



KELLY AFB  
TEXAS

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ADMINISTRATIVE RECORD  
COVER SHEET

AR File Number 3343

# **KELLY AIR FORCE BASE**

## **RESTORATION ADVISORY BOARD**

### **Agenda**

**January 25, 2000**  
**South San High School**  
**2515 Navajo**

#### **Community Hour**

<b>Poster Display Zone Status</b>	<b>5:00 - 6:30 p.m.</b>	<b>Kelly AFB Staff</b>
<b>Metropolitan Health District Report</b>	<b>5:30 - 6:15</b>	<b>Dr. Guerra</b>

<b>I. Welcome</b>	<b>6:30 - 7:15 p.m.</b>	<b>Co-Chairs - Dr. Lené Mr. McCullough</b>
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- A. Introductions
- B. Administrative Topics
  - 1. RAB Member Packets
  - 2. RAB Action Items/Responses
  - 3. Elections
    - a.) Community Co-Chair
    - b.) RAB members
- C. Vote on Oct 5, 1999 Minutes

<b>II. Community Time</b>	<b>7:15 - 7:30 p.m.</b>	<b>Dr. Lené</b>
A. Three minutes per speaker		(Anyone may speak)

(Speakers are requested to fill out and turn in a Speakers Card)

<b>III. ATSDR Update</b>	<b>7:30 - 7:50 p.m.</b>	<b>Ms. Teran-MacIver</b>
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<b>IV. Redevelopment Update</b>		
A. GKDA Update	<b>7:50 - 8:05 p.m.</b>	<b>Mr. Roberson</b>

<b>V. RAB Workshop Results</b>	<b>8:05 - 8:30 p.m.</b>	<b>Mr. Ashcroft</b>
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<b>VI. Break</b>	<b>8:30 - 8:40 p.m.</b>	
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<b>VII. Subcommittee Reports</b>	<b>8:40 - 8:50 p.m.</b>	<b>Dr. Lené</b>
A. Technical Subcommittee Meeting Report		

<b>VIII. TAPP Presentation</b>	<b>8:50 - 9:05 p.m.</b>	<b>Dr. Squibb</b>
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<b>IX. Citizens Comment Time</b>	<b>9:05 - 9:20 p.m.</b>	<b>All Attendees</b>
(Speakers are requested to fill out and turn in a Speakers Card)		

<b>X. Summary and Closing</b>	<b>9:20 - 9:35 p.m.</b>	<b>Mr. McCullough</b>
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- A. Collect Agenda Items for Next RAB Meeting
- B. Review Action Items For Next RAB Meeting
- C. Announce Date, Location for Next RAB Meeting
  - 1. Date - 11 April 2000
  - 2. Brentwood Middle School

**Kelly Air Force Base Restoration Advisory Board Meeting  
25 January 2000 6:30 p.m.  
Dwight Middle School**

**Members/Alternates Present:**

**Public Members:**

Mr. Pat McCullough  
RAB Installation Co-Chair  
Mr. Mark Weegar  
TNRCC  
Ms. Laura Stankosky  
EPA  
Mr. John A. Jacobi  
TDH  
Mr. Sam Sanchez  
Metropolitan Health District  
Brig. Gen. Robert M. Murdock  
SA-ALC/CV  
Mr. Edward Weinstein  
SAWS  
Mr. Nicolas Rodriguez, Jr.  
BMW

**Community Members:**

Dr. Gene Lené  
RAB Community Co-Chair  
Mr. Sam Murrah  
Mrs. Dominga Adames  
Mr. Paul Roberson  
Greater Kelly Development Authority.  
Mr. Armando Quintanilla  
Mr. John Herndon, Alt. for Mr. Iglesias  
Ms. Tanya Huerta  
Ms. Annalisa Peace  
Mr. George Rice  
Mr. Roy Huff, Alt. for Mr. Mixon  
Mr. Roy Botello  
Mr. Mark Puffer

**Members Absent Without Alternate:**

Mr. Juan Solis, Sr.  
Mrs. Yolanda Johnson

Mr. Paul Person

**I. Call to Order**

- A. Mr. Pat McCullough, called the meeting to order at 7:00 p.m.
- B. Mr. McCullough asked the RAB members to introduce themselves.

**II. Administrative Topics**

- A. Action items from the last RAB meeting were reviewed.
  1. Mr. Armando Quintanilla said he did not receive an adequate response regarding his concerns about the relative risk rankings for Zones 4 and 5. He said he had asked for a presentation to the RAB regarding this subject. The letter he received from the Air Force on this matter did not answer his question.
    - a) A relative risk presentation will be added to the agenda for the April RAB meeting.
  2. Mr. George Rice said the response to Action Item 5 did not answer his question regarding the Air Force's investigation into the possibility of vinyl chloride vapors seeping into people's homes.
    - a) The co-chairs agreed to address that question specifically at the next RAB meeting
  3. Regarding Action Item 6, Mr. Rice said he would like a specific answer to question, "What is the Air Force's position on using pump and treat and inject methods at site S-4?" He was assured an answer at the next meeting.

**B. Election of New Community Co-chair**

1. Mr. John Jacobi, Parliamentarian, conducted the election of the new community co-chair and community members.
2. The RAB community members nominated Dr. Gene Lené to another term as Community Co-Chair. As no other nominees were presented, Dr. Lené was named co-chair by acclamation.
3. Member elections
  - a) Membership applications were voted on by the RAB. Current RAB members requesting to continue on the board included Mr. Rice, Mr. Mark Puffer, and Ms. Annalisa Peace. Mr. Alfred Rocha was a new applicant.
  - b) The applicants presented received unanimous approval by the board.
  - c) Current member Mr. Paul Person, and new applicants Mr. Walter Martinez and Mr. Názirite Pérez were not present. The RAB agreed to vote on their applications at the next meeting.

**C. October Meeting Minutes**

1. The minutes for the October 1999 RAB meeting were approved without change.

**D. Mr. McCullough introduced the newly contracted facilitators who will assist with the RAB: Mr. John Folk-Williams, and Ms. Ruth Garcia. Ms. Linda Ximenes, a third member of the facilitation team, was introduced after the break.****III. Community Time**

- A. Mr. Chavel Lopez, Southwest Workers Union, read a prepared statement to the RAB. He stated the transition of Kelly AFB should take into account the community's interests and concerns. He called for a just transition, a timely cleanup and jobs for the people living in the area. Attachment 2 is the full text of his statement.
- B. Ms. Christina Flores read a prepared statement indicating her concerns for the health of the people living in the area. She blamed the Air Force for health problems in her neighborhood, including her family. Attachment 3 is the full text of her statement..
- C. Ms. Margaret Grybos, a teacher at Dwight Middle School, asked for a copy of any long term health study that showed where monitored natural attenuation worked in an area comparable to San Antonio. She also said she would like to see studies on hexavalent chromium. She also asked if the Air Force would provide a program to allow the people in the community to undergo the special tests required to determine exposure to vinyl chloride.
- D. Mr. Frank Peña addressed property values in his comments. He asked if those leading the redevelopment of Kelly AFB had assessed the impact of the contamination to economic development. He commented the Air Force was not listening to the people's concerns, and therefore, not communicating. He said the RAB looks nice, but is doing little to solve the problems. He said he planned to sue the Air Force when the contamination reaches his property.

**IV. ATSDR Update**

- A. Ms. Maria Teran-MacIver, Agency for Toxic Substances and Disease Registry (ATSDR), addressed the board regarding the status of the Public Health Assessment. (See Attachment 4.) She said ATSDR had not been able to find a relationship between current air emissions from Kelly AFB and illnesses in the area. They are still looking at past data to determine any relationship. She said they are also looking at any potential emissions from jet engines that could have exposed people to jet fuel. She encouraged the

RAB to seek out local researchers to aid them in their work

**B. Discussion**

1. Mr. Quintanilla asked when the assessments would be completed.
  - a) He was told the air assessment would be ready in July, and soil/gas assessments by the end of the year.
2. Ms. Grybos asked why they didn't look the health records of workers on base.
  - a) She was told that work was usually done by the Occupational Health and Safety Administration. However if workers were affected by contaminated drinking water on base then ATSDR may investigate.
3. Mr. Quintanilla asked if fuel misting from jets operated around the base would be considered
  - a) Yes. They did not have any information yet, but were expecting to get some.
4. Mr. Roy Huff suggested ATSDR expanded their comparisons to include other zip codes in the San Antonio area.

**V. Redevelopment Update**

**A. Mr. Roberson summarized his presentation**

1. He said the vision of the Greater Kelly Development Authority (GKDA) is to develop Kelly into a world-class repair facility and logistics distribution center for the south-central U.S. He said KellyUSA is well on its way to that end, but there is still much to do.
2. He said the base needs to look more like an industrial park and less like a closing Air Force base. To achieve this and other goals will take a considerable investment from the community. But in the end, he said, there will be more jobs at KellyUSA by 2006 than there were in 1996.
3. He indicated that environmental cleanup was vital to the success of the redevelopment effort. GKDA is committed to ensuring the cleanup is completed and new tenants will adhere to environmental standards and regulations.
4. Once the transition is complete, all the land (with a few exceptions) will belong to the GKDA. He described the GKDA as a non-profit organization whose sole purpose is to redevelop Kelly AFB. Any revenues realized will be reinvested into the redevelopment effort, with the benefit being good-paying jobs for the people of San Antonio.
5. The runway will remain Air Force property. Zoning of any land adjacent to the runway would likely remain the same as long as the runway remains in use. He said zoning changes were beyond his control.

**B. Discussion**

1. A member of the audience asked about land use off the end of the runways.
  - a) That is a zoning issue and as long as the runway is used the zoning would not likely change.
2. Mr. Quintanilla asked about job growth.
  - a) There are now 5,000 new jobs; well on the way to 9,000 by 2006. The Air Force is expected to keep 7,000 jobs at KellyUSA.

**VI. RAB Workshop Results**

- A. Mr. Bob Ashcroft summarized the RAB workshops held November 18, 1999. (See Attachment 5)**

**A short break was taken.**

#### **VII. Technical Review Subcommittee (TRS) Report**

- A. Dr. Lené presented the reports of the last three TRS meetings (See Attachment 6.) He also presented a Technical Assistance for Public Participation (TAPP) Update. (See Attachment 7.)
- B. Dr. Lené noted attendance of the TRS had failed to provide a community quorum at one meeting. He encouraged the members to attend the meetings.
- C. Ms. Laura Stankosky, Environmental Protection Agency (EPA) Region 6, reported the soil and groundwater sampling events funded by the EPA are scheduled to occur February 8 and 9. She said the wells to be sampled were chosen by the TRS. Mr. Rice provided soil sampling locations in the North Kelly Gardens area. She said the RAB and the public were invited to observe the sampling events. She plans to notify the RAB of the exact details of the location and specific time the sampling will begin

#### **VIII. TAPP Contractor Presentation**

- A. Dr. Katherine Squibb's flight from the East Coast was cancel due inclement weather. Her presentation will be rescheduled.

#### **IX. Zones Update**

- A. Mr. William Ryan was asked to give a brief explanation the Zone Update Posters on display. He presented the information and explained how each site was progressing along its regulatory schedule. He stated Kelly AFB has been provided sufficient funding to ensure all sites can be worked on simultaneously.

#### **X. Community Comments**

- A. No audience members made comments.
- B. Mr. Mark Weegar, TNRCC, asked representatives from ATSDR if they were planning to organize a Community Assistance Panel (CAP) in the area
  - 1. Ms. Teran-MacIver said ATSDR would look into the possibility of organizing a CAP here. She was asked to make a presentation at a future RAB meeting. She agreed.
- C. Mr. McCullough announced a special RAB meeting would be held in February or March to present the findings of two important reports (due to be released in February). These reports address the off-base groundwater contamination and the Zone 5 Corrective Measures Study. He said the date and location of the meeting will be announced when the Air Force has a better idea of when the reports will be completed.

#### **XI. Agenda Items for the Next Meeting**

- A. The next regular RAB meeting was tentatively scheduled for April 11, 2000 at Brentwood Middle School
- B. Suggested agenda items for the next RAB meeting
  - 1. Relative Risk Site Evaluation Briefing
  - 2. Dr. Squibb's TAPP Presentation
  - 3. Mr. Lynch's TAPP Presentation
  - 4. Fuel Misting
  - 5. ATSDR Briefing on CAP
  - 6. Community Member election

**C. Action Items for the next RAB Meeting**

ITEM#	Requestor	Request
1	Mr. Rice	Explain vinyl chloride emanations from groundwater into homes.
2	Mr. Rice	Air Force's position on pump, treat and injection at Site S-4.
3	Mr. Quintanilla	Aircraft jet engine fuel misting.
4	Ms Grybos	Written information on a on-base drinking water contamination incident from several years ago.
5	Ms. Grybos	Would like to see any study on monitored natural attenuation conducted on any area similar to San Antonio
6	Ms. Grybos	Would like to see studies on hexavalent chromium.
7	Ms. Grybos	Would Air Force would provide testing for the community to determine if they were exposed to vinyl chloride
8	Ms. Grybos	What are the materials that are being hauled in the trucks lined with plastic. She reported she was told material came out when the plastic flaps came off.

D. The meeting was adjourned at 9:39 p.m.

**Motions/Resolutions****Motions**

1. Motion was made to vote on membership for Mr. Person, Mr Martinez, and Mr Pérez at the April meeting.
  - Passed unanimously
2. Motion was made to waive the two week applicant filing requirement for Ms. Peace.
  - Passed unanimously
3. Motion was made to approve the October 5, 1999 RAB minutes
  - Passed unanimously
4. Motion was made to have a Relative Risk Site Evaluation Briefing at the next meeting.
  - Passed unanimously

Attachments (\* Items were provided at the meeting to all RAB members).

1. Kelly AFB Restoration Advisory Board Materials Package\*
  - Jan 25, 2000 RAB Meeting
2. Mr Lopez's prepared statement
3. Ms. Flores' prepared statement
4. ATSDR Briefing Sheet\*
5. RAB Workshop Summary
6. Technical Review Subcommittee report notes
7. TAPP Update
8. Zone Status poster copies\*

Minutas de la Reunión de la  
Junta Consejera para la Restauración (RAB) de la Base Aérea Kelly  
25 de enero del 2000, 6.30 p.m.  
Dwight Middle Schol

**Miembros de la Junta y alternos presente:**

**Miembros de la Comunidad:**

Dr. Gene Lené - Presidente de la Junta representando la Comunidad  
Sr. Paul Roberson – Greater Kelly Development Authority  
Sr. Armando Quintanilla  
Sr. Sam Murrah  
Ms. Tanya Huerta  
Ms. Annalisa Peace  
Sr. Roy Botello  
Sra. Dominga Adames  
Sr. Mark Puffer  
Sr. Roy Huff alterno del Sr. Carl Mixon  
Sr. George Rice  
Sr. John Herndon alterno del Sr. Kent Iglesias

**Miembros del Público**

Sr. Pat McCullough - Presidente de la Junta representando la Fuerza Aérea  
Brigadier General Robert M. Murdock – SA-ALC/CV  
Sr. Mark Weegar – TNRCC  
Ms. Laura Stankosky - EPA  
Sr. Sam Sánchez - Metropolitan Health District  
Sr. John A. Jacobi – TDH  
Sr. Edward Weinstein - SAWS  
Sr. Nicolás Rodríguez, Jr. - BMWD

**Miembros ausentes sin representación de alternos:**

Sr. Juan Solís, Sr.  
Ms. Yolanda Johnson  
Sr. Paul Person

**TEMA I: Apertura de la Reunión**

A. El Sr. Pat McCullough llamó la reunión al orden a las 7:00 p.m.



- B. El Sr. McCullough pidió a los miembros de la Junta que hicieran una autopresentación.

## TEMA II: Temas Administrativos

- A. Se discutieron los siguientes temas de acción de la última reunión de la Junta:
1. El Sr. Armando Quintanilla dijo que no recibió una respuesta adecuada a sus preocupaciones sobre las prioridades de riesgo relativo asignadas a las Zonas 4 y 5. Dijo que ha solicitado a la Junta una presentación sobre éste tema. La carta que recibió de la Fuerza Aérea al respecto no contesta su pregunta.
    - a) Una presentación sobre riesgo relativo se pondrá en la agenda para la reunión de la Junta en abril
  2. El Sr. George Rice dijo que la respuesta al Tema de Acción 5 no contestó su pregunta relacionada con la investigación de la Fuerza Aérea sobre la posibilidad de que vapores de cloruro de vinilo estén entrando a las casas.
    - a) Ambos presidentes estuvieron de acuerdo en discutir esa pregunta en la próxima reunión.
  3. Sobre el Tema de Acción 6, el Sr. Rice dijo que le gustaría tener una contestación específica a la pregunta: "Cuál es la posición de la Fuerza Aérea sobre el uso de métodos de extracción, tratamiento e inyección en el área S-4"? Se le aseguró que recibirá una respuesta en la próxima reunión.
- B. Elección del nuevo Presidente de la Junta representando la Comunidad
1. El Sr. John Jacobi, experto en estrategia parlamentaria, dirigió la elección del nuevo Presidente de la Junta representando la Comunidad y de otros miembros de la comunidad.
  2. Los miembros de la Junta representando la comunidad nominaron al Dr. Gene Lené para otro término como Presidente de la Junta representando la Comunidad. Debido a que fué el único miembro nominado, el Dr. Lené fué electo por aclamación.
  3. Elección de miembros
    - a) Los miembros de la Junta participaron en la elección usando de guía las solicitudes recibidas. Los siguientes miembros de la Junta solicitaron continuar en sus posiciones: el Sr. Rice, el Sr. Mark Puffer y Ms. Annalisa Peace. El Sr. Alfred Rocha es un solicitante nuevo.
    - b) Los solicitantes presentados recibieron aprobación unánime de la Junta.
    - c) El Sr. Paul Person, miembro actual de la Junta, y los nuevos solicitantes el Sr. Walter Martínez y el Sr. Názirte Pérez no estuvieron presentes. La Junta decidió considerar sus solicitudes en la próxima reunión.
- C. Minutas de la reunión en octubre
1. Las minutas de la reunión de octubre fueron aprobadas sin cambio.
- D. El Sr. McCullough presentó los nuevos moderadores contratados que van a trabajar con la Junta. El Sr. John Folk-Williams, y Ms. Ruth García. Ms. Linda Ximenes, el tercer miembro del equipo de moderadores fué presentada después del receso.

**TEMA III: Comentarios de la comunidad**

- A. El Sr. Chavel López, de Southwest Workers Union, leyó una declaración preparada. Dijo que la transición de de la Base Aérea Kelly debe considerar los intereses y preocupaciones de la comunidad. Pidió una transición justa, una limpieza a tiempo y oportunidades de empleo para las personas que residen en el área. El texto completo de su declaración se encuentra en el Anexo 2.
- B. Ms. Cristina Flores leyó una declaración preparada indicando su preocupación por la salud de las personas que viven en el área. Culpó a la Fuerza Aérea por los problemas de salud en su vecindario, incluyendo su familia. El texto completo de su declaración se encuentra en el Anexo 3.
- C. Ms. Margaret Grybos, una maestra de Dwight Middle School, pidió copia de cualquier estudio de salud a largo plazo que demuestre que la atenuación natural ha funcionado en áreas comparables a San Antonio. Dijo que también le gustaría ver los estudios sobre cromo hexavalente. También preguntó si la Fuerza Aérea puede proveer un programa que permita a los residentes de la comunidad someterse a pruebas para determinar si han estado expuestos a cloruro de vinilo.
- D. El Sr. Frank Peña en sus comentarios habló del valor de la propiedad. Preguntó si aquellas personas que están dirigiendo el desarrollo de la Base Aérea Kelly han estudiado el impacto de la contaminación en el desarrollo económico. Comentó que la Fuerza Aérea no está escuchando las preocupaciones de la gente y como consecuencia, no se está comunicando. Dijo que la Junta luce bien, pero que está haciendo muy poco para resolver los problemas. Dijo que planeaba demandar a la Fuerza Aérea cuando la contaminación llegue a su propiedad.

**TEMA IV: Actualización por ATSDR**

- A. Ms. María Teran-MacIver, de la Agencia para Substancias Tóxicas y Registro de Enfermedades (ATSDR), se dirigió a la Junta con relación al Estudio de Salud Pública. (Ver Anexo 4). Dijo que ATSDR no ha podido encontrar una relación entre las emisiones presentes de la Base Aérea Kelly y las enfermedades en el área. Están todavía estudiando información del pasado para determinar si hay alguna relación. Dijo que están estudiando las emisiones de los motores de turbina que puedan haber expuesto a la gente a combustible de motor de turbina. Exhortó a los miembros de la Junta a buscar ayuda de investigadores locales para que le ayuden en su trabajo.
- B. Discusión
  - 1. El Sr. Quintanilla preguntó para cuándo se terminarán los estudios.
    - a) Se le dijo que los estudios de aire estarán listos para julio y los de terreno y gases para fines de año.
  - 2. Ms. Grybos preguntó que porqué no se había buscado en los documentos de salud de los trabajadores en la base.
    - a) Se le dijo que ese trabajo por lo general es hecho por Occupational Health and Safety Administration. Sin embargo, si un empleado es afectado por el agua potable contaminada, entonces es investigado por ATSDR.

3. El Sr. Quintanilla preguntó si los vapores de combustible de los motores de turbina operados alrededor de la base van a ser considerados.
  - a) Sí. No tienen información todavía, pero esperan obtener alguna información.
4. El Sr. Roy Huff sugirió que ATSDR expanda sus comparaciones para incluir otras áreas postales en el área de San Antonio.

#### **TEMA V: Actualización sobre desarrollo**

- A. El Sr. Roberson hizo un resumen de su presentación.
  1. Dijo que la visión de Greater Kelly Development Authority (GKDA) es convertir a la Base Aérea Kelly en una facilidad internacional para reparaciones y un centro logístico de distribución para la región sur-central de los Estados Unidos. Dijo que Kelly USA va por muy buen camino, pero que todavía hay mucho por hacer.
  2. Dijo que la base necesita parecerse más a un parque industrial y no a una base aérea en proceso de ser cerrada. Para alcanzar ésta y otras metas, se requiere una inversión considerable de la comunidad. Pero al final, habrá más oportunidades de empleo en Kelly USA para el año 2006 que las que había en el año 1996.
  3. Indicó que la limpieza ambiental es vital para el triunfo de los esfuerzos de desarrollo. GKDA está comprometida a asegurar que la limpieza se complete y que los nuevos inquilinos cumplan con las normas y reglamentos ambientales.
  4. Una vez se complete la transición, todos los terrenos (con muy pocas excepciones), pertenecerán a GKDA. Describió a GKDA como una organización sin fines de lucro cuyo único propósito es desarrollar la Base Aérea Kelly. Cualquier ganancia será re-invertida en el proceso de desarrollo. El beneficio será de empleos mejor pagados para los residentes de San Antonio.
  5. La pista de aterrizaje seguirá siendo propiedad de la Fuerza Aérea. La zonificación de cualquier terreno adyacente probablemente permanecerá igual mientras la pista se mantenga en uso. Dijo que cambios en la zonificación están fuera de su control.
- B. Discusión
  1. Un miembro de la audiencia preguntó sobre el uso de los terrenos fuera de la base al final de las pistas de aterrizaje.
    - a) Eso es un asunto de zonificación y mientras la pista de aterrizaje esté en uso, lo más seguro es que la zonificación no cambie.
  2. El Sr. Quintanilla preguntó sobre el crecimiento en empleos.
    - a) Hay 5,000 empleos nuevos en estos momentos, que muy bien podrían ser 9,000 para el año 2006. Se espera que la Fuerza Aérea llegue a tener 7,000 empleados en Kelly USA.

#### **TEMA VI: Resultados del Taller de Trabajo de la Junta**

- A. El Sr. Bob Ashcroft hizo un resumen de los talleres de trabajo llevados a cabo el 18 de noviembre de 1999 (ver Anexo 5).

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**Se tomó un breve receso.**

**TEMA VII: Reporte del Subcomité de Revisión Técnica (TRS)**

- A. El Dr. Lené presentó los reportes de las tres últimas reuniones de TRS (ver Anexo 6). También presentó un reporte del Technical Assistance for Public Participation (TAPP) (ver Anexo 7).
- B. El Dr. Lené señaló que no hubo quórum de la comunidad en una de las reuniones. Exhortó a los miembros a asistir a las reuniones.
- C. Ms. Laura Stankosky, de Environmental Protection Agency (EPA), Región 6, reportó que el muestreo de terreno y agua subterránea financiado por EPA está programado para el 8 y 9 de febrero. Dijo que los pozos de donde se tomarán muestras fueron seleccionados por TRS. El Sr. Rice proveyó la localización para las muestras de terreno en el área de North Kelly Gardens. Dijo que la Junta y el público están invitados a observar el evento. Planea informar a la Junta los detalles exactos de la localización y hora específica en que se tomarán las muestras.

**TEMA VIII: Comentarios del Contratista de TAPP**

- A. El vuelo de la Dra. Katherine Squibb, que se origina en la costa este, fué cancelado debido a mal tiempo. Su presentación se pospuso para otra ocasión.

**TEMA IX: Actualización sobre las zonas**

- A. Se le pidió al Sr. William Ryan que diera una explicación breve de las pancartas que se estaban exhibiendo sobre la Actualización de las Zonas. Presentó la información y explicó cómo cada área va progresando según programado. Dijo que la Base Aérea Kelly ha provisto suficientes fondos para asegurar que se trabaje simultáneamente en todas las áreas.

**TEMA X: Comentarios de la comunidad**

- A. Ningún miembro de la audiencia hizo comentarios.
- B. El Sr. Mark Weegar, de TNRCC, preguntó a los representantes de ATSDR si ellos están planeando organizar un Panel de Asistencia a la Comunidad (CAP) en el área
  - 1. Ms. Teran-MacIver dijo que ATSDR estudiará la posibilidad de un panel de asistencia en esta área. Se le pidió que hiciera una presentación en una reunión futura. Ella accedió.
- C. El Sr. McCullough anunció una reunión especial de la Junta en febrero o marzo para presentar los resultados contenidos en dos reportes importantes (que se publicarán en febrero). Estos reportes mencionan el Estudio de Medidas Correctivas sobre la contaminación del agua subterránea en la Zona 5. Dijo que la fecha y lugar de la reunión será anunciada cuando la Fuerza Aérea tenga una mejor idea de cuándo los reportes estarán completados.

**TEMA XI: Temas para la agenda de la próxima reunión**

- A. La próxima reunión regular de la Junta se llevará a cabo tentativamente el 11 de abril del 2000 en la escuela Brentwood Middle School.
- B. Temas sugeridos para la agenda de la próxima reunión de la Junta:
1. Presentación sobre Evaluación de Riesgos Relativos de las Zonas
  2. Presentación por la Dra. Squibb sobre TAPP
  3. Presentación por el Sr. Lynch sobre TAPP
  4. Vapores de combustible
  5. Reporte por ATSDR sobre CAP
  6. Elección de miembros de la comunidad
- C. Temas de acción para la próxima reunión de la Junta:

TEMA	PETICIONARIO	ACCION
1	Sr. Rice	Explicar sobre las emanaciones de cloruro de vinilo entrando en la casas.
2	Sr. Rice	La posición de la Fuerza Aérea sobre extracción, tratamiento e inyección en la Zona S-4.
3	Sr. Quintanilla	Vapores de combustible de los motores de turbina.
4	Ms. Grybos	Información escrita sobre el incidente de contaminación de agua potable en la base varios años atrás
5	Ms. Grybos	Le gustaría ver estudios sobre atenuación natural conducidos en áreas similares a San Antonio
6	Ms. Grybos	Le gustaría ver estudios sobre el cromo hexavalente.
7	Ms. Grybos	¿Haría pruebas la Fuerza Aérea para determinar si la comunidad ha estado expuesta a cloruro de vinilo?
8	Ms Grybos	¿Qué material es el que se está sacando en camiones cubiertos con plástico? Reportó que le informaron que el material se riega cuando el plástico se levanta.

- D. La reunión concluyó a las 9.39 p.m.

**Mociones/Resoluciones****Mociones**

1. Moción para llevar a votación la membresía del Sr. Person, el Sr. Martínez y el Sr. Pérez en la reunión de abril.
  - *Fue aprobada por unanimidad.*
2. Moción para obviar el requerimiento de solicitar para membresia de la Junta con dos semanas de anticipación con relación a la solicitud de Ms. Peace

- *Fue aprobada por unanimidad.*
- 3. Moción para aprobar las minutas de la reunión de la Junta de octubre del 1999.
  - *Fue aprobada por unanimidad.*
- 4. Moción para que se haga un reporte sobre Relative Risk Site Evaluation en la próxima reunión.
  - *Fue aprobada por unanimidad.*

Anexos (Distribuidos a los miembros de la Junta durante la reunión (\*))

1. (\*) Paquete con material de "Kelly AFB Restoration Advisory Board"
  - Reunión de la Junta el 25 de enero del 2000
2. La declaración preparada del Sr. López
3. La declaración preparada de Ms. Flores
4. (\*) Hoja con el reporte de ATSDR
5. Resumen del Taller de Trabajo de la Junta
6. Notas del reporte del Technical Review Subcommittee
7. Actualización de TAPP
- 8 (\*) Copias de pancartas presentando el estado de la zonas

**Kelly Air Force Base  
Restoration Advisory Board  
Communications/Involvement Action Plan Meeting Notes**

November 18, 1999

Attendees: Gene Lené, Mark Puffer, Armando Quintanilla, Sam Sanchez, George Rice, Tanya Huerta, Sam Murrah, John B. Herndon, Adam Antwine, Mary Q. Kelly, Philip Farrell

Facilitator: Bob Ashcroft

Next Meeting: TBD

### **INVOLVING AREA RESIDENTS**

#### **Priorities:**

1. Open up the BRAC Cleanup Team (BCT) to the public
2. Go to the small groups in locales (such as churches). Instead of using OUR forum, use theirs.
3. Re-think the public participation portion of the RAB meetings (for example, re-think the physical setup).
4. RAB should commission a community survey
5. Tours on and off base

### **IMPROVING RAB MEETINGS**

1. Specific "Community Time"
  - There needs to be more of it.
  - Do it First.
2. Agendas are too long. We may have to have more meetings with shorter agendas.
3. Two-hour meetings with focused agendas:
  - Agenda with fixed times – and stick to it
  - A community hour – RAB with the public
  - RAB member name tags
  - Figure out how to accommodate those who want to speak (on the record).
  - Room set-up – so we can all see each other.
  - Clearer roles
  - Control (so the meeting works well)
  - Consider "Citizens to be Heard" at end of meetings
  - Role of co-chairs – Facilitation of meeting with citizens
  - Have clear rules of people speaking – like at City Council.
  - Citizen Comments (but save the answers until later) (Questions are to be answered in a timely manner, but not then.)
  - Have RAB more involved with the Poster Session at the meeting.
  - More information regarding timelines and progress

- Look at different locations in the surrounding area. Look at ways to interact with specific areas e.g., poster contests.
- How to address questions from the audience which come up during the meeting?
  - Cards
  - Opportunity at the end
- Advance Agenda to public
- Consider "themes" that address fears and placate theme.
- More space at meeting for handouts and flyers from public groups.

## FOLLOW-UP ACTIVITIES

1. Identify key community leaders
  - Get the Air Force Letter, Video and Mailing list.
  - COPS or existing community organizations or networks to tap into
  - Maverick Alliance
  - Mayor Peak's list of community leaders (for the affected area)
  - Boy Scouts
  - Little League
  - Get beyond the usual list of leaders and organizations
  - Get creative – Veterans, youth and fraternal organizations
2. Identify available resources (to help the RAB execute the plan and communicate with the community)
  - Free Media
  - Legislators' money for mailings
  - HEB Community Involvement Bulletin Board
  - AFBCA money/BRAC Funds
  - Neighborhood newsletters
  - Libraries and other institutions
  - Ask the Air Force for money in addition to what it is already spending.
  - Walmart and Sam's for specific in-kind needs
  - Money collected in fines
  - Kelly commercial tenants
3. Identify possible survey or poll questions or topics (Ask, rather than assume)

What might be some topics? (Directed toward finding out what would motivate people to become involved)

- What is the best way to communicate with you?
- List or identify information sources – which do you use?
- What are your concerns or priorities?
- What is their level or awareness (What do you know about ...?)
- Where did you find out what you know?

Identify areas for educational efforts.

Neighborhood specific polls asking what people think the Air Force has done.

4. Identify elected officials to educate and activate

Henry Bonilla – grew up in the neighborhood  
Frank Madla



Charlie González  
 Ciro Rodríguez  
 Leticia Van de Putte  
 County Judge Cindi Crier  
 Commissioner Robert Tejada  
 Howard Peak  
 Raúl Prado  
 José Menéndez  
 Rick Vásquez  
 (The last three already involved in health aspects at Kelly)  
 San Antonio River Authority Board  
 Edwards Aquifer Authority Board  
 (But what's the hook for recruitment?)

5. Develop timelines: what needs to be done, and by when.

First Quarter 2000

- 1) Train the messengers.
- 2) Finalize and deliver the message. Part of this is to the outcome of successful delivery. What does success look like. This has to be measurable for the eventual year-end evaluation.
- 3) New RAB meeting – work on changing it.
- 4) Initial blitz to contact elected officials
- 5) Recruit more community members on the RAB. Better define what a community member is. Have the RAB think this issue through before implementing it.

Second Quarter 2000

- 1) Obtain resources
- 2) Conduct the survey or poll.
- 3) Initiate outreach effort
- 4) Themes: Property values and Health Factor in the ATSDR report.

Third Quarter 2000

- 1) Deliver Literature
- 2) Educational efforts with the community, using the results of the survey or poll.
- 3) Themes: Property values and Health Factor in the ATSDR report.

Forth Quarter 2000

- 1) Evaluate: Are things working, or not?
- 2) Plan for 2001
- 3) Bring more community members onto the RAB.

## ACTION PLAN IMPLEMENTATION

### Barriers to Execution (Reality Check)

No Leadership

Lack of Information

No Money

No Time

Other Priorities

Can't Agree

Are there one or two really practical things the RAB could do as a body?

The whole RAB has to buy in on the Plan

Clear consensus on a plan

Clear consensus on how to execute (would a special session or retreat help?)

The key partner in the execution of the plan – the Air Force – has to see the value of the plan.

The Air force Community Outreach Plan has to be changed to incorporate the RAB plan. There must not be two plans, but one plan that everyone supports, which will bring the resources to the RAB plan.

“Work toward one plan and one effort.”

#### FINALIZING THE ACTION PLAN FOR 2000

1. Circulate draft plan to members of the workgroup.
2. Workgroup members indicate items they cannot support or which are items of concern.
3. Resolve those concerns before sending the plan out to the RAB
4. Disseminate to the RAB 10 days before the January meeting

**Kelly Air Force Base Restoration Advisory Board Meeting  
5 October 1999 6:30 p.m.  
Dwight Middle School**

**Members/Alternates Present:**

**Public Members:**

Brig. Gen. Robert M. Murdock  
RAB Installation Co-Chair  
Mr. Gordon Banner  
TNRCC  
Ms. Laura Stankosky  
EPA  
Mr. John A. Jacobi  
TDH  
Mr. Sam Sanchez  
Metropolitan Health District  
Mr. Pat McCullough  
AFBCA  
Mr. Edward Weinstein  
SAWS

**Community Members:**

Dr. Gene Lené  
RAB Community Co-Chair  
Mr. Sam Murrah  
Mrs. Dominga Adames  
Mr. Philip Farrell  
Greater Kelly Development Corp.  
Mr. Armando Quintanilla  
Mr. Kent Iglesias & Alt. Mr. John Herndon  
Ms. Tanya Huerta  
Mrs. Yolanda Johnson  
Mr. George Rice  
Mr. Roy Huff, Alt. for Mr. Mixon  
Mr. Paul Person  
Mr. Mark Puffer

**Members Absent Without Alternate:**

Mr. Juan Solis, Sr.  
Ms. Annalisa Peace

Mr. Roy Botello  
Mr. Nicolas Rodriguez, Jr.

**I. Call to Order**

- A. Brig. Gen. Robert M. Murdock, called the meeting to order at 6:34 p.m.
- B. Gen. Murdock asked the RAB members to introduce themselves.

**II. Administrative Topics**

- A. General Murdock presented responses to the Action Items noted from the last meeting of the RAB, as follows:
  - 1. The environmental restoration update presentation requested by Ms. Tanya Huerta is included with the previous meeting's minutes. Ms. Huerta stated it was satisfactory.
  - 2. As requested, a fact sheet on drinking water standards is included in the information packet.
  - 3. Copies of the presentation slides for this meeting were included in the information packages, as requested, with the exception of the copies for the presentation to be given by the TAPP contractor. Those slides will be sent out with the minutes.
  - 4. Ms. Huerta has accepted the Air Force's invitation to come to the base to discuss cleanup issues. This meeting will occur at a later date.
  - 5. At Ms. Yolanda Johnson's request, information on the cleanup at Site S-1 was provided to her.
  - 6. A letter was sent to RAB members inviting their participation in the workshop planning session. Gen. Murdock thanked those who took part and invited everyone to attend the 7 October workshop.

7. The slides of the Greater Kelly Development Corp (GKDC) and the Air Force Base Conversion Agency (AFBCA) presentations were included with the minutes of the last meeting.
  8. A chronology of the cleanup program is under development by the Kelly staff and should be completed for distribution in November.
  9. General Murdock and Mr. Armando Quintanilla met and discussed Mr. Quintanilla's questions about Kelly's relative risk priorities. Kelly will make a presentation on those priorities. The meeting was the result of a letter from Mr. Armando Quintanilla, a copy of which is included in the information packet along with the Air Force's response.
- B. Mr. George Rice requested an answer to a question he posed at the April RAB meeting. The question concerned Base Closure Team (BCT) meeting items withheld from the RAB and the reasons for withholding them.
1. Ms. Mary Kelly, attorney for Kelly AFB, replied that the question has been answered before and restated the answer: All BCT materials that are releasable to the public under the Freedom of Information Act (FOIA) have been and will continue to be provided to the RAB without any special request. All other items not subject to FOIA, such as internal draft documents, will not be provided to the RAB.
- C. Term Expirations
1. Dr. Gene Lené, Community Co-chair, explained that several RAB members' terms will expire at the end of the year. He said the RAB will offer applications to these members to be considered for continuation on the board. He also said he would like to extend those members' terms one month so that they remain on the board through the January 2000 meeting. It was so moved, seconded, and approved.
- D. July Meeting Minutes
1. The minutes for the July 1999 RAB meeting were approved without change.

### III. Community Statements

A public meeting was held prior to the RAB meeting concerning cleanup plans at Zone 1 and Site S-4. Many of the statements made by community members concerned those plans. The full text of their statements is included as Attachment 2 to the minutes.

### IV. Redevelopment Updates

- A. Mr. Paul Roberson, GKDC representative, was unable to attend the meeting and make the planned presentation. Copies of his prepared slides were provided in the information packets.
  - B. Mr. Adam Antwine, AFBCA, gave a presentation on the status of the closure and transfer of property of Kelly. (See Attachment 3 for copies of slides.) Mr. Antwine emphasized the Air Force's environmental stewardship at Kelly AFB will not end with the transfer of property outside the Federal Government.
- C. Discussion
1. Mr. Sam Sanchez, San Antonio Metropolitan Health District (MHD), asked if AFBCA will have ownership and responsibility for off-base cleanup systems after Kelly closes. He also asked if AFBCA will have access to the same contractor resources as Kelly currently has.
    - a) Mr. Antwine said AFBCA will take over all cleanup responsibilities, including the maintenance of off-base treatment systems. He said some of the Kelly environmental staff has already transferred to AFBCA and more will follow. In addition, he said AFBCA is acquiring contracts with many of the same contractors currently doing the

cleanup work at Kelly.

2. Mr. Rice asked if the RAB will have access to environmental data collected by tenants.
  - a) Mr. Antwine stated the tenants usually share the data they collect, because it is in their best interest to do so to avoid any unnecessary liability. He said he did not know if tenants were required to provide that data to the public.
3. Mr. Quintanilla asked if AFBCA plans to prioritize the properties to be cleaned up, and if so, can those priorities be presented at the next RAB meeting. He said he was concerned that some on-base properties are being cleaned up before the neighborhoods.
  - a) Mr. Antwine stated there will be priorities set and could be presented at the January meeting.
4. Ms. Johnson stated her opinion that in the five years she has sat on the RAB, no real progress has been made with the community's concerns. She said she hopes that will change in the future.
  - a) Ms. Huerta asked who makes decisions on deed restrictions in the cleanup plans. Mr. Gordon Banner, Texas Natural Resource Conservation Commission (TNRCC), responded TNRCC approves cleanup plans.
  - b) Ms. Huerta was concerned about the amount of land that would never be fit for human use. She asked where she might find out how much land would be classified as unsuitable for human use. She was directed to the Environmental Baseline Survey and the Environmental Impact Study as possible sources of that information.

#### **V. Environmental Priorities**

- A. The list of environmental priorities was provided to RAB members. A motion was made to accept the list as the RAB's recommended priorities.
  1. Mr. Quintanilla asked to amend the list to include the cleanup of vinyl chloride in the neighborhoods as a priority. After some discussion, the RAB decided that it was best to make no specific mention of any single contaminant, and to leave the list as it was written with a general reference to "all" contamination. The motion passed, with Mr. Quintanilla's dissent.

#### **VI. Responsibility Determination Process**

- A. Gen. Murdock addressed the issue raised by Ms Huerta concerning the process of determining if groundwater is contaminated. Mr. Banner referred the RAB to the process description contained in the information packets. Ms. Huerta said the information answered her concerns.
- B. Mr. Rice asked if TNRCC had determined who was responsible for the off-base contamination. Mr. Banner said the Air Force was responsible for the S-4 plume. Mr. Rice requested the statement in writing. Mr. Banner asked Mr. Rice to submit a written request and it would be considered.
- C. Mr. Mark Puffer asked for a flow chart of the TNRCC's permitting process to help the RAB understand the steps involved.

**A short break was taken.**

#### **VII. Technical Review Subcommittee (TRS) Report**

- A. Dr. Lené presented the reports of the last three TRS meetings. (See Attachment 4) He also presented a Technical Assistance for Public Participation (TAPP) Update. (See Attachment 5)

B. Mr. Quintanilla asked how much Mr. Lynch (TAPP contractor) was paid for his review of the Semiannual Compliance Plan Report. The answer provided was just under \$7,000. Some discussion followed debating Mr. Lynch's report validity or accuracy. It was concluded that the RAB's acceptance of the report indicated the RAB agreed the contractor had accomplished what he was tasked to do, but not that each RAB member necessarily agrees with the substance of the report.

1. Ms. Huerta observed that the government representatives on the RAB seem to be worried about liability, while the community members seemed to be worried about health effects, and property values. She said the RAB needs to bridge that gap. She also observed that RAB members tend to get defensive when someone disagrees with them.
2. Citing personal agendas and biases among some RAB members, Mr. Paul Person moved to select an "unbiased" selection panel for future TAPP contractors. After some discussion, the motion failed to receive a second and was allowed to die.

### **VIII. TAPP Contractor Presentation**

A. Mr. Jeffery Neathery, presented his report on the Phase II Remedial Facility Investigation, IRP Zone 4, OU 2 Work Plan. (See Attachment 6.)

1. Mr. Neathery's summarized his concerns about the report as follows:
  - a) The report was somewhat vague on what work would be performed.
  - b) The report was confusing on what methods would be used.
  - c) The report needed further review to remove non technical errors.
  - d) A discussion of paleochannels was needed.

He recommended the report be revised to address those concerns.

B. Following the presentation by Mr. Neathery, Mr. Rice asked if the Air Force would respond to this report as it had to the previous report. A motion was made to ask the Air Force, EPA, and TNRCC to respond to Mr. Neathery's report. The motion passed unanimously.

C. Mr. Quintanilla expressed concern that a large sum of money was paid to the contractor to produce a Work Plan that was characterized as "vague." He said the Air Force needs to do a better job.

D. It was suggested that a presentation be made to the RAB, at the next meeting, about the "paleochannels" discussed by Mr. Neathery.

E. A general discussion on the role of TAPP contractors occurred. RAB members commented that the contractors' reports were similar to a book review. The TAPP contractor's job is to review the environmental document, and give the RAB his opinion of the document just as a book reviewer reads a book and writes his opinion of the book.

### **IX. Off-base Cleanup Workshop**

A. General Murdock thanked those for attending the September steering committee meeting and encouraged all to attend the meeting October 7 at the base Chapel. The purposes of this meeting will be to clarify the extent of off-base contamination and to learn more about the people the RAB members represent, how to reach them, and how to engage them in the cleanup process.

### **X. Community Comments**

A. The comments ranged from questions on Mr. Neathery's report to the Public meeting held prior to the RAB meeting. The full text of these statements are included as Attachment 7.

**XI. Agenda Items for the Next Meeting**

A. The next RAB meeting was scheduled for January 11, 2000 at South San High School.

B. Suggested agenda items for the next RAB meeting

1. Restoration priority process briefing
2. GKDC update
3. Results of the workshop
4. Member/Co-chair election
5. Metropolitan Health District briefing
6. Report on metal released into the groundwater
7. Community Relations briefing
8. Briefing on wells and infrastructure on Union Pacific property
9. Poster session - Zone Status

C. Action Items for the next RAB Meeting

ITEM#	Requestor	Request
1	Mr. Rice	A written response concerning the unavailability of certain BCT materials.
2	Ms. Gomez	Information on a temporary hospital formerly located at the site of her home.
3	Mr. Rice	Report to the RAB what Mrs. Gomez was told.
4	Mr. Rice	The availability of environmental data collected by tenants.
5	Mr. Rice	The health effects of exposure to vinyl chloride gas. And does the AF plan to address it and if so how.
6	Mr. Rice	The AF position on pump & inject.
7	Mr. Rice	MHD provide the withheld information referenced in the recent newspaper article and explain why it was withheld.
8	Mr. Puffer	Produce zone status charts for RAB meetings
9	Mr. Quintanilla	Information about truck drivers hauling soil removed from sites are reporting they are washing their trucks in grassy area with no precautions.
10	Mr. Quintanilla	The cost of the plan Mr. Neathery reviewed.
11	Ms. Huerta	AF, TNRCC & EPA response to the TAPP report.
12	Mr. Puffer	Provide a permitting process chart.
13	Mr. Quintanilla	Report on wells and infrastructure on the Union Pacific Railroad site.
14	Ms. Huerta	Report on paleochannels for the next RAB meeting.

D. The meeting adjourned at 10:40 p.m.

**Motions/Resolutions****Motions**

1. Motion was made to extend expiring terms through the January Meeting.
  - Passed unanimously
2. Motion was made to approve the July 20, 1999 RAB minutes.
  - Passed unanimously
3. Motion was made to accept the proposed list of environmental priorities.
  - Passed with Mr. Quintanilla dissenting.

4. Motion was made to request the Air Force, EPA, and TNRCC comment on the TAPP report.
  - Passed unanimously
5. Motion was made to have an unbiased committee of four select future TAPP contractors.
  - Failed due to lack of second

Attachments (\* Items were provided at the meeting to all RAB members).

1. \*Kelly AFB Restoration Advisory Board Materials Package
  - Oct 5, 1999 RAB Meeting
2. Community Statements - transcript of community statements
3. Revised AFBCA Update Briefing Slides
4. Technical Review Subcommittee report notes
5. TAPP Update
6. TAPP Presentation Slides
7. Community Comments - transcript of community comments



**5 October 99 RAB Action Item/Response****Item: 1**

**Description:** Mr. Rice requested an explanation of why RAB members do not receive copies of all documents and other materials distributed for use by and among the members of the BRAC Closure Team.

**Requester:** Mr. Rice

**OPR:** Ms. Kelly

**ACTION:** Provide written response.

**Response:** In answering this question, we note that similar questions about the involvement of RAB members with the BCT have been asked previously. Our responses have been consistent, and our reply below restates some of the replies previously provided.

1. The representatives of the regulatory agencies and of Kelly AFB who participate in the BCT have agreed to provide copies of the BCT minutes to the RAB, and to entertain questions about the items covered in the minutes at the regularly scheduled public RAB and TRS meetings.
2. In addition to the minutes, all BCT documents and materials (such as maps) which are releasable under the federal Freedom of Information Act are distributed to the members of the RAB without their having to submit a FOIA request. This is also the case with respect to other documents and materials related to the Installation remediation Program at Kelly.
3. On the other hand, draft documents and materials which are preliminary are not released to the RAB members. Such information is predecisional, intended for initial consideration and careful review by technically trained persons to elicit their comments and corrections. No public purpose would be served by distribution of preliminary technical documents and information before such materials have been subjected to the scrutiny of peer review.
4. The Air Force and the regulatory agencies take very seriously their responsibilities to keep the public completely informed about environmental cleanup at Kelly. The decision not to share untested preliminary information with the RAB, whether such information comes from the BCT or other base sources, is consistent with those responsibilities. The harm to the public resulting from the broadcast of partial, incomplete, or inaccurate information about base cleanup matters could easily outweigh any benefit claimed to be derived.
5. The Air Force will continue its practice of sharing with the RAB and the TRS all final and draft final environmental reports, as well as BCT minutes and other FOIAble information.

**5 October 99 RAB Action Item/Response**

**Item:** 2

**Description:** Ms. Gomez requested information on a temporary hospital that was formerly located at the site of her home. While adding a driveway they found a layer of bricks 4 inches below the surface.

**Requester:** Mrs. Gomez

**OPR:** Mr. Walters

**Action:** Research the issue and met with Ms. Gomez. During the in person meeting provide what information is found about past military uses of her property.

**Response:** The meeting was held 11 January 00 at Ms. Gomez's home.

**5 October 99 RAB Action Item/Response****Item:** 3**Description:** The RAB requested a report of what the Air Force told Ms. Gomez. (See action item 10-2.)**Requester:** Mr. Rice**OPR:** Mr. Walters**Action:** Prepare a statement of what Ms. Gomez was told for the January RAB Meeting Information Packet.

**Response:** Mr. Walters reported: I met with Ms. Hermina Gomez and her husband, Sebastian Gomez, at 1235 Fenfield. I showed them a map of the World War II era Kelly Station Hospital and used a vugraph overlay of today's streets to pinpoint the approximate location of her home with respect to the former hospital buildings. The brickwork beneath her driveway appears to be the road between two hospital buildings, based upon the maps. She had been concerned that it was the top of an air raid shelter.

I explained the routine nature of medical care at a stateside station hospital and that any germs or bacteria were unlikely to remain after the hospital was vacated and the buildings torn down, but if anything had remained it would be extremely unlikely that germs or bacteria would survive outside the human body for years or decades. In effect, that there shouldn't be any health hazard to residents now or in the years since the hospital land was developed.

Her concern for radiation stemmed from the use of x-ray equipment in hospitals. I pointed out that in the late 1940s such equipment was considered very expensive and somewhat mysterious. The equipment would have been removed and special efforts made ensuring there was no remaining radiation from the use of x-rays in the building.

She and her husband gave interesting historical background on the neighborhood and base - before World War II and since the developers took over the surplus land.

She mentioned concern that odors occurred from time-to-time and that she had lost the phone number to call at the base. I gave her my contact information and assured her I would respond to any call she or her neighbors might make.

She expressed her disappointment that her neighbors don't attend RABs or other environmental meetings, and I expressed our gratitude for her effort to do so and our belief that it's important to hear what the neighbors are thinking as we work through the cleanup program.

**5 October 99 RAB Action Item/Response**

**Item:** 4

**Description:** Is the environmental data collected by the GKDA tenants available for review?

**Requester:** Mr. Rice

**OPR:** Mr. Antwine

**Action:** Determine if the environmental data collected by GKDA tenants is available from the Air Force for public viewing.

**Response:** All request for information should be directed to GKDA. GKDA will work with their tenants in meeting requests.

**5 October 99 RAB Action Item/Response**

**Item:** 5

**Description:** What are the health effects of exposure to Vinyl Chloride Gas? Does the AF plan to address the issue and if so how?

**Requester:** Mr. Rice

**OPR:** Capt. Sassaman

**Action:** Provide a Vinyl Chloride Gas Fact Sheet. Provide an answer for the second question.

**Response:** ATSDR's Vinyl Chloride Gas Fact Sheet follows this page and answers the most asked questions concerning the chemical.

The Air Force will perform screening sampling for air pathway exposure analysis of vinyl chloride based on results of modeling.



# VINYL CHLORIDE

CAS # 75-01-4

Agency for Toxic Substances and Disease Registry ToxFAQs

September 1997

This fact sheet answers the most frequently asked health questions (FAQs) about vinyl chloride. For more information, call the ATSDR Information Center at 1-800-447-1544. This fact sheet is one in a series of summaries about hazardous substances and their health effects. It's important you understand this information because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present.

**HIGHLIGHTS:** Exposure to vinyl chloride occurs mainly in the workplace. Breathing high levels of vinyl chloride for short periods of time can cause dizziness, sleepiness, unconsciousness, and at extremely high levels can cause death. Breathing vinyl chloride for long periods of time can result in permanent liver damage, immune reactions, nerve damage, and liver cancer. This substance has been found in at least 496 of the 1,430 National Priorities List sites identified by the Environmental Protection Agency (EPA).

## What is vinyl chloride?

(Pronounced vī'nəl klôr'id')

Vinyl chloride is a colorless, flammable gas at normal temperatures with a mild, sweet odor. It is a manufactured substance that is used to make polyvinyl chloride (PVC). PVC is used to make a variety of plastic products, including pipes, wire and cable coatings, and the furniture and automobile upholstery.

Vinyl chloride also results from the breakdown of other substances, such as trichloroethane, trichloroethylene, and tetrachloroethylene. Vinyl chloride is also known as chloroethene, chloroethylene, and ethylene monochloride.

## What happens to vinyl chloride when it enters the environment?

- ☐ Liquid vinyl chloride evaporates easily into the air. Vinyl chloride, if it is near the surface of soil or water, can also evaporate.
- ☐ Vinyl chloride in the air can break down within a few days to other substances, some of which can be harmful.
- ☐ Small amounts of vinyl chloride can dissolve in water.
- ☐ Vinyl chloride formed from the breakdown of other chemicals can enter groundwater.

- ☐ Vinyl chloride is unlikely to build up in plants or animals.

## How might I be exposed to vinyl chloride?

- ☐ Breathing vinyl chloride that has been released from plastics industries, hazardous waste sites, and landfills
- ☐ Breathing vinyl chloride in air or during contact with your skin or eyes in the workplace
- ☐ Drinking water from contaminated wells

## How can vinyl chloride affect my health?

Breathing high levels of vinyl chloride can cause you to feel dizzy or sleepy. Breathing very high levels can cause you to pass out, and breathing extremely high levels can cause death.

Most of the studies on long-term exposure (365 days or longer) to vinyl chloride are about workers that make or use vinyl chloride. They were exposed to much higher levels of vinyl chloride in the air than is the general population. People who breathe vinyl chloride for long periods of time can have changes to the structure of their livers.

People who work with vinyl chloride have developed nerve damage and immune reactions. Other workers have developed problems with the blood flow in their hands; the

**ToxFAQs Internet address via WWW is <http://atsdr1.atsdr.cdc.gov:8080/ToxFAQ.html>**

tips of their fingers turn white and hurt when they are in cold temperatures. Sometimes, the bones in the tips of their fingers have broken down.

The effects of drinking high levels of vinyl chloride are unknown. If you spill vinyl chloride on your skin, it will cause numbness, redness, and blisters.

Animal studies have shown that long-term (365 days or longer) exposure to vinyl chloride can damage the sperm and testes. It has not been proven that vinyl chloride causes birth defects in humans, but animal studies have shown that breathing vinyl chloride can harm unborn offspring and may also cause increases in early miscarriages.

### **How likely is vinyl chloride to cause cancer?**

The **Department of Health and Human Services (DHHS)** has determined that vinyl chloride is a known human carcinogen. Vinyl chloride exposure results in liver cancer in people.

### **Is there a medical test to show whether I've been exposed to vinyl chloride?**

The results of several tests can sometimes show if you've been exposed to vinyl chloride. If breath samples are taken just after exposure, vinyl chloride can be measured, but this is not helpful for measuring very low levels of the chemical.

Better information is gotten by measuring a breakdown product of vinyl chloride, thiodiglycolic acid, in the urine shortly after exposure. However, this test will not give information on the level of exposure. Exposure to other chemicals can produce the same breakdown product in the urine.

The binding of vinyl chloride to genetic material in your blood or tissue can tell whether you have been exposed to vinyl chloride, but this is not sensitive enough to determine the effects resulting from exposure. These tests are not avail-

able at most doctors' offices, but can be done at special laboratories that have the right equipment.

### **Has the federal government made recommendations to protect human health?**

The **EPA** requires that the amount of vinyl chloride in drinking water not exceed 0.002 milligrams of vinyl chloride per liter of water (0.002 mg/L). The **EPA** requires that spills or accidental releases into the environment of 1 pound or more of vinyl chloride be reported to the **EPA**.

The **Occupational Safety and Health Administration (OSHA)** has set the maximum allowable level of vinyl chloride in workroom air during an 8-hour workday in a 40-hour workweek at 1 part vinyl chloride per million parts of air (1 ppm).

### **Glossary**

**CAS:** Chemical Abstracts Service

**Carcinogen:** A substance with the ability to cause cancer

**Immune reaction:** Sensitizing response of the body to a chemical

**Milligram (mg):** One thousandth of a gram

**Miscarriage:** Pregnancy loss

**PPM:** Parts per million

### **Source of Information**

This ToxFAQs information is taken from the 1997 Toxicological Profile for Vinyl chloride (update) produced by the Agency for Toxic Substances and Disease Registry, Public Health Service, U.S. Department of Health and Human Services, Public Health Service in Atlanta, GA.

Animal testing is sometimes necessary to find out how toxic substances might harm people and how to treat people who have been exposed. Laws today protect the welfare of research animals and scientists must follow strict guidelines.

### **Where can I get more information?**

For more information, contact the Agency for Toxic Substances and Disease Registry, Division of Toxicology, 1600 Clifton Road NE, Mailstop E-29, Atlanta, GA 30333. Phone: 1-800-447-1544, FAX: 404-639-6359. ToxFAQs Internet address via WWW is <http://atsdr1.atsdr.cdc.gov:8080/ToxFAQ.html> ATSDR can tell you where to find occupational and environmental health clinics. Their specialists can recognize, evaluate, and treat illnesses resulting from exposure to hazardous substances. You can also contact your community or state health or environmental quality department if you have any more questions or concerns.



Esta hoja informativo contesta las preguntas mas frecuentes en relación a los efectos del cloruro vinilo sobre la salud. Para obtener mas información, usted puede llamar al 404-639-6300. Est resumen informativo es uno de una serie de resúmenes acerca de sustancias dañinas y sus efectos sobre la salud. Esta información es importante ya que esta sustancia le puede hacer daño. Los efectos de la exposición a cualquier sustancia peligrosa dependen de la dosis, la duración de la exposición, la manera como usted está expuesto, sus hábitos y características personales y de la presencia de otros productos químicos.

**RESUMEN:** La exposición a cloruro de vinilo ocurre principalmente al respirar aire contaminado en el lugar de trabajo o cerca de industrias de plásticos, sitios donde se desechan sustancias peligrosas y vertederos. El cloruro de vinilo puede dañar al hígado, nervios y al sistema inmunitario. Esta sustancia se ha encontrado en por lo menos 458 de los 1,416 sitios de la Lista de Prioridades Nacionales identificados por la Agencia de Protección Ambiental.

### ¿Qué es el cloruro de vinilo?

El cloruro de vinilo es un vapor incoloro con un suave aroma dulce. En condiciones de alta presión es un líquido. También se le conoce como cloroeteno, cloroetileno, monocluro de etileno o monoclوروetileno.

Casi todo el cloruro de vinilo es producido en forma sintética. La mayor parte del cloruro de vinilo producido en los Estados Unidos se usa en la fabricación de cloruro de polivinilo (PVC). El PVC se usa en una variedad de productos plásticos tales como cañerías, revestimientos para alambres y cables, materiales de empaque.

El cloruro de vinilo en el medio ambiente proviene de liberación durante su manufactura, del uso de productos que contienen cloruro de vinilo o del desecho de productos de cloruro de vinilo.

### ¿Qué le sucede al cloruro de vinilo cuando entra al medio ambiente?

- ☐ Pasa al aire o al agua a raíz de su uso en industrias de plásticos o de sitios donde se desechan sustancias peligrosas.
- ☐ Se evapora rápidamente de aguas superficiales o del suelo.
- ☐ Se descompone en el aire en pocos días.
- ☐ Es poco soluble en agua, sin embargo, puede pasar a aguas subterráneas.
- ☐ No forma otros productos nocivos ni se acumula en plantas comestibles o en animales.

### ¿Cómo podría yo estar expuesto al cloruro de vinilo?

- ☐ Por lo general no se encuentra en aires urbanos de suburbios o en aire rural.
- ☐ Exposición a las más altas cantidades ocurre al respirar aire en el lugar de trabajo o en las cercanías de industrias de plásticos.
- ☐ También puede haber exposición al respirar aire cerca de sitios donde se desechan sustancias peligrosas y vertederos que contienen cloruro de vinilo.
- ☐ El agua de pozos contaminados es una fuente de exposición aunque la mayoría de los pozos no contienen cloruro de vinilo.
- ☐ Al respirar humo de tabaco ya que éste contiene algo de cloruro de vinilo.

### ¿Cómo puede afectar mi salud el cloruro de vinilo?

La mayor parte de la información que tenemos acerca de los efectos dañinos del cloruro de vinilo provienen de estudios en trabajadores varones en industrias de plásticos y de estudios en animales. Estudios en trabajadores han demostrado que el cloruro de vinilo puede dañar el hígado nervios y el sistema inmunitario en dosis suficientemente altas. Sin embargo, la población general está expuesta a niveles mucho menores que los niveles que producen esos efectos.

El respirar niveles sumamente altos de cloruro de vinilo puede ser fatal. Si usted respira altos niveles de cloruro de vinilo por corto tiempo puede sentirse aturdido, somnoliento y puede perder el conocimiento. Estos efectos ocurren en 5 minutos. La mayoría de la gente puede oler fácilmente cloruro de vinilo cuando se encuentra en estos altos niveles. Una recuperación rápida se puede anticipar si la exposición termina e inmediatamente se respira aire puro.



En algunas personas que respiraron cloruro de vinilo por varios años se observaron lesiones al hígado. Al parecer el mayor daño fue causado por los altos niveles de cloruro de vinilo. Cierta gente que trabajó con cloruro de vinilo sufrió daño a los nervios, en cambio otros sufrieron reacciones inmunológicas. Los menores niveles de cloruro de vinilo que causaron las alteraciones al hígado, nervios y al sistema inmunitario no se conocen.

Algunos hombres que trabajan con cloruro de vinilo se quejan de pérdida de interés sexual. En algunas mujeres que trabajan con cloruro de vinilo se han observado irregularidades en los períodos menstruales. A algunas de ellas les subió la presión durante el embarazo.

Si se derrama cloruro de vinilo en la piel puede producir anestesia en el área afectada además de inflamación y ulceración.

### ¿Qué posibilidades hay de que cloruro de vinilo produzca cáncer?

El Departamento de Salud y Servicios Humanos (DHHS) ha determinado que el cloruro de vinilo es un reconocido carcinogénico. Esto se basa en estudios en trabajadores que respiraron cloruro de vinilo por muchos años y en los que se vió una alta tasa de cáncer al hígado. Lo mismo se ha encontrado en estudios en animales.

### ¿Hay algún examen médico que demuestre que he estado expuesto al cloruro de vinilo?

Se puede medir cloruro de vinilo en su aliento. El principal producto de degradación, el ácido tiodiglicólico puede medirse en la orina. Ambos exámenes deben llevarse a cabo con prontitud después de la exposición y no indican a cuanto cloruro de vinilo estuvo expuesto ni si se expuso exclusivamente a cloruro de vinilo. Estos exámenes tampoco predicen si la exposición le afectará la salud. Los exámenes no son disponibles en forma rutinaria en el consultorio de su doctor.

### ¿Qué recomendaciones ha hecho el gobierno federal para proteger la salud pública?

La Agencia de Protección Ambiental (EPA) requiere que el nivel de cloruro de vinilo en agua potable no sobrepase 0.002 partes de cloruro de vinilo por cada millón de partes de agua (0.002 ppm). En exposiciones de corta duración, el nivel no debe exceder 2.6 ppm durante 10 días. Para períodos más largos el nivel no debe sobrepasar, 0.046 ppm para adultos o 0.013 ppm para niños. La EPA requiere que industrias le informen cuando liberan al medio ambiente 1 libra de cloruro de vinilo o más. La EPA también requiere que las industrias limiten la liberación de cloruro de vinilo al aire a 10 ppm.

La Administración de Alimentos y Drogas (FDA) controla el contenido de cloruro de vinilo en varios plásticos usados para transportar agua y plásticos que tienen contacto con alimentos. Los límites varían entre 5 y 50 ppm, dependiendo del tipo de plástico y del uso.

La Administración de Salud y Seguridad Ocupacional (OSHA) establece 1 ppm como la concentración máxima permisible en el aire del lugar de trabajo durante una jornada de 8 horas diarias, 40 horas semanales. La cantidad máxima que se permite en un período de 15 minutos es 5 ppm.

El Instituto Nacional de Seguridad Ocupacional y Salud (NIOSH) recomienda que trabajadores expuestos a cantidades detectables de cloruro de vinilo usen un equipo especial para respirar.

### Definiciones

Carcinogénico: Sustancia que puede producir cáncer.

### Bibliografía

Agencia para el Registro de Enfermedades y Sustancias Tóxicas (ATSDR). 1993. Perfil toxicológico del cloruro de vinilo. Atlanta, GA: Departamento de Salud y Servicios Humanos, Servicio de Salud Pública, EE.UU.

Agencia para el Registro de Enfermedades y Sustancias Tóxicas (ATSDR). 1993. Casos clínicos en medicina ambiental: Toxicidad del cloruro de vinilo. Atlanta, GA: Departamento de Salud y Servicios Humanos, Servicio de Salud Pública, EE.UU.

### ¿Dónde puedo obtener mas información?

ATSDR le puede informar donde encontrar clínicas que atienden a personas expuestas a sustancias químicas en el lugar de trabajo o en el medio ambiente. Los especialistas en estas clínicas pueden reconocer, evaluar y tratar enfermedades causadas por la exposición a sustancias peligrosas. Si tiene más preguntas o preocupaciones, usted también puede contactar su departamento de salud local o estatal. Para mayor información contacte a: Agency for Toxic Substances and Disease Registry Division of Toxicology, 1600 Clifton Road NE, Mailstop E-29, Atlanta, GA 30333, Teléfono: 404-639-6300, FAX: 404-639-6315. ATSDR Internet home page: <http://atsdr1.atsdr.cdc.gov:8080/atsdrhome.html>



**5 October 99 RAB Action Item/Response**

**Item:** 6

**Description:** What is the AF position on the treatment method of pumping contaminated water, treating it and reinjection of the water?

**Requester:** Mr. Rice

**OPR:** Mr. Ryan

**Action:** Provide Kelly's Environmental Directorate position on this treatment method.

**Response:** We have looked at specific sites at Kelly AFB and our testing indicated injection technology was not applicable. The technology is also best used in moderate to high permeability soils which exist in the area, but not in abundance and are very difficult to locate. But, we continue to explore the use of injection technology at those sites where it may be successful.

Remember, each site is different and that is why we will continue to evaluate the use of injection technology.

**5 October 99 RAB Action Item/Response**

**Item:** 7

**Description:** In a recent Newspaper article, MHD representative said they had held information concerning health issues in the greater Kelly AFB communities. Mr. Rice asked to be provide the withheld information and receive an explanation of why it was withheld.

**Requester:** Mr. Rice

**OPR:** Mr. Sanchez, Metropolitan Health District, (MHD)

**Action:** Provide the information at the January RAB meeting.

**Response:** MHD scheduled a presentation prior to the January RAB meeting. The presentation is being advertised in conjunction with the RAB meeting on the radio and in local newspapers.

**5 October 99 RAB Action Item/Response**

**Item:** 8

**Description:** It was suggested the Air Force produces posters showing the status of base environmental zones.

**Requester:** Mr. Puffer

**OPR:** Mr. Ryan

**Action:** Produce Zone Status Posters

**Response:** Zone Status Posters are in display area. The posters will be updated each quarter and displayed RAB meetings and other appropriate meetings.

**5 October 99 RAB Action Item/Response**

**Item:** 9

**Description:** Mr. Quintanilla had heard from truck drivers hauling soil from the sewer project, that they were washing the trucks in a grassy area with no precautions.

**Requester:** Mr. Quintanilla

**OPR:** Mr. Perez

**Action:** Research the allegation and report findings in the January RAB Meeting Information Packet.

**Response:** Trucks used to transport contaminated soil to the landfill are lined and sealed to prevent soil and/or water releases along the route from the excavation to the landfill. Only licensed and permitted transporters are used. Lined trucks are not required to be decontaminated.

All soil determined to be uncontaminated will either be stockpiled at the project site for general backfill, or transported to Kelly AFB for reused as non-waste material. Trucks used to transport uncontaminated soil are not required to be decontaminated.

**5 October 99 RAB Action Item/Response****Item:** 10**Description:** What was the cost of the plan Mr. Neathery reviewed.**Requester:** Mr. Quintanilla**OPR:** Ms. Brown**Action:** Ms. Brown will determine if the information is available for release.**Response:** The preparation costs for the subject Quality Program Plan were approximately \$38,000.

The costs included preparation and planned revision cycles of draft, draft final, and final versions of the document. The document was reviewed, discussed and commented on by Air Force and regulatory agency representatives from TNRCC, EPA, Kelly AFB, and AFCEE. The document included a work plan, field sampling plan, quality assurance project plan, and a health and safety plan for the installation of 83 soil probes, 23 monitoring wells, three recovery well tests, and 30 field hydraulic conductivity tests.

The purpose of the document was to guide planning and execution of remedial investigations at IRP Zone 4 Operable Unit 2, as described above. Its success is measured by the fact that at completion of the work all objectives of the investigation were satisfied. Also, there were no safety incidents to the public, government employees, or contractor employees during the work.

These costs are subject to periodic government auditing and may be amended.

**5 October 99 RAB Action Item/Response**

**Item:** 11

**Description:**

**Requester:** Ms. Huerta

**OPR:** Mr. Ryan

**Action:** The AF, TNRCC, and EPA prepare and provide the RAB comments on Mr. Neathery's review of the Zone 4 Work Plan.

**Response:** The Air Force comments are in tab 7. EPA and TNRCC comments were not available at press time.

**5 October 99 RAB Action Item/Response**

**Item:** 12

**Description:** Provide a chart or information on permitting process.

**Requester:** Mr. Puffer

**OPR:** Mr. Ryan

**Action:** Provide information on the permitting process.

**Response:** The following pages explaining the permitting process. The information was provide by TNRCC.



**PUBLIC PARTICIPATION IN PERMITTING AT THE TNRCC:  
IMPLEMENTATION OF HB 801**

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Public Participation in Permitting at the TNRCC: Implementation of HB 801

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Public Participation in Permitting at the TNRCC: Implementation of HB 801

## PUBLIC PARTICIPATION IN PERMITTING AT THE TNRCC: IMPLEMENTATION OF HB 801

### BACKGROUND

Public participation in environmental permitting at the Texas Natural Resource Conservation Commission (TNRCC) has been the focus of controversy and debate for a number of years. Attempts to deal with the length and complexity of hearings and to assure openness and fairness have spanned the last decade—ranging from the enactment of Complex Hearing Rules,<sup>1</sup> and the creation of a strong Alternative Dispute Resolution process in 1991,<sup>2</sup> the "Freeze Rules" in 1994,<sup>3</sup> the transfer of the contested case hearing function to the independent State Office of Administrative Hearings (SOAH) in 1995<sup>4</sup> together with the restrictions on who could request a hearing during the same session,<sup>5</sup> the creation of the hybrid notice and comment/contested case process to address federal delegation issues in November, 1997,<sup>6</sup> (Appendices I & II) and the creation of the Office of Public Assistance during that same period.<sup>7</sup>

HB 801 (Appendix IV) is the latest in this series of developments to try to balance the needs of applicants to secure statutorily required permits within a reasonable amount of time at a reasonable cost and the needs of the public to be able to effectively participate in the process to assure that human health and the environment are properly addressed and protected if and when a permit is issued.

#### HB 801 As Introduced

The process contained in the introduced version of HB 801 would have effected a dramatic change in the water, waste and air permitting processes. The contested case process would have

been replaced by a notice and comment process under which the notice of the permit application would have been provided by the executive director, followed by a public meeting—if a "reasonable request" was received. A "supplemental information process" was established providing for limited discovery within a 60 day window, leading to the submission of comments to the executive director (ED). The executive director would then issue a decision accompanied by a written response to significant comments. Commission review could be triggered only by commenters if so requested within 15 days after the ED decision. The commission was required to act on the petition within 15 days and no right to a contested case was explicitly provided as an option for commission review of the ED decision. Judicial review was limited to affected persons who commented and the bill appeared to restrict the role of the district court in reviewing commission decisions.

It seems fair to characterize the introduced version of HB 801 as a repeal of the contested case process, replacing it with a pure notice and comment process with limited judicial review. The public reaction to the proposal was swift and strong, with some very pointed editorials written by major Texas newspapers, questioning whether this version of HB 801 was truly the "enhanced public participation" proposal the proponents claimed.

#### HB 801 As Passed

A broad based HB 801 workgroup was appointed by the sponsor, Rep. Uher, to rework the proposal.<sup>8</sup> The committee substitute

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The views expressed in this paper are those of the author individually and do not necessarily reflect the official positions of the Commissioners or Executive Director of the TNRCC. The author is grateful to Special Counsel Lydia Gonzalez Gromatzky of the Office of Legal Services, TNRCC, for her editorial contributions.

## Public Participation in Permitting at the TNRCC: Implementation of HB 801.

hammered out and the bill as finally passed does not represent the fundamental reorientation the original proposal represented. Rather, it maintains the contested case process with an enhanced notice of administrative completeness, a statutory notice and comment process, and a limitation on issues which can be sent to SOAH to those relevant and material disputed issues of fact raised during the public comment period. (Appendix III) The "early notice" process of the air permitting system is maintained and judicial review is largely left to the courts to flesh out.

### HB 801 Implementation

During the summer, the commission has rewritten its procedural rules so that the new HB 801 procedures can be applied to those applications becoming administratively complete on or after September 1, 1999. The first rule package, covering Chapter 39 (Public Notice), Chapter 50 (Actions on Applications), Chapter 80 (Contested Case Hearings) and other miscellaneous rules changes required was adopted by the Commission on September 2, 1999. These rules are effective September 23, 1999.<sup>9</sup> The second rule package, Chapter 55 (Requests for Reconsideration and Contested Case Hearings; Public Comment), containing the most substantive changes, was considered by the Commission on September 29th and will be effective approximately October 21, 1999. The third rule package relating to changes implementing the HB 801 procedures applicable to permits for certain concentrated animal feeding operations (CAFOs) was remanded to the Executive Director (ED) for further development at the September 2, 1999 agenda.

Hoping to make the procedural rules more useable for the practitioner, the old rules are continued in effect—e.g., Subchapters A-F of Chapter 39 (Public Notice) are amended to apply to pre-September 1, 1999 applications; new Subchapters H-M are added and apply to post September 1, 1999 applications. Many of the sections are the same or very similar and where possible, the section numbers are parallel. For example, §39.5 (General Provisions) is similar to

### §39.405 (General Provisions).

The two rule packages implement more than the procedural changes mandated by HB 801. The Commission took the opportunity, while the various chapters were open, to implement HB 1479 which authorizes the Commission to renew a water quality permit without a hearing under certain circumstances; SB 1308 which allows the ED to approve water quality management plans; certain provisions of SB 7 dealing with air permits for grandfathered electric generation facilities and SB 766 dealing with voluntary emission reduction permits, standard permits and permits by rule under the air program; and SB 211 which amended the APA and provided a 3 day presumption for mailed notice. SB 7 and SB 766 will also be the subject of future substantive rulemakings as well.

Notice templates and instructions to publish and public participation guidance documents are now being prepared and will be implemented by the Office of Chief Clerk as applications are declared administratively complete.

## THE NEW PUBLIC PARTICIPATION PROCESS IN ENVIRONMENTAL PERMITTING:

### Which permits are covered?

Water quality permits issued under Texas Water Code Chapter 26, underground injection permits issued under Texas Water Code Chapter 27, municipal solid waste, industrial solid waste, and hazardous waste permits issued under Texas Health and Safety Code Chapter 361 and new source review air permits issued under Texas Health and Safety Code Chapter 382 are now governed by the new HB 801 procedures. In addition to applications for new permits, amendments and renewals of most water and waste and many air permits are covered.<sup>10</sup>

With limited exceptions, water rights permits under Chapter 11, water district and utility matters under Chapter 13, and radioactive material licensing under Chapters 401 and 402 are

Public Participation in Permitting at the TNRCC: Implementation of HB 801

examples of permitting not governed by the new HB 801 process. Federal operating permits for air, as well as the initial issuance of "voluntary emission reduction permits" for grandfathered air facilities are excluded from the coverage of the new procedures.<sup>11</sup>

HB 801 is very explicit that it is purely procedural and is not intended to expand or restrict the types of permitting actions that are subject to the contested case process.<sup>12</sup>

### When are permits covered?

Those permit applications covered by the new procedures which become administratively complete on or after September 1, 1999 must comply with the new notice requirements and will be subject to the notice and comment and issues limitation provisions of HB 801.<sup>13</sup>

If the application became administratively complete prior to September 1, 1999, the former law and rules are continued in effect and will govern those application proceedings.

### What are the new notice provisions?

#### 1. Notice of Administrative Completeness and Intent to Obtain Permit

Although some permits were already subject to similar procedures, there is now a uniform notice requirement triggered by administrative completeness of the application. Please note that the HB 801 requirements are in addition to those requirements contained in the organic statutes so both sets of requirements must be reviewed and complied with.<sup>14</sup>

Chapter 39 now provides that within 30 days of air, water or waste applications being declared administratively complete by the ED, a rather extensive Notice of Receipt of Application and Intent to Obtain Permit must be published in the newspaper of largest circulation in the county (water, waste) or newspaper of largest circulation in the municipality (air). Mailed notice to certain officials is also required.<sup>15</sup>

In addition to published and mailed notice, the applicant must make a copy of the application available for public review and

comment in a public place within the county.<sup>16</sup> The applicant and ED are encouraged to hold a public meeting to inform the public and solicit input in the county as well.<sup>17</sup>

For air applications, the notice will very explicitly communicate the requirement that requests for hearing must be made at this stage or no further notices or opportunity for hearing will be available.<sup>18</sup>

#### 2. Notice of Application and Preliminary Decision.

After the ED has finished technical review and made a preliminary decision (i.e., issued a draft permit), taking into consideration any public comment received as a result of the first notice, a second notice must be published and mailed.<sup>19</sup>

Under the previous hybrid process, the 30 day public comment period ran concurrently with the "request for hearing" process with the ED responding both to public comment and hearing requests at the agenda. These processes are now sequential under HB 801, with the expectation that concerns will be satisfied during the public comment period, leading to fewer, or at least much more focused, requests for contested case hearing.

As noted above, if no hearing request on an air application is received during the first notice period, there is no obligation to publish or mail this notice of preliminary decision and the permit will be issued as an uncontested permit by the ED.

In addition to the published and mailed notice, a copy of the complete application and the preliminary decision must be made available locally in the county in which the facility is or will be located.<sup>20</sup>

The applicant and ED are authorized to hold public meetings to facilitate public input and the ED is required to hold a public meeting at the request of a local legislator or if there is "significant public interest" exhibited.<sup>21</sup> If a public meeting is scheduled, the public comment period is automatically extended until the end of that public meeting.<sup>22</sup>

Public Participation in Permitting at the TNRCC: Implementation of HB 801

### 3. Notice of Final Decision and Executive Director Response to Comments

Within 60 days of the close of the public comment period, the ED must file with the Chief Clerk a response to each "relevant, material or significant" public comment received on the application and preliminary decision.<sup>23</sup>

The notice of final draft permit and responses to comments need not be published but the Chief Clerk is required to mail the package to the applicant, each timely commenter and any person who requested to be on the mailing list.<sup>24</sup> That notice will include instructions on how to request the commissioners to reconsider the ED's decision or to request a contested case hearing.<sup>25</sup>

#### What are the new hearing request procedures?

HB 801 did substantially revise the process and substance under which the commissioners will review requests for contested case hearing.

#### 1. Requests for Reconsideration

The first change is the addition of something called the "Request for Reconsideration" which can be filed by anyone and which petitions the commission to review the ED decision and response for comments but does not request a referral to SOAH or a contested case hearing.<sup>26</sup> Presumably, this mechanism will be used either by those persons who do not qualify as "affected" or by those persons who want to bring minor concerns or technical defects to the attention of the commission and do not wish to engage in a full-blown evidentiary trial with the attendant expense.

#### 2. Hearing Requests

Hearing requests, on the other hand, can only be filed by "affected persons", continuing current law as contained in Texas Water Code Chapter 5 and in the organic statutes, but the requirements that the request be "reasonable" and accompanied by "competent evidence" have been repealed.<sup>27</sup> The Commission had a difficult time

satisfying the courts in its implementation of SB 1546, suffering four district court reversals in a row on its denial of hearing requests. The judiciary had a difficult time seeing the applicability of all three prongs of the statute, apparently convinced that if a person was affected within the meaning of the statute, the person should have a right to a SOAH hearing, regardless of the reasonableness of the request or the evidence offered in support of the hearing request. The courts were not persuaded that alternatives to the full contested case process—notice and comment and ability to be heard at agenda—were sufficient under the statute.<sup>28</sup> HB 801 will shift the debate from those issues to a whole new set of questions.

If the Commission finds that a request has been filed by an affected person, the Commission will no longer refer the entire application to SOAH, with the applicant having the burden of proof on every element contained in the application and draft permit. The Commission will now refer specific factual issues to SOAH.<sup>29</sup>

Hearings can be triggered not only by "affected persons" but also by the applicant, the executive director, or by the commission if it decided that a contested case hearing would be in the public interest.<sup>30</sup>

#### 3. Referrable Issues

For an issue to be referrable to SOAH, it must now:

- a) involve a disputed issue of fact
- b) be raised during the comment period
- c) be relevant and material to the decision on the application

The Commission is affirmatively required to limit the number and scope of issues.<sup>31</sup> Although the Commission requested comments during the rulemaking process for assistance in possibly defining by rule these statutory terms and concepts, it was decided that more experience was needed, including some case by case determinations, in applying these concepts before restrictions, limitations or even examples could or should be devised.

It is anticipated that, just as the

## Public Participation in Permitting at the TNRCC: Implementation of HB 801

reasonableness of requests and the competency of evidence triggered vigorous briefing and oral argument at commission agendas, the application of these new standards on referable issues will be as energetically contested.

The administrative law judge (ALJ), once the matter is sent to SOAH, does have the ability to add non-referred issues, but only if the ALJ finds that the issue is material, supported by evidence and there are good reasons for the failure to supply available information regarding the issue during the comment period.<sup>32</sup>

### **4. Uncontested Permits/Motion to Overturn**

The same procedure applies to uncontested permits as applied pre-HB 801. If no request for reconsideration and no request for a contested case hearing is received timely, the application is considered uncontested and is delegated to the ED for final issuance.<sup>33</sup> The ED's formal response to comments must still be on file, a requirement for federal delegation purposes, but no further commission action is required.

If any person is aggrieved by the ED's issuance of a delegated uncontested permit, the motion to secure Commission review of that action has now been changed from the "Motion For Reconsideration" under the old rules to the new "Motion to Overturn", intended to prevent confusion with the new statutory "Request for Reconsideration". The Motion to Overturn must be filed within 20 days after mailing of the ED action to the applicant.<sup>34</sup>

### **What is the new hearing process and are there new procedures?**

The changes to the process do not end with the consideration of hearing requests and the limitation of issues. HB 801 also requires the Commission to set a maximum duration of the hearing and determine the appropriate level of discovery.<sup>35</sup>

### **1. Maximum Duration and Date for Proposal for Decision**

In the procedural rules, the Commission

has set a general guideline that the maximum duration of a contested case hearing should be no longer than one year from the date of the preliminary hearing.<sup>36</sup> The expected date for the return of the Proposal for Decision (PFD) will be set by the Commission in the order referring the matter to SOAH, consistent with the nature and number of issues referred.

The ALJ is given some discretion to extend the proceeding but must find that a party's constitutional rights would be impaired absent the extension.<sup>37</sup>

### **2. Discovery Level**

To facilitate the streamlining of the process and to enable SOAH to meet the deadline imposed by the commission, HB 801 amended the Administrative Procedures Act (APA) to set statutory limits on permissible discovery and require the commission, by rule, to set an appropriate level of discovery under Rule 190, Texas Rules of Civil Procedure (TRCP), based on the type, nature and complexity of the case.<sup>38</sup>

The rules of the commission now establish that all contested cases are set at Level 3 under TRCP 190.4, giving the ALJ the opportunity to set a realistic discovery schedule, with a further limitation that oral depositions and interrogatories are limited to the maximum set by Level 2: 25 interrogatories per party and 50 hours of depositions per side, with 6 more hours for each expert over two.<sup>39</sup>

The rules also clarify that the two "limitations" on the scope of permissible discovery set out in the statute operate independently—matters reasonably calculated to lead to the discovery of admissible evidence on referred issues is not a limitation on the second category of documents dealing with, among other things, application materials or ownership of the facility.<sup>40</sup> For example, even where certain documents related to site selection may not lead to admissible evidence on the limited issues referred to SOAH, they are discoverable under the second prong. The commission also does not view the subsection on the production of documents to be a strict limitation but rather a description of those

**Public Participation in Permitting at the TNRCC: Implementation of HB 801**

documents that are always discoverable; other documents may be required to be produced under the first prong.

**3. Scope of the Hearing/Burden of Proof**

The commission requested comments on whether changes needed to be made to rules governing burden of proof and summary disposition to deal with the new limited referral of issues procedure. How a challenged permit on appeal might be viewed by the courts under the substantial evidence standard stimulated the questions. If no evidence is offered at a hearing on issues not referred, can the permit be challenged based upon a lack of substantial evidence supporting most of the permit provisions?

The commission declined to make any changes to the current standards on burden of proof and will not establish a process where undisputed facts are found or established by the ALJ through some summary disposition process.<sup>41</sup> When a matter is referred to SOAH, only the issues referred or those added by the judge will be considered at the hearing. The PFD and proposed order will be similarly limited. The applicant will continue to have the burden of proof to demonstrate that the application meets applicable rules related to issues referred.

**4. No Public Comment at Preliminary Hearing**

In the past, the SOAH ALJ would commonly begin the preliminary hearing with a "public comment" session, before naming parties. Because of the new early notice and response to comment process, the commission has rewritten the rules to discourage the taking of such comment long after the close of the public comment period to which the ED can offer no formal response.<sup>42</sup>

**Are there any changes to the judicial review of contested case matters?**

HB 801 did not make any changes to either the TNRCC statutes or the APA with regard

to judicial review of Commission orders coming out of the contested case process. The Commission also chose not to try to dictate to the courts by rule how the new limited issue process will be reviewed under the APA.

**1. Final Commission Order/ Commission Response to Comments**

It is anticipated that the final commission action on a contested permit matter under the HB 801 process will be a hybrid document. The Findings of Fact and Conclusions of Law contained in the Order proposed by the ALJ and supported by the Proposal for Decision will be reviewed by the Commission and either adopted, rejected or adopted with amendments, leading to a final Order on the contested issues. At the same time, it is anticipated that the Commission will reconsider the ED Response to Comments on those issues that did not rise to the level of relevant and material disputed issues of fact and will adopt a Commission Response to Comments.

Who can appeal either of those actions under Texas Water Code § 5.351 or Texas Gov't Code §2001.171 may be an interesting question. Can commenters who feel aggrieved by the Commission Response to Comments but whose issues were not referred to SOAH appeal under § 5.351? Can only those parties who participated in the contested case appeal the permit action under §2001.171?

What constitutes the record on appeal in this kind of case? Only the contested case record coming out of the SOAH proceeding as is now the case or both the contested case record and the agency permit processing record which supports the ED's and ultimately the Commission's Response to Comments?

**2. Interlocutory Appeals**

The Commission did speak, to some extent, to those situations in which interlocutory appeals might apply. For example, if a person requests that an issue be referred to SOAH but the Commission declines, can and should the person appeal that to district court or must that person wait until the conclusion of the proceeding, file a



Public Participation in Permitting at the TNRCC: Implementation of HB 801

motion for rehearing, and then proceed to district court?

If one person's hearing request is denied but another person's request is granted, the remedy is not to appeal that denial but to proceed to the preliminary hearing and request party status.<sup>43</sup> If that party status is denied, then a direct appeal is not appropriate but rather an appeal of the Commission's final decision, after filing a motion for rehearing complaining of the denial of party status.

### CONCLUSION

The clear intent of the new HB 801 process is to encourage and facilitate early public participation and thereby streamline the contested case process. The procedural rules now adopted by the Commission are the initial steps implementing that intent. In the preamble to the adopted rules, the Commission has pledged to revisit these rules after a period of time with a view toward enhancing them if necessary. As answers to some of the questions posed in the preamble and this paper are viewed, amendments or clarifications may be proposed.

HB 801 represents the latest attempt to balance the TNRCC contested case process. Whether it is the last attempt remains to be seen.

<sup>1</sup> These rules were codified by the Texas Water Commission in 1991 at 31 TAC Chapter 274 (Expediting the Complex Hearings)

<sup>2</sup> First set of rules were adopted in 1991; codified at 30 TAC §§40.1-9 (Alternative Dispute Resolution Procedure), effective June 1996.

<sup>3</sup> 30 TAC §§80.201-.215 (Freezing the Process), effective July, 1994; See Claire P. Arenson, New Procedures at the TNRCC, 6<sup>th</sup> Annual Hazardous and Solid Waste Management Institute (October 1994). The Freeze Rules were a complicated attempt to level the playing field between applicants and protestants by specifying discovery schedules and prohibiting the amendment of the application after a certain stage. An optional process very rarely invoked, the Freeze Rules subchapter is repealed by this rule package.

Public Participation in Permitting at the TNRCC: Implementation of HB 801

- <sup>4</sup> Tex. S.B. 12, 74<sup>th</sup> Leg., R.S. (1995); TEX. GOV'T CODE ANN. §2003.021
- <sup>5</sup> Tex. S.B. 1546, 74<sup>th</sup> Leg., R.S. (1995); TEX. WATER CODE §5.115(a) (West 1998); See Gregg A. Cooke, Requests for Hearing Before the TNRCC: Who Is Entitled to a Hearing?, 8<sup>th</sup> Annual Environmental Superconference (Fall 1996)
- <sup>6</sup> See James M. Phillips, The "Hybrid" Contested Case Process at the TNRCC: How Did We Get Here. Where Are We Going?, 1997 Advanced Environmental Law Course (Winter 1997).
- <sup>7</sup> Tex. Natural Resource Conservation Comm'n, Resolution Concerning Public Participation at the TNRCC (Oct. 8, 1996) (on file with the TNRCC Central Records).
- <sup>8</sup> Workgroup participants included Jim Morriss, Thompson Knight; Kinnan Goleman, Brown McCarroll; Rick Lowerre, Henry, Lowerre, Fredrick; Cathy Sisk, Harris County; Reggie James, Consumers Union; Jon Fisher, Texas Chemical Council; Mary Miksa, Texas Association of Business and Chambers of Commerce. This partial listing is not complete, but is intended to show the various interests represented.
- <sup>9</sup> 24 Tex. Reg. 8190 - 8322 (September 24, 1999)
- <sup>10</sup> TEX. WATER CODE §5.551; 30 TAC §§39.403, 50.102, and 55.101
- <sup>11</sup> TEX. HEALTH & SAFETY CODE §§382.056 and 382.05191; 30 TAC §39.403(c), (d); 30 TAC §50.102(c), (e); 30 TAC §55.101(g)(6) and (7)
- <sup>12</sup> TEX. WATER CODE §5.551(a); HB 801 §7(c)
- <sup>13</sup> HB 801 §7(b)
- <sup>14</sup> TEX. WATER CODE §§5.552(d); 5.553(d). These provisions led to some of the added complexity of Chapter 39 and to discussions with EPA regarding the notice requirements for Class 3 Modifications of Solid Waste Permits. EPA has concurred with the TNRCC that the new *Notice of Receipt of Application and Intent to Obtain Permit* (§39.418) is equivalent to, if not more stringent than, the *Notice of Modification* in existing §305.69(d)(2). Under the old notice provision an applicant for a Class 3 Modification of a solid waste permit would be required to publish a single notice announcing a 60-day comment period, within 7 days before or after the submission of the modification request. By comparison, the new notice under §39.418, requires notice to be published no later than 30 days after the application for the modification is declared administratively complete, and includes a public comment period that runs until at least 45 days after completion of technical review of the application. This agreement avoids the anomalous situation where more notice would have been required for Class 3 Modifications (3 notices in all) than for new Solid Waste Permits (2 notices required).
- <sup>15</sup> 30 TAC §§39.405, 39.413, and 39.418
- <sup>16</sup> TEX. WATER CODE §5.552(e); TEX. HEALTH & SAFETY CODE §382.056(d); 30 TAC §39.405(g)
- <sup>17</sup> TEX. WATER CODE §5.552(f); TEX. HEALTH & SAFETY CODE §382.056(e); 30 TAC §55.154.

Public Participation in Permitting at the TNRCC: Implementation of HB 801

- <sup>18</sup> 30 TAC §39.419(e).
- <sup>19</sup> TEX. WATER CODE §5.553; TEX. HEALTH & SAFETY CODE §382.056(g); 30 TAC 39.419.
- <sup>20</sup> TEX. WATER CODE §5.553(e); TEX. HEALTH & SAFETY CODE §382.056(j); 30 TAC §39.405(g).
- <sup>21</sup> TEX. WATER CODE §5.554; TEX. HEALTH & SAFETY CODE §382.056(k); 30 TAC §55.154.
- <sup>22</sup> 30 TAC §55.152(b).
- <sup>23</sup> TEX. WATER CODE §5.555; TEX. HEALTH & SAFETY CODE §382.056(l); 30 TAC §55.156(b).
- <sup>24</sup> TEX. WATER CODE §5.555(b); TEX. HEALTH & SAFETY CODE §382.056(m); 30 TAC §55.156(c).
- <sup>25</sup> TEX. WATER CODE §5.555(b); TEX. HEALTH & SAFETY CODE §382.056(m); 30 TAC §39.420.
- <sup>26</sup> TEX. WATER CODE §5.556(a); TEX. HEALTH & SAFETY CODE §382.056(n); 30 TAC §55.201.
- <sup>27</sup> TEX. WATER CODE §§5.115(a).
- <sup>28</sup> See, e.g., *Heat Energy Advanced Technology, Inc. v. West Dallas Coalition for Environmental Justice*, 962 S.W.2d 288 (Tex. App.—Austin 1998, pet. denied).
- <sup>29</sup> TEX. WATER CODE §5.556(e); TEX. HEALTH & SAFETY CODE §382.056(n); 30 TAC §55.211.
- <sup>30</sup> TEX. WATER CODE §5.556(f); TEX. HEALTH & SAFETY CODE §382.056(n); 30 TAC §§55.201(b), 55.211(d)(1).
- <sup>31</sup> TEX. WATER CODE §5.556(d); TEX. HEALTH & SAFETY CODE §382.056(n); 30 TAC §§50.115(b) and 55.211(b).
- <sup>32</sup> TEX. GOV'T CODE ANN. §2003.047(f); 30 TAC §80.4(c)(16).
- <sup>33</sup> 30 TAC §50.133.
- <sup>34</sup> 30 TAC §50.139.
- <sup>35</sup> TEX. WATER CODE §5.556(e)2 and TEX. GOV'T CODE ANN. §2003.047(h)(2).
- <sup>36</sup> 30 TAC §50.115(d).
- <sup>37</sup> TEX. GOV'T CODE ANN. §2003.047(e); 30 TAC §50.115(d).
- <sup>38</sup> TEX. GOV'T CODE ANN. §2003.047(h)(2).

Public Participation in Permitting at the TNRCC: Implementation of HB 801

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<sup>39</sup> 30 TAC §80.152(c)

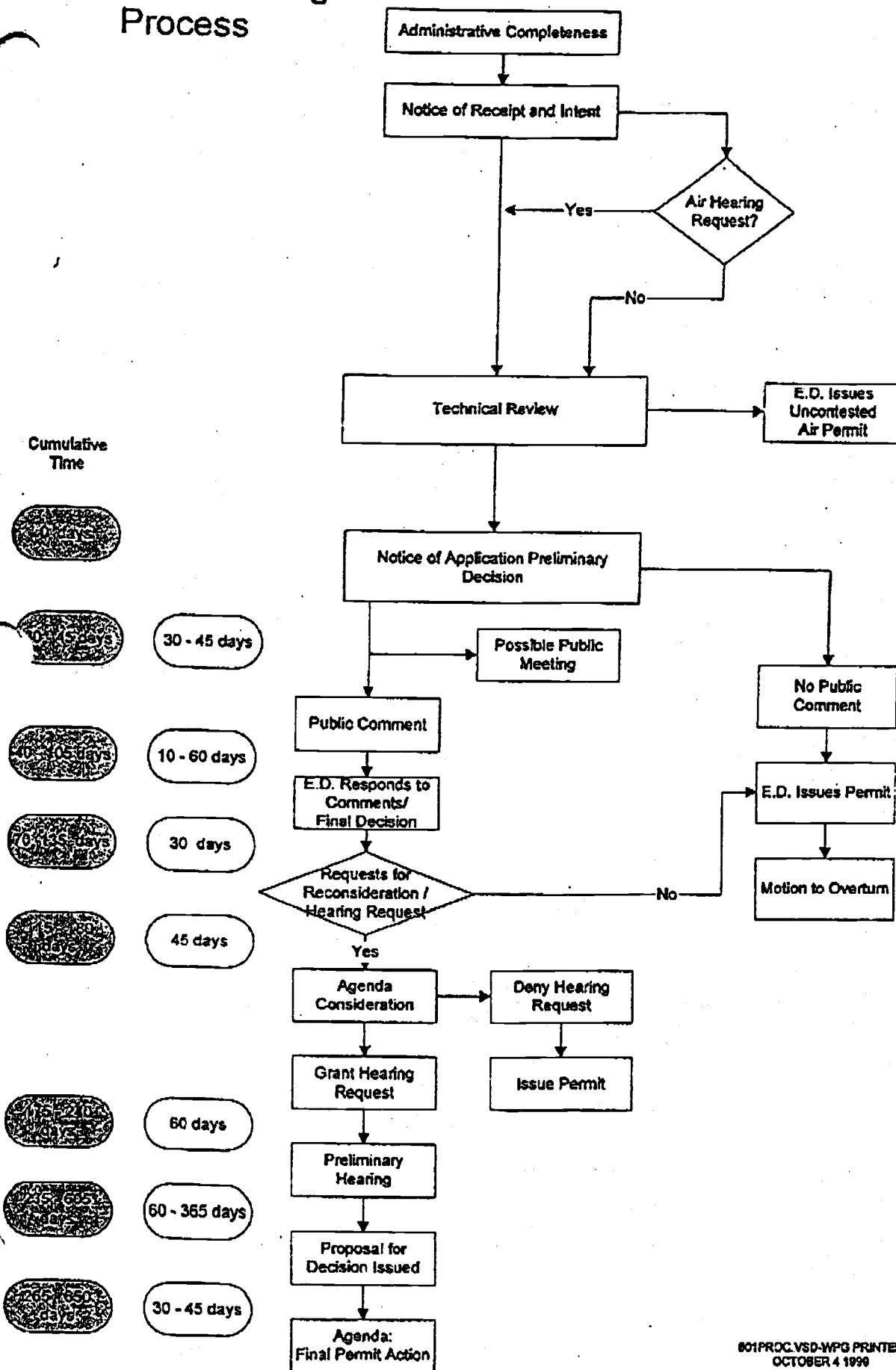
<sup>40</sup> 30 TAC §80.152(b)

<sup>41</sup> 24 Tex. Reg. 8278 - 8279 (September 24, 1999)

<sup>42</sup> 30 TAC §80.4(d)

<sup>43</sup> 30 TAC §55.211(e)

# HB 801 Permitting Process



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**5 October 99 RAB Action Item/Response**

**Item:** 13

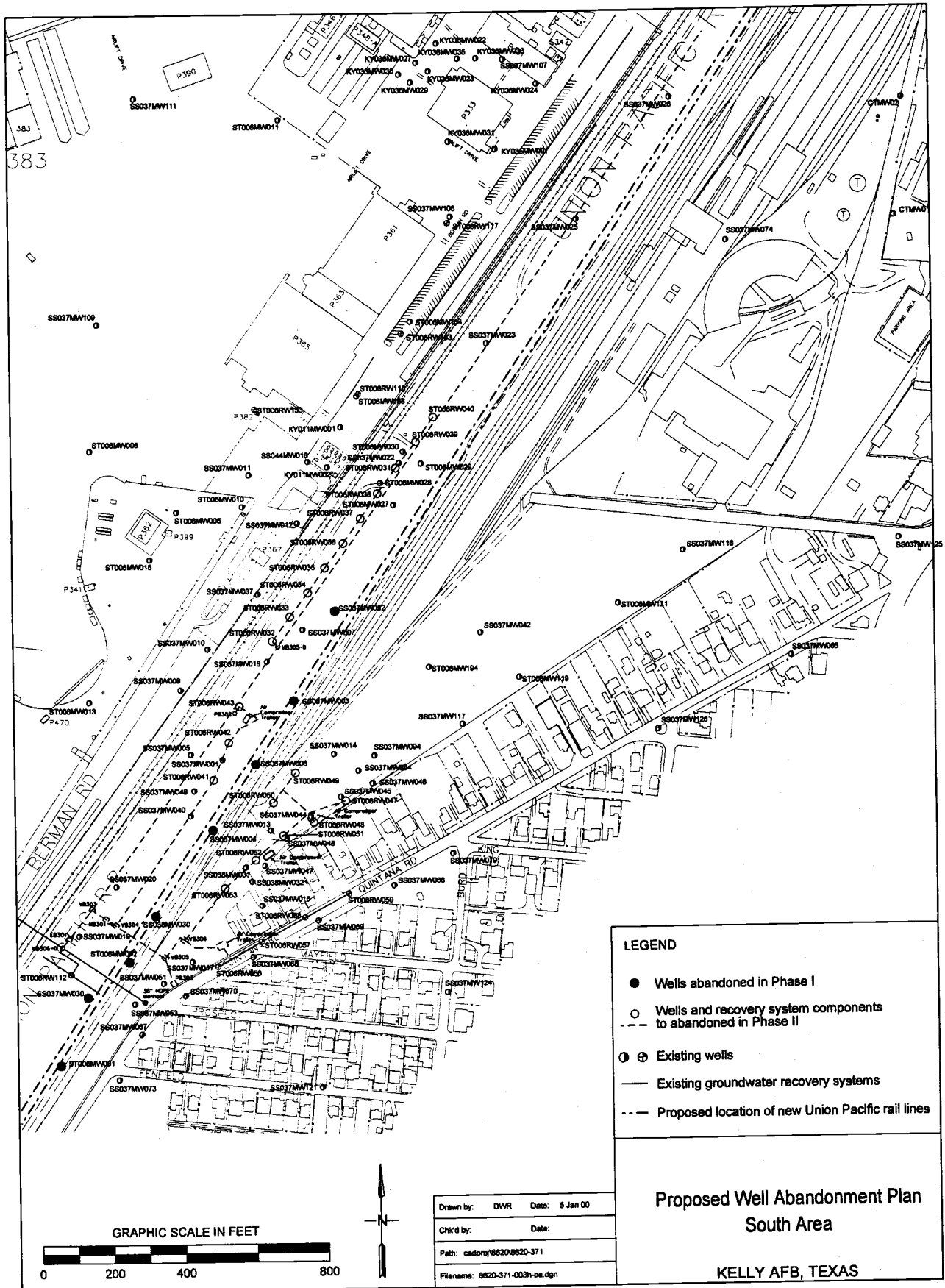
**Description:** A report on the treatment wells and treatment infrastructure on the Union Pacific Railroad site was requested.

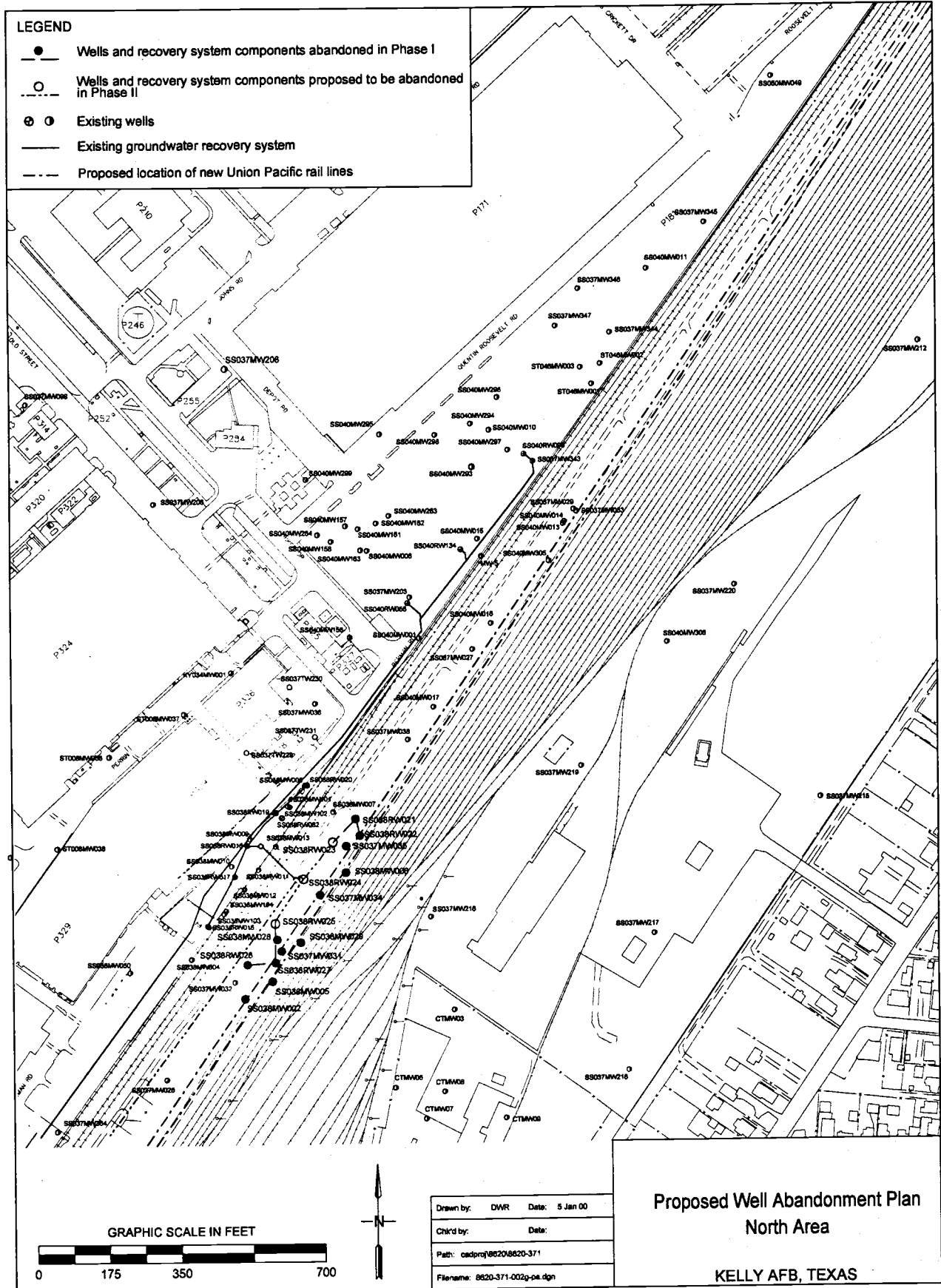
**Requester:** Mr. Quintanilla

**OPR:** Mr. Buelter

**Action:** Prepare a report on the treatment wells and treatment infrastructure at the Union Pacific Railroad (UPRR) site.

**Response:** The attached maps show the location of monitoring wells, groundwater recovery wells and associated piping located on UPRR property. The maps also indicate the location of two new rail lines being installed by UPRR. The recovery and monitoring wells highlighted in red were properly abandoned to allow construction of the rail lines. Further removal of recovery wells and associated infrastructure and monitoring wells may occur in the future with further expansion of the railroad or optimization of on-base systems.







**5 October 99 RAB Action Item/Response**

**Item:** 14

**Description:** Provide a presentation on 'Paelo Channels' for the January RAB meeting.

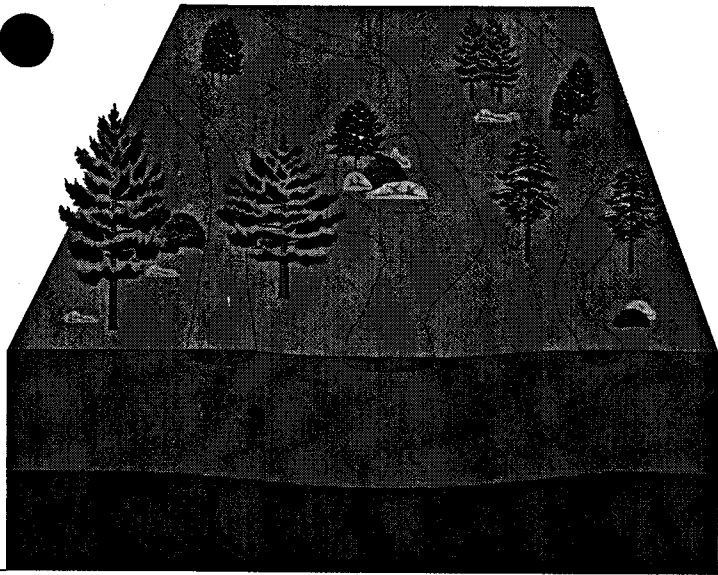
**Requester:** Ms. Huerta

**OPR:** Mr. Ryan

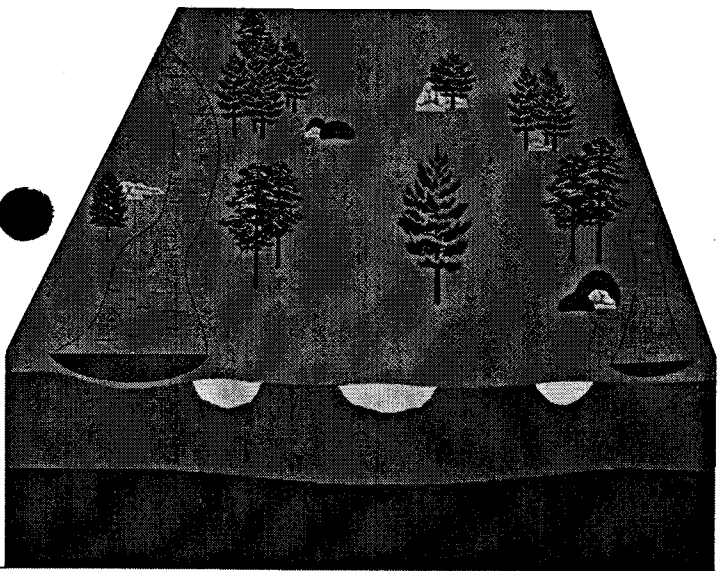
**Action:** Prepare information on 'Paelo Channels' for the January RAB meeting.

**Response:** A short explanation of 'Paelo Channels' follows this page.

# How paleochannels are formed



In ancient times, rivers and streams formed when surface water sought the path of least resistance to the sea. Over time, the water would cut channels into the soil, creating a conduit for the water.



We know that the Kelly area has been covered with water due to flooding or other climactic events. Each time the the area flooded, the waters would recede. This left behind a layer of silt, which covered the old area and created a new layer of soil. New stream channels formed on the surface, but the old ones remained beneath the new layer of soil.



This cycle has repeated itself many times in our area. Stream beds that were once filled with water, are now buried beneath several feet of soil. Now, instead of carrying water on the surface, they provide a low-resistance pathway through which underground water can easily move.

**Kelly's Requirements for  
Redevelopment**  
**"An Overview of Status,  
Accomplishments &  
Strategic Needs"**  
Paul Roberson  
Executive Director  
Greater Kelly Development Authority

Creating Economic Opportunities for Kelly Air Force Base and the Air Force for the 21<sup>st</sup> Century  
Development Authority

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**Overview**

- Key Points in this Presentation
- The Vision for Kelly
- Reviewing the Economic Significance of Kelly
- The Good News—the Successes
- Putting Present Successes into Perspective
- What's Needed to Move to the Next Plateau
  - Increase Value of Kelly's Most Significant Asset and Improve Access
  - Upgrade Kelly Facilities & Infrastructure
  - Establish Programs to Attract Target Industries
  - Work Force Training
- Review of GKDA's Needs and Resources
- Summary

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**Key Points**

- Kelly's redevelopment is at critical juncture
- Major achievements but successes made possible by phenomenal Air Force input (Large Government Workload Contracts)
- Major investments in Kelly's facilities and infrastructure required to continue successful job creation pace
- Kelly's estimated capital needs are \$374M
  - GKDA and Tenants can fund \$145M of requirement
  - Sales tax revenues can be leveraged to raise remainder

Funding support will ultimately determine pace and quality of jobs in Kelly's redevelopment

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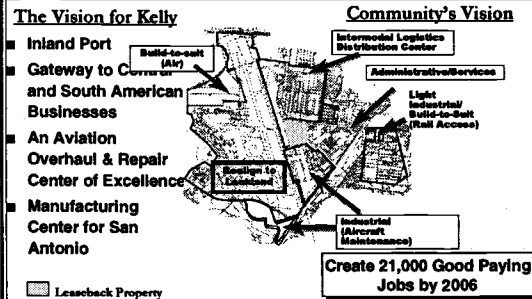
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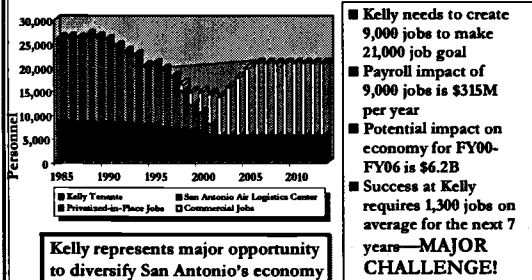
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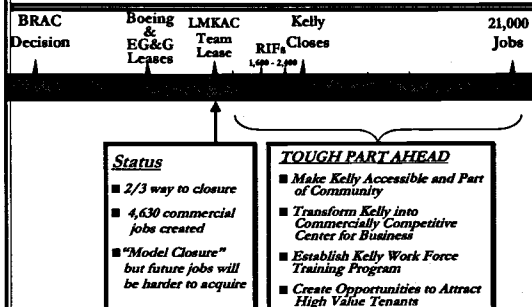
## The Vision for Kelly

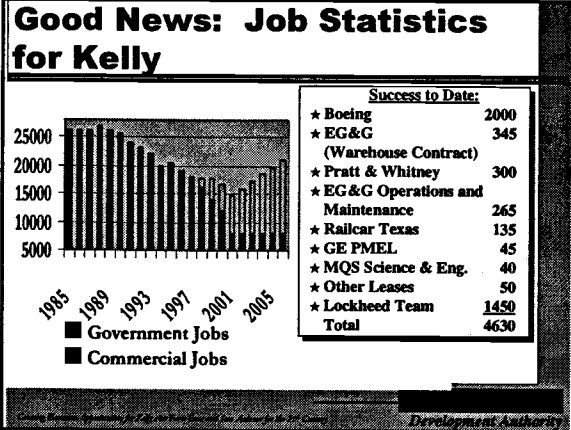


## Reviewing the Economic Significance of Kelly



## Kelly's Timeline






### Boeing--The Biggest Success to Date

**Accomplishments**

- 1,700 Jobs created to date and 2,000 expected by 2001
- More than 350 construction jobs created
- \$16M in facility upgrades completed
  - Hangar Door
  - Overhead Lighting Systems
  - Fire System Upgrades
  - Ramp Repairs
  - Paint Hangar Improvements
  - Many More!

**Future Opportunities**

- \$9M in additional upgrades
- Increased workloads and 1,000 jobs if acceptable rates on new hangar



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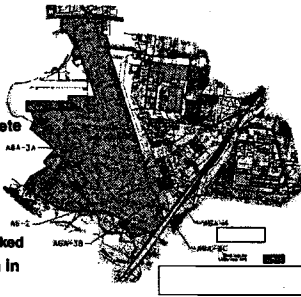
### Good News: Kelly's Engine Workloads

Workload	Agency Doing Work	Location	Previous Jobs	Remaining Jobs
TF39	Lockheed	Kelly	550	440
F100	OC-ALC	OK	1,000	-
T56	Standard Aero	Kelly	700	550
Fuel Accessories	Woodward Lockheed OC-ALC	Kelly Kelly OK	300	100
T56 2LM	Standard Aero	Kelly	150	120
TF39 2LM	Lockheed	Kelly	300	240
<b>Totals</b>			<b>3,000</b>	<b>1,450</b>

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## Kelly's Redevelopment--The DOD Model and a Team Success

- Created 4,630 jobs
- 6.1M SF under lease \*
- \$20M of property maintenance work
- Only BRAC 95 base with utility negotiations complete
- Best Air Force and Redevelopment Authority Partnership
- EDC agreement--\$108M
  - Release prices being worked
- \$41M of new construction in process



Creating Economic Opportunities for Kelly Air Force Base and Texas Airports for the 21<sup>st</sup> Century

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## Construction Complete or In Pipeline

- \$16M Boeing Projects Completed--\$9M of New Projects in Queue
- Construction on \$8.6M Admin Bldg (80K SF) began Oct 99/leasing Jun 00
- Construction on \$7.9M Logistics Distribution Facility could begin Mar 00
  - \$2M TDED Grant
  - Grant Pledged for Boeing



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## Some Success with Finances

- Established Line of Credit for operational expenses
- Obtained Air Force funds for facility improvements
- In conjunction with City, State, and Federal agencies
  - Secured grants (e.g. OEA, TDED and EDA)
  - Obtained HUD Section 108 Loan for Boeing Upgrades
- Completed negotiations with CPS & SAWS for utility systems

### Two Years of Performance

TDED Grants	\$6.0M	} Grants \$10.0M
EDA Grants	\$3.0M	
OEA and City of San Antonio	\$1.0M	
HUD Section 108/Bank Loans	\$50.0M	→ Loans \$50M
Air Force Funding	\$16.3M	→ Aircraft/VPBA
Sale of Gas, Electric, & Water	\$8.4M+	

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### Small Business Strategy and Successes

**GKDA & EG&G's Exceptional Performance In Meeting SMWBE Goals**

Category	Goals	%	\$
Minority Owned	21.3%	30% (\$27.5M)	
Women Owned	10.4%	10% (\$8.6M)	
African-American Owned	1.48%	1% (\$.5M)	
Small Businesses	45.0%	69% (\$62.0M)	

**Small Business Opportunities**

**First Opportunity**  
Provide goods/ services to the Flagship and Cluster Industries attracted by Kelly facilities and workforce

**Second Opportunity**  
• Construction  
• EG&G Contracts for Base Operating Support

Kelly Tenants  
GKDA & EG&G

As of: 30 Nov 1999

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### Putting Kelly's Success into Perspective: Normal Impact on Jobs

**Closure Date**

**Start development AFTER base closure**

- Mission assets moved
- Environmental clean up conducted
- Community begins development on empty base

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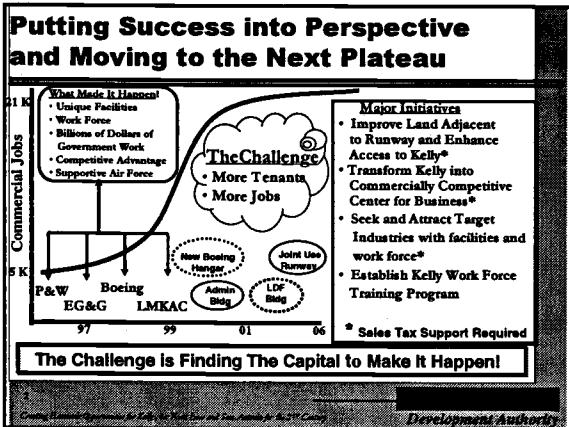
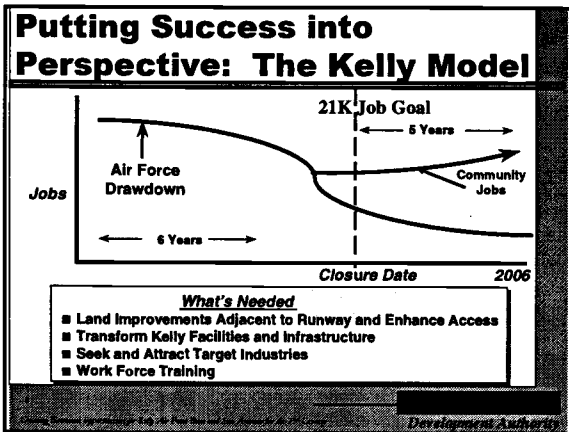
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### Introduction to Kelly's Financial Needs for Potential Funding by a Sales Tax

■ GKDA has significant financial requirements for

Infrastructure and Airfield Upgrades	\$174M
Facility Modernization	\$ 50M
Build to Suit and Tenant Specific Improvements	\$150M
<b>Total Capital Requirements</b>	<b>\$374M</b>

■ GKDA requests sales tax funds to attract target industries to Kelly and create new job opportunities for San Antonio



### Land Improvements Adjacent to Runway and Improving Access

- Kelly's most valuable asset is runway
- Improved access to runway/availability of ramp space are critical
- Kelly's Land Use Plan Being Worked in Conjunction with MPO, City, and Texas Department of Transportation
  - 36th Street Upgrade makes Kelly and runway more accessible
- Second part of project is to build new North/South thoroughfare
  - Increases usable property adjacent to runway
  - Creates improved traffic flow onto and off Kelly
  - Allows for demolition of World War II warehouses
  - Project "Jump Starts" Inland Port and Multimodal Operations
- Cost for Demolition and Road Construction is \$15M (Part of GKDA's \$174M for Infrastructure Improvements)

See Kelly's Land Use Plan

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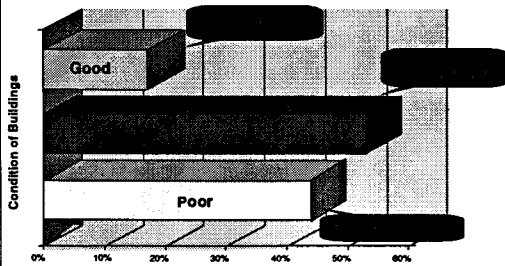
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### Transforming Kelly into a Competitive Center for Business—The Facility Problem



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### Transforming Kelly into a Competitive Center for Business—The Demolition Problem

Building 1550 Warehouse  
(176,075 SF)



Building 1562 Warehouse  
(151,727 SF)



- 1.4M SF of Warehouses Need to be Demolished
- Demolition/Replacement Essential for Multi Modal Vision
- Demolition Costs Estimated at \$6M to \$8M (Part of Kelly's \$174M Infrastructure Upgrade Program)

Development Authority

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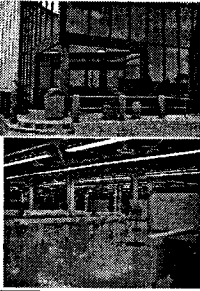
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### Transforming Kelly into a Competitive Center for Business—The Upgrade Problem



- One Typical Project for "Fair" Facility
- Acceptable Exterior
- 183K SF of Space
  - Mix of Admin & Shop Space
- Totally Air Conditioned
- Upgrade Needs
  - Sub Divide for Tenants
  - Divide utilities per tenant
  - Improve Parking

Upgrades to Fair Facilities Are Part of \$50M Needed for Facility Improvements

Creating Economic Opportunities for Kelly Air Force Base and Surrounding Area for the 21<sup>st</sup> Century **Development Authority**

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### Transforming Kelly into a Competitive Center for Business—The Upgrade Problem

**Building 331 GTE/SPS Repair**  
(136,532 SF)

**Building 345 Fuel Accessories**  
(48,458 SF)



- Small Engine Repair Facility—Best in Nation—Need Large Tenant(s) to occupy significant portions of facility
- Fuel Accessory Facility—Excellent Facility—Compartmentalized for Fuel System Work—Will Need Specialized Equipment

Good Facilities Need Upgrades/Equipment (Part of \$50M for Facility Upgrades)

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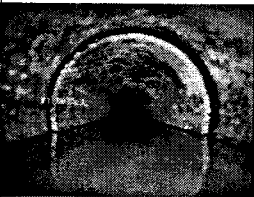
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### Transforming Kelly into a Competitive Center for Business—Infrastructure Needs



Typical of Problems with Storm Drainage System  
(Part of Kelly's \$174M Requirement for Infrastructure Improvements)

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### Transforming Kelly Into a Competitive Center for Business—"Move West" Needs

**Building 1530**  
Office/Warehouse  
(413,264 SF)



**Building 1533**  
Office/Warehouse  
(344,337 SF)



- Two Best Warehouses presently being retained by Air Force
- Air Force will release one in 2001 and second if replacement facility provided
- Working with Texas Delegation for DOD Budget Insert
- Need \$25M Budget for Warehouse and Critical Ramp Facilities
- Part of \$150M Build-to-Suit Program

Creating Economic Opportunities for Kelly Air Force Base and San Antonio Air 17th Century Development Authority

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### Seeking and Attracting Target Industries with Good Facilities/Quality Work Force

- Kelly and San Antonio competing Nationally and Internationally
  - Several communities and states are making major investments
  - Kelly must compete with quality facilities and a trained work force
- GKDA proposes to use utility and lease revenues, to maximum extent possible, to attract targeted industries
  - GKDA funds will be used to tailor facilities to tenant specific needs
  - GKDA will strive to defer expenses for tenants during start-up
- City sales tax revenues would be reserved for high impact tenants
- GKDA proposes that work force development funds be available to develop San Antonio unique work force training programs for high priority tenants

**Kelly at Distinct Disadvantage Unless Special Efforts Taken to Attract High Impact Tenants**

Creating Economic Opportunities for Kelly Air Force Base and San Antonio Air 17th Century Development Authority

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### Summary of Kelly's Funding Sources and Shortfalls

	Estimate	Forecasted Sources of Funds	Shortfall
<b>Build to Suit &amp; Tenant Specific Improvements</b>	<b>\$150M</b>	Rentals - \$5M Utility Sale Proceeds and \$5M Grants	<b>\$50M</b>
<ul style="list-style-type: none"> <li>➢ New construction, e.g., Hangar</li> <li>➢ Tenant build-out</li> </ul>	Construction Debt - \$54M, supported by real revenue from leased facilities		
<b>Infrastructure</b>	<b>\$174M</b>	None Identified at this time	<b>\$174M</b>
<ul style="list-style-type: none"> <li>➢ Move Road</li> <li>➢ Overhead Improvements</li> <li>➢ Facility Renovation</li> <li>➢ Airfield Improvement</li> </ul>			
<b>General Facilities Improvements</b>	<b>\$50M</b>	Construction Debt - \$45M, supported by real revenue from leased facilities	<b>\$5M (Equity)</b>
<ul style="list-style-type: none"> <li>➢ Internal demolition and partitions</li> <li>➢ Legacy facilities, streets, etc. removal</li> <li>➢ Parking</li> </ul>			
<b>Estimated Total</b>	<b>\$374M</b>	<b>\$145M</b>	<b>\$229M</b>

Creating Economic Opportunities for Kelly Air Force Base and San Antonio Air 17th Century Development Authority

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### A Review of Kelly's Strategy for Using a Sales Tax

- GKDA would propose using sales tax revenues
  - > Fund high impact build-to-suit projects that create maximum jobs and economic opportunity for San Antonio
  - > Fund critical infrastructure requirements
    - Relocation of road and demolition of WWII warehouses first priority
  - > Provide equity funds to establish a general facilities improvement program
    - \$5M of equity would allow GKDA to begin program leveraging remaining \$45M with rent revenues from leased facilities
- GKDA's intent is to leverage sales tax revenues to maximum

Creating Economic Opportunities for Kelly Air Force Base and San Antonio for the 21<sup>st</sup> Century **Development Authority**

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### The Need to Establish a Kelly Work Force Training Program

- GKDA recognizes that many organizations are supporting a human development program
- GKDA fully supports such a program—a trained work force will be critical to Kelly's success
- *GKDA wants to offer facilities, equipment, and support for establishing training programs on Kelly*
- Kelly's major tenants already need support
  - > Future pipeline for industrial craftsmen
  - > Training program for skilled computer, software, and other technical and management of technical positions
- Future development of Kelly critically dependent on availability of a trained work force

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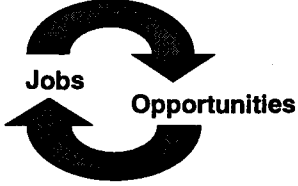
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### The Need to Establish a Kelly Work Force Training Program

- Skilled people attract companies with good paying jobs
- Jobs provide opportunities for people with skills



- Kelly Wants and Needs to Host Major Training Initiatives to Meet Present & Future Tenant Needs
- GKDA must build on partnership with ACCD, UTSA, UT, and Texas A&M

Creating Economic Opportunities for Kelly Air Force Base and San Antonio for the 21<sup>st</sup> Century **Development Authority**

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## Summary

- Kelly's successful development is dependent upon additional sources of funds
- GKDA has \$374M of requirements
  - The GKDA plans to satisfy \$145M of the need with lease revenues, grants, and utility income
  - GKDA needs support from sales tax to leverage remaining funds to satisfy other requirements
- GKDA has critically valuable projects
  - Fund build-to-suits and facility modifications for high impact tenants
  - Maximize potential of runway and improve access to Kelly
  - Establish an equity contribution for general facility upgrades
  - Assist in the funding of significant infrastructure projects
- GKDA needs the community's support

Development Authority

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Directorate of Environmental Management  
San Antonio Air Logistics Center (AFMC)  
Kelly AFB, TX 78241

## **Kelly AFB Response to Comments**

**Document Review of the  
Quality Program Plan, Phase II RFI  
IRP Zone 4 Operable Unit 2  
Kelly Air Force Base, Texas**

**Prepared by  
Neathery Environmental Services**

**Submitted to  
Kelly Air Force Base  
Restoration Advisory Board**

The Kelly AFB Restoration Advisory Board (RAB) obtained the services of Neathery Environmental Services (NES) to review the Quality Program Plan, Phase II Remedial Facilities Investigation, IRP Zone 4 Operable Unit 2, Kelly AFB, Texas. The review was funded under the Technical Assistance for Public Participation (TAPP) program. The aim of the TAPP program is to provide the RAB with independent technical assistance to understand specific documents and provide input to DOD's environmental restoration program. The program equips the RAB with an interpretation of specific technical information for nontechnical persons -- and provides this through government funding.

A draft of the review and oral comments were presented to the Technical Review Subcommittee (TRS) on September 21, 1999 by Jeffery Neathery, NES. Final comments were presented at the October 5, 1999 RAB meeting. The RAB requested Kelly AFB respond to comments by October 28, 1999. General and specific response to written comments is provided below, followed by response to oral comments made during the oral presentation.

### **General Comments**

Some of the general review comments stated the Work Plan was vague and confusing. Specific review comments make recommendations for an additional level of effort to meet new goals and objectives. Final comments recommend revisions to the document. The review also indicated there were production errors and internal review problems.

The NES reviewer acknowledges that no other documents or site-related information were reviewed and that the Work Plan was taken as a stand-alone document. This pres-

ents the potential for erroneous recommendations because of incorrect or inaccurate interpretation of the information presented. The document reviewed by NES is a Work Plan prepared to guide activities associated with characterization of the off-base groundwater plume. The Work Plan was developed using information obtained from previous investigations by Kelly Air Force Base and discussions with the TNRCC and EPA. The elements of the Work Plan were selected to meet the goals and objectives established for the project, namely characterization of the off-base groundwater plume. Supporting documentation for this effort would include the Remedial Investigation Reports for Installation Restoration Program Zone 4, Sites SS051 and SS052; and Informal Technical Information Report Data Collection – June/July 1998, IRP Zone 4 Remedial Investigation for Operable Unit 2. In the future, it would be beneficial to require the TAPP contractor to read all supporting documentation for background information and to request the review of any Work Plan be completed prior to mobilization to the field. This is consistent with the steps defined in the TAPP guidebook for selecting a project. The Air Force Base Conversion Agency will be addressing this with the RAB's technical review subcommittee as future TAPP projects are considered.

Flexibility in the Work Plan should not be mistaken for vagueness or confusion. Site Characterization Work Plans (~~pick up paragraph~~) ~~Site characterization work plans~~ by their very nature are technical documents designed to provide specific detail while also allowing flexibility in the execution of the work. Performance of field activities over such large residential, commercial, and industrial areas can require adjustments based on changes in conditions. Data is reviewed as soon as it becomes available. Adjustments to the program can be required based on new information. Project status meetings are held periodically to brief the TNRCC and EPA and discuss proposed changes to the planned activities or seek approval for monitoring well locations. This flexibility is critical to the success of the project.

As Mr. Neathery observed, clerical errors are present in the document. Although the production errors and review comments do not detract from the professional quality and usefulness of the material presented, they could have an effect upon those who read the document. Much of the work specified in this Work Plan has already taken place and this specific Work Plan will not be re-published, but we will ensure closer attention to detail for all future contract documents.

### **Specific Comments on the NES review document**

#### **1.0 Executive Summary**

**Comment:** The document reviewed is referred to as a "Report".

**Response:** The document is a "Work Plan" which describes the goals and objectives, methodology and procedures, and QA/QC requirements for the project. The Work Plan is a technical document intended to guide activities conducted by qualified professionals and as such may be somewhat difficult to interpret by the layman.

**Comment:** The last paragraph of the Executive Summary states "The Report indicates that dense non-aqueous phase liquids (DNAPLs) are used as indicator parameters."

**Response:** In their pure form, the chemicals identified as target parameters are DNAPLS (separate phase hydrocarbon liquids that are denser than water). For the purposes of the Work Plan, however, the "indicator" parameters of interest are individual constituents (PCE, TCE, DCE, VC) **dissolved** in groundwater. In the pure form, these chemicals would sink through the groundwater to the underlying clay surface and their movement would be controlled by gravity. When the indicator parameters are dissolved in groundwater, they migrate with the movement or flow of groundwater. In their dissolved state, the density of the constituents no longer plays a role in determining the migration pathway.

A method exists for evaluating a location to determine if the chemicals could condense into their pure form and therefore migrate "downhill" with gravity rather than "downgradient" with the groundwater. The method is to compare the sample concentrations to the solubility of the constituents. Chemicals could potentially condense into their pure form and settle out if concentrations of DNAPL-related compounds are greater than 1 percent of the solubility of the compound (EPA OSWER Publication 9355.4-07fs, 1992). The solubility is the greatest amount of the chemical that can be dissolved into water. Only PCE and TCE were used in their pure form at Kelly AFB. The solubility of these primary constituents utilized at Kelly AFB are summarized below:

Compound	Solubility	1 % of Solubility
PCE	200,000 ug/L	200 ug/L
TCE	1,100,000 ug/L	1100 ug/L

The concentrations of PCE and TCE detected in most of the off-Base area range from 1 to 100 ug/L. At these low level concentrations, PCE and TCE are not expected to condense and settle on the subsurface. Therefore there is no need to discuss the role of paleo channels in the migration of DNAPLs in the area for which the Work Plan was prepared.

The Work Plan reflects the fact that the chemicals moved away from the base in a dissolved form in the groundwater and that the amount of chemicals present in the groundwater was too little to condense into a near pure form and settle out. If groundwater sampling found undiluted DNAPLs or if very high concentrations of dissolved phase contamination were detected in this off-base area, a local source (not related to the base) would likely be responsible. In addition, elements of the Work Plan are included to map the primary groundwater flow paths so that if high concentrations were found, their likely source could also be determined.

## 2.0 Introduction



**Comment:** Section 2.3 Limitations. The report was reviewed as a stand-alone document and makes the assumptions that the background information is accurate and the data collected and relied upon in the report is also accurate.

**Response:** See response provided above. The Air Force believes that access to supporting documents, both as preparation for the TAPP project and as a reference during the review, could improve the quality and usefulness of the TAPP contractor's recommendations.

#### 4.0 Discussion

**Comment:** The second paragraph states "The Work Plan states that the degree of interaction between the alluvial groundwater and the San Antonio River will be evaluated, however, no information is provided on how this will be done."

**Response:** Item 6 on Page 2-3 of the Work Plan clearly states "this will be done by collecting groundwater samples from along the river for VOC screening and installation of monitoring wells for collection of hydro-geologic data. The result of these analyses will be used in conjunction with studies by the U.S. Geological Survey and the San Antonio River Authority to evaluate whether the plumes have reached the river and whether there is a discernible impact to the river". During the course of the project data collected under the Work Plan as well as that collected by USGS and SARA were reviewed. Based on the compilation of data, field activities were directed to fill data gaps and complete the conceptual site model.

**Comment:** The sixth paragraph states continuous sampling is recommended in a shallow, alluvial aquifer.

**Response:** The NES reviewer doesn't state any reason why continuous sampling of soil is recommended for this specific operable unit. Past Air Force experience in this area shows that sampling at five-foot intervals as the well/boring is installed is sufficient to meet the goal of the Work Plan when combined with notations of the lithology changes, based upon drilling penetration rate and degree of difficulty. The primary transmissive unit consists primarily of gravel accompanied with varying degrees of sand, silt, and clay. Generally speaking, the Navarro formation acts as a confining unit below the primary transmissive unit. These units are readily identifiable using the methods described in the Work Plan. Minor changes in the soil conditions (lithology) above the water bearing strata have no influence on the migration pathway of the groundwater.

**Comment:** Paragraph 8 states it is unclear what slot size will be used in the monitoring wells.

**Response:** Section 2.6.4 of the Field Sampling Plan specifies the monitoring wells will have 0.020 inch slot size while the pumping test wells have 0.040 inch slot size. The slot

sizes were selected to achieve the performance criteria described in item No. 4 and were based on past experience.

**Comment:** The seventh paragraph states the method of collecting groundwater samples is unclear. The NES reviewer identifies perceived discrepancies between Section 3.2.5 of the FSP which describes collection of methane, volatile organic compounds, and total organic carbon (TOC) samples using a pump and a three-way valve and Section 3.1 and 4.3 of the FSP which state the organic samples will be collected with a new disposable bailer.

**Response:** The sentence instructing the sampler to collect the methane, organic, and TOC in Section 3.2.5 should not have been included. The two sampling methods in the Work Plan refer to samples taken for two separate purposes. Groundwater samples for volatile organic compounds will be collected using a disposable bailer as described in Section 3.1 and 4.3 of the FSP. Section 3.2.5 refers to the order of sample collection protocol for measuring dissolved oxygen, electrical conductivity, pH, and temperature (Table 3-1 list). Section 3.2.5 is based on the approximate order of susceptibility to artificial aeration and instructs the field personnel to collect aliquots for the analytical parameters listed in Table 3-1.

**Comment:** The tenth paragraph states concern over the collection of groundwater samples from the top of the water column as an invalid technique when sampling for DNAPLs.

**Response:** Again, the purpose of this effort is to sample the dissolved, aqueous phase concentrations of the target contaminants (PCE, TCE, DCE and VC). The water-bearing soil layer in the vicinity of the off-base plume is under confined conditions. A water sample collected in the manner described in the Work Plan from a confined water-bearing unit would be representative of the zone of interest.

#### **Post Presentation Comment/Discussion**

**After the presentation, comments were made regarding the advisability of locating and mapping paleo channels.**

Mapping paleo channels is most useful in tracking the dense, non-aqueous phase liquids that represent these contaminants in pure form. The focus of the Work Plan was to characterize the dissolved phase plume. Pure chemicals would move with gravity to and along paleo channels. But when the chemicals are dissolved in water at the concentrations present in Operable Unit 2, they move with the water. For that reason, the Air Force is satisfied that the data collection procedures, frequency, and spacing in the Work Plan are sufficient to meet the objectives of the project.

# Technical Review Report

**ATSDR  
Public Health Assessment, Phase 1  
for  
Kelly Air Force Base, San Antonio  
Bexar County, Texas**

**Katherine S. Squibb, PhD  
Program in Toxicology  
University of Maryland, Baltimore**

# Organization of Technical Review Report

- Summary of ATSDR's Objectives and Methodology
- Critical Review of ATSDR's Conclusions and Recommendations
- Recommendations for Additional Investigations

# Objectives of ATSDR Phase 1 Health Assessment

- Perform a public health assessment of neighborhoods north and southeast of Kelly Air Force Base
- Evaluate citizen concerns regarding health effects of hazardous substances released from the base

# What is Risk Assessment?

Risk Assessment is the procedure used to estimate the probability that adverse health effects will occur from exposure to a toxic chemical. This involves evaluation of:

- Route of exposure to the chemical
- Dose of the exposure (concentration and time)
- Relative toxicity of the chemical for the most sensitive effect in most the sensitive population (Dose/response curves)
- Characteristics of the exposed population

# ATSDR Approach

- **Exposure Pathways**

**Are/have people been exposed to hazardous chemicals?**

**If so, were they exposed to enough to make them sick?**

- **Health Outcome Data**

**Is there evidence from local health data that diseases known to be caused by chemicals are present in higher than expected rates?**

# ATSDR Health Hazard Categories

Category	Definition
Urgent public health hazard	Short term exposures (<1 yr) that could result in adverse health effects
Public health hazard	Long term exposures (> 1 yr) that could results in adverse health effects
Indeterminant public health hazard	Level of health hazard cannot be determined because critical information is not available
No apparent public health hazard	Past, present or future exposures may occur but exposures are not expected to cause adverse health effects
No public health hazard	No evidence of past, present of future exposures, so no adverse health effects are expected



## ATSDR Cancer Risk Categories

Category	Fraction	Exponential
No increased risk	Less than 1 in 100,000	$< 10^{-5}$
No apparent increased risk	1 in 100,000	$10^{-5}$
Low increased risk	1 in 10,000	$10^{-4}$
Moderate increased risk	1 in 1,000	$10^{-3}$
High increased risk	1 in 100	$10^{-2}$
Very high increased risk	Greater than 1 in 10	$> 10^{-2}$

# Twelve Exposure Pathways

## No Health Hazard

- Radioactive waste in landfills in Zone 1

## No Apparent Health Hazard

- Thallium in drinking water
- Garden produce
- Fuel jettisoning
- Aircraft noise
- Soil gas
- Drinking water from surficial aquifer
- Leon Creek
- Current air emissions

## Indeterminant Health Hazard

- Past air emissions
- Non-occupational on-base employees
- Soil migration

## Exposure to Radioactive Waste in Landfill

### ATSDR

**Conclusion:** No health hazard

**Justification:** No evidence that radioactive compounds are leaching from landfills

**Comments:** Should monitor sediments and fish tissue in Leon Creek for radioactivity

## Exposure to Thallium in Drinking Water

### ATSDR

**Conclusion:** No apparent health hazard

**Justification:** Well closed in 1993

Exposure for 3.25 years well below  
reference dose

**Comments:** Conclusion reasonable  
Can be considered low priority concern

## Garden Produce

### ATSDR

**Conclusion:** No apparent health hazard

**Justification:** Exposure concentrations too low to cause health effects

**Comments:** Insufficient evidence that all garden vegetables would not contain concentrations of VOCs above levels of concern

No discussion of research on uptake of solvents associated with fuel (e.g. benzene) by plants.

## Soil Gas

### ATSDR

**Conclusion:** No apparent health hazard

**Justification:** Limited monitoring of homes in Quintana Road area indicating concentrations of VOCs and fuel components are below levels expected to cause health effects

**Comments:** Concentrations of volatile compounds in homes might be very site specific depending upon past JP-4 fuel spills.

Need soil gas monitoring in all neighborhoods around base to better characterize this potential pathway.

## Leon Creek

### ATSDR

**Conclusion:** No apparent health hazard

**Justification:** Swimming, wading and eating fish from off-base segments of creek not expected to cause health problems.

Concentrations of PAHs and VOCs in surface water, fish and sediments below levels of concern.

**Comments:** Need to continue monitoring for metals and VOCs in surface water since evidence of groundwater discharge to creek.

Concentrations of PAHs and PCBs in fish tissue a low level concern for occasional fisherman. Verify no subsistence fishermen in the area.

## Current Air Emissions

### ATSDR

**Conclusion:** No apparent health hazard

**Justification:** Modeling studies indicate exposure concentrations too low to cause health effects.

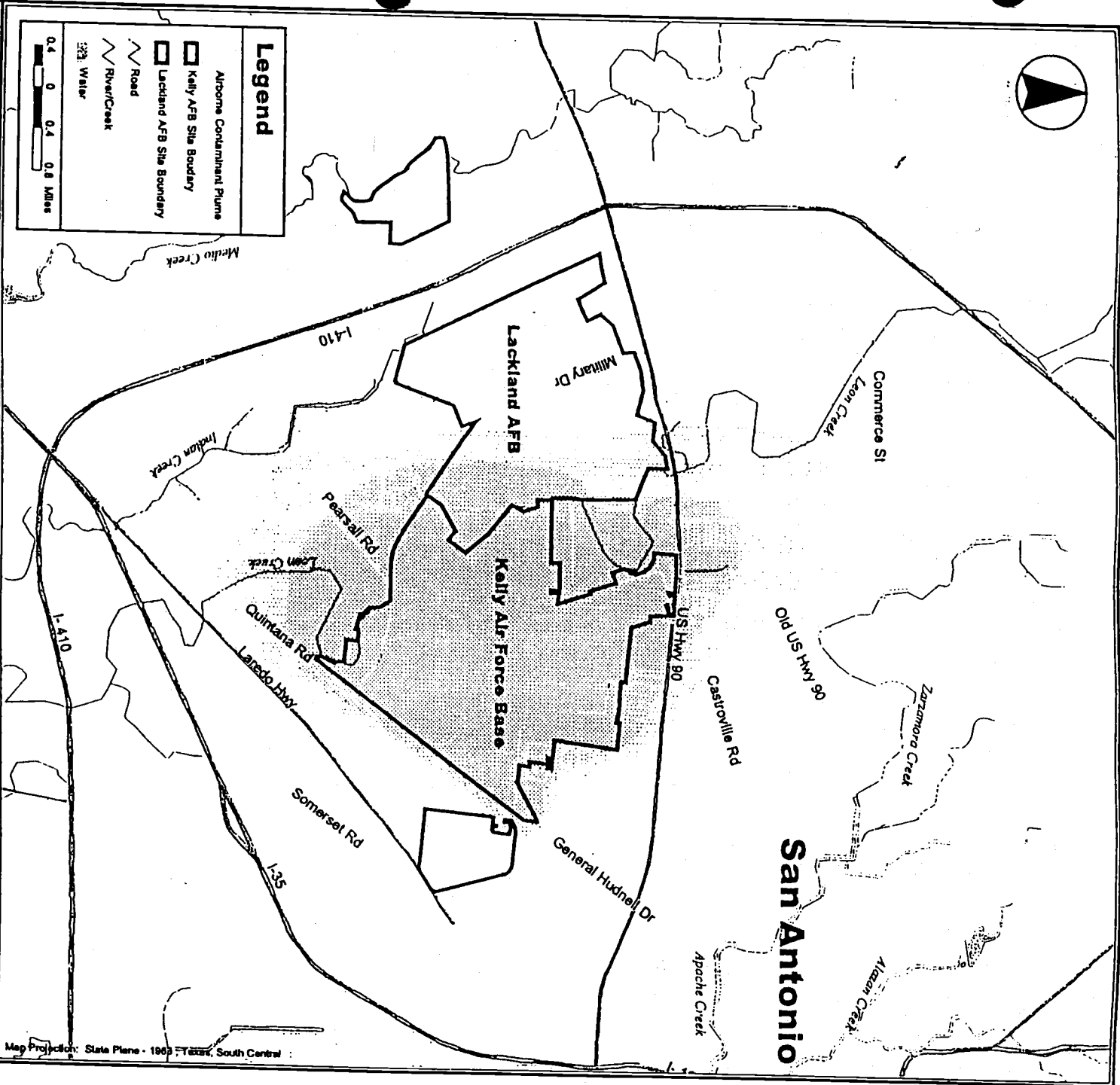
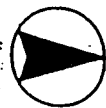
**Comments:** Comprehensiveness of exposure modeling is not clear. Should include activities not requiring permits as well as permitted emissions.

Risk from hexavalent chromium should be examined further.

Were all chemicals present in air emissions included in final risk assessment? How were unknown or untested chemicals dealt with?



Figure 3

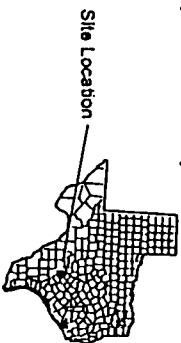


# Airborne Contaminant Plume Kelly Air Force Base (Estimated)

San Antonio, Texas  
CERCLIS No. TX2571724333

## CONTAMINANT PLUME MAP

Base Map Source: 1983 Topographic Map, 2nd Edition Source: Kelly AFB, San Antonio Location and Feature Source: Kelly AFB, Texas, Texas Source: ATSDR (DHA)  
Estimates were made at 100 ft intervals and elevation data were applied to points at 100 ft intervals.



Bexar County, Texas



AD 951189 Final Report, Air Plume, 3075 Map (1.511)

## Non-Occupational On-Base Employees

### ATSDR

**Conclusion:** Indeterminant health hazard

**Justification:** A more refined modeling study is needed to better characterize air concentrations of chemicals on-base.

**Comments:** Decision to conduct further assessments of exposures on base is well warranted based data presented in Phase I report.

Suggest air monitoring studies should be conducted on base to validate model and strengthen risk calculations.

## Soil Migration

### ATSDR

**Conclusion:** Indeterminant health hazard

**Justification:** Kelly AFB not likely to be a source of lead causing low test scores, however lead exposure may be a problem in the area so recommend follow-up by health department.

**Comments:** Could analyze for PCBs in soil in North Kelly Gardens neighborhood to determine whether contaminants migrated with soil from S1 area.

Monitor homes for VOCs and fuel components and assess potential for effects on learning.

## Health Outcome Data

### **ATSDR Conclusions:**

**Further investigation of elevated cancers (liver, kidney and leukemia) and birth defects in zipcode areas near Kelly AFB is needed.**

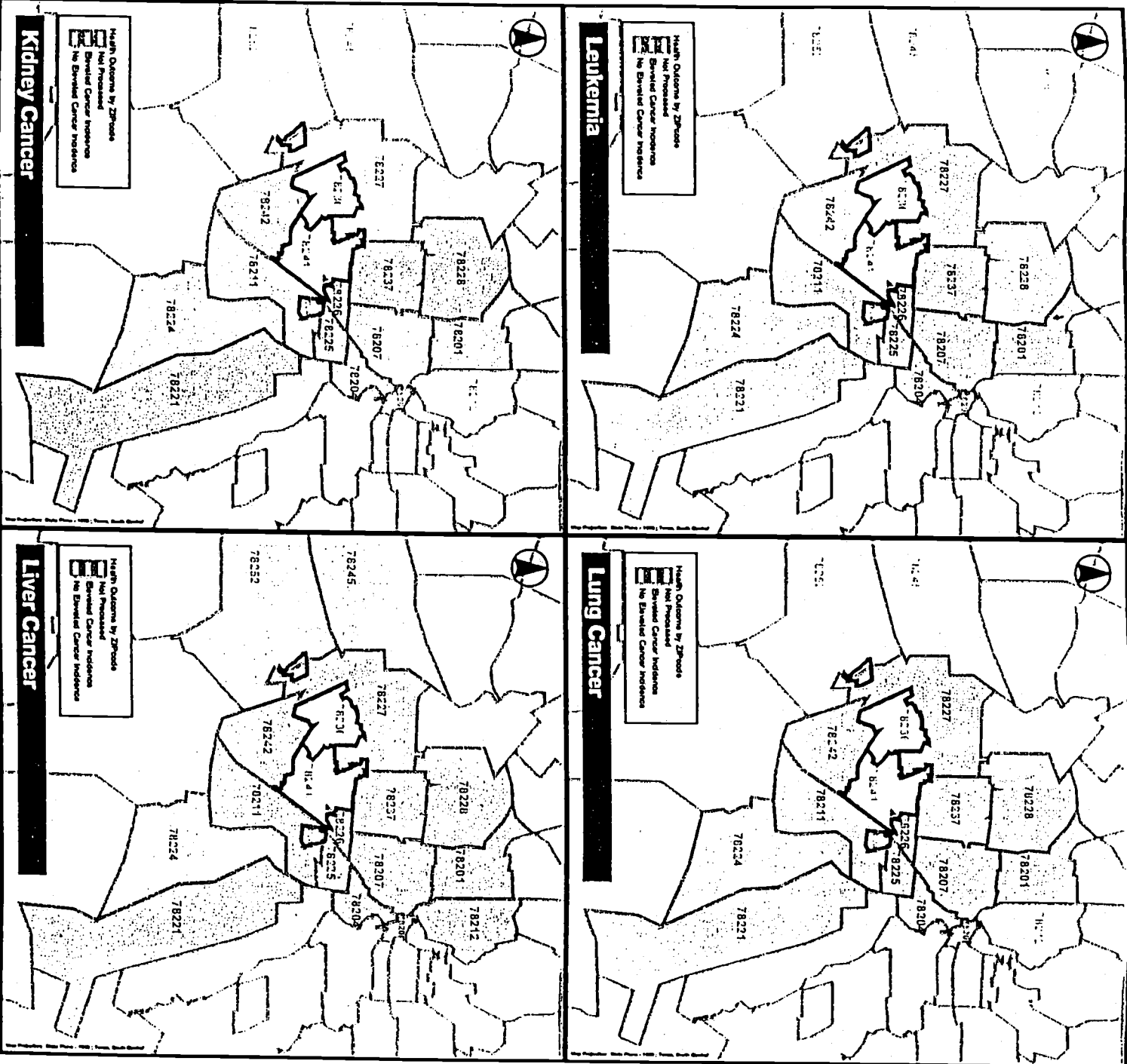
**Results of follow-up will be presented in Phase II**

### **Comments:**

**Follow-up investigations should include analysis of specific types of liver, kidney and leukemia cancers and association with specific populations within the zipcode areas.**

**Population distribution of concomitant risk factors such as chronic hepatitis C infections and genetic polymorphisms known to increase susceptibility to chemical carcinogens and birth defects caused by solvents should also be identified.**

Figure 4



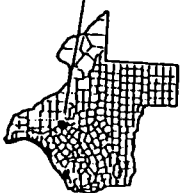
# Cancer Health Outcome Data Kelly Air Force Base

San Antonio, Texas

CERCUS No. TX2571724333

## HEALTH OUTCOME DATA MAP

Site Location



Bexar County, Texas

Base Map Source: 1988 TIGER/Line Plus, 3rd Boundary Source: Kelly AR, ZIP Code Boundary Source: ERI, 1997  
Health Outcome Data Source: Cancer Registry of the Texas Department of Health, Incidence (statistical separation at 1/2 year) (1990 - 94)

AJD 8711188

ASAGIS

## Summary

- Past exposures from air emissions need to be determined to support evaluation of health studies in the communities.
- Calculations of present exposures from air emissions need to be tailored for specific communities around the base.
- People at increased risk of cancers and birth defects from chemical exposure due to genetic polymorphisms or other risk factors such as chronic hepatitis C infections need to be identified.

## Summary (continued)

- **Studies should be conducted to determine the relative impact of air emissions from Kelly AFB now and in the past on air quality in San Antonio relative to other emission sources.**
- **Chemical exposures and health assessments need to be conducted for on-base personnel. Noise exposure and auditory effects also need to be addressed.**
- **Off-base exposure to volatile chemicals from groundwater contamination needs to be better characterized, with special attention to identifying local fuel spills.**

**FINAL PAGE**

**ADMINISTRATIVE RECORD**

**FINAL PAGE**