I'm here now and I
25 will be at your next --

1 MR. RIOJAS: Thank you for being
2 here, too.

3 Are there any other questions -- anybody
4 else that would like to address the audience or
5 anything?

6 Well, thank you so much. I would like --
7 I'd like to remind you one more time that the
8 next meeting is going to be a public forum and
9 we're going to feed back the questions -- the
10 answers to the questions that we got on the
11 19th of August and -- and discuss these openly.

12 MS. LIMON: Don't forget to put
13 it in the media.

14 MR. RIOJAS: Yes, ma'am. I got
15 that. Thank you.

16 The next meeting will be the
17 18th of November. We will put out notification
18 on when we're going to have the next meeting.
19 Thank you, ladies and gentlemen.

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STATE OF TEXAS *

COUNTY OF BEXAR *

I, JULIE A. SEAL, a Certified Shorthand Reporter and Notary Public in and for the State of Texas, do hereby certify that the above and foregoing contain a true and correct transcription of all proceedings, all of which occurred and were reported by me.

WITNESS MY HAND, this the _____ day of _____, A.D. 1996.

Cert. No. 5160

Expires: Dec. '97

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JULIE A. SEAL
Certified Shorthand Reporter
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