

**Kelly Air Force Base  
Environmental Restoration Advisory Board  
January 16 2001, 6:30 p.m.  
Kelly AFB**

**Members/Alternates Present:**

**Community Members:**

Dr. Gene Lené,  
RAB Community Co-Chair  
Mr. George Rice  
Ms. Peggy Grybos  
Mr. Phillip Farrell (Mr. Roberson's alt.),  
GKDA  
Mr. Armando Quintanilla  
Mr. Mark Puffer  
Mr. Scott Lampright (Mr. Mixon's alt.)  
Mr. Sam Murrah  
Mrs. Dominga Adames  
Mr. Paul Person  
Mr. Alfred Rocha  
Mr. Tony Martinez  
Mr. Názirite Pérez

**Government Members:**

Mr. Adam Antwine, (Mr. McCullough's alt.),  
RAB Installation Co-Chair  
Mr. Nicolas Rodriguez, Jr., BMWD  
Mr. Sam Sanchez, SAMHD  
Ms. Lisa Marie Price, (Ms. Stankosky's alt), USEPA  
Mr. Mark Weegar, TNRCC

**Members Absent Without Alternate:**

Ms. Tanya Huerta  
Ms. Annalisa Peace  
Mr. Roy Botello

**I. Call to Order**

- A. Dr. Gene Lené, Co-Chair, called the meeting to order at 6:30 p.m.
- B. Ms. Linda Ximenes explained the meeting ground rules and goals in both Spanish and English. She also pointed out that simultaneous translation of the meeting from English to Spanish was available.
- C. Mr. Armando Quintanilla asked if there was a quorum and if the meeting was being recorded. He was assured that the answer was yes to both questions. He asked who was transcribing the proceedings. Mr. Adam Antwine, Co-Chair, told him that the meeting was being recorded.
- D. Ms. Ximenes stated there were two major goals of the meeting. First, the two TAPP reports would be presented and the RAB would get the opportunity to comment on them. Second, there would be a presentation from the United States Environmental Protection Agency (USEPA) on Environmental Justice (EJ).

**II. Community Time**

- A. Ms. Loupe Alvarado spoke about the health in the community being bad and stated that the RAB had done nothing to improve the situation. Only the Southwest Public Workers Union had done a health survey. She continued that the RAB was not giving answers and when they were asked would say "I don't have an answer for that." To her

it was a joke. She asked how many more people would get sick and die before something was done.

- B. Mr. Robert Alvarado reiterated what the previous speaker said. He added that they had seen nothing done and that he thought it was time to start doing something. He asked for the RAB to listen to them and get organized and get the cleanup over because they could wait no longer. He thanked the RAB for allowing him to speak.
- C. Mr. Genaro Rendon, an organizer with the Southwest Public Workers Union and the Committee for Environmental Justice Action delivered prepared remarks (see Attachment 3). He started by saying the Union has had several problems with the RAB since its formation. He referred to an Air Force invitation to RAB members only meeting that they were denied admittance to, and an incident that occurred in 1995 during a demonstration on Air Force property between North Kelly Gardens and the jet fuel storage tanks. He alleged that an AF official grabbed one of the union members. He stated the RAB has no decision-making power and complained the effected community is not on the Base Closure Team where the real decisions are being made behind closed doors. He also alleged the RAB membership is dominated by the Air Force and government agencies. (Please review members in attendance). He also stated that the Air Force has the power to abolish the RAB as they did at McClellan AFB in California.
- D. Comments from RAB members:
  - 1. Mr. Quintanilla comments:
    - a) He stated that there was a national stakeholders meeting during November in St Louis. Out of all the attendees, from Army, Navy and Air Force there wasn't a single Hispanic stakeholder at the meeting. Kelly AFB was invited and Air Force Base Conversion Agency (AFBCA) sent Ms. Vanessa Musgrave. To him it is an environmental injustice that not one Hispanic stakeholder was there. He wanted to discuss that at this meeting.
    - b) On the subject of ATSDR and fuel misting he contacted ATSDR and was told that they had not received the fuel misting report. He wanted to discuss that at this meeting.
    - c) He also wanted to know what the Air Force and the Department of Defense were going to talk about to the City Council on January 23. Were they going to give the community's point of view or just the Air Force point of view? He believed that the RAB needed to know.
    - d) He also wanted the RAB to take up the beryllium issue in building 1420. The newspaper has given considerable coverage to this issue. He pointed to Mr. Sam Sanchez and said that the board and the Metropolitan Health District need to do something. He stated that the RAB had enough experience to make a recommendation to someone as to what can be done.
  - 2. George Rice asked if the Air Force will answer the questions that people have asked, or provide responses to the issues that people raised here.
    - a) Ms. Ximenes stated that the RAB rules were that if they put their questions in writing on the back of the speakers cards a response will be given.
  - 3. Rice asked if the RAB also got the responses that were sent out to the people who raised the issues.
    - a) Copies of the response were included in the Action Items included in the members meeting packages.
  - 4. Ms. Peggy Grybos had a question on the beryllium matter which she wanted put directly into the minutes as: "Was beryllium used in any capacity at all, either as an

original component or part of something else at Kelly AFB, at any time?” “Is there someone here who has that kind of authority who can answer me now or is it a question that is going to be delayed? If it were delayed I would like the answer to that within three to five days.” She also wants the Air Force to make sure that past public questioners had received answers.

5. Ms. Ximenes said that these items were not on the agenda for this meeting, but that she would put them down as items for the next meeting.
6. Mr. Tony Martinez commented that there are so many superfluous items brought up at meetings it hinders topic closure.
7. Ms. Grybos asked if the agenda could include time to discuss current events. Ms. Ximenes pointed out there was that opportunity at the end of meetings.
8. Mr. Quintanilla asked if the Air Force had hired a RAB consultant.
  - a) Mr. Antwine stated that the Air Force has hired not a RAB consultant.

### **III. Membership/Community Chair Election/Select Parliamentarian**

- A. The RAB voted on the slate of RAB members up for reelection for two year terms. All members requesting reelection were approved by a show of hands. (see Attachment 1, section 8)
  1. Mr. Kent Iglesias was voted off the RAB.
- B. The RAB voted Dr. Lené to another term as Community Co-Chair by a show of hands.
- C. The RAB voted Mr. Martinez as the RAB parliamentarian by a show of hands.
- D. Minutes for the October 17, 2000 RAB meeting were reviewed and approved.

### **IV. TAPP review of the Site S-8 CMI Workplan**

- A. Mr. Jeff Neathery, Neathery Environmental Services, presented his final report. He emphasized that the Site S-8 Corrective Measures Implementation (CMI) work plan was reviewed as a “stand alone” document and no other documents were examined. His report should be viewed as a “book report” of the plan. (see Attachment 1, section 4)
- B. He made the following observations/conclusions:
  1. The aquifer modeling assumed the aquifer was confined. He was concerned that the aquifer may be unconfined and suggested modeling that would allow a comparison between an unconfined aquifer and a confined aquifer.
  2. There is no mention of the presence of dense non-aqueous phase liquids (DNAPLs). Testing appeared to be for light non-aqueous phase liquids (LNAPLs).
  3. Water levels appear higher than the well screens. Such a condition could preclude the capture of LNAPLs.
  4. The report states the plumes do not cross the base boundary line, yet there is evidence of contamination in a well at the property line.
  5. The work plan calls for a two-well system to replace the existing 12-well system. Mr. Neathery is concerned the new system will not perform better than the existing system.
- C. Mr. Neathery made the following recommendations:
  1. Re-evaluate data contained in this and prior reports.
  2. Collect more data to assess the possible presence of DNAPLs and the extent of the plume.
  3. Perform more testing and modeling.
  4. Re-evaluate the proposed remedial system based on new data.
- D. Discussions:
  1. Q - Ms. Huerta asked if there may be contaminants that are not showing up in the

wells for which we should be looking. If they find something they keep looking, but if they find nothing they quit looking.

A - Mr. Neathery said yes, but he was just looking at this document. He stated that he might do it differently. However, he doesn't generally look at such a long laundry list of contaminants.

2. Q - Mr. Sanchez asked if the modeling was based on the recent dry cycle.

A - Mr. Neathery stated that the modeling assumed the aquifer was full. That may be true at different times and locations. That is why he suggested they look at different modeling techniques and different assumptions. They may have but it is not in this report.

3. Q - Mr. Martinez asked if there is some formula or baseline so all factors are in a framework.

A - Mr. Neathery responded that this is one of the problems scientists face. It is a dynamic situation. We have to put systems in that work in wet and dry times, and this type of plan may not be optimal in all cases.

4. Q - Mr. Martinez asked if the plan was a matter of cost.

A - Mr. Neathery said the key was to balance how much data is needed and its cost-benefit.

5. Q - Ms. Grybos asked if he was saying the plume may be far beyond what is shown.

A - Mr. Neathery said it may be beyond but not 'far' beyond, but it could be a little further.

6. Q - Ms. Grybos asked if he was saying the data was incomplete.

A - Mr. Neathery responded yes but asked everyone to remember he was only looking at his report and that there may be other reports that addresses those issues.

7. Q - Mr. Sam Murrah asked about hitting the paleochannels and his concern about finding them during a drought.

A - Mr. Neathery said that is why he recommended more electromagnetic surveying. The good news is that during a drought the contaminates don't move much.

Comment - Mr. Mark Weegar said the TNRCC has reviewed this work plan and he asked the Air Force to address several items like the chemicals of concern that have been eliminated, detection levels and the well screens. It is important to understand TNRCC does not rely on modeling. They require the Air Force to submit proof the system is working. If it is not working they require it be fixed or go back to the drawing board for a new approach. The cleanup has to work.

Comment - Mr. Quintanilla agrees with the report and said Mr. Neathery did a good job.

8. Q - Mr. Rice asked if the TNRCC does the same sort of review for interim actions as they do for a report like this one.

A - Mr. Weegar that this action is not necessarily subject to full review. Any release must be addressed. He continued that he knew that the Air Force had voluntarily submitted and briefed the TNRCC and the TRS on their actions.

9. Q - Mr. Martinez asked TNRCC if the approval process was done in phases or at the end.

A - Mr. Weegar explained that they approve a general remedy and then the nuts and bolts. Through annual reports we track if a remedy is working as advertised. It really doesn't make sense to design a system that won't work.

E. Dr. Lené asked the RAB members to mark the evaluation sheet for this report by Mr.

Neathery and turn them in at the end of the meeting.

## **V. Environmental Justice Presentation**

A. Ms. Khanna Johnson, USEPA Environmental Justice (EJ) Team Region VI, presented a primer in environmental justice. She emphasized that EJ was the fair treatment of all races, incomes and cultures with respect to the development, implantation and enforcement of environmental laws, regulations, and policies. Further, no group should shoulder a disproportionate share of negative environmental impacts. She also encouraged stakeholders to get involved in a variety of activities and apply for grants. (see Attachment 1, section 5)

### **B. Discussion:**

1. Q - Mr. Quintanilla asked who to complain to if the Air Force doesn't comply.  
A - Ms. Johnson said he had the option of filing a Title VI complaint with the USEPA.
  2. Q - Mr. Quintanilla stated that they had done that over a year ago and they had not heard from them to date.  
A - Ms. Sherri Brown-Wilson, USEPA attorney, responded that the complaint is still under investigation. They expect a response to a request for clarification requested in September of 1999 which stated that some of the allegations be clarified. They have a 3 year backlog. She stated that each agency has their own civil rights office and if you have a complaint with an agency you take your complaint to that agency's civil rights office.
  3. Q - Mr. Quintanilla asked what the record of findings is on their complaints.  
A - Ms. Brown-Wilson said that out of 6 allegations referred to USEPA, one allegation was accepted, 2 were rejected, and 3 required clarification.
  4. Q - Ms. Huerta asked if by equality it means everyone gets exposed equally.  
A - Ms. Brown said that is what some people have said. What they are saying is that everyone should be protected equally. They rely heavily on ATSDR and some time they don't know until decades later there is a problem.
  5. Q - Ms. Grybos asked if the Executive Order has any teeth for enforcement.  
A - Ms. Brown-Wilson replied that the executive orders themselves don't have any enforcement powers. However, enforcement is built into the regulations to protect people equally.
  6. Q - Ms. Grybos asked if she could give an example of where they have had some success.  
A - Ms. Brown-Wilson is working in a community in Louisiana to resolve permitting problems and to help educate and communicate.
  7. Q - Mr. Quintanilla asked how many grants have gone to Hispanic community groups. He said that his group has applied twice and has not gotten a grant.  
A - Ms. Brown-Wilson said that she did not have the information with her. She also stated that the USEPA is offering training in writing the grant proposals.
- Comment - Ms. Dominga Adames said we have been through this before, "I don't want to know there is a grant. I want to know who is looking after us, protecting us."

A ten minute break was taken at 8:25 p.m.

## **VI. Farewells**

- A. Mr. Antwine thanked Mr. Pat McCullough, former installation Co-Chair, for his efforts on the RAB's behalf. He announced that Mr. McCullough had taken a position with the Brooks AFB City-Base program. The RAB wished him well.
- B. Mr. Antwine announced that Mr. Dick Walters, Kelly AFB Environmental Public Affairs, had retired. He then presented Mr. Walters with a certificate of appreciation.

## **VII. TAPP Review – Shallow Groundwater Report**

- A. Mr. Mark Hemingway, Geomatrix Consultants Incorporated, presented his draft report. He emphasized that the report was reviewed as a “stand alone” document and none of the network of supporting documents was examined. He reviewed the conclusions offered by the MitreTek report. (see Attachment 1, section 6)
- B. He made the following personal observations/conclusions:
  - 1. More investigation is needed to examine undiscovered contamination sources, plume migration and groundwater flow channels.
  - 2. More data is required to confirm off-site sources.
  - 3. Even if off-sites sources are present, the Air Force should, at a minimum, retain shared responsibility to investigate off-site plumes.
- C. Mr. Hemingway sited several differences he had with the report:
  - 1. The nature of the shallow groundwater does not preclude its potential use. The water meets state regulatory standards for potential use. It also largely meets Federal standards.
  - 2. Although the distribution of contamination may support the presence of off-base sources for the contamination north of the base the evidence is not conclusive.
  - 3. No off-base plumes could be attributed solely to off-base sources.
  - 4. The Air Force should continue investigating in the area.
- D. Discussion:
  - 1. Q - Mr. Paul Person asked if Mr. Hemmingway was saying that Kelly AFB was not taking responsibility for the plumes?  
A - Mr. Hemmingway said that the plume can be divided up into sections. A third appears to come from someone else.
  - 2. Q - Mr. Person said a third of the plume is on Union Pacific Railroad property and asked if the report was saying the Air Force was not responsible for that?  
A - Mr. Hemmingway said that the dividing line is more or less through the middle of the railroad property.
  - 3. Q - Mr. Mark Puffer asked why they would bring it up if there is not enough data to prove other off-base sources.  
A - Ms. Huerta replied that it was because the community couldn't wait.
  - 4. Q - Ms. Grybos asked, if all parties are assigned part of the liability for the cleanup and who determines who is going to pay?  
A - Mr. Hemmingway responded that that is a matter for the law he couldn't answer.  
A - Mr. Weegar said that TNRCC had looked at the MitreTek report. Although they had not commented on it they share many of the same comments as Mr. Hemmingway. As far as responsibility, they have the Air Force to do some more testing and research on land ownership. Until they are presented compelling information to the contrary they believe the groundwater contamination is the responsibility of the Air Force . If it is a shared cleanup it will be the Air Force's responsibility to seek cost recovery from other parties.

Comment - Mr. Murrah stated that he understood the one responsible was the one who had the money.

5. Q - Mr. Martinez asked if any other agency was looking at this.

A - Mr. Hemmingway said yes but only as it regards the usability of the water.

6. Q - Mr. Quintanilla asked if the Air Force would provide written responses to both TAPP reports.

A - Mr. Antwine said they would.

Comment - Mr. Quintanilla said he thought Mr. Hemmingway had done what the RAB had asked him to do.

Comment - Mr. Weegar added that the TNRCC believes that the shallow groundwater is a usable aquifer. The agreement the Air Force has with the state is that it will be cleaned to drinking water standards.

### **VIII. Technical Review Subcommittee (TRS)**

A. Dr. Lené reported that there were two TRS meetings that featured the TAPP reports presented tonight. Also presented were the highlights of the Zone 4 RFI and a report on the relative risk of the low level radioactive wastes sites. They also received the results from data from sampling of the new off-base wells and the status of Zones 2 and 3. The Committee also looked at the list of potential TAPP projects for 2001 (see Attachment 1, section 9).

### **IX. Relative Risk Recommendation and Vote**

A. Dr. Lené reported the TRS recommended that ratings as presented by the Air Force during the last two meetings be accepted.

B. The RAB members voted and accepted the TRS recommendation.

### **X. Area 1592 Project Update**

A. Ms. Vanessa Musgrave, AFBCA, presented an update of the work conducted at the Area 1592 fuel tank farm. She stated briefed that the two above ground fuel tanks had been dismantled and the contractor was starting to break up the concrete containment wall. Air Force contractors are doing soil sampling to ensure the area is cleaned up to standards. Eight inches of topsoil will be added, grading and seeding the area will be accomplished to return it to a natural state. The project should be completed in February or March.

1. Ms. Musgrave reported an extensive effort had been made to ensure the community was well informed about the area 1592 project. The community outreach to date included three community bulletins (fourth one due shortly), personal visits by staffers to area neighbors, tours, media coverage and a 24/7 hotline.

### **XI. Citizens Comment Time**

A. Mr. Chavel Lopez, Southwest Public Workers Union, alleged that there was no environmental justice as long as the Department of Defense(DOD)was exempt from certain environmental laws through sovereign immunity. He continued that the laws DOD is subject to are not enforced. He filed the Title VI complaint in April of 1999 as an organizing tool, because he knew EPA was back logged. No Title VI complaints have been resolved in the complainant's favor. He also said there is no environmental justice because ATSDR is a federal agency and has never found any community that has been contaminated. Also, this effected community has no one on the Base Conversion Team (BCT) where the real decisions are made. They only sit on advisory boards. They want to sit at the table where the real decisions are made.

B. Discussion:

1. Q - Mr. Quintanilla asked when the community stakeholders would be allowed on the BCT. He added that the issue was part of the Title VI complaint.

A - Mr. Antwine responded that he could expect an answer to that when the complaint is answered.

Comment - Mr. Quintanilla said that the (Title VI) complaint hasn't been answered and perhaps they would have to file a suit.

## XII. Meeting Wrap Up

A. Potential agenda items:

1. Discussion about the St. Louis stakeholders meeting.
2. Why ATSDR did not have the fuel misting information.
3. The content of the City Council presentation.
4. Information on the use of beryllium in Building 1420.
5. Progress that the Bexar County Appraisal District has made in resolving the issues involving the base closure.
6. Update on privatization of the cleanup.
7. The status of the water flowing northeast of Kelly AFB as depicted by the website flow chart Mr. Názirite Pérez provided several months ago.

B. Ms. Huerta encouraged community members to step up and fill RAB vacancies.

C. Ms. Grybos asked Mr. Sanchez if there was any progress on long-term health studies.

1. Mr. Sanchez reported there is a health issue working group being assembled. They will be looking at a case mortality study of the Kelly AFB workers going back at least 20 years to look at all causes of death. SAMHD is continuing environmental health screening clinics in the community on the weekends and have appointments schedule through April. About 118 people have been through the screenings and they expect to complete 400 to 500 by late May. We are looking at conducting more training for doctors.

Comment - Ms. Grybos said she talked to her doctor and he told her he had seen a lot of unusual cancers of the liver and esophagus. She will provide his name later.

D. Mr. Martinez asked if the RAB must comply with the Texas Open Meeting Act.

1. Mr. Antwine said "No we are not under the states' Open Meeting Act, but the RAB does try to work under the spirit of the act."

E. Mr. Quintanilla asked if any cleanup method decision had been made on Zone 4 and was this what was being presented to the City Council.

1. Mr. Antwine said no decision had been made and the presentation to the City Council was about the options for cleanup, property values and health. These are all things that the RAB has heard before.

F. Action Items for the next RAB meeting:

Item #	Description	Requestor
1	Can we have an EPA Environmental Justice Workshop and when can it be scheduled?	Ms. Huerta
2	Do we have a 'Confidence Index' for reports and if you do what is it?	Ms. Huerta
3	Report on beryllium use at Kelly AFB per recent newspaper articles. Are the reports true and what is being done?	Ms. Grybos
4	Can we have a list of contaminants that are currently known to be a lot (200x) higher than	Ms. Huerta

	EPA allows, by site?	
5	Can the public participate at BCT meetings?	Mr. Rice Mr. Quintanilla
6	Can you produce new 11x17 maps of plume, as you know it today?	Mr. Ryan
7	Develop a procedure for dealing with items not on agenda.	Ms. Grybos
8	Is AF using low flow sampling?	Mr. Rice
9	What is the status of the fuel misting report due ATSDR?	Mr. Quintanilla
10	Did BCA hire a new RAB consultant?	Mr. Quintanilla

## **Motions/Resolutions**

### **Motions**

1. Motion was made to remove Mr. Kent Iglesias from the board due to a lack of attendance.
  - Passed by a majority.
2. Motion was made to elect Dr. Gene Lené as Community Co-Chair.
  - Passed by a majority.
3. Motion was made to elect Mr. Tony Martinez to the post of RAB parliamentarian.
  - Passed by a majority.
4. Motion was made to approve the minutes for the Oct 17, 2000 RAB meeting.
  - Passed unanimously.
5. Motion was made to approve Air Force Relative Risk Recommendation on low-level radioactive waste sites.
  - Passed unanimously.

### Attachments (\*Provided at the meeting to all RAB members)

1. \*Meeting Materials Package
2. Mr. Genaro Rendon's remarks