



KELLY AFB  
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RESTORATION ADVISORY BOARD

AUGUST 21, 1995

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COPY

**KIM TINDALL & ASSOCIATES**

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RESTORATION ADVISORY BOARD MEMBERS:

1 MR. LARRY BAILEY  
2 Kelly AFB co-chair;

3 MR. ALLAN HAGELTHORN  
4 Community co-chair;

5 MR. RICHARD TREVINO  
6 Kelly AFB employee;  
7 Alternate for Mr. Larry Bailey,  
8 sitting in but not voting

9 MR. GARY BEYER  
10 TNRCC, Austin;

11 MR. BILLY BROWN  
12 TNRCC, San Antonio;

13 MR. GEORGE RICE  
14 Groundwater hydrologist;

15 MR. ARMANDO C. QUINTANILLA  
16 American Assoc. of Retired People;

17 MR. CARL MIXON  
18 Bexar County Fire Marshal;

19 MR. BILL SAIN  
20 Bexar Audubon Society;

21 PROF. GENE W. LENE  
22 Academic Community;

23 KELLY MCCARTNEY  
24 Kelly AFB employee  
25 Alternate;

SAM SANCHEZ  
San Antonio Metropolitan Health  
District;

SSGT. THOMAS E. MOORE  
Kelly AFB employee;

CRAIG MEPPEN  
Alternate for Mr. Billy Brown;  
sitting in but not voting

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MS. JOAN FALKENBERG  
San Antonio Water Systems;

MR. RAUL VILLAR  
Citizens for Environmental Justice  
Action  
Alternate for Ms. Yolanda Johnson;

JULIE A. SEAL  
Certified Shorthand Reporter.

\* \* \* \* \*

1 On the 8th day of August, A.D. 1995,  
2 the above entitled meeting came on for  
3 discussion before said LARRY BAILEY, and the  
4 following proceedings were had:

5 MR. BAILEY: If I can get  
6 started -- Welcome. Thank you for getting in --  
7 into the somewhat inclement weather. We'll have  
8 to hope that before we -- or while we're getting  
9 to this and prior to us leaving and getting home  
10 tonight that we don't have any heavy rains. My  
11 understanding is in checking with the weather  
12 people before coming over here that there are  
13 certain parts of town that are getting some  
14 pretty heavy showers, some of those in the  
15 northeast and going out towards the northwest.  
16 So, just giving everybody a heads-up that -- be  
17 prepared for -- possibly some -- some showers or  
18 at least some -- some slippery roads on our way  
19 home.

20 I'd like to thank everybody for coming  
21 tonight, letting you know that we've what I  
22 consider to be a very healthy agenda. We've got  
23 a number of items, two of which I'd like for you  
24 to take a look at and vote for some RAB action  
25 on tonight. There are some other items that

1 people have asked to be put on the overall  
2 agenda. We will be talking about those, also.  
3 So, without further ado, I'd like to get in and  
4 just start the RAB meeting off, again, by  
5 thanking everybody for coming and asking --  
6 regarding the first item -- again, going to the  
7 meeting agenda. We will be going through this,  
8 one element through -- what we call ten.

9 And, at this time, I'd like to start off  
10 with Item -- or Element No. 1 and see if there's  
11 any review and discussion of the draft 12  
12 June -- June 12th meeting minutes. Did anybody  
13 have any comments or any other input, possibly,  
14 to the meetings -- minutes of 12 June? These  
15 were sent out regarding a cover letter from  
16 Kelly on June 30th. Okay. If there are no  
17 comments, can I have some recognition for  
18 approval of the minutes.

19 MS. FALKENBERG: Move to approve.

20 MR. BAILEY: Okay.

21 MR. RICE: Second.

22 MS. MCCARTNEY: Second.

23 MR. BAILEY: Okay. Because we  
24 have no microphone, if I could ask you just to  
25 give your names so the Recorder, as we start to

1 go through the process, can have your name.  
2 We'll get the names for now, but as we go into  
3 this further -- Thank you. So, the meeting  
4 minutes of June 12th have been approved by the  
5 RAB.

6 Membership changes. We had an application  
7 that we received from Mr. Juan Solis. His  
8 application is in your packet. He is not here  
9 this evening, but he was here previously -- at  
10 the last session. I believe some of you had an  
11 opportunity to talk to him. It has been the  
12 posture taken by the Board that the Board would  
13 vote on the membership, if in fact that person  
14 was here. That's only the posture. We don't  
15 have anything in writing. So, I'm throwing it  
16 out to the Board to decide on, whether you would  
17 like to vote Mr. Solis in tonight or wait for  
18 him -- for us to contact him to make sure he's  
19 here next time. It's entirely up to you-all on  
20 how you wish to go about this.

21 MR. HAGELTHORN: What's the total  
22 active membership of the Board right now?

23 MR. BAILEY: We have one member  
24 that we'll be getting to in just a bit,  
25 Mr. Hirsch, who has resigned. And, so, with

1 Mr. Solis joining, I believe that will put it at  
2 21 -- back to 21. Mr. Solis is a member -- just  
3 in case you don't have the application in -- in  
4 front -- he's an active member of the  
5 community, from what he has told me. He  
6 represents an association. He has lived in or  
7 near Kelly Air Force Base since the late 1950s.  
8 Yes?

9 MR. RICE: I'd like to move that  
10 we approve Mr. Solis for membership.

11 MR. QUINTANILLA: I will second  
12 that.

13 MR. BAILEY: Okay. Any  
14 discussion? It's been moved and seconded to  
15 accept Mr. Solis into the membership of the  
16 RAB. Okay. Mr. Solis -- we will be giving him  
17 a call and telling him and providing him  
18 packages and other such information.

19 MR. QUINTANILLA: Mr. Chairman, I  
20 received another application -- or -- or a  
21 contact, a lady also from our neighborhood --  
22 that she would like to attend --  
23 Ms. Chavarria -- I don't see her here, but I  
24 just want to bring it up because she is a fine  
25 candidate for this Board. She is a



1 stakeholder -- She is here? Ms. Chavarria?  
2 Will you please stand?

3 Ms. Chavarria is a member of the -- of our  
4 South San Antonio community. She has businesses  
5 and -- and -- and property in the South  
6 San Antonio area that is contaminated by the  
7 spills at Kelly Air Force Base and she would  
8 be -- make a wonderful addition to this  
9 particular Board. And this Board is going to  
10 grow as a result of base closure and I think she  
11 should be next in line.

12 MR. BAILEY: Okay. If it's  
13 acceptable to everybody, what we'll do is we  
14 will talk to the young lady -- give her the  
15 application, submit the application, we'll send  
16 it out with the minutes, if that's acceptable.  
17 We have some minutes that will be going out,  
18 ma'am, as a result of this meeting. And if we  
19 could have you fill out that form, we'll have  
20 everybody review it and then -- they'll take a  
21 look at it, so at the next meeting, then, we'll  
22 vote on it. Is that acceptable to the RAB  
23 membership?

24 MR. QUINTANILLA: That's  
25 acceptable.

1 MR. BAILEY: Can I see a nod of  
2 heads or something? Because the last few  
3 times --

4 MR. QUINTANILLA: I'm in favor.

5 MR. BAILEY: Okay. So, it's been  
6 approved that we will send the application to  
7 Ms. Chavarria. Okay? And if we'll get her that  
8 application -- overall material -- maybe she  
9 can fill it out tonight. We'll make sure that  
10 we get it, put it in the minutes and it will be  
11 going out to everybody. Are there any other  
12 individuals that people have contacted that have  
13 indicated an interest in possibly joining the  
14 RAB? Yes?

15 MR. RICE: There is a  
16 Mr. Tom Culbertson who's a retired USGS  
17 hydrologist who is interested in joining.

18 MR. BAILEY: If we will also do  
19 the same with Mr. Culbertson. And, then again,  
20 we will send his application out with the  
21 minutes. Everybody can take a look at it and  
22 then, when we meet again at the next RAB, we  
23 will vote on that also.

24 MR. QUINTANILLA: Is  
25 Mr. Culbertson here.

1 MR. BAILEY: Yes. He's sitting  
2 in the front row.

3 MR. QUINTANILLA: I want to say a  
4 little bit of something about Mr. Culbertson.  
5 He lives on the -- on Westwood, way on the other  
6 side of town, and he made a -- special efforts  
7 to come over here by bus because he is a  
8 dedicated water man and I definitely think that  
9 he should be a member of this particular body.

10 MR. CULBERTSON: I want to tell  
11 you how friendly the people are in this area.  
12 It was raining and I was walking and some young  
13 lady picked me up and drove me to the school.

14 MR. BAILEY: Okay.

15 MR. QUINTANILLA: Us homies are  
16 not bad.

17 MR. BAILEY: Are there any  
18 others, other than those two individuals that we  
19 just heard about? Okay. Going onto Element 3,  
20 B, Mr. Richard Hirsch is a member on the roll.  
21 He has -- Well, first of all, he has been absent  
22 for two consecutive meetings, which falls into  
23 the RAB charter, and he has also phoned and  
24 asked to be taken off as a formal RAB member.  
25 So, I would like to indicate that to the Board

1 members. We do not have a formal letter from  
2 him, but he has contacted us on two occasions  
3 and has not been present at the last two  
4 meetings. So, I'd like to, again, initiate  
5 that -- put the issue out before the RAB Board.  
6 He has asked to be taken off, no alternate  
7 added, and I'd like to put that out for a vote  
8 to the RAB membership, that his name be taken  
9 off -- that's what the motion is -- to be taken  
10 off the RAB membership.

11 MR. QUINTANILLA: I so move.

12 MS. MCCARTNEY: Second.

13 MR. BAILEY: Okay.

14 MS. MCCARTNEY: Second.

15 MR. BAILEY: A second? Okay.

16 Can I have some indication -- nod of --  
17 hands -- on this. It has been approved, then.  
18 Going on to Issue 4 -- we're going to go through  
19 some of the committee reports. We have four  
20 identified -- 4, B -- Mr. Ayala is not here  
21 this night. His alternate is here, but we will  
22 ask him to report next time when he comes. I  
23 believe he does have some information, but he  
24 has been out and about and is not able to be  
25 here tonight. So, we're going to postpone

1 Element 4, B, until the next time the RAB  
2 meeting meets.

3 At this time I'd like to ask  
4 Mr. George Rice to report regarding the  
5 Groundwater Committee.

6 MR. RICE: Thank you, Larry. A  
7 little break in what I intended to do this  
8 evening. You know, I'm here to talk about  
9 groundwater modeling -- particularly the  
10 modeling effort that was done for Zone 2. But  
11 just before the meeting began, Dr. Gene Lene  
12 gave me this sheet -- or gave me this this  
13 paper -- and it's entitled, "The Limitations of  
14 Groundwater Models." So, I'd just like to read  
15 the first two sentences out of this thing to  
16 kind of set the stage about models in general.  
17 It says, "The ability of groundwater models to  
18 accurately predict the behavior of groundwater  
19 flow in real world situations is poor. At best,  
20 models, despite their high degree of precision,  
21 are qualitative predictors of future  
22 activities."

23 Now, I'd like to say, I certainly agree  
24 with that. What I mostly do for a living is  
25 model groundwater -- using these kinds of

1 models. But we should always keep in mind that  
2 these things are not a substitute for the real  
3 world and should never be confused with the real  
4 world. And that's what makes it all the more  
5 important that when -- when we are actually  
6 using models, as in this situation, that we use  
7 them as carefully as possible, that we get the  
8 highest degree of expertise to review those  
9 models that we can get and that we use the best  
10 data available.

11 I hope everyone was able to get this  
12 handout right here, because that's what I'm  
13 going to be going through in slides today -- if  
14 I can figure out how to turn this on. Is that  
15 clear?

16 MR. QUINTANILLA: That's much  
17 clearer.

18 MR. RICE: I'd like to say a  
19 couple of things before actually getting  
20 started. If you were here at the last meeting,  
21 you might remember that I talked about reviewing  
22 some of the work that had been done for Zone 2  
23 and, at that time, I said I thought it was  
24 pretty good work. It wasn't wonderful work, but  
25 it wasn't terrible work. It was good work.

1 And, as a matter of fact, that's the case with  
2 most of the work that I've seen here at Kelly.  
3 I think that Mr. Bailey and his staff and his  
4 contractors are doing a fine job. I especially  
5 like these interim actions that are currently in  
6 place. I think they're -- a very wise move to  
7 put them in place and I think they'll end up  
8 saving us all a lot of trouble in the future.

9 However, since the last meeting, I reviewed  
10 the modeling for Zone 2, and here is where I've  
11 got some problems. And essentially my problem  
12 is this: I believe that the modeling that has  
13 been done for Zone 2 is invalid. "Invalid"  
14 means that it cannot be used as a basis for  
15 making any remedial action decision and it  
16 should not be used as evidence to support any  
17 decisions that have been made. As far as we're  
18 concerned -- or as far as I'm concerned, this  
19 work is essentially useless for our purposes.  
20 Now, I'd like to say that what I'm talking about  
21 here are mistakes. I don't mean to imply in any  
22 way, shape or form that there's any sort of  
23 funny business going on here, any of this stuff  
24 was done on purpose or anything like that.  
25 Simply errors. I make errors, you make errors,

1 everybody makes errors.

2 As a matter of fact, I was talking to a  
3 couple of the contractors that actually did the  
4 modeling this afternoon -- and as you'll see  
5 later -- they pointed out an error I committed  
6 here so, hey, you know, these are just errors.  
7 Now, it may surprise you to learn, or it may  
8 not, that when I raised these concerns with the  
9 Air Force, they disagreed. And I believe that  
10 sometime after I'm done speaking, Mr. Bailey or  
11 one of his representatives is going to get up  
12 and give the Air Force point of view. Is  
13 that -- Is that correct?

14 MR. BAILEY: Yes.

15 MR. RICE: What I hope to do this  
16 evening is -- you, as RAB members -- is convince  
17 you -- you to vote to have an independent expert  
18 come in and review this work. I'm a groundwater  
19 modeler. I'm saying it's invalid. On the other  
20 hand, you've got the Air Force and their  
21 contractor saying, "There's nothing wrong with  
22 this work." I think we need someone who is a  
23 recognized expert in the field without any  
24 connection to all this work going on here to  
25 come in and look at this work and to tell us



1 what they think of it. I think that if we do  
2 this, it will amount to a cheap insurance policy  
3 where in the future, we're -- to not only save a  
4 lot of time, but also a lot of money. And  
5 regardless of what side of this issue you end up  
6 being on, I think we're all on the side of  
7 saving time and money -- and that's what we all  
8 want to do.

9 Now, in talking to Mr. Bailey and his  
10 staff, I've come across three positions,  
11 essentially, that they have when I tell them I  
12 believe the work is invalid. The first position  
13 I hear is that, number one, this work has been  
14 done by an expert contractor and it's been  
15 reviewed by experts. "We have a system in place  
16 that does not allow invalid work to leave the  
17 shop." Number two, the argument -- although not  
18 exactly stated as I'm going to state it -- I  
19 think is implicit in what they say -- is, "This  
20 modeling, really, is not all that important to  
21 begin with. And, anyway, we're going to have  
22 another contractor redo it later." And their  
23 third position is, "Well, even if we have chosen  
24 the wrong remedial action, as we put these  
25 remedial actions in place, we're going to be

1 monitoring that work so that if we have made a  
2 mistake, we'll catch it and we'll be able to  
3 correct it."

4 So, what I'd like to do tonight is go over  
5 some of the modeling that's been done -- by the  
6 way, I see some -- some heads disagreeing with  
7 me -- and feel free to, you know, raise your  
8 hand and -- and ask me a question or tell me,  
9 "George, I think what you just said was wrong,"  
10 or whatever. You know, that's fine. That  
11 includes audience members, if you're familiar  
12 with this work -- and I certainly don't have any  
13 problem with that. But what I want to do is go  
14 through the modeling and address these three  
15 points that the Air Force has brought up.

16 The first issue I'd like to address is the  
17 issue of review. What the Air Force says is  
18 they have experts do the work. "We have experts  
19 review the work. We don't allow poor work to  
20 get out of our shop." Well, what this is --  
21 this is a summary of an aquifer test that was  
22 done a few years ago and the importance of  
23 aquifer tests -- aquifer tests measure the  
24 fundamental physical properties of the aquifer  
25 that you're studying, then this information is

1 then used all through the study. This is  
2 fundamental to any work that's been -- that's  
3 done -- including modeling -- it's absolutely  
4 critical.

5 What we have here are identifications of  
6 the wells in which water levels were measured.  
7 This is transmissivity. What transmissivity is,  
8 is one of those fundamental properties -- it's  
9 essentially a measure of the ease with which  
10 water can move through the aquifer, how quickly  
11 water will move through the aquifer. This is  
12 specific yield. That's the measurement of how  
13 much water the aquifer can hold. Then these  
14 other numbers here were put into this formula  
15 and what this formula is used for is -- it's a  
16 measurement of whether or not the particular  
17 analytical technique that was used to evaluate  
18 this test is valid. They plug these numbers  
19 into this formula.

20 I'd like to point out two things here:  
21 Specific yield -- these numbers that are greater  
22 than 1 are physically impossible. Virtually any  
23 groundwater hydrologist who's familiar with  
24 aquifer testing in their analysis would do what  
25 I did -- look at this number and say, "What's

1 going on here? This is physically impossible."  
2 What this number here, 2.54, essentially means  
3 is that the volume of water in the aquifer is  
4 more than two and a half times the volume of the  
5 aquifer itself. That's ridiculous. It's like  
6 saying, "The diameter of the doughnut hole is  
7 greater than the diameter of the doughnut  
8 itself." That's ridiculous. These values are  
9 impossible. Some of the values are  
10 questionable, but these others are impossible.

11 Now, I'd like to address this evaluation of  
12 the validity of the test. These numbers are  
13 plugged into this formula and you come up with  
14 this number here and you say, "Is the test valid  
15 or not?" And here they have this test. They  
16 say, "Yes, yes, yes, yes." Well, when you  
17 review work like this, something that you ought  
18 to always do is run a sample calculation just to  
19 see if they ran the numbers right. Well, this  
20 is what I did, and my numbers did not agree with  
21 theirs. So, I looked at what they did and  
22 looked at what I did and the difference was they  
23 did not convert the gallons, in this particular  
24 number, over to cubic feet. As a result, all of  
25 these numbers are low by a factor of roughly

1           seven and a half. So, instead of being valid,  
2           valid, valid, valid, what you have is here  
3           valid, valid, invalid, invalid, invalid,  
4           invalid, invalid.

5                   Now, I show you this as a way of addressing  
6           the issue that the Air Force brings up, that of  
7           done of experts and reviewed by experts. It's  
8           clear that either this work was not reviewed at  
9           all or it was reviewed by someone that didn't  
10          really understand what they were looking at. If  
11          there were a stringent review system in place,  
12          work like this would not make it out the door.

13                   What I'd like to do now is just talk a  
14          little bit about the modeling at Zone 2. Just  
15          to orient you-all, there's Kelly Air Force.  
16          Most of you have probably seen this map lots of  
17          times. Here's Zone 2. Zone 2 has been broken  
18          down into two operable units. Operable Unit 1  
19          is on base and the plan for remedial action on  
20          base is pump and treat. They're going to pump  
21          the groundwater out of the ground, treat it and  
22          then reinject it. Essentially a good plan, in  
23          my opinion. Operable Unit 2 is off base. Some  
24          contaminants from Zone 2 have moved off base.  
25          The plan there is essentially to do nothing.

1 It's called natural attenuation. And what --  
2 what the proposal is, is we're going to monitor  
3 this contamination off base and we're going to  
4 see what happens to it. But our modeling  
5 results lead us to believe that within five  
6 years, contaminant concentrations are going to  
7 be down to an acceptable level, so we don't have  
8 to worry about it.

9 Now, what I'd like to do now is talk a  
10 little bit about the modeling that's actually  
11 been done and then point out some problems with  
12 it. I'm not going to get into a technical  
13 discussion of why the modeling is invalid, but  
14 what I would like to show you are some  
15 consequences of that invalidity and some  
16 ridiculous results that have been generated as a  
17 result of the invalidity.

18 Now, I guess most people probably aren't  
19 very familiar with groundwater modeling -- and  
20 it's work done on a computer. You create a  
21 computerized version of your aquifer, then you  
22 simulate pumpage. You simulate the injecting  
23 water and you see what happens to the water  
24 levels. You simulate the presence of  
25 contaminants and you see how they flow with the

1 groundwater, and concentrations either increase  
2 or decrease with time and so on.

3 Here's some of the work that was done by  
4 the contractor at Operable Unit 1. And what  
5 this just shows is if we have a series of wells  
6 here where water is being injected. Down here,  
7 we have a series of wells where water is being  
8 pumped out of the ground -- and all this  
9 particular map does is show you differences in  
10 water levels. Here close to these wells, the  
11 water level has risen about two feet. We get a  
12 one foot rise here, none here and down here, you  
13 have a pumping well -- we actually get a  
14 decrease in water levels. That's fine. That's  
15 reasonable.

16 Here's another type of result that they  
17 get -- and I happen to think that this is a very  
18 useful result and I'm glad they included it.  
19 These little arrows show the direction that  
20 groundwater is going to be flowing in response  
21 to this pumping and injecting. And the length  
22 of the arrow is proportional to the groundwater  
23 flow rate. So, the longer the arrow is, the  
24 faster the groundwater is flowing. The shorter,  
25 the -- excuse me -- the shorter it is, the more

1 slowly it's flowing.

2 This sort of work that I just showed you is  
3 usually called a hydro -- hydrodynamic modeling  
4 or groundwater flow modeling. Another type of  
5 work that the contractor did is called  
6 contaminant transport modeling. And that's  
7 where you look at how contaminants move in the  
8 aquifer with time. This here is an attempt to  
9 model what's going to happen at O.U. 2 where  
10 natural attenuation is supposed to take care of  
11 our problems. Here we have a map showing the  
12 concentrations -- before anything happens of  
13 trichloroethylene -- TCE -- and here the  
14 highest concentration is nearly 10,000 parts per  
15 billion. Then they've generated another map and  
16 what this map shows is what the model predicts  
17 will happen five years into the future. And, as  
18 you can see, the plume has moved a little bit,  
19 but concentrations have decreased dramatically.  
20 They've gone down from around 10,000 parts per  
21 billion down here to 4.6 parts per billion,  
22 which just happens to be just below the drinking  
23 water standard of five parts per billion.  
24 That's where we have to be within five years in  
25 order for the plan to work as stated in the



1 feasibility study -- well, I guess -- I'll  
2 approach that topic later.

3 Now, I'd like to show you what I consider  
4 some of the ridiculous results that have been  
5 generated by this modeling -- and here's where  
6 my mistake comes in, so let me not forget to  
7 point this out. This number here where it says,  
8 "200 GPM," it should be "20 GPM" -- one-tenth  
9 of what I have in here. These other numbers  
10 here are correct. What this -- What I'm trying  
11 to show here is that when they did their  
12 modeling -- in this case, it was contaminant  
13 transport modeling. They simulated the pumpage  
14 of many wells. And what I'm looking at is one  
15 of those wells that they simulated pumpage of.  
16 And what they said is, "We can pump this well at  
17 20 gallons a minute and we can pump it for a  
18 year or longer and the water level is going to  
19 drop a little less than two and a half feet in  
20 that time." So, what I did is, I went to the  
21 aquifer test data and I went to the only two  
22 pump wells that I'm aware exist in Zone 2. This  
23 well here and this one here. And I said, "Well,  
24 what actually happened when they tried to pump  
25 this aquifer?" Well, in the first case -- which

1 was their most productive well near Leon  
2 Creek -- they actually pumped this well at ten  
3 gallons a minute for three days and they got  
4 approximately twice the drop in water level that  
5 they did here. Pump it at half the rate for far  
6 shorter and got twice the drop.

7 This other well here -- which is a good  
8 deal tighter -- it was pumped for less than one  
9 gallon a minute. It was pumped for about eight  
10 hours and they hit the bottom of the aquifer.  
11 The water level dropped down to the bottom of  
12 the aquifer. So, the question is: Why didn't  
13 the modelers who did this work compare the  
14 modeling to real world results? If they would  
15 have done it, I think they would have said,  
16 "There's a problem here. There's something  
17 unrealistic about our model. What is it?" And  
18 they -- I hope they would have gone back and  
19 fixed it, but clearly they didn't, because the  
20 modeling results are way out in left field  
21 compared to the real world results compared to  
22 what we know actually happens.

23 MS. MCCARTNEY: I have a question  
24 for you.

25 MR. RICE: Yes.

1 MS. MCCARTNEY: Doesn't that mean  
2 that they're actually doing better than what the  
3 model is? Isn't that the point of a model is to  
4 do worst-case scenario?

5 MR. RICE: Actually -- That's a  
6 good point. What these low draw-downs mean is  
7 that the simulated reduction in contaminants  
8 would probably be greater than they would be  
9 otherwise and that the time you predict is going  
10 to be required in order to clean up will be less  
11 than it would be otherwise. So, this -- from  
12 the point of view of cleanup is the optimistic  
13 scenario. If you think about it, you would like  
14 to pump these contaminants out as quickly as you  
15 can. So, if a great deal of pumping is going to  
16 dry up your well, that's not good. You want to  
17 be able to pump a lot and maintain fairly high  
18 water levels. That's the best situation.

19 MR. HAGELTHORN: Looking at your  
20 well levels there and looking at the model  
21 versus the actual data, a question that comes to  
22 mind immediately for me is the type of well that  
23 was planned in the model, the screen, the size,  
24 et cetera, the same as what was found in the  
25 actual wells? Was the amount of volume of

1 water -- If we look at the actual wells we're  
2 going to be pumping out water -- they may have a  
3 smaller well size, screen size, not able to  
4 transport as much water through it. I mean, was  
5 that -- how does that compare -- what effect  
6 does that have on it? Does -- Richard, do you  
7 know anything.

8 MR. TREVINO: Go ahead.

9 MR. RICE: The short answer is,  
10 "I don't know." We have -- Here's what I'm  
11 focusing on -- pumping a well in the model where  
12 they don't specify screen length -- I think a  
13 screen across the entire aquifer -- I believe  
14 that's the assumption -- let me know if I'm  
15 wrong -- and a diameter isn't specified. You  
16 don't do that in a model.

17 MR. HAGELTHORN: So, then,  
18 when -- it would seem to me that when they got  
19 into the actual design of things that the type  
20 of wells that they would be planning should  
21 ensure that we got at least 200 gallons per  
22 minute out of that well.

23 MR. RICE: Well, no.

24 MR. HAGELTHORN: Twenty gallons  
25 per minute?

1 MR. RICE: Twenty gallons.

2 MR. HAGELTHORN: I'm sorry.

3 Twenty gallons per minute.

4 MR. RICE: What this says to me  
5 is when -- is when we do our planning -- Oh,  
6 excuse me.

7 MR. HAGELTHORN: No. Go ahead.

8 MR. RICE: What it says to me  
9 is: Unless we get new information that tells us  
10 that the aquifer is a lot more productive than  
11 it currently appears to be, when we do our  
12 planning, let's not plan on pumping any well at  
13 20 GPM for a year because most likely, it's not  
14 going to be possible.

15 MR. HAGELTHORN: My concern is  
16 just not the aquifer, but it's whether or not  
17 that well itself --

18 MR. RICE: The well designed here  
19 or here?

20 MR. HAGELTHORN: Either one of  
21 those two wells versus the model.

22 MR. RICE: These are the only two  
23 real-world wells I'm aware of. They may be  
24 poorly designed. I don't know. I don't know.

25 MR. HAGELTHORN: That's what I'm

1 saying. You know, when we look at the data, our  
2 concern ought to be to make sure that the type  
3 of well that is to be used in the design phase  
4 and the remediation process be able to meet the  
5 standard or meet the criteria that -- design  
6 criteria. Now, that well may not do it and,  
7 therefore, your information would be invalid.

8 MR. RICE: Okay. Fine. I'm  
9 just -- Later on -- Yeah, Sam.

10 MR. SANCHEZ: George, those are  
11 actual wells in a relatively -- if I'm not  
12 mistaken -- shallow aquifer --

13 MR. RICE: These two here, yeah.  
14 This one here is near Leon Creek and this one  
15 here is a little further up the bank.

16 MR. SANCHEZ: In your real-world  
17 experience, would that necessarily mean that  
18 they would be identical in terms of pumpage?

19 MR. RICE: No -- No. You  
20 wouldn't expect -- You always expect some amount  
21 of --

22 MR. SANCHEZ: You expect some  
23 kind of fluctuation?

24 MR. RICE: Sure.

25 MR. SANCHEZ: You have to expect

1 some fluctuation on that --

2 MR. RICE: Sure. Exactly.

3 MR. SANCHEZ: When they go to the  
4 model, are they trying to overcompensate for  
5 that -- that fluctuation or not?

6 MR. RICE: That's a good  
7 question. The way I approach modeling and the  
8 way I believe modeling should always be  
9 approached is, you do not assume properties  
10 greater than you happen to know. You don't  
11 assume properties that are outside the range of  
12 what you know to exist. Any other questions?

13 Now, here is where things will get a little  
14 confusing, I'm afraid. Maybe the -- the best  
15 way to do it is: I will go through this slide  
16 and then tell you what I found out earlier  
17 today. Again, we have -- we're looking at a  
18 natural attenuation contaminant transport  
19 model. The contractor's model, as best as I  
20 could tell when I looked at it, resulted in a  
21 predicted concentration after five years of  
22 about five parts per billion left in the  
23 aquifer. That just meets the standard. That's  
24 the minimum that's acceptable.

25 However, I looked at the model runs that

1 had been given to me through the Air Force by  
2 the contractor to see exactly how they arrived  
3 at these numbers. I saw that they had left out  
4 some very important data. And the data that  
5 they left out was the highest concentration that  
6 are actually found in the area. The highest  
7 concentration being that one you saw earlier,  
8 nearly 10,000 parts per billion. They left out  
9 that 9,800 part per billion concentration. The  
10 highest one they put in the model was 450 --  
11 about a twentieth of that value. So, when I  
12 went back, took their exact model and put in  
13 that higher concentration, after five years, I  
14 didn't get five parts per billion. I got 80  
15 parts per billion. Significantly greater.  
16 Sixteen times higher than the drinking water  
17 standard.

18 Now, here's where things get a little bit  
19 complicated here -- and -- well, you-all will  
20 have to make up your own minds on this one.  
21 About 9:00 o'clock this morning, I got a call  
22 from one of Mr. Bailey's staff and they said,  
23 "Now, Mr. Rice, we went back and looked at the  
24 stuff we gave you and we gave you the wrong  
25 stuff," is what he said. He said, "The real



1 stuff that we use is being Fed Ex'd in by the  
2 contractor and it will here this afternoon."  
3 Okay. What could I say? I was a little -- a  
4 little ticked off since I made such a nice  
5 picture and everything. You know, there's not  
6 much you can do about it. But it was an honest  
7 mistake. You know, there are a bunch of files,  
8 and it turned out that they were supposed to  
9 give me four files. They gave me three of the  
10 four. That's what happened. So, I came in this  
11 afternoon, talked to Kenny Johnson, he gave me  
12 the file. Unfortunately, there wasn't any  
13 computer that I could use to look at it. For  
14 some reason, the Air Force is short of  
15 computers. I don't know. But I couldn't look  
16 at it, but I was able to talk to the contractors  
17 who had done the runs. And my discussion with  
18 the contractors -- and I have to caveat this by  
19 saying, "I'll have to determine how accurate  
20 what I'm now saying is by looking at that  
21 additional information" -- but from my talking  
22 to the contractors, I don't think that that new  
23 file is going to make much difference in my  
24 evaluation -- preliminary judgment -- we'll  
25 see how it goes. But as of 2:00 o'clock this

1           afternoon, this was the best information I had.  
2           What else is out there? I don't know.

3                       MS. MCCARTNEY: I have another  
4           question for you. How many data points did you  
5           have? I mean, how -- you said that was just one  
6           point that you added in?

7                       MR. RICE: Yeah. Essentially  
8           what I did -- and if you'd like, I can show you  
9           printouts of the runs after the meeting -- but I  
10          used the same model run they used and I just put  
11          in this missing concentration. It was missing.  
12          I put it in.

13                      MS. MCCARTNEY: Isn't it natural  
14          to take like the highest one and the lowest one  
15          out when you do averages like that?

16                      MR. RICE: Not in this kind of  
17          work, no. Not in this kind of work -- and  
18          that's a good point, because you know what we  
19          looked for when we're looking at contamination.  
20          If you look at the averages, everything is  
21          nearly zero. The contaminated samples are  
22          genuinely the exception. So, we're usually  
23          looking for the exceptions. But if you're  
24          interested, I'd be happy to show you this --

25                      So, I guess the question is now -- so, if

1 you believe me, if the modeling is invalid, what  
2 does it matter? And those are the questions I'd  
3 like to try to address now. Here is what I  
4 believe are the consequences of invalid  
5 modeling: In the first place, we don't have a  
6 real basis for knowing whether or not the  
7 proposed remedial actions will work. Because  
8 the way this modeling has been used, in my  
9 opinion, is to say, "Look, we've got these  
10 designs, we've run these models and they show  
11 that, in the time period that's acceptable,  
12 contaminant concentrations are reduced to  
13 acceptable levels." However, if your modeling  
14 is invalid, you can't say that with any -- with  
15 any degree of confidence. So, what may be  
16 happening now is -- we've already got another  
17 contractor working on these preferred  
18 alternatives developing designs -- that's --  
19 that's correct?

20 MR. BAILEY: Yes.

21 MR. RICE: -- contractors already  
22 working on them. And the question is: Is that  
23 contractor going down a dead-end path or not?  
24 Will these solutions actually work? And here I  
25 would like to address the second point that I

1 hear the Air Force making. "Well, the modeling  
2 really isn't all that important, anyway. We  
3 really don't base decisions on it." Number one,  
4 let's take O.U. 2, where natural attenuation is  
5 supposed to occur. Suppose they ran the model,  
6 and it showed that unacceptably high  
7 concentrations of contaminants were going to be  
8 there for who knows how far out into the  
9 future. Would the Air Force have said, "Well,  
10 this stuff really doesn't matter. Let's go on"?  
11 No, of course not. They would have said,  
12 "What's going on here? It appears as if we may  
13 have a solution that's not going to work. Let's  
14 check it out."

15 Another issue: The contractor -- talking  
16 to them this afternoon -- explained one very  
17 useful purpose of running these models -- and  
18 this is for O.U. 1, where it's going to be a  
19 pump-and-treat system. They're going to pump  
20 contaminated groundwater out of the ground,  
21 they're going to run it through a treatment  
22 system, clean it up and then shove it back into  
23 the ground. That, in broad outline, I think, is  
24 a very good plan.

25 However, I believe that the amount of water

1 that they've estimated that they can pump out of  
2 the ground are wildly optimistic. They're  
3 wildly optimistic because of these fundamental  
4 flaws that exist in the model. So, suppose they  
5 believe that they can pump -- I'll just use a  
6 number off the top of my head -- 100,000 gallons  
7 a year out of the ground and they design a plan  
8 and build a plant to run at 100,000 gallons a  
9 year and you get out there and you find out that  
10 what you can really pump out of the ground is  
11 5,000 gallons a year. Well, my goodness, that's  
12 a huge waste of money -- a huge waste of  
13 money -- building the size of the plant based on  
14 modeling, which the contractor says is -- is one  
15 of the uses of modeling -- they use it to size  
16 the plant with -- you could end up building a  
17 plant that is far more expensive than you really  
18 have to.

19 So, those are some of the consequences of  
20 poor modeling, practical consequences, money  
21 consequences, time consequences, things that are  
22 going to prevent us -- if we are in fact making  
23 mistakes, things that are going to prevent us  
24 from cleaning up this groundwater as quickly and  
25 as inexpensively as we can. Another consequence

1 of invalid modeling -- although, come to think  
2 of it, this could be done in the future -- is  
3 you cannot use invalid models to optimize your  
4 system. When you optimize your system, you try  
5 different pumping rates over here and injection  
6 rates over here to see what's the quickest way  
7 you can do and what's the least expensive way  
8 that you can conduct this cleanup. That can't  
9 be done with an invalid model.

10 MR. SANCHEZ: George?

11 MR. RICE: Yes.

12 MR. SANCHEZ: You said constantly  
13 the model is invalid. Is that different from  
14 saying that the model is -- the numbers that  
15 have been used in the model have rendered it  
16 invalid? Which is it?

17 MR. RICE: I -- I believe it's  
18 both, Sam. I think that bad data has been put  
19 into the model and I think that the way the  
20 modeling program was designed was faulty. Both  
21 are problems.

22 Now, I'd like to address the third point  
23 that the Air Force makes -- that is how  
24 modeling -- or excuse me -- monitoring  
25 remedial action that's being conducted. We

1 certainly do need to do this. If it hadn't been  
2 planned, I guess the State would have forced  
3 them to do it, anyway. It's a very necessary  
4 thing, but we just can't rely on it as something  
5 that's going to take care of all our problems.  
6 For example, let me -- let's just suppose that  
7 we conduct the program that's been proposed here  
8 and we go with natural attenuation in O.U. 2;  
9 and let's say several years down the road, as  
10 we're monitoring O.U. 2, we find out that -- we  
11 find out that the -- the site is not cleaning up  
12 as we expected it would. So, have contingency  
13 plans been developed? I certainly haven't seen  
14 any. Is there anything anywhere that says, "If  
15 we get concentrations this high after a year or  
16 after two years, here's the action we're going  
17 to take"? I'm not aware of any.

18 In choosing natural attenuation, we don't  
19 expend a great deal of money at all -- less than  
20 a million dollars, I believe. But suppose we  
21 found out natural attenuation doesn't work and  
22 that we have to do something active -- like a  
23 pump-and-treat system -- where are those funds  
24 going to come from? I mean, here we've asked  
25 for funds to do this natural attenuation

1 business and then, several years later, we're  
2 going to ask for -- we're going to come back and  
3 say, "Gee, we found out it wouldn't work. Now  
4 we need ten" -- "20 million more bucks in order  
5 to do a cleanup." Are we going to get that  
6 money? I don't know.

7 My final point here is: I believe that we  
8 should do the work right in the first place.  
9 Let's do all we can to make sure that the base  
10 upon which we're starting these remedial actions  
11 is as solid as it can be, that it has gone  
12 through the most rigorous review and has faced  
13 the most rigorous tests possible. If we start  
14 off on a faulty base, if we use invalid models  
15 as a basis for proceeding in the future, we can  
16 only end up in trouble in the future and it's  
17 liable to cost us a great deal of time and money  
18 to go back and fix something that we have an  
19 opportunity to fix now.

20 Finally, my recommendation -- and this is  
21 the end. Now, I don't know how many of you are  
22 aware that about two weeks ago, we attempted to  
23 have a RAB meeting -- called everybody up in a  
24 hurry -- and I went over some of this stuff --  
25 some of the same stuff I presented this evening



1 and we wanted to take some action, but we didn't  
2 have a quorum, so we couldn't take any action.  
3 And in that -- My recommendation at that time is  
4 that we stop work now and we redo the  
5 modeling -- and that was essentially my vote.  
6 But I've talked to some members of the RAB --  
7 I've thought about it a bit -- and I think  
8 that's a bad idea. We should go forward with  
9 work as planned now.

10 However, I have a proposition -- and this  
11 is what the RAB is going to be asked to vote on  
12 later on this evening. I believe that we should  
13 bring in an independent expert to evaluate the  
14 modeling that's been done and that expert should  
15 look at a very narrow question -- two  
16 questions -- number one, is the work -- the  
17 modeling work that's been done -- is it valid  
18 and can it be used to support any decisions?  
19 Very narrow.

20 My experience is that this is approximately  
21 a 40-hour job. I think it could be done  
22 relatively quickly. This expert would make his  
23 evaluation -- and let me say -- if this expert  
24 says the modeling is valid, well, I'm going to  
25 shut my mouth -- end of story. On the other

1 hand, if this expert determines that the  
2 modeling is invalid, then we as a RAB -- along  
3 with the Air Force and the regulators -- we need  
4 to step back a second and say, "Okay. What  
5 should we do now? What should we do now?  
6 Should we redo the modeling properly," as this  
7 expert, I hope, might tell us to do, and then  
8 say, "Okay. This one" -- "This plan here will  
9 work, but this one won't, so we have to change  
10 this one," or come -- we might come to find out  
11 they'll both work -- and that would be fine --  
12 then we can keep on going down the path.

13 But this is the proposal: Continue the  
14 work as planned. Let's not slow anything down.  
15 We want to get it done as quickly as possible,  
16 but evaluate this modeling and if this expert  
17 decides that we got problems, then we've got to  
18 step back and say, "Okay. What do we do now?"

19 That's the end of my presentation. Thanks  
20 so much. And anyone interested in any more  
21 information, I'll be happy to talk to them  
22 after -- after the meeting.

23 MR. BAILEY: Any other RAB  
24 member -- Go ahead.

25 MR. MOORE: I've got a couple of

1 questions on this. Now, when you do  
2 modeling -- if I'm correct on this -- is that  
3 this is -- the modeling you've done has been all  
4 assumptions. There's no actual facts or data  
5 collected yet.

6 MR. RICE: No. You use some  
7 assumptions when you don't have the data. But  
8 to the greatest extent possible, you put real  
9 data in the model.

10 MR. MOORE: Okay. When this  
11 model was originally done, they had no  
12 original -- they didn't have any definite data  
13 yet, right?

14 MR. RICE: No, they didn't. What  
15 they had were aquifer properties from the pump  
16 tests, they had concentrations of contaminants  
17 from the sampling that's been done.

18 MR. MOORE: Okay. Now -- and  
19 according to the stats that are in here -- that  
20 right now it started at 10,000 parts per billion  
21 contamination. You're saying in five years it's  
22 going to be down to 80 parts per billion.

23 MR. RICE: I'm not saying -- I'm  
24 not saying that.

25 MR. MOORE: Well, that's what the

1 charts are saying here.

2 MR. RICE: Yeah. What I'm saying  
3 is, when I included all the data in the model --  
4 the data that they left out -- that was the  
5 result.

6 MR. MOORE: Right. And I know  
7 they had five parts and you had about 80.

8 MR. RICE: Yeah.

9 MR. MOORE: But still I'm looking  
10 at --

11 MR. RICE: And I don't believe  
12 either one is correct, to tell you the truth.

13 MR. MOORE: But still I'm looking  
14 at 80 parts per billion versus 10,000 parts per  
15 billion -- within five years is a dramatic  
16 increase.

17 MR. RICE: Oh, yeah. That's a  
18 dramatic --

19 MR. MOORE: So, if another one or  
20 two years were continued, would it then drop it  
21 down possibly below the five parts per billion?

22 MR. RICE: That's possible. But  
23 let's back up a second, Tom. I believe that the  
24 modeling that was done was invalid. I don't  
25 think you can believe any of this stuff. I'm

1 just saying when I put in numbers that they left  
2 out, here are the results that came out of their  
3 own model. I am saying we need to go back and  
4 do it correctly. Then, if we do it correctly,  
5 we might in fact find that in five years, it's  
6 down to five parts per billion or we might find  
7 that in five years it's still up and over 1,000  
8 parts per billion. We don't know. We don't  
9 know.

10 MR. MOORE: Thanks.

11 MR. RICE: Good question.

12 MR. MIXON: Let me ask you one  
13 question before you sit down.

14 MR. RICE: Yeah, Carl.

15 MR. MIXON: If you've already  
16 reviewed this and you're comfortable in your --  
17 in your numbers -- and, obviously, you're well  
18 qualified to make that determination -- why  
19 should we have an outside expert -- like the  
20 O.J. Simpson trial -- have one expert say yes  
21 and one say no.

22 MR. RICE: Good question. And --  
23 And I --

24 AUDIENCE MEMBER: Could you  
25 repeat the question, please? We didn't hear it

1 back here.

2 MR. RICE: Since -- Since -- if I  
3 may, Carl --

4 MR. MIXON: Please.

5 MR. RICE: Since I have already  
6 looked at this and I'm an expert, why do we need  
7 to bring in an outside expert to do it again? I  
8 think the simple answer is that the Air Force  
9 disagrees with my evaluation. Therefore, we  
10 want a third-party to come in here to  
11 essentially settle the matter. Right?

12 MR. BAILEY: That's your point.  
13 You can make your point.

14 MR. MIXON: Well, that's what I'm  
15 saying that -- what could be on the table for  
16 this Board, though, is to accept your  
17 recommendations -- or numbers -- I guess -- or  
18 study or review of data -- after we listen to  
19 the Air Force or -- or one or the other.

20 MR. RICE: That's a possibility.  
21 You know, we have the freedom to do that. Yeah,  
22 we certainly do.

23 MR. MIXON: How much do they  
24 charge an hour? I know you said 40 hours.

25 MR. RICE: I would say a ballpark

1 rate for a guy doing this or a woman doing  
2 this -- 100 bucks -- 120 bucks an hour -- 80  
3 bucks an hour -- 100 bucks an hour is a good  
4 guess.

5 MR. QUINTANILLA: \$4,000.

6 MR. RICE: 4,000 bucks, yeah,  
7 ballpark -- what I consider cheap insurance.  
8 Yes, sir?

9 MR. MONTEZ: I keep hearing --  
10 and this is my second meeting -- and I keep  
11 hearing about how you-all are going to clean the  
12 water that -- a body of water that's  
13 underground -- if it's contaminated, that  
14 you-all will know. What about -- What are you  
15 going to do about cleaning the soil itself? I'm  
16 sure that it's contaminated, too, right?

17 MR. RICE: It certainly is  
18 contaminated. And, as I understand it, there  
19 are plans being prepared now to clean it. Is  
20 that correct?

21 MR. TREVINO: That's correct.

22 MR. RICE: And those plans will  
23 be presented at another meeting.

24 MR. TREVINO: They'll be  
25 presented here in a few minutes.

1 MR. RICE: Oh, here?

2 MR. MONTEZ: That almost seems  
3 like an impossible thing to do. You know, we  
4 know that water evaporates from that body of  
5 water up into the soil --

6 MR. RICE: Yeah.

7 MR. MONTEZ: -- and what are we  
8 looking at as far as some of these neighborhoods  
9 that are in the surrounding areas of Kelly Air  
10 Force Base -- like Normoyle Park and others?

11 MR. RICE: Let me just say from a  
12 groundwater cleanup point of view, your point is  
13 absolutely correct. We can clean up all the  
14 groundwater. If we leave the soil contaminated,  
15 if we allow the rain to move through the soil  
16 and carry more contaminants down in the  
17 groundwater, we haven't done nothing. The two  
18 have to go hand in hand. We can't clean up one  
19 and not the other. It doesn't make any sense.

20 MR. TREVINO: Yeah. We can  
21 address that after a while through the  
22 presentation if you can just give us a few  
23 moments from that respect.

24 MR. MONTEZ: Thanks.

25 MR. BAILEY: Any other RAB



1           comments?

2                       MR. QUINTANILLA: Yes. I would  
3 like to hear from the TNRCC -- see what they  
4 say, based on that last presentation made.  
5 Where are we?

6                       MR. BEYER: In terms of the  
7 review of the model -- We've gone through and  
8 looked at the entire groundwater feasibility  
9 study -- its entire package -- and -- the  
10 modeling is one portion of the package. It is  
11 our -- We looked at the package in terms of, you  
12 know, the way it satisfies the regulations and  
13 have determined that it could meet the  
14 regulatory requirements. Our policy has always  
15 been to proceed forward with cleaning up the  
16 pollution as soon as possible.

17                      We've looked at these issues and -- and  
18 feel that -- see -- there's two ways to go.  
19 We either stop the entire process, which means  
20 stop designing a remedial system -- possibly,  
21 you know, losing funding for the project later  
22 on down the road. I would rather take the other  
23 option, which would be proceed with the design  
24 of the project, incorporating, you know, all the  
25 modeling information -- revised modeling

1 information into a new -- you know, the  
2 project -- and proceed so that we can keep  
3 moving and continue to -- to move toward  
4 cleaning up the groundwater.

5 MR. QUINTANILLA: Say that we go  
6 this way without coming in with an independent  
7 expert and this is wrong -- and later on, we  
8 found out that it's wrong -- isn't this a waste  
9 of money -- or how will it stop the -- the --  
10 if we stop it right now, how will it stop the  
11 funding?

12 MR. BEYER: I'm not saying it  
13 will stop the funding. It would -- It would  
14 forestall the funding and could possibly lose  
15 the funding later, depending on the -- you know,  
16 national politics, et cetera, et cetera.

17 MR. QUINTANILLA: But we've  
18 already gone in for the funding for this. It  
19 went in in June --

20 MR. BEYER: Right.

21 MR. QUINTANILLA: -- for all the  
22 bases, including Utah and Warner-Robbins --  
23 they've all gone in for the funding. We already  
24 have the funding.

25 MR. TREVINO: If I can add -- I

1 think a lot of our response will address a lot  
2 of those concerns.

3 MR. BAILEY: For the funding, but  
4 relative to the State.

5 MR. TREVINO: Right.

6 MR. BAILEY: We can address the  
7 funding when we get up here.

8 MR. BEYER: But -- I guess the  
9 State would just like to proceed with the  
10 cleaning up -- cleanup of the pollution --  
11 polluted groundwater -- is our stance -- and I'm  
12 not saying we're against an independent study.  
13 I think that would be very valuable to -- to --  
14 you know, to lend information. But --

15 MR. CULBERTSON: May I ask a  
16 question? What's the matter with offering it up  
17 for public sale? After all, Kelly Air Force has  
18 gone into privatization. Why not think about  
19 selling it and see what somebody else can do  
20 with it?

21 MR. BEYER: What are you talking  
22 about?

23 MR. CULBERTSON: Sell the land.

24 MR. BEYER: Oh, the land.

25 MR. CULBERTSON: Right now, I

1 calculate that you already spent \$16,730 per  
2 acre --

3 MR. BAILEY: Well, let me just  
4 tell you that -- that -- that the government  
5 maintains liability for that property for  
6 perpetuity.

7 MR. CULBERTSON: They can put a  
8 term -- They can put a term in the sale --

9 MR. BAILEY: We don't lose -- We  
10 will not lose, even by the terms of the  
11 contract, liability for cleanup of that  
12 property. In direct answer to a question that  
13 was asked earlier, let us say that we go off in  
14 a direction right now -- as an example -- the  
15 point that was made by Mr. Rice -- and allege  
16 that there are no contingencies. The  
17 contingency at all times that we all have to  
18 remember is that the State regulators or the  
19 regulators always have the hammer. If they feel  
20 at any time that we're not going off in the  
21 proper direction or that they feel that the  
22 movement for whatever reason's off here, they  
23 can say, "Stop," or they can say, "Regroup," or  
24 they can say, "We want to take a look at these  
25 things." But, as far as the government --

1 United States Air Force walking away from Kelly  
2 Air Force Base or attempting to transfer the  
3 responsibility -- we cannot do that and we will  
4 not do that.

5 MR. CULBERTSON: I didn't say  
6 walk away from it. I said sell it with the  
7 contingency that whoever buys it will clean it  
8 up.

9 MR. BAILEY: Won't happen. We  
10 will not do that.

11 MR. CULBERTSON: Let the Texas  
12 Natural Resource Commission make the decision  
13 for you.

14 MR. BAILEY: No. Not with our  
15 property, no. What they're involved with is the  
16 cleanup, not the sale or transfer of the  
17 property.

18 MR. CULBERTSON: If Kelly is  
19 trying to privatize, if the idea is to get back  
20 into private enterprise --

21 MR. BAILEY: Well, we have been  
22 told to privatize by Congress.

23 MR. CULBERTSON: Because private  
24 enterprise is more efficient in solving their  
25 problems.

1 MR. TREVINO: If I could  
2 recommend something -- BRAC -- in terms of  
3 groundwater modeling -- if we could just get  
4 back to that, we can have -- engage in  
5 discussion on BRAC afterwards, if that's  
6 sufficient. I would like to go back and have us  
7 just briefly go through the points that Mr. Rice  
8 talked about, because we need to --

9 MR. BAILEY: Because we need to  
10 get you to vote.

11 MR. TREVINO: We will get to your  
12 point -- Sir, did you have a comment that you  
13 were --

14 MR. HEFNER: Yeah. My comment  
15 is: What would be -- Let's say, for example, if  
16 it takes a week, as Mr. Rice indicated, to  
17 verify or validate the model, what would be the  
18 big deal with taking a week or whatever as --  
19 and TNRCC can continue to proceed as -- as --  
20 as -- you know, go ahead and keep going forward  
21 with that -- at least with -- maybe a  
22 third-party -- maybe we can settle our minds. I  
23 don't know. That's just --

24 MR. BAILEY: Well, that's what  
25 the RAB's going to vote on in just a bit.

1 That's the ultimate question if we can get to  
2 it. And, again, let me just make some points.  
3 Before we get into the Kelly position, I'd like  
4 to start off -- and I think it's very good that  
5 we go through this dialogue. We have a  
6 committee that was set up to look at groundwater  
7 issues. These are shallow groundwater issues  
8 that we're talking about -- these are not deep  
9 groundwater issues -- in and around Kelly Air  
10 Force Base. We have spent considerable time  
11 sitting down with Mr. Rice. We brought Mr. Rice  
12 out to the base. We've invited him out and we  
13 have provided him data. At no time have we kept  
14 data back. I don't want to leave the impression  
15 coming from Kelly Air Force Base that, "Oh, by  
16 the way, at 2:00 o'clock this afternoon,  
17 Mr. Rice, you now get some kind of data." That,  
18 in no way, depicts what I consider to have been  
19 the case.

20 The situation is, we've sat down numerous  
21 times with Mr. Rice to go over this. We have  
22 brought in contractors to discuss things with.  
23 So, the situation is -- tonight -- is Mr. Rice  
24 still disagrees after those meetings. That's  
25 fine. That's his position. Our position is --

1 and wish to tell you that we have provided that  
2 data. There is other -- other data out there.  
3 We have told Mr. Rice that the data that he has  
4 used -- he has used it in a certain way and  
5 that -- that is not the same way that the  
6 modelers and contractors have used it. But let  
7 me put some emphasis on that. The modeling --  
8 Kelly Air Force Base has not said that it is not  
9 an important tool. Modeling, as part of the  
10 cleanup actions at Kelly Air Force base, is an  
11 important tool. Why is it an important tool?  
12 It's an important tool because it is the  
13 recognized methodology across the United States  
14 that at certain sites, comparable to what we do,  
15 that modeling is used as a tool.

16 The issue becomes, at many times, across  
17 the country is to not so much -- the modeling  
18 should be used or shouldn't be used -- because  
19 you ask yourself the question, "What other  
20 techniques do you have?" This is the technique  
21 which is generally prescribed by contractors who  
22 work with institutions or installations like  
23 us. At the same time, it's the same type of  
24 methodology that is generally recognized by  
25 regulators so that they can approve certain



1 direction. There are other techniques that can  
2 be used. And what we're doing at Kelly Air  
3 Force Base is, we have certain sets of data that  
4 have been collected -- such as this modeling  
5 effort that we're talking about now -- will not  
6 be left up to just this one set of data. There  
7 are going to be multiple sets of data that at  
8 times are put into the model to ensure that  
9 we're going off on the correct pathway. So, I  
10 don't want to leave you with the impression that  
11 we've taken data -- we have a model and it says  
12 what it says and then we're going to run with  
13 it. That's not the case. There's other data  
14 that's collected. That's why the State, the  
15 general public, Kelly, the regulators and other  
16 people know that there is going to be a review  
17 done at some systematic time. It's not going to  
18 be done every week. It's not going to be done  
19 every two months, but there are times when new  
20 data, if it comes in, if it appears as though it  
21 needs to be added to the model, it will be done  
22 so.

23 A couple of other points that I'd like to  
24 make -- so that you've got some idea -- is --  
25 and, if I can, just use these charts. Thank you

1 for letting me just point some of these out.  
2 What our intentions are -- We're not going to go  
3 through every single point to say "yea" versus  
4 "nay." We want to make sure that the RAB  
5 members who will be voting -- to make a decision  
6 based upon what our posture is versus the  
7 posture taken by Mr. Rice.

8 Beginning Line -- Excuse me. Let me just  
9 focus -- Why not do it right to begin with? We  
10 feel it is the right way to go. We started this  
11 action a number of years ago ago where we went  
12 to not one contractor, but more than one  
13 contractor. And we said, "Okay. Here is some  
14 data. We want you to work with us." We also  
15 went to the State regulators to say, "This is  
16 the approach that we're taking."

17 Now, the State was not in a position to  
18 say, "We formally stamp our approval on this  
19 approach," because we weren't far enough along  
20 in the process. So, we went to those people who  
21 were knowledgeable of this type of modeling that  
22 we were going to be using. More importantly, we  
23 asked, "Is this the type of modeling that should  
24 be used?" Contractors that deal with these  
25 kinds of issues all across the country -- these

1 are not people who just deal with the  
2 San Antonio area -- these are people that are  
3 knowledgeable with the San Antonio area but also  
4 other parts of the country -- and we said, "Is  
5 this the right model to use? Are there other  
6 models?" So, there was a divergence of opinions  
7 at that time and eventually this was selected --  
8 the model that was being done.

9 The data to begin with -- There is other  
10 data -- and we will get into that. Mr. Trevino  
11 will follow me and he'll talk about some of the  
12 points that are made. But it's very important  
13 that what we try to do is to make sure that you  
14 understand what we're talking about.

15 The other item is: What is the end result  
16 that we're looking for? The end result that  
17 we're looking for is making sure that the  
18 models, as well as any kind of cleanup action we  
19 put into place, is the best options for the  
20 public and for the State of Texas. Kelly Air  
21 Force Base is not necessarily wearing a hat  
22 right now, other than to say, "It's coming from  
23 us." We know that most of it is emanating from  
24 us. And it's our responsibility as a steward to  
25 put in the best cleanup action that we can. So,

1 if we find out, as we go through this process,  
2 that we need to modify these cleanup actions,  
3 then we can add something else to it or we can  
4 possibly change what we're doing.

5 The other approach that we're also using  
6 with the models -- and then I'm going to turn  
7 our -- I guess -- portion over to Richard --  
8 is -- is talk about the monitoring. The models  
9 that you run -- you then have data that's  
10 collected -- and this may sound confusing, so  
11 I'm going to try to take what limited confusion  
12 out of this that I can -- is -- and, again, if  
13 data is collected from other wells and it starts  
14 to show something -- just because you have made  
15 a capital investment of 100,000, 10 million, 20  
16 million -- in no way indicates that the approach  
17 you've taken is in fact wrong. The approaches  
18 that we're using here at Kelly Air Force are  
19 approaches which are nationally recognized.  
20 This is not something that Kelly Air Force Base  
21 came up with on its own. There's been some  
22 inference -- not by Mr. Rice -- but by some  
23 other folks -- relative to, "Hey, there's a  
24 conflict of interest here." We have gone and we  
25 have tried to build the trust and the confidence

1 with the RAB members to let you know that if you  
2 see any area here where we need to possibly get  
3 some other party, we'll be glad to do so.

4 That's what we did with the modeling, because we  
5 wanted to ensure that we got an overview of very  
6 learned people, very skilled people across the  
7 country -- not just the people here in the  
8 San Antonio area -- but a group of others.

9 So, what I'd like to do is to transfer this  
10 over to Richard and have him go back through,  
11 use some of the same information, if we can,  
12 that was presented earlier -- if you have any  
13 questions of us, please feel free to ask as we  
14 go through these. Are there any questions right  
15 now of me before -- Okay. Richard?

16 MR. TREVINO: Thank you. And  
17 what I'll do is just -- again, just go briefly  
18 through this -- just hit some of the major  
19 points. Again, let me just reiterate some of  
20 the things that Mr. Bailey has indicated.  
21 Before I -- Before I do this, let me make one --  
22 one quick overall perspective and set the theme  
23 here. When we're talking about the cleanup  
24 program at Kelly Air Force Base, a question was  
25 raised by one gentleman, "Well, what about the

1 soils? What about modeling? What about all  
2 these factors?" The fundamental aspect we're  
3 talking about here is that when we do a process  
4 to clean something up -- the soil or the  
5 groundwater -- we have this nine criteria and --  
6 It's a rule that says, "Must be protective of  
7 human health and the environment." That's one  
8 of nine.

9 Also, to address the issue of cost -- Cost  
10 effectiveness is one of those criteria as well.  
11 So, when we go and choose a preferred  
12 alternative, one -- the very first part -- it  
13 must be protective of human health and the  
14 environment. If it doesn't, it doesn't get  
15 selected, point and simple. Second, as part of  
16 the criteria, if it's -- if we have a series of  
17 different treatment processes, we do pick the  
18 most -- the least costly, because -- we agree  
19 with Mr. Rice -- we want to pick one that is  
20 cost effective. So, with that mindset in there,  
21 the TRP process -- the cleanup process -- is  
22 not just modeling. I don't want you to leave  
23 here thinking that modeling is the only thing  
24 and it's -- as Mr. Bailey has indicated, it's a  
25 tool and we utilize that tool.

1 But in terms of the data here, for  
2 instance -- let's get specific just briefly --  
3 this is predominantly RI data -- what I consider  
4 remedial investigation data. Yes, maybe if  
5 there were some basic conversion factors --  
6 this is -- instead of saying, "Is the data  
7 incorrect?" No. All that means is, is we just  
8 didn't convert it to the right one. It's like  
9 saying -- instead of saying yards, it was feet.  
10 Instead of hours, it was seconds. That's what  
11 it boils down to. It's not invalid data. It  
12 just wasn't presented in a fashion that, maybe,  
13 it was applicable and how the model wanted it,  
14 but we put it in the correct format in the  
15 modeling. So, I don't want to leave the  
16 misconception that the data is invalid because  
17 it is not.

18 Another factor here when we're talking  
19 about -- Let me just -- I apologize if I'm going  
20 to mess your charts up, here. I'll fix them.  
21 Let me just go relatively quick here. Let me  
22 use another example. Okay. A very good display  
23 here. One of the things -- This is 20 and  
24 that's correct. But let's add clarification.  
25 This is 20 GPM of a three-well system. The pump

1 test is only one well. So, we have to make that  
2 distinction. That goes back where Mr.  
3 Hagelthorn was indicating this is not just one  
4 well. This is a series of wells. So, we have  
5 to make sure that we put it in proper context.  
6 So, it goes back to your concern is that is it  
7 more conservative -- or are we optimizing? Yes,  
8 we are. If you take it under that context.

9 So, we just want to make sure that what is  
10 presented -- it just adds a little clarification  
11 to it. Again, here -- yes -- if you take that  
12 10,000 PPB -- Let's make a clarification. In  
13 terms of data files that were presented -- what  
14 Mr. Rice was looking at was an original -- was a  
15 three-operable-unit-type scenario where it did  
16 not take into account re-injection. These types  
17 of contaminants do not take into account  
18 re-injection. They do not take into account the  
19 interim remedial systems that are currently in  
20 place -- those actions that we currently have  
21 done. So, of course, under those situations,  
22 they will be higher than what they monitor  
23 because that's assuming we're doing absolutely  
24 nothing. But keeping in mind, here, we have  
25 systems in place. They've been in place --



1 right along in here -- right along the base  
2 boundaries -- all around in here -- that are  
3 currently right now taking that water and  
4 treating it. So, under those conditions --  
5 that's why, in terms of the modeling, we take  
6 all that into account. So, that is what we look  
7 at in terms of, "Is the data valid?" It is  
8 valid because it's real time as well. These  
9 systems have been in operation for one year so  
10 we have that data and we can show -- and we  
11 have shown -- that the systems are functioning  
12 appropriately. So, it is not -- in terms of  
13 saying, "Well, is it good data?" You bet it's  
14 good data. And we have the systems there and  
15 operation to support that.

16 One of the things, also, that we want to  
17 take a look at -- just to keep in mind -- goes  
18 back to this issue of, you know, contingencies.  
19 Let me just address issues like that real  
20 quick. There are FS reports that we all have  
21 had -- The feasibility study has various  
22 options. That is our contingency plan, that in  
23 the event that our preferred alternative does  
24 not meet the standards as was designed and was  
25 put in and we look at it and say, "It has to be

1 changed." The State comes back and says we have  
2 some problems -- or we come back and say that --  
3 our feasibility study does indicate more than  
4 one option that has different levels of  
5 protection in terms of cost effectiveness as  
6 well. So, in the event that -- "Have we  
7 planned?" You bet. It's been presented. It  
8 was part of the FS. It's been part of the FS  
9 for the last several months. So, when you  
10 review the FS -- if you have reviewed the FS --  
11 all that's in there. Option 1, no action -- to  
12 various other actions. And this is just one of  
13 them. So, have we thought about it? Yes, we  
14 have. That's part of the inherent process. We  
15 do that because that's part of the job and  
16 that's part of the process itself. So, we have  
17 thought about it.

18 One of the things that we also -- you ought  
19 to take a look at -- and just to keep in mind  
20 overall -- in terms of our process, in terms of  
21 the QA/QC -- Quality Assurance/Quality  
22 Control -- the evaluation as -- as was  
23 presented here -- let me just give you a quick  
24 process of how we go through things. As  
25 Mr. Bailey has indicated, we had several

1 contractors take a look at the data. Initially,  
2 through the remedial investigation and also  
3 through the feasibility study -- we have  
4 contractors look at that. These contractors use  
5 their basis from their world-wide experiences or  
6 their national experiences. They also get --  
7 conversations with the State -- other than  
8 Texas -- different -- other State regulatory  
9 agencies -- EPA. The Air Force --  
10 internal -- has what we consider a peer review  
11 that's mandated to where we, in turn -- before  
12 it even gets to the regulatory agencies and the  
13 general public -- it goes to a board of  
14 technical experts from various bases and we use  
15 all of their expertise and all of their  
16 regulatory mindsets to see, "Does it make  
17 sense? Is the technique feasible? Is it  
18 practical? Is it cost effective? Is there a  
19 legal driver? Is there a risk driver?" All  
20 those things are done prior to it even going out  
21 of the Air Force. And, more importantly, as  
22 part of this -- in this particular case, we also  
23 had a second contractor look at it and then draw  
24 on their resources.

25 We have an individual here who -- who spoke

1 with Mr. Rice today who basically looked at the  
2 model -- who's well recognized -- and I -- if I  
3 can speak for you -- who basically did a lot of  
4 the modeling -- who's well recognized in the  
5 modeling field -- who worked on our modeling,  
6 who was a major part of that. So, in that  
7 respect, we are going to the experts who have  
8 designed these models -- the people who write  
9 these things. How much more of an expert can  
10 you get? So, that's what we're talking about at  
11 the level of expertise, at the level of quality  
12 assurance and quality control that we have done,  
13 and to say that -- "Is it invalid?" That's  
14 why -- and our position is, yes, it is valid,  
15 because we have gone through that extra layer of  
16 assurance.

17 And built into that, as my last point, is  
18 that, in terms of adding to that, in terms of  
19 addressing the soils, the modeling and our  
20 preferred alternatives, basically assume as a  
21 conservative nature that we're basically doing  
22 nothing to the soils. We'll take the worst case  
23 scenario. That is above protection from that  
24 respects (sic). So, based upon that, we're also  
25 doing work on the soils. That's coming up. So,

1 we're adding another layer of protection and  
2 conservatism to that.

3 So, from our standpoint, the modeling  
4 demonstrates the validity of our preferred  
5 alternative -- it doesn't change the preferred  
6 alternative any. Everyone we have talked to  
7 cannot stand up and say, "Does it change the  
8 preferred alternatives?" Because they know that  
9 it's correct and we feel that way, as well. So,  
10 from our standpoint we have a built-in QA/QC.  
11 We do look at the overall picture as modeling as  
12 being an important tool of the entire process.

13 So, from our standpoint, we just wanted to  
14 present that. We believe in doing things right  
15 the first time. We believe that we've done  
16 that. That's why we institutionalize interim  
17 remedial systems which are part of the final  
18 fix. We have real data, real information.

19 MR. RICE: May I get up for a  
20 second, Richard?

21 MR. TREVINO: Sure.

22 MR. RICE: Well, as you see, we  
23 have a disagreement here. I also disagree with  
24 what Richard and Mr. Bailey just said, but I  
25 certainly can take a lot of time -- and I don't

1 intend to take a great deal more time rebutting  
2 what they have to say. But something that  
3 Richard said, I find particularly troublesome --  
4 where he implied that the only thing wrong here  
5 is that we used gallons while we should have  
6 used cubic feet. That's one of the problems.  
7 That's one of the things that makes this  
8 particular analysis invalid. But even more  
9 troublesome is the fact that these numbers are  
10 impossible -- 2.54, 1.13 and 1.09.

11 Sorry to put you on the spot, Mr. Chiou,  
12 but Richard referred to you as an expert. Are  
13 these numbers possible or not? Is it possible  
14 to get a specific --

15 MR. TREVINO: Let me clarify  
16 also --

17 MR. RICE: Excuse me.

18 MR. TREVINO: Hold on. Also, in  
19 this -- Let me -- you know, I don't want to get  
20 stuck to depending on one word because this  
21 overall process is very cumbersome -- and you  
22 would agree to that -- that in this process --  
23 this is remedial investigation. We corrected  
24 whatever -- you can -- discrepancies within the  
25 addendum for remedial investigations and also

1 corrections as part of the feasibility study and  
2 that has happened and the data does show that.  
3 So, I want -- I don't want to leave the  
4 impression that this is what was used in the  
5 modeling because that was not the case. I just  
6 want to make sure we understand that.

7 MR. RICE: Okay. So, are you  
8 saying that what we have here is more than a  
9 problem of mistaking gallons for cubic feet,  
10 that we do in fact have some numbers here that  
11 are physically impossible?

12 MR. TREVINO: As part of the  
13 reviewing process, we went through those and  
14 validated them. And if they needed to be  
15 corrected, we corrected them as part of the  
16 feasibility study process.

17 MR. RICE: These are the numbers  
18 that showed up in final documents on the RI and  
19 the FS.

20 MR. TREVINO: On the RI, not in  
21 the FS.

22 MR. RICE: Excuse me -- the RI.  
23 Oh, excuse me, Dr. Chiou. We kind of lost you  
24 there. I guess I can still ask you the  
25 question -- By the way, this is the fellow from

1 Brown & Root. I had a real nice conversation  
2 with him this afternoon. He's done a lot of the  
3 work.

4 I will ask you the question again. These  
5 numbers on this specific deal, are they  
6 physically impossible?

7 DR. CHIOU: Yeah. I think I need  
8 to explain what that is, then people can  
9 appreciate the answer.

10 MR. RICE: Sure.

11 DR. CHIOU: It's pretty much how  
12 much of the drawdown is -- is a foot of drawdown  
13 in the soil, how much water you can get out.  
14 So, physically, you can get an entire foot of  
15 drawdown water because there's no soil. So,  
16 it's impossible to get more than one. But, as  
17 Rich mentioned, there was a mistake made in the  
18 RI -- and we get into the final RI report -- but  
19 when we did the modeling for the FS to evaluate  
20 the remedial system, it got caught in our QA/QC  
21 process and got corrected -- both that mistake  
22 and the unit conversion -- both corrected. So,  
23 the models we have been using have the correct  
24 factor and answer.

25 MR. RICE: Thanks.



1 MR. BAILEY: Okay. Anything  
2 else? George, would you like to --  
3 MR. RICE: No. That's about it.  
4 MR. BAILEY: Okay. Yes?  
5 MR. LENE: A couple of quick  
6 questions. Did I understand you to say that  
7 O.U. 2 is being pumped and treated?  
8 MR. TREVINO: No. O.U. 2 is not.  
9 MR. LENE: Okay. The other  
10 thing, too -- and I understand. I guess -- I  
11 heard -- What you're saying is there were a  
12 number of models that were initially considered,  
13 is that true, from various contractors?  
14 MR. TREVINO: That's correct.  
15 MR. LENE: Okay. My question  
16 is: Who chose the model? Who decided what  
17 model would be used?  
18 MR. TREVINO: That was a  
19 combination of discussions with us and  
20 several -- and different contractors --  
21 bringing that in -- and also feeding that back  
22 to the various -- in this case, the State TNRCC  
23 for -- if it's a regulatory issue, then we do  
24 certain things. Like, in particular, say, Zone  
25 2 -- the initial concern was re-injection.

1           Could we not do it through -- in terms of a  
2           regulatory standpoint. So, all these factors  
3           come into play and then we -- or the ultimate  
4           decision makers say, "Based upon the  
5           information, we in turn go with this particular  
6           model, based upon the feedback and  
7           recommendations by the various contractors, by  
8           the regulatory agencies and by feedback from the  
9           different military bases."

10                   MR. LENE: So, basically, the  
11           decision was made based upon information given  
12           to you by the contractor -- according to their  
13           model --

14                   MR. TREVINO: Correct.

15                   MR. LENE: -- who inspected their  
16           model?

17                   MR. TREVINO: Correct.

18                   MR. LENE: That's all the  
19           questions I have.

20                   MR. BAILEY: Okay. Well, let me  
21           put the issue --

22                   MR. RICE: I have a question for  
23           you.

24                   MR. BAILEY: Fire away.

25                   MR. RICE: And that question is:

1 If you accept the notion that we're talking a  
2 relatively small amount of money, a relatively  
3 small amount of time and this independent expert  
4 that I hope we bring in will in no way slow down  
5 the work that we're doing now -- we will  
6 continue the work just as it's going on now,  
7 unless he says this work is invalid and we need  
8 to step back and look at it -- My question to  
9 you, Mr. Bailey, is: Given that, what is your  
10 objection to bringing in an independent  
11 evaluator?

12 MR. BAILEY: My point is -- Can  
13 everybody in the RAB hear me? Did everybody  
14 hear the question? My answer to that is, when  
15 we went into this process, we went out and we  
16 got what we considered to be -- were the  
17 experts -- the best. We had those people take a  
18 look at the types of models, we had those people  
19 take a look at the data as it has gone through,  
20 as the contractor just pointed out to you,  
21 identified where there was an issue to make sure  
22 that we have gone through this part of the  
23 process. It is no longer an issue because it's  
24 been corrected. So, then, the interim systems  
25 that have been put into place have been based

1           upon that. When you have a number of  
2           contractors -- which I feel that we have  
3           done -- that have come in and given us the best  
4           advice they possibly can, take this through the  
5           regulatory community, then there becomes a time  
6           when you ask yourself -- which is what I did in  
7           the process -- and that is, "How many more  
8           people does it take to review this for you to  
9           say that it's all right?"

10                   When this information was provided to me  
11           roughly two, three years ago -- we went through  
12           this process -- What if we got one other  
13           party? Let's say the other party said yes.  
14           We've already had two parties, let's say we get  
15           a third party. The third-party says yes. Now,  
16           do we have to get a fourth? Do we have to get a  
17           fifth? I believe -- and to stay as objective as  
18           I can -- we've reviewed this -- and we've got  
19           multiple parties at different levels who have  
20           totally different levels of concern in looking  
21           at the Kelly program and who have said, "What  
22           you have is good. It's solid and it's something  
23           that you can use to make decisions on." That's  
24           why I feel that what we've done is in the best  
25           interest of not only Kelly, but more

1           importantly, of the local community. That's my  
2           answer.

3                       MR. HAGELTHORN: Larry, are you  
4           going to put this to vote now?

5                       MR. BAILEY: Yes.

6                       MR. HAGELTHORN: Okay. While we  
7           do that, I'd like to make another comment.

8                       MR. BAILEY: Okay.

9                       MR. HAGELTHORN: I don't --  
10          Listening to everybody talk -- Dr. Chiou,  
11          Richard and Mr. Rice -- I don't disagree,  
12          reviewing the data, that there have been  
13          mistakes -- been mistakes made. Some of the  
14          information that's come out has demonstrated  
15          that a lot of these mistakes have been caught,  
16          the model has been corrected and there's still a  
17          lot of questions to be answered. I think that  
18          the Air Force -- knowing the Air Force's  
19          responsibility for remediating the site -- and I  
20          think that they're competent that the direction  
21          is the right direction. I think that the  
22          contractors have enough responsibility because  
23          their livelihood is based on whether or not  
24          they're able to design a system that is going to  
25          do what it was supposed to have done. If it

1 doesn't, chances are getting another contract  
2 like that are pretty slim right now with today's  
3 dollar.

4 Whether or not the review of an independent  
5 party of data that was used in this  
6 investigation is valid, first off, all the data  
7 is going to be reviewed one more time during the  
8 design phase. I think that it would be prudent  
9 for us to look at the data during the design  
10 phase to make sure that the contractor is  
11 provided the correct information and the  
12 Air Force is designing the system to do what  
13 it's designed to do. To review data that really  
14 isn't going to be used during the design phase,  
15 I think is just slowing the process down and  
16 throwing away some money.

17 There is concern that we need to look at  
18 the data before some design -- I agree with that  
19 100 percent. We need to look at data before it  
20 goes to the design. Whether or not we have to  
21 look at data used before the design phase, I  
22 don't think so. I think that it's -- It's my  
23 position that -- and hopefully you'll concur --  
24 that we need to go on with this project and we  
25 need to review the information as it comes forth

1 during the next phase of this project. Let's  
2 get this project on track.

3 MR. QUINTANILLA: Mr. Bailey, I  
4 agree that we ought to go on with this project.  
5 You know, we've been on this project since 1985,  
6 starting all of us on -- a long period of time.  
7 We've expended over \$90 million on it. I think  
8 if we spend 40 more hours and 4,000 more  
9 dollars, it's money well spent. And I would  
10 like to make a motion that we -- we do this  
11 particular thing -- we take the action that  
12 George has suggested and get someone to validate  
13 this. It's not going to hurt this anything  
14 that -- at all.

15 MR. MIXON: You're going to  
16 continue that work?

17 MR. QUINTANILLA: Continue the  
18 work and, at the same time, go through the  
19 validation. We don't stop anything. We've  
20 already spent \$90 million --

21 MR. MIXON: You need a second.

22 MR. QUINTANILLA: And I need a  
23 second for the motion, yes.

24 MR. SANCHEZ: I second it. I  
25 want to say that I concur with that because I

1 think that any -- any third-party review of  
2 this -- of the process -- to me, I think the  
3 process is the key. We are following a  
4 process. It will validate the process that this  
5 RAB Board is following. We weren't -- This RAB  
6 Board was not in existence five, six years  
7 ago -- or whatever. We're going to have much  
8 more difficult things to decide as we go into  
9 the cleanup and it is absolutely imperative that  
10 the community understand that we are reviewing  
11 ourselves, reviewing the information and there  
12 is a level of integrity here around this table  
13 at this time and in the future. So, I  
14 wholeheartedly concur with that -- that  
15 assessment. We need to do that -- not just for  
16 your issue, George, but, really, for the whole  
17 issue of whether we're going to abide by this  
18 process.

19 Now, there will be times in the future that  
20 we're not going to accept the result personally  
21 because of professional points of view. But I  
22 think we have to at least acknowledge the  
23 process has some validity. I think it's the  
24 first step in doing that.

25 MR. TREVINO: If I could just add



1 one thing to that, please -- and so we all  
2 understand -- when you say "third-party  
3 evaluator" -- I mean, if -- if you're looking  
4 for the Air Force to -- let's assume it's only  
5 going to cost \$4,000 and only 40 hours -- that  
6 if -- if you're looking for us to become --  
7 let's talk contracting now -- that contracting  
8 agency -- that person -- to go out there and  
9 contract that person -- we're still going to be  
10 overseeing that. I mean, we're not going to --  
11 in order for us to fund that, we're going to  
12 have to oversee that. So, I want you to  
13 understand that when you -- we're trying to  
14 eliminate the concern -- or make everybody aware  
15 of this perception that it won't be a  
16 third-party evaluator. If that's the only way  
17 you want us to do it, that's the only way we're  
18 going to go out and do it. Because if we're  
19 going to use our own funding, we have to use our  
20 own contracting mechanisms. That's the only way  
21 to do it.

22 MR. BAILEY: Let me just put it  
23 in this perspective: Number one, we don't know  
24 that it's going to take 40 hours, we don't know  
25 that it's going to take 100 hours, but that's

1 not the issue to us. Dollars is not the issue.

2 MR. QUINTANILLA: Good.

3 MR. BAILEY: Time is not the  
4 issue on this.

5 MR. QUINTANILLA: Good.

6 MR. BAILEY: Okay. The issue  
7 is -- Mr. Quintanilla -- and others -- is --  
8 the issue focuses back -- you know, as I said,  
9 we believe -- we had a number of people take a  
10 look at it. If it is the vote of the RAB, then  
11 we will go get this done. But you need to know  
12 we'll go use, probably, another contractor --  
13 not one through Kelly -- but another service  
14 center -- okay -- and that -- that service  
15 center will then, in fact, get a contractor,  
16 come in here and perform what you're talking  
17 about.

18 MR. MIXON: Let me ask this  
19 question, though: Will the Board be able to  
20 review those contractors and -- and select one?

21 MR. BAILEY: No.

22 MR. RICE: That is nonsense.  
23 We -- Dr. Chiou and I spoke about this  
24 particular issue this afternoon. We talked  
25 about, "Well, suppose we did bring in an

1 independent contractor, how would we go about  
2 it?" One thing we agreed with was that it has  
3 to be someone who's recognized by both sides in  
4 the issue as being, number one, an expert and,  
5 number two, independent. That's why the  
6 Air Force has to agree to it and we have to  
7 agree to it. Otherwise, it's not an independent  
8 evaluation.

9 MR. HAGELTHORN: The problem that  
10 we have right now is the only funding channels  
11 available to come up with this is through the  
12 Air Force. We don't have TAG money. We don't  
13 have any other money that we, as a board, can go  
14 out and hire an independent contractor.

15 MR. RICE: That's correct. But  
16 as this contractor is chosen, they -- we can --  
17 we can ask, "Who is this person? Where are they  
18 from? Are they agreeable to us or not?" We  
19 certainly need to be a partner in this process  
20 of choosing an independent evaluator.  
21 Otherwise, it's the Air Force's evaluation.

22 MR. BAILEY: Well, let me just  
23 say this: It is very obvious where the lines  
24 are drawn here. I don't think it takes a  
25 magician to figure this out. The issue is,

1 relative to the dollars and cents and relative  
2 to the contracting process, we have never said  
3 that the RAB members cannot get involved with  
4 that -- and that's what we're going to choose.  
5 The ultimate question was asked in a general  
6 way. And the idea is, yes, that other party  
7 will be the deciding -- and if we come up to  
8 it -- and it's something that -- "this is what  
9 we choose" -- that will choose -- I mean, we  
10 will meet and we will decide what is taking  
11 place.

12 There's obviously a conflict of interest  
13 question with Mr. Rice and possibly others --  
14 and he will be the first one to tell you that.  
15 I'm not putting words into his mouth. To me,  
16 there is no conflict of interest. So, what we  
17 will do is, we will go down the pathway and the  
18 money and the dollars -- and I've said this  
19 before -- I've said this today -- and that has  
20 never been a question -- as part of this, we  
21 will go to a contract center for -- I will go --  
22 let me define what the process is here -- make  
23 sure it's clear to everybody. We will go  
24 through, we will line up other companies or this  
25 service center will be -- those people who are

1 interested in this groundwater subcommittee and  
2 others who are not part of this and wish to join  
3 it, if you wish to ask those parties, we will  
4 do -- we will do that, also. Okay?

5 So, we are not going to stop the process,  
6 from what I understand you saying right -- well,  
7 we will put this out for vote first. But if we  
8 go that way, that's how I see the process  
9 actually going.

10 MS. FALKENBERG: I have a  
11 question.

12 (Short break taken.)

13 MS. FALKENBERG: I was going to  
14 ask the question that we're taking a vote based  
15 on some information and results and mistakes  
16 that were made, but that that feasibility study  
17 had already had those corrected. Wasn't that  
18 feasibility study done a long time ago?

19 MR. BAILEY: A long time ago?

20 MS. FALKENBERG: Yeah. What was  
21 the date of it?

22 MR. TREVINO: The FS started  
23 approximately -- the initial study started in  
24 1993 and then it was concluded just recently now  
25 in -- the public meeting ending now -- from

1 August 1995.

2 MS. FALKENBERG: But the  
3 mistakes --

4 MR. BAILEY: Excuse me. Can  
5 you -- Can you -- Can we have your attention,  
6 please? We can't hear each other up here.  
7 Thank you. Go ahead. Excuse me.

8 MS. FALKENBERG: Dr. Chiou  
9 referenced that those mistakes had been  
10 corrected.

11 MR. TREVINO: Yes.

12 MS. FALKENBERG: So, what date  
13 were they corrected.

14 MR. TREVINO: Most of these are  
15 corrected prior to the end of the remedial  
16 investigation -- and that was back in 1992 --  
17 and then those were taken into -- to accounting  
18 for the FS, which started in 1993, which was  
19 completed as we are now. So, all that  
20 information was taken into account.

21 MR. MOORE: August '95.

22 MR. RICE: Joan, if I may -- I  
23 put up some examples of obvious problems here.  
24 However, you know, there is a great deal of  
25 faulty information that went into the FS that

1 was not corrected -- a great deal of errors  
2 made. I don't want the impression to be given  
3 that, yeah, we had problems in the past but we  
4 corrected them all before we did the FS. That's  
5 simply not the case.

6 MS. FALKENBERG: Okay. What are  
7 some other examples that those errors that  
8 weren't corrected -- I mean, not just specifics,  
9 but generalities?

10 MR. RICE: Okay. I could -- I  
11 didn't make these particular slides. But one  
12 thing they did was they modeled areas  
13 separately, areas that would affect each other.  
14 So, what they ended up doing was predicting at  
15 the same point and the same place significantly  
16 different water levels for the same point in the  
17 same place. A clearly nonsensical result.

18 There are problems with the aquifer tests  
19 themselves. They may have corrected them --  
20 excuse me -- corrected some of the errors, but  
21 there were many errors in the way the pump test  
22 analysis was done back in the FS. So,  
23 there's -- there's a whole lot of errors.

24 MS. FALKENBERG: But if someone  
25 goes back to review this, how can they

1 accurately review it if they don't have the  
2 correct data?

3 MR. RICE: Two things -- Two  
4 things. They can look at the data itself, but  
5 what I would hope they'd concentrate on is the  
6 modeling process itself. How were the models  
7 set up? How were they gridded? How were they  
8 used? That's where the fundamental problems  
9 exist -- in the modeling process itself. And an  
10 expert modeler will look at that and -- and I  
11 believe -- will agree that there are  
12 fundamental problems. They may not, you know,  
13 but I believe they will.

14 MR. BEYER: I have -- I have  
15 three questions -- or two questions and one  
16 proposal. One question is, Mr. Rice, with  
17 the -- the -- what Mr. Bailey's proposing with  
18 the contractor, would that constitute an  
19 independent in your view or not?

20 MR. RICE: Well, it depends on  
21 how it was done. If we are equal partners in  
22 this decision, I wouldn't have much of a problem  
23 with that. I think that we could get things  
24 done, though, even more quickly and more cheaply  
25 if we went to some of the excellent sources we



1 have right here in this town to get this work  
2 done. We have -- We have world-class modelers  
3 in this town that we could draw on, but we have  
4 to be equal partners.

5 MS. MCCARTNEY: How would we as a  
6 RAB know what -- if there's an expert or not?  
7 How would we know if they're independent? I  
8 don't see how we, as a Board, would know  
9 anything more than, you know, a man off the  
10 street.

11 MR. RICE: Well, I think that  
12 what Mr. Bailey suggested is the way to go. The  
13 members of the Groundwater Committee would sit  
14 down with the Air Force and we'd agree on  
15 someone. I don't see -- I don't know of a more  
16 fair way of doing it.

17 MR. MIXON: Boards do that all  
18 the time. They make decisions on data that's  
19 presented to them by the experts or by other  
20 individuals and then they decide whether or not  
21 that's the right person to go with.

22 MS. MCCARTNEY: But we'd be going  
23 on -- on the same relevance of any of the other  
24 data that's been -- I mean, that was done in the  
25 first place.

1 MR. MIXON: No. We're going  
2 on -- on the expert's credentials and  
3 independent --

4 MS. MCCARTNEY: It's been expert  
5 all along, though.

6 MR. MIXON: Beg your pardon?

7 MS. MCCARTNEY: It's been an  
8 expert all along. Well, what's the difference  
9 then? I mean, I just don't see it.

10 MR. MIXON: Well, I guess the  
11 difference would be is if a member of this Board  
12 sat down independently and reviewed the data and  
13 found that there was a question, should this  
14 Board consider that is a probable reason to go  
15 out and get an independent person to review it?  
16 Quite frankly, my opinion is -- is that if  
17 you've got a member of this Board that says  
18 there's a problem with the data, then we should  
19 go with that -- that member and the  
20 understanding that if this person who -- I'm  
21 taking a great deal of assumption -- is an  
22 expert in his field or he wouldn't be making  
23 those statements -- Am I correct?

24 MR. RICE: I think I'll call  
25 myself expert.

1 MR. MIXON: I haven't been  
2 certified as an expert myself in -- in a court  
3 of law. I understand what that means. And if  
4 he considers himself an expert and he's accepted  
5 by his peers as an expert and he makes a  
6 statement that says that there is some questions  
7 that need to be reviewed -- and he's even  
8 suggested -- rather than take my, perhaps,  
9 biased view and get an independent person to  
10 come in with an unbiased view -- that might be  
11 the best way for this Board to go.

12 What -- What really interests me about this  
13 is -- is -- and in fairness to Mr. Bailey and  
14 Mr. Trevino -- is how excited they become  
15 because a member of the Board or the Board  
16 questions what the Air Force has proposed. It's  
17 almost as if we're not supposed to ask  
18 questions.

19 MR. BAILEY: Well, let me just --

20 MS. MCCARTNEY: I think they've  
21 been very fair about that part.

22 MR. MIXON: Well, I'm just going  
23 on what I've -- you know, that the -- the tone  
24 of their rebuttal. And whenever --

25 MR. BAILEY: Let me just --

1 MR. MIXON: -- you know, my daddy  
2 always said, "The people who talk the loudest  
3 are the ones who are the wrongest."

4 MR. BAILEY: My daddy always said  
5 the longest, but, anyway, in all fairness to the  
6 process, we need to get on with this. Other  
7 comments -- We'd like to go through other  
8 comments, please.

9 MR. BEYER: Okay. I -- One was  
10 the question of independence. So, even if we  
11 went through and -- like -- went through the  
12 Air Force contracting process -- there's still a  
13 possibility that the process, in your opinion,  
14 might not be independent?

15 MR. RICE: Yeah. I think -- I  
16 think we have to be equal partners. We -- Both  
17 sides must agree on this expert. And if that  
18 can be done through the Air Force contracting  
19 process, that's fine. You know, I don't have a  
20 problem with that. I think it's a little bit  
21 expensive to do it that way, but --

22 MR. BEYER: Well, I -- I'll --  
23 you know, as spokesman for the TNRCC, I could  
24 offer our resources and our modeling  
25 capabilities with -- at the State -- for us to

1 be able to -- to do that. And --

2 MR. QUINTANILLA: At how much  
3 cost?

4 MS. MCCARTNEY: Cost wasn't a  
5 question.

6 MR. POSNICK: Well, the cost is  
7 high. In fact, we have real limited resources  
8 and -- as a matter of fact, that was one of the  
9 limiting factors on our -- TNRCC's view of the  
10 modeling that went on in all the zone  
11 feasibility studies. We simply -- We have to  
12 look at the major points that we can streamline  
13 on review and -- and put just so much effort and  
14 get -- get us what we think is a pretty reliable  
15 picture of -- of how well this -- this  
16 feasibility study was put together. And, like I  
17 say, our resources are very limited, but I  
18 think, in this case, we can have someone take a  
19 look at it. But what it means is that this --  
20 Nadira Kabir, who's one of the Kelly zone  
21 reviewers on -- on the federal facility team --  
22 if she puts one or two weeks of her time to this  
23 project, that means that there are several other  
24 reports that she's -- has to review that -- that  
25 won't get reviewed.

1 Now, it's something that we'll, you know,  
2 definitely try to work with, but it's something  
3 that -- this is just one thing -- we're always  
4 weighing this when we're -- when we're reviewing  
5 reports -- is -- is how much time can we give it  
6 versus how much work can we actually do and --  
7 and keep the process moving?

8 MR. RICE: Yeah. I'd like to  
9 just suggest, you know, that TNRCC definitely be  
10 one of the groups that we look as performing  
11 this work. We'll look at many groups -- TNRCC  
12 among them -- and make our choice.

13 MR. BEYER: The -- The -- I guess  
14 the second question is: We're going back, we're  
15 looking at old data, looking at old things, say  
16 we come to a conclusion -- let's look at the two  
17 conclusions -- one, the model is valid, great,  
18 proceed on -- we're proceeding on, anyway --  
19 Kelly is proceeding on, anyway, as -- even as we  
20 speak -- with the RD/RA -- the remedial design  
21 process. Say we come to the conclusion that the  
22 model was invalid, but -- does that mean that we  
23 stop the present effort? Does that mean that we  
24 proceed on with RD/RA as is going on now and  
25 with new data, new modeling information -- I

1           guess my question is: Is it a waste of time and  
2           money to look at old information? Maybe we  
3           should spend the energy to get an independent  
4           person to become involved in the new model, as  
5           far as remedial design, as opposed to looking at  
6           the old. I -- What -- What is the --

7                       MR. RICE: Are you asking me that  
8           question?

9                       MR. BEYER: I'm asking you.

10                      MR. RICE: I would be in favor of  
11           doing both, looking at this particular effort  
12           that's gone on, because I believe that the  
13           remedial actions that have been proposed ride on  
14           these to a large degree. However, I also  
15           believe that the system that the Air Force  
16           should put in place permanently is to have some  
17           people that are recognized experts and  
18           independent to come in and review this work on a  
19           regular basis. I think that's also called for.  
20           So, I would -- you know, we're only considering  
21           one question. But, down the road, we might  
22           consider the second as well.

23                      MR. MOORE: I think we're  
24           overlooking one very big point here. I agree  
25           models are very important. It gathers the

1 initial data, tells you what's the best course  
2 of action to take -- and I think Mr. Rice here  
3 has done a very good job -- I'm finding some  
4 errors -- but the problem is, you've taken this  
5 initial data, you've come up to a decision and  
6 you went somewhere. This is no different --  
7 like in civil engineering -- a preliminary  
8 design review. I've got my initial data. There  
9 was faults in my initial data. It doesn't  
10 matter. I'm collecting new data that is going  
11 to be incorporated into the design process. So,  
12 now that we've got the design process up around  
13 35 to 40 percent, you want to go back to step  
14 one and review obsolete data. That's like when  
15 you tear into the wall after this beautiful  
16 design -- and you find a pipe wrong in there.  
17 Well, I'm not going to go back to check the  
18 drawings again. I'm going to make modifications  
19 with the new data I've just found and continue  
20 on. And that's where I'm seeing -- is that what  
21 we should be doing here -- is that Kelly here  
22 has said that they are constantly reviewing the  
23 new data that's coming in. The contractor says  
24 he's incorporating it into the new design. Why  
25 go back to the very beginning?



1           When we got that initial data, they made a  
2           very good choice. They decided they were going  
3           to go that way. They put in their wells and  
4           they're working. The data is not exactly what  
5           the model represented, but so what? They're  
6           taking that new data and they're incorporating  
7           it. And I agree 100 percent. A good model is  
8           the best way to start. The more efficient your  
9           initial model is, the less mistakes you're going  
10          to make -- or less corrections you should have  
11          to make. But I don't think anyone to date has  
12          ever come up with a perfect model. And I think  
13          what we're missing here is -- the main point is  
14          that mistakes may have been made in the future,  
15          well, okay -- maybe a better effort -- I don't  
16          know if a better effort could be taken.

17                 The main point I've been listening to here  
18                 all night is, "We've got our model made, we're  
19                 collecting new data on it and, yes, there has  
20                 been erroneous data on the initial model," but  
21                 so what? That point has been passed. We're now  
22                 way ahead of that game. Why go back to square  
23                 one to get information to tell us what we  
24                 already know right now today. That's what I'm  
25                 hearing, is that if we develop a new model,

1 we're going to know exactly what we know today.  
2 So why go back and do it? That's my comment  
3 before we vote.

4 MR. TREVINO: Sir?

5 MR. LENE: As I understand the  
6 design phase and the data -- the new data that  
7 we get done -- this will be done by the same  
8 contractor using the same modeling process; is  
9 that correct? I feel like that, in light of  
10 what we've seen so far, there needs to be  
11 overview at least at that point. I'm not saying  
12 go back and redo everything that's been done,  
13 but when we get to the design phase, we  
14 certainly do need an independent evaluation of  
15 what's been done at that time.

16 MR. TREVINO: If I can add to  
17 that -- as part of the design phase what we're  
18 looking at is having two contractors. The  
19 person who did the feasibility study will not be  
20 the same contractor who is doing the remedial  
21 design, but they will provide oversight for both  
22 of their aspects. So, we will have a third  
23 person looking at that design and that person  
24 will carry -- will do the entire design, then  
25 we'll have another person doing -- or other

1 contractors doing the actual remedial action.  
2 So, we'll have that QA/QC -- that evaluation  
3 going through the process and have that  
4 independent evaluation built into the process.

5 MR. LENE: There will be  
6 cross-checking?

7 MR. TREVINO: Yes, sir. That's  
8 part of our process.

9 MR. QUINTANILLA: Why wasn't it  
10 cross-checked when -- when that model was made.

11 MR. TREVINO: It was  
12 cross-checked.

13 MR. QUINTANILLA: Well -- A  
14 quality check was made at that time and found to  
15 be 100 percent correct?

16 MR. TREVINO: The quality -- was  
17 done -- and there were errors that were found,  
18 they were corrected or fixed into the  
19 feasibility study.

20 MR. QUINTANILLA: Now he goes  
21 back and finds more errors -- Mr. Rice.

22 MR. TREVINO: These are the same  
23 errors that are in the remedial design that has  
24 been -- since then been fixed.

25 MR. BAILEY: Mr. Rice --

1 MR. MIXON: Let's -- and vote on  
2 this thing.

3 MS. MCCARTNEY: Yeah. Can we go  
4 to a vote or --

5 MR. BAILEY: Are there any other  
6 comments? I want to be very short with my  
7 comments so it's not alleged -- Okay. For the  
8 RAB membership that are here -- the way that  
9 the charter reads -- is for those people who  
10 vote -- and I will make that I'm clear -- and  
11 please correct me if I'm not clear -- over half  
12 the RAB membership has to give an approval for  
13 the motion. So, if I'm not correct on the  
14 motion, help me out with this. Okay?

15 The RAB motion is to vote on whether an  
16 independent third party -- a contractor --  
17 should be brought in to review the groundwater  
18 modeling -- the model itself -- as well as  
19 review the data that is there. Is that  
20 correct?

21 MR. RICE: No, only the modeling.

22 MR. BAILEY: Okay. To review  
23 only the modeling itself. So, again, the motion  
24 is for the RAB membership to vote to obtain,  
25 through a contract, an independent third party

1 to come in and review the groundwater model.

2 MR. BEYER: For the first  
3 effort -- For the first model -- first modeling  
4 go around -- not for the remedial design stage.

5 MR. RICE: Right.

6 MR. BEYER: Clarification.

7 MR. BAILEY: Was that clear to  
8 everybody -- why the comment was made by  
9 Mr. Beyer? Does that make sense to everybody?

10 MR. LENE: I'm not clear on  
11 something. Does this mean that that's -- The  
12 modeling that's been used at this time -- will  
13 that be -- continued to be used in the future?

14 MR. BAILEY: It's going to be --

15 MR. TREVINO: Correct.

16 MR. BAILEY: -- the basis and  
17 then you're going to get another firm in to  
18 review that to ultimately come up with the  
19 design.

20 MR. LENE: To see if --

21 MR. BAILEY: Right. So, it's  
22 to -- So, again, the motion is -- if I can --  
23 if I can get this straight -- to get an  
24 independent third party in, come and vote in  
25 on -- not the remedial design coming up -- but

1 the model that has been used up to this point.  
2 Okay? For those people who are in favor of  
3 having an independent third party come in and  
4 review, per the motion that I so stated, will  
5 you please raise your arms so we can count your  
6 hands?

7 MR. VILLAR: I'm the alternate,  
8 so I vote for that there. Ms. Johnson --  
9 sometimes she doesn't --

10 MR. BAILEY: That's fine.

11 MR. RICE: Any other votes we can  
12 get out there?

13 MR. BAILEY: Okay. Thank you.  
14 For those people who do not agree that an  
15 independent third party is needed, will you  
16 please so vote? How many do we -- one, two,  
17 three, four, five, six, seven -- How many do we  
18 have for it?

19 MR. TREVINO: Six for and seven  
20 against.

21 MR. BAILEY: Six? Okay. We have  
22 a vote of seven to six, then. Okay? So, at  
23 this time, as a RAB membership, we have voted  
24 not, then, at this time, to call in an  
25 independent third party to review the model that

1 was used.

2 Now, let me point something out. There  
3 still is a concern -- so let me point this  
4 out -- that, as we go through the design phase,  
5 and this other party comes in that was just  
6 explained -- this is an offer -- and I think,  
7 Mr. Rice, you can so choose -- that if  
8 membership of the RAB would like to work with us  
9 at Kelly in looking at who this person is --  
10 this firm who is going to be doing the remedial  
11 design -- it will be, roughly, I think, four  
12 firms that Kelly will be looking at. Is that --  
13 I believe that's correct. We will try to  
14 interject that into the process, because there  
15 is still concern right now by voting membership  
16 that the model that -- that has a possibility of  
17 being used is not the correct one. So, if  
18 that's acceptable, I will then -- I will now go  
19 back to make sure that when we get to that  
20 phase, we will interject people from the  
21 Groundwater Committee and other RAB members to  
22 get involved in -- in possibly talking to the  
23 contractors to find out what their level of  
24 experience is.

25 MR. RICE: That's a good idea. I

1 appreciate that.

2 MR. BAILEY: Okay. Okay?

3 MR. MOORE: Okay.

4 MR. BAILEY: Okay. Can I go on?

5 I know the RAB -- Can I ask for a break right  
6 now? Is that acceptable to everybody -- a  
7 ten-minute break? Okay. Thank you.

8 (Short break taken.)

9 MR. BAILEY: Getting back to the  
10 meeting agenda -- First of all, I'd like to  
11 thank everybody. I know this is going longer  
12 than what some of you anticipated, but, to me,  
13 these are very, very important discussions that  
14 we've got ongoing and we need to continue.  
15 So -- if for some reason you feel that we  
16 shouldn't, please indicate so -- but there are  
17 important issues that we have yet to go over,  
18 also. So, I would hope that -- and I'm going to  
19 say this -- not to frighten anybody -- but if by  
20 9:00 o'clock -- we will be able to cut this off,  
21 but I think that there are some other issues  
22 that could be coming up that may possibly take  
23 us to that time. I just wanted to forewarn you  
24 that it may be up to about the 9:00 o'clock time  
25 period.



1           If I could ask you to go back to the  
2 meeting agenda items -- going back to committee  
3 reports -- we're on 4, C -- if I could ask  
4 Mr. Sam Sanchez -- regarding the newsletter.

5           MR. QUINTANILLA: Mr. Sain --  
6 Bill Sain and Mr. Quintanilla and I met with  
7 Mike Estrada and Mr. Walters. And I think there  
8 were -- if I'm not mistaken, they were going to  
9 develop a model newsletter for us -- or --  
10 either for this meeting or the next meeting --  
11 so we would have some specific information --  
12 that primarily we were going to solicit  
13 information from the base general to give a --  
14 kind of an overview of this process that's going  
15 on. The RAB would -- would agree to be kind of  
16 like the editor of this particular newsletter.  
17 Kelly Air Force would, of course, put the thing  
18 together, provide the technical support for it  
19 and the mailout on it.

20           The RAB would solicit information from the  
21 community, people that need information --  
22 specific information for them to make  
23 knowledgeable decisions -- particularly for  
24 people that live around the community. We'd  
25 like columns from -- and I did get a commitment

1 from -- a tentative commitment from  
2 Richard Garcia, the regional director for the  
3 TNRCC, on occasion -- not on every newsletter --  
4 but he would also agree to write a column to --  
5 for people to apprise him of the TNRCC's role in  
6 this particular process. And I can -- I guess I  
7 can also commit that the Director of Health --  
8 and the health district would like to make some  
9 comments on this particular process as we go  
10 through that.

11 So, again, the only -- this really goes  
12 back to the P.R. Department from Kelly Air Force  
13 Base to come up with a newsletter. We did come  
14 up with a name for the newsletter. There were  
15 some -- you know, some names that were -- that  
16 were tossed out, The South San Newsletter,  
17 The Ecology Newsletter -- you know, whatever.  
18 We're still open to names for that particular  
19 newsletter. We know that it's not going to be  
20 the Kelly Field RAB Newsletter. It will be  
21 something that they can, you know, relate to  
22 here around -- around the community. So,  
23 hopefully, at the next RAB meeting we will have  
24 a newsletter. That's my report.

25 MR. BAILEY: Comments by the RAB

1 members? Okay. Thank you.

2 MR. RICE: Yeah. I have a  
3 question of Sam. How often do you expect this  
4 newsletter will come out? Every quarter?

5 MR. QUINTANILLA: I think one of  
6 the -- Mr. Quintanilla -- I think it was about  
7 once every two months we would want to have  
8 the -- get the information out --

9 MR. QUINTANILLA: Every other  
10 month.

11 MR. QUINTANILLA: Every other  
12 month -- that we have enough information -- and,  
13 really, there would be, you know, comments from  
14 the RAB themselves, from the community, elected  
15 officials and the base people themselves.

16 MR. RICE: And the -- would the  
17 distribution be similar to the -- the  
18 distribution is now for notices of meetings --  
19 literally thousands of people that would get it  
20 or --

21 MR. QUINTANILLA: No. It  
22 wouldn't -- That would not preempt that  
23 process. You know, the public hearing process  
24 that Kelly Field follows for the -- for  
25 distribution for -- for public meetings for

1 comment period -- that would not preempt that.  
2 I think that the distribution of the newsletter  
3 would be much more selective to -- to people  
4 that live around the area. I think there's like  
5 about 3,400 people on that particular mailing  
6 list. So, it's a smaller mailing list.

7 MR. BAILEY: Any other comments?  
8 Okay. Thank you. Going on to committee -- Oh,  
9 so just to make sure, then, next time we will  
10 expect, then, coming principally, I guess, from  
11 the Kelly folks to have a draft newsletter so  
12 everybody can review it. Is --

13 MR. QUINTANILLA: Yeah.

14 MR. BAILEY: Going on to Element  
15 4, D, the Charter Revision. Mr. Quintanilla?

16 MR. QUINTANILLA: This is going  
17 to be much faster and I'm going to have more  
18 votes -- faster votes than you had previously.  
19 All of you have the view -- graphs that are  
20 going to be shown to you. There are three  
21 sheets similar to this. All of you have a copy  
22 of the charter. It's dated the 29th of June.  
23 And all of you should also have a copy of the  
24 law from what the charter has been revised  
25 from. With that in mind, I'm going to go real

1 fast as to how we're going to accomplish  
2 this -- the voting -- of the revised charter.

3 The charter is revised, I believe, into  
4 seven sections. I will go through each  
5 section. For instance, Section No. I, say the  
6 name and then we'll go through "A" -- and I'm  
7 going to ask all those -- it's going to be a  
8 standing motion made in favor of all of those.  
9 Is there -- and I'm going to ask, "Is there a  
10 second to the motion that we adopt I, A," and  
11 there is -- and there's any discussion, we will  
12 discuss it. If there's no discussion, we will  
13 vote on it. And that's the way we're going to  
14 go throughout the whole thing. So, for the  
15 first one -- from the Restoration Advisory Board  
16 Amended Charter that you-all have -- on the name  
17 Section A, do I hear a motion to adopt Section A  
18 as it is written?

19 (Motion by the RAB members.)

20 MR. QUINTANILLA: So moved. Is  
21 there a second to the motion?

22 MS. MCCARTNEY: Second the  
23 motion.

24 MR. QUINTANILLA: Are there any  
25 changes or discussion that anyone wishes to make

1 to this? All those in favor of Section I, A,  
2 please signify by saying "aye."

3 (Vote by the RAB members.)

4 MR. QUINTANILLA: We're now going  
5 to Section I, B. Are there -- and the motion  
6 has been made -- and the motion has been made to  
7 adopt all of this. Is there a section -- Is  
8 there a second to the -- I, B?

9 (Seconded by a RAB member.)

10 MR. QUINTANILLA: It has been so  
11 seconded. Is there a discussion? Anybody wish  
12 to discuss that? If there is no discussion, all  
13 those in favor signify by saying "aye" to adopt  
14 Section I, B.

15 (Vote by the RAB members.)

16 MR. QUINTANILLA: We will now go  
17 into Section II, Purpose and Function of the  
18 Restoration Advisory Board. We will go into  
19 Section I, A. I, A -- you have it in front of  
20 you. However, there is a revision to that that  
21 was brought to my attention and the revision --  
22 all of you have a copy of the revision.

23 MS. MCCARTNEY: II, A you mean.

24 MR. QUINTANILLA: II, A.

25 MR. HAGELTHORN: I have a

1 question on -- 4 -- where it says, "Addressing  
2 land use." What do you mean by addressing land  
3 use?

4 MR. QUINTANILLA: Addressing land  
5 use -- what is meant there is -- the exact words  
6 that came out of the law. Kelly addresses land  
7 use inside the base and it is being done so. It  
8 does not address land use outside the base and I  
9 think that this Restoration Advisory Board  
10 should be doing this, not only for inside the  
11 base, but for outside the base.

12 MR. BEYER: Where's the land use  
13 part?

14 MR. QUINTANILLA: Inside and  
15 outside the base.

16 MR. BEYER: No. I mean, in  
17 the --

18 MR. HAGELTHORN: It's on the  
19 addendum.

20 MR. QUINTANILLA: It's on the  
21 agenda, A, 4 -- not on the agenda, but on the --  
22 on the --

23 MR. BEYER: Okay. That's on  
24 page -- Okay.

25 MR. QUINTANILLA: Now, there is a

1 standing motion to adopt. Is there a second to  
2 that motion? It has been duly seconded? Is  
3 there any discussion?

4 MR. HAGELTHORN: Yeah. I'd like  
5 just a little bit of clarification of what  
6 you're asking for. It leaves it pretty open on  
7 addressing land use. There's some areas of land  
8 use that the RAB cannot make a decision of the  
9 transfer of land. So, I just don't understand  
10 what --

11 MR. QUINTANILLA: All right.  
12 Land use -- for instance, my home -- how is my  
13 home going to be used for other than a home  
14 when -- when it's contaminated? Someone here on  
15 the RAB -- or this RAB -- has to recommend to  
16 the Bexar Appraisal Board that the land in my  
17 home -- that appraisals, you know, should be  
18 lowered because they're contaminated -- and this  
19 is all -- all -- what it amounts to. Right  
20 now you can only put a deed restriction to the  
21 land that is inside Kelly Air Force Base. This  
22 RAB or Kelly officials -- nobody -- you-all  
23 don't want to touch this because this is outside  
24 of Kelly. But I think that the RAB can touch it  
25 and the law says that -- that the RAB should



1 address land use, the level of restoration of  
2 that land, the acceptable risks and the waste  
3 management and -- and those other things.

4 MR. HAGELTHORN: Can I get a  
5 legal interpretation of it.

6 MS. WILLIAMS: On this particular  
7 issue, it's taken straight out of the statute.

8 MR. HAGELTHORN: But what I'm  
9 asking is what are the -- what are the  
10 responsibilities -- what are the limitations of  
11 the RAB or what --

12 MS. WILLIAMS: Well, from what  
13 I'm -- on this particular issue, the land use --  
14 my understanding -- and I -- I have just gotten  
15 this language from Mr. Quintanilla, also -- so  
16 my understanding of the land use is more in  
17 general terms. Our cleanup up to the future  
18 land use -- let's say it's in Area A and it's  
19 used for residential purposes -- is our cleanup  
20 anticipating that the residential use will  
21 occur. That's what I -- I read this language to  
22 be.

23 MR. HAGELTHORN: So, we're  
24 looking at -- our -- our opinion as a Board is  
25 you look at an industrial site -- it's

1 designated as industrial cleanup or a  
2 residential cleanup --

3 MS. WILLIAMS: Right.

4 MR. HAGELTHORN: -- and that is  
5 the limitation on what we can say.

6 MS. WILLIAMS: Right. That's  
7 what I understand the language to be there.

8 MR. QUINTANILLA: She's the --  
9 She's the top environmental attorney at Kelly  
10 Air Force Base.

11 MS. WILLIAMS: Thank you,  
12 Mr. Quintanilla.

13 MR. QUINTANILLA: All those in  
14 favor of discussion? All those in favor of  
15 adopting Section II, Paragraph A, as revised,  
16 please signify by saying "aye".

17 (Vote by the RAB members.)

18 MR. QUINTANILLA: Opposed, same  
19 sign. We will now go into Paragraph B. Is  
20 there a second -- a second to adopt this  
21 Paragraph B?

22 MS. MCCARTNEY: Second.

23 MR. QUINTANILLA: It has been  
24 duly seconded. Is there any discussion for --  
25 for -- on Section B? If there is none, all

1 those --

2 MR. BAILEY: Let me just read it.

3 MR. QUINTANILLA: Okay.

4 MR. BAILEY: Okay. Thank you.

5 MR. QUINTANILLA: If there's no  
6 further discussion, all those in favor in  
7 adopting Section II, B, please signify by saying  
8 "aye."

9 (Vote by the RAB members.)

10 MR. QUINTANILLA: Are there -- Is  
11 there anyone in opposition? No? So ordered.  
12 We will now go into Section III, the Basis and  
13 Authority for the Charter. That one does not  
14 have any subparagraph. Is there a second  
15 towards the adoption of Section III, Basis and  
16 Authority for the Charter?

17 MR. RICE: Second.

18 MR. QUINTANILLA: Second? Is  
19 there any discussion on this paragraph? Be it  
20 none, I will ask for the vote. All those in  
21 favor of adopting Section III, please signify by  
22 saying "aye."

23 (Vote by the RAB members.)

24 MR. QUINTANILLA: We will now go  
25 into membership. And, again, we will go into

1 Section A. Is there a second to adopting  
2 Section A as presented to the RAB Board?

3 MR. RICE: Second.

4 MR. QUINTANILLA: It has been  
5 duly seconded. Is there any discussion?

6 MR. MIXON: I'd like to discuss  
7 that.

8 MR. QUINTANILLA: All right, sir.

9 MR. MIXON: Part of this Board --  
10 as a result of being an appointed official --  
11 and just told me I can't -- no longer be a  
12 member because I'm not a resident of Bexar  
13 County. I just recently moved out of Bexar  
14 County, but I work in Bexar County and I serve  
15 Bexar County.

16 MS. MCCARTNEY: It says, "or  
17 currently work."

18 MR. MIXON: I currently work at  
19 Kelly.

20 MR. BROWN: It should say Bexar  
21 County.

22 MS. MCCARTNEY: Kelly -- work or  
23 reside or --

24 MR. RICE: Just add --

25 MR. HAGELTHORN: Yeah. I

1 would -- I also disagree with the county  
2 limitation.

3 MR. QUINTANILLA: Now, this  
4 paragraph was not revised. This is -- or --  
5 as -- as of the original charter that we had.

6 MR. MIXON: Well, it looks like  
7 it's got a new line by it that says it's new  
8 there -- that line on the left.

9 MS. MCCARTNEY: Capitalization of  
10 an "M."

11 MR. TEAGUE: It's the initial cap  
12 of "Members."

13 MR. BEYER: Can we, maybe, vote  
14 to revise -- to make it to where it would  
15 allow --

16 MR. MIXON: Why don't we put this  
17 on the --

18 MR. BEYER: Should we do it now  
19 or later?

20 MR. BAILEY: I think we need to  
21 do it now.

22 MR. BEYER: Okay.

23 MR. BAILEY: I mean, that's what  
24 my idea is.

25 MR. QUINTANILLA: I'm open to --

1 to -- to a motion.

2 MS. MCCARTNEY: Make a motion to  
3 include working in Bexar County?

4 MR. RICE: I second the motion.

5 MR. QUINTANILLA: What was the  
6 motion again, please?

7 MS. MCCARTNEY: To include the  
8 statement, "Live or work in Bexar County."

9 MR. QUINTANILLA: All right.  
10 The -- For Section IV, A, "Individual community  
11 Members must" -- and your words?

12 MS. MCCARTNEY: -- "reside or  
13 work" --

14 MR. QUINTANILLA: -- "reside or  
15 work in Bexar County."

16 MS. MCCARTNEY: -- "currently  
17 work" --

18 MR. QUINTANILLA: All those in  
19 favor of accepting this revision, please signify  
20 by saying "aye."

21 (Vote by the RAB members.)

22 MR. QUINTANILLA: So ordered.  
23 Section A will be revised as outlined here by  
24 this Board. Mr. Estrada did you get that,  
25 please.

1 MR. ESTRADA: I've got that.

2 MR. QUINTANILLA: You've got  
3 that? Because Mr. Estrada will be helping in  
4 redeveloping this and presenting it -- this --  
5 at the next Advisory Board meeting.

6 For Paragraph B, is there a second to  
7 adopting Paragraph B as stated here in the  
8 charter that has been presented to you?

9 MR. RICE: Second.

10 MR. QUINTANILLA: It has been  
11 duly seconded. Is there any discussion? If  
12 there is no discussion, all those in favor of  
13 adopting Section B, please signify by saying  
14 "aye."

15 (Vote by the RAB members.)

16 MR. QUINTANILLA: Opposed, same  
17 sign. The "ayes" have it and Section B is  
18 adopted. Section C, is there a second to  
19 adopting Section C as stated in the charter that  
20 is before you?

21 MR. RICE: Second.

22 MR. QUINTANILLA: It has been  
23 duly seconded. Is there any discussion? If  
24 there is no discussion, I will -- I will ask for  
25 the vote for adopting Section C as written

1 here. All those in favor, signify by saying  
2 "aye."

3 (Vote by the RAB members.)

4 MR. QUINTANILLA: Opposed, same  
5 sign. Section D, is there a section -- is there  
6 a second to adopting Section D as written?

7 MR. RICE: Second.

8 MR. QUINTANILLA: It has been  
9 duly seconded. Is there any discussion or any  
10 questions concerning Section D?

11 MR. BAILEY: The only discussion  
12 I have is regarding -- request the written  
13 letters from some folks. Some folks just are  
14 not prone to put things in writing. So, again,  
15 it may be just a telephone call that comes in.  
16 So, I just want to make sure everybody  
17 understands -- like what happend with Mr.  
18 Hirsch -- we may never get a letter from the  
19 gentleman.

20 MR. MIXON: Would you say in  
21 writing or notified -- or officially notified --  
22 or otherwise officially notified?

23 MR. BAILEY: I think so.

24 MR. MIXON: And officially  
25 notified could be a phone call.



1 MR. BAILEY: Was that heard by  
2 everybody?

3 MS. MCCARTNEY: Can you make it a  
4 motion?

5 MR. QUINTANILLA: Okay. The  
6 question that is before the RAB Board --  
7 "Members unable to continue to fully  
8 participate shall submit their resignations in  
9 writing or by orally notifying the Restoration  
10 Co-chairs." All those in favor of that  
11 revision, please signify by saying "aye."

12 (Vote by the RAB members.)

13 MR. QUINTANILLA: Opposed, same  
14 sign. So ordered. Section E, is there a second  
15 towards -- towards the adoption of Section E as  
16 presented?

17 MR. RICE: Second.

18 MR. QUINTANILLA: It has been  
19 duly seconded. Is there any discussion? There  
20 being no discussion, all those in favor for  
21 adopting Section E as written, please signify by  
22 saying "aye."

23 (Vote by the RAB members.)

24 MR. QUINTANILLA: Those opposed,  
25 same sign.

1 MR. MIXON: Can I get a  
2 clarification on names and addresses and  
3 telephone numbers? Is that their work  
4 telephone, names and addresses?

5 MR. QUINTANILLA: Yes.

6 MR. MIXON: Okay.

7 MR. QUINTANILLA: Section E, is  
8 there a section -- is there a second to adopting  
9 Section -- Section E has been removed in its  
10 entirety -- the one that's there. So, we'll go  
11 to Section F. I'm sorry. We'll go to  
12 Section F. Is there a second towards the  
13 adoption of Section F?

14 MR. RICE: Second.

15 MR. QUINTANILLA: All those -- Is  
16 there any discussion on Section F? If there is  
17 no discussion, all those in favor of adopting  
18 Section F as written, please signify by saying  
19 "aye."

20 (Vote by the RAB members.)

21 MR. QUINTANILLA: Opposed, same  
22 sign. The "ayes" have it. Section G, is there  
23 a section -- is there a second to adopting  
24 Section G as written?

25 MR. RICE: Second.

1 MR. QUINTANILLA: It has been  
2 duly seconded. Is there any discussion or  
3 questions concerning Section G?

4 MR. RICE: Question. As I  
5 understand it, this thing may say that if any  
6 member of the RAB participates in a lawsuit  
7 against Kelly Air Force, they'll be removed from  
8 the RAB; is that correct?

9 MS. WILLIAMS: Well, I think you  
10 have to read "G" and "H" together, because  
11 what -- what the hope was of the subcommittee  
12 and Kelly Air Force Base members that were  
13 assisting was that, first of all, we would hope  
14 that no member would have a conflict or  
15 appearance of conflict. That can be defined in  
16 a myriad of ways. The best examples we could  
17 use -- a conflict because you're working with an  
18 environmental contractor, what the RAB was doing  
19 was -- contracting with the base -- or you're in  
20 an adverse litigation. The best way to define  
21 an adverse litigation would be taking those  
22 potential conflicts -- what's your resolution?  
23 Under the contractor's scenario, it's quite  
24 clear on your procurement rules that if there is  
25 a direct conflict, that member would have to

1 resign. It's a little less clear if you're in  
2 an adverse relationship -- and that's why we set  
3 up Paragraph H the way we did -- is that it  
4 would probably have to be made an ad hoc  
5 decision, depending on the nature of the  
6 lawsuit, what the issues are involved and -- we  
7 tried to set it up so that the RAB makes  
8 recommendations -- and, also, the Board member  
9 would then provide written rebuttal to the base  
10 co-chair -- and a decision would be made. It  
11 also takes in the appeal process if there's a  
12 disagreement either with a RAB member and the  
13 decision or amongst the RAB recommendations and  
14 the base decision.

15 So, with the exception of the contractor  
16 conflict, I think it would be more of an ad hoc  
17 decision on a case-by-case basis.

18 MR. RICE: I have a couple of  
19 concerns and I just would like to get your  
20 response on how these might be handled. One is  
21 that some members of the RAB live near Kelly and  
22 their property has been contaminated and -- I  
23 don't know -- they may participate in a  
24 lawsuit. I certainly don't think it would be  
25 right to remove them from the RAB under those

1 circumstances.

2 MS. WILLIAMS: Well, what I --  
3 What I would do in that situation is that they  
4 would present their case both to the RAB and the  
5 to the base. If their lawsuit -- Let me take a  
6 step back. If their concerns about the cleanup  
7 in general are to -- and they raise them at the  
8 RAB setting, that's -- that's one issue. But if  
9 their concerns become relevant to their  
10 litigation, it becomes a personal decision.  
11 What you could do is -- they can recuse from a  
12 vote. Do you see what I mean?

13 MR. RICE: Yeah. That would make  
14 sense.

15 MS. WILLIAMS: And, so, that's  
16 why we left it opened-ended on this particular  
17 issue, because we have to -- we have to figure  
18 out what -- what the problem is. If it deals  
19 with a personal issue, then the base co-chair  
20 and the community co-chair will raise the fact  
21 that a member is participating in litigation and  
22 it may be prudent to have them recuse themselves  
23 from this particular issue. Right now, that's  
24 the best I can tell you. It's really going to  
25 depend on what happens in the future. But --

1 MR. RICE: Yeah. I think that's  
2 a good way to handle this. You know, if your  
3 interests are personally involved in the RAB  
4 business, I don't think that that should mean  
5 that you cannot be a member, but you should  
6 recuse yourself from a voting on issues that  
7 directly affect you personally. To me, that  
8 seems reasonable.

9 MS. WILLIAMS: And our position  
10 as base representatives and base co-chair would  
11 be able to raise the issue with the RAB if we  
12 are the ones that are aware of it. If any other  
13 member of the RAB is aware of a member's  
14 participation in a litigation, they should raise  
15 it, as well.

16 MR. QUINTANILLA: Would that  
17 prevent an individual from the RAB Board, say,  
18 from being used to -- employed as an expert  
19 witness in any litigation against Kelly Air  
20 Force Base.

21 MR. RICE: That's a good  
22 question.

23 MS. WILLIAMS: I -- I can't  
24 imagine, but I'd have to think that one  
25 through -- what you're asking.

1 MR. QUINTANILLA: We will have  
2 good representation in case that's the case.

3 MR. QUINTANILLA: I think that  
4 has to be answered clearly, because, otherwise,  
5 it really violates the integrity of the Board.

6 MR. BAILEY: What is that now?

7 MR. QUINTANILLA: If --

8 MS. WILLIAMS: On whose behalf  
9 would this person be on, Sam?

10 MR. SANCHEZ: It could be a  
11 landowner or it would be a consultant. He  
12 wouldn't be working for Kelly Air Force Base,  
13 he'd be working for -- maybe for an attorney --  
14 a group -- a group of attorneys seeking to sue  
15 Kelly Air Force Base.

16 MR. MIXON: But there was --  
17 there's some following sections that have  
18 appeals and -- and other methodology for -- for  
19 fairness in -- in carrying it out.

20 MR. BAILEY: I think that the key  
21 here is that we don't know specifics. So, what  
22 was attempted to do here was to define it as  
23 best we possibly could. "We" being the group.  
24 Because specificity is -- is -- is what -- you  
25 didn't want it narrowed down in here to each and

1 every point. The case in point -- like Mr. Rice  
2 is pointing out -- you know, that there are  
3 cases where someone may have a vote, but it's in  
4 direct conflict with whatever, then that person  
5 should recuse or abstain -- move away from that  
6 particular vote. The same situation might apply  
7 in your case or it might not. You would  
8 normally think that they would recuse  
9 themselves, but, then, if that conflict or  
10 suit -- or whatever it is -- expands itself,  
11 then how far -- that's why it's very difficult  
12 to put it into writing as to broad coverage.

13 MR. RICE: Is this in here  
14 because it's some sort of a legal requirement?

15 MS. WILLIAMS: The contractor  
16 issue in particular, yes. Conflicts and  
17 appearance of conflicts is -- is an issue when  
18 you're working or -- in the government -- and  
19 in this situation, you are advising the  
20 government and the ethics and conflict issues  
21 come up in a unique fashion, so we are trying to  
22 deal with it in a fair and -- fashion -- and  
23 also in compliance with DOD requirements. So --

24 MR. MIXON: But -- But couldn't  
25 that language be that they just not vote and



1 that they not speak on the issue that -- with  
2 respect to conflicts.

3 MS. WILLIAMS: Well, I think  
4 you -- it's hard to say what should be done for  
5 each particular issue. And that's why we leave  
6 it open-ended for anything about the contractor  
7 issue.

8 MR. QUINTANILLA: As I see it,  
9 the Board -- the RAB meetings are public  
10 anyway. There's nothing secret about the RAB  
11 Board meetings or whatever -- whatever we  
12 discuss. It's open. Where the question comes  
13 in is where the RAB Board makes a policy  
14 decision to accept or -- or -- or send back for  
15 review findings that the Air Force, you know,  
16 presents to the RAB Board. I think that --  
17 that's an area of concern that I think --

18 MR. QUINTANILLA: Let's go  
19 back -- just to Paragraph G. Paragraph G states  
20 that if you're working for a contractor -- at  
21 SAIC or Mr. Teague -- you cannot be a member of  
22 the Board. If you're doing public relations for  
23 a contractor, you cannot be -- or if you're  
24 doing marketing for a particular contractor, you  
25 cannot be a member of the Board. That's

1 different in its total -- Paragraph G.

2 Now, in the event that you do file a  
3 suit -- a member of the Board files a suit --  
4 then that's Paragraph H.

5 MS. WILLIAMS: I'd like to get a  
6 different spin on that. I think what "G" does  
7 is -- is -- first it says, "Hey, RAB member,  
8 you" -- "you should do your utmost to try to not  
9 have a conflict of interest or an appearance of  
10 conflict." What does this conflict or  
11 appearance of conflict mean? And that is, if  
12 you work for an environmental consulting firm or  
13 an environment community relations firm and  
14 they're contracted with the base. And,  
15 hopefully, the RAB member individually can  
16 rectify the situation. If they don't, then the  
17 RAB in conjunction with the base will try to  
18 dissolve the issue. And that's what "G" means.  
19 So, I reviewed -- and defining what the conflict  
20 means. And then "H" is, how are we going to  
21 resolve the conflict? And then "I" is, if  
22 there's disagreement on how this conflict was  
23 resolved, here's your appeal process. So,  
24 that's how I read that.

25 MR. RICE: Could we discuss both

1 "G" and "H" together before a vote? Because  
2 what's said on one I think is --

3 MS. WILLIAMS: Sure. I agree.  
4 They're interrelated with each other.

5 MR. RICE: A concern I have with  
6 regard to "H" is who decides when there's a  
7 conflict and a member should be removed? As I  
8 read "H," it would be, in this case, Mr. Bailey.

9 MS. WILLIAMS: Well, I -- I  
10 disagree. I've tried to be -- I tried to be  
11 evenhanded here and -- working with  
12 Mr. Quintanilla on doing -- is that ultimately  
13 the conflict is with the base, so the ultimate  
14 decision will be with the base co-chair.  
15 However, the RAB has -- has the opportunity and  
16 will be given the opportunity to hear all the  
17 issues from the RAB member himself or herself to  
18 refute any appearance of conflict or conflict of  
19 interest that is raised with that member and  
20 then make recommendations to the base co-chair.  
21 The base co-chair will then take the RAB's  
22 recommendations in addition to the individual  
23 RAB members rebuttal, which will be in writing  
24 according to the charter, and then make the  
25 ultimate decision.

1 MR. RICE: So, as I understand  
2 it, Mr. Bailey could not, on his own, remove a  
3 member. It would first have to be a RAB  
4 recommendation to remove the member --  
5 Mr. Bailey -- is that correct?

6 MS. WILLIAMS: Right. And there  
7 may be instances where there's a disagreement  
8 between the RAB and the base co-chair and that's  
9 where "H" comes in -- is that you -- there is an  
10 appeal process. We tried to come up with  
11 various scenario where there was -- in "I" -- a  
12 disagreement. So --

13 MR. RICE: Okay.

14 MR. MIXON: Have you made a  
15 motion -- I mean, to second it?

16 MR. QUINTANILLA: Yes. There's  
17 been a second -- a second to adopt  
18 Paragraph G. Is there any further discussion on  
19 Paragraph G? All those in favor of adopting  
20 Paragraph G as stated, please signify by saying  
21 "aye."

22 (Vote by the RAB members.)

23 MR. QUINTANILLA: Opposed, same  
24 sign. Paragraph H, is there a second to  
25 adopting Paragraph H?

1 MS. MCCARTNEY: Second.

2 MR. QUINTANILLA: Is there any --  
3 Second?

4 MS. MCCARTNEY: Second.

5 MR. QUINTANILLA: Is there a  
6 discussion to adopting -- in regards to  
7 Paragraph H? All those in favor of adopting  
8 Paragraph H as written, please signify by saying  
9 "aye."

10 (Vote by the RAB members.)

11 MR. QUINTANILLA: Opposed, same  
12 sign. Paragraph I -- Paragraph H included  
13 Paragraphs (a), (b) and (c). Is there any  
14 question on that?

15 MR. RICE: You mean we're on "I"  
16 now?

17 MR. QUINTANILLA: Yeah. We're  
18 now -- We're now on "I" -- "I, (a), (b) and  
19 (c)."

20 MR. RICE: I have a question.  
21 Are we going "(a)"?

22 MR. QUINTANILLA: Yes. We'll go  
23 "(a)."

24 MR. RICE: Oh, okay. My question  
25 is on "(b)." I'm a little confused right now.

1 Excuse me.

2 MR. QUINTANILLA: Do you want to  
3 second "(a)" -- "I, (a)"?

4 MR. RICE: Yeah. I'll second  
5 "I, (a)."

6 MR. QUINTANILLA: Is there any  
7 discussion on "I, (a)"? All those in favor of  
8 adopting "I, (a)" as stated, please signify by  
9 saying "aye."

10 (Vote by the RAB members.)

11 MR. QUINTANILLA: Opposed, same  
12 sign Section I, (b), all those -- Is there a  
13 second -- Is there a second to that motion for  
14 adopting --

15 MR. RICE: Second.

16 MR. QUINTANILLA: Discussion?

17 MR. RICE: I have a point I would  
18 like to raise. It's in the last sentence. It  
19 says, "The base co-chair and community co-chair,  
20 on behalf of Board members, will each be offered  
21 the opportunity to provide a summary" -- and I  
22 guess that's to the base commander. I'd like to  
23 add that any other interested members of the RAB  
24 may also go and -- and be represented. It's  
25 under (b).

1 MR. QUINTANILLA: Okay.

2 MR. RICE: So, I have a proposed  
3 change to the sentence.

4 MR. QUINTANILLA: All of you have  
5 heard the proposed change to Section (b) that  
6 any -- any other RAB members will be given the  
7 same opportunity to provide a summary of the  
8 rationale and the recommendation. Is there a  
9 second to that?

10 MS. WILLIAMS: I had a question.

11 MR. QUINTANILLA: Okay.

12 MS. WILLIAMS: The hope was -- We  
13 wanted to give the commander a concise summary  
14 of what the issues are. The hope was that the  
15 RAB would be represented by the community  
16 co-chair. So, the RAB recommendation would be  
17 based on the co-chair's recommendation that the  
18 RAB -- with the community co-chair -- so that  
19 the commander, who is a very busy man, doesn't  
20 have to deal with various issues. And I -- It  
21 may be we can try to have it in such a way that  
22 if only those that have a differing view than  
23 what the community co-chair may have --  
24 something --

25 MR. RICE: Sure. Let me give

1 you -- I think tonight is a pretty good  
2 example. Here we had a seven-six vote, but both  
3 the base co-chair and the community co-chair  
4 were on the same side. So, you know, you  
5 have -- you have two guys who agree with one  
6 another and the people that may disagree aren't  
7 represented. So, I think there should be a  
8 provision for allowing other RAB members to be  
9 represented.

10 MS. WILLIAMS: Okay. In addition  
11 to that, I maybe would suggest that it be a  
12 written summary --

13 MR. HAGELTHORN: How about if we  
14 change to -- community co-chair -- we put in --  
15 and say, "A representative appointed by the  
16 Board for the opposing view." That way there's  
17 only one person and the base co-chair.

18 MR. RICE: That's fine.

19 MR. HAGELTHORN: It could be the  
20 community co-chair.

21 MR. RICE: Sure.

22 MR. HAGELTHORN: It just gives  
23 you the option of -- just the opposing view --

24 MR. RICE: Sure.

25 MR. BAILEY: So --



1 MR. HAGELTHORN: Instead, keep it  
2 with -- you know, the base co-chair and a  
3 designated representative of -- speaking on  
4 behalf of the Board members.

5 MS. WILLIAMS: And, also, I would  
6 add that -- in the last line -- a written  
7 summary of the rationale.

8 MR. RICE: Do you mean that they  
9 won't get to meet with the base commander in  
10 person or is that in addition?

11 MS. WILLIAMS: Well, it's  
12 really -- here it's not specific if it will be a  
13 written -- or there will be a meeting.

14 MR. RICE: I think if there's a  
15 conflict like this that the merits -- I hope it  
16 wouldn't be -- but if there were -- it merits a  
17 personal meeting if it's that big of a deal.

18 MS. WILLIAMS: All right. Yeah.  
19 We can do a written summary. It's kind of like  
20 a -- that he has -- is prepared in --

21 MS. MCCARTNEY: Written and oral  
22 summary maybe?

23 MS. WILLIAMS: Yeah. Or the  
24 alternative is to be allowed to meet with the  
25 installation commander at the San Antonio --

1 that that -- because an oral summary -- that  
2 doesn't define whether it's telephonically, if  
3 you're meeting him in person -- So --

4 MR. BAILEY: How specific --

5 MS. WILLIAMS: So, why don't we  
6 do this: We'll say, "The base co-chair and a  
7 designated representative speaking on behalf of  
8 the Board members will each be offered an  
9 opportunity to provide a written summary of the  
10 rationale and recommendations, and if requested  
11 by either party, be allowed an audience for  
12 a" -- yeah -- "be allowed an audience with the  
13 base commander."

14 MR. HAGELTHORN: What happens  
15 when the base closes and we no longer have a  
16 base commander?

17 MS. WILLIAMS: There will be an  
18 installation commander until -- for a long  
19 time -- until closure is complete.

20 MR. QUINTANILLA: This will be  
21 good for five years, hopefully.

22 MS. WILLIAMS: Okay.

23 MR. BAILEY: Do you want us to  
24 re-read that?

25 MS. WILLIAMS: Yeah. I'll

1 re-read that. Okay. This last sentence of  
2 "I, (b)" will read, "The base co-chair and a  
3 designated representative speaking on behalf of  
4 the Board members will each be offered the  
5 opportunity to provide a written summary of the  
6 rationale and their recommendations, and if  
7 requested by either party, be allowed an  
8 audience with the installation commander at the  
9 San Antonio Air Logistics Center."

10 MR. QUINTANILLA: Is there any  
11 further discussion? All those in favor of  
12 adopting Paragraph I, (b) as read by  
13 Ms. Williams, please signify by say "aye."

14 (Vote by the RAB members.)

15 MR. QUINTANILLA: Opposed, same  
16 sign. Paragraph C, is there a second towards --  
17 for the adoption of Paragraph C as written?

18 MR. RICE: Second.

19 MR. QUINTANILLA: It has been  
20 duly seconded. Is there any discussion of  
21 Paragraph C? If there is no discussion, all  
22 those in favor signify by saying "aye."

23 (Vote by the RAB members.)

24 MR. QUINTANILLA: Opposed, same  
25 sign.

1 MS. WILLIAMS: There's one point  
2 I do want to clarify -- and I think it was  
3 stated in the cover letter -- that on this  
4 particular issue, we will be coordinating with  
5 the installation commander to make sure that he  
6 is also in concurrence since he is the one who  
7 will be getting these appeals. And it is my  
8 understanding that that will be done before the  
9 next meeting when the entire charter will be  
10 voted in. So, I just wanted to put that in  
11 front of you and let you know that that will be  
12 occurring.

13 MR. QUINTANILLA: I would like to  
14 go back to -- No, I don't. I'm missing  
15 Paragraph V. I did not get a --

16 MR. BAILEY: Do you need another  
17 copy of it?

18 MR. QUINTANILLA: Here it is. I  
19 have Paragraph V. Paragraph V, Restoration  
20 Advisory Board Structure. All of you have what  
21 is written in Paragraph V, "The Restoration  
22 Board shall be co-chaired," and so forth. A  
23 revision has been given to me -- or I have wrote  
24 a revision based on what I have seen here on the  
25 way that the Kelly -- on -- this Restoration

1 Board operates. I believe that there is a  
2 conflict -- the way it operates.

3 Here we have the Board and the Board is run  
4 by the staff -- the staff being the  
5 Environmental Management Agency. Union Pacific  
6 does not have their -- their Board run by the  
7 staff. Frost National Bank does not have that  
8 same thing -- and many, many others. Here, in  
9 my opinion, it is not good, conventional wisdom  
10 to have the staff run the Board. Many times,  
11 many of us bring things up to the staff and the  
12 staff has the right to veto -- or -- or is  
13 vetoing what is being presented.

14 What I'm suggesting here -- and what is  
15 being presented to you here on this sheet of  
16 paper -- and -- excuse me -- allow me to read  
17 it -- states the following: "The Restoration  
18 Advisory Board shall be co-chaired by a  
19 representative of the San Antonio Air Logistics  
20 Center's commander and a community member. The  
21 responsibility for presiding over each meeting  
22 will be alternated by the co-chairs. The  
23 co-chairs or their alternates should" -- "should  
24 attend all meetings and ensure that all  
25 Restoration Advisory Members have an opportunity

1 to provide input into the planning and  
2 implementation of environmental activities. The  
3 Restoration Advisory Board shall be staffed by  
4 the Director of Environmental Management and the  
5 Public Affairs office at Kelly Air Force Base."  
6 In other words, to me, it is improper to have  
7 the staff run this particular Board. I think  
8 the general has different options as to how he  
9 can accomplish this. He can put the -- support  
10 the group commander here. There's two or three  
11 senior executive officers. He has an executive  
12 director, the IG, or anybody else that he can  
13 put on -- on here to be on the Board. But the  
14 Environmental Management should act as the  
15 staff -- not as head of the Board -- and that's  
16 what this amendment -- or this revision  
17 encompasses.

18 I would like to make a motion that we adopt  
19 this revision for Paragraph V, (a).

20 MR. RICE: Second.

21 MR. QUINTANILLA: It has been  
22 duly seconded. Is there is any discussion.

23 MS. FALKENBERG: How does that  
24 fit the regulations?

25 MR. QUINTANILLA: There's no

1 regulations.

2 MR. HAGELTHORN: No. There are  
3 regulations.

4 MR. QUINTANILLA: Which one?

5 MR. HAGELTHORN: There's quite a  
6 few regs that deal with the Restoration Advisory  
7 Board.

8 MR. MIXON: On who co-chairs  
9 or --

10 MR. HAGELTHORN: About who --  
11 who's -- who is -- the primary responsibility  
12 of the co-chair right now.

13 MR. QUINTANILLA: The law says  
14 that -- that the secretary will appoint --  
15 that's it.

16 MR. BAILEY: There is Air Force  
17 policy that's come out that says relative to the  
18 co-chair. It should be, in essence -- in our  
19 case, the Director of Environmental Management.  
20 At other installations, it will be the Chief of  
21 Civil Engineering because that's where the  
22 environmental plan rests. So, being  
23 somewhat -- about it -- seeing this for the  
24 first time just a while ago -- I guess my  
25 concern is I -- I don't see it as a conflict of

1 interest. I think when you take a look at the  
2 purpose of the Board, as we see it here, whether  
3 it -- the whole purpose is to surface the issues  
4 to the RAB membership. The issues will continue  
5 to be surfaced whether it's myself or whether  
6 it's -- the BRAC Base Conversion Agency happens  
7 to come in and they assign somebody who will be  
8 in charge of the cleanup program. That's an  
9 option. That person is going to be the one who,  
10 in essence, says in that case pretty much what  
11 works in conjunction with this group.

12 So, I guess what I'm leading up to is: I  
13 don't see that there's a conflict of interest  
14 regarding the first sentence. Secondly, the  
15 Director of Environmental Management at Kelly  
16 Air Force Base, in this case, is already  
17 providing -- I think that Mr. Sanchez pointed  
18 out there are people from Kelly Air Force Base  
19 that are already providing assistance on the  
20 newsletter. So, I don't know -- I -- I'm  
21 questioning why that's put there. I think the  
22 focus here -- I guess by what I'm reading --  
23 the second sentence and the third sentence, to  
24 me, are already built into what we're actually  
25 doing regarding -- well, pardon me -- the



1 third sentence regarding -- "should attend all  
2 meetings and ensure that all members have an  
3 opportunity to provide input in the planning and  
4 implementation." I don't understand where  
5 that's not being done already. I believe that's  
6 built into the charter right now.

7 So, coming from me, my belief is -- is that  
8 I don't see that there's a conflict of  
9 interest --

10 MR. MIXON: Could I make a  
11 suggestion?

12 MR. BAILEY: Sure.

13 MR. MIXON: This is a pretty  
14 heavy change here.

15 MR. QUINTANILLA: It is -- It  
16 is. It's heavy.

17 MR. MIXON: And let me make a  
18 suggestion that we table this for some  
19 discussion down the road where we've got more  
20 time to spend specifically dealing with this  
21 issue -- and -- and you can go back and talk  
22 to the folks and get their feedback and -- and  
23 you can talk to your folks and get their  
24 opinion. My feeling is, is if that's something  
25 that's going to hold up the rest of everything

1 here, it might be a good idea to table it and  
2 put this as an individual issue. Because this  
3 is a major issue where you're talking about the  
4 current co-chair.

5 MR. QUINTANILLA: We're also  
6 talking about the future and how we're going to  
7 operate and go forward.

8 MR. MIXON: I understand. I'm  
9 not saying not do it. I'm saying let's table it  
10 so we don't -- we don't get hung up on this  
11 and -- and fail to work through the rest of it.

12 MS. FALKENBERG: Let me ask a  
13 question. If the Board voted yes to accept  
14 these changes, in essence what we're doing is  
15 removing Mr. Bailey.

16 MR. QUINTANILLA: No. He'll  
17 still -- He'll still stay on the staff.

18 MS. FALKENBERG: Okay. As  
19 staff?

20 MR. QUINTANILLA: As staff.

21 MS. FALKENBERG: But not as  
22 co-chair?

23 MR. QUINTANILLA: Not as  
24 co-chair, yes.

25 MR. LENE: What's to keep the

1 base commander from nominating --  
2 representatives?

3 MR. QUINTANILLA: Well, we are  
4 asking that he don't -- that he's got other  
5 choices. Because it's not good, conventional  
6 wisdom and it's politically incorrect.

7 MR. HAGELTHORN: I think that  
8 we're complaining a lot about not being able to  
9 get the job done and by taking out a person who  
10 has the corporate knowledge of everything that's  
11 going on -- and talk about not getting things  
12 done --

13 MR. QUINTANILLA: This is where  
14 you come in as the co-chair -- to get things  
15 done.

16 MR. LENE: I think that we --  
17 yeah -- that we -- we would be preempting the  
18 base commander and --

19 MR. QUINTANILLA: No, it  
20 doesn't. It's -- He's the one that appointed  
21 the base -- to begin with.

22 MR. HAGELTHORN: Is there a  
23 reason for your -- your bringing this up  
24 about -- I -- I suppose what you're saying is  
25 all this went through your committee?

1 MR. QUINTANILLA: No. This --  
2 I -- We didn't -- I did bring it up, but it did  
3 not go through the committee.

4 MR. HAGELTHORN: Is there a  
5 reason why this --

6 MR. QUINTANILLA: Yes. Yes,  
7 there is a reason.

8 MR. HAGELTHORN: So, this is a  
9 personal reason?

10 MR. QUINTANILLA: No -- It's a  
11 personal reason, but it's a reason that involves  
12 all the Board --

13 MR. HAGELTHORN: Well, I think  
14 what we ought to do is take this, remove it from  
15 any -- from any consultation or any debate here  
16 until this page has gone through your committee.

17 MR. QUINTANILLA: All right. We  
18 will take it back to the committee.

19 Go ahead, George.

20 MR. RICE: Let me say I -- I just  
21 looked at this -- haven't given it a great deal  
22 of thought -- but I tend to agree with you on  
23 the conflict of interest -- and I don't mean  
24 this to be any personal reflection on you,  
25 Mr. Bailey. But it seems to me that if you are

1 the person that's ultimately responsible for the  
2 work we're discussing and then people come  
3 up -- and we can question that work -- you  
4 know, it's just a normal human reaction to say,  
5 "Well, this is my work, this is my staff.  
6 Why" -- "Why is that being questioned?" So,  
7 that's why I tend to agree with -- with this  
8 provision.

9 However, I also agree with Carl that this  
10 is a real big issue and there's a number of  
11 things that have to be researched, I think,  
12 before we can make a decision -- in particular,  
13 the legal issue. Is there a legal reason or any  
14 other reason why Mr. Bailey must be a  
15 co-chair -- or whatever? So, I -- I think that  
16 this should be researched and discussed at -- at  
17 another meeting.

18 MR. HAGELTHORN: I think this  
19 proposed added charter revision addendum is sort  
20 of vindictive and I think it's totally  
21 inappropriate and that it should never have been  
22 brought to this Board without going through the  
23 subcommittee beforehand -- and I really think  
24 that you owe Mr. Bailey an apology.

25 MR. QUINTANILLA: I disagree. I

1 disagree.

2 MR. HAGELTHORN: That's my  
3 opinion.

4 MR. MIXON: Well, do we agree  
5 then we can table this issue, then, and bring it  
6 up later?

7 MR. QUINTANILLA: I would like to  
8 do this: Take -- Table the -- what I have  
9 proposed -- or vote it down -- and then come up  
10 with a -- with another -- with another  
11 resolution or another motion that the  
12 committee -- that this be returned back to  
13 committee for further -- for further discussion.

14 MS. MCCARTNEY: Isn't that the  
15 subcommittee's job?

16 MR. QUINTANILLA: Yeah. Be  
17 returned back to the subcommittee, yes.

18 MR. RICE: I'll second that.

19 MR. QUINTANILLA: Well, first --  
20 you know, let this go with the -- with the first  
21 motion that is up there. All those in favor  
22 of -- of adopting the revised amendment here,  
23 signify by saying "aye."

24 (Vote by the RAB members.)

25 MR. QUINTANILLA: All those in

1 favor of turning it down, signify by saying  
2 "aye."

3 (Vote by the RAB members.)

4 MR. QUINTANILLA: The "ayes" have  
5 it. Now we can go into the -- to the second  
6 portion of -- that this item be returned back to  
7 the subcommittee for review and -- and reworded.

8 MS. MCCARTNEY: Can I make a  
9 motion that we suspend this whole discussion  
10 because of this issue? I -- I don't think the  
11 rest of it is even relevant at this point.

12 MR. HAGELTHORN: It's not  
13 relevant.

14 MR. QUINTANILLA: Why isn't it  
15 relevant?

16 MR. MIXON: Well, you can still  
17 go back to the subcommittee. It doesn't need  
18 anything voted on here to go back to the  
19 subcommittee. That's something that the  
20 subcommittee can do ad nauseam.

21 MR. HAGELTHORN: I'll second the  
22 motion that we table this issue to be  
23 resolved --

24 MR. QUINTANILLA: By who?

25 MR. HAGELTHORN: By the

1 subcommittee.

2 MR. QUINTANILLA: Okay. That's a  
3 good motion -- to go back to the subcommittee.

4 MR. BAILEY: Whatever.

5 MR. QUINTANILLA: Is there a  
6 second to the motion?

7 MR. MOORE: I have another  
8 comment. At the beginning of this Board, we  
9 voted Mr. Bailey and Allan here --

10 MR. QUINTANILLA: Mr. Bailey was  
11 already on --

12 MR. MOORE: Excuse me. But we  
13 did elect these two persons as co-chairs.

14 MR. QUINTANILLA: No.

15 MR. MIXON: No, we didn't.

16 MR. MOORE: We accepted them both  
17 as the co-chairs --

18 MR. MIXON: No.

19 MR. MOORE: -- in the very first  
20 meeting.

21 MR. MIXON: No, no.

22 MR. RICE: We elected

23 Mr. Hagelthorn.

24 MR. MIXON: The only option we  
25 had was the -- the --



1 MR. MOORE: No. Because he put  
2 it out to the floor and it was accepted. We've  
3 got the minutes. We can find it, I'm sure.  
4 Because I was here and it was put out and  
5 everybody unanimously agreed he was one of the  
6 co-chairs.

7 MR. MIXON: Well, we voted on  
8 the --

9 MR. MOORE: But we have  
10 provisions to remove a co-chair if he does not  
11 properly perform his position. As far as I've  
12 seen, Mr. Bailey has given this Board nothing  
13 but total support. He has not shown any  
14 conflict of interest on this Board. He has  
15 shown nothing -- but has gone way out of his way  
16 to help and assist this Board on all questions  
17 that we've brought up. By doing that, he has  
18 exemplified himself as a co-chair member and  
19 unless this Board can find a legitimate reason  
20 in the constitution that we've got set down here  
21 to remove him from office, I don't see why this  
22 is even being discussed.

23 Now, two years from now, both of their  
24 longevity is up. If, at that point, we decide  
25 we no longer want these persons as co-chairs,

1 then we revote. But under our current status,  
2 both these people were accepted in the beginning  
3 of this Board as co-chair members -- everybody  
4 agreed to it -- and unless somebody has a  
5 legitimate legal reason for removing Mr. Bailey  
6 as the co-chair, I don't see any further  
7 discussion is needed on this.

8 MR. RICE: I have a question at  
9 this point. I think we have a motion and a  
10 second to send this back to committee and -- is  
11 that right?

12 MR. QUINTANILLA: That's correct.

13 MR. RICE: And then that the  
14 committee may decide to bring this up again; is  
15 that correct?

16 MR. QUINTANILLA: That's correct.

17 MR. BROWN: But we haven't voted  
18 on that.

19 MR. QUINTANILLA: No. We haven't  
20 voted on it, yet.

21 MR. MIXON: Let's -- Let's --

22 MR. MOORE: I have a motion that  
23 we totally drop the issue.

24 MR. MIXON: Well, I understand.  
25 But let's vote on what's -- because I don't

1 think it will pass. You know, we're just  
2 beating a dead horse. Go ahead and -- and take  
3 a vote.

4 MR. QUINTANILLA: All right. It  
5 has been duly made -- made and seconded -- the  
6 motion has -- to be referred back to the  
7 committee. That's the motion. All those in  
8 favor of the motion, signify by saying "aye."

9 (Vote by the RAB members.)

10 MR. QUINTANILLA: All those  
11 opposed.

12 (Vote by the RAB members.)

13 MR. QUINTANILLA: The "nays" have  
14 it. It does not pass.

15 MR. MIXON: Next item?

16 MR. MOORE: I make another motion  
17 to drop -- to the Board here that we just drop  
18 this issue since we already have the means in  
19 our constitution to remove a nonefficient  
20 person -- and that seems to be what this is  
21 based upon. I make the motion that we just drop  
22 this issue from the -- from the charter right  
23 now.

24 MR. MIXON: It's already been  
25 voted on. I mean, we've already -- it did not

1 even go back to the -- to the committee. We  
2 voted not to even send it back to the committee  
3 for discussion. So, that -- this issue is  
4 dead. Gone. I say take up the next item.

5 MR. QUINTANILLA: Okay. So, what  
6 you actually voted on -- it's -- it's the way  
7 that's in there now -- in the charter here now.  
8 The Restoration Board shall be co-chaired by the  
9 San Antonio Air Logistics Center Director of  
10 Environmental Management and a community  
11 member. That's what you voted for.

12 MS. MCCARTNEY: So, we're on Item  
13 (b)?

14 MR. QUINTANILLA: Pardon me.

15 MS. MCCARTNEY: We're on Item (b)  
16 now? We're on Item (b)?

17 MR. QUINTANILLA: Item (a) --  
18 We're on Item (a).

19 MS. MCCARTNEY: We just voted  
20 Item (a), right?

21 MR. QUINTANILLA: Yeah. We just  
22 voted on Item (a).

23 MS. MCCARTNEY: Okay. So, we're  
24 on --

25 MR. QUINTANILLA: And that's what

1 you voted on -- to accept --

2 MS. MCCARTNEY: Right.

3 MR. QUINTANILLA: -- what was  
4 originally stated in here.

5 MS. MCCARTNEY: So, now, we're on  
6 (b).

7 MR. HAGELTHORN: That we do not  
8 accept your addendum.

9 MR. QUINTANILLA: That's correct.

10 MR. HAGELTHORN: All right. I  
11 just want to be clear.

12 MR. MIXON: Let's go to (b).  
13 Let's move it right along.

14 MR. QUINTANILLA: You can't win  
15 them all. You can't lose them all, either.  
16 We're going to go to Item (b). All those in  
17 favor of -- Is there a second to adopt -- to  
18 adopting Item (b) as stated?

19 MR. RICE: I'll second it.

20 MR. QUINTANILLA: It has been  
21 duly seconded. Is there any discussion? All  
22 those in favor of adopting Item (b) as written,  
23 please signify by saying "aye."

24 (Vote by the RAB members.)

25 MR. QUINTANILLA: Those opposed,

1 same sign. Item (b) is adopted as written in  
2 here. Item (c). Is there a second for the  
3 adoption of Item (c)?

4 MR. RICE: Second.

5 MR. QUINTANILLA: It has been  
6 duly seconded. Is there any discussion for  
7 Item (c)? There being no discussion, all those  
8 in favor of adopting Item (c), signify by saying  
9 "aye."

10 (Vote by the RAB members.)

11 MR. QUINTANILLA: Opposed, same  
12 sign. Item (d) as revised?

13 MS. MCCARTNEY: As you want it  
14 revised?

15 MR. QUINTANILLA: This is a new  
16 one, yes. This is a new one because some of the  
17 staff brought it to my attention that we were --  
18 that I had not done the right job on this thing,  
19 because we did not have a quorum in there. I  
20 took it upon myself to change it -- the meetings  
21 from quarterly to monthly, and you'll either  
22 vote it up or down.

23 MR. MIXON: Well, we already  
24 voted on quarterly way back when.

25 MR. MOORE: We have a statement

1 in there, "If more are needed" --

2 MR. MIXON: Yeah. That was an  
3 arduous task that we went through to get that  
4 voted on.

5 MR. MOORE: Right.

6 MR. MIXON: I used some of my  
7 best --

8 MR. QUINTANILLA: You can see the  
9 length of the meetings that we're undergoing now  
10 by --

11 MS. MCCARTNEY: I don't think  
12 there's any immediate need to vote on it.

13 MR. QUINTANILLA: -- meeting  
14 quarterly -- the way we're doing. There is a  
15 lot of work that needs to be done. There's much  
16 more that is coming up as a result of the base  
17 closure and I think that we ought to bring it  
18 back up again -- and, also, to establish a  
19 quorum, which we don't have.

20 MR. MIXON: Well, let's bring it  
21 up, but let's don't bring it up -- like, in this  
22 case, where we're going through a bunch of  
23 approvals. Let's bring it up where we can  
24 actually spend some time discussing it and --  
25 and reviewing it -- see if -- at the quarterly

1 or bi-quarterly --

2 MR. MOORE: I agree with the  
3 quorum, but I do agree we can shelve this maybe  
4 for later and come -- bring it back up to  
5 vote -- because it was voted once -- I think  
6 quarterly --

7 MR. QUINTANILLA: Well, it was  
8 always quarterly -- No. It was always  
9 quarterly.

10 MR. MOORE: But we added it in  
11 with additional meetings as required.

12 MR. QUINTANILLA: Yeah. It's  
13 always been quarterly. Well, I make the motion  
14 that we -- we -- we leave the word "quarterly"  
15 in and adopt the rest of it.

16 MR. MIXON: I second that.

17 MR. QUINTANILLA: You seconded  
18 it.

19 MR. MIXON: Yeah.

20 MR. SANCHEZ: Well, I wanted to  
21 discuss it a little further.

22 MR. QUINTANILLA: Okay.

23 MR. QUINTANILLA: Whoever  
24 mentioned the quarterly -- Some of the questions  
25 I have about meetings -- you know, that we have



1 a -- we're sitting here discussing -- you know,  
2 as a RAB Board -- that's an official RAB Board  
3 meeting -- a meeting that has been called by the  
4 RAB. I think that it's very -- it's real  
5 important that -- that even if there's a quorum  
6 of people that come together without an official  
7 notification of a RAB meeting, that that is not  
8 a RAB meeting.

9 MR. MOORE: I agree with that.

10 MR. SANCHEZ: And I think a --

11 MR. HAGELTHORN: To be RAB  
12 meeting it has to be a published RAB meeting.

13 MR. QUINTANILLA: Yes -- Yes --  
14 and I think there is a fine distinction between  
15 a meeting and a meeting.

16 MR. MOORE: I agree, yeah.

17 MR. QUINTANILLA: I think maybe  
18 the legal -- ought to be -- take a little bit  
19 closer, you know, look at that because there are  
20 some things in here, you know, that cannot come  
21 up to the base without an official RAB signature  
22 needed -- whatever it is. Evidently, what we're  
23 saying here is quarterly meetings. Am I  
24 correct?

25 MR. MOORE: Yes.

1 MR. MIXON: But that's on the  
2 agenda, Sam, to be discussed later, isn't it?

3 MR. QUINTANILLA: Well -- No,  
4 it's not on the agenda. I mean, this is part of  
5 the whole process of --

6 MR. MIXON: No. There's an  
7 agenda item here that says it.

8 MR. QUINTANILLA: Yeah. But -- I  
9 mean, this is a part of the charter. So, I  
10 would be -- you know -- whatever would come up  
11 on the agenda would be preempted in -- in  
12 whatever decision we make, if we -- if we, at  
13 this point, change the charter.

14 MS. WILLIAMS: Well, this is  
15 dealing with a -- we are trying to have -- we'll  
16 say that we're having these formal quarterly  
17 meetings and, if necessary, we will have  
18 additional formal meetings. That's -- That's  
19 what we are trying to say.

20 MR. MIXON: And the question is:  
21 Who can call a meeting?

22 MR. QUINTANILLA: There you go.

23 MR. MIXON: Who can call a  
24 meeting?

25 MR. MOORE: Who can call an

1 official Board meeting?

2 MR. MIXON: Exactly. And that's  
3 the co-chair --

4 MS. WILLIAMS: Well, they --  
5 typically -- and this has been the procedure  
6 since I've been here -- is that at the preceding  
7 meeting we decide when the next meeting -- I  
8 mean, the RAB decides when the next meeting is  
9 and it is done on a consensus basis. A date is  
10 proposed by the base co-chair, if it's disagreed  
11 with, the RAB members can say so and suggest  
12 another date. But it's initiated at the  
13 previous meeting on when the next meeting will  
14 be.

15 MR. MIXON: But every -- every  
16 committee has a decision -- has a desire  
17 periodically to hold a meeting that's not  
18 scheduled. Let's say we're out there six weeks  
19 and we've got four weeks to go before the next  
20 meeting and there is an issue coming up and you  
21 need a meeting, all you have to do is -- is have  
22 some legal determination of who can call that  
23 meeting and what kind of public notification --  
24 you know the Open Records Requirement -- the  
25 three-day notification you have to have an

1 addendum made available for a public hearing --  
2 and that kind of stuff.

3 MS. WILLIAMS: Well, if you're  
4 talking about the subcommittee -- let's say the  
5 charter subcommittee --

6 MR. MIXON: Sure.

7 MS. WILLIAMS: -- then it will be  
8 just the charter subcommittee that will meet  
9 with each other. Now, if a subcommittee or an  
10 individual would like to request a formal  
11 meeting, that request can be initiated with the  
12 base co-chair, with Mike Estrada, our community  
13 involvement coordinator --

14 MR. MIXON: Why not the -- Why  
15 not the other co-chair?

16 MS. WILLIAMS: Or a community  
17 co-chair -- and the individual will then let us  
18 know, so as the staff, the staff can call each  
19 RAB member and inform them that someone has  
20 asked a meeting be called, propose a date, are  
21 you available for that proposed date?

22 MR. MIXON: Is that what you're  
23 after, Sam?

24 MR. QUINTANILLA: Yeah. I  
25 think -- See, I -- I have a problem with

1 committees doing business besides -- you know,  
2 what they're just doing, you know, without the  
3 full RAB, you know --

4 MR. MIXON: I agree.

5 MR. QUINTANILLA: Do you see what  
6 I'm saying?

7 MR. MIXON: You and I agree on  
8 that because you should never have a committee  
9 meeting without everybody being involved -- or  
10 at least --

11 MR. QUINTANILLA: I mean, the  
12 committees can meet all they want to. As far as  
13 I'm concerned, that's part of what they're  
14 supposed to be doing, anyway -- you know,  
15 meeting on that -- subcommittees or whatever --  
16 committees the RAB Board chooses to create. But  
17 I think I've made the distinction that that is  
18 not an official RAB Board --

19 MR. HAGELTHORN: That is  
20 correct. That is not an official RAB voting  
21 membership meeting.

22 MR. MIXON: Is the language that  
23 we have in there, though, for calling a meeting  
24 sufficient to cover what Sam's concerned about?

25 MS. WILLIAMS: Well, Mr. Bailey

1 has given an excellent suggestion -- and I would  
2 propose this -- "The Restoration Advisory Board  
3 shall meet quarterly at formally advertised  
4 times and locations preferably at an off-base  
5 location. More frequent formal meetings may be  
6 held if deemed necessary by the Restoration  
7 Advisory Board." So, we -- we make clear that  
8 these are formal meetings and that the procedure  
9 imparted by the charter on notifying everybody  
10 that it's an open public meeting, that a  
11 transcript is taken and minutes are taken is  
12 clear. Is that sufficient?

13 MR. MOORE: And additionally add  
14 in that the quorum must be met -- and I think  
15 that ought to be bumped, actually, by one to get  
16 over a 50 percent for it. Instead of the ten,  
17 the 11 puts it over 50 percent of the voters.

18 MR. QUINTANILLA: Well, you've  
19 got to be careful on that -- on that ten. I  
20 already gave it a lot of thought. Sometimes we  
21 don't have -- Some members have resigned and so  
22 forth. But regardless of that, we must have ten  
23 or more to -- to -- to have a quorum. I'm  
24 sure that the committee is going to grow three  
25 or four more members in the next six months.

1 I'm sure of that because of the -- the BRAC that  
2 is here and lots of things that need to be  
3 done. And I'm also sure that there's some of  
4 these members here that are -- that are --  
5 that are going to be leaving. So, that's the  
6 reason for having a -- I don't think it's going  
7 to go above 24 and I don't think it's ever going  
8 to come back down to 19 like it was.

9 MR. TREVINO: How will that come  
10 into play if you want to vote on something? Do  
11 you need to have a majority? Because the RAB  
12 charter states in order to have an approval,  
13 you've got to have a majority vote -- and I  
14 think that's the concern that Mr. Moore has --  
15 is that if you have a majority of the people  
16 present, then you won't run across that problem  
17 of, "Well, you don't have a majority to vote on  
18 it."

19 MR. QUINTANILLA: No. If you  
20 have ten -- say -- and that's -- that's a  
21 quorum, the majority vote would be six to four.  
22 Five to five would be a tie.

23 MR. HAGELTHORN: Just put 50  
24 percent of the active membership of the Board.

25 MR. QUINTANILLA: Then the first

1 item on the agenda would be, "We have ten Board  
2 members or 20 Board members" -- whatever it is.  
3 We'd have to know that at every Board meeting.

4 MR. HAGELTHORN: No. I mean, if  
5 we ever had to pull in a special meeting, we'd  
6 know what the active membership is and find out  
7 whether or not we have a quorum.

8 MR. QUINTANILLA: Did you know  
9 how many members --

10 MR. HAGELTHORN: No, but I asked  
11 today.

12 MR. QUINTANILLA: I did the same  
13 thing because I did not know. I mean, we'd have  
14 to ask that at every Board meeting.

15 MS. MCCARTNEY: That's no big  
16 deal.

17 MR. HAGELTHORN: That's not a  
18 problem we have with that. I don't see where  
19 the problem is.

20 MR. QUINTANILLA: Let's change it  
21 to 50 percent. All I'm trying to say is --

22 MR. HAGELTHORN: Greater than 50  
23 percent.

24 MR. QUINTANILLA: We need a  
25 quorum. We need to put it there whatever



1 you-all decide -- not just put that in --

2 MS. WILLIAMS: Well, just put 50  
3 percent, because that way -- depending on how  
4 many members there are, from meeting to meeting,  
5 it will change -- and that way -- we can deal  
6 with it on that basis.

7 All right. Let me read it one more  
8 time -- the entire revision. "The Restoration  
9 Advisory Board shall meet quarterly at formally  
10 advertised times and locations, preferably at an  
11 off-base location. More frequent formal  
12 meetings may be held if deemed necessary by the  
13 Restoration Advisory Board. The minimum number  
14 of members required to be present before the  
15 Board can transact business is 50 percent of the  
16 membership."

17 MR. QUINTANILLA: You have heard  
18 the motion made -- or I have made the motion  
19 presented by Ms. Williams. Is there a second to  
20 that motion? I made the motion for you.

21 MS. WILLIAMS: Okay.

22 MR. QUINTANILLA: Is there any  
23 discussion on the motion that I just made that  
24 Ms. Williams rode -- read?

25 MR. MOORE: I'll second it.

1 MR. QUINTANILLA: All those in  
2 favor of the motion, please signify by saying  
3 "aye."

4 (Vote by the RAB members.)

5 MR. QUINTANILLA: All those  
6 opposed, same sign. Okay. We're going to go to  
7 V, (e). Is there a second for adopting V, (e)  
8 as presented?

9 MS. MCCARTNEY: Second.

10 MR. QUINTANILLA: Is there any  
11 discussion on V, (e) as presented? If not, all  
12 those in favor, signify by saying "aye."

13 (Vote by the RAB members.)

14 MR. QUINTANILLA: Opposed, same  
15 sign. Section V, (f), is there a second to  
16 adopting --

17 MR. RICE: Second.

18 MR. QUINTANILLA: It has been  
19 duly seconded. Is there any discussion? There  
20 being no discussion, all those in favor of  
21 adopting V, (f), signify by saying "aye."

22 (Vote by the RAB members.)

23 MR. QUINTANILLA: All those  
24 opposed, same sign. "V, (f)" is adopted.  
25 Section V, (g), is there a second to adopting

1 Section V, (g)?

2 MR. RICE: Second.

3 MR. QUINTANILLA: All those -- Is  
4 there any discussion on Section V, (g)? There  
5 being none, all those in favor, signify by  
6 saying "aye."

7 (Vote by the RAB members.)

8 MR. QUINTANILLA: So ordered.  
9 Section V, (h), is there a second to adopting  
10 Section V, (h)?

11 MR. RICE: Second.

12 MR. QUINTANILLA: It has been  
13 duly seconded. Any discussion on V, (h)? Yes,  
14 Mr. Sanchez?

15 MR. QUINTANILLA: This is the --  
16 the public input process, as I understand it,  
17 correct?

18 MS. WILLIAMS: Excuse me, sir. I  
19 didn't hear you.

20 MR. SANCHEZ: This is your --  
21 This is the public input process that the RAB  
22 Board -- I mean, members of the RAB Board  
23 participate in -- to be required to submit  
24 written comments to the community co-chair?

25 MS. WILLIAMS: Let me just read

1 this.

2 MR. QUINTANILLA: It is the same  
3 thing that we've got currently in there.

4 MS. WILLIAMS: It can be done in  
5 various ways -- and we can clarify that in  
6 here -- is that you can give it to the community  
7 co-chair -- I think individual RAB members have  
8 done it on their own -- submitted comments  
9 during the public comment period and also  
10 some -- some spoke at the public comment -- at  
11 the public hearing -- excuse me. So, there's --  
12 there's -- two of the three that I just  
13 discussed in this paragraph and I think there is  
14 one sentence that isn't in there -- which we  
15 can easily add -- is that, in addition, a RAB  
16 member can individually provide written comments  
17 during the public comment period.

18 MR. QUINTANILLA: I think that  
19 would be better than -- than having consolidated  
20 comments.

21 MS. WILLIAMS: Right. It can be  
22 done in various ways. So -- You have  
23 consolidated, you have the individual and then  
24 you can speak at the public hearing and that's  
25 what we need to add in there -- is the

1 individual.

2 MR. QUINTANILLA: This is not  
3 only for the public hearing, but at the regular  
4 Board meetings.

5 MS. WILLIAMS: Let me just -- How  
6 about this? The second sentence, we can  
7 change. "Restoration Advisory members can  
8 submit written comments to either" -- or  
9 "should" -- we can leave in "should" --  
10 "should submit written comments to the  
11 community -- "either the community co-chair or  
12 individually to the base community involvement  
13 coordinator," so that we have the two options.

14 MS. FALKENBERG: Are we using the  
15 word "can" or "should"?

16 MS. WILLIAMS: "Should."

17 MS. FALKENBERG: Is that the  
18 better of the two?

19 MR. MOORE: You're legal.

20 MS. WILLIAMS: Well, "can" --  
21 "can" is -- leaves it up to you. It's an  
22 option in -- in terms of actually doing the  
23 comments themselves. If you do provide  
24 comments, it should be provided in those two  
25 fashions.

1 MS. FALKENBERG: But you can also  
2 do it orally. In other words -- like --

3 MS. WILLIAMS: At the hearing,  
4 which is what the last sentence says. So --

5 MR. QUINTANILLA: Will you please  
6 read that again, please?

7 MS. WILLIAMS: Okay. The second  
8 sentence would read, "Restoration Advisory Board  
9 members should submit any" -- "any written  
10 comments" -- how about that -- to make it a  
11 little bit more open -- "any written comments to  
12 either the community co-chair or individually to  
13 the base community involvement coordinator on  
14 the subject documents within the time frame  
15 specified." Now, we have to revise the next  
16 sentence.

17 MR. RICE: "The comments  
18 received" --

19 MS. WILLIAMS: Yeah. "The  
20 community co-chair will consolidate comments  
21 from the members who wish to have him submit  
22 them on their behalf."

23 MR. QUINTANILLA: You have heard  
24 what Ms. Williams has just read and I would like  
25 to make a motion to adopt that for this

1 particular Paragraph H. Is there a second to  
2 that?

3 MR. RICE: Second.

4 MR. QUINTANILLA: All those in  
5 favor, signify by saying "aye."

6 (Vote by the RAB members.)

7 MR. QUINTANILLA: So ordered.  
8 Paragraph (i), is there a second to adopting  
9 Paragraph (i) as written?

10 MR. RICE: Second.

11 MR. QUINTANILLA: Is there any  
12 discussion on Paragraph (i)? There being none,  
13 all those in favor, signify by saying "aye."

14 (Vote by the RAB members.)

15 MR. QUINTANILLA: So ordered.

16 Paragraph (j), is there a second for the  
17 adoption of Paragraph (j) as stated?

18 MR. RICE: Second.

19 MR. QUINTANILLA: Is there any  
20 discussion on Paragraph (j)?

21 MR. RICE: I have some  
22 discussion.

23 MR. QUINTANILLA: All right.

24 MR. RICE: I propose adding the  
25 sentence that it's -- that would read, "All

1 environmental data shall be made available to  
2 RAB members as soon as possible and not later  
3 than 90 days after it's collected."

4 MS. WILLIAMS: Well --

5 MR. QUINTANILLA: This was  
6 discussed at great length, George. And the  
7 reason that it's written like that is because  
8 it's stacks of information. I mean, are we  
9 going to make all those stacks of information --  
10 at least this is what I was led to believe --  
11 that it was huge amounts of -- and it was very,  
12 very hard --

13 MR. POSNICK: Well, why not --  
14 why not make it -- at the time the information  
15 is supplied to the regulators -- that it's also  
16 made -- given to -- well, the public.

17 MR. RICE: Yeah. I guess that  
18 would be -- that would be -- You guys generally  
19 get it within 90 days or so when it's collected;  
20 is that right?

21 MR. BEYER: No. We have  
22 specified deadlines in our orders and things  
23 like that that --

24 MR. RICE: Let me address  
25 Mr. Quintanilla's point here -- and that is,



1           those huge stacks of data -- that's exactly what  
2           I want to see. That's exactly what I want to  
3           see.

4                       MS. WILLIAMS: Well, there's two  
5           avenues you can get that, Mr. Rice, and  
6           there's -- the information repository where all  
7           the information that's supposed to be part of  
8           the administrative records is -- and there's two  
9           locations for that -- and -- one is the Kelly  
10          Air Force Base library and the other is the  
11          San Antonio Central Library. Also, through the  
12          charter, we will be providing members access to  
13          three complete copies of all the studies,  
14          beginning from the preliminary assessment and  
15          site investigation through the feasibility  
16          studies and on, once they are submitted to the  
17          regulators and the -- Mike Estrada will be  
18          providing that when you request it.

19                      MR. RICE: Here's the sort of  
20          thing I'm running into -- that is that data are  
21          available and they're in the process of being  
22          put into some sort of a final document.  
23          However, it may be months before that document  
24          is produced. In the meantime, that data has  
25          been QA/QC -- there's nothing wrong with the

1 data. There's no reason not to release it other  
2 than the fact it hasn't been officially  
3 published and that's data that I would like  
4 access to.

5 MR. BAILEY: So that -- not to  
6 interrupt -- but if I can just take your  
7 thought -- based upon what I hear you saying --  
8 is that, based upon a RAB member's request to  
9 obtain the data after it has been validated,  
10 that data should be made available to RAB  
11 members as requested?

12 MR. RICE: Yeah.

13 MR. BAILEY: Does that make sense  
14 to everybody? So, it isn't saying that  
15 everybody will request -- it is saying that as  
16 soon as the data has been validated, which will  
17 probably be prior to turning it in to the  
18 regulators, that if a RAB member wishes to  
19 request that data, then it's up to Kelly Air  
20 Force Base -- or whoever -- to provide that  
21 information to the requesting RAB member.

22 MR. BROWN: Does that mean he's  
23 got to go out to a subcontractor or somebody and  
24 spend \$20,000 to get the other -- bunch of data  
25 that's already in the process -- that doesn't

1 sound reasonable.

2 MR. BAILEY: No. I -- No. I  
3 don't see that happening. What I see happening  
4 is after this data has been validated from a  
5 contractor, it's in a certain form, anyway, and  
6 they're just massaging it and putting it in the  
7 proper format to put it in a document.

8 MS. WILLIAMS: Well, let me --  
9 let me put the -- the lawyer's point of view in  
10 here -- which is always the contrary point of  
11 view. Data is usually collected to be put into  
12 a report and the Air Force will take that data  
13 and create the report; and, then, when it sends  
14 to the regulators, that report becomes public  
15 even though it's not final. And you can't just  
16 have the data without the report. And we're  
17 providing you with the draft report and data at  
18 the same time. And from a legal point of view,  
19 it's internal until it becomes part of a final  
20 draft report that's sent to the regulators.  
21 But, as soon as it's sent to the regulators, it  
22 becomes available to the RAB member and to  
23 the --

24 MR. RICE: Would it be, then,  
25 illegal for the Air Force to say -- to give a

1 RAB member data before it's in that report  
2 form? Would that be illegal?

3 MS. WILLIAMS: If it's part of a  
4 working document, yes -- yes. If it's  
5 independent data that's not part of the working  
6 document that's just collected independently and  
7 it's just going to be data -- like a  
8 technical -- I don't know what they -- what  
9 the -- what the engineers call it.

10 MR. TREVINO: Technical  
11 information -- Technical reports, right. It's a  
12 stand-alone document.

13 MS. WILLIAMS: If it's a  
14 stand-alone document that's just got data in it,  
15 that's a different story, in my opinion. But if  
16 it's being collected -- Let's say you're  
17 collecting data for the remedial investigation,  
18 once that data is collected and becomes part of  
19 the report and it's sent to the regulators, it's  
20 available to you. If that data was just  
21 collected in and of itself and was not going to  
22 become part of a report, it gets finalized as it  
23 is, it should be available to you.

24 MR. RICE: I guess this -- this  
25 is not the forum to address this question. I

1 withdraw my question.

2 MR. QUINTANILLA: Are there any  
3 other questions or discussions? If not, all  
4 those in favor of -- Which one was that?

5 MR. TEAGUE: "(J)."

6 MR. QUINTANILLA: -- on Paragraph  
7 (j), signify by saying "aye."

8 (Vote by the RAB members.)

9 MR. QUINTANILLA: Opposed, same  
10 sign. We're now going to Paragraph (k). I have  
11 revised Paragraph (k) and all of you have the  
12 revision -- and I would like to read it to you.

13 MR. TEAGUE: Mr. Quintanilla, may  
14 I say something.

15 MR. QUINTANILLA: Yes, sir.

16 MR. TEAGUE: I'm afraid you may  
17 have just lost your quorum.

18 MR. QUINTANILLA: We lost the  
19 quorum.

20 MR. TEAGUE: I'm sorry. I don't  
21 bring this up to stop the proceedings, but at 21  
22 members I think you now have just ten voting  
23 members here.

24 MR. QUINTANILLA: We lost the  
25 quorum. We can discuss it, but we can't take a

1 vote on it. We can discuss all the other  
2 subjects that have, but we cannot vote on it.

3 MR. BAILEY: Since we're this  
4 close, can I suggest that we at least finish the  
5 discussion -- if that's acceptable?

6 MR. TEAGUE: I'll try to get your  
7 quorum.

8 MR. BAILEY: I mean, not that we  
9 have to have a vote at this time, but if we can  
10 just at least discuss it --

11 MR. HAGELTHORN: We haven't voted  
12 on this yet, so we really don't need to have a  
13 quorum, yet, over 50 percent.

14 MR. BAILEY: RAB members?  
15 Thoughts? I mean, Mr. Quintanilla's put a lot  
16 of effort into this and I think that, you know,  
17 we are very close --

18 MR. QUINTANILLA: Her.

19 MR. BAILEY: Okay. Multiple  
20 people have put a lot of effort into this, and I  
21 think we're real close -- even though we may not  
22 be able to finalize by vote on the last items,  
23 at least next time when we meet -- then we  
24 should be able to just say, "Yea," and let's get  
25 on with it -- because we should have discussed

1 it or asked someone to go back and look at it.  
2 Is that acceptable?

3 MR. BEYER: Let's proceed.

4 MR. QUINTANILLA: Do you want to  
5 discuss it? We can't vote on it. We're going  
6 to go into V, (k) -- and V, (k) -- I've revised  
7 V, (k) as follows: I want to delete Paragraph  
8 V, (k), Page 6, and replace it with the  
9 following: "In keeping with 10 USC 2705, Notice  
10 of Environmental Restoration Activities and  
11 Emergency Planning Committee and the Community  
12 Right-to-Know Act and other environmental acts,  
13 the Restoration Advisory Board shall establish a  
14 committee to review and comment on Kelly Air  
15 Force Base's releases or threatened releases of  
16 hazard substances. Members of this committee  
17 shall include at least one representative of the  
18 Air Force, appropriate state and local  
19 authorities and shall include a public  
20 representative of the community" -- and that  
21 means of this RAB Board. "To ensure that proper  
22 priority and focus of installation spills is  
23 maintained, review and comment of releases shall  
24 be at the top of the agenda" -- "shall be the  
25 top agenda topic to be discussed following the

1 spill or incident. A summary of remedial action  
2 shall be made available to members of the  
3 Restoration Advisory Board at the meeting  
4 following the incident." This -- what I have  
5 here -- complies with the law 100 percent.  
6 What we have currently in the charter does  
7 not -- it's not in the law at all. Yes, sir?

8 MR. QUINTANILLA: I think -- I  
9 think -- here -- when you create a committee  
10 comment on it, what you're saying is that we're  
11 going to create a committee to comment on a  
12 spill from Kelly Air Force Base -- the committee  
13 will comment -- not the RAB Board?

14 MR. QUINTANILLA: Yes. The  
15 committee will comment, yes. That's what the  
16 law says.

17 MS. WILLIAMS: May I -- May I  
18 present the Air Force point of view on this?

19 MR. QUINTANILLA: Yeah. I have a  
20 problem with that.

21 MS. WILLIAMS: And  
22 Mr. Quintanilla had lively discussions at our  
23 subcommittee meetings about this. I think that  
24 in the cover letter that Mr. Quintanilla sent to  
25 you on June 29th, it was stated that the



1 Air Force would prefer not having this language  
2 at all, whether it be in the form that it was  
3 sent to you on June 29th or -- or that  
4 Mr. Quintanilla has proposed to you tonight --  
5 and these are the reasons: First, I disagree  
6 with Mr. Quintanilla's interpretation of  
7 10 USC 2705. He's referring to the creation of  
8 the Technical Review Committee and is the  
9 substitution of a Restoration Advisory Board for  
10 that Technical Review Committee.

11 The Technical Review Committee and the  
12 subsequent creation of the RAB are part of the  
13 Defense Environmental Restoration Program. That  
14 program is the CERCLA based program to deal with  
15 our spills and contamination. And what  
16 Mr. Quintanilla is requesting is the current  
17 spills -- let me finish -- and -- and current  
18 spills -- the way the statutes are created are  
19 typically covered under the Emergency Planning  
20 Committee and the Right-to-Know Act.

21 We have to notify -- If we have reportable  
22 quantities -- We do have renotify under the  
23 CERCLA statute to the Natural Response Center,  
24 but it typically is a quick emergency response  
25 and that's it. We -- What we do is we report

1           it -- we would provide a handout here to the  
2           RAB -- at the next meeting after the spill has  
3           occurred -- it's not a question that we don't  
4           want to tell the RAB that this is occurring --  
5           but the RAB is to deal with the CERCLA program  
6           and the IRP program -- and what I'd like to also  
7           point out to you is that this is -- this is  
8           specified in the guidance document we put in  
9           your January 5th, I think, 1995, workshop  
10          materials. And, specifically, in Section 4, on  
11          applicability, it says that DERP does not apply  
12          to the following -- and in Section 4.2.3, it  
13          says, "Emergency response to spill incidents  
14          associated with current operations" -- and  
15          that's the distinction -- current versus past  
16          historical contamination.

17                 However, if it becomes a CERCLA/IRP site,  
18                 it does become the jurisdiction of the RAB. And  
19                 because of the legal distinctions made under the  
20                 statute, it is the Air Force's preference not to  
21                 have this language in the charter. However --  
22                 I want to make it very clear -- it is that we  
23                 would provide handouts of all the spills that  
24                 occurred between the time of the previous  
25                 meeting to the next meeting, that there is that

1 forum through the local Emergency Planning  
2 Committee -- which Mr. Smith mentioned at the  
3 last meeting -- that meets, I believe, on a  
4 monthly or every other month basis so that you  
5 can go and ask questions. And I just -- Our  
6 concern is that the charter deal with the  
7 Restoration Advisory Board commission, which is  
8 the cleanup of historical contamination.

9 Now, Mr. Quintanilla is going to point out  
10 to you that 10 USC 2705 C suggests that this  
11 is -- that we are required, as environmental  
12 restoration activities, to -- to deal with the  
13 current spills, but I -- I do not interpret it  
14 in that fashion. What it says is -- It's titled  
15 "Technical Review Committee" and it's --  
16 basically, it establishes a technical review  
17 committee -- and this is a quote -- "to review  
18 and comment on DOD actions and proposed actions  
19 with respect to releases or threatened releases  
20 of hazardous substances at installations." So,  
21 what they're -- what the TRC and what the RAB --  
22 which is created as a substitute is -- is to  
23 comment on our remedial actions relating to the  
24 historical contamination. And if you look under  
25 the CERCLA statute, the trigger language in the

1 CERCLA is releases or threatened releases of  
2 hazardous substances. When you get into spills,  
3 you get into a different statutory scheme and  
4 that's why the Air Force's position is what it  
5 is.

6 MR. QUINTANILLA: I just want to  
7 read one -- one thing. She said that it applied  
8 to technical review committees. Right below  
9 that paragraph, it says it's the Restoration  
10 Advisory Board -- in lieu of establishing a  
11 technical review committee -- under Subsection C  
12 which she just read. "The secretary may permit  
13 the establishment of a Restoration Advisory  
14 Board in connection with any installation or  
15 group or nearby installation where the secretary  
16 is planning or implementing environmental  
17 restoration activities."

18 MS. WILLIAMS: Mr. Quintanilla is  
19 correct.

20 MR. QUINTANILLA: All I'm saying  
21 is I -- I believe that spills should be made  
22 part of this RAB committee. This should not be  
23 placed at the bottom of the charter -- of the  
24 agenda after everybody is gone -- like tonight.  
25 It should be placed at the top.

1 MR. RICE: Armando?

2 MR. QUINTANILLA: Yes, sir.

3 MR. RICE: I'd just like to say  
4 that I agree with that, but as I recall, when we  
5 first started meeting, the issue of spills came  
6 up and some people said that we shouldn't even  
7 be discussing spills here because it's not the  
8 business of the RAB to discuss spills. I don't  
9 know about the legalities, but I think that  
10 since we're here representing the community --  
11 community members are here -- and spills are  
12 certainly a concern for the community, we ought  
13 to be told -- like right at the beginning of the  
14 meeting, I agreed, "Hey, the following spills  
15 occurred and here is what happened," and blah,  
16 blah, blah, all that sort of thing. I think  
17 that that's certainly appropriate in a community  
18 forum like this because it's an issue that the  
19 community is deeply interested -- I'm not saying  
20 that we should also have some authority over  
21 spills -- or whatever -- I'm not saying that,  
22 but just to be informed. I think we ought to be  
23 informed.

24 MR. TREVINO: If I could just  
25 add -- If I could just add to that, please --

1 just relatively quick -- is that what -- we  
2 don't disagree that there's a need for the  
3 community to have that awareness. I think what  
4 the -- what the concern is -- also, is the  
5 proper forum to do that. Just as an example.  
6 Mr. Mixon is the chairperson of the local  
7 protection environmental committee that Ms. --  
8 or that Adrienne talked about in terms of  
9 spills. At one of the last RABs, he indicated  
10 that that is where that mechanism is used to  
11 provide that information. We also indicated at  
12 the past RABs we will be happy to present that  
13 information as part -- and what you'll see in  
14 your handouts today -- are -- a spill that  
15 occurred at Kelly Air Force Base. We're  
16 providing that information.

17 MR. QUINTANILLA: At my question.

18 MR. TREVINO: Well, at the  
19 request of several other individuals as well.  
20 And the thing is, is that we're looking at it  
21 from the standpoint of, yes, we're providing  
22 that information, but we want to stay focused on  
23 the purpose of the Restoration Advisory Board  
24 and it being specific to the historical past  
25 practices. Because what we don't want to do is

1 add additional information -- we're just going  
2 to convolute the situation even more. I mean,  
3 here we're talking about a lot of technical  
4 issues. I mean, here's a good example. I mean,  
5 we've been here since 10:00 o'clock -- it's  
6 going to be 10:00 o'clock -- we haven't even  
7 got past half the agenda topics. We're trying  
8 to keep focused on the RAB as a whole so we can  
9 keep focused on the cleanup program.

10 MR. BAILEY: Let me -- if I  
11 can -- Excuse me, Sam. Go ahead.

12 MR. QUINTANILLA: I'm kind of  
13 confused now. What are we -- What are we going  
14 to be voting on here?

15 MS. WILLIAMS: Well --

16 MR. QUINTANILLA: Are we voting  
17 on -- Are we voting on what Mr. Quintanilla said  
18 or are we voting on what's -- what's --

19 MR. QUINTANILLA: Well, what's on  
20 there -- it's not in accordance with the law at  
21 all.

22 MR. SANCHEZ: The one that -- The  
23 one that I'm reading here is not in accordance  
24 with the law?

25 MR. QUINTANILLA: What I said is

1 in accordance with the law. It's right out of  
2 the law.

3 MS. WILLIAMS: I -- I disagree  
4 with Mr. Quintanilla. I stated my position and  
5 the Air Force's position is preferably not to  
6 have it in the charter.

7 MR. QUINTANILLA: I think  
8 everybody's kind of tired tonight. Could we  
9 just table that thing?

10 MR. BAILEY: Let me just say  
11 this -- because I think -- number one, we went  
12 out and we grabbed a young lady to come back.  
13 Let me just -- but not that that's --

14 MR. QUINTANILLA: Well,  
15 Mr. Nixon --

16 MR. BAILEY: I think that there  
17 is an option -- and it's an option that we as a  
18 committee agreed to a while back. We spoke up,  
19 as a committee, to say spills are important.  
20 So, what we -- Kelly Air Force Base -- did --  
21 was to add -- this is not just the first time --  
22 this is the second time that we provided  
23 information on reportable spills. If the issue  
24 is, "Will you continue to report?" The answer  
25 is yes. "Will you move it up to the top of the



1 agenda?" Obviously, we can move that as the  
2 number one item. The issue is: Do you include  
3 it in the charter as a formal requirement?

4 MR. QUINTANILLA: Yes.

5 MR. BAILEY: That, to me, is  
6 something that we as a RAB membership need to  
7 vote on. But I submit to you that -- that the  
8 information is being provided on reportable  
9 spills with a discussion on, you know, what it  
10 was, what took place, the cause, cleanup kinds  
11 of actions -- and we can discuss that. So, to  
12 me, that is an option for which I throw out to  
13 you to consider.

14 MR. MOORE: Well, that's why I  
15 liked the verbiage that's actually in here  
16 because that gives this Board a choice. Instead  
17 of "shall form a committee every times there's a  
18 spill," in -- on Page 6 here, it says that we  
19 may appoint a committee by our discretion. If  
20 it's a significant spill that's going to hamper  
21 or interfere with our cleanup as a RAB, then,  
22 yes, it becomes a major issue. It's got to be  
23 put up at the top of the agenda and we discuss  
24 it. But if there is a spill over on East Kelly  
25 and the DRMO that's contained, it's really not

1 much of a concern with the RAB. If there's a  
2 small spill on the flight line because an engine  
3 dropped some fuel on there, if it's quickly  
4 contained and cleaned up, it has no significant  
5 impact on the RAB's performance.

6 But, now, say a tank ruptured and it just  
7 spilled another 50,000 barrels onto the ground,  
8 yes, we have to be notified about that and it  
9 will become a major issue, because now that is  
10 going to impede our cleanup, which is what this  
11 Board is for.

12 MR. QUINTANILLA: I agree with  
13 that because that's what keeps us from just  
14 running and chasing after every can of  
15 kerosene --

16 MR. MOORE: Right.

17 MR. SANCHEZ: -- somebody dropped  
18 behind the back of a truck.

19 MR. QUINTANILLA: This is a  
20 standing committee. Right now, it requires the  
21 TNRCC to be a part of it --

22 MR. QUINTANILLA: Even if they --

23 MR. QUINTANILLA: -- one member  
24 from this -- from this -- from this particular  
25 Board to be part of this committee and any time

1 that there's a spill, these members will be  
2 notified -- these individuals will be  
3 notified -- and at the next meeting, they will  
4 report on it -- or someone will report it at the  
5 top of agenda -- and this is in accordance with  
6 the law. She has not come up with -- this law  
7 has been superseded by some other law or  
8 anything like that. She has not given us a date  
9 with a number of the law or anything like that.

10 MS. WILLIAMS: Mr. Quintanilla,  
11 I -- I -- again, we've had these discussions --  
12 but 10 USC is -- is not involving law. Laws are  
13 changed all the time. When the Congress amends  
14 the Defense Authorization Act -- it amends  
15 sections of various laws -- it doesn't mean the  
16 guidance document is superseded by the law.  
17 Guidance makes you, hopefully, understand what  
18 the law means.

19 MR. QUINTANILLA: This law was --  
20 was written in 1980, it was amended in 1986 and  
21 again in 1991. What she's talking about, I  
22 don't know. I have never seen what she's --

23 MR. TREVINO: May I recommend  
24 that -- We did retain a quorum here. Could we  
25 please get back to what Mr. Bailey had --

1 MR. HAGELTHORN: I make the  
2 motion that we accept the verbiage as written in  
3 the committee's document, Paragraph (k) on  
4 Page 6.

5 MR. QUINTANILLA: And you still  
6 leave it at the bottom -- way at the bottom?

7 MR. HAGELTHORN: Oh, let's add  
8 the sentence that reportable spills will be  
9 brought to the attention of the Board on the top  
10 of the agenda item.

11 MR. QUINTANILLA: I'll go along  
12 with that.

13 MR. RICE: That means we'll  
14 strike the last sentence of this --

15 MR. QUINTANILLA: I beg your  
16 pardon?

17 MR. RICE: We need to strike the  
18 last sentence of Paragraph (k).

19 MS. WILLIAMS: Well, actually, I  
20 disagree.

21 MR. HAGELTHORN: No. I say we  
22 leave it there. We're notified and we'll  
23 discuss it later. We'll be notified of the  
24 spill, but we will table it until the rest of  
25 the discussion -- or the meeting of the Board --

1 MR. QUINTANILLA: You want to  
2 strike the last sentence of --

3 MR. RICE: Well, I thought  
4 that -- I thought that what you had said, Allan,  
5 was that you were in favor of notifying the  
6 Board of spills at the top of the agenda.

7 MR. HAGELTHORN: Notifying of  
8 reported spills -- yeah, at -- top of the  
9 agenda -- followed by a proper focus of the IRP  
10 activities maintained. Discussion of those  
11 spills will be tabled until the end of the --

12 MR. RICE: Oh, okay. All right.  
13 I've got you.

14 MR. MOORE: I'll second that.

15 MR. QUINTANILLA: Now, does that  
16 mean that we are going to -- to include the last  
17 paragraph, "to ensure the proper focus on  
18 installation restored program" -- "any  
19 discussion of a release or an incident will be  
20 tabled until all other agenda items have been  
21 discussed"?

22 MR. HAGELTHORN: That's correct.

23 MR. QUINTANILLA: That means  
24 that's the last item on the agenda?

25 MR. HAGELTHORN: Just prior to

1 that sentence, we have that the Board will be  
2 notified of all reportable spills, period, to  
3 ensure the proper focus, blah, blah, blah.

4 MR. RICE: Well, we've got two  
5 things going on. At the beginning of each  
6 meeting, we'll be notified of spills.

7 MR. HAGELTHORN: Right.

8 MR. RICE: Discussion of those  
9 spills will be held at the end of the meeting.

10 MR. HAGELTHORN: Right.

11 MR. LENE: And notification will  
12 be given --

13 MR. HAGELTHORN: That's right.

14 MS. WILLIAMS: And it would be  
15 reportable spills, not any -- any releases.

16 MR. HAGELTHORN: Right,  
17 reportable spills.

18 MS. WILLIAMS: Let's see --

19 MR. QUINTANILLA: Anything that's  
20 reported to TNRCC.

21 MR. BAILEY: Can I ask everybody  
22 to stop a second. We need to change the tape,  
23 please. Thank you.

24 (Short break taken.)

25 MR. BAILEY: Mr. Hagelthorn?

1 MR. HAGELTHORN: Okay. Add the  
2 sentence to Line 9, after the sentence ending in  
3 "incidents," "The Restoration Advisory Board  
4 will be notified of all reportable spills prior  
5 to a review of the meeting minutes."

6 MS. WILLIAMS: Right. And the  
7 one other suggestion I have is in the sentence  
8 that begins, "In addition, a listing of any  
9 releases," should be changed to, "a listing of  
10 reportable releases."

11 MR. HAGELTHORN: Yeah. Change  
12 that to "reportable."

13 MR. RICE: Is that the same as  
14 you folks get, Bill, at TNRCC?

15 MR. BROWN: Not necessarily, but  
16 they -- they report more than just reportable  
17 quantity spills. The reportable quantity is the  
18 key item.

19 MR. BAILEY: We report virtually  
20 everything, unless it's contained in a building  
21 or something -- and even then -- depending upon  
22 what we consider to be size -- and just general  
23 feeling -- we will inform them -- virtually  
24 everything there.

25 MR. RICE: Couldn't we just

1 hear -- So, as I understand it, you hear of  
2 reportable spills plus others?

3 MR. BROWN: Yes.

4 MR. RICE: So, couldn't we do the  
5 same thing, that if TNRCC hears about it, we'd  
6 hear about it?

7 MR. MOORE: That's going to get  
8 very cumbersome.

9 MR. HAGELTHORN: Yeah. I would  
10 just say reportable spills.

11 MR. BEYER: Every two-gallon  
12 spill --

13 MR. RICE: So, how many spills  
14 smaller than reportable spills do you guys hear  
15 about? Is it a dozen?

16 MR. BROWN: It's a lot. I'd say  
17 in the neighborhood of three a month or more.

18 MR. RICE: Three a month? I --  
19 It just seems to me three a month doesn't seem  
20 too many to include it -- just three a month.

21 MR. QUINTANILLA: Most of those  
22 are insignificant, aren't they?

23 MR. BEYER: Yeah. I don't think  
24 we should -- Well, I don't know how the rest of  
25 the members feel -- but the -- you know, spend a



1 lot of time reading about, you know, spilling  
2 two gallons of gasoline or something like that.  
3 I'd sure --

4 MR. QUINTANILLA: That wasn't my  
5 thought -- and that's not what's in the law --  
6 and the law is -- been putting -- trying to  
7 put out the fire at the DRMO and 10,000  
8 gallons --

9 MR. BEYER: Right. And that's  
10 reportable.

11 MR. QUINTANILLA: When they had  
12 the fire there at -- at the -- at the  
13 restaurant the other day -- the other night --  
14 and you had French fries and styrofoam cups --  
15 and of all that -- went into Leon Creek -- you  
16 know, those are the kinds of things that I'm  
17 interested in. It's contaminating the creek.

18 MR. HAGELTHORN: I just --

19 MR. QUINTANILLA: It's not funny.

20 MR. HAGELTHORN: I just didn't  
21 know about any French fries in Leon Creek.

22 MR. QUINTANILLA: I beg your  
23 pardon?

24 MR. HAGELTHORN: I just didn't  
25 know about any French fries in Leon Creek.

1 MR. QUINTANILLA: French fries --  
2 also some -- I heard it was some -- pizza went  
3 in there, also.

4 MR. HAGELTHORN: The fish are  
5 well fed.

6 MR. QUINTANILLA: -- and that  
7 kind of thing -- and over here at the DRMO --  
8 had chemicals that -- with arsenic and all of  
9 that sort of thing -- and the following day it's  
10 my understanding that some kids were -- were  
11 swimming where that water went into it -- and  
12 that's the reason that I'm --

13 MS. FALKENBERG: So,  
14 Mr. Quintanilla, then you want the reportable  
15 quantity to be whatever the law is. Like  
16 sometimes it's one ounce and sometimes it's  
17 5,000 gallons.

18 MR. QUINTANILLA: No, no. I'm  
19 not interested in -- you know, if a car spills  
20 a --

21 MS. FALKENBERG: No, no. But  
22 what I'm saying is, for every parameter, there's  
23 a given reportable quantity by law and that's  
24 what's reported. It's just that Kelly reports  
25 everything even beyond that -- if it's less

1 than that.

2 MR. QUINTANILLA: Right.

3 MS. FALKENBERG: So, we're only  
4 asking, I guess, then, for those truly  
5 reportable quantities by law.

6 MR. QUINTANILLA: Right. Then  
7 the law says, you know, that they should be --  
8 you know, that TNRCC should be involved -- or  
9 that community members should be involved in the  
10 committee -- on a standing committee of the  
11 RAB. You-all have gone against that -- gone  
12 against the law, fine. You-all don't -- You-all  
13 are not law-abiding citizens, fine. You know,  
14 this is good enough for me.

15 MR. BROWN: I take exception to  
16 that, but --

17 MR. HAGELTHORN: Shall we have a  
18 motion to accept --

19 MR. BEYER: I second it.

20 MR. HAGELTHORN: All in favor?

21 MR. BAILEY: Okay. Let's just  
22 make sure there are some people that are -- that  
23 people voting -- so that everybody knows, we're  
24 voting on what you just read.

25 MR. HAGELTHORN: Right.

1 MR. BAILEY: It's in -- what  
2 Mr. Hagelthorn -- and adding to (k) on Page  
3 6 -- or whatever it is that we have -- with the  
4 new language that he just read, which includes  
5 reportable quantities to incidents and/or  
6 spills.

7 MR. HAGELTHORN: That's correct.

8 MR. BAILEY: Just for  
9 clarification.

10 MR. QUINTANILLA: You-all heard  
11 the modifications that were read in here to --  
12 to (k). All those in favor, signify by saying  
13 "aye."

14 (Vote by the RAB members.)

15 MR. QUINTANILLA: All those who  
16 oppose, say that "nay."

17 (Vote by the RAB members.)

18 MR. QUINTANILLA: "Nay." And let  
19 the record reflect that I think that this RAB  
20 Board has gone against the law.

21 MS. FALKENBERG: But how -- I  
22 mean, explain to me how. Because --

23 MR. QUINTANILLA: The law states  
24 specifically in there that this Board should  
25 have a representative there, along with the --

1 with the other people there -- just the way  
2 I've -- I wrote it in here. You-all have gone  
3 against what the law has said.

4 MR. QUINTANILLA: Well, there's a  
5 difference of opinion here from the legal  
6 department right now.

7 MS. FALKENBERG: From a legal --  
8 is the TRC still going to be coming -- I mean,  
9 is that still in effect?

10 MS. WILLIAMS: The TRC is no  
11 longer -- This is taking its place.

12 MS. FALKENBERG: So, it did take  
13 its place.

14 MS. WILLIAMS: Yes.

15 MR. QUINTANILLA: Yes -- and it's  
16 still in effect, based on what other lawyers  
17 tell me. I'm not an attorney so I can't argue  
18 with her that well. All I can say is that she  
19 did not show me the law itself that says this  
20 has been superseded. She didn't do that.

21 Okay. We're going to go to the last one  
22 and I'm going to make the last one -- at the  
23 suggestion of Ms. Williams -- real fast -- that  
24 we adopt Section VI, Section A, B -- and Section  
25 VII and VIII in its entirety right now. Is

1 there a second?

2 MR. RICE: Second.

3 MR. QUINTANILLA: Is there any  
4 discussion? There being no discussion, all  
5 those in favor, signify by saying "aye."

6 (Vote by the RAB members.)

7 MR. QUINTANILLA: Thank you very  
8 much. The committee will meet again at a later  
9 date and we will bring these items that were --  
10 were revised back to the Board for a vote -- in  
11 September or October -- sometime.

12 MR. BAILEY: Thank you.

13 MR. RICE: I have a question.  
14 There are -- It looks like we're going to be  
15 missing out on getting some important  
16 information. How can we get that information?  
17 Because I assume we're not going to stay here  
18 much longer.

19 MR. BAILEY: Okay. Let me, if I  
20 can, point out two things. There are two, we  
21 think, very important items that need to go on  
22 tonight. It doesn't require a vote. But one is  
23 from Kelly Air Force Base on a couple  
24 reports -- you can clock us -- no more than  
25 five minutes. We, then, after that, have a

1 report by the TNRCC. Mr. Allan Posnick, I  
2 think, has some very important information which  
3 the RAB members need to hear. So, again -- I'm  
4 sure Mr. Posnick will keep it short. But if  
5 that's acceptable to everybody, we will go  
6 through those two issues -- there still are some  
7 other very important ones that need to come  
8 up -- so -- one is identifying when we're going  
9 to meet next -- because there are other  
10 important things to happen. So, let's don't  
11 think normal, like meeting on a quarterly  
12 basis. I think we need to come back relatively  
13 soon to get to these.

14 But if I could just ask Mr. Trevino, if  
15 it's acceptable to everybody, to come up and  
16 speak very quickly -- less than five minutes to  
17 go through these reports that are in your  
18 packets -- and, rest assured, we're going to be  
19 giving you a call, finding out within a short  
20 time if you have any questions on it because  
21 it's a very short time period tonight -- and I  
22 apologized -- and, then, secondly to have  
23 Mr. Posnick make his presentation. Yes?

24 MR. QUINTANILLA: I don't think  
25 the Board -- I don't think that would be, you

1 know, advisable to rush that kind of a  
2 presentation, to be perfectly honest.

3 MR. BAILEY: Okay. Can I have  
4 an -- That's a --

5 MR. HAGELTHORN: Well, I -- I  
6 think that the Board should hear the TNRCC  
7 presentation.

8 MR. POSNICK: Oh, definitely. We  
9 need to do that today.

10 MR. BAILEY: Okay. If it's  
11 acceptable -- everybody -- again, I'm not -- I  
12 don't want to cut out any discussion at all. We  
13 will then postpone what we're talking -- No.  
14 We're still going to send it out. I mean,  
15 you-all have it as packets. So, if you have any  
16 questions -- We're going to be giving you a  
17 call -- if not the latter part of this week --  
18 next week -- just to find out if you have any  
19 questions on those documents. We're going to  
20 have to bring them back to you when we meet next  
21 time -- but if we could hear Mr. Posnick at this  
22 time. Is that acceptable?

23 MR. HAGELTHORN: Does anybody  
24 have a problem with the way that was just  
25 described?



1 MR. RICE: A quick question. Are  
2 there feasibility studies or other large  
3 documents available that --

4 MR. TREVINO: Yes. If I could  
5 just give two minutes -- I'll stay within those  
6 two minutes. What you have is the soil proposed  
7 plans -- that's what -- really, what I wanted  
8 to state. You have them for -- for the soils  
9 for Zones 1, 2 and 3 -- for every operable  
10 unit. We presented a copy of the soils FSS to  
11 the community co-chair two RAB meetings ago. It  
12 was submitted to TNRCC. So, we'd like -- to get  
13 a copy of that -- they are at the repositories  
14 or -- or Mr. Hagelthorn has a copy of those --  
15 and, also, Mr. Walters or Mr. Estrada have  
16 copies if you'd like to get a copy from that  
17 respect, also. That's really what I just wanted  
18 to cover in a nutshell.

19 You have the soils FSSs. We're going to  
20 have a public hearing -- I'm sorry -- a public  
21 meeting like we had for the groundwater -- down  
22 the road once the TNRCC reviews that. That was  
23 my main focus for the presentation -- is to  
24 please look at them and please not wait until  
25 the public meeting -- or the public comment

1 period -- to comment on it. If comments now,  
2 please give them to us as soon as possible.  
3 That was my -- the thrust of my conversation --  
4 and I'll just go ahead and conclude -- if you  
5 have any questions at any given point in time,  
6 please feel free to give us a call.

7 MR. RICE: Do you have a guess as  
8 to when the public hearing will be?

9 MR. TREVINO: No, sir. I'd  
10 probably anticipate -- Probably -- Well, a  
11 guess, yes. I'd say about -- within the next 60  
12 days -- as a safe assumption, but don't hold me  
13 to that. I'll just turn it over to Mr. Posnick  
14 now.

15 MR. POSNICK: Well, I appreciate  
16 you letting me take a few minutes to talk about  
17 something that's very important to all of us  
18 here. The -- Most of you here probably don't  
19 really -- don't realize that there's a program  
20 that we have -- an agreement we have with the  
21 Department of Defense that actually provides the  
22 funding for our agency to be involved with the  
23 bases at a very high level -- much higher  
24 than -- than the normal level of review that we  
25 normally provide to any industrial facility or

1 municipal facilities here. And this program is  
2 called the Defense State Memorandum of  
3 Agreement. It provides funding for Bill Brown  
4 and it provides funding for Gary Beyer. It  
5 provides funding for the -- three other people  
6 who are involved at Kelly Air Force Base --  
7 Nadira Kabir, Geof Meyer, Mark Arthur -- and  
8 right now it provides \$1.4 million of funding  
9 for Texas for the TNRCC per year where we  
10 provide oversight for 24 major installations in  
11 Texas and about 16 other defense installations.  
12 And when the Department of Defense started their  
13 environmental restoration program back in the  
14 early '80s, the federal law that authorized that  
15 program also required the Department of Defense  
16 to seek the input from the states. And, so, out  
17 of that requirement grew the DSMOA program,  
18 which -- which the -- which -- the TNRCC entered  
19 into a cooperative agreement with the Department  
20 of Defense several years ago. So, this program  
21 has been in effect for -- It's a mature  
22 program. It's been here -- 48 out of the 50  
23 states have a DSMOA program -- and the big news  
24 is, this year, the -- there has been a -- a  
25 proposed revision to the environmental -- the

1 environmental provisions of the defense -- of  
2 the Senate Defense Authorization Bill for 1996,  
3 which would cut the DSMOA program by 75  
4 percent -- and that really means that state  
5 involvement in the review and comment for active  
6 bases and closing bases would -- would virtually  
7 disappear.

8 It -- It's a -- It's a -- This revision is  
9 being appealed by the Department of Defense.  
10 It's one of four points in this Defense  
11 Authorization Bill -- that the Department of  
12 Defense has realized that it's a major -- it's a  
13 major mistake. The value of this program has  
14 been demonstrated at many installations in Texas  
15 that -- by having the involvement of the State,  
16 it actually saves cleanup dollars. In many  
17 cases, our involvement has saved \$4 million in  
18 the investigation of a sanitary sewer line at  
19 Bergstrom Air Force Base. It saved several  
20 million dollars in the -- in -- at the Longhorn  
21 Army Ammunition Plant -- and without this  
22 program, the State will not be able to provide  
23 timely review and comment and it will delay the  
24 transfer of clean property -- in order to  
25 transfer any federal property, the TNRCC and EPA

1 must sign off that all remedial action has been  
2 taken. And without our involvement, the -- it  
3 could delay it and -- Now, our agency, you know,  
4 realizes the importance of -- of our involvement  
5 in base closures. So, I'm saying that even if  
6 this DSMOA went away, our agency would realize  
7 the priority of our involvement. But what --  
8 if -- if -- but it will mean that other  
9 resources will be taken off of another program  
10 at TNRCC to be applied to -- to -- to Kelly.  
11 So, it's very important that we keep this  
12 program and provide -- Already our agency has --  
13 Commissioner Marquez has sent a letter to  
14 Senator Hutchison, who's on the Defense -- on  
15 the Senate Defense Committee -- and right now,  
16 I'd say out -- we've already had about ten  
17 states send letters to their senators and  
18 representatives and the Association of States  
19 for -- for all the states also sent a letter to  
20 Strom Thurman, who's the head of the Senate  
21 Defense Committee.

22 And what I'm here for is to seek -- I  
23 addressed the Bergstrom Environmental Committee  
24 last Friday and they intend to have a -- have a  
25 letter sent to their mayor -- Mayor Todd --

1 for his signature to -- to be sent to the  
2 senators -- the Texas senators and the other  
3 Texas representatives on the -- on the defense  
4 committee. And what I'd like to do is seek your  
5 support and -- and see if we could work with  
6 this RAB to draft a letter -- I have examples of  
7 the letter that our agency sent, as well as a  
8 letter that the -- the Association of States has  
9 sent to -- so, I can provide you with examples  
10 of what we would like to do -- that show the  
11 benefit of this program and -- and -- and ask  
12 that the -- that these revisions be rescinded  
13 from the senate bill -- and the fight is going  
14 to happen very quickly. The timetable we see it  
15 happening is -- is that right after Labor Day,  
16 the Senate is probably going to pass this  
17 proposed revision. It's -- It's -- It doesn't  
18 mean that we shouldn't write to the senators,  
19 but in all likelihood, it's going to go through  
20 the way it -- the way it is with this proposed  
21 cut to the DSMOA program.

22 The House version of the Defense  
23 Authorization Bill has no such cut proposed in  
24 1996. So, the real fight is going to come when  
25 the Senate -- when there's a conference

1 committee between the Senate and the House  
2 representatives -- and that's where they work  
3 out what the final bill will read. And, so --  
4 but by writing to these senators and the  
5 representatives -- if the House version is the  
6 one that looks like it's -- it can build support  
7 for the House version, which won't -- which  
8 won't have any cuts to the DSMOA program.

9 And, so, that's pretty much all I was here  
10 to -- to seek your support on and -- so, I don't  
11 know if -- Who is the community co-chair on  
12 the -- on this RAB? What I'd like to do is give  
13 you a copy of the letter we've sent and -- and  
14 see if you would be interested in drafting a  
15 letter as -- for the RAB that we can send to the  
16 senators and -- I have literature on the Texas  
17 representatives on the Defense Committee, so --  
18 to help us, you know, target -- and, so, I'll  
19 follow through with you on that.

20 MR. QUINTANILLA: Can individuals  
21 also send letters --

22 MR. POSNICK: Oh, yeah. Sure.  
23 That would be great.

24 MR. QUINTANILLA: Have you got a  
25 copy?

1 MR. POSNICK: Yeah. I only have  
2 one Xerox copy with me, but --

3 MR. QUINTANILLA: You have my  
4 address.

5 MR. POSNICK: Yeah.

6 MR. QUINTANILLA: I wrote you a  
7 letter. You have my address. Send it to me and  
8 I will write to the -- Congressman Tejeda and  
9 the two senators.

10 MR. POSNICK: Great. I think  
11 that's the best thing you could do.

12 MR. QUINTANILLA: If individuals  
13 can do this, also.

14 MR. POSNICK: Oh, absolutely.

15 MR. QUINTANILLA: All right.

16 MR. POSNICK: Yeah.

17 MR. QUINTANILLA: I'd be happy to  
18 help.

19 MR. MEPPEN: You might also point  
20 out, Allan -- about Bill --

21 MR. POSNICK: Oh, right. I  
22 didn't even mention -- you know, Bill is -- as a  
23 matter of fact, the first immediate cut is that  
24 Bill Brown -- who's retiring from the TNRCC --  
25 because of this funding problem, we are not



1 going to be replacing a -- a DSMOA program  
2 inspector in the San Antonio region -- because  
3 the funding is so tight -- that -- we don't  
4 have enough funding right now -- we just have  
5 enough funding right now to sustain the -- the  
6 staff we have -- and, so, we can't even replace  
7 Bill and -- and another person on my staff  
8 that -- that -- that we're short. So, it's  
9 having an immediate impact right now -- that if  
10 we knew we had the funding, we'd be able to post  
11 Bill's position and get a replacement and --  
12 so -- so, for the time, being we're not going  
13 to be able to replace Bill and -- so, it's a  
14 real serious issue. Okay.

15 MR. RICE: Bill, will you remain  
16 a member of the RAB?

17 MR. BROWN: No.

18 MR. BAILEY: Allan, do you  
19 wish -- Do you want to work with us to get a  
20 letter out or --

21 MR. HAGELTHORN: Yeah. I'll work  
22 with you and we'll get it all out.

23 MR. BAILEY: If it's acceptable  
24 to everybody -- some of the public affairs  
25 people at the base and other people will be

1 working very closely with Mr. Hagelthorn to get  
2 something out to you-all so you can read -- Is  
3 it agreeable to the RAB membership that a letter  
4 be prepared to go to these individuals --  
5 senators and maybe subcommittees and whatever --  
6 now, we're only starting with the letter writing  
7 now -- individual members can do the same  
8 thing. Allan, we will probably get in touch  
9 with you tomorrow -- probably fax it back to  
10 us -- I'm just suggesting this -- and we can  
11 probably get them to it -- probably get them to  
12 the RAB members quicker than you can -- so if  
13 you just fax us those letters, we'll get them  
14 out tomorrow to them.

15 MR. POSNICK: Okay.

16 MR. BAILEY: Okay.

17 MR. QUINTANILLA: Well, I don't  
18 think we want to wait until the next Board  
19 meeting to mail this letter out.

20 MR. BAILEY: Oh, no. We've got  
21 to do that very quickly, right. Okay. Just to  
22 let everybody know -- it is very important --  
23 this is the last RAB member -- board -- for  
24 Mr. Bill Brown -- and very openly, I want to  
25 thank you very much for everything that you've

1 done. While you used figures about saving  
2 dollars and cents at various bases, we did some  
3 little checks the other day -- and starting with  
4 our storage tank program and ensuring that we  
5 were in compliance and dollars saved -- we  
6 figured that it's -- at least me personally --  
7 that it's a figure well over \$6 million that he  
8 has been involved with us -- not even talking  
9 about the IRP program now -- going into other  
10 programs. So, very openly, I want to thank you  
11 very much for providing that steering -- that  
12 sage advice for sending us down certain ways --  
13 sometimes we didn't agree, but in the end  
14 result, it all was in the best interest of the  
15 environment -- and thank you very much for all  
16 that.

17 MR. BROWN: Thank you.

18 MR. BAILEY: The very last item.  
19 I'd like to go over -- to just adjourn -- if we  
20 possibly could -- but prior to that time,  
21 setting up a schedule for the next meeting --  
22 again, going back over -- probably covering some  
23 of the items that Mr. Trevino had done, making  
24 sure that we're -- and looking at any spills --  
25 reportable spills that happened at that time --

1 at the same time, there's some other issues on  
2 this agenda -- it will be moved. Remember, if  
3 there are other issues that you come up with,  
4 elevate those -- and those also can be added  
5 to the list. Please don't think that tonight's  
6 meeting -- because it went so long -- I think  
7 it was very advantageous -- that everybody here  
8 got a sense of direction -- what was happening.  
9 I think that's important as a RAB community, as  
10 a RAB team, that we know that. There are going  
11 to be very important issues that come up very  
12 soon on other items, so let's make sure that we  
13 bring them to everybody's attention. So, let me  
14 just throw out to the RAB membership -- and ask  
15 you to take a look at -- and -- and see if  
16 9 October, which is basically five weeks down  
17 the road, is too long.

18 MR. QUINTANILLA: It's too long.

19 MR. RICE: That's too long.

20 MR. BAILEY: Okay. Then, if we  
21 move it back up -- moving it back up to two  
22 weeks prior to that time -- which is that first  
23 Monday -- the last full week in September --  
24 which is -- excuse me -- which is on the 25th of  
25 September.

1 MR. QUINTANILLA: That's good.

2 MR. BAILEY: Okay. So, we will  
3 be sending out the meeting minutes -- same  
4 time -- starting at 6:00 -- and try to keep  
5 more to the schedule. But please note that  
6 this -- we had some invaluable discussions  
7 tonight.

8 Again, I want to thank everybody for  
9 coming -- but please don't forget -- more  
10 important -- that we've got to get this  
11 information out to the community -- and in a few  
12 weeks, we're going to be going out to some  
13 communities door-to-door, so we're going to be  
14 letting people know where we're going to be  
15 going. So, if you want to actively participate  
16 with us, let us know.

17 MR. QUINTANILLA: One thing that  
18 should be on the agenda is training of the RAB.

19 MR. BAILEY: Right. That's --

20 MR. QUINTANILLA: Okay.

21 MR. BAILEY: Thank you very  
22 much.

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STATE OF TEXAS \*

COUNTY OF BEXAR \*

I, JULIE A. SEAL, a Certified Shorthand Reporter 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 25th day of September, A.D. 1995.

Cert. No. 5160  
Expires: Dec. '95  
(210) 377-3027

Julie A Seal  
JULIE A. SEAL  
Certified Shorthand Reporter  
in and for  
the State of Texas

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