



KELLY AFB
TEXAS

ADMINISTRATIVE RECORD
COVER SHEET

AR File Number 3243.1

KELLY RESTORATION ADVISORY BOARD - Special RAB Meeting

September 12, 2006, 6:30 p.m.
Port Authority of San Antonio
143 Billy Mitchell Blvd., Bldg 43, Suite 6
San Antonio, TX 78226

APPEARANCES**RAB Community Member Attendees:**

Robert Silvas, Community Cochair
Rodrigo Garcia, Jr.
Henrietta LaGrange
Nazirite Perez
Armando Quintanilla
Michael Sheneman

RAB Government Member Attendees:

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

Other Attendees:

Tamara Bolch
Don Buelter, Air Force Real Property Agency (AFRPA)
Sonja Coderre, AFRPA
Kyle Cunningham, SAMHD (Alternate for Melanie Ritsema)
Alan Ferrell, SAMHD
Michelle Guajardo, student
Lauren Harris
Linda Kaufman, SAMHD
Samantha Lopez, student
Eddie Martinez, AFRPA Contractor
Jose Martinez, Facilitator
Sam Murrah (Alternate for Michael Sheneman)
Abigail Power, TCEQ (Alternate for Mark Weegar)
Heather Ramon-Ayala, AFRPA Contractor
Nanette Ryan, Lackland Inn
Megan Trevino, student

COPY

1 (Proceedings began at 6:33 p.m.)

2 MR. E. MARTINEZ: Welcome to tonight's
3 meeting of the Restoration Advisory Board, special RAB
4 meeting. Before we get started, we're going to have the
5 Pledge of Allegiance. So if every one would please
6 stand.

7 (Pledge of Allegiance recited)

8 (Moment of silence observed)

9 Before we get started, I would like to
10 introduce the new facilitator, Mr. Jose Martinez. No
11 relation. So welcome, Mr. Martinez. I think he's going
12 to tell you a little bit about himself.

13 MR. J. MARTINEZ: Thank you very much
14 it's a pleasure to be here participating with you in
15 this very exciting and very important task of
16 environmental remediation at this Former Kelly Air Force
17 Base.

18 A little bit about myself, so you know
19 what it is that I have done so that I can hopefully
20 continue doing it with you. I'm a native Texan, native
21 of Laredo, Texas. Been in Austin for about 30 years.
22 I've done many different things. I think I'm in my
23 eighth professional career since I started as a high
24 school mathematics teacher in Laredo, Texas.

25 Since then I have taught planning at

1 Southwest Texas state University, which is now Texas
2 State University. Last week I completed my tenth
3 anniversary as a sole proprietor planning consultant in
4 the State of Texas. I practice primarily in Texas, the
5 Central Texas area. I have practiced also in the Valley
6 of Texas. I've also done international work in Bolivia,
7 in Peru, Argentina, and Guatemala. In fact, I'll
8 probably be going back to Guatemala to facilitate some
9 municipal development initiatives in the community of
10 San Miguel, Ixtahuacan, Guatemala.

11 What I've done there is assisted the
12 community to do a strategic plan. And in addition to
13 that, assist them in development of a capital
14 improvements program. Last year I had the fortunate
15 experience of being in Lebanon for five weeks where I
16 facilitated focus groups and public meetings throughout
17 rural Lebanon for a period of five weeks. So I think
18 that I am qualified in assisting public bodies like this
19 one.

20 In the Austin area, I've worked for the
21 council of governments for the City of Austin and for a
22 regional health systems agency that was federally funded
23 and functioned in 30 counties in Central Texas. So I've
24 worked with city councils, county commissioners,
25 advisory boards for municipalities. I've worked

1 extensively with neighborhood associations through the
2 entire city and especially in the low-income minority
3 areas of the Austin area.

4 So I again thank the staff for the
5 opportunity to come and participate in this, again, very
6 exciting and very important program of remediation.

7 Before I forget, I was given this card.
8 Those of you that are familiar with the process know
9 what this is. If you're not, there are cards like this
10 one up front which are cards that the staff asks you to
11 fill out and turn it in to the staff if you would like
12 to make a comment in either of the two sections of the
13 public comment period during the program this evening.
14 So please get this card. I will get them from the
15 staff, and then we'll have that brief discussion.

16 The next thing I'd like to do is to ask
17 you to focus on the actual agenda. Notice, please, that
18 it says Special RAB Meeting. Secondly, that it is the
19 final meeting agenda. This agenda has been provided to
20 the community co-chair, and he has had the opportunity
21 to review this. So this is the final agenda. There is
22 no opportunity for this special meeting, which is an
23 information meeting, for addition of agenda items.

24 I'd like for you to focus on the agenda,
25 but specifically the section DoD Final RAB Rule. That

1 is the sole purpose of tonight's meeting, so that staff
2 assists the members of the RAB and the citizens in the
3 surrounding area to better understand the final rule
4 that was issued by the Department of Defense May 12th of
5 this year and the effect that rule will have on the RAB
6 membership and the new process that is being instituted
7 for the replacement of RAB members.

8 I'd like to, before I forget again,
9 complete with the roll of the RAB.

10 Ms. Galvan, please? Is she here?

11 (No response)

12 Is an alternate for Ms. Galvan present?

13 Mr. Rodrigo Garcia?

14 (Present)

15 Thank you sir.

16 Daniel Gonzalez?

17 (No response)

18 An alternate for Mr. Gonzalez?

19 (No response)

20 Ms. Henrietta LaGrange?

21 MS. LAGRANGE: I am here.

22 MR. J. MARTINEZ: Thank you.

23 Mr. Perez?

24 MR. PEREZ: (Raises hand)

25 MR. J. MARTINEZ: Thank you, sir.

1 Mr. Ruben Martinez?

2 (No response)

3 Mr. Ruben Martinez or an alternate for
4 Mr. Martinez?

5 (No response)

6 Mr. Armando Quintanilla.

7 MR. QUINTANILLA: Here.

8 MR. J. MARTINEZ: Thank you, sir.

9 Mr. Sheneman?

10 MR. SHENEMAN: Here.

11 MR. J. MARTINEZ: Thank you.

12 And Mr. Silvas?

13 MR. SILVAS: Here.

14 MR. J. MARTINEZ: Thank you very much.

15 I'd like to point out the various
16 elements of the packet this evening. The first item
17 after the agenda is this one-page item that I would like
18 to discuss with you momentarily. And I'd like for you
19 to keep that separate from the rest of your packet.

20 The next item is the copies of the slides
21 that Ms. Coderre will be describing to you. Again, this
22 is the main purpose of tonight's meeting: For staff to
23 explain to the RAB and to the citizens --
24 surrounding-area citizens, the nature, the reason, the
25 effect that this new, final rules will have on the RAB.

1 Also included is a copy of the final RAB rules, which is
2 dated Friday, May 12th.

3 The next item is a letter dated the 4th
4 of February 2005, which is from DoD, announcing that the
5 draft RAB rules were to be issued on the 28th of 2005.
6 A copy of your charter is included, and a copy of the
7 charter map.

8 And, finally, a copy of a letter that was
9 sent yesterday. And this letter is again announcing
10 that there is a revision to the process pertaining to
11 the RAB. So these are the elements of the RAB agenda
12 packet, and these are the items, and the only items,
13 that we will be discussing this evening.

14 I'd like to discuss with you -- if I may
15 refer you to the RAB charter in your packet, the RAB
16 Charter on Page 5, Section 3.2: Board Members' Guiding
17 Principles. You will see that on the slide up before in
18 front of the room right now are the elements that are
19 included in here. The Guiding Principle 3.2.1 -- this
20 is, again, your guiding principle -- is for RAB members
21 to remain open at all times to other points of view,
22 consider reasonable alternatives, and focus on
23 recommending the best ways of accomplishing cleanup
24 goals.

25 3.2.2: Be honest and keep commitments on

1 assignments or providing information.

2 3.2.3: Communicate in an open, civil,
3 organized, focused, and effective manner

4 3.2.4: Ensure that domination of
5 discussion or hidden agendas are ruled out of order.

6 Those are the elements that you see
7 repeated on the slide on the screen. If I may now ask
8 you to take this single sheet that I have provided for
9 you this evening, take it out of the packet.

10 The purpose that I like to use this for
11 every time that I have an opportunity with a group like
12 yours this evening is to discuss the difference between
13 a discussion, which might be more one-sided than
14 two-sided in dialogue. So the purpose is to compare and
15 contrast two types of communication techniques.

16 So under discussion, if you will, the
17 first block, the individual's goal is often to bring
18 others over to his or her way of thinking. The
19 suggestion is that an individual has made up his or her
20 mind, and that individual is then trying to convert
21 others to the way that that person thinks.

22 In a two-sided discussion, open dialogue,
23 the group's goal is to explore and expand understanding
24 of a topic and incorporate varied perspectives before
25 one makes a definitive conclusion.

1 Back to discussion, second block.
2 Individuals present and defend their views. Again, this
3 example in the second block, the individual apparently
4 has already made his or her mind and is presenting his
5 or her views.

6 Under the dialogue box, the focus is on
7 listening to one another, putting aside one's own views
8 in order to fully listen to others.

9 Under discussion, the third block,
10 there's a search for the best view to support a decision
11 or action. Again, it appears as if the individual has
12 made a decision and is seeking a way to justify that
13 action.

14 In a better way of doing things, there is
15 a free-flowing exploration of the complexities of an
16 issue before a decision is made.

17 Back under discussion, the next block,
18 there's back-and-forth discussion of differing and often
19 opposing views. A situation that might be
20 time-consuming or may be never-ending.

21 Under dialogue, people are not primarily
22 in opposition but looking for a deeper insight in
23 clarity. When decisions are not made, there's an
24 opportunity for a better exchange of information.

25 The next block under discussion,

1 controversial topics often become sources of tension.
2 So now we're getting into a situation in which there's
3 tension. And when there's tension, there's less
4 likelihood of there being some kind of agreement.

5 Under dialogue, controversial topics
6 become discussable because participants are seeking to
7 increase their understanding and because they care about
8 each other. Participants in a group like this tonight,
9 you're team members. And it is very important, very key
10 for care to be taken in every discussion so that you
11 don't alienate one other. And this applies to any
12 group.

13 The last block under discussion, there's
14 a constant flow of conversation with someone always
15 speaking. Sounds like in this case somebody is
16 domineering the discussion. Under a Q-A discussion
17 dialogue, the pace of the conversation varies with times
18 of silence for thinking and absorbing what has been
19 said.

20 What I'd like for you to do is do like
21 I'm doing right now. Fold the sheet of paper along the
22 line between the two columns, please. Take the sheet of
23 paper and fold it along the line between the two
24 columns. And then the idea is to keep the section with
25 dialogue, put it on top of your desk so that this

1 hopefully will be the way that we conduct our
2 discussions this evening, as a team member.

3 Both staff and members of the community
4 and members of the RAB are here to work together to
5 improve the quality of life of all residents in this
6 area. I think that is a goal that we all have, and we
7 would all like to be able to work cooperatively with one
8 another.

9 Again, this is very important. This is a
10 special meeting of the RAB. This is an informational
11 meeting of the RAB. The information that is being
12 shared with you tonight is a very, very important piece
13 of information. You have been provided the final RAB
14 rule dated May 12th, 2006. I have read it several
15 times, but I had to actively hear the presentation from
16 staff to truly be able to understand what it says.

17 All of you are familiar with the federal
18 register and how complicated it can get. So the staff
19 is providing you this extra meeting, special meeting, so
20 that they can provide to you the opportunity to better
21 understand the RAB rule and the effect that this final
22 Department of Defense RAB rule has on the current and
23 future RAB and the -- by that I also mean how future RAB
24 members will be selected to be seated at this table in
25 the future.

1 So with that in mind, I would like to ask
2 Sonja Coderre to then stand up and speak so that we can
3 all hear this very, very important presentation. Let me
4 add one more thing. There are a great number of
5 slides. She will not read all the slides. You have
6 them before you in the packet. She will summarize and
7 paraphrase. If you have a question on any one of those
8 slides, if at all possible, in order for us to finish
9 this evening at a godly hour, make note of the number on
10 that slide. And then at an opportunity that she will
11 give you, then you can ask questions pertaining to that
12 slide. Are there any questions?

13 Yes, sir?

14 MR. PEREZ: Now what I just heard right
15 now -- are you a psychiatrist?

16 MR. J. MARTINEZ: No, sir. I'm a
17 planner.

18 MR. PEREZ: It seems like you are. What
19 I see is borderline that you're putting -- or as you say
20 in these so-called papers, I mean you're just shutting
21 up everybody here. I mean, are you going according to
22 the United States Constitution? I mean, it seems like
23 there's a lot of violations here.

24 MR. J. MARTINEZ: I beg your pardon?
25 What violations?

1 MR. PEREZ: Just on these right here. I
2 mean, you're just saying like people can't be speaking
3 their peace or nothing. You're referring to --

4 MR. J. MARTINEZ: This is simply a tool
5 that is used to communicate, sir.

6 MR. PEREZ: I can see that.

7 MR. J. MARTINEZ: This is a violation?

8 MR. PEREZ: Well, yes. In the long run,
9 yes. I see the overall. I don't see just one.

10 MR. SHENEMAN: Your First Amendment
11 right.

12 MR. PEREZ: How can you express
13 yourself? Speech is one thing. Expression is
14 expressing the speeches we're referring to and making a
15 picture. How can you fulfill the picture if you can't
16 complete your picture, your opinion, and coming to a
17 decision. You're saying here, like interruptions and so
18 on and so on. A person is trying to get his view
19 across.

20 MR. J. MARTINEZ: All right. If you have
21 a view that you would like to express, you have every
22 right to express your view.

23 MR. PEREZ: All right.

24 MR. J. MARTINEZ: If a person disagrees
25 with you --

1 MR. PEREZ: Right.

2 MR. J. MARTINEZ: -- that individual has
3 every right to express his or her view so that he or she
4 can better understand your idea and you can understand
5 his or her idea. It's a two-way discussion that is
6 open.

7 MR. PEREZ: Okay.

8 MR. J. MARTINEZ: Open discussion will
9 lead to a better understanding and better decisions
10 because there's an open-discussion dialogue.

11 MR. PEREZ: Okay.

12 MR. J. MARTINEZ: That's all I'm saying.

13 MR. PEREZ: If we have it like that,
14 fine.

15 MR. J. MARTINEZ: That's exactly what I'm
16 saying.

17 MR. PEREZ: I didn't see it that way as
18 you were speaking.

19 MR. J. MARTINEZ: Well, I apologize.
20 That is not the intent. The intent is, before any one
21 of us makes a decision on any aspect of a future
22 presentation, that there be a full discussion among
23 members of the RAB so that all ideas are expressed
24 before a decision is made.

25 MR. PEREZ: Okay. Everybody knows me

1 here most likely through time. I've been here for
2 years. But the way you presented these and so forth --
3 and, really, this is my view. This is something that I
4 like and it's wrong, getting into the mind of a person.
5 I can see that. So you'll be hearing from me, too.

6 MR. J. MARTINEZ: Well I sincerely hope
7 so.

8 MR. PEREZ: Thank you.

9 MR. J. MARTINEZ: Any other questions?
10 There is a section in the agenda for comments. Are
11 there any members of the public that would like to have
12 a period to make comments, naturally, on the function of
13 the RAB, which is environmental restoration at the Kelly
14 former Air Force Base. Any person from the public would
15 like to make a comment?

16 MR. QUINTANILLA: Concerning what you
17 just said or ...

18 MR. J. MARTINEZ: No. This is just the
19 regular open comment. Anybody in the audience that
20 would like to make a comment, this is an opportunity for
21 the public. Yes, ma'am?

22 UNKNOWN SPEAKER: I have a question.
23 We're students from the University of the Incarnate
24 Word, and we're here to observe as to what you do at
25 this meeting and at these meetings. My question is what

1 your goal is usually at these meetings in general.
2 We're really not familiar with what you do, and this is
3 the first time we hear about this environmental board.

4 MR. J. MARTINEZ: Are you asking what is
5 the purpose of tonight's meeting?

6 UNKNOWN SPEAKER: Or tonight and in
7 general. I can tell tonight's is really not a normal
8 meeting that you usually have.

9 MR. J. MARTINEZ: Right. This is a
10 specially called meeting to explain to the general
11 public and the RAB the new final rule that will impact
12 how the RAB will be conducted in the future and how new
13 RAB members will be selected. So this is not a regular
14 meeting. That is the sole purpose of tonight's meeting.

15 UNKNOWN SPEAKER: Okay.

16 MR. QUINTANILLA: My comment for the
17 co-chairs is that we have known about this proposed rule
18 for months. And we should have been following this
19 proposed rule, and there's been many instances where we
20 haven't. This concerns the frequency of meetings the
21 location of meetings and also that the RAB determines
22 when the meetings are going to be made. None of this
23 has transpired in the past.

24 And I have to point fingers to our
25 installation co-chair here for not trying to come by

1 this thing. This is kind of late in the season. We
2 should have had this presentation that we're having here
3 now in June, and we wouldn't have had a lot of these
4 problems that we had before.

5 But, however, as a result of the staff
6 not wishing to go along with some of my wishes, that we
7 had this discussion earlier in the last year, 2005, so
8 that we could be following some of the proposed rules.
9 Because most of the proposed rules have been
10 incorporated in the final rules, and we should have been
11 following them all along. And it would have much easier
12 and much less tension and controversy in the past year.

13 Let me give you an example. For
14 instance, the meetings -- the recording of the meetings
15 were never complete for two years. And this is the
16 thing that this is clearing up right now, this
17 particular meeting.

18 MR. J. MARTINEZ: Well, thank you for
19 saying that. That is the entire purpose of tonight's
20 meeting, to clarify in everybody's mind -- not the draft
21 rules. Those are gone. They have been replaced by the
22 final rules. Yes, they're dated May 12th, 2006 and,
23 yes, this is September. But we are here now, and we are
24 here now to move as quickly and expeditiously as
25 possible to explain the RAB rules to one and all and

1 allow you the opportunity to ask questions.

2 MR. SILVAS: I'd like to move forward and
3 ask, since we have no comments -- we have one more,
4 actually.

5 MS. RYAN: I have a question. I think
6 the women from the university, their question wasn't
7 quite answered. What we needed to know is what is the
8 RAB and what's the purpose of the restoration board?
9 What is your function as members?

10 MR. J. MARTINEZ: I'd like to ask staff
11 to answer that.

12 MR. QUINTANILLA: Well, I think that
13 we --

14 MR. J. MARTINEZ: Excuse me. Let me
15 finish.

16 MR. QUINTANILLA: I'm a member of this,
17 and you're the facilitator and I'm the trying to help
18 you.

19 MR. J. MARTINEZ: Excuse me, sir.

20 MR. QUINTANILLA: Students need some
21 information, and we haven't answered it. You haven't
22 answered it. I haven't answered it. None of us here
23 have answered it. I think that the students should be
24 given a copy of the presentation that is about to be
25 given so that they'll understand what is the purpose of

1 the RAB and those other things.

2 MR. J. MARTINEZ: I agree with you. But
3 what I would like to do right now is for the staff to
4 take the opportunity to briefly explain to these two
5 ladies and, of course, to rest of the audience, the
6 answer to that question.

7 MR. QUINTANILLA: That's not what I
8 asked. I asked that they be given a copy of that.

9 MR. J. MARTINEZ: I understand that.

10 MR. QUINTANILLA: I think that should be
11 done also.

12 MR. ANTWINE: I'll give Sonja the
13 opportunity to explain what we're doing in a general
14 sense.

15 MS. CODERRE: The discussion about the
16 purpose of the RAB is also something that's going to be
17 clarified tonight as we go through the final rule. And
18 a real short snippet, if I may, the purpose of a
19 Restoration Advisory Board is to discuss the
20 environmental restoration at an installation. In this
21 case it was at a closing installation.

22 So it's an opportunity for DoD to expand
23 on our community involvement, for stakeholders to come,
24 ask questions, and get questions answered regarding the
25 environmental restoration. And that includes

1 investigation, cleanup, closure, all of those questions
2 that are associated with our environmental restoration
3 program at what is now the Former Kelly Air Force Base.
4 And that's generally what we're here to discuss. Does
5 that hammer that nail in for everybody?

6 MR. QUINTANILLA: I would like to expand
7 a little bit on what she just said. The contamination
8 here in Kelly involves ten square miles. Lots of it is
9 beyond the fence line of Kelly Air Force Base. Over
10 18,000 homes have been contaminated by Kelly Air Force
11 Base.

12 You're shaking your head, but let me
13 finish. Currently, Kelly has cleaned up about
14 two-thirds of all the sites inside of Kelly. However,
15 the neighborhood still remains contaminated.

16 MR. SILVAS: I'd like to add something.
17 My name is Robert Silvas. Again, from my perspective, I
18 was prior Air Force, went through basic training. I
19 worked on the base back and forth on both sides of the
20 runway probably over 15 years. From what I saw, after
21 Kelly closed, the same issues were at hand -- ongoing
22 contamination, fuel spills, misreporting, agencies such
23 as the EPA and Texas Water Commission overlooking,
24 turning their head, and just letting the contamination
25 continue.

1 And that's one of the main reasons I got
2 involved, was to hold people accountable and to make
3 sure that the community, especially from my family that
4 has suffered from this quite a bit -- I've lost two
5 in-laws from cancer and plenty of other people are sick.
6 I think we all can relate to that. Furthermore, as
7 Ms. Coderre said, she added that we're here to look into
8 the closure of this base and find out how we can clean
9 it up.

10 Well, in my view, I think there's a lot
11 more at it because cleanup actually extends beyond the
12 base, and much more than that. Because what we've
13 uncovered so far is these agencies that we sit with are
14 not trustworthy. They're withholding a lot of
15 investigations that show that this Air Force base has
16 let loose chemicals and contaminated areas beyond the
17 fence line and beyond that. I will share these
18 documents tonight. And to get down to the truth
19 basically -- what we want is the truth, and we're not
20 getting that. So with that, thank you.

21 MR. J. MARTINEZ: I would like --

22 MR. QUINTANILLA: One more point. We do
23 have people from -- from TCEQ and from EPA. They should
24 also explain what their roles are in the cleanup of
25 Kelly Air Force Base. Mr. Weegar?

1 MR. J. MARTINEZ: Excuse me. I would
2 like to suggest that, since the purpose of tonight's
3 meeting is to explain how the new final regs are going
4 to affect and impact regular community discussion --

5 MR. SHENEMAN: That's what this is. You
6 just want to run over that and go on.

7 MR. J. MARTINEZ: Well, sir, I don't want
8 to run over anything. I understand the length of the
9 discussion and the importance of the purpose of
10 tonight's meeting. It's a special meeting to explain
11 how the RAB rules are going to impact everything that
12 this RAB does in the future.

13 You've indicated -- you're right. The
14 rules were dated May 12th. It is now already
15 September. We need to be able to finish through this
16 discussion this evening. We have another public comment
17 opportunity at the end of the meeting, as you know
18 that. Can we please delay those discussions until we go
19 through this very detailed explanation?

20 MR. QUINTANILLA: We need to answer the
21 community's question. And we should -- you know, we
22 should address it. And this is the reason -- I have
23 already spoken, Mr. Silvas has already spoken, and
24 others have spoken. Ms. LaGrange wants to speak. But I
25 think also it should be -- Mr. Weegar should be given an

1 opportunity. Mr. Miller from EPA should be given an
2 opportunity to explain what the role of the RAB is so
3 that the students can understand it better. And
4 Mr. Ritsema should also explain her role from the
5 Department of Health.

6 MR. J. MARTINEZ: All right. Can we have
7 the agencies give a very brief, concise explanation.
8 and, again, we have another opportunity for public
9 comment at the end. Is that okay?

10 MR. WEEGAR: Mark Weegar. I'm with the
11 Texas Commission on Environmental Quality. And I'm the
12 project manager overseeing the cleanup. And, basically,
13 my agency's role in the Air Force cleanup is to ensure
14 that Air Force cleans up Kelly Air Force Base
15 contamination, whether it's inside the fence line or
16 outside the fence line, to standards and criteria that
17 have been promulgated by the State of Texas, protecting
18 human health and environment.

19 And, basically, I'm the lead. My agency
20 governs the cleanup. Everything the Air Force does has
21 to come through my agency and has to be approved through
22 my agency. The role of the RAB is really to provide an
23 opportunity for the community to make comments and
24 provide advice to the stakeholder that are -- for the
25 cleanup decision-makers, which are my agency, the

1 Air Force, and the EPA in cleaning up the site.

2 MR. J. MARTINEZ: Thank you, sir.

3 MR. MILLER: Gary Miller, EPA Region 6 in
4 Dallas. And as Mark said, the State is actually the one
5 that has the lead on the cleanup. Our agency supports
6 and assists the State in this effort mainly because the
7 BRAC rule, which Kelly falls under, the base closure
8 rule, asks -- you know, the Air Force comes to our
9 agency for concurrence on property transfers. When they
10 want to transfer the property to the Port Authority of
11 San Antonio, they come to our agency and ask us to
12 concur on that transfer.

13 So we want to know that the property is
14 clean before we agree to that transfer. My agency is
15 not going to sign off on something that would endanger
16 the health of anybody. So we mirror along with Texas
17 and follow along through the cleanup decision so that we
18 know what's going on and we know what has been cleaned
19 and what hasn't been cleaned.

20 And I agree with Mark on the RAB
21 process. I mean, the RAB is a good information exchange
22 for the community.

23 MR. J. MARTINEZ: Thank you. Now we have
24 a representative from Metro Health. Ms. Ritsema?

25 MS. RITSEMA: Yes. My name is Melanie

1 Ritsema, and I'm with Metro Health District. And Metro
2 Health entered into a cooperative agreement with the
3 Air Force Real Property Agency some years ago. I am the
4 acting environmental health administrator. And through
5 this cooperative agreement, we were able to set up the
6 Public Center for Environmental health and the
7 Environmental Health and Wellness Center that is run by
8 Ms. Linda Kaufman.

9 And our main purpose on the RAB, anyway,
10 is to -- I agree with these gentlemen -- is to provide
11 an information source. And also our main purpose is to
12 monitor, of course, the health within the Kelly area.
13 But also we monitor the health throughout San Antonio.
14 So that is our purpose.

15 MR. J. MARTINEZ: Thank you very much.
16 And this lady had her hand raised.

17 MS. LAGRANGE: Yes. My name is Henrietta
18 LaGrange. I am a member of this board. And I would
19 like to -- I know that some of my colleagues here don't
20 know that since I've been on the board, I was diagnosed
21 with cancer. I've had it surgically removed. Because
22 of alternative medicines, good western medicines that
23 nature sunshine sells, I consider myself healed from
24 cancer.

25 MR. J. MARTINEZ: Congratulations.

1 MS. LAGRANGE: Thank you.

2 MR. J. MARTINEZ: Any more comments from
3 the RAB?

4 MR. GARCIA: I'd like to make a comment,
5 and I'd like to address it to you. We run a very tight
6 organization here between us and members. As a new
7 facilitator, you have to understand that when the
8 community asks us questions, we have to answer. Even
9 though we only have five, six members of the community
10 here, we still have to answer. And the facilitators
11 have to facilitate to us. I know we have lot of ground
12 to cover on these RAB rules, but we also have to answer
13 to the community. And. We run these meetings.

14 Now, the problem is there's a lot of
15 material that needs to be covered in these meetings.
16 And that is not our fault, because we need to have more
17 meetings with more material and more presentations so we
18 can understand a lot of this. And we need to bring in
19 more of the community and have more meetings to fully
20 understand.

21 But to make you understand, we have to
22 answer the community and we have long, heated
23 discussions between us and them. And they can attest.
24 But we are here for the common good. And whatever needs
25 to be done that we request that we do with our staff,

1 that's what we're going to do. And you need to
2 facilitate to us, not to your schedule.

3 We have been doing this a long time.
4 I've been on this board how many years? Eight? And we
5 facilitate the community. Sometimes we facilitate to
6 them. We have a lot of heated discussions with these
7 people and with everybody. But the main purpose is,
8 when we have the community here, we have to answer to
9 them. That's our main purpose.

10 MR. J. MARTINEZ: And I apologize for
11 having left out one statement that I wanted to make at
12 the beginning. I'm here as a neutral party. Neutral.
13 I'm not here to take sides. Obviously, all of us would
14 have preferred for this area to have had no pollution at
15 all. We know that there is pollution.

16 But I think that we all understand that
17 all people in this room want to improve the situation --
18 the staff, the agencies, federal, state, and the local
19 health department. We are all interested in improving
20 the situation. I don't live in this area, but I would
21 love for this area to be as clean as it is in other
22 parts of the metro area.

23 So with that stated, that I'm here as a
24 neutral individual, I will ask as tactfully as
25 possible: Try to limit these heated discussions

1 because, frankly, they don't get us anywhere. We need
2 to be able to dialogue and not, hopefully, call each
3 other things that we'll regret later. Again, as I said
4 earlier, we are a team. We need to work together in
5 order to achieve our goal, to clean the situation as
6 quickly as possible and as effectively as possible.

7 MS. CODERRE: I want to put Sal on the
8 spot. He's the one member sitting on the RAB who did
9 not or was not able to offer a perspective of why the
10 Port Authority of San Antonio sits on this RAB. And I
11 thought he should speak to make sure we give a complete
12 picture.

13 MR. AGUINAGA: Sure. My name is
14 Sal Aguinaga. I'm with the Port Authority of
15 San Antonio. I took over environmental at the Port
16 Authority about five months ago. I replaced Mr. Gary
17 Martin, who is very knowledgeable of the environmental
18 issues here. As a member of the Port Authority we were
19 not here when all this contamination supposedly took
20 place. But I am here to answer any questions that the
21 board members or community should have pertaining to the
22 Port Authority.

23 MR. J. MARTINEZ: Thank you very much.
24 Again, a reminder, there will be another opportunity for
25 public comments, all of you around the wall, at the end

1 of the meeting or close to the end of the meeting. So
2 now I would like to ask Ms. Coderre.

3 MR. QUINTANILLA: I just want to make one
4 correction to what you just said. I don't recall anyone
5 calling anybody names.

6 MR. J. MARTINEZ: What I did say is that
7 all the agencies that are present here are here for the
8 common good. Everybody wants to ensure that the area is
9 made as clean as possible as quickly as possible. I
10 know these agencies. I know them in Texas. We all know
11 them and know they're here. I don't know this lady at
12 the local health department, but I know that the
13 department -- Health Department is obviously interested
14 in the public's welfare. To help. So we're all here to
15 work together. That is what I'm trying to communicate
16 Sonja?

17 MS. CODERRE: Thank you. Good evening,
18 ladies and gentlemen. As we talked about earlier, my
19 name is Sonja Coderre, and I work for the Air Force Real
20 Property Agency.

21 Okay. So my presentation this evening is
22 going to cover these topics. Again, I hope Mr. Martinez
23 gave you some comfort that I will not be reading 80-some
24 slides to y'all. So if I'm going too slow or too fast,
25 please let me know and I'll slow down.

1 Before discussing specifics of the final
2 rule, I wanted to just take a couple of minutes to
3 review the history of the Restoration Advisory Board.
4 In 1986 the Defense Environmental Restoration Program
5 was established. And then in 1993, RAB guidance was
6 issued by DoD. And in 1994, EPA and DoD together issued
7 some implementation guidance for Restoration Advisory
8 Boards.

9 The Kelly RAB started as a technical
10 review committee and was converted to a Restoration
11 Advisory Board in 1994. Currently, the Kelly RAB uses
12 the operating procedures, or charter, that was approved
13 in 1998. And then the charter was amended in November
14 of 2002.

15 Back on January 28th of 2005, a proposed
16 rule was published, and a copy of that is in the packet
17 this evening. And that proposed rule is what we
18 discussed during the February RAB workshop that we held,
19 in fact, in this room in February of 2005 and went
20 through that rule a section at a time. And then,
21 finally, DoD had gotten all of the comments. They were
22 due like March of that year. They spent all that time
23 responding to comments, researching and published the
24 final rules in the federal register.

25 A real short overview of what the final

1 rule is what I tried to put on this slide. Basically,
2 the authority for DoD to publish the final rule comes
3 from the United States code. It was published, as we
4 talked about, May 12th of this year. It is effective as
5 of the 12th of this year. The rule applies to all of
6 the RAB in the country, regardless of when they were
7 established.

8 And when you look at how the final rule
9 itself was organized, it comes in two parts, a preamble
10 that provides a summary of the rule and also a -- it
11 responds to the comments that were received during the
12 public comments period. And then it provides the rule
13 itself.

14 So before getting into the specifics of
15 the rule, what I wanted to do was make sure that we were
16 all understanding the terms that the rule uses. So what
17 I did was pull out the terms that the rules define. And
18 I do want to spend some time on some of these to make
19 sure that we're not going to get confused as we go
20 through this discussion.

21 So a community RAB member are those
22 individuals identified by the community members and
23 appointed by the installation commander to participate
24 in a RAB, who live and/or work in the affected community
25 or are affected by the installation's environmental

1 restoration program.

2 And then environmental restoration, it
3 gives what that means as far as identification,
4 investigation cleanup and so on. The installation, we
5 fall under the closing DoD installation portion of
6 that. Not active. Installation commander -- and I
7 inserted the word senior representative because at this
8 closed installation, Adam Antwine is the senior
9 representative and equivalent of a installation
10 commander. So he sits in that position as the co-chair
11 of this board.

12 Public participants. The rule defines
13 these folks as folks that may not live or work in the
14 affected community but may want to attend and provide
15 comments to the RAB. It goes on to define stakeholders.
16 And that would be folks that are somewhere between a RAB
17 member and a public participant. They have a tie. They
18 are affected by the environmental restoration activities
19 at an installation.

20 Tribes. There is a list of federally
21 recognized American Indian and Alaska native tribes.
22 And I don't believe any of those are near this
23 installation.

24 The rule also defines RAB adjournment,
25 which is when the installation commander, the EPA, TCEQ,

1 the RAB members. Everyone kind of gets together and
2 determines that there's no longer a need for the RAB,
3 that we fulfilled our mission, we're that far along in
4 the program, that we're past the decision-making point.

5 And then there's also the term of RAB
6 dissolution, which is when a RAB is no longer fulfilling
7 its intended purpose. And an installation commander,
8 you know, has to try to do everything that they can to
9 make sure that the RAB stays on mission, doing what the
10 RAB is here to do. But if that can't happen, there is a
11 definition for dissolution.

12 For questions regarding the meeting or
13 the intent of the final rule. You know, the rule just
14 says what it says. But if you want to know what DoD was
15 thinking or why it said that, maybe it was in response
16 to a comment that it was phrased a certain way, that's
17 what the preamble of the final rule and the preamble of
18 the proposed rule are for. It really helps what to
19 explain what DoD's intent and thinking was when they
20 made that rule.

21 And so that is why we made sure that we
22 included the proposed rule in your packets, so you have
23 access to the language in the preamble of the
24 proposed rule.

25 Okay. So the final rule has 14 different

1 sections. These are them, and we're going to go over
2 them. Again, I'm not going to read you all the slides,
3 but we're going to hit these. It talks about what the
4 purpose is of a RAB and, you know, talking about
5 stakeholder involvement. I think we heard all of these
6 terms.

7 As we were getting ready to have this
8 discussion tonight, if we put together everybody's
9 responses, you pretty much come up with what you see on
10 the slide, which is about environmental restoration and
11 the Former Kelly Air Force Base and discussion and
12 exchange of ideas and stakeholders being able to come in
13 and look at the progress that's being made and talk with
14 the decision-makers about that progress. And also to
15 provide the forum for addressing issues associated with
16 environmental restoration activities.

17 It's important to note that environmental
18 groups or advisory boards that address issues other than
19 environmental restoration activities are not governed by
20 this regulation. So we participate in any number of
21 meetings, public outreach activities, those are not
22 RAB. A RAB is very specific about environmental
23 restoration.

24 Okay. Section 202.2 sets forth the
25 criteria for RAB establishment. And, pretty much,

1 active installations within the United States have
2 RABs. And then if you're closing an installation and
3 they don't have a RAB, DoD has to look -- if it involves
4 property transfer, do we need to form a RAB so that we
5 can make sure that we're hearing all of the voices out
6 there.

7 And then we talked about how the Kelly is
8 actually a Kelly technical review committee and it was
9 converted into RAB. And RABs are just more expansive
10 than the TRCs used to be, so DoD really prefers that the
11 groups be made into RABs so that there's more
12 opportunity for dialogue.

13 Section No. 202.3 talks about the
14 notification requirements for the formulation of a RAB.
15 Now, we've gone beyond that point here, obviously,
16 because we already have a RAB.

17 Section 202.4 establishes the composition
18 of the RAB. And this is -- this is one of the longer
19 sections. It talks about, at a minimum, you have to
20 have DoD and community people at the table. Here at
21 Kelly, we used to have folks from BexarMet, from SAWS,
22 et cetera, all sorts of organizations. But as interest
23 in those particular organizations waned, those folks
24 have left this body.

25 So government representation here on this

1 RAB includes the Air Force, EPA, and TCEQ, and we also
2 have the PCH and the LRA. They're -- I promised I
3 wouldn't go acronym crazy. I'm sorry. I'm going to try
4 to stop doing that as we go through this.

5 And then it talks about community
6 representation, about the community RAB members, those
7 folks that live and/or work in the affected area.

8 But, again, RABs are only one part of our
9 outreach efforts. We put notices out when we're
10 transferring property, we have modifications to things
11 going on. So we make visit to homeowners'
12 associations. All sorts of activities that we're
13 involved in, and RABs are just one part of that.

14 The final rule talks about the objective
15 selection of community RAB members and the use of a
16 selection panel to form a list of names to nominate for
17 the installation commander to appoint. And then the
18 installation commander, in consultation with state EPA,
19 should review that list of names and either accept that
20 list in its entirety or reject it in its entirety. The
21 final RAB rule does not give installation commander a
22 line item veto.

23 So if we use Kelly as an example, there's
24 16 positions on the RAB. The selection panel will give
25 us a list of 16 names and give it to the installation

1 commander. And he has to either accept the list as a
2 whole or reject it.

3 So talking a little bit about the
4 chairmanship. And there was some discussion in the
5 preamble of the final rule. A couple of commenters
6 didn't want to have co-chairs; some did want to have
7 co-chairs. DoD really believes that the idea of having
8 a co-chair body as a RAB between the community and the
9 DoD makes sure that there was an honest opportunity for
10 exchange.

11 The language about no compensation for
12 serving on this body.

13 Section 202.5 in the final rule talks
14 about the creation of a mission statement. And as any
15 of us who have been actively involved in our communities
16 understands, it's important that we know what the
17 mission of that body is. So DoD says that the RAB
18 should determine what the mission statement is for the
19 RAB and that that mission statement should be in
20 accordance with the guidance that they've provided.

21 Talks about the DoD installation co-chair
22 here at Kelly, is Adam Antwine, the senior
23 representative. But the community co-chair should be
24 someone that's selected by the community members of the
25 RAB. Selection of community RAB members is one area

1 that can be, you know, very sensitive. So the final
2 rule makes sure that DoD is not influencing that
3 decision, who should be co-chair.

4 Section 202.7 establishes the items which
5 should be addressed when developing operating
6 procedures. I use the words "operating procedures."
7 It's referred to here at Kelly as a charter. So for
8 now, you know, those are interchangeable.

9 And so these are the list of items. But
10 if you go through the entire rule, you'll find little
11 nuggets here and there of additional items that it
12 recommends be included. So in addition to the different
13 rules and orders and the frequency of meetings, preamble
14 also recommends that the list of duties of a member be
15 included in the operating procedures.

16 Section 202.8 discusses training of -- of
17 RAB members. And it says that, while training is not
18 required for RAB members, it may be advisable to provide
19 them with at least some initial orientation training.
20 And we've done that on and off, as the situation
21 warrants it here with Kelly RAB, when we've had numbers
22 of new members and needed to make sure that everyone
23 understood where we had been and where we currently are
24 and provide that information. And so that's also not to
25 be confused with the technical assistance for public

1 participation program, which we'll touch on just a
2 little bit later. And all of the training that we give
3 has to be in accordance with section 202.12, which we're
4 going to get to in just a little bit.

5 So another one of those slightly longer
6 sections is 202.9, and this is about the conduct of
7 meetings. And it tells us how we're supposed to do
8 this. Our meetings are supposed to be open to the
9 public. We need to make sure we make notice. They have
10 to be at reasonable times. We can't hold them at
11 1 o'clock in the morning. Again, this is about an
12 opportunity to have people here, hear concerns, answer
13 questions, and engage in dialogue.

14 We need to make sure that presentation
15 materials are available and that public comments can be
16 made. And so, you know, we have the public comments at
17 the beginning, and we'll also have another public
18 comment period at the end to make sure that if things
19 came up during the meeting that you wanted to talk about
20 at the end, that the audience has an opportunity to do
21 that.

22 You know, when people work in groups,
23 it's real important to a lot of folks that a group form
24 a consensus. The rules tells us that we can't value a
25 consensus opinion of a group or a majority opinion of a

1 group -- this group more than a single member's
2 opinion. So while some groups try or, you know, like to
3 vote or pull for consensus, that should be done in this
4 RAB by community members only. But we also need to make
5 sure that we listen to the advice of each of the
6 individuals that sit at this table.

7 Meeting minutes. So the final rule
8 really delineates what needs to be in the meeting
9 minutes. And it talks about the record of everybody
10 who's here, a description of what was discussed, the
11 comments received, the copies of all the materials that
12 were in the packets, plus if the RAB developed a report
13 during the meeting. That needs to be part of the
14 minutes, and that we should keep those copies in the --
15 a copy of that entire minutes package in the information
16 repository. And if it was used for making decisions, it
17 should be in the administrative record. And we should
18 hang to that until the RAB ceases to exist.

19 202.10 is where the final rule starts to
20 talk about RAB adjournment and dissolution. And, again,
21 adjournment is a decision when the RAB and most of the
22 members present say we came, we conquered. Let's all go
23 home. And this is the process, and these are the
24 criteria. Generally, in installation commander can
25 consider adjourning the RAB in the follows situations:

1 A record of decision has been signed for
2 all DERP sites on the installation; or the installation
3 has received -- achieved response complete at all sites
4 and no further environmental restoration decisions are
5 required at that installation; or we have all the
6 remedies in place; the RAB itself has achieved the
7 desired goal, as defined in our RAB operating
8 procedures; or the community no longer is interested and
9 there's not enough input to sustain a RAB; or the
10 installation has been transferred out of DoD control and
11 the day-to-day responsibilities for making decisions has
12 been assumed by the transferee.

13 So those are, in general, the conditions
14 under which RABs are adjourned.

15 And then there's a process. So if this
16 RAB were considering adjournment, the Air Force would
17 need to make sure that we consult with everybody and
18 that we document the basis for adjourning this RAB and
19 publish a notice. An additional requirement which isn't
20 on that slide is, if events come up in the future, more
21 contamination discovered, then we'd have to reconsider
22 reforming the RAB and make the notice to the public and
23 make those opportunities available.

24 Dissolution happens when a RAB is no
25 longer fulfilling their intended purpose of advising and

1 providing community input to the installation commander
2 and decision-makers on environmental restoration
3 projects, as described back in the very beginning, the
4 purpose of the RAB.

5 The process for dissolving a RAB is a lot
6 more complex than adjourning a RAB. DoD has to consult
7 with all of the same people, notify the co-chair and all
8 of the members in writing and provide them time to
9 respond, consider those responses, then provide
10 notification to the public and permit them a 30-day
11 public comment period about the proposal.

12 And after considering all of that input,
13 then the installation commander, if he or she still
14 believes it's appropriate to dissolve, would recommend
15 that to the Air Force Deputy Assistant Secretary or
16 equivalent. And then that is the office that would make
17 the decision whether to approve or disapprove the
18 request to dissolve the RAB and rationale to do so.

19 And then there's a whole host of what
20 needs to be documented and how that needs to be
21 documented. It would be put in the -- in the
22 administrative record. And then sometimes a RAB is
23 dissolved because they're not performing as they -- they
24 should perform, with DoD's intent to reform or
25 reestablish a properly functioning RAB. And this would

1 be some information in the final rule about
2 reestablishing an adjourned or dissolved RAB.

3 And it's a long section. It's kind of
4 tedious. It involves the public comment period, and we
5 have to consider all of those comments. So that's that
6 section.

7 Then the rule goes on to Section 202.11.
8 And this is the section that talks about documenting RAB
9 activities. And we need to make sure that we put our
10 information materials in the information repository.
11 And these are the kinds of things that we need to make
12 sure that we document about the RAB. And as I said
13 before, if RAB input has been used in the
14 decision-making process, that should be documented and
15 filed in the administrative record.

16 202.12 talks about the administrative
17 support and eligible expenses. So this is the list of
18 stuff that we're allowed to pay for to support the
19 Restoration Advisory Board. We can pay and provide
20 staffing to establish a RAB, help go through the
21 selection process, training as long as it's site
22 specific and relevant to the environmental restoration
23 activities occurring at the installation. So we
24 couldn't provide training here on a technology that we
25 don't use here and have no intention of using here. So

1 it's that kind of thing.

2 Meeting announcements. You know, we
3 place the ad in the newspaper that brought at least one
4 of our visitors here tonight. So we use our RAB money
5 for that, the facilities, facilitating translation,
6 preparing meeting agendas, minutes, and materials. And
7 then also making sure we have mailing list and getting
8 the information out to the mailing list, which brought
9 Mr. Murrah here. That's how he got the information, was
10 off of our mailing list.

11 Okay. Section 202.13 talks about the
12 technical assistance for public participation. That's
13 something the members of this RAB are pretty familiar
14 with. And, basically, community members of the RAB can
15 request this type of funding to assist in deciphering,
16 if I may, highly technical information. A lot of times,
17 the reports that are produced as a result of
18 environmental restoration activities are not for the
19 layperson. And TAP funds are funds that are made
20 available to assist communities in making sure that they
21 get it.

22 202.14 talks about our responsibilities
23 for documenting and reporting activities and expenses.
24 So, you know, minutes and all of that stuff, we have to
25 keep track of.

1 So that's, in a nutshell, the final rule
2 and what it says, without going too in detail about
3 every little piece that's described in the preamble of
4 both the proposed and the final. So we talked already
5 about the fact that the Kelly RAB started as a TRC,
6 Technical Review Committee, when the installation was
7 active, when it was Kelly Air Force base. And then in
8 1994, it was still an active base, but it was converted
9 to a Restoration Advisory Board.

10 In 1998, again, while the Air Force Base
11 was still active, we signed a charter and it had two
12 appendixes.. One was a RAB implementation guidelines
13 published in 1994, and the other was proposed rules. By
14 the way, there was another set of proposed rules that
15 happened back in 1996. And then in 2002, which is after
16 the installation closed, the charter was amended and the
17 appendix to that amendment contains an effective
18 community map.

19 Okay. The charter's in your packets, what
20 I've done is the charter comes in the original charter
21 and then the addendum. And I've incorporated the
22 addendum language with the section of the original
23 charter that it amends because the original charter says
24 one thing and the addendum changes that language in some
25 cases. And it made sense to view those together.

1 So the forward of the Kelly Charter
2 restates who they are, provides the basis and authority,
3 using the proposed rules and all the different
4 guidelines that were published. And then provides in
5 Part 1 the mission statement. And the mission statement
6 has the three different parts, including representing
7 stakeholders, providing community, outreach, ensuring
8 the community has an opportunity to be heard, and,
9 insuring nondiscrimination throughout the process. So
10 that's, in a nutshell, the charter that the Kelly RAB
11 uses.

12 The statement of purpose really just
13 expands on the mission statement and kind of cuts it
14 down just a little bit more, explaining community
15 awareness and comments on the actions in order to
16 accelerate cleanup and those kinds of things. So it
17 just tries to expand on each of those issues that were
18 outlined in the mission statement.

19 Okay. So here's where what I did with
20 the addendum. I hope it makes sense. In Part 3, RAB
21 operating rules under the qualification section, the
22 addendum that was adopted in 2002 changed the original
23 charter, which allotted at least eight of the six -- by
24 allotting at least eight of the 16 community positions
25 to those who lived, owned property, or worked in the

1 affected community. So the original language is in
2 Bullet No. 1. Bullet No. 2 where it says addendum is
3 the changed language. Make sense? All right.

4 The addendum also changed the charter
5 under applications. And it permitted -- alternates to
6 attend election meetings at which the applicant's
7 membership is considered. In the original language, the
8 member, him or herself, had to be present in order for
9 their application to the board to be considered. The
10 charter said, if the member can't be there, they can
11 send an alternate in their place and their membership
12 can be considered. And then it went on to say, if the
13 member can't be there, if they tell one of the
14 co-chairs, their membership could be considered even if
15 they don't send an alternate. So that's the language
16 that is in effect.

17 The addendum also added language
18 regarding new applicants, a majority vote requirement to
19 fill the eight affected community positions before
20 allowing others to be considered. And that's in these
21 bullets here.

22 The charter, or addendum, also added
23 language about the government board positions. And out
24 of the 25 total RAB positions, 16, according to the
25 charter, are reserved for community positions. So that

1 leaves me nine government positions between Air Force,
2 EPA, TCEQ, the LRA, and then five others. And those are
3 the seats we talked about earlier, to BexarMet and SAWS
4 and those kind of folks that used to sit in those seats.

5 It restates the point that we went over
6 in the final rule about members serving without
7 compensation. The addendum changed the charter under
8 RAB operating rules attendance because the original
9 language says that if a member missed four consecutive
10 meetings, their seat was considered vacated without any
11 action by the board.

12 And the addendum changed that, and it
13 said if a member fails to attend or send an alternate to
14 three consecutive meetings, then the RAB would vote.
15 But it didn't automatically vacate the seat. So it's
16 that addendum language that's in play here. So if a
17 member wants -- if the community members want to remove
18 a community member for nonattendance, they have to
19 actually vote on it. It doesn't happen automatically.

20 Under Part 3, RAB Operating Rules
21 Resignation, the addendum language permitted alternates
22 to continue a member's term if the member resigned and
23 established that a new community member appointed to
24 fill a resigned position would complete the original
25 term of position.

1 We talked about how in the preamble of
2 the final rule, it recommends providing language about
3 what a member's responsibilities are. The Kelly Charter
4 actually included a lot of this language already in
5 there and provides some input as to what public input
6 should be for this body. The addendum added language
7 about alternates because the original charter didn't
8 contain information about alternates.

9 Under the terms section, the addendum
10 changed the charter by commencing terms upon
11 appointment. Original language had the terms commencing
12 on January 1st. The charter says the position begins
13 upon appointment.

14 Part 3 also establishes the RAB member
15 guide and principles. We talked about those at the
16 beginning of the meeting. Mr. Martinez had these up on
17 the slides. So these came from our own charter.

18 The charter goes on to describe more
19 about the responsibilities of RAB members serving on
20 subcommittees, presenting reports if it's appropriate,
21 making recommendations as a body, working together. All
22 of those things.

23 Co-chairs, we talked about in the final
24 rule. So we have two co-chairs -- one from the
25 community, one from the installation. Meetings are open

1 to the public.

2 The addendum -- it was kind of odd when I
3 read through this because the addendum changed some of
4 the words, but I can't find that it changed the manner
5 of electing the community co-chair. So it just kind of
6 restated it differently when it comes to the election of
7 the community co-chair. He or she would need to be
8 selected by a majority vote of the board community
9 members. And it basically says the same thing on both
10 slides. If y'all find a difference between these two,
11 please let me know because it's not apparent to me.

12 Okay. Part 3 under Board Officers and
13 Meetings, the addendum -- the change that this made was
14 that it permitted a co-chair to resign from their
15 co-chair position without resigning from the board. It
16 made clear that the co-chair could do that.

17 Meeting Schedules. The charter says that
18 meetings should be held at least quarterly. The
19 original charter was written when this was still an
20 active installation. So the language is about an
21 off-base location so that RAB members wouldn't have to
22 go through security gates to get to a meeting and all of
23 that hassle.

24 Agendas. How we get those out and set is
25 outlined here. The contents of the minutes. And this

1 isn't as descriptive as what was in the final rule. And
2 then that the minutes need to be kept in the information
3 repository.

4 The charter talks about board member
5 comments, that if the document is submitted to the RAB
6 for comment, we need to give them at least ten days.
7 That they have not more than 45 days to make comments
8 back for consideration.

9 The rules of order were selected to be
10 Robert's Rules of Order, which is a parliamentary
11 procedure.

12 Administrative Support. You know, just
13 that the Air Force pays for the meetings, the locations,
14 materials, and those kinds of things.

15 The charter talks about the
16 administrative record. And I keep throwing this term
17 out there, as if everybody here understands that. The
18 administrative record is the file of all of the
19 documents that make up the decision-making process at an
20 installation for an installation's environmental
21 restoration program. So those are the decision-making
22 documents.

23 The information repository has the
24 administrative record as part of it, but it also has
25 other things. Minutes to RAB meetings, other fact sheet

1 materials, and things like that would go into the
2 information repository. And the charter talks about
3 providing copies of things that we put into the
4 information repository to the co-chair.

5 It also talks about reportable releases.
6 Making sure that if we do have a reportable release,
7 that we notify the RAB as quickly as possible as we move
8 through that notification and cleanup process.

9 Coming into the home stretch. All
10 right. So the effective date of the Kelly Charter was
11 on the date that it was approved. And it talks, then,
12 about how it can be amended. And that amendments have
13 to be consistent with applicable laws, regulations, and
14 guidelines. Blah, blah, blah, blah ...

15 It says that it expires upon completion
16 without any action by anybody. I don't know that we
17 know what that really means.

18 And then on July 29th, 1998 at Winston
19 Elementary School in San Antonio, Texas, Brigadier
20 General Robert Murdock and M. Damian Sandoval, Community
21 co-chair, signed this document. And it was approved
22 unanimously by the board that was sitting at that time.

23 And then that was the map that was
24 included. I didn't think we needed to include all of
25 the final rules. We just went through that in the

1 charter. That was the last piece, the Appendix A to the
2 addendum, which shows the charter that was agreed to in
3 2002, the map of the affected area.

4 Okay. So what does that mean now to us,
5 because we've covered what the rule says, and we've
6 covered what our charter says. And there's a couple of
7 places that we've got some issues. Minor ones include
8 we're no longer Kelly Air Force Base. We're the Former
9 Kelly Air Force Base. So we probably should correct our
10 name. The references are now superseded by the final
11 rule. So references to a proposed rule would need to be
12 changed. Those are small issues.

13 The larger issues -- and I know
14 Mr. Martinez talked about it a little bit at the
15 beginning of this -- was how community members are
16 appointed to this body. The final rule makes it very
17 clear that community RAB members are to be nominated by
18 a selection panel and appointed by the installation
19 co-chair.

20 And they do a lot of talking in the
21 preamble about the selection process being sensitive
22 issues, making sure that it is seen as an unbiased one
23 where folks have unduly been able to influence that
24 process either way. And the language from the final
25 rule talks about supporting the objective selection of

1 community RAB members. The installation -- I wrote
2 AFRPA -- will use a selection panel comprised of
3 community members to nominate community RAB members. If
4 you remember when we were going through the final rule,
5 it's that list of nominees that then goes to the
6 installation commander and is approved either in its
7 entirety or rejected in its entirety. So there's no
8 picking and choosing. That's a pretty significant
9 conflict.

10 The second significant conflict is going
11 to be about eligibility. And if you remember as we were
12 going through the charter, the eligible portion, the
13 addendum changed the original language of the charter to
14 say that folks that don't live or work in the affected
15 area could be members of the board.

16 The original charter said you had to
17 live, work, or own property here to be on the RAB
18 because you reflect the interests. But the addendum
19 changed that language and said no. It opened it up.
20 And that's in direct conflict with what the final rule
21 tells us. The final rule -- and we kind of extrapolated
22 this definition as best we could. The final rule under
23 the definition of a community RAB member says it's
24 someone who's identified by the community the selection
25 panel, appointed by the installation commander, which

1 would be Adam, the senior rep, and lives and/or works in
2 the affected community. That's pretty obvious. We have
3 the map that the RAB established that was the affected
4 community that was based on the plumes. Or is affected
5 by the environmental restoration activities at an
6 installation.

7 And we kind of scratched our head about
8 that one just a little bit and said, What does that
9 mean? As we kept looking at the final rule, under
10 Stakeholders it explains a little bit or gives more
11 information about what's being affected by an
12 installation's restoration activities would include.
13 And it gives them these four categories: Family members
14 of military or civilian workers, local and state
15 governments and EPA for NPL properties, tribal community
16 members an indigenous people, or current landowners.

17 So if you see the way this criteria is --
18 is lined out, we've got some ands and some ors over on
19 the side. To be identified by the community and
20 appointed by the installation commander and live and/or
21 work in the affected community or be affected by the
22 installation restoration programs, such as -- and then
23 all of those are ors. So it took us a while. These
24 federal regulations are not -- not easy.

25 So what does that mean to us? And I

1 thinking I'm going to turn the lights on while we go
2 through this last one. Okay. So when we looked at
3 this, what we said -- you know, when the addendum was
4 added, it offered the opportunity for folks who don't
5 live and/or work in the affected area to be members of
6 this RAB. But eight of the 16 seats were held for folks
7 that do. So if you look at that top section, I've got
8 four people that sit there that are sitting in local,
9 affected seats.

10 Okay. So on January 18th, 2005,
11 Mr. Garcia and Ms. LaGrange were elected to the RAB and
12 put into locally affected seats. And those terms
13 expire, then, December 31st of this year. And then
14 October 18th of 2005, Mr. Perez and Mr. Sheneman were
15 elected to local seats. So by the definition of the
16 map, you live and/or work on property in the yellow
17 shaded area of the map that's in the packet. So what we
18 need to do is just verify that.

19 And then we've got the other eight seats,
20 and those are the next five names. And those are folks
21 that are sitting in what was identified by this RAB as
22 non-locally affected community members. And, again, I
23 don't know. So what we need to do is figure out, do
24 these folks live and/or work in the affected area, own
25 property, family member. Do they meet the criteria of

1 RAB eligibility that the final rule has established?

2 So in the letter that Eddie just handed
3 out, what we've tried to do is provide a synopsis of
4 what we've just talked about. The fact that the final
5 rule was published. We see two major areas that are
6 conflicting with the charter that we have today. And
7 those are eligibility and the selection panel. We'll
8 get to selection panel in a minute. And the very last
9 page of that packet is a form. And we're asking the
10 community RAB members to fill that form out because
11 that's going to be what -- how we figure out who meets
12 the eligibility requirements that is representative of a
13 local interest as, you know, the final rule tells us we
14 need to. And so we're asking for those back by the 29th
15 of September.

16 And the second thing you saw in your
17 packet, that we sent a letter to the council members.
18 EPA, TCEQ, if you remember from the final rule
19 discussion, we're supposed to talk to all of those
20 people and figure out what interests are there in this
21 community, get names from folks, if you have names who
22 could represent those interests, for those folks to sit
23 on that selection panel. And we're asking for that
24 information back also by the 29th. So that way the
25 selection panel can make their list of recommendations.

1 But we already know which community RAB
2 members that are currently sitting here tonight that
3 couldn't make it to this meeting, which ones are
4 eligible, so we could get that information to the
5 selection panel.

6 And then depending on who sits on that
7 panel, what their availability is, how we can get those
8 meetings going, we hope to have a list by the 20th of
9 October and be able to notify the new RAB members by the
10 23rd of October and then hold a RAB orientation session
11 at the beginning of the year, in time for the first
12 meeting in January for next year.

13 So it's an aggressive timeline. I know
14 there's a lot of moving pieces. And I'm sure you're
15 going to have some questions for me. So I'm going to
16 stop talking and take some questions.

17 MR. QUINTANILLA: I have a question.

18 MS. CODERRE: Okay.

19 MR. QUINTANILLA: The question comes from
20 Page 27, 613 of the final rule. And it says that the
21 installation commander should be able to find
22 information upon the representation of the community in
23 each installation's community relations plan.

24 MS. CODERRE: Correct.

25 MR. QUINTANILLA: So that means the

1 community is -- it's outlined in the community relations
2 plan. What does the community relations plan have?
3 What does it state?

4 MS. CODERRE: I made that presentation a
5 couple of months ago at the RAB.

6 MR. QUINTANILLA: Okay.

7 MS. CODERRE: And the community relations
8 plan provides -- you know, I don't have it in front of
9 me right now.

10 MR. QUINTANILLA: I would like to know
11 before we go any further.

12 MS. CODERRE: This RAB received the
13 presentation on --

14 MR. QUINTANILLA: Yes, the RAB received
15 it --

16 MS. CODERRE: May I finish my sentence
17 Mr. Quintanilla?

18 MR. QUINTANILLA: Okay.

19 MS. CODERRE: -- several months ago. At
20 the request of this Restoration Advisory Board, I made a
21 presentation about the community relations plan that the
22 Air Force has for the Former Kelly Air Force Base. So
23 that presentation has been in the materials that you
24 have been provided in the last few months, and you do
25 have access to that. In addition to the copy that you

1 were given that evening, copies are also available in
2 the information repository.

3 MR. QUINTANILLA: Like you, I don't
4 recall what it was.

5 MS. CODERRE: Right.

6 MR. QUINTANILLA: So I'm asking you, as
7 part or of our -- shall I ask Mr. Antwine? Mr. Antwine,
8 what -- what does the community installation plan or
9 community relations plan say about the representation of
10 the community? Let me read it again. The installation
11 commander should be able to find information on the
12 representation of the community in each installation's
13 community relations plan.

14 MR. ANTWINE: I can look for it.

15 MR. QUINTANILLA: Before we go any
16 further, let us know what the --

17 MR. ANTWINE: This is not going to stop
18 the progress because we can't answer this question.

19 MR. J. MARTINEZ: May I ask a question?
20 Mr. Quintanilla, may I ask you why you need that
21 information?

22 MR. QUINTANILLA: Sure. Because we need
23 to know what the community is.

24 MR. J. MARTINEZ: I think it's pretty
25 well defined in --

1 MR. QUINTANILLA: Well, is the community
2 what was outlined in this particular map and now has
3 been thrown aside? That was the community then. What
4 is the community now, as outlined in the community
5 relations plan?

6 MR. ANTWINE: And I think it's outlined
7 in the charter.

8 MR. QUINTANILLA: In the what, sir?

9 MR. ANTWINE: In the charter and on that
10 map.

11 MR. QUINTANILLA: Well, we're not going
12 by the charter. We've thrown the charter out. The
13 charter is no longer any good.

14 MS. CODERRE: I hope that isn't the
15 impression that I gave this evening.

16 MR. QUINTANILLA: Yes, you did, because
17 you said those people are no longer eligible because
18 that's how we were elected, as part of the amended
19 charter.

20 MS. CODERRE: First off, I did not state
21 that anyone was no longer eligible. I need to make that
22 point very clear. If you look at the language that this
23 Restoration Advisory Board uses and has used in the
24 past, it would appear that some members that are sitting
25 on this body today are actually no longer eligible with

1 the final rule.

2 We are going through a process now.

3 We're giving you that letter, and we're asking each RAB
4 member to fill out the information so we can verify the
5 eligibility. And that is the basis that this decision
6 will be made from. I am not saying that first group is
7 in and the second group is out or vice versa. I'm not
8 saying that.

9 I'm saying each and every community
10 member, the nine currently sitting community RAB members
11 at this Restoration Advisory Board, we're asking that
12 you provide us with correct information and what it is
13 that you believe establishes your eligibility for this
14 Restoration Advisory Board now that you have been given
15 the briefing on what the final rule says.

16 MR. QUINTANILLA: It's a touchy one.
17 It's a touchy one. You give a real good presentation.
18 But here you're unclear as to what you really want.
19 What is a community? You're saying that what we had
20 before, the map, it said this is the community. You
21 select so many members. You throw that out.

22 MS. CODERRE: No.

23 MR. QUINTANILLA: It is still the same as
24 it was, that 64 percent of the community members will
25 come from the affected area?

1 MS. CODERRE: Let me hold this up. This
2 is the map that is attached as Appendix A to the
3 addendum to the Kelly Charter. And this map was
4 approved by this RAB so that these yellow areas, which
5 were based upon the widest extent of the plume and then
6 some --

7 MR. QUINTANILLA: And then some.

8 MS. CODERRE: -- was defined as the
9 affected community.

10 MR. QUINTANILLA: That is the affected
11 community?

12 MS. CODERRE: That is what this body
13 determined as the affected community. But then this
14 body went on to change -- you didn't just add a map to
15 your charter. You changed the language in the charter
16 and you said: Eight of your 16 seats have to come from
17 within the affected community, and the other eight can
18 come from anywhere. The final rule says very clearly
19 that all of your community members are to come from
20 within this area.

21 That you can't have someone from
22 Washington State sitting on your RAB because they don't
23 represent your community unless they're maybe a property
24 owner and they own property here. But then that is from
25 within this yellow community area that was defined by

1 this RAB.

2 So we're not throwing the charter out.
3 We're not throwing the RAB out or the map. What we're
4 saying is that addendum language is in direct conflict
5 with the final rule.

6 MR. QUINTANILLA: The final rule, the
7 comments also said that each RAB is unique.

8 MS. CODERRE: That is correct.

9 MR. QUINTANILLA: And perhaps the
10 uniqueness of this RAB would change some of that, that
11 we could have someone from the entire San Antonio
12 community that is being affected.

13 MR. SHENEMAN: Or you won't have any RAB
14 because many of them are dead.

15 MS. CODERRE: The final rule says in the
16 preamble. And if you remember, the rule says that the
17 preamble helps us to understand it. The final rule says
18 that in the preamble, Section C in 202.4 says that
19 several commenters requested that the department expand
20 RAB membership opportunities to those individuals that
21 do not live or work in the affected communities. So a
22 couple of people asked for exactly what you're asking
23 for.

24 MR. QUINTANILLA: Keep on reading.

25 MS. CODERRE: This comment was not

1 incorporated because membership is restricted to those
2 individuals that live or work in the affected
3 communities. And that's found on Page 27, 612.

4 MR. QUINTANILLA: I have no problem with
5 that. It's just somebody else may have. I'm a member
6 of the -- and I will bring you the proof -- of the
7 Southside Chamber of Commerce. I will also bring you
8 proof that I am working for a landowner in there. So I
9 have no problem with that. I'm thinking about the rest
10 of the people.

11 MS. CODERRE: I understand. Selection of
12 community RAB members is a sensitive, sensitive issue.
13 We understand that. That's why we wanted to take great
14 care with what we represented here tonight. I tried
15 really hard to give you examples that weren't based on
16 emotion.

17 MR. QUINTANILLA: You give a real good
18 presentation. Let me say that. With the exception of
19 last part. I think it's not quite right. I think we --
20 the RAB can do whatever it wants with it because each
21 RAB is unique. And if you're a member of a tribe that
22 lives away from the community, you're eligible for
23 appointment and all that sort of thing, which you didn't
24 read and so on. You know, that's fine. I'm going to
25 stop my questioning on that now.

1 MS. CODERRE: Thank you.

2 MR. J. MARTINEZ: Mr. Silvas, you had a
3 question?

4 MR. SILVAS: Yeah. In the past when I
5 was part of this charter that was made up with a few of
6 the community members, an initiative went on that we
7 said that we had trouble getting from the affected
8 area. And at that point, we said that people who
9 wouldn't be from the affected area would sit on the
10 advisory board up until the point where someone would
11 want that seat from the affected area. And how is that
12 going to affect that? I mean, is that -- since now we
13 still don't have that -- you know, that participation
14 from the affected area.

15 MR. J. MARTINEZ: May I refer you to the
16 letter that is attached to your packet. I believe some
17 of you have received this letter. It is asking all the
18 recipients that have received a copy of this letter,
19 which includes all the RAB members and all the
20 individuals. I believe you received it. This page was
21 included. All of these people are being asked to review
22 and comment on this letter.

23 The community is being asked to help the
24 staff to describe the affected area. The staff is
25 suggesting that homeowners, businesses, area workers

1 area schools, and other interests -- "other" being left
2 wide open so that the community has the right and the
3 opportunity to suggest, to describe from your
4 perspective the community so that in the end the
5 community is defined by all the people within the
6 affected area -- the RAB members, businesses, schools,
7 parents, university students. So that the latest
8 finished product, which will end by -- by October will
9 be the most recent description of the area.

10 And, hopefully, I frankly don't have any
11 doubt that there're going to be a substantial number of
12 people that will step forward -- those of you that will
13 continue with your eligibility and others that are
14 interested in participating in this very important
15 function. So the community is being asked for input so
16 that the interests of the community are represented on
17 the selection panel.

18 MR. SILVAS: Well, I think sitting on
19 this board for some time, a lot of the other members
20 know for a fact that people apply and sit on this board,
21 I think the first thing as community members, you know
22 that person is sincere and really out for the
23 community's safety. And they've come and gone. I've
24 seen people come and go, and I know for a fact these
25 people don't show up for these meetings. They're not

1 here for the community. And right now I can tell you
2 everyone on this board is here.

3 MR. J. MARTINEZ: And we commend everyone
4 that comes to these meetings.

5 MS. CODERRE: I guess the point that I
6 would really like to make is the letter that we've given
7 you outlining what was discussed here tonight, it
8 requests two things of each of you. The first is
9 provide us your information. Tell us why you believe
10 you're eligible and provide us the verification so that
11 we can make sure we have a proper RAB that is above
12 reproach on eligibility.

13 The second is provide us with, as
14 Mr. Martinez talked about, either the name of someone
15 who could sit on the selection panel or an area of
16 interest that we -- we didn't stumble upon. We thought
17 about people who live here, people who work here, people
18 who represent constituencies here, schools. So we
19 thought about those, but y'all might have another idea.

20 And I would ask you to go maybe step
21 three that isn't outlined. But your question raises
22 this. We're charged with hearing you. If you make that
23 comment as part of -- that if we can't get, that you
24 would like the Air Force to consider taking people from
25 outside the affected area, you make that comment. You

1 know, we will consider all of the input that we get.

2 What we want to make sure is that we are
3 following this rule so that membership selection is not
4 seen as something that the Air Force did unilaterally.
5 Also not seen as something, you know, one member of the
6 community did unilaterally but that this body has the
7 respect that it deserves for the hard work that we put
8 in here. We go over some pretty intense documentation.

9 So give us your comments. Provide us
10 your verification and your information and let us
11 consider all of this and figure out what that selection
12 panel needs to look like and how we're going to move
13 forward from here.

14 MR. E. MARTINEZ: I just want to say
15 regarding the eligibility, if you guys have your forms
16 and you want to make copies of that, I can run over
17 there real quick and get that taken care of tonight.

18 MR. J. MARTINEZ: Mr. Garcia?

19 MR. QUINTANILLA: Let me just --

20 MR. GARCIA: No. No. Go ahead and
21 finish.

22 MR. QUINTANILLA: I'm going to discuss
23 this with some of the members of city council and the
24 past members, especially the mayor, if he believes the
25 whole City of San Antonio is affected by Council

1 Districts 4, 5, and 6 being contaminated. And I'm going
2 to go also by his ruling and what he says.

3 MS. CODERRE: Okay. Mr. Garcia?

4 MR. QUINTANILLA: Because I think the
5 whole city is affected. You have contaminated Districts
6 4, 5, and 6, and that affects the whole city.

7 MS. CODERRE: And I understand that way
8 of thinking. But what I cannot get past is the fact
9 that in 2002, this body -- these community members on
10 the Kelly Restoration Advisory Board, limited the
11 affected area to the area shaded on this map, which was
12 based upon the contamination plume that extended off the
13 base plus a buffer zone. This body made the decision
14 that this was defined as the affected area because this
15 is the area that came into contact -- or reasonably
16 could be coming into contact with contamination.

17 MR. QUINTANILLA: I would like to respond
18 to that. I wasn't here when that was voted on. But the
19 expanded beyond the plume was done by a member of
20 Mr. Antwine's staff, and that was Mr. Ryan.

21 MR. J. MARTINEZ: Excuse me. I don't
22 think that whoever that gentleman --

23 MR. QUINTANILLA: He's not here.

24 MR. J. MARTINEZ: Excuse me. If I may, I
25 think Mr. Garcia had his hand raised. Mr. Garcia?

1 MS. CODERRE: Is it okay if I answer your
2 question? I think he has to run to the men's room.

3 MR. GARCIA: It's not a question. It's a
4 work assignment. In reviewing this, I'm going to write
5 it all in a letter so you-all can implement the plan.
6 First of all, on the Subpart A under D: A RAB should
7 compliment other community involvement efforts occurring
8 at an installation. All right. I need for you to
9 define what are all these other efforts that your staff
10 is conducting, and you need to provide data to the RAB
11 on all of these efforts.

12 See, because it talks about other
13 community involvement efforts occurring at an
14 installation. That implies that you have other
15 activities going on that you should have going on.

16 MS. CODERRE: Oh, yeah. And I touched on
17 a couple of those.

18 MR. GARCIA: What are these efforts, and
19 who are you conducting data on these efforts and how is
20 the community involved in all these efforts because we
21 certainly don't know about it. And this Subpart A under
22 Item D, it says that you are conducting all of these.

23 MS. CODERRE: Yes.

24 MR. GARCIA: And we need to know more
25 about this and who serves on what committees and what

1 kind of efforts are you doing according to these
2 efforts.

3 MR. J. MARTINEZ: Mr. Garcia, would you
4 allow her to give a brief summary?

5 MR. GARCIA: Well, that's what I'm
6 telling her.

7 MR. J. MARTINEZ: Yes. But in person
8 now?

9 MS. CODERRE: And I touched on this a
10 little bit as we were going through. We discussed, you
11 know, attending homeowners' association meetings. We
12 put fact sheets out. We conduct tours. All of those,
13 in addition to public notice requirements for public
14 meetings that we hold. We've done some on the permit
15 modifications. I keep looking over there because it's
16 technical. So all of that makes up what is the Air
17 Force's community involvement activities, and the RAB is
18 in addition to those things.

19 MR. J. MARTINEZ: Mr. Garcia?

20 MS. CODERRE: And if I may just finish.
21 The presentation that I made to this RAB several months
22 ago when I discussed the community relations plan, I
23 detailed for you at that time others of those efforts.
24 You know, we put out annual mailers. We've done the
25 full-page ads. And that was a recommendation that was

1 made to us by this body, and we put in information out
2 there. We do press releases.

3 So all of those are activities that are
4 going on every day, whether there's a RAB meeting to be
5 held or not. And that's all part of our community
6 involvement program.

7 MR. GARCIA: That's why I said for you to
8 tell us about all of these. And we run short of members
9 or we have -- we need alternates. You know that.
10 Because I need an alternate. We need to discuss all
11 that stuff that you're telling us operates, and we need
12 to make sure that you invite some of those people that
13 are alternates and come to our meetings and stuff like
14 that.

15 MS. CODERRE: And we do. Especially when
16 we're one-on-one with our homeowners' associations.

17 MR. GARCIA: Well, you need to tell us
18 about all of these other activities. We don't think
19 that you're doing this here, and that's all. We need to
20 know about all these other activities and get more
21 public involvement and get them integrated and involved
22 and attending our activities too, besides you doing what
23 you do with them.

24 Okay. Under 2.2.7 Item K, it calls for
25 developing operating procedures for participation of the

1 general public. You know, we need to know more about
2 that.

3 MS. CODERRE: And if I can respond to
4 that one, I don't want these items to get away from us.

5 MR. GARCIA: I'll give you a letter with
6 all of this so we can fully get a report.

7 MS. CODERRE: The specific requirement
8 for that that's laid out in the preamble talks about
9 this RAB having a mechanism to respond to those public
10 comment opportunities. So if you think back, if the RAB
11 is talking about the semiannual compliance plan report
12 and a member of the public were to stand up and say: I
13 don't get this. I think the Air Force needs to do it
14 this way, or this RAB needs to put together a report
15 that explains what this says, whatever that comment
16 might be from the public, that we have an obligation,
17 number one, to make sure that the public has a spot on
18 our agenda to be heard and, number two, that we have a
19 plan of action as a Restoration Advisory Board to
20 address what they bring to us.

21 So that's kind of a two-pronged thing.
22 And while the current charter talks a little bit about
23 this route and the member's responsibilities to do
24 public outreach, it really doesn't get down in the mud
25 and get really dirty about, you know, at the end of

1 every meeting, the RAB will put together this report and
2 we will carry that to our homeowners' association. And
3 it doesn't detail it to that degree in the charter. So
4 it might be a revision that we consider in the future.

5 MR. GARCIA: We need to get down and
6 dirty, like you said, and muddy and get down and dirty
7 and more specific. And let us know about all those
8 specific things that you do. And I'm going to put all
9 of this writing.

10 And then 202.9, Item 4: Open
11 solicitation of public shall be permitted. And, you
12 know, we want to know how you're going to accomplish
13 that.

14 MS. CODERRE: I'm sorry. Where are we?

15 MR. GARCIA: 202.9 under Item 4: Open
16 solicitation of public shall be permitted.

17 MS. CODERRE: Open solicitation of public
18 comments. Exactly. We satisfy that requirement doubly,
19 if I may add, by having a public comment period at the
20 beginning of the meeting and a public comment period at
21 the end of the meeting. And those are -- you know, it's
22 like open mike night at city council.

23 MR. GARCIA: To compliment that, we need
24 to sit down civilly together and work our way into
25 getting more people here. Besides the newspaper, we can

1 go -- I have other comments under support and expenses.
2 We can go to homeowners' associations send them notice,
3 chambers of commerce, school districts, PTA, business
4 groups, military groups, and a whole bunch of community
5 groups. We need to notify them, put in their newsletter
6 or something, that we've got RAB meetings coming up.
7 I'm going to discuss that also.

8 MS. CODERRE: Awesome.

9 MR. GARCIA: Under 202.9, which Armando
10 was discussing, the community relations plan. To
11 summarize the discussion that you two had is this: How
12 are we going to implement it or how can we better
13 ourselves and how can we write some administrative
14 procedures to implement a community relations plan and a
15 community relations plan to compliment a community
16 participation plan? There's two different things there,
17 relations and a participation plan.

18 What I want to see is a plan which
19 integrates both so we can say, Hey, look at us. We're
20 the community relations participation panel. We've got
21 60 people in the audience. We need a bigger space. You
22 guys did a good job. You brought in 30 people.
23 Everybody's coming in here. Everybody wants three
24 minutes. It might require more meetings, longer
25 meetings. But I want to see a way for us to integrate

1 that. Sonja put all this information out. It brought
2 in 20 people, it brought in 30 people, instead of five
3 or six. To make the community more understand.

4 MS. CODERRE: Right.

5 MR. GARCIA: I don't know whether it's --
6 I don't know what it is that people don't get involved.

7 MS. CODERRE: Let me ask a question.

8 MR. GARCIA: Just when I thought I got
9 out, they pulled me back in. So we have to reach out
10 and grab some people and pull them in to realize, hey,
11 we are doing something. And get some good press for you
12 people as well as get more community relations and more
13 community participation.

14 MS. CODERRE: Let me ask a clarification
15 question. Am I to understand that what you're asking
16 for is a community relations plan that is an addendum to
17 this RAB or a --

18 MR. GARCIA: No. I'm just reading what
19 it says under 202.9, Item 2, which talks about -- 202.9,
20 Item 2, about a community relations plan.

21 MS. CODERRE: Okay. I see 202.9, Item 2,
22 is RAB meetings held at a reasonable -- oh, okay.

23 MR. GARCIA: You see it down there? Do
24 you understand what I'm saying?

25 MS. CODERRE: Right. And I do. And I

1 guess what I want to make sure that we're all
2 understanding is a community relations plan, those three
3 specific words in that order, is something very specific
4 that I am mandated to have in a certain format. And I
5 have to fulfill that obligation.

6 If we're talking about going above and
7 beyond that and creating a RAB community relations plan
8 on how we're going to keep the public informed about
9 what we do here, then that's a separate thing that can
10 be attached to the RAB. But I've got to be real careful
11 that I don't mess up the stuff that I've absolutely got
12 to do in a certain way. But we can sit down and look at
13 that and see.

14 MR. GARCIA: And tell us what you're
15 doing, too.

16 MS. CODERRE: Sure.

17 MR. GARCIA: Tell us what you you're
18 doing, and maybe we'll have some constructive input that
19 will help you.

20 MS. CODERRE: It's not a maybe. This RAB
21 has given us some great ideas. You know, when the
22 mailings weren't working, we put those ads in the
23 newspaper. We do mail-outs. The lady sitting behind
24 you here is because of an ad she saw in the newspaper.
25 You give us input. We hear you. We don't always agree.

1 MR. GARCIA: You have to learn, don't
2 stop the fight. They're very constructive at times.
3 You'll understand I make Adam turn red when we get into
4 fights. It's nothing personal. We have to straighten
5 out things and have to discuss things.

6 MR. J. MARTINEZ: I think though,
7 Mr. Garcia, that it would be better to speak the way
8 we're speaking right now so we can understand each other
9 instead of making anyone red. The red person might get
10 defensive or get angry and won't hear you.

11 MR. GARCIA: We've been at it so many
12 years that we understand each other.

13 Under 202.12, administrative support and
14 eligible expenses.

15 MS. CODERRE: Right.

16 MR. GARCIA: Like I said, we might
17 consider spending it to more than just newspapers. It
18 doesn't cost very much to notify all the homeowners'
19 associations. I'll tell you how to get that from the
20 planning department.

21 MS. CODERRE: Okay.

22 MR. GARCIA: We need to get the list from
23 the City Planning Department of all of the homeowners'
24 associations in the City of San Antonio. And they'll
25 give you a map to show where all of them are at. And

1 we'll start downtown and go strictly south side and all
2 the way to east central and go all the way out here to
3 the other side of Lackland. Find all the neighborhood
4 associations, notify them of our meetings, and tell them
5 to put it in their newsletters.

6 There's homeowners' associations, chamber
7 of commerce, there's about what, Armando, 11 chambers of
8 commerce on the south side? Eleven or 12 of them. And
9 the school district, PTAs. I'm going to give you a
10 whole list of how you're going to handle that. People
11 like -- one of my babies has a degree in public
12 administration. And I asked him about all of this, and
13 he told me how networking the community works. I'm
14 going to tell you how to do all of that.

15 MS. CODERRE: We're interested in hearing
16 all of your ideas. We'd love to consider everything.

17 MR. GARCIA: And under Part 2, statement
18 of purpose on the RAB charter, Item 2.1. How will staff
19 expand the opportunity for input by community members by
20 bringing in more community to the RAB process? I'm
21 going to put all of this in writing, and we need to deal
22 with all of this.

23 MS. CODERRE: And if I could -- and I'm
24 really glad you ended with that one because it was a
25 thought that occurred to me earlier.

1 Using a selection panel -- we've talked
2 about this. I've talked to my counterpart who works out
3 in the west, and it's something they use at the base out
4 there. And we were talking. She said it's grueling
5 work to get people that are even willing to sit in a
6 room and look at who to consider. But the selection
7 panel should help to bring people in.

8 She said that the hard part was getting
9 the people that wanted to sit on the selection panel.
10 But the selection panel came up with tons of names and
11 people that were interested in sitting on the RAB. So I
12 have full faith that the tool that DoD has provided us
13 in the selection panel is going to bring membership to
14 this body for community representation. I have faith in
15 that. And I hope that this is something -- you know,
16 obviously, we want your input.

17 MR. GARCIA: We need to have more
18 meetings, and we need to have more input, and we need to
19 deal with all those issues. And, finally, on the
20 subcommittee, we need to define what you just told me
21 and define all the subcommittee and work on all the
22 subcommittees. Maybe parent education subcommittees, a
23 school district subcommittee, a school superintendent
24 subcommittee. Drag them into your office and tell them
25 everything that's going on. We've got plenty of them.

1 South San, East Central, Edgewood, Harlandale. All of
2 those.

3 MR. QUINTANILLA: South Side.

4 MR. GARCIA: South side. And have a
5 forum of school superintendents come and meet with the
6 board and meet with us in a forum like this and tell
7 them: Hey, this is what's going on. You need to notify
8 your community and put out letters. We need to start
9 networking.

10 MS. CODERRE: I hear you. Currently the
11 Kelly RAB has only one subcommittee, and it's not
12 codified in any of our documentation. The RAB has one
13 subcommittee that it kind of seems to have agreed upon,
14 and that's that technical review subcommittee. You
15 could consider the executive committee to be a
16 subcommittee. But, again, none of these were codified.
17 And that's fine. Organizations can work just fine using
18 ad hoc subcommittees, those you have for a while and
19 then go away when they're done and you don't really need
20 to outline them.

21 MR. J. MARTINEZ: Speaking of the general
22 public we want to attract members. There's a member of
23 the general public that has to leave. Respectfully, I'd
24 like to ask for her to make her comments, please.

25 MS. RYAN: As a member of the general

1 public, the men who have just spoken to Ms. Coderre, I
2 am appalled at the lack of respect that you give someone
3 who represents the United States Air Force. I'm
4 appalled at the way that you're not giving her a chance
5 to finish her sentences. You're not respecting the
6 facilitator. His job is to facilitate a meeting and to
7 give open discussion to this meeting and allow for a
8 Robert's Rule of Laws.

9 And the men who have spoken tonight have
10 not done their part in respecting this board. And as a
11 member of the public, this would be the last place that
12 I would want our representation. And I'm glad that I
13 had an opportunity tonight to be at this meeting to see
14 what goes on.

15 But as men reporting -- or listening to
16 Ms. Coderre, who represents the United States Air Force,
17 I'm disgusted. My son is in the Air Force. He's going
18 to Iraq in January. And the fact that you don't respect
19 her position, whether or not it's the EPA or the TCEQ or
20 whatever, this board needs to respect someone when they
21 talk. You need to respect the facilitator when he's
22 trying to conduct the meeting, and you need to allow him
23 the time and the order to facilitate this meeting so
24 that something can be done without all of you haggling
25 of who's got what idea.

1 Ms. Coderre is a representative of the
2 United States Air Force. She did not make this law.
3 She did not do this ruling. The United States
4 Department of Defense did. It is not her job to
5 mealy-mouth and fix everything at your request. It is
6 the United States Department of Defense.

7 I've said my peace. Thank you very
8 much. I saw the thing. This will not be a meeting I
9 will attend again. Thank you.

10 MR. SHENEMAN: Thank you, ma'am.

11 MR. QUINTANILLA: I would like to say
12 that I'm appalled too, ma'am, that the Air Force
13 contaminated our property.

14 MR. J. MARTINEZ: Excuse me, sir. The
15 rules that we read earlier from your charter says that
16 we will speak in a civil manner.

17 MR. QUINTANILLA: She didn't speak in a
18 civil a manner. Not to me. I live in a contaminated
19 area, contaminated by the Air Force. Or lived -- let me
20 finish. And then you can say your part. But I live in
21 a contaminated area contaminated by the Air Force, and
22 I've paid taxes until I had it up to here on properties
23 that were contaminated by the Air Force. And there was
24 no way to resolve that. The Air Force refused to
25 compensate me for the damages that they have caused. So

1 I got out of there. So I am appalled, too.

2 MR. J. MARTINEZ: We heard an individual
3 that was invited by the funds provided by the Department
4 of Defense.

5 MR. QUINTANILLA: By my taxes also, just
6 like I am here.

7 MR. J. MARTINEZ: Excuse me. The bylaws,
8 your charter, says that we will communicate in a civil
9 manner like this tone that I'm trying to convey.

10 MR. QUINTANILLA: Don't try to chastise
11 me. I don't appreciate it. Just let it go by, and
12 let's go to the next one.

13 MR. J. MARTINEZ: But we cannot continue
14 doing this. If we do this, we won't accomplish
15 anything. Her words. I cannot say it any better than
16 she did.

17 MR. QUINTANILLA: I don't like being
18 chastised, sir, and she chastised me and I have to
19 respond.

20 MR. SHENEMAN: She really kind of brought
21 out the problem we have with getting people to come here
22 in the first place.

23 MR. QUINTANILLA: And she said she was
24 appalled.

25 MR. SHENEMAN: She's appalled at us.

1 MR. QUINTANILLA: I know that. And I'm
2 appalled at the Air Force.

3 MR. SHENEMAN: I'm appalled at many times
4 with stuff that goes on. We don't get anything done.

5 MR. J. MARTINEZ: I'm sorry that this
6 level of intensity and emotion is being expressed in
7 respect. I'm sorry that it is being expressed in this
8 manner. We are here to share the information that
9 Ms. Coderre has provided to you, information on the
10 final rule. This lady had her hand raised.

11 MS. LAGRANGE: I would just like to
12 comment. I understood the emotion. And probably what
13 prompted the emotion is that her son is going to a war.
14 Is going to a war. And I'm sure she doesn't want her
15 son to go to a war, and that emotion is there. I
16 understand the emotion, but she doesn't understand what
17 we all are going through. She doesn't understand
18 nothing at all.

19 MR. SILVAS: This is going to take a few
20 minutes. Just bear with me. The last meeting I had, I
21 tried to get an article disseminated, and I was told it
22 was beyond the scope. I'm going to go through this once
23 again and go on the record and stating what this tied
24 into.

25 Again, we have an Air Force Property

1 Agency that has let loose contamination beyond the
2 perimeter of the base and way beyond that. This has to
3 do with the Agent Orange issue that I've been chasing
4 and researching and come to find out that these
5 agencies, EPA and Texas Water Commission, were involved
6 in shipping and withholding evidence. And I'm going to
7 provide this to the Air Force and hopefully you'll get
8 the copies. If not, I will provide them.

9 This article was dated out of the
10 Birmingham News, September 27th, 1987, relating to
11 dioxin trail, which relates to allegations of criminal
12 wrongdoing. It was by Michael Jennings, a news staff
13 provider with Birmingham News.

14 The herbicide was shipped from Kelly Air
15 Force Base, Texas to federal surplus property outlets in
16 Baton Rouge in '72 and was sold to state hospitals,
17 schools, and other public facilities.

18 What they found at the school in a
19 ruptured barrel of 245T levels of dioxins that we would
20 have expected of military vintage 245T. This was a
21 statement by the pesticides manager of the Department of
22 Agriculture in Louisiana.

23 They found 245T produced by the armed
24 forces typically contained more dioxin than 245T made
25 for commercial use. Because of the dioxin risk used in

1 245T, it has been banned nationwide since '96.

2 Okay. This is a letter that was to
3 Colonel Mark H. Strong, director of the Environmental
4 Protection, DRMS, Battle Creek, Michigan. And I know
5 you submitted some requests on those documents and they
6 said no.

7 This is in reply to the surplus herbicide
8 drums request for assistance. Herbicide Contract No.
9 DSA 400-68-C-600 were transferred from DPDO Kelly Air
10 Force Base, San Antonio on August 25th and 30th, 1972 to
11 Louisiana Surplus Property Agency and sold to local
12 government agencies on August 25th, 1977. These
13 materials are in environmentally safe containers
14 awaiting transportation. The material was analyzed by
15 USPPA Region 6 and found to contain dioxins, TCDD.

16 The State of Louisiana requests that DRMO
17 retrieve the materials, provide storage materials, and
18 have it moved to a DRMO facility. Should this facility
19 be within Louisiana, the department will consider
20 requests to permit modifications to include these
21 material in the DRMO facility permissible waste
22 inventory.

23 Contract No. F41650-95-D-2005-5016. This
24 was a final 997 IRP close report site SS09, which was
25 approved by EPA and the Texas Water Commission.

1 MR. J. MARTINEZ: Mr. Silvas, could you
2 tell us what your goal is?

3 MR. SILVAS: I have to finish, and you'll
4 get the goal.

5 Okay. Location, history, description:
6 IRP Site SS009. It was a rectangular area,
7 approximately 200 by 250 feet. This is where 55 gallon
8 drums of Agent Orange was stored. Herbicide used --
9 which were used in southeast Asia from 1978 to 1971.
10 And all remaining pesticides were brought to Kelly to
11 fulfill the contract. And they were used -- it was
12 discontinued in '71. They say that the herbicides
13 were -- the records indicate the drums were removed and
14 incinerated in late 1974.

15 Well, that just really shoots this
16 document down, and it's fraud basically. And it was
17 allowed by these agencies sitting down here.

18 Okay. This is a letter from the
19 surplus. Herbicides drums -- request for assistance to
20 the Department of Defense for federal assistance and
21 management of those 2452 drums found in a mini-storage
22 warehouse and has been denied for reasons stated in the
23 attached November 23rd letter. The letter refers to
24 LEEQ to Mr. Stanley Cook, U.S. EPA, Arlington, Virginia,
25 Office of Pesticides Programs. Contact was made with

1 Mr. Cook on 12/2/87, followed by call back to LEEQ
2 12/2/87 by Mr. Bob Hall, the same office at EPA.

3 Mr. Hall's a member of new group EPA
4 responsible for organizing disposal of 245T and outdated
5 herbicides and pesticides. And emergency permit was
6 issued by Region 6 to store the drums at Camille,
7 Alabama, which would be objected by the Alabama
8 environmental. These documents also go into the Alabama
9 Department of Environmental Management, which is dated
10 May 12th, 1987.

11 In order to determine the circumstances
12 surrounding the 14 drums, there's an investigation being
13 conducted by the Louisiana State Police and possibly by
14 the criminal units of Region 4 and Region 6 of the U.S.
15 EPA.

16 Here's analytical data that states the
17 quantities of dioxins that were military grade. And,
18 furthermore, the statements by Waste Management and
19 their statements concerning the storage of the illegal
20 dioxins, or 245T.

21 So with that on record, I'm going to
22 forward these to Mr. Antwine, and he can say they're not
23 within the scope or what have you. But they're on the
24 record. So thank you.

25 MR. J. MARTINEZ: Thank you very much.

1 We're back to topic of the RAB rules, please.

2 MR. QUINTANILLA: I have one point that I
3 haven't discussed, and I think it's very relevant.

4 Page 27, 612 of the RAB rules states that
5 DoD encourages each RAB to define the term "affected
6 community."

7 MS. CODERRE: Uh-huh.

8 MR. QUINTANILLA: And to include this
9 term in its operating procedures for selecting RAB
10 members. We don't have this in the operating
11 procedures, so we can select RAB members.

12 MS. CODERRE: We don't --

13 MR. QUINTANILLA: The RAB has not defined
14 the term "affected community."

15 MS. CODERRE: The RAB did define the term
16 "affected community." If I could draw your attention to
17 the amendment to the Kelly Charter. Page 1 of the
18 amendment, the very last paragraph, it states: The RAB
19 will first appoint members from the affected community
20 to comply with the proportionate representation
21 indicated above. Only those applications who currently
22 reside, own property, or are employed in the areas
23 surrounding the plume, as indicated on Appendix A, which
24 is the map, shall be considered at this time.

25 This RAB -- this Kelly Restoration

1 Advisory Board went to great lengths during 2002 -- and
2 I think even before. I'm not sure how far back the
3 discussions went -- to define the affected community and
4 put that language to ensure representation from the
5 affected community into the addendum to the charter.

6 MR. QUINTANILLA: You know, being a
7 believer that there's always a way, the RAB could also
8 rescind that and come up with another community, can it
9 not?

10 MS. CODERRE: Following the rules of the
11 amendment -- amendments that are laid out, the eligible
12 RAB members, sir?

13 MR. QUINTANILLA: We can rescind that.
14 The RAB can rescind that and can come up with a new
15 affected community, which I believe is the whole City of
16 San Antonio. All of Bexar County.

17 MR. J. MARTINEZ: Any other comments from
18 any other member of the RAB?

19 MS. LAGRANGE: I think what
20 Mr. Quintanilla is saying makes sense because I know
21 that there are toxins all over this aquifer and it
22 affects the whole town. So I suggest that we touch on
23 that subject and try and open it for the whole city.

24 MR. J. MARTINEZ: Okay. We have a
25 comment from Mr. Garcia.

1 MR. GARCIA: Well, in opening it up to
2 the whole city, we have to realize this: Not only do we
3 have the underground ground water contamination,
4 Mr. Antwine. We also have contributed a lot of the air
5 plume and the air contamination during -- from 1970 to
6 1995 that Kelly closed. And that has not been
7 addressed, and we have some serious air pollution
8 problems.

9 MR. ANTWINE: If you can find it, we'll
10 clean it up. We've had this discussion 100 times.

11 MR. GARCIA: Let me finish.

12 MR. ANTWINE: We can't find it. If you
13 can find it, and we're responsible for cleaning it up,
14 according to these two gentlemen's rules, we'll clean it
15 up. We can't deal with things that happened in 1970
16 that are in North Carolina, Louisiana, or anywhere
17 else. We're dealing with the affected area from what we
18 can find from the investigations that are required by
19 the law.

20 All these other speculative things that
21 we're talking about that, you know, you may believe, I
22 may believe are there. Nobody can find them. And, you
23 know, until we can find that and prove it, guys, we
24 can't comply with the rules if they don't exist or if
25 the contamination doesn't exist. So I'm sorry that we

1 can't find all these things that we can keep claiming
2 are there or were there or that we're responsible for.
3 We're doing, to the full extent of the law, what's
4 required.

5 Okay. I'm sorry. I'm sorry we can't
6 comply with what you think is relevant to the cleanup of
7 Kelly. Okay. We're going to do what is required by the
8 law, and that's it. I'm sorry for what Mr. Silvas
9 brings up, what you bring up, what anybody else wants to
10 bring up that has, really, by terms of the law we're
11 complying with, no relevance to the cleanup here.

12 MR. J. MARTINEZ: May I again remind
13 everybody on the RAB at the table that the topic of
14 discussion tonight is the final RAB rule. Respectfully,
15 I'd like to remind you that the purpose of tonight's
16 meeting is for the staff to inform you of what the
17 law -- the regulation says and to allow you
18 opportunities to ask for clarification from the staff.
19 That's it. Please. Another question related to the
20 final RAB rule?

21 MR. QUINTANILLA: Yes, I have one. This
22 concerns the composition of the RAB, as outlined in
23 Public Law 108136. And it states that the RAB shall be
24 fairly balanced in its membership in terms of the points
25 of view represented and the functions to be performed.

1 So it gives us an out there.

2 MS. CODERRE: I believe the final rule
3 states that very clearly when it describes the
4 eligibility and the selection panel process that we have
5 to follow to ensure that RAB members reflect the diverse
6 interests of the community.

7 You know, we could go back and forth on
8 this all night. I think I've -- I've done what I can do
9 as far as explaining what the rule says, what the
10 charter says, the areas where there's an obvious
11 conflict between those, and mapping out our strategy to
12 go forward..

13 Again, I would ask each of you to please
14 fill out the forms that we've provided to you and get
15 those back to us by the 29th of September. And if you
16 have names of individuals that you think can serve on
17 the selection panel and represent the diverse interests
18 of the community, give us those names. If you have
19 other areas of interest -- I know Mr. Garcia pointed out
20 several -- that make our quick list of just five general
21 areas, get those to us by the 29th so we can make sure
22 that we are complying with the final rule in making this
23 as representative of the community as we possibly can.

24 So I want to thank you. I think we've
25 had a good discussion here tonight. And I appreciate

1 your attention and the questions and the dialogue that
2 we've had back and forth.

3 MR. QUINTANILLA: I still have some
4 questions concerning the RAB rule and things that we
5 haven't done. I think we ought to comply with what it
6 says in here, that the operating procedures will address
7 the meeting frequency and location. I don't think you
8 discuss that.

9 MS. CODERRE: The charter does address
10 the meeting frequency and location. We are in
11 compliance with the final rule on that point.

12 MR. QUINTANILLA: What is the frequency
13 of our meetings?

14 MS. CODERRE: To be held at least
15 quarterly in a location that is accessible.

16 MR. QUINTANILLA: And what is the
17 frequency of the TRS meetings? Outlined in the
18 community relations plan, which we're not following, so
19 we've got to put that in the operating procedures.

20 MS. CODERRE: Let me be very clear about
21 this point. The community relations plan is not a
22 product of the Restoration Advisory Board. It is a
23 separate item. I will finish this thought.

24 MR. QUINTANILLA: Yes.

25 MS. CODERRE: Restoration Advisory Boards

1 are in addition to DoD's communities relations efforts.
2 And we've discussed that in the community relations plan
3 presentation that I gave to this board. As I discussed
4 a little while ago, there is really only one
5 subcommittee that the Kelly Restoration Advisory Board
6 has. That is the technical review subcommittee. I also
7 state that that subcommittee is not codified anywhere in
8 this charter or its addendum.

9 So when you ask the question about what
10 does the charter say regarding the frequency of the
11 subcommittee meeting of the technical review
12 subcommittee --

13 MR. QUINTANILLA: I didn't say that. I
14 said the operating procedures.

15 MS. CODERRE: Your charter -- this Kelly
16 Restoration Advisory Board charter states that the
17 meetings of the RAB will be held at least quarterly. We
18 are in compliance with the final rule and including that
19 in the charter.

20 Regular meetings of the board shall be
21 held at least quarterly at times approved by the
22 co-chairs with the advice of the board members, held in
23 an off-base location -- we discussed that that was
24 drafted during the days when the installation was open.
25 We are in compliance with that -- unless arrangements

1 cannot reasonably be made. And all of that, as you read
2 from the final rule, that is in compliance in the
3 charter that we are abiding by.

4 MR. QUINTANILLA: The fact remains that
5 you have let -- you have put in writing to our
6 congressman and senator that the RAB will meet -- that
7 the TRS meeting, the Technical Review Subcommittee will
8 meet in the months that the RAB does not meet.

9 MS. CODERRE: And that was a factor at
10 the time of the letter.

11 MR. QUINTANILLA: It's still a fact.

12 MS. CODERRE: Not, it's not a fact,
13 because the Technical Review Subcommittee had not met.

14 MR. QUINTANILLA: It is still a fact
15 because you, in your community relations plan, quote
16 that to our congressmen and to our senators. And I want
17 that for the record because that will be forwarded to
18 the Department of Defense.

19 I still have some more, and I'll be
20 through. The RAB also, according to the RAB rule, will
21 decide when to hold the meetings. That was not brought
22 up by you. And let me read it. RABs may want to decide
23 in their operating procedures when it is appropriate or
24 necessary to hold RAB meetings after all RODs are signed
25 or all remedies are in place. It is not expected or

1 required that a RAB adjourn at this time. But we
2 decide -- the RAB decides the frequency of meetings and
3 locations and so forth.

4 MS. CODERRE: Agreed.

5 MR. QUINTANILLA: And that was not in
6 your operating procedures.

7 MR. ANTWINE: That's what she just read
8 to you. That's what you decide as a RAB.

9 MS. CODERRE: That is in the operating
10 procedure. The statement that you just read had to do
11 with the fact that, once an installation reaches certain
12 milestones in the environmental restoration program, it
13 is expected that meetings will either tail off to a less
14 frequent meeting schedule or that the RAB might decide
15 to adjourn.

16 So what you were reading from was about
17 reaching those milestones and whether a RAB will
18 continue to meet after reaching those milestones. Your
19 contention that the operating procedures do not contain
20 the meeting frequency and location requirement, as
21 required by the final rule, is incorrect. I just read
22 that to you, that the RAB will have regular meetings at
23 least quarterly in a place that's off-base and
24 convenient.

25 MR. QUINTANILLA: We have not voted on --

1 on the location of our RAB meetings.

2 MS. CODERRE: Oh, yes, you did.

3 MR. QUINTANILLA: When did we vote that?

4 MS. CODERRE: At the last RAB meeting,
5 you gave a priority list of locations that you wanted to
6 meet at.

7 MR. QUINTANILLA: We didn't vote on that.

8 MS. CODERRE: Yeah, you did.

9 MR. QUINTANILLA: Well, anyway, that
10 brings us to the point that you have canceled our TRS
11 meetings without our approval. And I want that in the
12 record also.

13 MS. CODERRE: Point of order. We haven't
14 canceled TRS meetings. We just have not scheduled TRS
15 meetings because there were no technical Air Force
16 documents to be reviewed. We've made that comment
17 before.

18 MR. QUINTANILLA: But we should have made
19 that decision. Not you. That's what I'm saying.

20 MS. CODERRE: Let me get this straight.

21 MR. QUINTANILLA: You got it straight
22 from me.

23 MR. J. MARTINEZ: Excuse me. Let her
24 finish her statement.

25 MS. CODERRE: So what you're telling me,

1 Mr. Quintanilla, is that the community members of this
2 Restoration Advisory Board should be permitted to tell
3 the Air Force when to hold a meeting, even if there's
4 nothing to discuss at the meeting?

5 MR. QUINTANILLA: We should discuss it
6 together. And if there is nothing to be discussed, then
7 we'll decide there will be no meeting. Not you.

8 MS. CODERRE: But if there's no report to
9 discuss, what is there to discuss about not having a
10 meeting?

11 MR. QUINTANILLA: Advise in advance, and
12 we will say there should be no meeting. Or advise the
13 co-chair. That's what he's there for. You have not
14 done that, for the record.

15 MS. CODERRE: For the record.

16 MR. PEREZ: Real short and to the point.
17 I have some witnesses from the City. I have spoken
18 rapidly and constantly there at the city council
19 concerning our problem here. And I have always included
20 all the city staff and council members. District 5, I
21 get after them. Five, nine, eight and the site over
22 there. And I tell them it's part of their problem, and
23 it should be part of -- and meet here and send
24 representatives. And, of course, they don't do it.
25 They should. And, of course, I can put more force and

1 I'm heading that way.

2 But I have always referred to it. And
3 now that Mr. Quintanilla has mentioned it, I have always
4 seen it that way, the same way he has seen it, that all
5 of us are involved. All cities of San Antonio.

6 MR. J. MARTINEZ: Thank you for your
7 comment. It's been registered by several members of the
8 RAB. We're winding down, or is there anything else?

9 MS. RITSEMA: I just have an announcement
10 to make. I just want to let everyone know that there is
11 a second in a series of roundtable discussions, and this
12 is sponsored by the Kelly Area Collaboration. This will
13 be a health roundtable on September the 23rd, which is a
14 Saturday, from 8:30 until 1:00.

15 And the desired outcomes for this meeting
16 will be to identify actions that address health concerns
17 in the Kelly area, to identify potential parties to work
18 jointly on solutions, have a new conversation about
19 health in the Kelly area, and have a better
20 understanding of how to work together to improve health
21 in the Kelly area and be better informed of and
22 conditions issues that affect the Kelly area and
23 residents?

24 MR. GARCIA: Where is that it?

25 MS. RITSEMA: It's going to be at Dwight

1 Middle School.

2 MR. ANTWINE: The RAB members will be
3 receiving invites to this roundtable. We've had one
4 already on the environmental.

5 MS. RITSEMA: And there's going to be one
6 more.

7 MR. ANTWINE: There's going to be an
8 economic redevelopment roundtable. It's tentatively
9 scheduled for the 28th of October, and the location for
10 that one has not been confirmed. But this one is a
11 definite on the 23rd of September at Dwight Middle
12 School at 8:30.

13 MR. E. MARTINEZ: I would like to
14 respectfully allow Mr. Silvas to make the last comment
15 from the RAB, and then I'd like to ask the public if
16 they have comments.

17 MR. SILVAS: Quickly, I've got the
18 corrections for the summary of minutes for the '05
19 October to 12/05. And then for January '06 to July
20 '06. So I'll be turning these over for AFRPA to do
21 their corrections and then go from there. So with the
22 approval of the rest of RAB, have a chance to look at
23 them once they're done.

24 MR. J. MARTINEZ: Mr. Garcia, please?

25 MR. GARCIA: I understand this lady's

1 frustration over us picking on the Air Force and her son
2 going to war. I know what it is to war. I didn't go
3 over with the Air Force. I went with the United States
4 Marine Corps, and I did some very serious fighting
5 during Tet '68, '69. And what they're facing now is in
6 harm's way, but it's not as bitter combat as this.

7 Kelly has killed a lot of people. The
8 Air Force has killed a lot of people, including a lot of
9 workers. I know my father and at least 30 of his
10 friends have died from colon cancer, and I don't know
11 why. And there's been a lot of other people that have
12 died because of Kelly's contamination problems.

13 And don't take it too personal, because I
14 am also -- I'm a state official. I work for the state.
15 And I've been taking a lot of hell over toll roads,
16 something that's out of my concern. So don't lose your
17 cool with these people. Let them say their peace and
18 leave. If she doesn't like us picking on the Air Force,
19 that's her problem.

20 But the fact is the Air Force killed a
21 lot of people, and we have to accept that and we have to
22 deal with it and we're going to have to work together to
23 solve it. And we're going to have to deal with
24 problems, and so many problems that I keep bringing up,
25 like air pollution and other things. We're going to

1 have to find a way to deal with it.

2 You have to learn that we have some
3 heated discussions. And when we get into heated
4 discussions like that, they're beyond your control
5 because that's the way we function. We talk to each
6 other, we yell at each other. But at the very end,
7 we're all here to work together to deal with these
8 issues.

9 Sometimes I get after these people over
10 not giving enough information in a presentation. What
11 did he do? Mr. Buelter changed his presentations and
12 made them a lot easier to understand.

13 MR. J. MARTINEZ: But Mr. Garcia --

14 MR. GARCIA: It's just that that's the
15 way we function. We deal with the problems, and we yell
16 at each other. We talk about all kinds of different
17 things and you're going to have to learn to accept
18 that.

19 It's not just Robert's Rules of Order.
20 We're very emotional people because we've all been
21 affected by all this contamination and the killing and
22 dying that has gone on in this community. And I feel it
23 very personal because I live right next to the runway.

24 MR. QUINTANILLA: I believe that I have
25 the right and the privilege to respond. That's all that.

1 I wanted, I did not want to be interrupted.

2 MR. J. MARTINEZ: All right. Does anyone
3 from the general public have any last comments to make?
4 Any public input, please?

5 MS. CUNNINGHAM: I would just like to
6 make one real quick comment and speak to the air
7 problems.

8 MR. J. MARTINEZ: Could you identify
9 yourself?

10 MS. CUNNINGHAM: I'm Kyle Cunningham. I
11 work for the San Antonio Metropolitan Health District.

12 We have put air monitors in the area that
13 was not funded by Kelly. We asked for that, but it was
14 turned down. So we have sought other funding, and we
15 have put some air monitors into the community and so
16 we're looking at your problem. I just wanted you to
17 know that we heard it the first time, and we're trying
18 to gather some data for you. It takes a while.

19 MR. GARCIA: I'd like to make a motion or
20 ask you to give us information on who funded it, where
21 they put them, and how they're functioning so that we
22 can take it to the congressional delegation and find out
23 why the Air Force didn't fund it.

24 MS. CUNNINGHAM: I can tell you that
25 information. That's not a problem.

1 MR. GARCIA: Thank you. Because I want
2 to find out why the Air force didn't help you with
3 funding.

4 MS. CUNNINGHAM: Because it was not from
5 past emissions. It's current air emissions. That's
6 why. And so that made sense. But we still wanted to
7 respond to your concerns.

8 MR. J. MARTINEZ: Thank you, very much.
9 Sonja? Last comment, please.

10 MS. CODERRE: I just wanted to draw
11 everyone's attention to the next meeting, 10th of
12 October here in this room at 6:30 is the next RAB
13 meeting. Thank you all for coming.

14 MR. SILVAS: It's here in this room?
15 What happened to the community? We had the school
16 available.

17 MS. CODERRE: Actually, we didn't. We
18 weren't able to get the school for that date.

19 MR. QUINTANILLA: Again, location is our
20 responsibility.

21 MS. CODERRE: No.

22 MR. QUINTANILLA: Not yours.

23 MS. CODERRE: No.

24 MR. QUINTANILLA: Where does it say that
25 it's yours?

1 MR. ANTWINE: I'll call.

2 MR. QUINTANILLA: She says it's not our
3 responsibility. I just read it out of thing. The
4 frequency and locations shall be determined by the RAB,
5 and she says, no, no, no.

6 MR. ANTWINE: Last time we checked, we're
7 part of the RAB, aren't we?

8 MR. QUINTANILLA: But you're not all the
9 RAB, Mr. Antwine. If you're all the RAB, we'll leave
10 and leave it all up to you.

11 MS. CODERRE: Thank you.

12 MR. J. MARTINEZ: Thank you very much.

13 (Proceedings concluded at 9:03 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

1 COURT REPORTER CERTIFICATE

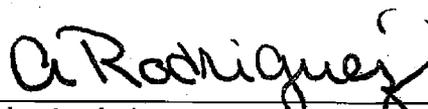
2 COUNTY OF BEXAR

3 STATE OF TEXAS

4 I, ARLINDA RODRIGUEZ, Certified Shorthand Reporter
5 in and for the State of Texas, do hereby certify that this
6 transcript is as true and correct a record as possible,
7 transcribed by me through computer-aided transcription.

8 And further certify that I am not a relative or
9 employee or attorney of counsel of any of the parties; nor a
10 relative or employee of such attorney or counsel for any of
11 the parties hereto, nor interested directly or indirectly in
12 the outcome of this action.

13 In witness whereof, I do hereunto set my hand on
14 this 20th day of September 2006.

15
16
17
18 

19 Arlinda Rodriguez, Texas CSR 7753
20 Expiration Date: 12/01/06
21 In the State of Texas, County of Bexar
22 Firm Registration No. 79
23 10100 Reunion Place, Ste. 660
24 San Antonio, Texas 78216
25 (210) 340-6464

FINAL PAGE

ADMINISTRATIVE RECORD

FINAL PAGE