



KELLY AFB  
TEXAS

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COVER SHEET

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RESTORATION ADVISORY BOARD

NOVEMBER 13, 1995

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## APPEARANCES:

MR. LARRY BAILEY  
Kelly Air Force Base co-chair;

MR. ALLAN HAGELTHORN  
Community co-chair;

MR. GARY BEYER  
Texas Natural Resource Conservation  
Commission, Austin;

MR. CRAIG MEPPIN *Meppen*  
Alternate for Bill Brown;

MR. GEORGE RICE  
Groundwater hydrologist;

MR. ARMANDO C. QUINTANILLA  
Neighborhood Representative;

MS. YOLANDA A. JOHNSON  
Committee for Environmental  
Justice - Action;

MS. DEBORAH ROBINSON  
Alternate for Bill Sain;

PROF. GENE W. LENE  
Academic Community;

MR. EDWARD WEINSTEIN  
Alternate for Joan Falkenberg;

MR. JUAN F. SOLIS, SR.  
~~San Antonio Councilman;~~ *Community  
Member*

MS. KATHERINE MOORE  
Alternate for Mr. Thomas Moore, who  
arrived late;

MR. THOMAS MOORE  
Kelly Air Force Base employee;

MR. SAM SANCHEZ  
San Antonio Metropolitan Health  
District;

MR. SAM MURRAH  
Broker/Appraiser;

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MR. TOM CULBERTSON  
Community Representative;

MS. ADRIENNE WILLIAMS  
Kelly Air Force Base Employee;

MR. RICHARD TREVINO  
Environmental Restoration Chief,  
Kelly Air Force Base;

MR. TOM TEAGUE  
Science Applications International  
Corporation;

MR. MICHAEL ESTRADA  
Kelly Air Force Base employee;

MR. DANIEL MEDINA  
Restoration Team Leader,  
Kelly Air Force Base;

CAPT. EDWARD VON DRAN  
Kelly Air Force Base Employee;

JULIE A. SEAL  
Certified Shorthand Reporter.

\* \* \* \* \*

1                   On the 13th day of November, A.D.  
2                   1995, the above entitled meeting came on for  
3                   discussion before said LARRY BAILEY, and the  
4                   following proceedings were had:

5                   MR. BAILEY: I'd like to first  
6                   give some introductory comments. First of all,  
7                   welcome to the RAB meeting, both young and old  
8                   alike -- and there are some things that I'd like  
9                   to just introduce as ideas and things that are  
10                  points of interest that I wanted to bring to  
11                  everyone's attention.

12                 The first one is General Curtis' letter of  
13                 27 October that he sent out to the local  
14                 community relative to the cleanup program at  
15                 Kelly Air Force Base. If, in fact -- Everybody  
16                 here should have gotten a copy of that. If you  
17                 don't have a copy of that, let us -- let either  
18                 Mr. Mike Estrada or Dick Walters know about  
19                 that. That's not in the packet, but it's one  
20                 that, I believe, was mailed.

21                 In essence, it confirms the commitment that  
22                 Kelly Air Force Base has had in this program  
23                 since day one and that is that those areas of  
24                 our responsibility -- we will take aggressive  
25                 action to make sure that we get involved and to

1 do something about it. And there were some  
2 questions that were asked by people in the  
3 community, not so much RAB members -- there may  
4 have been some RAB members that asked this  
5 fundamental question -- but there were some  
6 people from the community that said, "What are  
7 you going to do when Kelly Air Force Base  
8 closes?" This letter addresses that and speaks  
9 very directly to the issues, that Kelly Air  
10 Force Base is not walking away from its  
11 responsibilities. And even after Kelly Air  
12 Force Base, as it's now known, might shut its  
13 doors in the year 2001, that there still will be  
14 Air Force presence of some sort that will  
15 maintain the long-term responsibilities for  
16 cleaning up that contamination which originated  
17 from Kelly Air Force Base.

18 Other points of interest that I'd like to  
19 highlight, we have sent -- we were notified --  
20 "we" being the environmental management group  
21 at Kelly Air Force Base -- that we may have the  
22 opportunity -- and I repeat -- may have the  
23 opportunity -- to have an engineer or scientist  
24 from the country of Germany participate in our  
25 programs. So, as part of an exchange program

1 through the U.S./Germany Engineer and Scientist  
2 Program, we may have somebody come and join our  
3 ranks within the next 60 days. So, if that  
4 becomes more formal and it looks like it's going  
5 to happen, we'll make sure that word gets out to  
6 everybody here so that you can meet this  
7 individual -- I do not know whether it's a him  
8 or a her -- I don't know much about their  
9 background. But as soon as all that comes to  
10 being, then I'll make sure that I forward that  
11 out to everybody.

12 A couple of other areas of interest, the  
13 request as a Restoration Advisory Board to send  
14 the letter to the Agency for Toxic Substances  
15 and Disease Registry went to the ATSDR people.  
16 The formal letter is before them now. There's  
17 been an informal contact that I made on a  
18 telephone call, trying to find out when they  
19 were possibly going to come and visit Kelly Air  
20 Force Base. There was no answer. It was just  
21 to say that ATSDR will be coming and visiting  
22 Brooks Air Force Base -- and the terminology was  
23 used "in-the-not-too-distant future" -- and, at  
24 that time, they foresaw the possibility of  
25 coming over and looking at Kelly. So, those

1 were the words that were used with me over the  
2 telephone. We will be pursuing this with ATSDR,  
3 trying to get more of a commitment from them  
4 regarding their visit to the base.

5 A couple of other points -- or three other  
6 points -- or four other points -- pardon  
7 me -- we were notified by the Air Force  
8 Materiel Command -- this is the command that  
9 Kelly Air Force Base is under -- and they have  
10 notified us that this year, for funding purposes  
11 for the Defense Environmental Restoration  
12 Account -- it used to be called DERA. It will  
13 soon be called Environmental Restoration Account  
14 or ERA. So, if I get confused, pardon me, but  
15 it's going from DERA to ERA. But that's not  
16 important to us as much as: How much money do  
17 we foresee coming to Kelly? It appears as  
18 though, right now, that there's a range of  
19 dollars that they're talking to us about and  
20 it's ranging from -- anywhere from 16 to \$23  
21 million coming to Kelly regarding the cleanup  
22 program. So, as this materializes more -- as it  
23 starts to more -- formalized, we will, again,  
24 contact you and give you a better refinement as  
25 to what the dollars actually are and those



1 projects that they see the money going against.

2 This will tie in very closely with the  
3 priority list that all of us -- or that those  
4 RAB members who were present on the board a few  
5 months ago -- took a look at and ranked the  
6 various sites and said, "These are the  
7 priorities that we would go through. We will,  
8 then, match up that money with those sites." I  
9 believe that they matched them up with our sites  
10 very closely. We'll go over that when we find  
11 out how much more money will be coming -- or how  
12 much money will be coming.

13 We have received notification that the  
14 Air Force Materiel Command has chosen the Kelly  
15 Air Force Base Restoration Program -- or the  
16 cleanup program -- is the best within the  
17 command for 1995 -- FY '95 -- this means that  
18 the program will be recommended for  
19 consideration for the entire Air Force. If  
20 we're fortunate enough to win that particular  
21 recognition, then we'll be recommended for  
22 consideration within the Department of Defense.  
23 So, again, that's just a point of reference so  
24 that people know that the program is being  
25 reviewed by others and we've gotten positive

1 recognition for the 1995 time period.

2 Two other notes. Regarding spills, we had  
3 talked about this. We had no reportable spills  
4 between the last meeting and this meeting. The  
5 last issue that I'd like to highlight in the  
6 intro concerns a gentleman on our staff who will  
7 be leaving. He's been a very important  
8 contributor to what has happened at Kelly Air  
9 Force Base over the last four-plus years. It's  
10 a very difficult time for me because he's added  
11 tremendous input and insight, a lot of direction  
12 and strong leadership -- and his name is  
13 Mr. Richard Trevino. Richard, will you stand  
14 up, please?

15 Richard will be leaving us and heading over  
16 to Randolph Air Force Base, but -- he'll be  
17 leaving by the end of the month -- and we also  
18 hope to find someone to fill his shoes hopefully  
19 before he leaves. So, we've asked him to extend  
20 his stay with us to work closely with us so that  
21 we can find someone to fill his shoes. So,  
22 that's going to be worked very hard and has  
23 already been started to be worked. But,  
24 hopefully, we will get that finalized before he  
25 leaves in the next three weeks.

1           Those are all the introductory comments I  
2           have. At this time, I'd like to go into the  
3           agenda and talk about the revised charter. At  
4           the Restoration Advisory meeting before, we had  
5           discussed the elements that were in here. Most  
6           of these elements -- some of you may have seen  
7           these for the first time in print. Again, we  
8           have recommend that we attempt to sign the RAB  
9           charter at this time. Once again, it does not  
10          mean we have to sign the charter. So, let me go  
11          around the room and talk to -- and go around the  
12          room and just talk to people to see if, in fact,  
13          they have changes that they would like to make  
14          with it or if they feel that it's satisfactory.  
15          If I could start at this side -- and then we'll  
16          just go around the room and I'll switch as we go  
17          through the various issues.

18                 Are there any comments -- and please don't  
19                 think that because I look at you you have to  
20                 have a comment. I just want to find out if, in  
21                 fact, you feel that there's something about the  
22                 Restoration Advisory Board revised charter, that  
23                 it is either acceptable or there is a change  
24                 that might need to be made.

25                         MR. BEYER: I read through some

1 of it. I've been so busy this weekend, I  
2 haven't gotten to read through all of it. But  
3 what I've read so far -- it looks like it's  
4 consistent with what we've done.

5 MR. BAILEY: Okay.

6 Mr. Culbertson?

7 MR. CULBERTSON: I'll have to  
8 pass. I don't think that I'm prepared to  
9 comment.

10 MR. BAILEY: Okay. Sir.

11 MR. MEPPIN: We didn't get a copy  
12 of it for some reason. Bill left. For some  
13 reason, we didn't get a copy of the packet.  
14 So --

15 MR. BAILEY: Okay.

16 MR. MURRAH: ( Shakes head.)

17 MR. BAILEY: Ms. Johnson?

18 MS. JOHNSON: Well, I have a  
19 question about the charter -- the way it's  
20 written.

21 MR. BAILEY: Okay.

22 MS. JOHNSON: About --

23 MR. BAILEY: Would you like to  
24 see it right now so you can --

25 MS. JOHNSON: I don't have it

1 with me.

2 MR. BAILEY: -- so you can refer  
3 to a certain section. Okay?

4 MS. JOHNSON: About how when  
5 we -- when we vote for somebody, who has the  
6 final say so for the person that's going to be  
7 voted in -- will you or the board members?

8 MR. BAILEY: Voted in or writing  
9 letters to those people that we're asking to  
10 take off the committee?

11 MS. JOHNSON: No, for the voting  
12 in.

13 MR. BAILEY: Okay. Is there a  
14 specific section here or are you asking for  
15 clarification or --

16 MS. JOHNSON: No, clarification,  
17 sir.

18 MR. BAILEY: Okay. Let me go  
19 through here and pull it up and get back --

20 MR. HAGELTHORN: It's --

21 MR. BAILEY: Are we talking --

22 MR. HAGELTHORN: It's

23 Subparagraph IV, Paragraph F.

24 MR. BAILEY: IV,

25 Subparagraph F?

1           Okay. Let me just make sure that I'm  
2 clear. There is a Roman numeral IV,  
3 Membership. And there's "C," where it says,  
4 "Members are expected to attend. If the number  
5 fails to attend, the Restoration Advisory Board,  
6 on majority vote, may revoke the membership of  
7 the absent member." Is that the point?

8           MS. JOHNSON: Uh-huh.

9           MR. BAILEY: Okay. "The  
10 Restoration Advisory Board on majority vote may  
11 revoke the membership of the absent member."

12 Clarification --

13           MS. JOHNSON: By you?

14           MR. BAILEY: Pardon me.

15           MS. JOHNSON: By you?

16           MR. BAILEY: The Restoration  
17 Board decides who is going to be revoked.  
18 That's not my decision. That's the Restoration  
19 Advisory Board's as a group. In essence -- Let  
20 us say that we have two members tonight -- I'll  
21 just use this as an example -- and they were  
22 not -- did not attend for the two previous  
23 times, we would announce their names as we get  
24 through this and then if we had 12 people --  
25 because that would compromise a majority of

1 people on our RAB -- then on a majority vote,  
2 within those 12, we would have to vote to see  
3 whether that person stays or whether they go.  
4 And go means that we send them a letter.

5 MS. JOHNSON: Okay. I understand  
6 that.

7 MR. BAILEY: Right.

8 MS. JOHNSON: Okay.

9 MR. BAILEY: Okay. Mr. Rice?

10 MR. RICE: Yeah. I had a concern  
11 about -- We talked about this, I think, late at  
12 night it seemed on -- in August -- and, then, I  
13 had two concerns. One concern was that, simply  
14 because somebody files a suit against the Air  
15 Force, that doesn't mean that they're going to  
16 be removed from the Board -- and I think that's  
17 addressed in here. My understanding of what I  
18 read is just because someone files suit does not  
19 mean they could be removed from the Board; is  
20 that correct?

21 MR. BAILEY: That is correct.

22 MR. RICE: My second concern was,  
23 who decides to remove someone from the Board?  
24 As I understand the way it's written here, that  
25 the Air Force makes the ultimate decision.

1 Although the RAB makes a recommendation as to  
2 whether or not someone should be removed from  
3 the Board, that decision ultimately rests with  
4 the Air Force -- and I disagreed with that. I  
5 think that the only entity that should be able  
6 to remove someone from this Board is the Board  
7 itself. And I'd like to request that the  
8 language be revised to say that -- that a Board  
9 member cannot be removed unless there's a vote  
10 by the -- a majority vote by the members to  
11 remove them.

12 MR. BAILEY: Okay. Let me -- I'm  
13 just going to continue around until I get all  
14 the points and then we'll come back.

15 MS. ROBINSON: No.

16 MR. SANCHEZ: I don't have any  
17 any -- any changes, Larry. It's just that I --  
18 I should follow up with what George was saying.  
19 My concern is in the same vein, George. But my  
20 concern is that people come to the Board and  
21 misrepresent themselves. You know, if  
22 they're -- if they're -- they're -- if  
23 somebody is a hired gun that's going out  
24 pursuing a lawsuit and comes to the Board and  
25 says they have the best interest of the



1 community in mind, then I think that -- you  
2 know, that person -- I mean, is subject to  
3 removal by this Board -- you know, if that's a  
4 concern that they're not making any progress,  
5 that it's becoming an obstruction type of issue  
6 and everybody is arguing back and forth.

7 But I agree, though, that the Board should  
8 have that -- that say and that that should be  
9 done by the RAB Board. But I also think that --  
10 that maybe -- that -- that issue may be -- may  
11 want to be investigated by the RAB some more.  
12 There's, you know, people coming on the RAB  
13 Board and -- and pursuing, you know,  
14 single-angle interests that may eventually prove  
15 adversarial, not just to the Air Force but to  
16 other public entities.

17 MR. BAILEY: Okay.

18 MR. WEINSTEIN: Larry, I don't  
19 have any general comments at this time.  
20 Although, I do pretty much concur with  
21 Mr. Sanchez' and Mr. Rice's conclusions.

22 MR. BAILEY: Okay.

23 MR. LENE: I agree with that,  
24 too. I think it should be with the Board.

25 MR. BAILEY: Okay.

1 MR. MURRAH: One thing after that  
2 comment, I'd -- I certainly tend to agree. But,  
3 on the other hand, why are we here if we're not  
4 to bring up things that we don't understand or  
5 object to? So, if we get -- somebody like  
6 Mr. Sanchez might disagree with me entirely and  
7 he feels that I'm bringing up something that  
8 shouldn't be brought up, well, I think if we get  
9 too far that way we're getting into an area  
10 where we're -- we're going in the opposite  
11 direction. We're suppressing our -- our own  
12 people of bringing up things --

13 MR. BAILEY: Okay.

14 MR. MURRAH: -- that we might  
15 think is -- But as far as them bringing a  
16 lawsuit, now, I'm not thinking about something  
17 like that. I'm thinking about being -- being  
18 willing to express yourself without thinking  
19 that somebody is going to jump on your back  
20 because you brought something up.

21 MR. BAILEY: What we're talking  
22 about here is -- is different than that, but  
23 that's something that is part of this.

24 Okay. Anything else? I'm sorry.  
25 Mr. Quintanilla?

1 MR. QUINTANILLA: I have to agree  
2 that the way it is written it has a chilling  
3 effect on the -- on the community members, the  
4 people from South San, the people from -- that  
5 live there on -- you know, Morrison Boulevard --  
6 the ones that are involved. Those are the  
7 people that are being affected. If they file a  
8 claim immediately, that's a potential conflict  
9 of interest. And if that's the way it is  
10 written, I believe that it is too strong and  
11 it's going to have a chilling effect on the  
12 people from the community participating on  
13 that. That's one -- one -- one of the  
14 comments that I have -- and I have to agree with  
15 George Rice on that particular thing.

16 The other thing is that we fail to -- to  
17 comply with the law concerning spills. We do  
18 not have a member of this committee as part of  
19 the spills committee as required by the law. We  
20 all voted on it and I believe the -- the vote  
21 that -- that -- the key vote -- it was seven  
22 to seven. And the key vote that says, "Well, we  
23 don't want to talk about spills," came from the  
24 staff -- from Mr. Larry Bailey -- he voted to  
25 kill that particular thing. And I think that's

1 against the law and it should be part of the --  
2 of the charter.

3 MR. BAILEY: Okay.

4 MR. SOLIS: No comment.

5 MS. MOORE: I don't have  
6 anything.

7 MR. HAGELTHORN: I don't have any  
8 real particular comments. I think that -- I  
9 agree with the way the charter is written. I  
10 think that if somebody -- in my opinion, if  
11 somebody has a lawsuit against the agency -- in  
12 this case, the Air Force -- that they should  
13 be -- if a person has a lawsuit pending against  
14 the Air Force or has filed a claim against the  
15 Air Force, I -- in my opinion, he cannot have an  
16 impartial position in relationship to the  
17 cleanup efforts and the Board. I agree with the  
18 way the charter is written -- that that person  
19 should remove himself from the Board as  
20 impartial.

21 MR. BAILEY: Let me just throw it  
22 out for discussion, because I think we need to  
23 have a little bit more discussion on it as a  
24 group -- not so much for acceptance or  
25 nonacceptance. One of the bases behind this

1 particular language was looking at those  
2 particular people who not only have some type of  
3 apparent -- and I say "apparent" -- conflict of  
4 interest, but this is those people who actually  
5 have some type of claim, allegation --  
6 whatever -- and it's associated -- and there's  
7 the key word "and" -- holding a financial  
8 interest.

9 So, let me just use an example. Let's say  
10 Larry Bailey lived on the west side of the base  
11 and there was contamination that was coming off  
12 of that particular part of the base. At that  
13 time, if I'm a RAB member -- I'm talking about  
14 RAB membership now -- If I was a RAB member and  
15 I filed a legal action and associated -- and  
16 associated with that was that I be compensated  
17 because of that, it is not saying that the RAB  
18 member cannot appear as a RAB member. What it's  
19 saying is that the RAB member should not be able  
20 to vote on those issues surrounding that --  
21 those environmental concerns for just that  
22 portion of the west part of the base. It does  
23 not recuse this person from being involved with  
24 all the other portions of the base, just for  
25 that area involving where the claim and/or

1 lawsuit and a financial interest are at stake.  
2 That's what this is talking about.

3 So, I wanted to make sure that that was  
4 clear before I go around again and encourage  
5 conversation. Because it's at that point right  
6 now, I believe, to where -- well, it is open for  
7 discussion. Do I have any -- are there  
8 comments, based upon what I just said? Because  
9 I wanted to make sure that it was clear that it  
10 does not stop a person from voting on issues  
11 outside of specifically where their claims are.

12 MR. CULBERTSON: Yeah.

13 MR. BAILEY: They can still  
14 continue to. There is nothing being said here  
15 saying that you can't do that. There's nothing  
16 being said here that says that if I'm the person  
17 who does this, I still can't sit in my seat. I  
18 just can't vote on that portion which impacts  
19 that part of the base. The person can hear all  
20 the conversation. They're not having to leave.  
21 It just says that when it's tied to a financial  
22 interest, then it's believed to be an  
23 impartialness which is brought to the table --  
24 or the possibility exists for that. And if we  
25 as a RAB -- Let me take it to the next step.

1 And if we, as the RAB, feel that's the case,  
2 then we send a letter to the individual on the  
3 RAB Board indicating to them what our position  
4 is. And then it allows the person who we're  
5 writing the letter to to come back and state,  
6 "No, that's not it all," or, "Yes, this is it."

7 So --

8 MR. QUINTANILLA: Mr. Bailey, I  
9 notice that Item 2 is -- concerns conflict of  
10 interest. Are we on that item now or -- or  
11 what?

12 MR. BAILEY: No. We're on 1.

13 MR. QUINTANILLA: We're on  
14 Item -- Okay. Because I would like to speak on  
15 Item 2 later on.

16 MR. BAILEY: Yes.

17 MR. RICE: I -- I agree with  
18 everything you have just said, although I am  
19 concerned that when we force someone not to vote  
20 on an issue that we try to draw those boundaries  
21 as narrowly as possible. If someone living out  
22 on Quintana Road had a lawsuit, we wouldn't want  
23 to prevent them from voting on anything other  
24 than in Zone 3. I mean, we would try to draw it  
25 as narrowly as we could so that it only -- it

1 was only relevant to their lawsuit. I think  
2 you'd agree with that.

3 MR. BAILEY: That's right,  
4 absolutely.

5 MR. RICE: But, still, I'd like  
6 to make a recommendation at this point and that  
7 recommendation would be that you take this back  
8 and reword Section H to read that only the  
9 membership of the RAB by a vote can remove a  
10 member. Unless the membership votes to remove a  
11 member, the member remains a member of the RAB.

12 MR. BAILEY: Okay. Can I just  
13 add to that?

14 MR. RICE: Sure.

15 MR. BAILEY: So that we want to  
16 make sure that when we meet as a RAB group that  
17 a majority -- 12 or whatever -- based upon the  
18 total RAB membership -- we have a majority  
19 present and that a majority of that majority  
20 vote on having --

21 MR. RICE: A quorum and --

22 MR. BAILEY: Right.

23 MR. RICE: I think we tried to  
24 establish a quorum -- We went over this and I  
25 don't know if we finally decided.



1 MR. BAILEY: So that we would  
2 still follow this procedure where we would write  
3 a letter to the individual.

4 MR. RICE: No.

5 MR. BAILEY: No?

6 MR. RICE: The procedure is  
7 fundamentally changed.

8 MR. BAILEY: Okay. You want to  
9 change that to where we don't want a letter?

10 MR. RICE: No -- No. Here's what  
11 I want changed: As it's written now, the RAB  
12 could vote for the member and the Air Force  
13 could remove that member. That's as it's  
14 written now. That needs to be changed. It  
15 needs to be changed so that the -- a member  
16 cannot be removed unless a majority of the RAB  
17 votes to remove that member.

18 MR. BAILEY: Okay. Is that -- Is  
19 that clear to everybody?

20 MR. QUINTANILLA: It's clear to  
21 me.

22 MR. BAILEY: Because what we'll  
23 do is -- Let me make sure that we go around and  
24 make sure that everybody's clear. There has  
25 been a recommendation on the floor to not accept

1 the charter as is -- correct me where I may be  
2 wrong -- to go back and revise this in --  
3 in -- in concert with the statements that were  
4 just made by Mr. Rice, talking about a majority  
5 of the RAB membership voting on a person being  
6 excluded from voting as a RAB member on certain  
7 kinds of issues.

8 MR. RICE: No.

9 MR. BAILEY: No?

10 MR. RICE: Being removed from the  
11 RAB.

12 MR. BAILEY: Okay. Being removed  
13 from the RAB.

14 MR. RICE: Yeah.

15 MR. BAILEY: Okay. But that's --

16 MR. RICE: Although I think what  
17 you just said, though, is probably a good idea  
18 as well.

19 MR. BAILEY: Okay. Rather than  
20 try to maybe clarify this -- which I might  
21 confuse. Can I take this back? Can I have just  
22 maybe a signal to take this back, mail this to  
23 you so that you have the edited changes as what  
24 we see. We will re-check with Mr. Rice to make  
25 sure that that is the way he sees it. If it's

1 acceptable to everybody from what they've heard,  
2 then we will get it back to you -- we're hoping  
3 to meet again prior to Christmas -- and I'll go  
4 over that -- so that we can vote on it at that  
5 time.

6 MR. CULBERTSON: If you need a  
7 motion, I'll vote -- so be it.

8 MR. SOLIS: Second.

9 MR. BAILEY: Is that the motion?  
10 First and seconded?

11 Can I have signs with "Yes, we will take  
12 this back for consideration"?

13 MR. QUINTANILLA: Now, does that  
14 mean that it goes back to the -- to the Charter  
15 Revision Committee?

16 MR. BAILEY: That's correct.

17 MR. QUINTANILLA: Okay.

18 MR. BAILEY: Right.

19 MR. QUINTANILLA: I'll agree with  
20 it.

21 MR. BAILEY: Okay. All those in  
22 favor? I'm sorry?

23 (Vote by the RAB members.)

24 MR. BAILEY: All those against?

25 (Vote by the RAB members.)

1 MR. BAILEY: Okay. We're going  
2 to take this back to the Charter Subcommittee  
3 and we'll take a look at it, put the language  
4 back together and we'll meet back when we agree  
5 upon the language.

6 MR. BEYER: I'd like to have some  
7 further discussion of this in terms of -- It's  
8 going to be very difficult to decide what  
9 issues, you know, are -- are issues pertinent to  
10 the suit and it's going to be -- I think we  
11 should -- I think it's very important that those  
12 RAB members who are involved in lawsuits very  
13 much define what areas that they are going to be  
14 concerned with in decision-making with this body  
15 prior to any additional meetings so that we  
16 don't waste a lot of time going through --  
17 trying to decide as a Board whether or not this  
18 is an issue this person should be involved in or  
19 not. I -- I -- and I'm not sure exactly how we  
20 can do that and how -- and I think it has a lot  
21 to do with what Mr. Rice said. He's going  
22 for -- He would like to have a very narrow  
23 definition so as to allow that person -- other  
24 people can say -- they could be a broad  
25 definition, because any time you talk about

1 remediation of a certain zone, you're going to  
2 be affecting decisions one way or the other.  
3 So -- and I am not -- and I think it's kind  
4 of -- Is it more of a legal question or will it  
5 be a question for the RAB?

6 MR. QUINTANILLA: It is more a  
7 question for Kelly Air Force Base rather than  
8 for members of the community. Kelly Air Force  
9 Base -- The -- The legal office, the judge  
10 advocate, the general -- has all approved what  
11 is in here now. They are the ones that  
12 requested that it be in this kind of language.  
13 That's the only way that we could get all --  
14 what we have here today presented to you by  
15 having all of this language in here today. It's  
16 already been approved by the commander once. It  
17 may have to go to the commander again.

18 MR. BAILEY: Well, that may be  
19 the case, true. But let me just say that we've  
20 already voted, so we'll take it back to the  
21 Charter Subcommittee. But -- We have voted on  
22 that. We're going to do that, but this jumps  
23 into issue No. 2 which is on the list, so let me  
24 jump into issue No. 2.

25 Mr. Beyer has already started talking --

1 Well, Mr. Rice started talking about having what  
2 was considered to be a narrow definition.  
3 You're talking about having more discussion on  
4 it, so it's open to the forum right now to  
5 discuss basically what is in what we call --  
6 under IV -- under membership -- and it's parts  
7 "G" and "H." And this talks about  
8 excluding -- it doesn't mean leaving -- but  
9 excluding from votes those people who have this  
10 apparent conflict of interest and a -- and a  
11 financial interest associated with that.

12 So, let me just use that as a backdrop and  
13 continue the conversation. Mr. Beyer, do you  
14 wish to continue with that or --

15 MR. BEYER: I think I've said  
16 something -- Adrienne, did you --

17 MS. WILLIAMS: Well, I -- I think  
18 I touched on this when we went over this a long  
19 time ago. The hope in this language was -- is  
20 to try to deal with conflicts of interest -- and  
21 let me digress in what I -- I consider a  
22 conflict.

23 Each -- Each one of you that is sitting  
24 here today brings something to the Board that is  
25 personal to them. That doesn't create a

1 conflict of interest, per se, with a federal  
2 entity. What creates a conflict of interest is  
3 if you obtain a personal financial gain from  
4 your position on this RAB. And how can you do  
5 that? One obvious one is being an environmental  
6 restoration contractor for Kelly Air Force Base  
7 or will be ultimately bidding on a contract.  
8 That one is an easier one to deal with and  
9 that's where we started from in the first  
10 place.

11 The second one, which is a little bit  
12 stickier, but it still is a personal financial  
13 gain issue is someone who brings a claim and/or  
14 is in a litigation for which they will get  
15 compensatory -- or for financial recovery. And  
16 what we tried to do in Section IV, H, is create  
17 a situation -- or IV, G, H and I, is create a  
18 situation where, first, we determine if there's  
19 a conflict of interest -- "we" being Kelly Air  
20 Force Base. If we find that there is one for a  
21 claim or litigation or for contractor, et  
22 cetera, we will notify that individual in  
23 advance and hopefully we can have the member  
24 rectify the situation before it even gets to the  
25 RAB.

1           If it doesn't get to the RAB, we go to the  
2 next step. If the RAB finds out about it and  
3 there's a discussion, Mr. Bailey as base  
4 co-chair makes a recommendation -- or gathers  
5 information from both the RAB member that has --  
6 or whoever that may be -- I don't know which  
7 one -- which person -- and -- and also gets  
8 the RAB recommendation as to what they think  
9 should happen. At that discussion when the  
10 issue is brought up, that's where we get to  
11 what Mr. Rice and Mr. Beyer are talking about  
12 and --

13           "Well, what is it?" Let's say it's a  
14 claim. Let's say Adrienne Williams brings a  
15 claim because she feels that, you know -- God --  
16 a health claim. Let's just bring up something  
17 like that. And -- So, we have -- and we're  
18 talking about remediation. Remediation deals  
19 with assessing health risks, et cetera, et  
20 cetera. So, how do you handle that? We have to  
21 ask what the claim is. But we won't want to get  
22 into the merits of the claim -- just want to  
23 know what the factual issue -- what is the  
24 claim. And then you can -- as a RAB -- and  
25 Mr. Bailey -- can decide, "Well, how do you



1 limit the participation on that particular issue  
2 so that they're not voting on something that  
3 would give them a personal financial gain."  
4 And that's what I was trying to do here. How  
5 would you -- You as a RAB make recommendations  
6 and they would be done on an ad hoc basis,  
7 meaning on a case-by-case basis. You would look  
8 at the issue. Do you want the person to recuse  
9 themselves or -- the particular zone that they  
10 live near only and then they can participate and  
11 vote on all the other zones? That -- That can  
12 very likely happen, because certain people only  
13 live near certain zones and we're talking about  
14 five different zones here. Right now, we're  
15 focusing on three, but it will be five.

16 So, I think the way it's written -- it  
17 tries to be flexible on the -- the  
18 claim-litigation issue. But I -- I must  
19 emphasize that the ultimate decision is conflict  
20 with Kelly Air Force Base. So, that's why we  
21 left it with the base co-chair to make the final  
22 decision. However, he has to consider your  
23 recommendation and if there is a dichotomy  
24 between his recommendation and your  
25 recommendation -- that's why we came up with

1 "I," an appeal process.

2 And -- So, I'd still like to go with this  
3 particular language. But that's what we were  
4 trying to do -- and I'm going to be frank, too,  
5 so when new language comes up, the judge  
6 advocate's office will look at this and make its  
7 recommendations to -- to the Air Force staff.  
8 So, it could take some time, again, if we're  
9 going to go through this process. So -- But if  
10 we have to, we have to.

11 MR. BAILEY: It's still open to  
12 discussion. Mr. Quintanilla, did you have  
13 something --

14 MR. QUINTANILLA: Are we on 1 or  
15 2?

16 MR. BAILEY: We're on 2.

17 MR. QUINTANILLA: Well, I don't  
18 know what you had in mind in -- on -- on that  
19 particular -- bringing up -- No. 2 up at this  
20 particular time. The charter says, "Upon  
21 receipt of information." And apparently you  
22 have receipt of information that someone on --  
23 that a member's activities outside the Board are  
24 in conflict or creating an appearance of  
25 conflict of interest with the Restoration

1 Advisory Board, the member shall immediately be  
2 notified in writing." We haven't done that.  
3 So, I -- I think this item is premature. I  
4 think it shouldn't be on -- on the table until  
5 we have notified the member in writing. And I  
6 think you're out of order if you do bring it up.

7 MR. BAILEY: Well, we aren't  
8 bringing it up in regards to any RAB member.  
9 We're just -- It is an item to be included in  
10 the charter --

11 MR. QUINTANILLA: It's already in  
12 the charter. But -- you know, Mr. Rice has --  
13 has come up with some objections and I agreed to  
14 them -- and the charter has -- has not been  
15 signed today. So, we don't have a charter. So,  
16 it's very premature. It's very much out of  
17 order to -- to bring this item up.

18 MR. HAGELTHORN: But we can't  
19 bring a letter to a person because we don't have  
20 a charter which tells us to bring a letter to a  
21 person, yet.

22 MR. QUINTANILLA: You may not  
23 have a charter -- that particular type of  
24 thing -- but you do not have discussions with  
25 the -- the attorney who brought this up to

1 Mr. Bailey -- and he is aware of it -- and  
2 it's being brought up for some particular  
3 reason -- not as part of the charter. How come  
4 we're not bringing up other parts, like training  
5 of committee members or anything else that may  
6 be in the charter at this time?

7 So, that's the reason I'm saying it is out  
8 of order and we're in violation of the charter  
9 if we start discussing this particular thing --  
10 especially if the members involved have not been  
11 notified in writing.

12 MR. HAGELTHORN: Well, what part  
13 of the charter are we in violation of?

14 MR. QUINTANILLA: The charter --  
15 The part that says in here, "Upon receipt of  
16 information that a member's activities outside  
17 the Board are in conflict or created an  
18 appearance of conflict of interest with the  
19 Restoration Advisory Board, the member shall  
20 immediately be notified of such information in  
21 writing." We have not notified the members  
22 or -- a member in writing.

23 MR. HAGELTHORN: But the problem  
24 is: We haven't signed the charter, so,  
25 therefore, we --

1 MR. QUINTANILLA: We can't  
2 discuss it. That's my point.

3 MR. HAGELTHORN: And until we  
4 sign the charter, we can't notify a member in  
5 writing.

6 MR. QUINTANILLA: Once you  
7 notify -- Once you sign the charter -- and then  
8 you want to bring out the potential of a  
9 conflict of interest, then you first -- you must  
10 notify that member in writing, then bring it up  
11 in the Board to discuss it as Mr. Rice has --  
12 has -- has said and, then, there -- come up a  
13 vote and -- and -- and say, "Hey, we" -- "we  
14 go along with the recommendation that we fire  
15 this member from the Board or we do not."

16 MR. BAILEY: Let me --

17 MR. SANCHEZ: I think -- This is  
18 the RAB Board here -- I mean, this is -- this  
19 is our -- we're the ones that decide where  
20 we -- what we -- what we -- you know, what we're  
21 going to discuss or not discuss. I think if  
22 this is an issue that's being brought up right  
23 now -- We're not discussing it in -- in  
24 reference to any specific individual at this  
25 time. So -- I mean --

1 MR. QUINTANILLA: Well, then, why  
2 are we bringing it up?

3 MR. SANCHEZ: -- I don't think  
4 anybody has violated anything at this time.  
5 We're saying that maybe for -- for future  
6 clarification as a policy, as part of the  
7 charter, that we need to discuss that -- the  
8 part about conflict of interest when that  
9 issue -- when that arises. Otherwise, we --  
10 we'll never have a charter. We will never be  
11 able to discuss it. We will never be able to  
12 conduct business and I -- I mean, we've been --  
13 we've been discussing this now for -- how many  
14 months now? Six months? Seven months? Eight  
15 months? And -- And every single time -- Most of  
16 our -- Most of our time has been spent  
17 discussing the charter. We haven't discussed  
18 ground remediation or -- or chemical cleanups.  
19 We -- you know, we generally kind of hurry up  
20 toward the end of the meeting and we talk for  
21 about ten or 15 minutes because one and a half  
22 hours is spent discussing the charter.

23 MR. QUINTANILLA: To me, it's  
24 very important. I live in the community that  
25 has been affected by toxic spills at Kelly Air

1 Force Base. Property values are going down.  
2 There are subsidence problems there in the  
3 neighborhood. They're supposed to be studies to  
4 be made in that area and I have a lot of  
5 questions. You know, say that this is being  
6 brought out because of me -- What are -- What  
7 are the rights? What are my rights or the  
8 rights of any other members in there regarding  
9 RAB discussions on subsidence in general and in  
10 particular?

11 Can I participate in the discussions  
12 concerning cracked walls and foundations --  
13 sidewalks and so forth -- Buildings 171, 375,  
14 360, 324, 329 -- and other buildings at Kelly  
15 that are affected by subsidence? Will I be able  
16 to discuss it? That I need to know. Those  
17 are -- you know, what are my rights? Can I  
18 participate in discussions of sinking  
19 foundations in South San? I need to know that.  
20 What are my rights? You know, this is -- if  
21 this is part of it. Will I be able to review  
22 completed current and proposed studies on  
23 subsidence -- on subsidence that have been  
24 initiated by the Air Force? Will I be precluded  
25 from that because I live in the neighborhood and

1 I'm being affected by that? I don't know.

2 MR. BAILEY: Let me just say --

3 MR. QUINTANILLA: Wait. Let me  
4 finish a couple of more.

5 Is the proposed subsidence study -- if  
6 there is one by the Air Force -- a result of the  
7 claims that are submitted by me or by others?  
8 Have the attorneys from Kelly Air Force Base  
9 contacted the attorneys -- my attorneys and  
10 other attorneys of the people that are  
11 involved -- concerning their rights to  
12 participate in the Board as a result of their  
13 claims for damages -- and I'm just narrowing  
14 this down to subsidence. Now, must they recuse  
15 themselves -- say, for instance, tonight when  
16 Mr. Rice is going to bring up a report on the  
17 technical subcommittee where subsidence was  
18 discussed on it -- and, if so -- and if I must  
19 be -- recuse myself, why, since no vote is being  
20 taken on subsidence? These are the rights  
21 that -- you know, the people have to be notified  
22 first before anything is done.

23 Now, must members also recuse themselves at  
24 the -- For instance, I had to recuse myself at  
25 the technical subcommittee that was held in



1           October because -- "Hey, you've got a" --  
2           "You've got a claim against Kelly Air Force  
3           Base on subsidence. We're going to talk about  
4           subsidence, you have to leave the room." No  
5           vote was being taken, but, yet, I recused myself  
6           because I was told to. Now, what is needed  
7           under what conditions must -- must the members  
8           recuse themselves? We haven't heard this. So,  
9           this is the reason I'm saying we're not ready to  
10          discuss Item No. 2. And I -- I believe if we  
11          continue this particular -- the way it's  
12          going -- it's going to have a chilling effect  
13          on getting members from the communities -- from  
14          South San -- from Yolanda Johnson's area -- to  
15          participate in this thing. "Hey, man" -- you  
16          know, "Why should I participate?" You know, I  
17          can't do anything about the thing. I can't even  
18          discuss the areas in there -- which is possibly  
19          right. You can't discuss your own particular  
20          case but you can discuss the whole other thing  
21          in general. You may not be able to vote to  
22          whether -- you know, give you -- to -- to say  
23          that your claim is just or unjust. You may not  
24          be able to do that -- and I go along with that,  
25          also. But something is not quite right and

1 we're just not ready to -- to speak to this  
2 unless the -- you know, the judge advocate  
3 here -- the judge here says we can.

4 MS. WILLIAMS: I'm not the judge  
5 advocate.

6 MR. QUINTANILLA: But -- the  
7 attorneys have advised you of such. I don't  
8 think you've been advised properly.

9 MR. BAILEY: Okay. First of all,  
10 let me say that I have been advised properly.

11 MR. QUINTANILLA: Okay.

12 MR. BAILEY: Let me go back  
13 through this. The issue that we're talking  
14 about here is not voting regarding any one  
15 individual. It goes back to what Mr. Sanchez  
16 was talking about. This was part of what was  
17 recommended previously via Charter  
18 Subcommittee. That's why it was being placed  
19 here today.

20 At the same time, the issue was surfacing  
21 to see if the RAB membership, before voting --  
22 assuming that you would not wish to vote for the  
23 RAB charter -- which is apparent now -- is  
24 there any type of action comparable to this that  
25 you feel needs to be taken by any potential RAB

1 member or any RAB member who may have a conflict  
2 of interest? So, if you do not feel, at this  
3 time, that you wish to deal with this issue,  
4 then we, as RAB group, do not feel that we want  
5 to deal with this issue until it comes back to  
6 us in the charter form.

7 We're not talking about any one  
8 individual. That was never surfaced by us. It  
9 was never meant to be. The purpose is to talk  
10 about this -- and Mr. Quintanilla summarized it  
11 very well at the end when he said that there is  
12 no intention to exclude any RAB member from  
13 listening to the discussion of what went on. It  
14 is to define in whatever ways we feel we -- are  
15 needed -- to say -- on some issues we are  
16 saying, "No, you can't vote." On other issues,  
17 we're saying, "You can vote" -- "and on the  
18 entire program, not associated with your  
19 specific claims" -- whatever those might be --  
20 "and you have a financial interest at stake" --  
21 "you can vote and you can hear on everything."

22 So, please, don't think that there's any  
23 verbiage in here that excludes the individual  
24 from not hearing any of the conversation because  
25 that's not the way this reads.

1 Yes, sir?

2 MR. RICE: I'm glad you said that  
3 because at that October 20th meeting that  
4 Armando referred to when we were just bringing  
5 up the subject of subsidence in general -- I  
6 mean, had the Air Force done a study -- that was  
7 the topic. He was asked to leave the room. And  
8 I think we can all agree that that is going way  
9 overboard.

10 MR. BAILEY: He should have said,  
11 "No, I'm not going to leave the room."

12 MR. QUINTANILLA: I did not know  
13 what my rights were.

14 MR. RICE: He was asked to leave  
15 the room by Adrienne.

16 MR. BAILEY: Okay. Well, I'm  
17 just telling you that, at that time -- I don't  
18 think -- I don't know whether she asked or  
19 not. I would imagine that it was more out of,  
20 "This is what we're looking at. We feel that  
21 it's an apparent conflict of interest." I  
22 wasn't there. I don't know.

23 The issue, though --

24 MR. RICE: I think we can agree  
25 that that is far wider than we -- we ought to be

1 going.

2 MR. BAILEY: Absolutely. What  
3 we're saying here is, the person can hear the  
4 conversation. Please, don't walk away from  
5 here -- nobody should -- saying that that's  
6 what we're saying.

7 Mr. Quintanilla summarized in his last  
8 three sentences the individual -- or three or  
9 four or five or six -- the last individual -- or  
10 the last statements focused on being able to  
11 hear the discussions. But there should be a  
12 time -- We, the Air Force, feel that an  
13 individual who has that financial interest at  
14 stake -- has filed a claim -- that should be  
15 restricted from that. But what we would  
16 recommend is -- because we're going back to the  
17 Charter Subcommittee to take a look at Issue  
18 1 -- we also do the same thing with Issue 2 --  
19 and we take a look at it at that time.

20 If that's everybody's agreement that we  
21 take this back to the same Charter  
22 Subcommittee -- because getting back to what  
23 Mr. Sanchez said -- I think we've got to meet  
24 before Christmas and we've got to get this  
25 ironed out. So, when we ask for a Charter

1 Subcommittee meeting, we would hope that  
2 everybody -- and we'll try to set it up at the  
3 most appropriate time -- and if that doesn't  
4 work, then maybe we'll have two meetings -- to  
5 get everybody's input so we can hear what it  
6 is. But, by Christmastime, we truly need to  
7 have a signed charter.

8 MR. SANCHEZ: Could I say  
9 something else to the -- the -- the attorney  
10 there? Are the result of all of our actions of  
11 not having a signed charter --

12 MS. WILLIAMS: You do not have a  
13 signed charter. When the original meeting --  
14 You do have a charter -- it's not this  
15 charter -- but it is a charter. So, you do have  
16 a charter to guide you, at this point.

17 MR. SANCHEZ: Well, it's more  
18 important than just guide us -- just to make a  
19 lot of our actions legal.

20 MR. BAILEY: Yes.

21 MS. WILLIAMS: Yeah, you do -- as  
22 with member voting and --

23 MR. SANCHEZ: And the other thing  
24 is, when there is an apparent conflict of  
25 interest as a result of litigation -- correct

1 me if I'm wrong, though -- don't -- aren't  
2 there some specific legal rules in terms of  
3 discovery that are -- becoming a motion -- in  
4 terms of where the clients are advised by  
5 attorneys --

6 MR. QUINTANILLA: Yes.

7 MR. SANCHEZ: -- to -- you know,  
8 not to have any further say on that particular  
9 matter -- or whatever. I mean, there are some  
10 specific legal --

11 MS. WILLIAMS: Well, I think --

12 MR. SANCHEZ: -- rules there, you  
13 know, that go far beyond just the RAB Board  
14 charter.

15 MR. QUINTANILLA: It's the rights  
16 of the members.

17 MS. WILLIAMS: There's some --  
18 There's some discussion -- and what I tried to  
19 do in this charter in working with  
20 Mr. Quintanilla and others -- is tried to at  
21 least protect some of the -- all of your due  
22 process rights. So, that's why we have a very  
23 detailed step-by-step program to give advanced  
24 notice. You have an opportunity to rebut. You  
25 get an opportunity to discuss it in front of the

1 RAB. You get an opportunity to appeal. So,  
2 there is a -- there is a process in there that  
3 we tried to build in to deal with the issue --  
4 and one other thing that -- that I just want  
5 to -- to raise is -- is in terms of how we  
6 handle a conflict of interest.

7 My concern as counsel for the Air Force is  
8 that we just make sure that the RAB members are  
9 aware that this issue is out there, that there  
10 could be potential conflicts of interest, that  
11 they become aware of who the people are so that  
12 you're informed of what's going on -- and --  
13 and how you deal with it is, you can get  
14 recommendations from the Air Force, you can rely  
15 on your own personal judgment -- but I think the  
16 key issue is to understand that there may be  
17 some RAB members -- some we know of, some we  
18 don't know of -- that may have some claims --  
19 and -- and then we can deal with it once we know  
20 what that information is.

21 But it's -- On the litigation and claims  
22 issue, I want to emphasize one last time it is a  
23 case-by-case analysis. It's different than the  
24 contractor situation and I -- and my hope was in  
25 this charter revision that we had that we tried



1 to deal with that as fairly as possible, but  
2 I -- from my perspective, it's a situation where  
3 the Air Force is dealing with conflicts laws  
4 that it has to address.

5 So, with that --

6 MR. BAILEY: Okay. Well, let me  
7 put it -- On the second issue -- Let me go  
8 around -- if I could hear a motion to see if  
9 everybody agrees -- because this is part of the  
10 charter -- that we will take this back --

11 MR. QUINTANILLA: Well, if we're  
12 going to do that, Mr. Bailey, we might as well  
13 go down -- by down -- down the line on  
14 everyone. All of those items that are on the  
15 charter are part of the charter. Why are you  
16 picking on this particular issue?

17 MR. BAILEY: Because this is the  
18 issue that is before us right now.

19 MR. QUINTANILLA: Who put it  
20 there?

21 MR. BAILEY: Well, we put there  
22 it.

23 MR. QUINTANILLA: I didn't put it  
24 there.

25 MR. BAILEY: Well --

1 MR. QUINTANILLA: None of the  
2 members here put it there.

3 MR. BAILEY: Yes. I'm a member  
4 and I put it there.

5 MR. QUINTANILLA: I also am a  
6 member and I ask that we put on -- the budget in  
7 there and I -- I'm a member and I ask that we  
8 also put training of the RAB -- and it is not on  
9 there. That wasn't -- That wasn't --

10 MR. BAILEY: We are covering  
11 those issues.

12 MR. QUINTANILLA: But they're not  
13 on the agenda.

14 MR. BAILEY: We have --

15 MR. QUINTANILLA: They should be  
16 on the agenda before you cover them.

17 MR. BAILEY: We have talked about  
18 some of those issues in the past and where they  
19 rack and stack and it was felt by the RAB  
20 members --

21 MR. QUINTANILLA: We have talked  
22 about the issues -- of this in the past. We've  
23 talked about it now. Why are we beating this  
24 dead horse to death?

25 MR. BAILEY: Well, I would ask

1 you --

2 MR. QUINTANILLA: I think -- I  
3 think it's -- it's -- like I said before, it  
4 is out of order.

5 MR. HAGELTHORN: I'd like to say  
6 something. You know, I haven't really been kept  
7 up about what this issue is right here and I  
8 think there's a lot of members on this Board  
9 that also do not know what the issue is or  
10 what's involved. I personally feel that if a  
11 member of this Board has had a lawsuit against  
12 the Air Force right now that is seeking  
13 financial gain from the Air Force, he better  
14 make -- he should make himself known right now  
15 that he is doing that.

16 MR. QUINTANILLA: I haven't -- I  
17 haven't hidden this. I have not hidden this. I  
18 do not have a lawsuit against the Air Force.

19 MR. HAGELTHORN: I would like to  
20 know what the --

21 MR. QUINTANILLA: I have a claim  
22 against the Air Force. I am following the  
23 administrative process. That thing says a  
24 lawsuit. I have a claim. The claim is not the  
25 same thing as a lawsuit. I -- I'm being above

1 board -- but I'm also a member of a community  
2 that has been affected by toxic spills. I have  
3 a right to be here as a result of being a  
4 stakeholder in the community.

5 MR. HAGELTHORN: Are you taking  
6 the same efforts against other organizations,  
7 corporations, businesses that have polluted the  
8 groundwater, polluted the area around Kelly as  
9 you are against the Air Force right now?

10 MR. QUINTANILLA: I know of  
11 none. I know of none. I know of none. If I do  
12 know of -- of any of them, I will bring them to  
13 my attorney and my attorney will discuss them  
14 with your attorney. Okay?

15 MR. HAGELTHORN: I don't have an  
16 attorney.

17 MR. QUINTANILLA: Well, the  
18 attorney for the Air Force. You're speaking for  
19 the Air Force now.

20 MR. HAGELTHORN: No. I speak for  
21 the community.

22 MR. QUINTANILLA: Apparently  
23 not. I'm the community and you're not speaking  
24 for me, sir.

25 MR. SANCHEZ: Well, I think that

1 we're getting into a little bit of -- carried  
2 away with the -- with the -- our own discussion  
3 here and we're getting into the -- into an area  
4 where we are getting personally punitive with  
5 each other.

6 MR. QUINTANILLA: Exactly.

7 MR. SANCHEZ: Let me -- Let me  
8 just say something here about it --

9 MR. QUINTANILLA: I'm being -- I  
10 am being punitized (sic).

11 MR. SANCHEZ: Let me just say  
12 something: When we came to this board, we said  
13 we were going to try to do the best thing for  
14 this community. There was going to be some  
15 integrity. There was going to be some  
16 give-and-take because not every -- quite  
17 frankly, this is a very, very diverse group.  
18 We're not ever going to agree on everything that  
19 is here. But I think that we have to go back to  
20 the whole issue of integrity and that if we're  
21 here misrepresenting ourselves and -- There has  
22 to be a mechanism, I guess, where we just have  
23 to say, "Well -- Okay. You're" -- you  
24 know, "you've got these particular interests and  
25 you're going in that direction. I just need to

1 know about that. I need to know there's a  
2 conflict of interest. I need to know that  
3 you're being paid for that, because that's going  
4 to affect the way I'm going to" -- "the  
5 information you're giving me. I have to know  
6 that." That's integrity.

7 If somebody's paying me to come up and  
8 testify for you -- and regardless of whether  
9 it's true or not -- I'm being paid, you know,  
10 then automatically I've crossed the line. I've  
11 gone into -- I mean, I'm doing something else.  
12 It doesn't say that I don't have the right to do  
13 that as a -- as a stakeholder or as a community  
14 member. I've got all the rights of anybody that  
15 lives in the United States. But I have the  
16 right to -- these people that are live -- that  
17 are -- that are sitting around the table to  
18 disclose that to them.

19 MR. HAGELTHORN: You have the  
20 obligation to disclose it.

21 MR. BAILEY: Okay. Further  
22 discussion or can we then say that -- Yes, sir?

23 MR. RICE: Just a question, I  
24 guess. When the charter goes back to the  
25 committee, they will not be restricted just to

1 looking at these two issues items, will they?  
2 They can also look at any other item that the  
3 members feel ought to be revised; is that -- is  
4 that right -- or are we restricting them to just  
5 these two items?

6 MR. BAILEY: But what I would ask  
7 all RAB members to do, is to take a look at two  
8 things. The first one is, take a look at if  
9 you've got time to show up at the subcommittee  
10 meetings. Because, at the subcommittee meetings  
11 we've been having, we've been having the same  
12 four or five people show up. If we as a RAB are  
13 going to vote on these -- let's say we meet  
14 again before Christmastime, which is my  
15 preference -- that's my personal preference --  
16 that before that time that we come back here and  
17 we meet wherever we're going to meet and we put  
18 this out and some people are going to say, "What  
19 did I read and what didn't I read?" And I  
20 submit to that -- that to me it is better if you  
21 attend the subcommittee meetings to hear the  
22 full scope and breadth of what everybody is  
23 having to say. Because when we get to these  
24 meetings -- it goes back to what Mr. Sanchez  
25 said -- we're spending more time on the

1 administrative issues than we are on the  
2 technical and health issues. So, that's one  
3 point that I would ask that -- yes, we can go  
4 back and we can take a look at those other  
5 things.

6 The second issue that I'd like to add is  
7 that when we vote on these issues, I would ask,  
8 if everybody could, take a look at that and --  
9 and make sure that we vote on those kinds of  
10 issues. Because I submit to you that we've  
11 voted on some of these issues prior to coming  
12 in. And then there becomes the question that we  
13 as RAB members have to ask -- like right  
14 now -- I would ask you, "Why do we have to go  
15 back and take a look at more than three issues?  
16 Why do we have to go back and look at these when  
17 we discussed them for four or five months and we  
18 voted on some of these and said no?

19 Now, if it's an issue that we've already  
20 voted no on, I would say, "No, we're not going  
21 to go back and take a look at it again." That's  
22 my preference. If it's an issue that we have  
23 not voted on and we've not discussed it, then my  
24 idea would be that we surface that. But if  
25 we've already discussed about it and we've been



1 through it as a RAB, I do not see the benefit of  
2 trekking down that pathway one more time. So,  
3 if there are more than two issues, I would  
4 submit to you that, yes -- but I would add to  
5 it -- if we've already talked about it, I  
6 wouldn't see the need to go back through it one  
7 more time. That's me.

8 MR. TREVINO: If I may add that  
9 if -- This is Richard. If you remember, two RAB  
10 meetings ago, we actually sat at Price  
11 Elementary and we voted -- now, some of you-all  
12 were not there -- but we voted line item by line  
13 item when the RAB Charter Subcommittee went out  
14 there and they did that. So, in terms of --  
15 even issues like Item No. 1 and Item No. 2 -- we  
16 have already agreed as a RAB on that. All we  
17 were asked to do was just to finalize that  
18 package, bring it to the RAB for you-all to  
19 approve it. So, we have done that. We have --  
20 The RAB has accomplished that major milestone.  
21 And I think from our standpoint -- and in  
22 agreement with Mr. Sanchez -- is that we have  
23 done that. Let's -- Let's approve the RAB  
24 charter and let's go onto the substantive type  
25 of issues such as groundwater and soil cleanup.

1           So, we have done that. When I say "we,"  
2           the RAB has done that. And we took a vote and  
3           we all agreed -- we even had our -- one person  
4           from protocol stay late so we could have a  
5           quorum to vote and accomplish that. So, I would  
6           just recommend that you, please -- if -- if you  
7           still want to go back and take it back, my  
8           recommendation is, please, approve it because we  
9           did that. Because what's going to happen --  
10          when more RAB members leave and more RABs  
11          come -- are we going to look at it again? At  
12          some point, the time has to stop -- get through  
13          with the administrative process and let's go on  
14          with the technical issues. That's just my  
15          recommendation.

16                   MR. BAILEY: Okay. Let me just  
17                   summarize -- and if I'm wrong on this, correct  
18                   me where I may be wrong, Mr. Rice -- a motion by  
19                   Mr. Rice is to consider not only the two issues  
20                   here but other issues at the Charter  
21                   Subcommittee. That is one motion.

22                   I'd like to make a motion that we restrict  
23                   it to those two issues since we have spent  
24                   considerable time going back to the other issue  
25                   and we voted -- that we just take a look at

1 these two issues at the Charter Subcommittee  
2 meeting that we'll hold -- and we'll meet again  
3 before Christmas -- to approve the charter along  
4 with some other issues.

5 Let's go around the room. We've got two  
6 motions, Mr. Rice's, my motion -- Are there  
7 others?

8 MR. QUINTANILLA: I don't think  
9 your motion has been seconded, Mr. Bailey.

10 MR. BAILEY: I'm just making a  
11 point that --

12 MR. QUINTANILLA: I think before  
13 we have a motion and vote we have to have a  
14 second.

15 MR. HAGELTHORN: I'll second that  
16 motion. I have a third motion. I make the  
17 motion that we accept the charter the way it is  
18 and let's get on with this and start doing the  
19 work instead of throwing up a smoke screen like  
20 we do every time we come to this meeting.

21 MR. BEYER: I second that one.

22 MR. RICE: You know -- Let me say  
23 something here. We have discussed the charter  
24 and I know that back in August -- late at  
25 night -- we went over a lot of this stuff. And

1 in combination with the fact that it was late --  
2 plus the fact that we were hearing people  
3 talking -- shaking their heads yes -- but not  
4 seeing things in writing. It's a whole lot  
5 different when you hear people talking about it  
6 and when you see it in writing. And that's --  
7 that's my concern. This is the first time I've  
8 actually seen this in writing and it is 180  
9 degrees to what I thought had been agreed to.

10 MR. TREVINO: If I can clarify --  
11 This is Richard, again. That's not entirely  
12 true. During the RAB meeting in August -- or  
13 whatever time it was -- two RABs ago -- we  
14 actually -- charts were presented as well as --  
15 hard copies of the revised charter was submitted  
16 to you in advance as well as presented at the  
17 RAB and then -- we even did line item  
18 corrections at that meeting -- at that time  
19 frame. So, that statement is not entirely  
20 true. So, you did have it in advance. We did  
21 make corrections that evening and -- where we  
22 even had a discussion -- a final vote to say  
23 "yes" or "no."

24 MR. RICE: Fine.

25 MR. BAILEY: Do you still have

1 your motion on the table, then?

2 MR. RICE: Well, I guess we've  
3 already approved that the committee will go back  
4 and look at these other two items. That's been  
5 voted on and approved. Now, I guess the motion  
6 is that if the community -- if the committee  
7 decides to look at other issues in addition to  
8 the two that have already been approved, they  
9 should be permitted to do that. That's my  
10 motion.

11 MR. BAILEY: Do we have a first  
12 for the motion and a second?

13 MR. RICE: I think I just gave a  
14 first, didn't I?

15 MR. BAILEY: Okay. Do we have a  
16 second?

17 MR. QUINTANILLA: Was that a  
18 motion?

19 MR. BAILEY: Yes.

20 MR. RICE: Yes.

21 MR. QUINTANILLA: I'll second  
22 that.

23 MR. BAILEY: Okay. So, we have a  
24 first and a second on Mr. Rice's motion. We  
25 have another approach recommended on the table

1 relative to approving, as is -- Okay? Do we  
2 have a second for that approach?

3 MR. QUINTANILLA: I think that  
4 has to be accepted, too -- the motion.

5 MR. SOLIS: I think we need to  
6 dispose of the first motion and vote on it  
7 before we go on to the second motion.

8 MR. BAILEY: Okay. Let's go  
9 around the room, then. We have the motion by  
10 Mr. Rice. We've already talked about going to  
11 the Charter Subcommittee and voting on -- or  
12 looking at these two issues -- but also adding  
13 others onto it. There's been a first and a  
14 second. That's --

15 MR. MURRAH: A little discussion  
16 before we vote. If we did vote on this motion  
17 on the floor right now -- I mean, the charter --  
18 does that mean that it can't be revised later?

19 MR. BAILEY: No, sir, it doesn't  
20 mean that at all.

21 MR. MURRAH: So, in other words,  
22 if we approve the charter tonight, then we can  
23 still go and have a meeting and do some revision  
24 on it at a later date; is that --

25 MR. BAILEY: Yes, sir.

1 MR. MURRAH: What would be wrong  
2 with that?

3 MR. RICE: Well, I -- I -- my  
4 response to that is it contains some -- some  
5 serious flaws now -- and if we can dispose of  
6 those flaws now, let's do it.

7 MR. MURRAH: Well, other than --

8 MR. RICE: I agree. So, let's  
9 vote.

10 MR. MURRAH: Well, I vote not to  
11 do that.

12 MR. BAILEY: Okay. Is there any  
13 other discussion? Is -- Have I made myself  
14 clear on what we're going to be voting on?

15 Okay. Let me just see a sign of hands for  
16 approving of the motion. We go back to the  
17 Charter Subcommittee, we look at not only these  
18 two issues but we add others. It's not been  
19 defined as what "others" is, but we add others  
20 that might come up.

21 Will you show a sign of hands for those who  
22 approve of that motion.

23 (Vote by the RAB members.)

24 MR. BAILEY: Okay. How many are  
25 against?

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(Vote by the RAB members.)

MR. BAILEY: Okay. That motion has been denied.

Okay? So, we have one motion that we've already approved going back to the Charter Subcommittee. Do we have another --

MR. QUINTANILLA: No. We have, now, your -- your motion, Mr. Bailey. You made a motion of some -- some motion. I forgot what it was.

MR. BEYER: Items 1 and 2, only.

MR. BAILEY: Items 1 and 2 -- take back to the Charter Subcommittee.

MR. SOLIS: Second.

MR. BAILEY: We have a second for that.

Okay. Again, going around the room. A sign of hands for those that approve going back and taking a look at Elements 1 and 2 that are on the agenda right now -- a sign of hands saying, yes, that they are in favor of doing that.

(Vote by the RAB members.)

MR. BAILEY: Against?

(Vote by the RAB members.)



1 MR. QUINTANILLA: Your motion  
2 carries.

3 MR. BAILEY: Okay. The motion is  
4 carried. So that we will have a meeting. We  
5 will get back in touch with everybody and we  
6 will take a look at these two items. I would,  
7 again, encourage everybody to, please, come if  
8 you can. We'll do at some reasonable time  
9 period. If we have to meet at two times, we  
10 will do that, also.

11 Okay? Going on to the next issue --  
12 No. 3 -- election of a community co-chair.

13 MR. HAGELTHORN: What about our  
14 third motion?

15 MR. BAILEY: Oh, I'm sorry.  
16 Excuse me.

17 MR. HAGELTHORN: And that was  
18 that we vote on the charter as it is right now.

19 MR. BAILEY: Okay. I'm sorry.

20 MR. RICE: What happens if  
21 that --

22 MR. HAGELTHORN: -- that we vote  
23 on the charter, we accept the charter and go  
24 back and look at revisions later.

25 MR. BAILEY: Okay. I thought

1 that was taken up by the last vote. Let's put  
2 it on the table, then.

3 Okay. There's a third motion to vote as  
4 is -- I mean, to accept everything as is.

5 MR. QUINTANILLA: Has it got a  
6 second?

7 MR. BAILEY: Mr. Beyer seconded  
8 it. For all those who are in favor of accepting  
9 the charter as is -- can I see a sign of -- a  
10 showing of hands saying as is.

11 (Vote by the RAB members.)

12 MR. BAILEY: Is that six? For  
13 those who are against, can I see a sign of  
14 hands.

15 (Vote by the RAB members.)

16 MR. BAILEY: Okay. So, we will  
17 be meeting -- That has been denied. We will be  
18 going back to the subcommittee and we will be  
19 voting on these two items.

20 Okay. Going on to Element 3, election of a  
21 community co-chair. In the charter under --  
22 Element 5, B, under the Restoration Advisory  
23 Board structure -- it talks about that every 12  
24 months we go will go back and we will take a  
25 look at the community co-chair and we will vote

1 on who, as a RAB, you want that person to be.

2 The first time that this vote was taken --  
3 "myself" being the Air Force and DOD side --  
4 I -- I was precluded -- which I believe is the  
5 way to do that -- where I'm not even present. I  
6 think that that needs to be the same way this  
7 time and I plan on just walking -- and leaving  
8 it up to a vote so that the vote will be based  
9 upon -- "Do you wish to continue" -- which is  
10 the motion on the floor -- "with Mr. Allan  
11 Hagelthorn as the community co-chair?" If that  
12 motion is not first and seconded and voted with  
13 a yes, then as a RAB member group you are  
14 responsible for coming up with a name or several  
15 names to decide on who you think that individual  
16 should be. Is that clear? I mean -- I want to  
17 make -- Do have any questions about that?

18 MR. RICE: Let me make sure I've  
19 got it straight. First, we're -- we're only to  
20 consider should we retain Allan?

21 MR. BAILEY: That is correct.

22 MR. RICE: And if that -- the  
23 result of that is no, then we will go about the  
24 business of picking someone else.

25 MR. BAILEY: That is correct. Is

1 that acceptable?

2 Okay. With that then, I'd like to open it  
3 up and let you-all discuss it. I'm going to go  
4 out -- if you wish to discuss -- or  
5 whatever -- and decide on how you wish to go.

6 MR. QUINTANILLA: Mr. Bailey, why  
7 are you leaving? You're a member of this  
8 committee.

9 MR. BAILEY: Well, the first  
10 time, I wasn't here and I feel it's best that --  
11 I can be here to hear it -- but I would prefer  
12 that there's no reason to hear that. That's  
13 just me.

14 MR. QUINTANILLA: To me, it seems  
15 that like -- you know, I can participate in some  
16 subjects and then some subjects I don't want to  
17 participate in -- and I don't participate --  
18 but no -- no consistency.

19 MR. BAILEY: Well, I think  
20 there's a lot of consistency. On this one vote,  
21 I am saying no.

22 MR. QUINTANILLA: I just  
23 wondered.

24 MR. BAILEY: Okay. Thank you.

25 MR. QUINTANILLA: I would like to

1 recommend to Mr. Mike Estrada -- I think he's  
2 the one that arranged this -- that we no longer  
3 hold meetings here. It's too difficult to  
4 hear. It doesn't provide the proper atmosphere  
5 or -- or anything like that -- and I strongly  
6 recommend that we meet out there -- either in  
7 the neighborhood in South San or at South San  
8 High School or at Edgewood or any one of those  
9 places.

10 MR. HAGELTHORN: That is Item  
11 No. 10 on the agenda.

12 MR. QUINTANILLA: Okay. I will  
13 bring that up on Item No. 10.

14 MR. HAGELTHORN: Okay. So, the  
15 issue at -- on the table right now is to  
16 determine whether or not I continue as the  
17 chair. If there's not a second on that, then  
18 what we'll do is we'll go to selection -- and if  
19 anybody has a nomination for the community  
20 co-chair, bring that out and we'll vote on it.

21 Discussion?

22 MR. RICE: I would like to say  
23 why I do not support your continuing as a  
24 community co-chair -- and -- you know, we voted,  
25 I think, at the first meeting and nobody knew

1 anybody and -- and the nominees each gave a  
2 little talk and you won the election fair and  
3 square. No problem.

4 In the past year, I have come to think of  
5 you as less a community representative and more  
6 of an Air Force representative. I have watched  
7 in you almost every case side with Mr. Bailey --  
8 tend to look to Mr. Bailey for direction. So, I  
9 would -- I don't support your re-election -- and  
10 I hope that we can put someone in this position  
11 who thinks of the community -- that's a bad way  
12 to put it -- but who is less influenced by the  
13 Air Force's position and will think more of the  
14 community as a whole.

15 MR. HAGELTHORN: All right.

16 Further discussion?

17 MR. QUINTANILLA: Is it open for  
18 nominations? Is -- Beg your pardon?

19 MR. HAGELTHORN: Not yet, it's  
20 not.

21 MR. QUINTANILLA: Okay.

22 MR. RICE: What we're doing now  
23 is we're just voting on whether or not we retain  
24 Allan. If we vote not to retain Allan, then  
25 we'll have another vote to replace him with

1 someone else. It's a two-stage process.

2 MR. HAGELTHORN: Right.

3 MR. MURRAH: Well, the only  
4 question I have is to -- I haven't been on the  
5 Board long enough to really have a good opinion  
6 one way or the other -- but it seems to me that  
7 if Mr. Allan steps down, well, then, is there  
8 someone on the Board that would be willing to  
9 take on the responsibility of -- of doing his  
10 job -- whatever that might be?

11 MR. RICE: You know, that's a  
12 good point. We're kind of in a bind. If we're  
13 going to vote to replace Allan, we don't know if  
14 there's anybody willing to take his place,  
15 number one. And, number two, we have no idea  
16 who that person might be. The only nominee  
17 might be someone that we don't want to be a  
18 member, either. Maybe there's a problem with  
19 the process.

20 MR. HAGELTHORN: I don't think  
21 there's a problem with the process. In fact,  
22 that's the reason the process works. It's  
23 called the democratic process.

24 MR. RICE: No, no. All I'm  
25 saying is, if -- some people may vote one way or

1 another -- may vote differently if they knew who  
2 the alternatives to you are. That's what I'm  
3 saying. And if they don't know who the  
4 alternatives to you are -- that may present a  
5 problem.

6 MR. HAGELTHORN: I think just for  
7 a little clarification for some of the members  
8 of the Board who aren't familiar with the issues  
9 Mr. Rice has been talking about, is there have  
10 been times that I have voted with the Air Force  
11 and there have been times that I have voted  
12 against the Air Force. When I vote, I look at  
13 Kelly Air Force Base -- I look at the cleanup of  
14 Kelly -- which is the -- the purpose of the  
15 Restoration Advisory Board. We are chartered to  
16 oversee the -- the cleanup activities --  
17 remediation activities -- not the reuse  
18 activities and not to look at the economic  
19 impact of the local community or anything else.  
20 So, when issues come up that may have political  
21 ramifications on the local community, I voted  
22 against that. That's -- If -- If it has an  
23 environmental issue that benefits the local  
24 community, I have always voted for that.

25 I just -- My belief is that I -- I -- I'm



1 here as the co-chairman to support the community  
2 in cleaning up Kelly, not in filing lawsuits  
3 against Kelly or finding financial gain for the  
4 local community. I'm here to clean this base  
5 up.

6 MR. SANCHEZ: I guess the other  
7 question is, Allan, would you -- would you --  
8 would you like to continue as the community  
9 co-chair?

10 MR. HAGELTHORN: I would like to  
11 continue, Sam.

12 MR. SANCHEZ: Okay.

13 MR. QUINTANILLA: What do we need  
14 now? Do we need a motion to retain him and then  
15 we'll vote on him? Is that --

16 MR. TEAGUE: Could I make a --  
17 Could I make a suggestion, too, that rather than  
18 put Allan in the, maybe, clumsy position of  
19 entertaining --

20 MR. HAGELTHORN: Take a hike.

21 MR. TEAGUE: -- entertaining  
22 motions and things about his -- community  
23 co-chair -- that since I'm not a member that,  
24 perhaps, I could entertain the motion and just  
25 take -- take the vote and then -- and then --

1 MR. QUINTANILLA: Will you be  
2 fair and impartial?

3 MR. TEAGUE: I think I can count  
4 votes fairly and impartially -- and I give my  
5 word on it -- if we have a ballot box, we'll  
6 have a -- we can have it monitored. If --  
7 Depending on the outcome of the vote that --  
8 perhaps, a five-minute break for -- for some  
9 talking and caucusing and things might be  
10 appropriate at that -- I don't -- I don't  
11 know -- but if you have no objection, I'll just  
12 sort of step in and do that and -- at this  
13 point, I don't think I've even heard a motion or  
14 a second.

15 MR. QUINTANILLA: You know, if  
16 that's what is needed, I'm willing to make a  
17 motion to that effect.

18 MR. TEAGUE: A motion to which  
19 effect? That --

20 MR. QUINTANILLA: That we do not  
21 retain Mr. Hagelthorn to continue as community  
22 co-chair.

23 MR. TEAGUE: Okay. There's been  
24 a motion, then, that -- that the RAB not -- not  
25 retain Mr. Hagelthorn to continue as community

1 co-chair. Is there a second?

2 MR. RICE: I second it.

3 MR. TEAGUE: Okay. There's been  
4 a motion and a second. Is there any further  
5 discussion?

6 MR. CULBERTSON: Did you say that  
7 there were some other candidates?

8 MR. QUINTANILLA: We're going to  
9 discuss them after the caucus.

10 MR. TEAGUE: I think -- I think  
11 we'll just sort of do an up or down right now,  
12 and then, perhaps, take a five-minute break for  
13 a caucus or something like that.

14 MR. QUINTANILLA: Yeah.

15 MR. TEAGUE: But, at this point,  
16 I think we have a motion on the floor that --  
17 that Mr. Hagelthorn -- and -- and I've asked,  
18 "Is there any further discussion?"

19 MR. RICE: Yeah, there is. I'm a  
20 little bit uncomfortable with this process. I  
21 think people are being put into positions -- and  
22 I don't think it's right -- of voting against  
23 Allan -- where some people may not have anything  
24 at all against Allan, but they may prefer  
25 someone else. So, I think it would be a fairer

1 way to do this -- if it's not against the  
2 charter -- and I don't have the charter --  
3 but a fairer way would be just to take  
4 nominations. That way you have several  
5 candidates and so everybody knows -- or you  
6 don't have to vote against somebody, but they  
7 can vote for someone.

8 MR. QUINTANILLA: That -- That  
9 sounds like a good idea.

10 MR. TEAGUE: Okay.

11 MR. QUINTANILLA: I'll withdraw  
12 my -- I'll withdraw my motion.

13 MR. TEAGUE: The motion -- Has  
14 the second been withdrawn?

15 MR. RICE: Yeah, I'll withdraw  
16 the second.

17 MR. TEAGUE: Okay. And, then --  
18 then --

19 MR. QUINTANILLA: Then we'll have  
20 nominations.

21 MR. TEAGUE: Have you made --  
22 Have you made a counter-motion to have -- to  
23 accept nominations from the floor.

24 MR. RICE: Yes.

25 MR. TEAGUE: Is there a second to

1 that.

2 MR. QUINTANILLA: I'll second  
3 that -- and that's -- and that's fair -- and  
4 that's the right way to do it.

5 MR. TEAGUE: I would like to  
6 suggest, perhaps, a five-minute break to discuss  
7 that amongst yourselves.

8 MR. CULBERTSON: That's a good  
9 idea.

10 MR. TEAGUE: Okay. Then we'll  
11 take five minutes and we'll reconvene in five  
12 minutes.

13 (Short break taken.)

14 MR. TEAGUE: I'm just going to  
15 stand just so I can be heard, because I can  
16 project a little better.

17 It seems to me that we probably have a  
18 decision -- First of all, does everyone feel as  
19 though they've had enough time to talk it over  
20 and possibly talk to others and get a sense of  
21 things during that break or do we need more  
22 time?

23 Okay. Without -- Without more time -- I  
24 think we probably have a decision which is the  
25 process that we will use to do this. In the

1 first election, the precedence was that people  
2 who wanted to actually run for this office had  
3 put their own names forward prior to the first  
4 meeting; and then we just sort of used that as a  
5 slate at the first meeting. However, with a  
6 board that's met and organized itself, you may  
7 decide that there's another way to do it and I  
8 would like to entertain a suggestion about a  
9 process for nominations and a vote, if anybody  
10 has one.

11 Yeah?

12 MR. BEYER: First of all, I think  
13 that this shouldn't be entered into lightly.  
14 I'm from the TNRCC in Austin. I've seen very  
15 little progress with the RAB as a whole. I'm  
16 very unhappy with -- with the way things have  
17 been going. We haven't -- We haven't been able  
18 to address key technical issues. Decisions are  
19 being made that the RAB could have an influence  
20 on. They are not making these decisions.

21 Whoever we elect for a RAB co-chair --  
22 community co-chair -- should be able to see  
23 what the issues are and try to progress to a  
24 point that we can actually do something.

25 There are -- I'm making decisions in

1 Austin. I'm supposed to be making decisions in  
2 the community's behalf. I see very little  
3 direction. If we can't begin to focus on  
4 issues, then -- you know, I see us stumbling  
5 along. Kelly is a closing -- going to be a  
6 closing base. This RAB has got an intense  
7 responsibility to try to address the pertinent  
8 issues of a closing base. And if we can't make  
9 any more progress than we've made in this last  
10 year, then we're doing a greater disservice than  
11 we have been if we had just disbanded  
12 completely.

13 So, I think it's very incumbent on us to  
14 try to find someone who can lead this group and  
15 try to focus on the issues instead of digressing  
16 into attacks onto each other. So --

17 MR. TEAGUE: Okay.

18 MR. BEYER: And, also, I would  
19 like to say as -- you know, having -- living in  
20 Austin, Texas, I don't consider myself directly  
21 a member of the community. So, I'm going to  
22 abstain from any kind of vote.

23 MR. TEAGUE: You're going to  
24 abstain from the vote?

25 MR. BEYER: Right.

1 MR. TEAGUE: Okay. Thank you.

2 Mr. Rice?

3 MR. RICE: I'd like to say that I  
4 agree with Gary that we have -- as a RAB, we  
5 haven't made much progress in the past year.  
6 And I think the reason is that we haven't had  
7 anyone to work with the Air Force who -- who  
8 will act in the community's best interest and  
9 drive issues forward and get the Air Force to  
10 take action. And I think that's the kind of  
11 person we need -- is somebody who can work with  
12 the Air Force and push them to do what the  
13 community thinks ought to be done.

14 MR. TEAGUE: Okay. Those two --

15 MR. CULBERTSON: Well, I'll --  
16 I'll support the same concept. I think that --  
17 He certainly has a point there. We're going to  
18 have to make some progress, but if someone is  
19 willing to promise in advance that they're going  
20 to get this job done, well, I think that these  
21 people ought to -- these two ought to be given  
22 an opportunity -- you know, one -- one or the  
23 other -- or maybe co-chair. Could that be  
24 acceptable? A co-chair of Mr. Armando and  
25 Mr. Allan?



1 MR. HAGELTHORN: There can only  
2 be one co-chair.

3 MR. CULBERTSON: Pardon?

4 MR. HAGELTHORN: There can only  
5 be one co-chair. There's a military co-chair  
6 and then there's a community co-chair.

7 MR. CULBERTSON: Who would be  
8 willing to be -- give for progress? This is  
9 America. This is -- Who's got the integrity  
10 that's going to be able to say, "I'm going to do  
11 it for the benefit of the whole?" Which one of  
12 you.

13 MR. HAGELTHORN: It's my position  
14 that we need to focus on the environment  
15 restoration of Kelly and take the emotional  
16 issues and do those in subcommittee meetings and  
17 do those on your own agenda and focus the RAB on  
18 the --

19 MR. CULBERTSON: But you've been  
20 the chair.

21 MR. HAGELTHORN: I've been the  
22 chair and you saw just a little while ago how we  
23 can quickly digress -- and the fact is we never  
24 move forward because of some of the -- the vocal  
25 opposition to almost every minor administrative

1 detail that we have done for the last year --  
2 and this Board as a whole has accepted that type  
3 of behavior. This Board has got the  
4 responsibility to police themselves and this  
5 Board has not done that.

6 MR. TEAGUE: Let me interject  
7 here. We're -- We're hearing some -- I think  
8 some -- some cautionary words from several  
9 members about the need to -- to address  
10 this very seriously and -- you know, I think  
11 that's very appropriate that we keep that in  
12 mind as we go on.

13 Mr. Culbertson, were you actually asking  
14 people to possibly come forward and -- and put  
15 their own names forward? Is that the process  
16 that we want to take?

17 MR. CULBERTSON: I was asking for  
18 one or the two main candidates to give to the  
19 other --

20 MR. TEAGUE: Okay.

21 MR. QUINTANILLA: Mr. Culbertson,  
22 if I can consider myself a main candidate, this  
23 is what I have done: I have served in every  
24 subcommittee that there is to serve concerning  
25 the community' interest. I've served on the

1 Charter Revision Subcommittee. I've  
2 chartered -- I've served on -- on a committee to  
3 try to get a grant for this -- for this thing.  
4 I've served on the committee to bring ATSDR down  
5 to Kelly and look at the community surrounding  
6 Kelly Air Force Base concerning some of the  
7 complaints due to physical health.

8 I have gone to Austin and talked to the  
9 people at TNRCC. I have gone to Austin and  
10 talked to the people in the attorney general's  
11 area on behalf of the community and I will  
12 continue to do that. And I will also continue  
13 to work for the restoration -- not only of  
14 Kelly Air Force Base -- but the community  
15 surrounding Kelly Air Force Base that has been  
16 affected by toxic spills -- that -- that the  
17 water that's currently underneath the -- the  
18 houses there that are -- that is currently  
19 contaminated -- that it be brought up to a  
20 standard that will be at least to the Edward's  
21 underground water which currently is -- that's  
22 not going to happen even after 30 years. I will  
23 work and fight for those kinds of things.

24 MR. CULBERTSON: Well, I will  
25 nominate you.

1 MR. QUINTANILLA: I will accept  
2 your nomination.

3 MR. CULBERTSON: And you  
4 second -- Allan, I'm going to have to ask you to  
5 back -- to support -- to give the man a chance.

6 MR. TEAGUE: Well, let me -- let  
7 me kind of paraphrase what I see here. I  
8 mean -- We were talking about a process for  
9 doing this and it seems that we want to have  
10 open nominations from the floor. Has everybody  
11 agreed that that's -- Okay. I see nods from --

12 So, we have a nomination and a second for  
13 Mr. Quintanilla to serve as community co-chair.  
14 Are there other additional nominations -- and  
15 I'd also like to know right now, off the bat, if  
16 anybody else plans to recuse themselves from the  
17 vote. Right now, we have an odd number of  
18 members voting. We also have a quorum voting,  
19 but we could get, possibly, into a tie  
20 situation. It would be good if we knew that up  
21 front. Is anybody else planning on abstaining  
22 from a vote?

23 Okay. Are there any additional  
24 nominations?

25 MS. MOORE: Yes. I'd like to

1 nominate Mr. Hagelthorn to continue as  
2 co-chairman.

3 MR. TEAGUE: Okay. I have a  
4 motion to nominate Mr. Hagelthorn. Is there a  
5 second -- Is there a second?

6 MR. LENE: I'll second it.

7 MR. TEAGUE: Okay. It's been  
8 moved and seconded.

9 Okay. So, I guess we have additional  
10 nominations at this point?

11 Mr. Sanchez?

12 MR. SANCHEZ: I think that --  
13 that I agree that the RAB Board has not made  
14 progress and I think we need to look at it in a  
15 real fresh sense. Because of that, I'd like to  
16 nominate Mr. Solis who has -- who has -- I think  
17 will bring a different perspective to this  
18 Board.

19 He hasn't been involved with a lot of the  
20 arguments and a lot of the things that are --  
21 you know, sometimes -- some of the things we've  
22 said about each other sometimes in spite of each  
23 other -- spiteful -- and I'd like -- I'd like  
24 for him to -- to, maybe, restore some -- if --  
25 if he's willing to do that, some degree of

1 integrity -- and -- and that he -- you know,  
2 that he can do that. I think he -- he would --  
3 it would be a new face -- and I think that's  
4 exactly what we need at this time. I'd like to  
5 nominate Mr. Juan Solis.

6 MR. TEAGUE: We have a nomination  
7 for Mr. Solis. Is there a second?

8 MS. ROBINSON: I'll second it.

9 MR. TEAGUE: It's been seconded.  
10 So, there are three candidates so far. Are  
11 there additional candidates?

12 Okay. In the first -- Then I'm going to  
13 move the nominations be closed. If anybody --  
14 Does anyone want to make a motion to close the  
15 nominations at this point?

16 MR. HAGELTHORN: I make a motion  
17 to close the nominations.

18 MR. TEAGUE: Okay. Is there a  
19 second?

20 MR. LENE: I'll second it.

21 MR. TEAGUE: Okay. Let's vote on  
22 that. All in favor of closing nominations with  
23 those three, please?

24 (Vote by the RAB members.)

25 MR. TEAGUE: Okay. Thank you.

1           In the first meeting when we elected a  
2           community co-chair, each of the candidates stood  
3           up and gave about a one-minute presentation  
4           about themselves and then stood for questions.  
5           And I think that -- Would -- Would that be an  
6           acceptable process again for -- for all of us  
7           here, perhaps, to be able to have a chance to  
8           get to know each of the candidates a little  
9           better?

10           Okay. Let's -- What we'll do, then -- and  
11           let's try to hold our -- our little  
12           presentations -- and just tell why -- that you  
13           want to be community co-chair -- what attributes  
14           you think you'd bring to the job and then stand  
15           for a few questions from the group. And if you  
16           don't have any objection, I'll -- I'll probably  
17           just try to acknowledge the questions -- and  
18           let's keep the questions very basic -- down to  
19           why -- you know, what the person has said and --  
20           and maybe leave a little rancor out of it.  
21           If -- If -- If that starts to -- starts to come  
22           up, I'll -- I'll kind of move in to stop that.  
23           And, possibly, in the best -- the best way to do  
24           this would be alphabetically. So,  
25           Mr. Hagelthorn, would you --

1 First of all, I guess we need to determine  
2 do each of the candidates accept the  
3 nomination. I mean -- I'm -- I'm -- That's  
4 possibly something we've neglected to ask them.

5 MR. HAGELTHORN: I'll accept.

6 MR. TEAGUE: Okay. Mr. Solis?

7 MR. SOLIS: (Nods head.)

8 MR. QUINTANILLA: I'll accept.

9 MR. TEAGUE: Okay. All three  
10 have accepted.

11 Mr. Hagelthorn, if you'd give us a  
12 minute --

13 MR. HAGELTHORN: I would just  
14 like to say that, over the past year, I have had  
15 to -- make the statement -- agree with the  
16 statement that was made that we haven't gone  
17 forth very far. That's true. There's been a  
18 tremendous amount of personal interests in a lot  
19 of issues that we've been dealing with. I -- I  
20 personally do not feel that we've had the  
21 environmental cleanup -- environmental  
22 restoration -- as being the highest priority on  
23 our minds. That's my opinion evident by some of  
24 the -- the issues that continue to resurface and  
25 continue to take up a tremendous amount of time



1 of the Board time.

2 Time and time again, we have tried to put  
3 aside these issues in trying to re-focus the  
4 Board back to the issue at hand and that's  
5 remediation activities at Kelly. I see that the  
6 Board has gotten to the point where they are  
7 pretty well fed up with the way things have been  
8 handled. I would agree and I think Mr. Bailey  
9 would agree that it hasn't been handled very  
10 well. If you're looking for somebody who wants  
11 to be a hammer and keep things in control, I can  
12 guarantee you, if that's what you want, I'll be  
13 the hammer. That's all I have to say.

14 MR. TEAGUE: Okay. I think in  
15 the interest of sort of letting us hear each of  
16 the candidates here and -- and sort of doing  
17 that -- let's hold the questions until we've  
18 heard from each of the candidates, if that's  
19 okay with you-all.

20 Mr. Quintanilla?

21 MR. QUINTANILLA: I believe that  
22 this Board can -- can progress further than what  
23 it has done. Actually, it's been very hard to  
24 get anything done from -- from this particular  
25 Board. Everything that is brought up from the

1 community is -- is usually a hassle -- a  
2 haggle -- and it's -- there's been a lot of  
3 compromising made. But I believe that I have  
4 contributed quite a bit to -- to -- for this  
5 Board to go -- to go from zero to where it is at  
6 now -- which is at -- at a great point. We, at  
7 least, have a semblance of a charter. We, at  
8 least, are doing something to the complaints  
9 that are being brought up by the community  
10 members surrounding Kelly Air Force Base  
11 regarding economic development of the properties  
12 that have been hurt by toxic spills or by health  
13 issues. This was -- had never been done.

14 I believe that -- that as your co-chair, I  
15 will listen to your needs. I will not just let  
16 them go in one ear and out the other and act  
17 dictatorial and just completely remove that item  
18 because I don't want to discuss it at this  
19 time. This Board has the right to discuss the  
20 budget for this Board. This Board has the right  
21 to send people to the universities -- to  
22 St. Mary's -- and others -- for environmental  
23 studies -- so that the people can know what is  
24 going on. I plan to push this. I also plan to  
25 push their knowledge of the budget so that

1 they'll know what is needed and what needs to be  
2 done. And I pledge to listen to every one of  
3 you and to do what -- those things that you  
4 believe is right.

5 MR. TEAGUE: Mr. Solis?

6 MR. SOLIS: I have lived in the  
7 boundaries of Kelly for 37 years and I am  
8 cognizant and interested in -- in any problems  
9 that might arise in regards to pollution of the  
10 area. For the last 22 years at Fort Sam Houston  
11 I was on the commander's staff in charge of  
12 Equal Employment Opportunity and I had 19  
13 different commanders in that period -- and we  
14 worked to strive to obtain agreements of  
15 problems and solve those that we could and  
16 attempt to direct -- efforts towards resolution  
17 of others.

18 The -- I'm newly appointed and I missed the  
19 first two meetings, so I can -- I have -- I  
20 know that is a matter of record. I believe that  
21 I could work without conflict of interest. I  
22 am -- know nobody here and I have no legal claim  
23 against the Air Force. Thank you.

24 MR. TEAGUE: Let's take some  
25 questions, then. Mr. Rice?

1 MR. RICE: I have a procedural  
2 question.

3 MR. TEAGUE: Okay.

4 MR. RICE: We have three  
5 candidates.

6 MR. TEAGUE: Yeah. I was --

7 MR. RICE: Yeah. Okay. You know  
8 the question.

9 MR. TEAGUE: I was just thinking  
10 this myself -- yeah -- counting it up.

11 MR. RICE: There's a real good  
12 chance that no one is going to get a majority.  
13 So, then, does the person with the most votes  
14 win or does the low vote drop out so then we try  
15 to get a majority --

16 MR. HAGELTHORN: How many with  
17 the most votes would win, I would imagine.

18 MR. TEAGUE: The way that we did  
19 this the first time, again, was that we had -- I  
20 think we had four candidates and we got a  
21 majority on the first ballot but it was our  
22 intent to actually ballot until we got down to  
23 two candidates and then take a majority at that  
24 time.

25 MR. RICE: I'd like to recommend

1 that we do it that way so that whoever the  
2 community co-chair is will have been elected by  
3 a majority of the members.

4 MR. TEAGUE: Okay. Is that  
5 motion then?

6 MR. RICE: Yes, that's a motion.

7 MS. MOORE: And I'll second that  
8 motion.

9 MR. TEAGUE: Okay. There's been  
10 a motion and seconded -- and I think this is a  
11 perfect time to vote on it -- that we ballot in  
12 such a way that we ensure that whoever is  
13 elected community co-chair is elected by a  
14 majority of the members here tonight. So, it  
15 could mean that we will take two ballots as a  
16 result. It's been moved and seconded. Is  
17 there any other discussion about that?

18 MR. HAGELTHORN: Are we going to  
19 do it like we did the first time by secret  
20 ballot or by show of hands?

21 MR. TEAGUE: I was going to throw  
22 that out as a separate question. But if he  
23 would -- if he would like an amendment to his  
24 motion, perhaps, we could do that -- I mean, one  
25 or the other.

1 MR. QUINTANILLA: Why don't we  
2 just make another motion?

3 MR. TEAGUE: Let's just make  
4 another motion.

5 MR. TEAGUE: Okay. If there's no  
6 further -- Is there any further discussion on  
7 that?

8 If there's no further discussion, the  
9 motion before us is that we ballot until we --  
10 possibly take two ballots until we have a  
11 majority vote for a community co-chair. All in  
12 favor?

13 (Vote by the RAB members.)

14 MR. TEAGUE: All opposed?

15 (Vote by the RAB members.)

16 MR. TEAGUE: I think that motion  
17 is carried.

18 Okay. There was some discussion during  
19 that about whether we would do it as a secret  
20 ballot or by raising hands. Does anybody want  
21 to enter -- throw out a motion on that right  
22 now?

23 MR. HAGELTHORN: I make the  
24 motion we do it by secret ballot.

25 MR. LENE: I second that.

1 MR. TEAGUE: Okay. It's been  
2 moved and seconded that we vote by secret  
3 ballot. Is there any discussion on that?

4 Okay. If there's no discussion, the motion  
5 for us is that we vote by secret ballot and that  
6 we possibly do two ballots. All in favor,  
7 please raise your hands for secret ballots.

8 (Vote by the RAB members.)

9 MR. TEAGUE: I believe that  
10 motion is carried. Are there any opposed?

11 (Vote by the RAB members.)

12 MR. TEAGUE: Okay. I believe  
13 that motion is carried, as well.

14 Back to the question period then. Are  
15 there any questions that anyone would like to  
16 ask any of our three candidates -- sort of an  
17 opportunity to get to know them a little better?

18 Okay. If there are no questions, then -- I  
19 can count the ballots if you-all trust me to do  
20 that.

21 Then I think if everybody would -- Does  
22 everybody have paper that they could write on --  
23 a note pad or something that they could write a  
24 name on. If you'll do that -- and I will come  
25 along and collect them -- Oh, I'm sorry.

1           Maybe we should go over -- The candidates before  
2           us are Mr. Hagelthorn, Mr. Quintanilla and  
3           Mr. Solis.

4                               (Secret ballot vote by the  
5                               RAB members.)

6                       MR. TEAGUE:  If anybody would  
7           like to -- to watch this procedure, you're  
8           welcome to.  Other than that -- maybe just a  
9           moment here while I count the votes.

10                       I've got a quick question.  Who -- Does  
11           anyone remember who possibly sent this ballot  
12           up?  I'm having a little difficulty reading the  
13           name on it.  I want to make sure I've got this  
14           correct.

15                       MR. RICE:  Let Gene look at it.

16                       MR. LENE:  I can't read it.

17                       MR. TEAGUE:  Okay.  We do need to  
18           have a runoff between Mr. Quintanilla and  
19           Mr. Solis -- and if there's any further  
20           discussion about that -- if anybody would like  
21           to ask either of those two candidates any  
22           questions, I think we can take a minute to do  
23           that now.  Otherwise -- Any caucusing?  Does  
24           anybody want to do that or do you want to just  
25           go right to a vote?



1           Everybody's voting already. So -- I'll  
2           come around and pick them up again.

3           Okay. Has everyone voted? Do I have  
4           everybody's ballots?

5                         MR. QUINTANILLA: How many votes  
6           are there?

7                         MR. TEAGUE: There are thirteen.

8                         MR. QUINTANILLA: Thirteen.

9                         MR. TEAGUE: There are thirteen.  
10          The highest vote getter in the last was six.

11                        Believe it or not this vote is going to  
12          break a tie -- and, Mr. Solis, congratulations.  
13          You've been elected community co-chair.

14                        Okay. Is there -- If there is no -- While  
15          we're letting the Air Force folks come back in,  
16          maybe we could take a very, very, very short  
17          break of maybe just two minutes to --

18                        MR. LENE: Before we do, I'd like  
19          to make a motion thanking Mr. Hagelthorn for his  
20          past service.

21                        MR. RICE: I second it.

22                        MR. TEAGUE: It's been moved and  
23          seconded on several counts to thank  
24          Mr. Hagelthorn for his past services -- perhaps  
25          a round of applause instead of a vote --

1 MR. HAGELTHORN: I have one thing  
2 to say to Mr. Solis. Bring your pickup truck  
3 because the documentation I'll be bringing back  
4 to you next month will --

5 MR. SOLIS: I suspect I've got a  
6 bunch of hard work.

7 MR. TEAGUE: Okay. The Air Force  
8 folks are trickling back in, so maybe we don't  
9 need to break.

10 Mr. Solis was elected community co-chair.

11 MR. BAILEY: Congratulations.

12 Does everybody want to take a quick break?

13 MR. LENE: Let's go on and  
14 finish.

15 MR. BAILEY: Okay.

16 MR. TEAGUE: Yeah. We took a  
17 five-minute break in there. So --

18 MR. BAILEY: Let me go to  
19 Element 4, Review -- Well, first of all, let me  
20 welcome Mr. Solis as being the community  
21 co-chair. Congratulations and welcome aboard.

22 Item No. 4, Review/Approval of Previous  
23 Meeting Minutes. Are there any changes that  
24 people would like to add to these?

25 MR. TEAGUE: Allan, maybe -- I'm

1           sorry -- not Allan -- Mr. Bailey, perhaps for  
2           some folks trickling back in that you could  
3           announce -- I'm sorry. I didn't mean to  
4           interrupt.

5                       MR. BAILEY: Once again, going  
6           around -- if -- if there's anybody who would  
7           like to make any comments on the previous  
8           meeting minutes -- if not, then we could hear a  
9           motion for approval.

10                      MR. SOLIS: I vote that they be  
11           approved as written.

12                      MR. WEINSTEIN: I'll second that  
13           motion.

14                      MR. BAILEY: We have a first and  
15           a second. Can I have a show -- a sign of hands  
16           for those people who approved the previous  
17           meeting minutes?

18                                       (Vote by the RAB members.)

19                      MR. BAILEY: They are first and  
20           seconded. The motion has been made and  
21           approved.

22                      Going on to Membership Actions -- I do not  
23           believe there are any new applications. I  
24           would -- Yes?

25                      MR. WEINSTEIN: I was -- I had

1 applied to take over Ms. Falkenburg's place as a  
2 member of the Board.

3 MR. BAILEY: I thought that was  
4 just replacing her rather than new application,  
5 but -- I was going to get to that.

6 MR. WEINSTEIN: Okay.

7 MR. BAILEY: Excuse me. For --  
8 For adding new members -- Excuse me.

9 MR. WEINSTEIN: Okay.

10 MR. BAILEY: -- to the RAB.  
11 Okay.

12 The second category was substitution. Yes,  
13 sir?

14 MR. MURRAH: I did, you know,  
15 last time a survey on the shallow water  
16 aquifer -- an aquifer survey was done -- get a  
17 report out by 30 days. Is that coming along  
18 pretty good?

19 MR. BAILEY: We'll get -- I guess  
20 we'll get to that in just a bit on the  
21 technical --

22 MR. RICE: Yeah, Sam. That's  
23 going to be addressed.

24 MR. MURRAH: Okay.

25 MR. BAILEY: If we could just

1 have you introduce yourself and just tell  
2 everybody who you will be taking the place of,  
3 please.

4 MR. WEINSTEIN: Yes. I'm  
5 Edward Weinstein. I'm an environmental  
6 compliance monitor with the San Antonio Water  
7 System. I previously served 14 and a half years  
8 with the San Antonio Metropolitan Health  
9 District. I've been involved in environmental  
10 issues for -- I guess for -- close to about 18  
11 years right now. I've -- Again, I've been  
12 involved in anything from air and water  
13 pollution and -- as well as a lot of analysis  
14 and -- and a lot of -- I've prepared reports.  
15 So, again, I've -- I come to this Board with an  
16 open mind and willing to -- to study the issues  
17 and try to make a fair and impartial vote.

18 MR. BAILEY: Thank you. All  
19 right. Is there anybody who might have a  
20 question of Mr. Weinstein?

21 Okay. Normally, we would vote if it's a  
22 new member. But, in situations like this, in  
23 the past we have accepted -- Is there an  
24 alternate? Do you have an alternate that you're  
25 bringing?

1 MR. WEINSTEIN: I think  
2 Joan Falkenburg said she would be willing to  
3 serve as the alternate.

4 MR. BAILEY: Okay. So, we're  
5 going to --

6 MR. WEINSTEIN: We're just going  
7 to switch.

8 MR. BAILEY: We're going to flip  
9 flop.

10 Okay. Did everybody get that? If I could  
11 go to the next item, resignations and removals.  
12 There are -- Excuse me. I received a telephone  
13 call and I talked to Mr. Tom Smith who works for  
14 Union Pacific Railroad. At the last RAB  
15 meeting, we had recommended because he had been  
16 absent a couple of times to send him a letter.  
17 That was voted on by the RAB. I have since  
18 talked with him and he has an alternate that he  
19 was hoping to bring this evening. He's not here  
20 this evening. He had indicated that he would  
21 try. The issue is, is he is the hazardous  
22 materials response person for UPRR and the last  
23 couple of RAB meetings, he's been out and about  
24 on spills, and his alternate was, unfortunately,  
25 a person in Omaha, Nebraska, and he got in touch

1 with corporate UPRR folks and told them it needs  
2 to be a local person and not someone from  
3 Omaha. So, he now has a local person. So --  
4 not that we need to vote on it now -- but just  
5 letting you know that next time we will probably  
6 be seeing his alternate show up and we'll then  
7 consider the alternate -- and Mr. Smith, once  
8 again -- for membership.

9 There are a couple of other -- or there's  
10 one other person who has been absent for the  
11 last three times. It's Kelly Thurlow from --  
12 from Kelly Air Force Base. She was absent in  
13 the June, August and September time periods. As  
14 a RAB group we have historically put this out to  
15 indicate -- does anybody know of any situation  
16 surrounding Ms. Thurlow as to why we should not  
17 send her a letter or at least call her  
18 indicating and trying to find out why she's not  
19 been present?

20 Yes?

21 MR. RICE: I -- I don't have a  
22 problem with sending a letter, but I think she  
23 was here at the August meeting. I think the  
24 record is in error -- and -- and, at the last  
25 meeting, somebody was going to contact Kelly to

1 find out what was correct and I guess that  
2 hasn't been done or maybe we found out she was  
3 absent.

4 MR. HAGELTHORN: Well, she was  
5 here for the August meeting because she was the  
6 one that made the quorum on the --

7 MR. RICE: That's right.

8 MR. BAILEY: Okay. Well, there  
9 was a telephone call made to her, to my  
10 understanding, and she indicated that she may  
11 want to be dropping, anyway. So -- But we'll  
12 have to get back to that. That's a very good --  
13 Was there -- Sam?

14 MR. MURRAH: No. I just --

15 MR. BAILEY: Okay. Going on to  
16 No. 6, subcommittee reports. Let me just say,  
17 once again, that -- that these are important.  
18 We need to get to these as -- as -- as quickly  
19 as we can. We also need to focus on the  
20 restoration update and the briefing by the TNRCC  
21 people. So, I just ask those people who are  
22 going to be discussing in the subcommittee area  
23 to -- to try to be as succinct as you possibly  
24 can.

25 Under 6, the newsletter. Mr. Sanchez, is



1 there anything you'd like to report there, sir?

2 MR. SANCHEZ: We have a -- We  
3 have a newsletter completed. It's a matter of  
4 whether this -- the RAB board is -- is --  
5 once -- once the editorial process to be given  
6 to the subcommittee, so we can get this letter  
7 out. Basically, it's got some articles from --  
8 from the base commander, from the TNRCC regional  
9 director and from the director of public health  
10 here in San Antonio where they kind of talk  
11 about -- about what the RAB Board is doing.  
12 Because, quite frankly, the RAB Board doesn't  
13 have anything else to report. You know -- You  
14 know, we haven't really got into the technical  
15 committees so we can do anything other than  
16 that. But we do have a newsletter that's ready  
17 to go to the community.

18 Now, the -- the subcommittee on that -- on  
19 that Board is Mr. Quintanilla, myself and  
20 Bill Sain. So, if the RAB Board is comfortable  
21 with our judgment, we'll get back with the Air  
22 Force and get that letter out.

23 MR. RICE: Yeah.

24 MR. SANCHEZ: Okay.

25 MR. BAILEY: Okay. Any comments

1 by RAB members?

2 Okay. Going on to 6, B -- So, you'll  
3 follow up with Kelly Air Force Base?

4 MR. SANCHEZ: Right.

5 MR. BAILEY: Technical assistance  
6 grants?

7 MR. ESTRADA: Mr. Ayala is not  
8 here tonight.

9 MR. QUINTANILLA: He hasn't been  
10 here for the last two or three meetings. Does  
11 anyone know the status of that?

12 MR. ESTRADA: Yeah. He called me  
13 last week. He had to go to Panama, then to  
14 Alaska. He does want to be a member. His  
15 alternate has not been available. He hopes to  
16 be at the next meeting.

17 MR. BAILEY: So, he was absent  
18 the last time and had an alternate at the August  
19 one?

20 MR. QUINTANILLA: The letter that  
21 was forwarded had a Kelly address to it -- in  
22 fact, it had a PA address to it. But we haven't  
23 anything back from anybody on that.

24 MR. ESTRADA: No, we have not.

25 MR. QUINTANILLA: Has Mr. Dauster

1 left here? Mr. Dauster was -- was checking that  
2 from the Washington area.

3 MR. BAILEY: Do you want us to --  
4 Why don't we contact Mr. Ayala and then talk to  
5 the alternate. And if we can't do it there,  
6 then we'll get in touch with --

7 MR. QUINTANILLA: I believe it's  
8 Major Ayala that --

9 MR. BAILEY: Okay. We will call  
10 Major Ayala and we'll follow it up on that.  
11 Okay, Mike?

12 6, C, technical issues. Mr. Rice?

13 MR. RICE: Yeah. I'm going to  
14 make a presentation. What I'm going to do this  
15 evening is talk about the October 20th  
16 subcommittee where some members of the  
17 groundwater subcommittee and the RAB met with  
18 the Air Force folks and we discussed a bunch of  
19 issues. I'm sorry that this -- I can't make  
20 this real quick. Although, I will cut as much  
21 as I can and still remain coherent. But there  
22 are quite a few issues that have to be gone  
23 over.

24 So, one thing that we might think about at  
25 the next meeting is maybe we ought to meet more

1 often. Because, in a two-month interval, a  
2 whole lot of stuff stacks up and then we get  
3 three- and four-hour meetings. So, I'll bring  
4 that up again next meeting and maybe -- or we'll  
5 decide what to do.

6 Everyone should have a copy of the meeting  
7 notes from the October 20th meeting -- and what  
8 I'm just going to do is go down these items  
9 here. Now, the way these notes were generated  
10 is I took notes during the meeting, then I -- a  
11 couple days later, I put them down, sent them to  
12 the Air Force, the Air Force reviewed them, had  
13 some agreements, sent them back to me with some  
14 revisions. I had some disagreements, sent them  
15 back to the Air Force for revisions and we  
16 agreed on nine out of ten issues, which isn't  
17 bad. There is one issue on here where I  
18 disagreed with what the Air Force has to say and  
19 I'll point that out when we get to it.

20 Okay. Item 1, early environment  
21 involvement in technical issues. The issue is  
22 here: How soon can RAB members get together  
23 with contractors to influence the process. What  
24 we've seen in the past is we've been presented  
25 with documents that have been all the way

1 through the review process, have already been  
2 approved by the state and then we're asked for  
3 our opinion. Well, frankly, at that point, our  
4 opinion doesn't count for a whole lot. We need  
5 to get involved in this process a lot earlier.

6 Dan Medina was going to get together with  
7 environmental management folks and they're going  
8 to tell us -- they're going to make a short  
9 presentation about this -- is that correct,  
10 Dan?

11 MR. MEDINA: That's right.

12 MR. RICE: And Dan also said that  
13 he would put together lists of work currently  
14 being performed, anticipated work and work  
15 planned within the next year and he would give  
16 it to us at this meeting. So, I -- Do you have  
17 that, Dan?

18 MR. MEDINA: That's in the  
19 packages.

20 MR. RICE: Okay. Thank you. The  
21 second issue is review of Zone 3 groundwater  
22 restoration plans. I'm going to save that to  
23 the last because that's -- that will take the  
24 longest and may be the most contentious.

25 The third -- Accepting -- Third,

1 subsidence. Armando, get out of here.

2 MR. QUINTANILLA: No.

3 MR. RICE: The issue is: Have  
4 Air Force activities caused subsidence of  
5 peoples' houses out there in the neighborhoods.  
6 That's the issue. So, the question was,  
7 number one, has the Air Force conducted any  
8 studies of subsidence? The answer is no.

9 No. 2, will the Air Force conduct studies  
10 in the future? The answer is yes. They will  
11 ask for funding to conduct a subsidence study  
12 and Mr. Medina is going to tell us about that  
13 later on in the program -- correct?

14 MR. MEDINA: Correct.

15 MR. RICE: Issue No. 4,  
16 establishing acceptable risks. When the Air  
17 Force approaches a site, it has various  
18 options. It could just clean that site up to  
19 the minimum legally acceptable level or it could  
20 go to the other extreme and clean it up --  
21 background -- put it back in the condition that  
22 it was before they contaminated it. The  
23 question is here: Who decides what level of  
24 cleanup a site gets and how is that decision  
25 made?

1 Gary, I think you're going to give us a  
2 report on that and also, I think, some Air Force  
3 folks will be participating.

4 MR. MEDINA: It will be by the  
5 TNRCC.

6 MR. RICE: Okay. Fine.

7 Item No. 5, calculation of soil cleanup  
8 levels -- and here I'd like to put an overhead  
9 up -- and -- and you can look at your  
10 handout. I hope you can -- Well, I'm afraid you  
11 can't see that very well, but I think that's  
12 about as good as I can make it. Anyway, here's  
13 the issue here: When we're talking about  
14 cleaning up contaminated soil, the soil itself  
15 is an issue because kids can play in it, people  
16 walk over it and all that. But there's another  
17 issue involved with contaminated soil and that  
18 is that rain -- water infiltrates to that  
19 contaminated soil carrying contaminants down to  
20 the groundwater.

21 So, the issue is: How do contaminated  
22 soils affect groundwater quality and how do we  
23 go about figuring out how much of that  
24 contamination we have to remove in order to  
25 protect groundwater -- as it ought to be

1 removed? And this equation and the attendant  
2 stuff here comes from a Zone 2 soil document  
3 that the Air Force has put out. And what I want  
4 to point out here is that -- Here's this  
5 equation that the contractor plugs values into  
6 and solves in order to come up with an  
7 acceptable level of contamination in the soil in  
8 order to protect groundwater. Each one of these  
9 letters is a variable and the contractor takes a  
10 value and sticks a value into each one of those  
11 letters and then calculates what's called the  
12 GPC -- and that's the acceptable soil  
13 contamination level.

14 Now, although this is a very  
15 straightforward process, there are some problems  
16 associated with it and the problems arise  
17 because the contractor has a choice as to what  
18 numbers to stick in for each of these letters  
19 and there's often a range. So, I'm going to  
20 draw a rather extreme picture here -- and I  
21 don't want to be taken as my saying that this is  
22 what's going on here. But here is the extreme  
23 picture: If a contractor wanted to make their  
24 client very happy and say, "Gee whiz, you have  
25 to clean up very little contamination," they can



1 pick from those range of numbers that they have  
2 available to them to go in here and the answer  
3 will come out, "Gee, everything is hunky-dory.  
4 We have to do hardly anything."

5 On the other hand, if somebody wanted to  
6 build a worst case to say, "Jesus, you've really  
7 got a big mess here and you've got to dig up all  
8 the soil from here to China in order to clean it  
9 up," they could pick from that same range and  
10 come up with that answer. So, what I have on  
11 the next page is just a little chart showing the  
12 variables that were in that equation, the values  
13 that the Air Force contractor picked out and  
14 some alternate values -- and these are values  
15 that I picked out.

16 Here we have an Air Force value of 8.2  
17 times to 10.3. Here we have this alternate  
18 value -- four hundred times lower. Why is that  
19 number four hundred times lower? Because I went  
20 into the Air Force documents and -- in the Air  
21 Force zone documents where I got this data --  
22 and looked at their ranges and chose values that  
23 I thought were more appropriate than the numbers  
24 the contractor chose. And when I put them in  
25 here it came out that the acceptable

1 concentration is 400 times less than what the  
2 contractor told the Air Force it was.

3 Now, I'm not saying that the contractor is  
4 wrong or that I am right. But all I'm saying is  
5 that when we have these kinds of situations,  
6 ones that are going to affect the community as  
7 greatly as this one will -- because we're  
8 talking about how clean is clean in this  
9 instance -- the contractor and the Air Force, I  
10 think, are obligated to explain to us just why  
11 they picked these numbers instead of some other  
12 numbers. So, in a very short time, the  
13 contractor that did this work is going to meet  
14 with interested members of the RAB -- and I  
15 imagine you'll notify everyone to let them know  
16 when this is going to be -- and -- and we will  
17 ask the contractor some questions about why did  
18 they choose these particular numbers here and  
19 what would be wrong with choosing these  
20 numbers -- and when is that contractor going to  
21 come by, Dan?

22 MR. MEDINA: We're still looking  
23 into that. I'll talk about it when we get  
24 into --

25 MR. RICE: Okay. The agreement

1 we had at that October 20th meeting was that  
2 would happen within about a week after this RAB  
3 meeting.

4 MR. MEDINA: I'll discuss that  
5 during my presentation.

6 MR. RICE: Okay. Well, I hope it  
7 happens soon.

8 The next issue, No. 6, off-base soil  
9 contamination of Zone 3. The Air Force says  
10 that the soils that are contaminated out there  
11 are not due to Air Force activities. They're  
12 due to someone else's activities. I have no  
13 reason to disbelieve that.

14 No. 7, the status of requested  
15 information. The last couple of months, I've  
16 been requesting a lot of information from the  
17 Air Force and it's kind of interesting that --  
18 on this topic this is where people got the  
19 hottest -- when you -- when you start asking the  
20 Air Force for particular kinds of information.  
21 At one point, an Air Force member even got up  
22 and walked out of the room -- you know -- I  
23 mean, it was -- it got a little bit hot -- but  
24 we made a lot of progress and we got issues on  
25 the table.

1           So, the first one under No. 7 is Zone 2  
2           water quality data -- and here is where I  
3           disagree with what the Air Force has written  
4           here. And what I told the EM staff is I believe  
5           that these are weasel words and these are not  
6           acceptable. Why do I call them weasel words?  
7           What I have been asking for for months and  
8           months regarding Zone 2 groundwater quality  
9           data -- I said, "Look, I want all the data" --  
10          and, as it turns out, I modified that, because I  
11          can't expect them to give me data that they  
12          collected last month. "I want all the Zone 2  
13          groundwater quality data through 1994. Will you  
14          give this to me?" And I cannot get a straight  
15          answer out of the Air Force.

16                 The last two -- Excuse me. Do you want to  
17                 speak up, Adrienne? Your lips are sealed.

18                 The last few answers I got out of the  
19                 Air Force are that, "We will give you" -- what  
20                 it says here -- "all the releasable data." I  
21                 said, "No. I want all the data, period" --  
22                 "all, period." Then I talked to an Air Force  
23                 representative today and they said, "We will  
24                 give you all of the data that we used to make  
25                 our decisions." "No. I want all the data. And

1 if you will not agree to give me all the data, I  
2 want you to tell me what you're withholding and  
3 why."

4 So, here, Larry, I'm going to ask you:  
5 "Zone 2 groundwater quality data, will you  
6 release to the public in the next couple  
7 months -- just like it's written here -- all  
8 the groundwater quality data for Zone 2?"

9 MR. BAILEY: We will discuss that  
10 when, Dan --

11 MR. RICE: Well, when Dan  
12 talks -- You-all can make up your own mind  
13 whether or not you're hearing straight stuff or  
14 weasel words.

15 Okay. The next topic --

16 MR. BAILEY: Well, let me just  
17 say something. Really, we're not going to sit  
18 here and allow you to just take potshots at us.

19 MR. RICE: Speak up.

20 MR. BAILEY: And, RAB members, I  
21 would appreciate you hearing me. This is not a  
22 defensive posture. We are saying things. He's  
23 making statements. We've said we're not going  
24 to go for this tit for tat type of approach. To  
25 me, it appears he's taken more than a -- a

1 direct approach. If we don't agree as  
2 professional, we should agree to disagree and go  
3 on. If you can agree with that, then we will do  
4 the same.

5 MR. QUINTANILLA: But how come  
6 his question wasn't answered?

7 MR. BAILEY: It has been  
8 answered. It has been answered over six months,  
9 Mr. Quintanilla, when he has come to Kelly Air  
10 Force Base. In many forms, many fashions, we've  
11 sat down with him and explained to him time  
12 after time. He will not accept our answer.

13 MR. QUINTANILLA: No. He asked  
14 for data. Will it be released or will it not be  
15 released?

16 MR. BAILEY: We have told him the  
17 data that will and can be released.

18 MR. MEDINA: That's correct.

19 MR. BAILEY: That is correct.

20 MR. RICE: You-all listen to  
21 their presentation and tell me whether or not  
22 you think my characterization is correct. Fair  
23 enough.

24 Shallow aquifer survey. In the last couple  
25 years, I think the Air Force went around the

1 neighborhoods around here knocking on peoples'  
2 doors asking, "Do you have a well? If so, where  
3 is it located? What do you use it for?" And  
4 all that sort of thing. That survey is going to  
5 be released in about a month; is that correct,  
6 Adrienne?

7 MS. WILLIAMS: Give or take,  
8 yeah.

9 MR. RICE: In about a month.

10 MS. WILLIAMS: It will be  
11 released soon.

12 MR. RICE: And, Sam, that was  
13 what you were referring to, I think, that  
14 shallow aquifer survey?

15 MR. MURRAH: Yeah. I thought it  
16 was coming up pretty quick.

17 MR. RICE: All right. The next  
18 one, reviews of Zone 2 modeling -- and this is  
19 where it got the hottest -- and if you remember  
20 back in the August meeting where essentially we  
21 had a debate -- I was arguing that we ought to  
22 bring an independent expert to review the Zone 2  
23 groundwater modeling because I said it was  
24 invalid -- the contractors didn't do a proper  
25 job.

1           The Air Force took the other side saying,  
2           "No, no, no. This work is valid. There's no  
3           reason to bring in an independent contractor" --  
4           and one of the main points they made in favor of  
5           their position is that this work has been  
6           reviewed by many people -- by many different  
7           kinds of people -- and there was no good reason  
8           to bring in another person to review this data.  
9           They carried the day. The vote -- seven to  
10          six -- was not to bring in an independent  
11          reviewer.

12                 So, shortly after, that I said, "Okay. If  
13                 you've got all of these reviews of the  
14                 modelings, please give them to me." A great  
15                 wall of silence. So, at this October 20th  
16                 meeting, I brought the issue up again. "Please  
17                 give me these reviews of the groundwater model  
18                 at Zone 2."

19                 What I was told was, first of all, the Air  
20                 Force is not sure whether or not any of these  
21                 reviews even exist, right -- check me on this.  
22                 Second -- Okay. The Air Force is shaking its  
23                 head --

24                                 MS. WILLIAMS: I think that  
25                 what -- what was said is that when we review the



1 feasibility studies and when -- when the state  
2 reviews the feasibility studies, they're not  
3 necessarily focusing on the Zone 2 modeling on  
4 its own. They're looking at the document as a  
5 whole. And in some cases there won't be any  
6 mention of the modeling, specifically, but  
7 looking at the document as a whole. And that  
8 was the point that I recall that was brought up  
9 at that meeting.

10 MR. RICE: Okay. There was a  
11 great deal of to-do made by the Air Force about  
12 all the reviews this modeling has been through.  
13 Now, they're not sure that any written records  
14 of that review exist, number one.

15 Number two, if those records exist, they  
16 say they're not going to give them to us because  
17 they don't have to under the Freedom of  
18 Information Act. And, number three, the  
19 question was: Okay. Even if you don't have to  
20 give them to us, could you voluntarily give them  
21 to us out of the goodness of your heart. And  
22 Adrienne was going to check on that to see if  
23 the Air Force could even voluntarily give them  
24 to us -- if they wanted to.

25 So, the floor is yours, Adrienne.

1 MS. WILLIAMS: Well, what I'd  
2 like to do is -- We're getting into this  
3 releasability of information. And rather than  
4 focus specifically on -- on your issue, I just  
5 want to talk about how we approach the issue.

6 MR. RICE: The floor is yours.

7 MS. WILLIAMS: Okay. When I get  
8 a request for information from Mike Estrada --  
9 and we've asked all of you to go through Mike  
10 just to have a central point of contact -- if  
11 the request is brought to me, I'll take a look  
12 at it. And the first thing I'll look at is,  
13 "Well, is this part of the administrative  
14 record?" Because the Superfund Statute requires  
15 that we have an administrative record that has  
16 to have certain documents in it. And if those  
17 documents are in the administrative records,  
18 then I tell Mike, "It's in the administrative  
19 record. They can go to the library" -- and  
20 sometimes what we do is -- because your RAB  
21 members -- Mike has extra copies and he will  
22 provide you -- I know that Mr. Rice has gotten  
23 some of Zone 2 feasibility studies.

24 What's in the administrative record? Work  
25 plans, remedial investigation feasibility

1 study -- we have a large index that will at  
2 least inform you that chain of custody forms  
3 exist, verified sampling data exists and that  
4 they'll be available to you upon request --  
5 proposed plans, the preliminary assessment, site  
6 inspection -- those are the kinds of documents  
7 that will be down -- downtown. We have a  
8 location at the San Antonio Central Library in  
9 the government document section. So, that's the  
10 first thing I'll look at.

11 The next issue is, "Well, if it's not in  
12 the administrative record, is it releasable" --  
13 and if -- the federal government is guided by  
14 what's called the Freedom of Information Act.  
15 In that, there is a presumption of releasability  
16 unless you fall within nine exemptions -- and  
17 there is two or three that typically will cover  
18 situations for superfund -- or any kind of  
19 cleanup.

20 The first would be what's called  
21 Exemption 5. It's intra-agency or interagency  
22 memo -- memorandum. That particular exemption  
23 covers drafts -- internal memoranda -- that  
24 would fall under various types of privileges --  
25 first is attorney-client privilege. The

1 work-product privilege is a situation where you  
2 create documents in anticipation of litigation.  
3 That can be created by an attorney, by an expert  
4 hired by the government.

5 Another privileged issue the government can  
6 exempt documents is called the deliberative  
7 process privilege. That is a privilege whereby  
8 the internal agency -- back and forth --  
9 give-and-take -- on how to approach a certain  
10 situation occurs until the ultimate document is  
11 produced -- a decision is produced. Typically,  
12 that is a lot of strategy and opinions that will  
13 remain exempt from release even after the  
14 decision is made unless it's purely factual.  
15 Because -- The main reason being is that you  
16 would like to have a give-and-take within the  
17 agencies so that there isn't a chill of candor  
18 because you're afraid you're going to be  
19 second-guessed when a document is released.  
20 That deliberative process is oftentimes extended  
21 to contractors who are acting as agents for the  
22 government. So, that is one exemption which  
23 could create a situation where your internal  
24 reviews would not be released.

25 The next exemption -- I believe an

1 exemption for -- I may get the exemption numbers  
2 confused -- but what that is, is a confidential  
3 information exemption -- and that exemption  
4 covers information we get typically from third  
5 parties that are proprietary information, trade  
6 secret information -- and a lot of that is what  
7 the contractor is -- will provide -- for  
8 instance, if they have -- a modeling, then it's  
9 proprietary, for instance.

10 If we get a request that falls within that  
11 exemption and it falls -- information provided  
12 to us by a third-party, we have to ask them if  
13 that information -- what is their views on its  
14 releasability. Is there a requirement on the --  
15 What -- What can we ask the contractors to do?  
16 So, we have to, under the law, send them --  
17 under the Air Force instructions -- I believe  
18 that is in there as well -- a letter saying,  
19 "We've got this request and what is your review  
20 on releasability" -- and we provide them with  
21 four exemptions.

22 MR. RICE: Adrienne, that's the  
23 contractors. But there are other entities that  
24 reviewed this -- these models.

25 MS. WILLIAMS: Sure. Now, the

1 state -- the state wants it as clearly -- it's  
2 available to you -- and, in fact, I think we  
3 discussed that at the technical subcommittee  
4 meeting -- that the state's review -- the TNRCC  
5 review of the Zone 2 feasibility studies --  
6 modeling -- whatever it is -- should be  
7 attached to the documents -- and correct me if  
8 I'm wrong, anybody -- and if they're not -- I  
9 mean, we could get you a copy. I mean, that is  
10 clearly --

11 MR. RICE: It's not there. I can  
12 tell you that.

13 MS. WILLIAMS: All right.  
14 That --

15 MR. RICE: Then there are  
16 internal Air Force reviews, as well.

17 MS. WILLIAMS: Well, that's  
18 another issue -- that's of the Exemption 5, the  
19 deliberative process -- and what would happen is  
20 I would collect all the information and I would  
21 look and if it falls within that exemption, then  
22 we would write you a letter. If there's any  
23 factual information that can be segregated from  
24 the -- the exempt information, we would try to  
25 give that to you to the extent it could give you

1 a meaningful document -- and that's really  
2 what -- the process I go through.

3 There may be situations where --  
4 information you're requesting from us contains  
5 Privacy Act information -- and that's  
6 Exemption 6 -- but we have to go through this  
7 process -- and that's why we approached Mr. Rice  
8 in that fashion. It may get a little heated at  
9 times, but -- but there are certain limits to  
10 what we can and cannot provide -- and we try to  
11 do the best that we can and sometimes we take a  
12 little longer than you-all expect, but -- you  
13 know, have patience. We've got a lot to do and  
14 we will help you. It may take some time.

15 MR. RICE: Thanks, Adrienne.

16 So, everyone knows, about two weeks ago I  
17 was asked by the Air Force to follow the Freedom  
18 of Information Act request for these reviews --  
19 and I've done that. So, by next meeting I  
20 should have heard something and I'll let you  
21 know what's come out of that.

22 Okay. So, the Air Force doesn't have to  
23 give us this information. Let's just accept  
24 that --

25 MS. WILLIAMS: It's a

1 case-by-case analysis.

2 MR. RICE: Let's just accept that  
3 as a given for a minute. Then, let me make a  
4 request to the Air Force. If we're having this  
5 kind of discussion, please do not cite data or  
6 documents in support of your position that you  
7 cannot produce -- and I think -- you can make  
8 the same request of me. If I'm going to say,  
9 "Such and such a document exists that shows  
10 this and supports my point," everyone has a  
11 right to say, "Fine. Now, produce that  
12 document." I think we can agree to that.

13 MR. CULBERTSON: Yeah.

14 MR. RICE: Next issue, Kelly Air  
15 Force Base --

16 MR. QUINTANILLA: George, I have  
17 a question. What happens if you're denied this  
18 information -- freedom of information? Are you  
19 aware of the appeal rights that go with that and  
20 all of that sort of --

21 MR. RICE: I'm not really, no.

22 MR. QUINTANILLA: Okay.

23 MR. RICE: Not really.

24 MR. QUINTANILLA: Okay. If you  
25 need any in that area, I'll be happy to help.



1 MR. RICE: Thank you. I  
2 appreciate it. Because I certainly will appeal  
3 it -- and I presume the Air Force is on my side  
4 in this. You do want to release the  
5 information, correct?

6 MS. WILLIAMS: I mean -- Like I  
7 said, I start with presumption of releasability  
8 and then I go through the exemption process.

9 MR. RICE: All right. You know,  
10 that brings up just an aside. I've often  
11 thought that since the Air Force has a lawyer,  
12 it would be great if the RAB had a lawyer, too.  
13 But that's another story.

14 Okay. A few months ago I asked for data  
15 from Kelly Air Force Base for their Edwards  
16 wells -- water quality data from the Edwards  
17 wells. About a month ago, they gave me this  
18 data -- thank you -- and then I asked for maps  
19 in addition -- because they gave me the data --  
20 but they -- their system for numbering their  
21 wells is different from the state's system.  
22 And, so, I've asked them either to show me on  
23 the map where these wells are or translate your  
24 number system into the state's system -- and I  
25 guess you're working on that. Do you intend to

1 provide the map?

2 MS. WILLIAMS: Yes.

3 MR. RICE: And this brings up, I  
4 think, an interesting point of information.  
5 Because about a month ago, when I got this water  
6 quality data, I discovered something -- which is  
7 that one of these Kelly wells -- that, I guess,  
8 you guys used as a water supply well -- here on  
9 base that went to the Edwards was highly  
10 contaminated at one time.

11 Now, Adrienne goes, "No." We have  
12 different definitions of what's high and what's  
13 low. To me, any time you start getting near  
14 MCLs -- drinking water standards -- you're  
15 getting high. In this case, the chlorinated  
16 solvent concentrations -- TCE -- were half a  
17 part per billion above the drinking water  
18 standard -- so, quite high. They found this in  
19 a well at Kelly in the Edwards Aquifer.

20 Well, that's good -- I mean, that's not  
21 good -- but it's good that they provided me with  
22 this information. So, then, the question  
23 arises: How could water in this shallow  
24 aquifer -- contaminants in the shallow  
25 aquifer -- get down to the Edwards? Since I

1 think the most reasonable presumption in this  
2 case -- and, Air Force, contradict me if you'd  
3 like to -- the most reasonable presumption is,  
4 since those contaminants were found in an  
5 Edwards well on Kelly Air Force Base and since  
6 we've got all kinds of contaminated groundwater  
7 here at Kelly Air Force Base -- the reasonable  
8 presumption is that those contaminates came from  
9 Kelly Air Force Base. That is certainly the  
10 most reasonable presumption.

11 MR. BAILEY: Let me make a  
12 statement: First of all, the data that -- the  
13 data that we collect on the wells is sent to  
14 Austin where it's dealt with by the state  
15 regulators. The data is looked at by those  
16 people and discussions occur regarding is this a  
17 legitimate sample or is it not? If you go back  
18 and you take a look at the history of that well,  
19 there was never another sample, from my  
20 understanding, collected that showed that  
21 chemical -- whatever it was.

22 After that time period, there was more  
23 sampling done to take a look at that -- to take  
24 a look at to see is there a problem with this  
25 well. The state felt -- as well as we felt --

1 that whatever reasons, that was an anomaly.  
2 That is not uncommon to collect some type of an  
3 anomaly.

4 I submit to you -- talk to Mr. Sanchez or  
5 talk to the others who deal in the water  
6 sampling arena -- that sometimes happens. As  
7 far as indicating to this group and indicating  
8 to them that there has been a highly  
9 contaminated Edwards well I think is taking  
10 you-all down a pathway that is not fair. If we  
11 wish to continue this -- and you are  
12 interested -- and I hope that you are -- we  
13 will sit down, we will go over the information  
14 with you and show you what was taken -- what  
15 occurred prior to then, what has occurred since  
16 then. But, by no means, is there what we  
17 consider to be a contamination issue --  
18 especially since we looked at Edwards wells --  
19 other Edwards wells on Kelly -- others  
20 off-base -- and we think that it supports that  
21 this is a sample that is an anomaly.

22 MR. QUINTANILLA: When was the  
23 last test taken?

24 MR. BAILEY: I don't know. We'd  
25 have to take a look at the data and we can --

1 MR. RICE: This was 1988 -- and  
2 let me say --

3 MR. QUINTANILLA: And no test has  
4 been taken since?

5 MR. RICE: Wait. Let me say the  
6 Air Force tested the well a couple of weeks  
7 after this high hit was found high -- 5.5 PPB of  
8 perchloroethylene -- and it come up with a  
9 non-detector. Then, to the Air Force's credit,  
10 they plugged the well. That is exactly what  
11 should have been done -- and that's what I'd  
12 like to get into here.

13 MR. BAILEY: Well, there's an  
14 impression that's been left with the people  
15 here. Now, I -- I hope they don't walk away  
16 from here. I think it's a false impression --  
17 and the false impression is that somehow the  
18 shallow groundwater got into that Edwards  
19 well -- and I submit to you that -- separate  
20 and aside from this -- that we need to go over  
21 with you and explain to you what we believe to  
22 be the situation.

23 MR. QUINTANILLA: I'd like to  
24 hear that.

25 MR. RICE: Okay.

1 MR. BAILEY: Okay.

2 MR. RICE: Fine. Now, I'll just  
3 continue.

4 MR. BAILEY: Okay.

5 MR. RICE: -- and I guess -- just  
6 to make it clear -- the Air Force's position on  
7 this is that that was a bad analysis, correct?  
8 That it came up a high hit -- that that was a  
9 bad analysis. That's your position?

10 MR. BAILEY: No. We believe  
11 that's a possibility -- but there are others,  
12 also.

13 MR. TREVINO: Right -- and also  
14 keep in mind -- This is Richard. Keep in mind  
15 that the state, in addition to that, did take  
16 our samples. They're the ones that basically do  
17 that and they're the ones that also determine if  
18 it's acceptable or rejectable -- and, more  
19 importantly -- I mean, you, as a geologist,  
20 should know that because we're under the Edwards  
21 situation, there's no way that that can even  
22 happen because of the pressure. So, there's a  
23 lot of situations and possibilities that come  
24 into play -- and to -- to state and imply that  
25 this can't even technically happen -- again, it

1 goes back to Mr. Bailey's --

2 MR. RICE: Thank you. That leads  
3 into my next line, Richard.

4 MR. TREVINO: Well --

5 MR. RICE: I appreciate it.

6 MR. TREVINO: You're very  
7 welcome. The point is, if -- if you want to  
8 know about it and you want to get all the data  
9 and all the facts, we'll be happy to sit down  
10 with you-all and give you and show all the  
11 information for that particular area. We don't  
12 want to leave with the misconception -- and I  
13 have everybody go off with half-truths and  
14 have-nots.

15 MR. RICE: Okay. Thank you.

16 So, the question is, as Richard stated, how  
17 can it happen that contaminants from the shallow  
18 aquifer can get into the Edwards aquifer? Now,  
19 that's certainly a very good question.

20 Yes, Sam?

21 MR. SANCHEZ: I think the  
22 question -- rather than that -- than ask that  
23 question is, "What are all the possible routes  
24 of contamination that could get into the aquifer  
25 as well?"

1 MR. RICE: Yeah. So -- I'm going  
2 to address at least part of that.

3 MR. SANCHEZ: Because, as you  
4 know, in -- water under the Edwards doesn't stay  
5 in one place.

6 MR. RICE: Right.

7 MR. SANCHEZ: It moves from large  
8 areas of --

9 MR. RICE: That's right.

10 MR. SANCHEZ: -- beyond Kelly Air  
11 Force Base --

12 MR. RICE: Absolutely.

13 MR. SANCHEZ: -- you know, all  
14 over -- you know -- So, I think -- I think  
15 that should be brought out to the RAB Board  
16 members. We're not looking, you know, at the  
17 specific source. We're looking at -- at a flow  
18 of water that may be coming from an  
19 indeterminate area -- location.

20 MR. RICE: Yeah -- and I would  
21 not say that -- that it's not possible that this  
22 contamination came from somewhere other than  
23 Kelly. I'm just saying that the most  
24 reasonable -- reasonable -- explanation that  
25 we have at this time; that is, it did come from



1 Kelly. So, how is it that contaminants in the  
2 shallow -- Can we dim the lights a little bit?  
3 Is that possible.

4 CAPT. VON DRAN: No, sir, it's  
5 not. That's about the best you get in here.

6 MR. RICE: Okay. What I tried to  
7 do -- draw here is a simple cross-section. This  
8 is the shallow aquifer at Kelly. This is the  
9 Navarro clay. This is hundreds of feet of very  
10 low permeability material -- and then down here,  
11 we have the Edwards aquifer. It is very  
12 unlikely that a contaminant could make its way  
13 down through this clay and end up in the  
14 Edwards. I'm not saying it's impossible, but  
15 it's extremely unlikely.

16 Then, what is the pathway -- or a possible  
17 pathway -- the likely pathway, in my opinion --  
18 and this is it. When we have wells that  
19 penetrate the contaminated shallow aquifer, the  
20 Navarro clay and Edwards, such as this  
21 particular well that we're talking about --  
22 Well 313 -- this exact -- is exactly the  
23 situation here.

24 Now, Richard --

25 MR. MEDINA: Wait a minute.

1 That's -- That's incorrect. You're missing  
2 several major lithological formations there.  
3 There's clays and limestones between the Navarro  
4 clay and the Edwards Aquifer. It's very  
5 important to keep that in mind because these  
6 limestones and -- and -- and shales are -- are  
7 very impermeable. Some of those limestones you  
8 see out by the -- by the zero area -- that's the  
9 Austin chalk -- the Buda limestone and the  
10 Del Rio shale, as well as the Eagleford shale.  
11 So, keep that in mind. There are some very  
12 important lithological formations missing out  
13 that -- that construction there.

14 MR. RICE: This is an extremely  
15 simplified diagram, you're correct.

16 MR. MEDINA: Right. So, just  
17 keep that in mind.

18 MR. RICE: You're correct -- and  
19 this formation here is extremely impermeable.  
20 But even if we had a six foot solid section of  
21 stainless steel going through this section,  
22 contaminants from the shallow aquifer at Kelly  
23 could still get down to the Edwards -- and the  
24 way they do it is when we have a situation like  
25 this well in which the contaminants were found.

1 It's drilled down through the contaminated  
2 aquifer, through all this impermeable stuff and  
3 down into the Edwards.

4 Now, Richard mentioned pressure -- and in  
5 some -- the water levels in both the  
6 Edwards Aquifer and in the shallow aquifer  
7 fluctuate. Sometimes the water level in the  
8 Edwards is higher than the water level in the  
9 shallow aquifer. In that case, water would  
10 travel in this direction -- upward. However,  
11 often, the water levels in the shallow aquifer  
12 are higher than the water levels in the Edwards  
13 Aquifer -- and when that happens, water can  
14 travel in this direction. And if this  
15 casing -- that -- that steel casing -- that  
16 pipe that makes up the well bore is not  
17 perfectly sealed -- if it was damaged during  
18 installation or if it's just rusted out -- you  
19 can get a hole in there. I mean, we see this  
20 all over Bexar County where we have wells that  
21 are completed and a contaminated portion of a  
22 shallow aquifer are allowing contaminants to get  
23 down into the Edwards. This is  
24 well-documented. It happens quite often and  
25 this is --

1 MR. HAGELTHORN: Pumping out of  
2 the aquifer -- out of the Edwards -- pumping it  
3 out serve as a suction to suck -- a contaminant  
4 plume up into the pipe if there was a leak in  
5 the pipe and, therefore, you would have a hit  
6 more often than the one time that they did have  
7 a hit?

8 MR. RICE: Perhaps, but -- you  
9 know, I don't -- I don't know why we had a hit  
10 and no -- but I am saying -- I believe it's a  
11 real hit. I don't go along with this business,  
12 "Oh, bad analysis. Don't pay attention to  
13 that." We've got five and a half parts per  
14 billion -- 10 percent higher than the drinking  
15 water standard. It is very unusual to get lab  
16 contamination at those levels. I'm not saying  
17 it's impossible. But when you've got a hit that  
18 high, the presumption is it's a real hit.

19 So, this is how contaminants from the  
20 Edwards -- of the shallow aquifer at Kelly can  
21 get into the Edwards. We know this happens --  
22 At other places throughout Bexar County where  
23 this situation exists, there's absolutely no  
24 reason to believe that it cannot happen at  
25 Kelly. So, the point is here -- one is a point

1 of information -- and the other is that when  
2 we're talking about protecting the shallow  
3 aquifer and cleaning it up here at Kelly Air  
4 Force Base, we're also doing something to  
5 protect the Edwards Aquifer. This,  
6 unfortunately, is not entirely isolated from  
7 this. Because we have these connections.

8 MR. MOORE: Now, this is here, is  
9 just your opinion?

10 MR. RICE: That's right.

11 MR. MOORE: Do you have any facts  
12 to back up that this did happen?

13 MR. RICE: No.

14 MR. MOORE: Straightforward.  
15 You're asking the Air Force to supply you true  
16 facts when they supply information. Now, if you  
17 cannot do the same, I am saying that this is  
18 just purely bull. Now, they have facts. The  
19 water was clean.

20 MR. RICE: No, no, no.

21 MR. MOORE: No, no. The water  
22 was clean for many testings. One test they came  
23 up and it was contaminated. Several testings  
24 following that, it shows that it was not  
25 contaminated. I contend that -- I have dealt

1 with many, many samples, sent them to various  
2 labs all over the world. I have sent pure  
3 gasoline to an accredited laboratory. It came  
4 back as pure water. Laboratories mix samples,  
5 they contaminate samples and they error.

6 Now, if I have ten samples saying that it's  
7 clean and one sample that says there is some  
8 minute contamination in there, I tend to believe  
9 that it was an error in the laboratory. Now,  
10 that is the facts that the Air Force has  
11 presented. You have just shown me an opinion  
12 and only an opinion with nothing to back it up.

13 MR. RICE: Let me try to -- I  
14 have two facts. One is -- several facts. One  
15 is a high hit and then there's another fact a  
16 couple weeks later -- a non-detect -- that's  
17 correct. Based on about 15 years experience  
18 cleaning with chlorinated solvents and hits like  
19 this -- a hit that high is very unlikely to be a  
20 false positive. It's possible, but those of you  
21 who deal with this sort of thing -- if you look  
22 back on your experience -- false positives that  
23 high are pretty rare.

24 Second fact, we have a pathway. We have  
25 contaminants in the shallow aquifer. We have a

1 pathway -- or a potential pathway to the  
2 Edwards. We find contaminants in the Edwards.  
3 Where did the contaminants come from? You've  
4 got two -- three choices. They came from  
5 Kelly. The contaminants don't exist because the  
6 data is bad or they came from somewhere else.  
7 It's entirely possible, but unlikely.

8 MR. MOORE: I don't know.  
9 Because I have gotten a lot of false samples  
10 back from the laboratory.

11 MR. RICE: Sure.

12 MR. QUINTANILLA: Two questions:  
13 Does the water in the Edwards Aquifer migrate  
14 from one place --

15 MR. RICE: Oh, absolutely.

16 MR. QUINTANILLA: Does the water  
17 in the shallow aquifer migrate?

18 MR. RICE: Absolutely.

19 MR. QUINTANILLA: So, at one time  
20 it could have been contaminated and another time  
21 not contaminated?

22 MR. RICE: Sure.

23 MR. QUINTANILLA: So, there is  
24 some -- some criticism -- some believability in  
25 what you're saying.

1 MR. RICE: Oh, yeah. I think  
2 that I just -- if you just gave these facts to  
3 the hydrologist from Mars -- who I understand  
4 you think I'm that fellow -- but I'm not --  
5 but if you just gave it to a purely uninterested  
6 hydrologist and said, "Here are the facts.  
7 Write down from one to three where you think  
8 these contaminants came from." Almost all of  
9 them would say, "The most likely place is right  
10 there where we found them. That's where they  
11 come from."

12 MR. MEDINA: Vertical migration,  
13 though, is -- is pretty hard to determine  
14 because you would have to go in -- and you have  
15 to keep this in mind -- a lot of the migration  
16 that we see occurs laterally -- meaning  
17 spreading out.

18 MR. QUINTANILLA: But --

19 MR. MEDINA: -- in a case like  
20 this, though, where you would have a well this  
21 way rather than vertically.

22 MR. RICE: That is incorrect.  
23 Vertical migration --

24 MR. MEDINA: -- you would have a  
25 well installed into the Edwards Aquifer, but you



1 would also have cement injected into the hole  
2 filling up the spaces between the casing and the  
3 rock itself. So, really, the chances of  
4 migrating outside the casing around concrete are  
5 are pretty -- pretty difficult.

6 MR. RICE: Oh, this happens all  
7 the time. The Edwards Underground Water  
8 District has a program where for years it's gone  
9 seaming up wells like this -- I think I've seen  
10 over 400 of them that they found in the  
11 county -- and there's -- and many of them have  
12 caused contamination.

13 Sam?

14 MR. SANCHEZ: George, speaking  
15 about the Edwards Underground Water District,  
16 isn't it -- we have literally thousands of holes  
17 drilled into the -- into the Edwards Aquifer.

18 MR. RICE: Yeah, absolutely.

19 MR. SANCHEZ: -- and that's just  
20 talking about Bexar County.

21 MR. RICE: Yeah. That's right.  
22 So, are you saying that maybe this came from  
23 off-base somewhere? This came from over here?

24 MR. SANCHEZ: No. I just think  
25 that people need to be aware of those facts when

1 you talk about contamination and how it comes in  
2 and then the other factor of migration of  
3 chemicals and -- those models that we're trying  
4 to develop -- or that the Air Force is trying to  
5 develop -- all that has to be put in  
6 perspective.

7 MR. RICE: Sure.

8 MR. SANCHEZ: When we say "Well,  
9 it came from here" -- you know, "By God" -- you  
10 know, "this is something" -- "I'm going to put  
11 my faith on this thing and I'm going to" --

12 MR. RICE: Please, don't  
13 misrepresent what I said. I say there are  
14 several possibilities and this is the most  
15 likely one -- the most likely one.

16 MR. SANCHEZ: But, George, that's  
17 really an opinion, though.

18 MR. RICE: That is my opinion.

19 MR. QUINTANILLA: What about  
20 TNRCC? Have you-all looked at this?

21 MR. BEYER: Yes. Actually, the  
22 way a lot of this came up -- in 1990 they  
23 conducted a CME inspection -- which is a  
24 Comprehensive Monitoring Evaluation  
25 inspection -- out at Kelly Air Force Base. At

1 that time, the fact that there were existing  
2 wells at Kelly Air Force base and that -- into  
3 the Edwards -- it was noted as an area of  
4 concern -- in a letter it was written in -- and  
5 we talked to Kelly about it and said, "Hey, if  
6 you have any Edwards wells out there that aren't  
7 being used or" -- "they need to be properly  
8 plugged and abandoned."

9 So, then -- Kelly then conducted a survey  
10 of the Edwards wells on the base to prevent  
11 exactly this type of thing from continuing to  
12 occur. If, indeed -- If -- If the  
13 contamination was from above, they've gone  
14 through and sealed it so there's no more getting  
15 down in there.

16 MR. QUINTANILLA: Has there --  
17 any tests been done since 1990 to ensure that it  
18 hasn't happened again?

19 MR. BEYER: Well, once the wells  
20 have been plugged -- of course, you can't test  
21 those -- only the wells that are on base that  
22 are active.

23 MR. QUINTANILLA: All right.  
24 Have those been tested?

25 MS. WILLIAMS: Mr. Quintanilla --

1 MR. BAILEY: Wait. Let's let the  
2 state answer the question.

3 MS. WILLIAMS: Okay.

4 MR. BAILEY: That's a very good  
5 question relative to -- since 1990 -- the wells  
6 on the base -- have they been sampled -- the  
7 Edwards wells.

8 MR. BEYER: The Edward wells that  
9 have -- exist -- that are active are sampled,  
10 yes.

11 MR. QUINTANILLA: And --

12 MR. BEYER: And they're clean.

13 MR. QUINTANILLA: And they're  
14 clean. But at one time the Edwards underground  
15 aquifer was not clean. You had a hit.

16 MR. BEYER: Well, we don't know.  
17 What we say is, "Yes, it's a possibility" -- you  
18 know, it could have been trip blanks -- you  
19 know, you look at your trip blanks which  
20 you're -- a lot of times you take distilled  
21 water and you put it in a -- in a vial and it  
22 goes along with your other samples you take. A  
23 lot of times, if you have contamination it gets  
24 into your -- your Igloo cooler -- or whatever  
25 you carry your samples in -- and they show up

1 contaminated, then it can be from some  
2 contamination during your sampling process. It  
3 can be -- Also, as it goes through the lab --  
4 you run just plain distilled water through --  
5 through the lab to see if you get some hits on  
6 your lab blanks.

7 So, there's a whole QA/QC process that you  
8 go through to make sure that you're not  
9 cross-contaminating your samples with other --  
10 other contamination. But that -- But that is  
11 also another possibility -- and that's -- that  
12 is why it was brought up as an area of concern  
13 in 1990 -- and why -- that -- I mean -- you  
14 know, we told them to properly abandon the  
15 wells.

16 MR. QUINTANILLA: Now, one more  
17 question. There are other wells that have been  
18 plugged up. Did you-all here in Bexar County  
19 have any samples from those proven to be  
20 contaminated?

21 MR. BEYER: I don't -- I can't  
22 answer that question.

23 MR. RICE: I can shed a little  
24 light on that. To my knowledge, this is the  
25 only Edwards well on base that has been found to

1 contain contaminants. However, there are some  
2 other Edwards wells near the base where low --  
3 and here I'll use my -- low concentrations of  
4 contaminants.

5 Let me -- Let's -- I'd like to get  
6 something -- Excuse me, Sam.

7 MR. MURRAH: One other thing.  
8 Now, in the -- the job that Kelly is doing --  
9 their job is to clean up the shallow aquifer; is  
10 that correct?

11 MR. TREVINO: That's correct,  
12 yes, sir.

13 MR. MEDINA: That's correct.

14 MR. MURRAH: And the reason  
15 you're cleaning it up is to prevent  
16 contamination of the Edwards, right -- and any  
17 other problem that might exist?

18 MR. MEDINA: More so for public  
19 health. That -- That is the primary reason --  
20 protection -- restoration of the environment --  
21 the shallow aquifer.

22 MR. MURRAH: Well, it seems  
23 like -- that the money we're spending -- and  
24 this is something that Mr. Culbertson has had a  
25 lot of trouble with -- justifying spending a lot

1 of money in a small area. So, if -- if Mr. Rice  
2 is correct there, well, then we're -- you-all  
3 are doing your job of cleaning up that shallow  
4 aquifer.

5 Now, whether he agrees that you're doing it  
6 quick enough or not -- I don't know what we're  
7 arguing about. You-all are doing your job,  
8 hopefully. Now, if you do the job, then this  
9 problem that he is showing you up there will not  
10 exist; is that correct?

11 MR. MEDINA: Eliminating the  
12 pathways is -- is -- exactly.

13 MR. MURRAH: So, why -- I don't  
14 see what you-all are arguing with him about.  
15 You're doing your job.

16 MR. RICE: The Air Force does not  
17 agree that this cannot happen. The Air Force  
18 agrees that this happens and it's possible,  
19 correct? You agreed with that.

20 MR. MURRAH: It doesn't make any  
21 difference whether it's possible or not  
22 possible. If they're cleaning up what you're  
23 saying --

24 CAPT. VON DRAN: Excuse me.

25 Mr. Rice?

1 MR. RICE: Yes.

2 CAPT. VON DRAN: Capt. Von Dran.

3 You published a report called, "The Aqua" --

4 "AGUA Report."

5 MR. RICE: "AGUA Report" --

6 contamination in the Edwards aquifer --

7 CAPT. VON DRAN: And this area

8 that you're talking about here on the base --

9 it's in the fairly -- it's the northern region

10 of the base. Didn't you-all just say in your

11 AGUA report that the tendency of the Edwards

12 Aquifer in this region is north to south through

13 this area --

14 MR. RICE: No.

15 CAPT. VON DRAN: -- and that --

16 MR. RICE: No, I didn't say that

17 in my report.

18 CAPT. VON DRAN: It appears to be

19 what -- what you were pointing at -- is the

20 tendency that you showed that the aquifer was

21 from north to south and that the -- the

22 contaminated wells -- Edwards wells -- that

23 were -- where there was some contaminated wells

24 to the north of the base in that area.

25 MR. RICE: No. I -- you know,



1 I -- I certainly don't recall that being in the  
2 report. I'm almost certain it's not. If you  
3 have the report handy, pull it out and let's  
4 take a look at it. But --

5 CAPT. VON DRAN: I just wanted to  
6 submit that as a viable alternative.

7 MR. RICE: I --

8 CAPT. VON DRAN: Also, it's just  
9 as viable as your -- your presentation here,  
10 sir.

11 MR. RICE: Right. It's certainly  
12 possible that these contaminants came from  
13 off-base on base from some unknown source out  
14 there. That is certainly possible. However,  
15 when you're faced with a situation like this,  
16 applying both -- it's the most simple  
17 explanation that fits all the facts.

18 Is this horse dead, yet?

19 MR. CULBERTSON: You've got to  
20 explain the fact that you're in the zone in  
21 which there is a lot of faulting.

22 MR. RICE: That's true.

23 MR. CULBERTSON: The faulting is  
24 also noticeable even at the surface -- take  
25 San Pedro Park across from San Antonio College.

1 You can see the change in relief right there  
2 where the fault occurred.

3 In other words, the faulting will go clear  
4 on down into the fresh water. So, with that  
5 knowledge, you can have contaminants go from  
6 anywhere -- and it's from nature. It has  
7 happened. The Luling Oil Field is a pretty good  
8 example of a tremendous faulting zone and this  
9 faulting continues right on through over in this  
10 direction. You've got fragments of it scattered  
11 all along in Pecos County -- excuse me --  
12 Pecos County -- Bexar County.

13 MR. RICE: Let's wrap this up.  
14 Let me just close this out by saying that it is  
15 very good that the Air Force is locating these  
16 abandoned wells on Kelly and plugging them up.  
17 That's very good. And why are they doing that?  
18 Because they realize that the potential for  
19 contamination exists. That's why it's being  
20 done. And here's a case where, in my opinion,  
21 it actually happened.

22 By the way, Ed, I'm still looking for maps  
23 showing the location of these wells -- and I've  
24 been asking for it for several weeks. Please  
25 give me that map so I can have a few more facts

1 with which to address to this issue -- just a  
2 map showing locations of the wells in the  
3 Edwards Aquifer. That's all I'm asking for.

4 Okay. Partition coefficients. I've asked  
5 the Air Force to give me information on  
6 partition coefficients. What a partition  
7 coefficient is, is it's a number that measures  
8 the tendency of a contaminant to stick to the  
9 aquifer -- solid part -- rather than existing  
10 in solution -- out in the water -- and it's  
11 actually very important when it comes to soil  
12 cleanup -- when you go about determining about  
13 how much soil you want to clean up -- and  
14 they've agreed they're going to give me this  
15 report soon -- and soon, I take it, is less than  
16 a month. That's -- Correct? The partition  
17 coefficient report, I'll be getting that soon?

18 MS. WILLIAMS: In a case study --  
19 I know you're going to get it. I don't know  
20 exact timing, to be honest with you.

21 MR. RICE: It's about a month, as  
22 I understand it.

23 MS. WILLIAMS: Right -- and what  
24 we're doing is -- we had some stuff from the  
25 TNRCC. So, I know certain aspects of it have to

1 be modified. But when that is done, yeah. That  
2 was my understanding -- and correct me if I'm  
3 wrong.

4 MR. BEYER: Well -- Yeah. We --  
5 We had a lively debate with the Air Force and  
6 they -- and I think we've arrived at a solution.

7 MR. RICE: So, that's done and --

8 MS. WILLIAMS: I cannot speak as  
9 to what -- how we're -- where the report is in  
10 terms of implementing those changes. I don't  
11 know.

12 MR. RICE: All right. That ends  
13 the data section.

14 Item No. 8, one of the things we -- we  
15 agreed to do at this meeting on the 20th was  
16 prioritize items for presentation at RAB  
17 meetings -- and we decided that that item would  
18 be establishing acceptable risks -- and that's  
19 what we'll have later on tonight.

20 Item No. 9, you might want to say more  
21 about this, Dan, but -- because I don't recall  
22 much about it. You asked the RAB members there  
23 if they had heard anything from the community or  
24 from other RAB members about the soil documents  
25 that you guys have put forward.

1 MR. MEDINA: Right. That's  
2 correct.

3 MR. RICE: And I said that  
4 although I had concerns about soil in general, I  
5 hadn't heard anything from the public or  
6 committee members -- and I think that was the  
7 same for all the other RAB members.

8 MR. QUINTANILLA: I'm saving mine  
9 for the hearing.

10 MR. RICE: Pardon?

11 MR. QUINTANILLA: I'm saving my  
12 comments for the hearing.

13 MR. RICE: Okay.

14 MR. QUINTANILLA: And -- One of  
15 the comments is -- comments is 30 years is too  
16 long.

17 MR. RICE: Yeah. I mean, that's  
18 certainly not to say RAB members don't have  
19 comments. They just haven't heard them  
20 secondhand -- is the point of this.

21 No. 10, Adrienne Williams reminded us all  
22 to go through proper channels when we make  
23 requests of the Air Force.

24 And now I'll go through Item No. 2 --  
25 and -- well, we'll see how quickly it goes.

1 Just to refresh your memory -- at the last RAB  
2 meeting, I put up some information concerning  
3 the cleanup of groundwater in the neighborhoods  
4 at Zone 3. This is the area we're talking  
5 about. Here is -- Here is Kelly Air Force  
6 Base -- here. Here is Zone 3 -- and all I'm  
7 doing is focusing on a relatively small part of  
8 it -- the neighborhoods here out along Quintana  
9 Road. That's what I'm focusing on.

10 And the reason I brought this up at the  
11 last meeting was that I had read a document --  
12 but was unable to talk to the Air Force --  
13 where the document said, "After 30 years," based  
14 on the modeling that the contractor had done,  
15 "contaminant concentrations in the neighborhood  
16 are going to be substantially above MCLs and  
17 we're not sure how long it's going to take  
18 beyond 30 years to clean that up." That was my  
19 concern. So, then, I met with the Air Force on  
20 the 20th and after that talked to some other  
21 folks -- and here's where -- the Air Force needs  
22 to check me and make sure I'm not  
23 misrepresenting anything you say -- these are  
24 the -- these are the modeling results out of the  
25 Air Force documents. Here's the base boundary.

1           These are recovery wells. After 30 years of  
2           pumping, we're still going to have high  
3           concentrations of chlorinated solvents.

4           Now, this is a mishmash of several  
5           different kinds of chlorinated solvents. Work  
6           should not be done this way -- mixing all these  
7           things together -- but it was done. So, we  
8           still have high concentrations of chlorinated  
9           solvents -- and when you look at the effect of a  
10          culvert, the modeling shows that we're going to  
11          have more than 65 parts per billion of some kind  
12          of chlorinated solvents -- TCE, PCE, DCE or  
13          vinyl chloride -- in the aquifer.

14          So, what I asked the Air Force was -- and I  
15          did get a very straightforward answer. "Do you  
16          believe the results of this modeling?" "Yes."  
17          The Air Force stands behind these results --  
18          and, by the way, I told the Air Force that I was  
19          going to be bringing up all these points, so I  
20          hope they're going to be able to respond to  
21          them. So, then, my question was to the  
22          Air Force, "If you believe that it's going to  
23          take some undefined period of time longer than  
24          30 years to clean up the groundwater under the  
25          neighborhoods here, why are you proposing such a

1 system? Why have you not even attempted to  
2 design a system that will probably be able to  
3 get the job done much faster than 30 years?"  
4 And one type of system which the Air Force  
5 didn't even explore -- but which they're doing  
6 over here on base -- is pump and re-inject.  
7 That's pump the contaminated groundwater out of  
8 the aquifer, clean it up and then re-inject it  
9 into the aquifer, upgradient of where the  
10 contaminants are. That way you squeeze the  
11 contaminants out more quickly. "Why didn't you  
12 even consider that kind of system?" I -- The  
13 Air Force couldn't answer that --

14 MR. QUINTANILLA: How long would  
15 that take?

16 MR. RICE: My personal opinion --  
17 and this is a personal opinion based on  
18 experience with these sorts of things -- is that  
19 this -- a system could be designed to clean this  
20 up in substantially less than 30 years.

21 MR. QUINTANILLA: And would the  
22 water be equivalent to our aquifer water?

23 MR. RICE: No -- No. But that's  
24 another question -- and I'll address that in a  
25 minute, Armando. I'll address that in a minute.



1           So, that's the first question I asked and  
2           gave them two weeks notice. "Why are you  
3           proposing more than a 30-year cleanup? Because  
4           you believe that this is what's going to  
5           happen. You stand behind these modeling  
6           results. Why are you proposing such a thing?"

7           The second issue is -- has to do with the  
8           point Armando just raised. As I said earlier,  
9           when you go to clean up a site, there's not one  
10          clean that's clean. You have a range of what  
11          you can clean up to. The Air Force has chosen  
12          the least stringent legally acceptable cleanup  
13          standard, that is to MCLs -- I believe it's  
14          called TNRCC -- something or other -- III --  
15          that they're going to. It's in the document --  
16          anyway --

17                           MR. BEYER: Risk Reduction  
18          Standard III.

19                           MR. RICE: Risk Reduction  
20          Standard III. The least stringent. That is  
21          where you only clean up to MCLs. That is, you  
22          leave -- you can leave five parts per billion of  
23          TCE in the water, five parts per billion of PCE,  
24          two parts per billion of vinyl chloride -- just  
25          below the drinking water standard -- and they

1 say that this is acceptable.

2 Well, let me ask you this -- those of you  
3 who live here: If somebody said that they were  
4 going to contaminate the Edwards Aquifer up to  
5 legal standards -- and don't worry about it  
6 because it's legal for us to do this -- I don't  
7 think we'd find that acceptable. Here we have a  
8 situation where the Air Force took a  
9 perfectly -- took -- I don't mean to imply it  
10 was done on purpose -- but there was a perfectly  
11 usable -- and being used -- water system and  
12 they contaminated it and now they're saying,  
13 "We're only going to clean it up to legally  
14 acceptable standards." That's one extreme.

15 The other extreme is over here -- and maybe  
16 somebody's got a house here whose property  
17 values are damaged who is using this water to  
18 water their vegetable gardens and probably,  
19 every now and then, drinks from it -- drinks out  
20 of the hose or something -- they're saying,  
21 "Look here, Air Force, you messed up a  
22 perfectly usable water supply and I want you to  
23 clean that up and put it back to the way it was  
24 before you messed it up. I want you to take it  
25 and bring those concentrations back down to

1 background. There was zero TCP in that water  
2 before you got here. When you leave, I want you  
3 to leave with zero TCP in there." That's the  
4 other extreme.

5 Unfortunately, that is probably not  
6 practical -- and the reason it's probably not  
7 practical -- although, I think it should be  
8 studied as an option. The Air Force didn't even  
9 study it as an option. But the reason it will  
10 probably fall out as being impractical is -- if  
11 it costs you \$10 million to clean up 95 percent  
12 of the contaminants and it might end up costing  
13 15 million to clean up 97 percent, 20 million to  
14 clean up 98 percent and so on -- so probably not  
15 practical to go to this extreme -- back -- put  
16 it back the way it was before you messed it up.

17 On the other hand, I don't think that we as  
18 a community should accept this extreme. We're  
19 going to do the minimum that's legally  
20 acceptable and maybe we'll do something more,  
21 though we're only going to do it out of the  
22 goodness of our heart. We're certainly not  
23 going to enter into any kind of a legally  
24 binding contract to do that.

25 What I think the Air Force ought to do --

1 and I think ought to be -- would be best for  
2 San Antonio -- is if you did something in the  
3 middle. Let's clean up the aquifer -- much  
4 cleaner than to the point where people have to  
5 say, "Hey, there are still all kinds of  
6 carcinogens in this water." If they sell their  
7 house, this is going to be recorded in the deed.  
8 There's -- There's deed recordation requirements  
9 that it's -- it's going to be in there. That's  
10 not right.

11 On the other hand, it's not reasonable to  
12 go to this other extreme. What I think the  
13 Air Force should agree to is to go somewhere in  
14 between -- somewhere in between this extreme and  
15 that extreme -- and one possibility -- although  
16 I'm not advocating that at this point -- but one  
17 possibility is to use some concentrations that  
18 the Air Force calculated.

19 I'm sorry I got -- I didn't have time to  
20 copy this particular sheet into your handouts.  
21 But what it shows is --

22 CAPT. VON DRAN: Can you take it  
23 out of the sleeve? It will project a lot  
24 better.

25 MR. RICE: Okay.

1 Oh, thank you. Much better -- Much  
2 better -- Good.

3 What this shows is the drinking water  
4 standards. This is not a MCL, but it's how --  
5 how low can you see -- and -- and it's  
6 misleading here. Here's a risk-based value of  
7 which it cleans contaminants up to and here is  
8 where what the Air Force proposes to clean them  
9 up -- and let's take an example of TCE. Where  
10 is TCE on here? I'll choose one up on the top  
11 here -- Benzene.

12 Benzene they propose to clean up to five  
13 parts per billion, which is right at the  
14 drinking water standard. Just a hair's breadth  
15 over that and it's illegal. Why not go with  
16 this risk-based value? This is ten -- ten times  
17 smaller than that. It's far from background,  
18 but it's a lot lower than this. And, so -- I  
19 would ask the Air Force to consider doing this.  
20 Let's not go -- Let's not do this extreme.  
21 Let's not do the other extreme, but let's go  
22 with something that can give the community a  
23 little confidence that when their little kid  
24 drinks out of their hose it's just not at this  
25 level full of carcinogens.

1 MR. QUINTANILLA: George, it's  
2 been -- what I've been told is that TNRCC has --  
3 has approved it already --

4 MR. RICE: Yeah.

5 MR. QUINTANILLA: -- and that  
6 we're going to get, you know, crap for water.

7 MR. RICE: And I say, "Shame on  
8 TNRCC for approving this plan." The state  
9 certainly should not --

10 MR. QUINTANILLA: I'd like to  
11 know if that's true. Has TNRCC approved this?  
12 And, if so, I think it's wrong and I think I  
13 will oppose it to the attorney general and other  
14 people.

15 MR. BEYER: Yeah. We -- We  
16 approved it contingent on the public comment.

17 MR. QUINTANILLA: All right. My  
18 public comment --

19 MR. BEYER: We have also -- I  
20 think George is -- he's leaving out some of the  
21 other issues which are pertinent to the decision  
22 that comes with these concentrations -- and some  
23 of those are exposure -- and what we're looking  
24 at here -- we're treating this as a drinkable  
25 and usable water aquifer, but we're also looking

1 at different exposure levels, too.

2 So, under a Risk Reduction Standard III  
3 scenario, you evaluate various exposures. So,  
4 depending on what the exposures are -- is what  
5 concentrations are -- are allowed -- and I think  
6 that his thought of cleaning everything to  
7 background has been shown by industry, has been  
8 shown by everyone, by extensive analysis, that  
9 would bankrupt the entire country.

10 MR. CULBERTSON: Right.

11 MR. RICE: There's no way --

12 MR. CULBERTSON: Right.

13 Absolutely.

14 MR. QUINTANILLA: We're not  
15 talking about the entire country. We're just  
16 talking about that neighborhood right there.

17 MR. BEYER: Well, we're  
18 cleaning -- What the Air Force is proposing to  
19 do is cleaning it up to a level which is  
20 protective of public health and the environment  
21 and -- using conservative numbers -- using  
22 conservative assumptions.

23 MR. QUINTANILLA: Would you want  
24 them to do that to your neighborhood?

25 MR. BEYER: I would -- I'd be

1 comfortable -- I would be comfortable with those  
2 values in my neighborhood, because I've looked  
3 at the assumptions for the exposures and  
4 I've -- I've -- you know, know that in order  
5 to clean it up to that amount --

6 MR. QUINTANILLA: See, only  
7 minorities live in this particular neighborhood  
8 where this is being placed.

9 MR. RICE: We need to take a  
10 break -- five minutes -- and then I think I'm  
11 only going to go on for another half hour --  
12 hour -- and then we'll -- stick.

13 (Short break taken.)

14 MR. RICE: I'm just going to wrap  
15 this up in -- just a couple of minutes here.  
16 Let me get my train of thought back.

17 Based on what a couple of people have said,  
18 I hope I didn't give the wrong impression. I am  
19 not advocating that the Air Force clean up to  
20 background. I don't think that feasible. On  
21 the other hand, I don't think this community  
22 should accept what they're proposing. We need  
23 to go somewhere in the middle -- somewhere in  
24 the middle that looks something like this seems  
25 pretty reasonable to me.



1           So, what I'd like to do is -- is wrap up by  
2           making a proposition to the Air Force and that  
3           is that -- this plan you've come up with is  
4           really not acceptable to this community. You're  
5           proposing to take some undetermined amount of  
6           time -- more than 30 years -- and then only  
7           clean up -- only be legally required to clean up  
8           for the least stringent possible standards.  
9           What I would like to propose is that we get  
10          together -- interested members of the RAB, the  
11          Air Force, a contractor -- and sit down and come  
12          up with a design that, number one, will get the  
13          job done in substantially less than 30 years  
14          and, number two, will clean up groundwater --  
15          much lower levels than what you're proposing to  
16          do. Is that agreeable?

17                   MR. MOORE: No.

18                   MR. BAILEY: No.

19                   MR. RICE: It's not agreeable?

20                   MR. BAILEY: No.

21                   MR. QUINTANILLA: Why not? I'm  
22          for it.

23                   MR. BAILEY: If the RAB wishes to  
24          provide that input to the state, then I think  
25          that that's what should be done -- if the RAB

1 wants to do that. The documents have already  
2 been prepared by us. But even though the  
3 documents have been prepared and submitted to  
4 the state and the state has given tentative  
5 approval, it's important to note that, at any  
6 time, the state regulatory agency can come back  
7 and say, "The value that you have provided to  
8 us" -- "We need you to meet higher standards  
9 than what you have proposed."

10 At the same time -- five years down the  
11 road -- we get to a technology which is much  
12 more prevalent at that time -- let's say that  
13 there's not one today -- and it's one that the  
14 state believes has worked or could work, then  
15 they will insert that and come back to us and  
16 say, "Oh, by the way, now we want you to  
17 evaluate this."

18 And, so, I submit to you that it is -- that  
19 I would believe it would be better for the RAB  
20 members to state their concerns to the state,  
21 state their concerns to us, we will forward  
22 those concerns to the state regarding  
23 Groundwater Zones 1, 2 and 3.

24 MR. SOLIS: I don't agree that  
25 the Air Force should abdicate their

1 responsibility to -- give it to the state.

2 MR. BAILEY: Well, we're not  
3 abdicating -- How are we abdicating our role?  
4 Help me out, Mr. Solis.

5 MR. SOLIS: Well, you did say --

6 MR. RICE: It's your mess, Larry.

7 MR. BAILEY: Well, wait just a  
8 second. I'm talking to Mr. Solis.

9 MR. SOLIS: You're saying, "Talk  
10 to TNRCC if you've got a problem."

11 MR. BAILEY: No, sir. What I'm  
12 saying is, is that right now we have already  
13 recommended for approval certain cleanup levels  
14 and certain standards to the state. The state  
15 has already approved those. We believe that  
16 those are consistent with what Mr. Beyer said,  
17 to protect the general public and to protect --  
18 and to protect the environment.

19 What is being said by Mr. Rice is -- he  
20 says, "I'm speaking for the community and I'm  
21 telling you that that's not acceptable." What  
22 I'm saying is that we believe that we have  
23 protected it to the levels that are consistent  
24 with what the state would require anybody to do  
25 in any situation. We believe -- We believe that

1 we've met that. They have said that to date  
2 they believe that we have met that. If there is  
3 another approach that you wish for us to take,  
4 I'm saying we will listen to what you have to  
5 say, but we have to recognize that they have  
6 said something regarding, "Yes, you can go that  
7 pathway right now." I've also added -- and not  
8 abdicating our role at all -- saying they could  
9 come back at any time to say, "Those standards  
10 need to be pushed to the side and you need to go  
11 to something higher."

12 MR. SANCHEZ: In other words,  
13 this is the TNRCC's fault; is that right.

14 MR. BAILEY: That is correct.

15 MR. QUINTANILLA: Concerning the  
16 TNRCC, have you actually approved it -- given  
17 them a permit or is it just tentative, you know,  
18 based on something or other?

19 MR. BEYER: What you -- Yes.  
20 We've -- We've given approval to proceed with  
21 the design of the system. Next -- What comes up  
22 next is their remedial design phase where the  
23 actual systems are designed and put into place.  
24 You need -- also, you've got to remember -- I  
25 mean, you need to look at this -- the overall

1 picture of this. You've seen -- seen one small  
2 slice of the whole --

3 MR. QUINTANILLA: The community  
4 portion of it, yes.

5 MR. BEYER: And, so, I -- I  
6 think -- you know, in that regard, I think we  
7 need to have a full -- a full presentation of  
8 the entire -- all the assumptions that go into  
9 these different numbers.

10 MR. QUINTANILLA: Are you willing  
11 to conduct a public hearing to listen to our  
12 concerns -- or who should we contact for a  
13 public hearing? Because this is not acceptable.

14 MR. BEYER: For the TNRCC?  
15 That's -- There's -- There's a public hearing  
16 process that the Air Force goes through with  
17 their IRP program. There's -- and then there's  
18 a public hearing process that we go through  
19 that's part -- part of the approval of a  
20 post-closure care permit.

21 MR. QUINTANILLA: So, you haven't  
22 given it approval yet? You're going to have to  
23 have a hearing before the approval is given.

24 MR. BEYER: Yes. But I -- I  
25 really want to arrive at a -- at a -- I would

1 like a post-closing care permit to go through  
2 unopposed by the community and I would like -- I  
3 would welcome all input as to -- try to see if  
4 we can resolve a lot of these issues prior to it  
5 getting to that stage. So, I -- I -- I would,  
6 you know, like to work on it now --

7 MR. SOLIS: At what point --

8 MR. BEYER: -- the sooner, the  
9 better.

10 MR. SOLIS: At what point can the  
11 public have input? You mentioned that earlier.  
12 You said there would be time -- an opportunity  
13 for public input.

14 MR. BEYER: Right. That -- That  
15 was in -- Mr. Quintanilla spoke at that public  
16 hearing at that time.

17 MR. QUINTANILLA: It's already  
18 passed.

19 MR. BEYER: Right. They  
20 already -- They had a public hearing and  
21 you've -- you've had some -- and different  
22 people have had input.

23 MR. QUINTANILLA: And I said 30  
24 years was too long -- that the plan was no good.

25 MR. BEYER: Right.

1 MR. RICE: My concern is that  
2 it's 30 years plus. I think we'll all agree  
3 it's going to be less than a hundred, but  
4 what's -- 60? 40?

5 MR. QUINTANILLA: But they never  
6 told us it was going to be 30 years plus. They  
7 only told us 30 years.

8 MR. RICE: Plus -- 30 years  
9 plus. That's -- That's the plan.

10 MR. BEYER: Those are all  
11 projections and we don't know --

12 MR. RICE: Excuse me. But the  
13 Air Force stands behind the modeling. The  
14 Air Force believes the results of the modeling,  
15 which says, after 30 years, we're still going to  
16 have far higher concentrations of contaminants  
17 under the -- what's been -- legally acceptable.

18 MR. BAILEY: No.

19 MR. MOORE: In your opinion.

20 MR. BAILEY: It stands behind the  
21 proposal --

22 MR. RICE: No, no --

23 MR. MOORE: In your opinion.

24 MR. RICE: No, no -- Excuse me --

25 Excuse me.

1 MR. BAILEY: No. Wait. It is --

2 MR. RICE: No, no, no.

3 MR. BAILEY: It is legally  
4 acceptable. The state has already deemed that  
5 to be acceptable.

6 MR. BAILEY: Are you getting all  
7 these no-no's down?

8 MR. MOORE: Excuse me. About  
9 five -- four or five Board meetings ago, we  
10 voted on this modeling problem --

11 MR. RICE: Yeah. And that's  
12 not --

13 MR. MOORE: -- and we said to  
14 drop it. Why are you bringing it up again?

15 MR. RICE: Well, let me  
16 explain --

17 MR. MOORE: No. The Board said  
18 drop it.

19 MR. RICE: Here are the modeling  
20 results that Air Force believes and I do not  
21 dispute. Okay? The Air Force stands behind  
22 these results. After 30 years, off-base, in  
23 this area, we're going to have between ten and  
24 15 micrograms per liter of some soup of  
25 chlorinated solvents. Down along where the



1 culvert is -- Down along where the culvert is,  
2 their modeling results say there's going to be  
3 far higher concentrations of some soup of  
4 chlorinated solvents after 30 years of cleanup.  
5 So, they're going to have to continue to clean  
6 up for some undetermined amount of time to get  
7 these concentrations down to an acceptable  
8 level.

9 MR. HAGELTHORN: Well, that was  
10 all based on the original modeling information.

11 MR. RICE: The Air Force believes  
12 that. It stands behind it.

13 MR. MOORE: But you say it's  
14 better than -- just sit here and argue about  
15 what we're going to do for 30 years instead of  
16 start cleaning it up.

17 MR. RICE: What I say --

18 MR. MOORE: That's what you've  
19 been saying.

20 MR. RICE: -- let's design a  
21 system --

22 MR. MOORE: Oh, design -- Wait  
23 another 20 years to design some superficial  
24 system that you think might work or start  
25 cleaning it up -- which is what Kelly is doing

1 now.

2 Now, Mr. Bailey here -- and nobody here --  
3 he hasn't said what they've instituted is the  
4 most perfect system in the world, but they have  
5 started restoration processes and they're  
6 monitoring these wells constantly, taking  
7 readings to see what levels -- and how much  
8 they're dropping -- and as he has just stated  
9 here, if in five years from now new technology  
10 comes out -- and TNRCC will back this -- this is  
11 not a dead issue.

12 As of today, they're doing something to  
13 rectify the problem. Now, they are estimating  
14 30 years. Maybe it will be done in ten years.  
15 You don't know for sure on that stuff. You're  
16 not -- You're guessing. It is your opinion.

17 MR. RICE: Adrienne?

18 MS. WILLIAMS: Gary, can I ask  
19 you a couple of questions? When we go through  
20 this cleanup process it's my understanding --  
21 and correct me if I'm wrong -- but that when you  
22 determine that we have finished the cleanup, you  
23 will look at each individual solvent to  
24 determine if we have reached the MCL of a well  
25 and until that time the TNRCC or -- and/or the

1 EPA -- because we are under the realignment  
2 process -- will not sign off on a certificate of  
3 completion until each individual chlorinated  
4 solvent -- or whatever you want to call it --  
5 is at or below this MCL; is that correct?

6 MR. BEYER: That's correct.

7 MS. WILLIAMS: And I think that's  
8 a very important point to make. Because --

9 MR. RICE: That's right.

10 MS. WILLIAMS: -- I mean,  
11 something to me -- as just sitting back  
12 here -- is that in some respects Kelly and  
13 Mr. Rice are on the same wavelength. We want to  
14 protect human health and the environment. We  
15 are looking for innovative ways to try to reach  
16 a result. This is not an easy thing to do.  
17 It's not an exact science. Obviously, the  
18 disagreements with Mr. Rice over the modeling  
19 proved that point. But there is a set system  
20 that we're going through.

21 We have several criteria we have to go  
22 through -- and the biggest point is overall  
23 protection of human health and the  
24 environment -- and the stewards of that in the  
25 State of Texas are the TNRCC -- and I can assure

1 you the TNRCC and the EPA are not going to let  
2 us just leave it above the MCL -- and -- and I  
3 think that's --

4 MR. RICE: Exactly. Let me just  
5 say two things and then wrap up. This has gone  
6 on very long. Those two things are that I agree  
7 with what Adrienne said. The regulatory  
8 agencies are not going to allow the Air Force  
9 to -- to let contaminant concentrations remain  
10 in the aquifer above MCLs. What the Air Force's  
11 modeling results showed is that it's going to  
12 take longer than 30 years to get to that point.

13 Second point: We are often given a lot of  
14 assurances by the Air Force. "Yeah, this is  
15 what we're legally bound to do, but here is what  
16 we really intend to do so, just trust us. We've  
17 got your best interest at heart." Now, I am not  
18 saying that the Air Force does not have our best  
19 interest at heart. But I'm saying that the only  
20 thing that we can rely on -- stop smiling,  
21 Tom -- is a legal -- a legally-binding document  
22 that legally binds the Air Force to meet certain  
23 time schedules and certain cleanup levels.  
24 Because some years down the road, if we do not  
25 have a legally-binding agreement with the Air

1 Force, all their good intentions aren't going to  
2 mean anything when Congress says, "You did all  
3 you're legally required to. Don't spend another  
4 dime." Thanks.

5 MR. BAILEY: Okay. We're going  
6 to move on to No. 7 on the agenda, Restoration  
7 Update --

8 MR. QUINTANILLA: Oh, no, no,  
9 no. You're bypassing me, Mr. Bailey -- and I'm  
10 hurt.

11 MR. BAILEY: Okay. Excuse me.  
12 Do you have any comment that you'd like to make.

13 MR. QUINTANILLA: Yes. I'm on  
14 the agenda.

15 MR. BAILEY: I'm sorry.

16 MR. QUINTANILLA: Unless you --  
17 Unless you -- you don't want me to.

18 MR. BAILEY: I understood that  
19 you were only going to say just a very brief  
20 comment.

21 MR. QUINTANILLA: Well, will you  
22 please allow me to say those brief comments?

23 MR. BAILEY: It was my oversight.

24 MR. QUINTANILLA: We worked --  
25 you know, at the last meeting of the RAB, we

1 promised a letter out to Mr. Bailey and  
2 Mr. Hagelthorn -- signed -- that we would go  
3 to ATSDR and -- requesting that they come in and  
4 conduct a survey of the health -- the -- what  
5 was the health nature of the community? We  
6 drafted that letter in record time. We sent it  
7 on up to all the areas that it needed to be  
8 sent, including the judge advocate -- Adrienne's  
9 boss -- they reviewed it, they liked it. It  
10 went on to the general -- and everybody approved  
11 it. But it wasn't signed in a week like we  
12 wanted it. It was ready. It just lingered, you  
13 know, for -- oh, a couple of -- a couple of more  
14 weeks.

15 Finally, Colonel Carrington -- I  
16 believe -- and others got involved in it and  
17 said, "Hey, we need to get this thing out." The  
18 letter has been signed by Mr. Bailey and  
19 Mr. Harrington -- Mr. Hagelthorn -- and it has  
20 gone up to ATSDR. They are -- Hopefully, they  
21 will come down and look at this and survey the  
22 whole thing.

23 Unbeknownst to us, Congressman Tejeda  
24 has -- had already done this. He had sent a  
25 letter asking for one individual to come in and

1 look over the whole situation. I think you can  
2 expect good results out of the letter that we  
3 wrote and also out of the letter that  
4 Congressman Tejada wrote. Our letter also -- a  
5 copy was sent to Congressman Tejada and to  
6 Senator Kay Bailey Hutchison. So, we may have  
7 some good results from some of the concerns of  
8 the people in the community concerning their  
9 health.

10 MR. RICE: Does this have  
11 anything to do with -- Mr. Bailey mentioned  
12 that -- meaning that -- ASTDR people at Brooks.

13 MR. QUINTANILLA: Yeah.

14 MR. RICE: Is that the same  
15 thing?

16 MR. QUINTANILLA: Yes.

17 That's my report, Mr. Bailey.

18 MR. BAILEY: Any comments? Any  
19 questions?

20 Okay. Let me now go to No. 7 on the  
21 agenda, the restoration update. Mr. Medina?  
22 You have to do this in record time.

23 MR. MEDINA: I'd like to give  
24 a --

25 MR. MOORE: Thank you very much.

1 MR. MEDINA: I'd like to give  
2 Gary a few minutes -- a few extra minutes so  
3 I'll just be very brief on this.

4 On a couple of issues regarding Zone 3, I  
5 want you-all to keep in mind two different  
6 points. First of all, in the next couple months  
7 we'll be doing a presentation on the soil  
8 feasibility studies for all three zones --  
9 Zones 1, 2 and 3. I think it's important for  
10 everybody to keep that in mind because as you  
11 all have been told -- as we've discussed in the  
12 past -- is that part of the success of any kind  
13 of groundwater remediation is going to be for us  
14 to reduce or eliminate a lot of these sources  
15 and keep them from getting into the  
16 groundwater -- and in the case of Zone 3 --  
17 aside from what you may have seen in the soil  
18 feasibility and the groundwater feasibility  
19 studies -- also keep in mind that, at Kelly Air  
20 Force Base, what we have done in the past is  
21 reduced a lot of these sources or eliminated a  
22 lot of these sources -- a lot of the sources  
23 being underground storage tanks and industrial  
24 waste collection systems.

25 They've either been -- In the case of



1 industrial waste system collection systems,  
2 they've either been double-walled with -- with  
3 some sort of sensors to measure any kind of  
4 linkage or -- or just abandoned and removed out  
5 of service. In the case of underground storage  
6 tanks -- many of those tanks have been removed  
7 as well or upgraded where they are still in use  
8 today. That's an important thing to keep in  
9 mind -- that a lot of the sources that were at  
10 once -- one point in time contributing to some  
11 of this groundwater impact have either been  
12 removed or replaced or upgraded. So, I want you  
13 to keep that in mind -- and as we go through the  
14 soil's feasibility studies for all three zones,  
15 you'll hear much more about that in our  
16 presentations and our discussions. So, by no  
17 means, do we just stop at the groundwater. We  
18 also look at the soils, as well.

19 One thing I just want to briefly go over is  
20 we had a question regarding environmental  
21 contractors. In your packages -- and for your  
22 information -- I'm not going to go into this  
23 this evening because of the time -- there are  
24 some -- there is some information in your  
25 packets going over some of the contractors doing

1 the architectural/engineering type of work --  
2 and they should be inside your packets. If they  
3 are not, please let me know and we'll be sure  
4 and get those out.

5 MR. RICE: What does it look at?  
6 I don't believe I got them.

7 MR. QUINTANILLA: I didn't get  
8 one of them.

9 MR. MEDINA: It's this one right  
10 here. Craig has a copy of that. It's a  
11 progress report.

12 MR. RICE: Do you have any  
13 extras?

14 MR. MEDINA: We'll get some  
15 extras.

16 MR. QUINTANILLA: I didn't get  
17 one.

18 MR. MEDINA: One of the other  
19 items that we discussed during our October 20th  
20 groundwater -- our technical discussion --  
21 technical subcommittee meeting -- was an idea of  
22 what type of work we're going to be doing in the  
23 next -- in the next year.

24 Currently, what we have on line here at  
25 Kelly Air Force -- boy, this is really a -- kind

1 of hard to read there. In the next few months,  
2 what we will be going through is a process of  
3 remedial designs where we'll be going through  
4 and taking the steps -- after the feasibility  
5 studies -- and coming up with the designs for  
6 both the soil and the groundwater remediation  
7 systems that were proposed in the feasibility  
8 studies -- and other work that we have -- and  
9 this is also for those persons living in the  
10 North Kelly Gardens area -- areas around east  
11 Kelly -- we will be continuing some remedial  
12 investigations -- that's the investigation  
13 portion before we get into the actual cleanup.

14 Zones 1, 2 and 3 will focus on the  
15 cleanup -- only because at the place that  
16 they're at -- at this point in time -- Zones 4  
17 and 5 are still in the investigation process.  
18 We'll be continuing to go through that.

19 As a matter of fact, at this point right  
20 now, we are doing -- or we've just completed  
21 some off-base drilling in Zone 5 and are doing  
22 some in Zone 4. We've passed out some progress  
23 reports for those areas -- and that's been  
24 something that the public affairs folks have  
25 been bringing to you-all's attention either

1 through television or through some of the  
2 meetings. If you need any additional  
3 information, please contact Public Affairs and  
4 we'll get you any additional progress reports  
5 that you're looking for -- for any of these  
6 zones.

7 Other items that we'll be -- also -- other  
8 projects we'll have going on in the next -- in  
9 the next six to 12 months include base-wide  
10 remedial assessment. Mr. Rice talked a little  
11 bit about that earlier. What -- What we intend  
12 to do is release a report basically out --  
13 providing analytical data that was done -- or  
14 collected in 1994 -- and we'll be presenting  
15 that data -- and that data will include all the  
16 information such as chemical analysis and  
17 concentration maps and such.

18 MR. RICE: I'm going to ask my  
19 question again -- and my question is: Will you  
20 release to the public all the Zone 2 groundwater  
21 quality data collected through 1994 -- all the  
22 groundwater quality? That's my question.

23 MR. MEDINA: Okay. And the  
24 answer to -- to Mr. Rice's question, in case  
25 everyone didn't hear that, is, "Are we going to

1 be releasing all the data pertinent to Zone 2?"  
2 And what we'll be doing is -- Well, first of  
3 all, we've already given the information we had  
4 up until 1992, which is the feasibility  
5 studies -- they include a lot of the analytical  
6 as well as the remedial investigations.

7 Two other reports that we'll have coming up  
8 are the base-wide remedial assessment -- and  
9 then also the -- the base-wide remedial  
10 assessment and also an annual RCRA report that  
11 we send over to the state as part of our  
12 compliance -- and those two documents will also  
13 be made available. So, all the information that  
14 we have up to this point -- well, up to 1994 --  
15 will be -- will be made available to the public.

16 MR. RICE: Okay. So, I -- I  
17 guess that you did give me a straight answer and  
18 your answer is that you will not withhold any  
19 data -- any groundwater quality data for  
20 Zone 2. All of it will be released to the  
21 public; is that correct?

22 MR. MEDINA: The documents that  
23 will be issued -- Let me repeat this. The  
24 documents that will be issued will be the  
25 base-wide remedial assessment, the RCRA annual

1 report and then any other information of the  
2 feasibility studies and the remedial  
3 investigation.

4 MR. RICE: Will that be all the  
5 data that you have? Just "yes" or "no." Will  
6 that be all the data you have?

7 MR. MEDINA: That will be the  
8 data that we use -- and -- and I want everyone  
9 to understand -- a lot of the information that  
10 we do use to come up with the remedial  
11 actions -- and -- in both the groundwater and  
12 the soil -- when we go through and come up with  
13 our designs, we'll incorporate a lot of this  
14 data. So, a lot of the data that we have  
15 available will be put out in these reports.

16 MR. RICE: Larry, would you  
17 please answer that question? Will you give all  
18 the data you have for Zone 2 groundwater quality  
19 collected through 1994 -- all of it? "Yes" or  
20 "no"?

21 MR. BAILEY: I don't know what's  
22 going in the reports. I'm assuming it's all  
23 going in there. Why --

24 MR. RICE: I don't know. I'm  
25 asking for a "yes" or "no" answer to this

1 question. Will you give all the data or not?

2 MR. BAILEY: Every bit of data  
3 that goes into those reports from my  
4 understanding -- and what I am told -- is  
5 submitted to the regulators and if they think  
6 it's -- that for some reason we collected  
7 something else, they will tell us. I don't know  
8 of any other data, George. I don't know what to  
9 tell you.

10 MR. RICE: So, then, it is  
11 correct to say that you will give all --  
12 unqualified -- all the Zone 2 groundwater  
13 quality data collected through 1994?

14 MR. MEDINA: Anything that's  
15 submitted to TNRCC --

16 MR. RICE: No. All -- All.

17 MR. BAILEY: Okay. This is our  
18 answer: It is in combination with what he  
19 said -- which is what you've heard -- the  
20 three reports and what was answered to you about  
21 what would be considered --

22 MR. RICE: Am I the only one here  
23 that feels like I'm not getting a straight  
24 answer.

25 MR. QUINTANILLA: You're not

1 getting the answer.

2 MR. RICE: Come on. Give us a  
3 straight answer.

4 MR. SANCHEZ: Dan, are we going  
5 to get all the information on which you based  
6 all that -- your -- your conclusions?

7 MR. MEDINA: That is correct --  
8 and that is a very important item that everybody  
9 needs to -- to make sure that they understand.  
10 All the information --

11 MR. SANCHEZ: In other words, if  
12 you put up a figure -- you came to this  
13 conclusion on -- that data that you used to come  
14 to that conclusion will be given to the public.

15 MR. MEDINA: That is correct.  
16 Yes, sir.

17 MR. RICE: And what data will you  
18 not give to the public? What are you going to  
19 withhold?

20 MR. MOORE: Why are you assuming  
21 they're withholding something?

22 MR. RICE: Because I'm not  
23 getting a straight answer to my question.

24 MR. BAILEY: Well -- because -- I  
25 think you're not because -- maybe from a legal



1 perspective they've said that there may be some  
2 that they can't.

3 MR. RICE: Well, fine. If  
4 there's some that you cannot release to the  
5 public, tell us what it is and why you won't  
6 release it.

7 MR. BAILEY: We're going to --  
8 That's exactly what she said earlier. That's  
9 exactly she's going to do. She's already said  
10 that.

11 MR. HAGELTHORN: Why are you  
12 bringing this issue up again? She's already  
13 answered it --

14 MR. RICE: No, no. It's not --

15 MR. MOORE: He's trying to make  
16 him commit himself to break the law. He's not  
17 going to do it.

18 MR. RICE: Fine.

19 MR. MOORE: So, quit forcing the  
20 issue.

21 MR. RICE: Therefore, you will  
22 not release all the data you have on Zone 2 to  
23 the public.

24 MR. HAGELTHORN: There is a  
25 possibility that they may not release all the

1 information because some of it may not be able  
2 to be released to the public.

3 MR. RICE: Okay. Now, do you  
4 agree with that, Larry? You may not release all  
5 the data. Is that true?

6 MR. BAILEY: Are you listening to  
7 everything that's being said?

8 MR. RICE: Well, I'm trying to.

9 MR. BAILEY: Okay. What we're  
10 saying is that if there is a legal  
11 interpretation that something is not releasable  
12 for some reason -- but you have to understand  
13 that all the information that we're using to  
14 draw conclusions -- which are the important  
15 parts of what we're telling everybody here and  
16 are basing our design work, our cleanup systems  
17 and all those other kinds of data -- will be  
18 included and submitted to the state.

19 MR. RICE: Now we're beginning --  
20 Now we're beginning to get somewhere. Some data  
21 may be withheld from the public; that's  
22 correct? Some data may be withheld from the  
23 public, correct?

24 MR. BAILEY: I don't know that --  
25 that some might be.

1 MR. MEDINA: Some of the  
2 information -- Again, some of the information  
3 that we go through as -- you know, information  
4 such that you've -- you've requested -- you  
5 know, some of the internal documents -- those  
6 sorts of items -- again, that's just internal  
7 information that -- that --

8 MR. BAILEY: Well, let me just  
9 say this to the entire RAB: If there is any  
10 data that is not submitted to the public, we  
11 will get a written opinion and we will inform  
12 everybody as to what that is.

13 MR. RICE: Okay.

14 MR. BAILEY: Okay. So, that's  
15 the issue at hand -- and we've told you that  
16 three times -- but we're telling you that again.

17 MR. RICE: I'm going to repeat --  
18 just for the record -- just so I understand --  
19 you may withhold some data from the public. If  
20 you withhold data from the public, you will tell  
21 us what data was withheld and give your reason  
22 for withholding it, correct?

23 MS. WILLIAMS: I suppose, though,  
24 that -- One thing I want to make clear to you,  
25 though, George, is that you're -- you're --

1 you need to make a distinction of what sampling  
2 data is. There's verified sampling data and  
3 then there is invalidated data.

4 MR. RICE: And I want it all.

5 MS. WILLIAMS: Well, the verified  
6 sampling data is the data that we rely on in  
7 decision-making process -- and that's the -- the  
8 underlying data upon which decisions are made  
9 clearly.

10 MR. RICE: Just so we can move  
11 on -- what I said is correct. Some data may be  
12 withheld. If any data is withheld, you're going  
13 to identify it and explain why?

14 MR. BAILEY: You bet.

15 MS. WILLIAMS: Sure.

16 MR. RICE: Okay. A straight  
17 answer. Damn, that was difficult.

18 MR. MOORE: That's what they've  
19 been telling you.

20 MR. BAILEY: Go ahead.

21 MR. MEDINA: Anyway, after we get  
22 through the design phase of our projects, we'll  
23 start going into the remedial actions. The  
24 remedial actions will be for the three zones --  
25 Zone 1, 2 and 3. We'll also be doing

1 feasibility studies -- similar stage we're at  
2 right now with Zones 1, 2 and 3. We'll be  
3 conducting feasibility studies for Zones 4 and 5  
4 to look at different cleanup alternatives --  
5 looking at these alternatives -- and either  
6 retaining them or excluding them or eliminating  
7 them from further evaluation until we either get  
8 additional information or we go out and find  
9 that we no longer need to -- need to do -- you  
10 know, we can close that site out.

11 The last document -- or the last slide that  
12 I'd like to go into is the IRP documents. Major  
13 projects such as remedial designs, remedial  
14 actions, base-wide remedial assessments --  
15 those -- those sorts of -- those sorts of  
16 documents will be made available. We'll go  
17 through and pre-brief them -- the same way we've  
18 done in the past. We'll go out and do public  
19 meetings -- like, for example, in the next -- in  
20 the next couple months we'll be doing the soil  
21 feasibility study public meetings for Zones 1, 2  
22 and 3. We'll be going through the different  
23 processes that we've gone through -- very  
24 similar type of format that we did for the  
25 groundwater.

1           In that, we'll also be -- as we did with  
2           the groundwater -- we had -- on the day of the  
3           public meeting -- we also had a groundwater  
4           modeling presentation by that contractor who did  
5           the feasibility studies where we'll give a  
6           person an opportunity to come up and ask  
7           questions. We'll do a similar type of thing for  
8           the soils where we'll go ahead and sit down and  
9           go through any questions that may arise from the  
10          subcommittee or from interested RAB members and  
11          we'll go in and discuss, you know, the KD  
12          study -- any questions that come up on that.

13                   MR. RICE: Yeah. At the October  
14                   20th meeting, we agreed that the contractor who  
15                   did these soil calculations would be brought in  
16                   to answer questions --

17                   MR. MEDINA: Correct.

18                   MR. RICE: -- about a week after  
19                   we held this meeting.

20                   MR. MEDINA: No, that is not  
21                   correct. What is correct is what -- what we  
22                   want to do -- as I had mentioned that day --  
23                   is we would like to do the same thing that we  
24                   did with the groundwater. We had a  
25                   presentation -- you know, it just happened to be

1 that afternoon before the public meeting for the  
2 groundwater. We'd like to do a similar thing so  
3 we can go ahead and have everybody we need at  
4 that point in time answer any questions --  
5 asking more technical questions -- and then go  
6 ahead and -- and do our -- our soil public  
7 hearing.

8 MR. RICE: When do you think this  
9 might occur?

10 MR. MEDINA: We're still in the  
11 process of scheduling. So, I'll keep you-all up  
12 to date and I'll inform you of any definitive  
13 dates.

14 MR. RICE: Do you think it might  
15 be like within a week or a month or six months?  
16 Any -- Any guess?

17 MR. MEDINA: I'd like to -- It  
18 will probably be in the next couple months.

19 MR. RICE: In the next couple  
20 months?

21 MR. MEDINA: Next couple months,  
22 yes.

23 MR. RICE: And more than just a  
24 presentation, we will have an opportunity to sit  
25 down and go through some of these documents

1 point by point with contractors -- sit across  
2 from the table and ask difficult questions and  
3 get all out of sorts just like -- and grill them  
4 on what they've done, correct?

5 MR. MEDINA: Two points on  
6 that -- Yes, we would like to do that just like  
7 we did with the groundwater modeling  
8 presentations where we had just the subcommittee  
9 members come in. But the other point also is  
10 that we would like for the RAB membership -- as  
11 well as anyone interested in the community that  
12 has a technical question that possibly they need  
13 some help from the technical subcommittee -- to  
14 come back and ask.

15 I understand that, at some points in our  
16 presentations, some persons may not be able  
17 to -- to relate to what we're talking to. That  
18 is the opportunity for the RAB membership to  
19 find out what those questions are and ask those  
20 technical questions -- from the community --  
21 not just -- you know, we -- we'd like to get as  
22 many people involved -- not just one person.

23 MR. SANCHEZ: Will we receive  
24 those documents sufficiently ahead of time to be  
25 able to look at them -- you know, give them



1 some -- some review? You know, we can't -- we  
2 can't receive those documents two or three days  
3 before and do any kind of credit to our review  
4 process.

5 MR. MEDINA: And that's why we've  
6 provided -- for example, the soil feasibility  
7 studies. We've provided those to the  
8 membership. If you need additional copies,  
9 please feel free to ask PA. We'll be able to  
10 get you copies.

11 MR. SANCHEZ: The other -- The  
12 other point of view is -- I guess -- when you  
13 get into remedial assessments, you'll be talking  
14 about risk assessments as well. Are you --  
15 You're not going to be -- Are you going to be  
16 tying it together or are you going to be looking  
17 at it separately?

18 MR. MEDINA: It's more an  
19 assessment to determine where concentrations may  
20 be going and also assessing how well systems are  
21 working as well. That's something that I can  
22 look into a little bit more and see if we are  
23 also including risk assessment.

24 CAPT. VON DRAN: No, we're not.

25 MR. MEDINA: We're not. So, it's

1 strictly a technical -- a technology evaluation  
2 and -- Yes?

3 MR. RICE: Two things -- one is a  
4 request -- and I would like several hours to sit  
5 down with this contractor and, essentially, go  
6 one on one -- now, anyone is invited -- but I  
7 would like to have several hours to sit down  
8 across the table from this contractor and go  
9 through these numbers and ask them difficult  
10 questions about these numbers. Will that time  
11 be made available?

12 MR. MEDINA: What's that -- What  
13 was that last part?

14 MR. RICE: Will you make that  
15 time available? A couple hours for me to just  
16 sit down across from the contractor --

17 MR. MEDINA: Sure. We did that  
18 when we --

19 MR. RICE: Fine.

20 MR. MEDINA: We did that with the  
21 groundwater modeling presentation and we can do  
22 the same thing with the soil feasibility  
23 studies.

24 MR. RICE: But, then, number two  
25 is -- I have a bit of concern -- since we're

1 moving this thing off several months -- suppose  
2 that as a result of this process we see that  
3 calculations need to be revised -- suppose we  
4 agree, "Well, maybe these numbers are actually  
5 better than the ones that were used" -- but this  
6 process has gone on for several months and we're  
7 further down the road -- so I would just ask you  
8 to please get it done -- as we agreed on the  
9 20th -- very shortly after this meeting.

10 Because these things gather a lot of momentum  
11 and if you wait long enough -- no matter what  
12 anybody says during that meeting -- it's not  
13 going to matter. It's going to be too far down  
14 the road for it -- for it to have any effect.

15 MR. MEDINA: That is done also in  
16 conjunction -- for everyone to understand,  
17 also -- those questions that come up -- say, for  
18 example, as part of the public meeting for  
19 soils -- they can be addressed at that point in  
20 time as well. The TNRCC has helped us in  
21 reviewing our documents, going through them and  
22 in determining how these proposed alternatives  
23 are going to be affected.

24 The last point -- and in documents and  
25 reports that are made available to TNRCC -- when

1 they're made available to them -- they'll also  
2 be made available to yourselves. One case in  
3 point where I'd like to point this out is the  
4 feasibility studies. They've already been sent  
5 to the -- to the TNRCC for Zones 1, 2 and 3 --  
6 both the groundwater and the soils. The  
7 feasibility studies -- in one case -- is two  
8 volumes long. If you want to go through -- and  
9 go through those, that's fine. We have copies  
10 available. They're also available at the  
11 libraries, as well. We have the proposed plans,  
12 if you want to go through an abbreviated version  
13 of what the feasibility studies present, I'd  
14 invite you-all also to make any comments on  
15 those. And, again, if you have any questions or  
16 you need additional copies, let us know.

17 MR. SOLIS: Thank you very much.

18 MR. MEDINA: And, now, what I'd  
19 like to do is go ahead and introduce  
20 Mr. Gary Beyer.

21 MR. QUINTANILLA: Before you do  
22 that, weren't you supposed to talk a little bit  
23 about subsidence? I understood that --

24 MR. MEDINA: Oh, yes. On -- On  
25 that issue, the question had come up at the

1 technical subcommittee meeting regarding  
2 subsidence -- and -- and the discussion was  
3 about any kind of studies that we've done -- and  
4 if there aren't those types of studies whether  
5 or not we will be requesting the funding --  
6 that's something that we will be doing. We'll  
7 be requesting the funding for -- for, basically,  
8 a study and I'll keep you-all in touch -- or  
9 informed -- as to where the progress is of that  
10 from time to time on -- on that issue.

11 MR. RICE: Do you have a rough  
12 idea of when the study might get underway, based  
13 on --

14 MR. MEDINA: The way funding is  
15 going right now, it's all focusing -- a lot of  
16 it is focusing on cleanup -- and, so, I -- I  
17 would -- I'd like you-all to keep that in mind.  
18 This may not be an overnight success -- or we  
19 might not -- we may not be able to get this  
20 funding immediately, based on the constraints  
21 that we're under right now, and because a lot of  
22 the focus is on -- not just here at Kelly Air  
23 Force Base -- but at other bases -- that we do  
24 cleanup versus study -- not that I'm saying that  
25 studying is not important. It's just a small

1 part of the cleanup puzzle and that's what we're  
2 trying to do is get to cleanup as quickly as  
3 possible to reduce that -- or eliminate that  
4 risk.

5 MR. RICE: Do you think it could  
6 be as much as a year before the study gets  
7 underway?

8 MR. MEDINA: I'll keep you-all  
9 informed from time to time on that. That's fair  
10 enough.

11 MR. RICE: Well, could it be a  
12 year?

13 MR. MEDINA: Well, I'll keep  
14 you-all informed from time to time. I'd hate to  
15 say a year -- you know, because I -- I --

16 MR. RICE: I'm just wondering --  
17 you know, you say it will come on board -- but I  
18 don't have a good idea of the process it's gone  
19 through. I mean, could it be a year?

20 MR. MEDINA: It could be. It  
21 could be.

22 MR. CULBERTSON: The city has  
23 three engineering companies --

24 MR. MEDINA: Yes? Any other  
25 questions?

1           Thank you-all very much. Mr. Beyer will  
2           now be talking to you.

3                       MR. BEYER: I'd like to move that  
4           I do my talk next time since it is getting  
5           late.

6                       There are a couple of things that I'd like  
7           to say, though -- I mean, would that be okay  
8           with you guys -- I guess? I'm willing to go  
9           next time because it is getting late and I have  
10          a lot of -- there will be a lot of ground to  
11          cover starting with ground zero and I think  
12          everyone's burned out.

13                      The thing I'd like to say, though, is I  
14          would like to proceed with these -- with all  
15          these different restoration plans. There's lots  
16          of things that are going on. There's lots of  
17          things that went on these last couple of weeks  
18          concerning base closures and land cleaning. A  
19          lot of these issues are going to be coming up  
20          fairly soon. There's going to be a lot of  
21          pressure on one hand to try to turn over base  
22          property quickly, which means getting corrective  
23          action systems in place. So, you're going to be  
24          feeling, you know, pressure to start to produce  
25          lots of things.

1           It's had a year now to get up to speed --  
2           you know, we're getting there. People are sort  
3           of figuring out what we -- how things are going  
4           and I'd like to continue along that way. But --  
5           So, I guess that's about it.

6                       MR. SANCHEZ: I'd like to make a  
7           motion that that topic be postponed, but that it  
8           be the lead topic or the next issue -- get that  
9           there -- on board.

10                      MR. SOLIS: Second.

11                      MR. BAILEY: You've had your  
12           first and second. A show of hands?

13                               (Vote by the RAB members.)

14                      MR. BAILEY: Okay. Let me go  
15           down to new business. The only new business  
16           item that I had was added to -- was an add on to  
17           what Gary Beyer was just talking about -- and in  
18           your packets there is a map that pertains to --  
19           and it is very tentative -- I repeat -- it's a  
20           very dynamic map -- it has to do with the  
21           privatization scheme regarding Kelly Air Force  
22           Base. I would ask that you take a look at that  
23           and notice that it is very subject to change.  
24           Since the map was put together, it has already  
25           changed -- I mean, since the November 2 time,



1 it's already changed three times. So, it's a  
2 very dynamic map that will be changing. But the  
3 thrust of it is the same. It shows where the  
4 dividing line has been recommended to be between  
5 the Air Force and the local reuse agency.

6 There is an interim agency -- which is  
7 created -- called the IBASC -- it's the Initial  
8 Base Alignment and Strategy Committee -- and  
9 that particular group is just an interim group  
10 that will be going away in the next 60 to 90  
11 days and the formal LRA group will be formed. I  
12 will be sending a letter next week to two  
13 co-chairs -- two or three co-chairs -- to the  
14 IBASC -- recommending that they send us a member  
15 as soon as the LRA is created.

16 As a matter of fact, I would prefer that  
17 they send us an IBASC member earlier so that  
18 they can join this group. I think they're an  
19 integral group that needs to be represented here  
20 so that they can give presentations -- we'll  
21 move them up earlier where they can give their  
22 presentations early relative to what's happening  
23 at Kelly Air Force Base regarding  
24 privatization. I think that when you look --  
25 take a very close look at this map you will see

1 that it goes right in line -- pretty much --  
2 with those areas that we've identified as  
3 high-priority funding areas -- those areas which  
4 have been picked as -- those areas which are  
5 going to go away from the Air Force. So,  
6 that's -- I think that's what I was talking  
7 about earlier. That fits well in line with what  
8 we have already talked about -- but more on this  
9 later.

10 Again, it's a very dynamic list -- very  
11 subject to change. Before anybody leaves -- if  
12 you don't have a copy of that, let us know and  
13 we will get you a copy of that.

14 Are there any other new business items?

15 MR. QUINTANILLA: Yes. I think  
16 one of the items that ought to be part of the  
17 next meeting is the training of the RAB Board  
18 members. I've asked for this for several  
19 times. I keep hearing that there's no funds  
20 available for TDY and all of that, but I -- but  
21 from my other sources I hear that the training  
22 people there are sending out the people for  
23 training -- and I need to -- you know, when are  
24 we going to give an orientation to all the new  
25 Board members? When are all the Board members

1 going to receive training at either AFIT or  
2 Air University or at one of the universities  
3 here in San Antonio -- and I think that ought to  
4 be placed in there.

5 Another item that I think that we need to  
6 have is the DENIX. I understand that the -- the  
7 staff gets a -- lots of publications concerning  
8 the DENIX. I think we should have a copy of  
9 that also -- and I understand that there is  
10 monies available so that we can get a copy of  
11 that environmental newspaper.

12 MR. RICE: What is that,  
13 Armando? DENIX.

14 MR. QUINTANILLA: The DENIX,  
15 yeah. It tells about what is going on at the  
16 different RABs and at the Department of Defense  
17 concerning environment at Air Force, at Navy and  
18 Army -- and what they're doing at the different  
19 places.

20 MR. RICE: Is that that thing  
21 that Mike used to give us?

22 MR. QUINTANILLA: Yeah, that  
23 thing that -- He says that there's no money now  
24 so he can't give us a copy like he used to --  
25 and then he tried to make copies for us that

1 was -- they put a stop to that because he was  
2 violating the copyright laws. All I'm asking is  
3 that he get -- gets -- puts us on the  
4 subscription for -- for that DENIX. I think  
5 it's a very important document.

6 One of the last requests that I have here  
7 is a review of the budget. We talk about the  
8 budget -- all the other RABs are talking about  
9 the budget -- we need to talk about budget --  
10 and I think next week might be a good -- or  
11 next month -- whenever the meeting is held --  
12 to talk about the budget. What is in the  
13 budget? What is available? What is not  
14 available? So that we can operate as a RAB.

15 MR. BAILEY: Okay.

16 MR. RICE: Three items. For the  
17 agenda next time -- I think we should vote on  
18 whether or not we ought to be meeting once a  
19 month rather than every two months because  
20 there's just so much to go over.

21 Second is also the budget. I made a  
22 request a few weeks ago that we be given a  
23 budget of the RAB so that we know how much money  
24 is available and where it's going. Could we get  
25 that at the next meeting?

1           And the third is a question. After the RAB  
2 meetings, you get together with SAIC folks  
3 and -- and the community co-chair. Are those  
4 meetings open to any member of the RAB or just  
5 selective --

6           MR. BAILEY: Is that a question  
7 to me right now?

8           MR. RICE: Yeah.

9           MR. BAILEY: We do that to  
10 summarize the meeting -- to go over -- are there  
11 points that we need to take away -- like  
12 changing agenda items or things like that.

13          MR. RICE: Is that open to any  
14 member?

15          MR. BAILEY: If you wish to come,  
16 sure.

17                 Are there any other items regarding new  
18 business that you'd like to see possibly added?

19          MR. QUINTANILLA: The other item  
20 that I had is the place that we're going to  
21 meet. I do not recommend here. I think this  
22 is --

23          MR. LENE: That's the next item,  
24 Armando.

25          MR. QUINTANILLA: Uh?

1 MR. LENE: That's the next item.

2 MR. QUINTANILLA: Okay. I'll  
3 hold back.

4 MR. BAILEY: Any other input?

5 Okay. Selection of date, location and time  
6 of next meeting. If I can throw this out? I  
7 would recommend that we meet on 11 December.  
8 That's roughly a month away.

9 MR. QUINTANILLA: That's good.

10 MR. BAILEY: I think there are  
11 some very key points that we need to take a look  
12 at. I submit to you that -- that we meet on  
13 11 December at Price Elementary. I submit to  
14 you that rather than the format that we have  
15 this time -- we need to change it around to  
16 where we have input from the -- the regulatory  
17 people first, the input from -- maybe the LRA  
18 when they come -- come aboard -- the input from  
19 the others and then we'll take a look at the  
20 subcommittee reports and others after that.  
21 Now, that's just my belief.

22 MR. QUINTANILLA: I think you  
23 ought to put the charter first.

24 MR. BAILEY: Well, we will -- we  
25 will do that at the next meeting. Hopefully, we

1 will not have the charter up until we have to  
2 take a look at it again for a number of months  
3 after this next time -- but that will be Item  
4 No. 1 that we take a look at this next time.

5 So, let me just propose this again --  
6 11 December, starting at 6:00 o'clock -- we'll  
7 have Mr. Beyer give the first presentation and  
8 then we'll go through some others regarding  
9 training and budget and a couple of other  
10 items. If there are any issues by the technical  
11 staff -- we'll have those brought up -- on the  
12 Kelly technical staff -- we'll take a look.  
13 Maybe there's someone from the IBASC, as I  
14 talked about, that may want to give an update  
15 and a short presentation -- and from there,  
16 then, we'll go into -- if we have any  
17 subcommittee reports and membership kind of  
18 actions. But, otherwise, we'll start off with  
19 the charter.

20 So, I would ask that everybody go -- make  
21 sure you read what you've got -- that's a  
22 start -- we will send you -- we will have a  
23 meeting. I would encourage everybody to please  
24 come -- please, please come -- it's an  
25 appeal -- to come to the subcommittee meeting

1 for the charter review.

2 Mr. Quintanilla?

3 MR. QUINTANILLA: Yes. One more  
4 thing. I've talked to the IBASC twice and  
5 they're concerned with the environment and  
6 they're thinking in terms of holding one meeting  
7 of the IBASC strictly on environment subjects --  
8 because at every meeting the environment --  
9 and -- and I -- they want to just look at it  
10 from A to Z -- the environment. So, you may  
11 expect a meeting of the IBASC on environmental  
12 issues only. That's all.

13 MR. BAILEY: Okay. If there are  
14 no other comments, meeting is adjourned. Thank  
15 you very much for coming.

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

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Julie A Seal  
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