

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

US ARMY CORPS OF ENGINEERS  
FORT WORTH DISTRICT  
PUBLIC MEETING  
FIVE POINTS OUTLYING FIELD  
MANSFIELD SUMMIT HIGH SCHOOL  
May 13, 2003

**U.S. Army Corps of Engineers**

Fort Worth District

**Brian J. Condike**

Project Manager  
CESWF-PM-J

PO Box 17300 (819 Taylor Street)  
Fort Worth, Texas 76102-0300  
Voice: (817) 886-1482  
Fax: (817) 886-6443  
Cell: (817) 271-3144  
Brian.J.Condike@swf.usace.army.mil



2

1 P R O C E E D I N G S

2 MS. LAGUERUELA: Good evening, ladies and  
3 gentlemen. I would like to thank you for coming tonight. I  
4 think I hear a phone ringing. That was one of the things that I  
5 was going to ask you to turn off your cells and turn off your  
6 pagers, please.

7 Hi. My name is Earline Lagueruela. And can all of you  
8 hear me? And I'm going to be your facilitator tonight so that  
9 you can gain as much information as you can from this public  
10 meeting.

11 I would like to introduce to you the experts who are  
12 here tonight to share with you their expertise and be able to  
13 discuss any questions you might have. We're going to start with  
14 Brian Condiike who is the program manager.

15 MR. CONDIKE: Good evening. My name is Brian  
16 Condiike, I'm the project manager for the Army Corps of Engineers  
17 and with me tonight I have a several people who are going to  
18 stand up and introduce themselves one at a time.

19 MR. BURCHMAN: Jason Burchman, Army Corps of  
20 Engineers, Huntsville, Alabama, one of the project engineers.

21 MR. KIRWAN: My name is Eric Kirwan, I'm with the  
22 Fort Worth District and the geophysicist for the DOE.

23 MR. BOHANAN: Hi. My name is Tim Bohanan. I'm  
24 the ordnance explosive and safety specialist from the Fort Worth  
25 District here in Fort Worth.

1 MR. RIVES: My name is Shannon Rives, I'm with  
2 Malcom Pirnie, who is the consultants who did the soil  
3 investigation out here and I'm the project manager for the soil  
4 investigation.

5 MR. MANTLE: My name is Mike Mantle, I'm also with  
6 Malcom Pirnie, project engineer on this particular project and I  
7 was present for the soil sampling.

8 MR. KENNY: I'm Christopher Kenny, I'm also with  
9 Malcom Pirnie. I'm listed as the project geologist and field  
10 supervisor for the sampling.

11 MS. MORGAN: I'm Madeline Morgan, Corps of  
12 Engineers safety and (inaudible).

13 MR. McCLENDON: Hi. My name is Dan McClendon.  
14 I'm the ordnance explosive safety specialist out of the safety  
15 office in Fort Worth.

16 MR. WILLIAMS: My name is Greg Williams and I'm  
17 project chemist with the Corps of Engineers and I'm with the  
18 Tulsa District.

19 MR. NIEBUHR: Hi. My name is Randy Niebuhr, I  
20 chief of the investigations section in the Fort Worth District,  
21 I'm the technical manager for the soil sampling.

22 MS. HOLT: I'm Jane Holt, I'm the attorney with  
23 the United States Army Corps of Engineers here in For Worth.

24 MR. TOLEN: I'm Fred Tolen with Zapata Engineering  
25 and our company is in charge of preparing the EECA document and

4

it's the engineering evaluation cost analyst.

DR. NELSON: I'm Michael Nelson. I'm with the Texas Commission On Environmental Quality in Austin, Texas, and I'm the project manager for the state.

MR. SEWELL: My number is Tim Sewell and I'm with the Texas Commission On Environmental Quality Region 4 office here in Fort Worth. I'm the regional DOD investigator.

MR. RICK: My name is Rick with the Corps of Engineers. I'm here to help you with whatever arises on your property, answer your questions.

MS. LAGUERUELA: Thank you all for introducing yourself. There is some blank cards that we have at the sign-in table. I'm going to ask you to bring some down here in case people have questions and they want to write them down, we can have it on the table right behind the microphone.

If you would like to ask any questions and you would like to put them down on a card, we would be happy answer any questions whether it's using the microphone or not. And so that's right behind the mike, I'm putting some blank cards so anyone can use it.

We're going to be talking about the soil sampling results and the accommodations for future action. And Brian Condike, who is the project manager, is going to do about a 30-minute presentation. It goes by pretty fast, but it's really good. After the presentation, if you can hold your questions

1 until after he finishes, it's only about 20 to 30 minutes, then  
2 we'll be happy to work with you and answer any questions you  
3 might have. The cafeteria closes at 9:30, so the meeting will  
4 officially close at 9:00 and then we'll have the experts  
5 available throughout the room so that anyone of you who has a  
6 specific question can come up to one of the experts and ask  
7 them. If you have a specific concern about your home or your  
8 residence or anything in particular, we're going to be here to  
9 answer your questions.

10 For the questions and answers there's two ways to do  
11 it. One is you can hand the cards to Bob, who is taking my  
12 picture right now. Wave, Bob, so they know who you are. You  
13 can give it to Bob or you can come up to the microphone when we  
14 start questions and answers. And just because to give people a  
15 chance, if you can limit it to one or two questions when you  
16 start asking questions, that will be helpful, that will give  
17 people a chance to get another question in. And then if you  
18 want to ask us again, go back through the line and cue up again,  
19 we'll be happy to answer your questions.

20 We already turned off all the cell phones and so I  
21 would like to start the meeting by introducing Brian Condiike,  
22 who is the project manager, and he's going to take us through  
23 exciting information that we have to share with you tonight.  
24 Brian.

25 MR. CONDIKE: Thank you, Earline. Welcome, thanks

for coming out tonight. I know there are other things you had rather be doing, watching the Mavericks play in the playoffs.

I would like to talk a little bit about we're going to have expectations for this evening, things we will talk about. We'll talk about the results of the soil sampling and testing that we conducted last November. We'll talk about the ordnance investigation report, there is a final draft form, which we published about a week ago. And we're going to talk a little bit about community involvement. Many of you may have been to previous publishing know these are the topics we don't want to discuss. One of the things is having to do with real estate values. Other is any obligations the seller may or may not have had when you bought your property and also lawsuits that may be going on. These are not things that we can help you with. So we're going to limit our discussions to the technical matters dealing with ordnance.

A brief history for those of you who may not be familiar. This 162-acre site was purchased by the Navy in 1940 and it was used as a practice landing strip out of the Dallas Naval Air Station. And sometime in the mid '40s it was also used for a practice bombing site. In 1954 the Army did conduct surface clearance, which means they walked over the surface of the property and picked up any ordnance that may be lying on the surface.

In 1956 the General Services Administration did

transfer the property to private interests. At that time and for many years after that it was used for agricultural purposes until the early 1980s when 35 acres was developed as the Twin Parks Estates mobile home park. In the late 1990s the remaining property was starting to develop as the Southridge Hills subdivision.

There were three types of ordnance used on the site. First was the M-47 chemical bomb. This was a practice type, most of time it was filled with water or sometimes it may have been filled with white phosphorous, which is the smoking agent. We also -- another type of ordnance on the site was a small MK-23 practice bomb. It's about eight inches long. It had a small charge of black (inaudible). And the last type is a M38-A2 practice bomb. That was typically filled with sand, rust or water. And it also had a small black powder. This is a photo of the MK-23 practice bomb. It's mostly solid metal. It does have a hole in the nose that goes all the way through the to the tail. This is a fountain pen so I can show you the relative size.

Things we've done since the last time we had a public meeting, which was October 30 last year, we completed our soil investigation, collected samples and did some chemical testing. We had a neighborhood open house last evening and today here today we're here for the those people who participated in this investigation. We also produced the final ordnance

investigation report, which was also known as the (inaudible). We've updated our web site, which is available to everybody. We've updated information depository at the Arlington library. We did extensive advertizing for this public meeting to try to encourage people to attend to learn more. And we answered a variety of questions for the residence and the media.

We did develop a soil sample strategy, this was last June, in our technical plan workshop. This is in conjunction with the Texas Commission On Environmental Quality, TCEQ, previously known as the TNRCC. Basically the strategy behind this whole technical plan was to look at those areas on site that most likely to have been contaminated, had there be any kind of contamination of this site from its use as a practice bombing area. So we looked at the central target area where the bombs would have most likely hit, we looked at the storm drainage areas where there was rainfall contamination that might have been on the site where water had runoff. And we looked at the top two feet of base soil.

There were a couple of additional parts to our sampling strategy that the state had recommended we do. One was we selected some lots where the residents had voiced some health issues and we did additional sampling just to make sure we were covering all bases. Because of some of historical reports some ordnance was found at deeper depths than two feet, we also took some soil samples between five and six feet.

This is a map of the site. All these blue and red dots represent our original sampling where we originally planned to collect samples. These yellow lines are the historical drainage areas. We see the dots across it where it drains across the central target area. We collected 132 samples at 132 locations, which was more than we originally planned 117. 132 of them we collected the shallow samples, 12 at five and six feet, a total of 144 samples. We conducted almost 600 chemical tests for zinc and lead, trace explosives and white phosphorus.

This is a photograph of the sampling equipment that we used on site. You may have seen it in the neighborhood. It's a little machine that's pushed into the soil. This was a photograph of one the soil tubes. See how the soil has different colors. This is the grass at the top. This light colored material here is what we're calling foreign soil, they used that as grading material. This darker soil is what we call native soil. That was soil that was here back in the 1940s when the Navy used it as a target range. So we collected soil samples for chemical analysis. This is the soil we tested.

SPEAKER: Is that a five-foot tube or is that a two-foot tube?

MR. CONDIKE: Three foot long. That's a three foot long tube. We would keep going down deeper in several sections if we had to go deeper.

This is an aerial photo, September 2000. And the blue

dots are our actual sample locations. This is where we actually collected samples of the 144. These are the locations where, as I said, we took 12 deep samples and those are the locations where we took the 12 deep samples. Those are the homes where the residents had identified potential health issues.

The results of our testing showed that zinc and lead were below the average levels expected for Texas soil. TCEQ publishes values for these substances. These naturally occurring substances which occur in all soils, it's just a question of how much we expect to find, so in Texas we expect to find certain amounts. And the soils that we tested, they were below those levels.

White phosphorous is a substance which is not naturally occurring and would only be there if man were there. We did find some of that. One out of every eight samples, a total of eighteen out of 144, but we found it in only very low, safe levels. And we detected no explosive residues in any of the samples.

This is a graph that shows the average for the Five Point samples of 29 parts per million and the average quoted by TCEQ was 30, so our average is below the state average. So we're pretty convinced there was no contamination.

The other graph puts this kind of in prospective. This is the Five Point's average, the state average. This is the amount way up here, 900 parts per million, which is what the

1 state allows for residential soil. So all our values were at  
2 least a hundred times less than what the state allows for  
3 residential neighborhoods.

4 So lead is a similar story, Five Points average is less  
5 than 15 parts per million. And, again, the average for the Five  
6 Points site is right below what the state allows for residential  
7 soil. It was 20 times less than what the state allows.

8 White phosphorus, what we showed you is the highest  
9 value in any of our samples, 2.5 parts per million. That's 200  
10 times below what the state allows for white phosphorus. So we  
11 did find a little what phosphorus, but it's a very safe, low  
12 level.

13 The ordnance report, it makes one recommendation,  
14 recommends removing all the ordnance possible with the best  
15 available technology, something called clearance to depth,  
16 removing the ordnance down to the deepest depth that our  
17 technology allows us.

18 We will only be clearing the open areas, the areas with  
19 dirt and grass. We leave the ordnance under the pavement and  
20 slabs and asphalt. The cost for doing this will be between a  
21 half a million and a million dollars. We will start this  
22 removal in late summer, we're estimating in August or September  
23 of this year, and the removal actually could take several months  
24 to complete. We're not exactly sure because of homes involved.

25 This draft ordnance report is only in a draft form,

it's not finalized. It is available for public review or comment until 1 July 2003. You can look at it on the web site or maybe visit and see it at the Arlington Central Library.

This is some of the equipment that we might use. The technology is very complex and depending on the manufacturer it comes in different forms. This gentleman is carrying the sensing device and the person behind him has a portable backpack computer. This young lady has all the sensing devices and satellite positioning system. Here's another form where the equipment is on a cart.

What we mean by community involvement is that we don't have a project, we can't do anything, we can't help you clean the ordnance from your neighborhood unless the property owner's and the residents allow us access to the land. We don't own the land, it all belongs to y'all. And if you want us to help do this, we need this permission, which is called a right of entry form. And we have them back here, you can sign up if you're interested or you can take them home and look at them.

Another impact upon people is that when we can go out there with our electronic equipment and map the area electronically and figure out where we think these various items are, if we can do that, everybody can stay in their homes while we're doing that. But when we actually start digging up the dirt, trying to determine what this underground buried items are, people can't be within 200 feet. This is a minimum safety

1 distance that the Department of Defense establishes for any type  
2 of digging up high explosive ordnance, so this is going to be  
3 considerable inconvenience. If you are asked to leave -- most  
4 people won't be home any way, we'll be working during the day.  
5 For those people who are at home and need some place to go,  
6 we'll provide hotel rooms. Technically you'll only need to be  
7 gone during the daytime hours. If you want do stay overnight in  
8 the motel, we'll pay for it. We will reimburse you for any  
9 meals that you may to have away from home.

10 We'll be giving you advance notice of when this is  
11 going to happen. We'll be working with you very closely so  
12 you're not surprised. We will address that when we need to. If  
13 you have an elderly person who needs an ambulance or  
14 transportation, we'll provide that. If we have an unfriendly  
15 pet in the backyard who needs to be input in a kennel, we will  
16 pay for that. There are special situations. We know there is  
17 an awful lot of people that live in this neighborhood. So we do  
18 everything we can to make this easy on you.

19 Give you some idea on the 200 safety zone that will  
20 impact you. The one over here is part of the neighborhood, the  
21 200 foot radius, which means this is 400 feet across. This is  
22 part the roof tops that are affected and this is another area  
23 There are as many as two dozen homes affected there. We're  
24 working just on the backyard in this house right here. All the  
25 people in those homes can't be there while we're digging up

items in the backyard.

Now, in a different area, for instance, the mobile home park, they are more closely spaced together, there are as many as 20 homes affected in that circle.

Now, we go back, this circle right here is the home we're working on and we imagine that when we finish with that home and we move two homes over and we start working on this yard, you can see the original yard, although we're done with it, it's still affected within a 200 foot radius of this house, so these people still can't be there, so this house is still affected. And so if we bring this to a ridiculous conclusion, you can see how we skipped every other house and show you which house is being worked on. If we tried to work on all those home the same day, nine lots there cleared, you see we no longer have a circle, we have an oval value area where we have asked all those people in those homes to leave that day in the row of 40 homes. You can see difficult it's going to be to try to get all these folks to the leave at the same time. So if y'all want us to do this work, you really got to work together and talk to one another, convince your neighbor that you want your house done and they should cooperate with us and leave or not be there and so when we to get their yard, you'll leave and vice versa. I think we can do this if we all work together.

This is just another shot of materials and eighteen lots across the street.

So the impacts are -- the big one, the best one is it reduces or eliminates the ordnance risk. We want to remove any of and all of these bombs that we find. The U.S mail, we can't stop that. So, although we may block off the road and not -- prevent the casual traffic to go down the street when we're working on your houses, you'll still get your mail. You'll still get delivery if you have a UPS or FedEx package. What that means, those that are qualified by the Department of Defense even I can't stop. I'm in charge of it and I'm paying for it, but I'm not qualified to (inaudible). Other services will continue to pick up, pick up the trash, if they come to read your electric meter or whatever it is (inaudible). The downside is you can't come back to your house for lunch that day. We ask that you leave home and stay away from your house. We'll have temporary road closures. We going to ask for assistance from the local police department for that and we're going to be disturbing your lawn and your flowerbeds. We're not going to brining in any restorations or backhoes. Anything we disturb in your landscape, we will replace it back to your satisfaction so you're happy.

We talked a little bit about the permission forms, they're called right of entry forms. They are in the back, the ones available for you to fill out and sign, you can take them home and look at them, stick them in an envelope and mail it back to us. We'll be mailing forms to these landowners as soon

as we finish getting the list from the appraisal district. They are for a term of one year. That's just a nominal figure, it doesn't mean we're going to be in your yard every day for a year. We're probably going to be in your yard for a few days at a most. The whole point behind that is if something happens and we get slowed down by weather or something like that it give us a little flexibility.

This program is entirely voluntary. If for some reason you absolutely, positively don't want us in your yard, we won't come to you. That's up to you. The neighbors are not going to be happy, but it's your land. If you don't want us in there, we won't force ourselves on.

We're flexible as far as coordination. The Defense Department requirements is if there's some particular reason why you absolutely, positively don't want us to do this a particular day or you want to be home when we're doing the mapping or something, we'll work with you. If you want to know exactly when we're there, we'll call you.

We're just going to be looking at the exterior, just the outside property, we're not going in the house or in the garage or that sort of thing. You can retract this, it's not a contract that you're bound to. Any time you don't like us, you change your mind for some reason, you sell your home, it doesn't matter, we just walk away. Just say, no, I know I signed a right of entry, but I don't want you. As I said earlier, any

1 incidental damages will be repaired to your satisfaction.

2 The technical part of the planning group that met last  
3 year, these are the folks that were there. They came up with  
4 this goal. This is what they wanted the project solution to  
5 achieve. We hope and we think we're done with all the work to  
6 be done. The soil sampling and testing demonstrate there is no  
7 contamination from bombing activity. And with the ordnance  
8 clearance is that we hope we're going to make the community both  
9 feel safe and be safe. And that's the whole point, it's all for  
10 your benefit.

11 When we're done, close out the site, we'll use the best  
12 technology available at the time, but this is a long term  
13 commitment by the government. If during our periodic reviews,  
14 which we do every five years, we look at the site and we look at  
15 (inaudible), and if new technologies come along that might do a  
16 better job, we come back, we may have missed something, we use  
17 this new technology. We're here now to do the work. So if  
18 somebody says at this point while we're here I don't want you on  
19 my land, two or years later you say, well, I changed my mind, I  
20 want you to come back, we're probably not going to do that,  
21 you'll have to wait for five years. This is a golden  
22 opportunity for everyone. There is the possibility that we  
23 might miss something because of this technology is not always  
24 the best around, it's not perfect. We can get interference from  
25 power cables or some other objects.

There will be a public education component. We'll work with the local public school system, make sure the children know what they should do if they come across something that's suspicious and (inaudible) for the local police department.

We have a safety message here that if anybody comes across one of these items, they're not to touch it, pick it up or bring it home or bring it to the police. Just record the location, call 911, tell them what you found and they'll come out and take care of it

You're very patient. Thank you. I'm done talking.

MS. LAGUERUELA: Okay. Now we're open for question and answers. For those of you who would like to use our microphone, please come up to the microphone. If you would like your name recorded because this is going to be in the minutes and it's going to be in the web site, please state your name if you don't want to say your name, that's okay too. So we're open for questions and answers.

MS. WILLIAMS: Hi. I'm Donna Truett Williams. Could you go back to the lead slide?

MR. CONDIKE: Which one, the one with the graphs you mean?

MS. WILLIAMS: The one with the graphs.

MR. CONDIKE: This one or the next one?

MS. WILLIAMS: I don't know if you're aware of that that you're saying the Five Point average was 13 parts per

1 million, but on the slide it has it as if it's 31 parts per  
2 million.

3 MR. CONDIKE: Let me explain that. I was advised  
4 no to try to explain my chart, which I'm very proud of. But  
5 let's see. These numbers that are on the top of each column  
6 represent the number of samples that had that particular  
7 concentration. Here's the concentration down here is 13. This  
8 is just a distribution or call it a bell curve. Remember that  
9 from your scale in your map test scores, that kind of sketch.

10 MS. WILLIAMS: Thank you.

11 MR. CONDIKE: Yes, sir.

12 MR. PRICE: I'm Roger Price. I just had a  
13 question about why this was done before KB was actually given  
14 authority to start building the homes? I can't see them  
15 authorizing to build on the property without even testing it  
16 first.

17 MR. CONDIKE: When the government transfers the  
18 property to private interests, we don't have any control over  
19 what people do. When we sell a piece of land, we don't tell  
20 people what they can or cannot do with it. We don't have any  
21 regulatory control. That's up to other people. That's the best  
22 answer. Michael, can you answer that? Michael Nelson with  
23 the TCEQ.

24 MR. NELSON: Let me have some clarification. If I  
25 recall from reading some of the background material on the site,

there was a statement in the deed which identified what the site had been used for and recommendation that that site take that into account, that there still could be live ordnance. But, again, as he stated, once this is transferred from the government and it becomes a private ownership, then the government no longer has control over what's done. And as far as I know from our standpoint, nothing is triggered as far as TCEQ is concerned unless there is a quote release, which to our knowledge there was no release when the Corps went in to look, we started.

MR. CONDIKE: Jane, do you want to say something?

MS. HOLT: I think I need to get clarification from you about who you are expecting -- who you were expecting to intercede. If you were expecting the Department of the Army or the Department of the Navy, the Department of Defense, the original owner, to intercede, what they've told you so far is correct. Once the property was sold we ceased any connection with control of how that property was used. And, as it has been properly represented here, that in the deed of conveyance, on the face of the deed the government identified how the property had been used before, you know. So that's notice to any future subsequent buyers that that property has previously been used that way.

MR. PRICE: (Inaudible)

MS. HOLT: Well, this property was conveyed in

1956, before I was born, so, before most of the people in this room were born. At that time the requirements of what the government did and the environmental laws and statutes and regulations were different than they are now so. They did a surface clearance, they walked -- the military walked the lot, the 162 acres, and anything that they saw they picked up removed and that's all they were required to do at the time.

MS. LAGUERUELA: Next question?

MR. HUDDLE: My name is (inaudible) Huddle. You said you found safe amounts of white phosphorus in the soil samples. Now, number one is how deep did you find it? And number two I dig in the flowerbed and get that stuff on my hand am I going to be injured?

MR. NELSON: Well, when he was talking about safe, of course, there are different concentrations and depending on what the concentration chemical is in it, it may or may not be a potential hazard. I think the highest concentration that was found on the site was two and a half parts per billion, billion not million, which is an incredibly small amount of material. He also showed what is a -- there are default levels that have been calculated by the toxicologists at TCEQ, which are considered safe in soils. Based on -- in this case based on residential, that includes ingestion of soil, ingestion of vegetables that were grown in the soil, air inhalation of the particles, et cetera, so all direct exposure that you might get

1 as a resident. And that number is approximately is 510 parts  
2 per billion, so substantially higher.

3 MR. HUDDLE: But what I'm saying is it safe if I'm  
4 digging there? Because most of us have gardens and what I'm  
5 saying is how deep is it? I planted gallon plants and still ran  
6 into brick that was used on my house. So how deep is this  
7 stuff?

8 MR. NELSON: I don't know what depth this was  
9 found at, but the point, I think, I was trying to make was that  
10 the concentrations that they are finding is way, way, way below  
11 what is acceptable for -- being way below what is going to harm  
12 you if you touch it. Did I answer your question?

13 MR. PRICE: Yes.

14 MR. CONDIKE: You asked a question about how deep  
15 we found it. As I indicated with that picture of a core, we  
16 were looking down in the original soil, the darker soil, we  
17 weren't looking in the topsoil that was brought in. So if  
18 you're in the topsoil, you're not even near it.

19 MR. PRICE: I understand the topsoil, but I know  
20 for a fact that there was a big pile of dirt at my house and  
21 then it was leveled and they started building on it. Now, two  
22 to three foot I think that was there, that was put there. That  
23 was my question. The last time that I know that there was at  
24 least a couple of foot that was a pile of dirt spread out and  
25 then the topsoil on top of that.

1 SPEAKER: Did y'all do carbon dating data to tell  
2 you how old the soil was or what? That's what he's trying to  
3 tell you, he's got brick two feet down, but you're saying that  
4 two feet down is where the original soil is at.

5 MR. CONDIKE: No, that's not what I meant to say.  
6 Let me find that photo to try to -- that's three feet there,  
7 right?

8 MR. PRICE: That's not even on the top.

9 MR. CONDIKE: Now, where we were looking and where  
10 we found white phosphorus is in this area down here. When I say  
11 two feet, I mean starting here and going two feet down, that's  
12 where we were finding it. And remember now, that's the three  
13 foot section.

14 SPEAKER: We're talking about brick and cement  
15 that's two feet underground already.

16 MR. RIVES: And this is an example of a core that  
17 had just a little bit of backfill that was brought in and then  
18 shows the native soil.

19 SPEAKER: How do you know that? Where is the data  
20 that shows that? Where's the data that shows they only put a  
21 foot of backfill on there?

22 MR. RIVES: We had several samples that we went  
23 deeper than two or three feet because the coloration when we  
24 opened up the core we could tell.

25 SPEAKER: All right. And where you took the

samples it could be six feet?

MR. RIVES: And we some borings that we went much deeper than two feet, so we made sure we had --

SPEAKER: How do you make these tests reasonable? They can't be reasonable. They are not reasonable.

MR. CONDIKE: Let me explain one more time. The difference between the soil that was brought in --

SPEAKER: I know what your tests say, but you can't convince me that the backfill is not six feet deep.

MR. CONDIKE: Let me explain once more. We can visually tell how much backfill material we have versus what the native soil was because you can clearly see that the graded material that was brought from somewhere else is a much different color.

SPEAKER: I tell you, come to my house and dig three feet down, four feet down and you'll find cement.

MR. CONDIKE: Can I finish my explanation, please? This is just one example of the 144 cores that we took. In this particular example there might be approximately 6 to 12 inches of backfill material. On some samples we did have to go from 6 feet of fill material that was brought in before we found the native soil. So it varied greatly depending upon where we were. I wasn't trying to imply this was the only amount of backfill we saw, this is just one example. I don't have pictures of the 144 cores. But if you go to the soil sampling report, there is a

29

boring log for each individual core. And if you look it up, and it clearly states where the native fill was and where the graded foreign soil is. It clearly shows you how deep it was. And it varied from point to point. Sometimes up in the mobile home park area there was very little, if any, but down in the Southridge Hills area it varied from two inches to seven feet.

SPEAKER: Well, they got to level the trailer park area out so they can put those trailers in, right?

MS. LAGUERUELA: You've asked more than one or two question, so I'm going to ask you that if you have more questions that you wait until other people ask.

MR. CONDIKE: We'll be happy to talk to you more after the meeting, sir.

SPEAKER: The reason why these people are concerned about this is because when we went to go purchase our lots, our lots were straight, we're on a slope. Okay. So you know that a bunch of dirt was brought in when your driveway to your front door is a three feet difference.

SPEAKER: My neighbor is three feet higher than mine.

MS. LAGUERUELA: The good news is you see all these people lined up, they are experts and we actual have the soil samplings, we actually the soil. If you actually let them come onto your property, they can actually tell you what exactly was on your property. And they have those reports here tonight.

So if you would like to address that one on one, they can actually talk to you about your own backyard. And they'll be happy to do that on an individual basis just so you can feel comfortable, you know, because what's happening at your house is more important than anything else. So we'll be happy to address that. But let's see if we can get some of the general questions answered first. Sir.

SPEAKER: Yes. I was wondering is the entire South Hills area targeted for investigation? Are you looking for entry to residences in the entire Southridge Hills development?

MR. CONDIKE: We're looking for a right of entry into each and every property, not into the building, not into the residence. But, yes, we would like to get into every yard.

SPEAKER: That was kind of my question, too, because on your map, this is part B to his, on your map you show a circle area in which you -- practice was taking place, in which the target practice was, so I didn't see the entire neighborhood under this bomb practice or whatever. A lot of this is over my head. If you guys are sitting here understanding this, that's good, I don't. What I want to really know is is this a retest that you're doing? And what happened the first time? I mean why are you back? In other words, are you back or is this your first time going in to test and having to find something or did you test before and you didn't find

anything and there were complaints and now your back?

MR. CONDIKE: This is the first time that we, the Army Corps of Engineers, have been here to try to address this ordnance problem.

SPEAKER: Why? What brought this on?

MR. CONDIKE: What brought it on here was about two years ago this summer some residents were raking leaves or digging in their backyard and they started turning up these practice bombs, and they started digging them up, and they said what are these. We knew this site was here because the mobile home park had brought in a private contractor and they removed most of the ordnance from that 35 acres, what was left was never touched. So we're here now because it's an issue and we're all concerned and we want to remove it from your concern.

SPEAKER: Why wasn't there concern before?

Because you mentioned that once the property is sold or once you don't have the property any more, then you have nothing to do with it, but yet your back. So I'm not understanding what happened the first time.

MR. CONDIKE: The Navy used the site in the early '40s. The Army came out in early 1954 with a team to pick up any ordnance they saw on the surface of the ground, but they didn't have this sophisticated electronic equipment that you see.

SPEAKER: So they walked and they picked up

1 whatever they saw?

2 MR. CONDIKE: Whatever they saw lying on the  
3 ground or poking up out of the ground, they picked that up.  
4 There is a record of how many they found at what time.

5 SPEAKER: Well, there's a concern and my other  
6 concern, and this might be a silly concern, but who approved a  
7 guest community in this area with all this other stuff going on?  
8 Does that have any bearing at all?

9 MR. CONDIKE: That's not something I have --

10 SPEAKER: I just need to know who to talk to. I  
11 just need to know where to go from here. This is the last  
12 question, I won't ask any more.

13 MR. CONDIKE: The city, I guess. I guess they're  
14 the ones.

15 SPEAKER: Yeah, the city.

16 SPEAKER: Is it reasonably prudent from a safety  
17 standpoint right now to dig a pool or to plant a tree? Now, I  
18 realize that trees go to different depths. Or to dig a garden?  
19 What would you recommend on those three scenarios?

20 MR. CONDIKE: Tim, you want to answer that? Tim  
21 is an ordnance expert.

22 MR. SEWELL: I tell you what I just told my friend  
23 here, it really all depends on who you ask. If you ask a guy  
24 who wants the sell you a pool, yeah, it's fine. If you ask a  
25 safety guy like me, you know --

SPEAKER: I don't want to ask the salesman. I want to know what's safe.

MR. SEWELL: These little Mark 23 practice bombs can be dangerous. If the home were mine, you know -- maybe I shouldn't go there -- but I wouldn't feel unduly threatened to dig in my yard, however I wouldn't go in there with a pick and just start whacking away. If you're digging around the yard, I wouldn't have problem with it. Digging a pool, I really can't answer that. It would depend on where it was in the grand scheme of things, you know, there is just a lot of variables.

SPEAKER: Most of us only have a pick and we're going to whack away.

SPEAKER: I just have a followup to that. They told us that it would be unwise to plant a garden and eat foods from that. Is that still -- at the first meeting they told us it was unwise to dig a garden and have food like vegetables and eat those vegetables. Is that still what you feel would be the safest thing, not to have a vegetable garden? It was one of the chemists. So after the soil test, would you say to go ahead and do that or -- I just want to know if this has changed what you said, I guess, last year.

MR. NELSON: Based on, again, the numbers that they are using for comparison that as you'll notice the numbers that they are comparing to are substantially higher than anything. Those numbers are the number that it's referred to as

1 the total soil combined. And what it has taken into account is  
2 whether you -- it's for residential exposure, direct exposure  
3 either by touching the soil, accidentally ingesting it from your  
4 hands and also includes ingestion of any vegetables that might  
5 have been grown on that soil. So based on what they found in  
6 the -- as far as the environmental release of any compounds,  
7 yes, that's not an issue. Now, there is a separate issue that  
8 they are trying to address, which is intact by ordnance, and  
9 that's a totally separate issue. Make sure that's understood.  
10 But, yes, based on the soil sampling and results of the soil  
11 sampling, that should not be a concern.

12 MS. HOLT: I want to add that we're talking about  
13 where we tested, the test results for where we tested. We did  
14 not test the fill material. Your garden may be in fill  
15 material. So we're not representing that the fill material is  
16 safe. We're also not representing that it's unsafe. We don't  
17 know, we did not test that material. We only tested the insitu  
18 material to the extent that we could determine. And I'm not  
19 sure that that was understood earlier. When we said we were  
20 testing two feet deep or six feet deep, for example, that's not  
21 from the surface, that is once we get to the insitu material two  
22 feet down from there or six feet down from there. So what we  
23 tested was -- what we were trying to test, anyway, was the  
24 material as it existed in the 1940s that the government may have  
25 contaminated and that's what we were testing for. Does that

1 make it clearer?

2 MS. LAGUERUELA: Thank you. Next question.

3 MS. DAVIS: Debby Davis. I want to ask -- I  
4 didn't really understand the process of the removal. My yard  
5 was one that wasn't tested and I'm a single homeowner, so I  
6 don't just get out digging in the ground and turning stuff up.  
7 But I know you said the (inaudible) process. Would I still be  
8 able to get my soil tested and how would you know where the  
9 ordnance is? Will you do every yard?

10 MR. CONDIKE: Everyone that allows us access to  
11 their yard we're going to go in and examine it. We're going to  
12 take our electronic instrumentation and go over every square  
13 inch of their year, front and back, look for underground metal  
14 objects. If there's ordnance, we'll take it out. If you want  
15 to sign up today, we've got the forms in the back.

16 MS. DAVIS: I was going to ask you that. Would  
17 that be indicated in the forms that you're going to mail out?

18 MR. CONDIKE: Yes.

19 MS. DAVIS: And the other thing I want to ask you,  
20 you say they were going to use a process of clearance to depth.  
21 What is that?

22 MR. CONDIKE: It's clearance to depth because  
23 depending on the geology and type of ordnance and whether the  
24 bomb is this way under the soil or this way under the soil, it's  
25 going to affect how deep this electronic instrumentation can

1 see. So clearance to depth means we're going to clear the  
2 ordnance as far down as our instruments can see. And that's  
3 going to vary between -- we estimate between two and four feet  
4 below the surface. We're not really specific because we haven't  
5 taken any instruments out there on the soil in this neighborhood  
6 and actually tried it. What we do is we actually take the  
7 ordnance, we bury it in the soil at different depths and  
8 different orientations and then we take our instruments and we  
9 go over it to see how much we can find. Whichever  
10 instrumentation finds the most ordnance, that's the one we'll  
11 use for your site. When I say we use the best technology  
12 available, that's what that means.

13 MS. CORKLIN: My name is Patrice Corklin. You  
14 said that we would not be able to be in our homes or we had to  
15 be 200 feet away when you come and do your removal and that  
16 people around us would also have to be away from their homes.  
17 Whose responsibility is that to make sure that that happens? I  
18 give you -- I'm hoping that it is yours because I'll give you an  
19 example. My home is at 7018 Calgary Lane. The houses behind me  
20 were built after all of this came about. Those people were  
21 informed of what was there, I was not. They don't have the same  
22 vested interest in making sure that their kids are safe because  
23 they were aware, I wasn't. So how are you going to make sure  
24 that those people -- that when I sign up to have my house, you  
25 the know, dug up, my land dug up, how are you going to make sure

1 that 40 people around me are also going to allow me the right to  
2 make sure that my son is safe?

3 MR. CONDIKE: I would tell you quite frankly it's  
4 going to be one of the more challenging tasks we've ever  
5 attempted. It's very complicated and very complex. We're going  
6 to do everything in our power to convince everyone to cooperate  
7 and leave their homes when the time comes. If someone refuses  
8 to leave their home, we'll wait them out, the next day they got  
9 to go out and go shopping or something. Literally, this is what  
10 we do in other neighborhoods where most people are very  
11 cooperative and considerate of their neighbors and they know  
12 what their concerns are, maybe they don't care about their  
13 backyard, but they care about your concerns and they leave. Or  
14 they leave anyway because they go to work, they go to school.  
15 We work around it. We try real hard. And it is our  
16 responsibility to make sure this happens. We would appreciate  
17 any help you can provide us.

18 MS. CORKLIN: I do have one additional question.  
19 Are you going to hold KB Homes accountable for also making sure  
20 this happens?

21 MR. CONDIKE: I don't understand.

22 MS. CORKLIN: Well, they are the ones that sold  
23 this property under conditions we were not aware. So are you  
24 going to hold them also responsible for making sure that  
25 everyone who is in their subdivision understands and comprehends

1 that this is a necessity and that they need to comply?

2 MR. CONDIKE: This is really our responsibility to  
3 communicate to the residents, it's really not their  
4 responsibility, because we, the government, caused the problem  
5 in terms of it's our ordnance, we left it there.

6 MS. CORKLIN: You may have caused the problem, but  
7 they exacerbated it.

8 MR. CONDIKE: That's not something I can address.

9 MS. LAGUERUELA: Any other questions from the  
10 crowd? Yes, sir. Can you step up to the mike, so we can hear  
11 you?

12 SPEAKER: Okay. You just said just now that it's  
13 your problem, but while ago you said that -- that once you sold  
14 the land you were out of the picture. And I go back to the  
15 question the lady said. Why are all back? Why is KB not  
16 responsible for this? Where is the half million and million  
17 dollars coming from to do this, our tax dollars?

18 MR. CONDIKE: Your tax dollars, federal  
19 government.

20 SPEAKER: I don't understand why you're saying at  
21 one point it wasn't your problem, your concern, but now y'all  
22 are back to clean this up.

23 MR. CONDIKE: Let me but this in prospective  
24 relative to other sites like this. There are 9,000 sites like  
25 this across the country. Approximately 2500 of them need some

sort of a cleanup, whether it's hazardous waste, underground storage tank or ordnance. Whether there were homes on this piece of property or not, we would be responsible for it and we would come back and pick up the ordnance. That's why I say --

SPEAKER: And I go back to I hope we do get the cooperation for the cleanup from everybody because I can't see 50, 30, 40 homes being evacuated the whole time when some people could care less. The trailer park, I'm in that zone. Are they going to want to leave?

MR. CONDIKE: In other neighborhoods that we've worked the vast majority leave during the day anyway.

SPEAKER: How long does it take for you to do, one whole day to evacuate? Is it like an eight-hour process, four-hour process?

MR. CONDIKE: We're not sure because we're not sure how many things we're going to have to dig up, we're not sure how long it's going to take us to go through an area. I'm estimating that any one particular homeowner would probably have to be absent from their home for several days, more than one day.

SPEAKER: Follow-up question to the lady that ask if you're going to do any more testing for soils. When you do dig and you find an ordnance, clearly that's the area that should be tested for contamination. And we know that the sampling one of the draw backs was that you really didn't test

where there may be ordnance because you couldn't take a chance for safety reasons. So when you do locate ordnance, will you at that point take soil samples to test the soil that's found around the ordnance?

MR. CONDIKE: That is something we can do, we can consider that. We do that at other sites. That's something we can entertain. I don't see why we can't do that. I think the state commonly would like to see us do that in certain cases. Typically it applies to an intact area where we have big explosions, but we can do that here as well.

SPEAKER: This is probably a question for the lawyers. I'm going to bring it up to you since you guys are bringing (inaudible) back in. I've got a contract on my house, it's closing May 30th. Now are they still going to buy my house? Because you're going to want them to move out for a couple of days or however long. You're coming, you're taking responsibility of this again. We're trying to sell our house or we got it sold or we think we do and you're coming back, you're going move these people out, I didn't think they are going to buy it. Just like she said, there's other people who don't care, they're not going to want to -- I mean, what are you going to do about that?

MR. CONDIKE: That's a speculative question as to whether these people buy your house or not, I can't answer that question. I get calls from realtors every day in the

neighborhood.

SPEAKER: What if my buyer backs out, I mean, is it -- am I going to go you guys and ask you for restitution? Because you're going to ask them to get out of the house. I need to know. You guys, you know, you're adding something in here that's just putting too much of a stress on us.

MS. LAGUERUELA: Would you like to come up to the microphone so we can hear you?

SPEAKER: When somebody else comes and buys your house, we'll send out some kind of a notification. And then what will happen, this person receives it and they are going to call me up and ask me to explain, I'll give them information like we're going through here, and seek their approval to come on the property.

SPEAKER: I disclosed the fact that there was bombs on the property, but I didn't disclose the fact that they might get kicked out.

SPEAKER: We get inquiries all the time about resales and regular sales. We get them right from K&B and we talk to realtors or interested buyers, we receive those regularly. We've got all types of resale information to show that the prices in the neighborhood are not only stable, but actually increased since we opened the community.

SPEAKER: What am I supposed to do when my buyer moves in after buying my house and the Army Corps of Engineers

56

has asked them to leave for a day or two because there's a bomb -- they already know, I disclosed it to them. I didn't disclose the fact that they are going to get kicked out of the house for two or three days.

SPEAKER: They're not kicked out, it's voluntary. Mr. Condiike did a good job of explaining that. I believe they are going to pay them per diem and reimburse expenses.

SPEAKER: My question is to KB, Victor Toledo with KB, attorney on the left, and KB's attorney, Mr. Travis Cope, on the right, and they represent KB, just in case, they don't disclose their names to you. I'm Dea. Question number one, this gentleman is asking the Army Corps, Mr. Condiike, this is for you. This gentleman just said based on what the gentleman in the front declared, if I take my hand, put it in my mouth out of the soil, because of the low numbers that you came up with that would render no harm to us. Is that to an adult and a child? He has a one year old, he's concerned. And hold on. My second question is for KB and its attorneys --

MS. LAGUERUELA: Let him answer the first question.

SPEAKER: If you would like.

MR. CONDIKE: I can repeat what Dr. Nelson said from the TCEQ, that these concentration levels that are permitted in Texas soils in residential areas include all the possibly uses in a residential area, adults and children.

That's why he talks about casual ingestion of soil. They don't expect adults to casually ingest soils, but, you know, kids are known to do that on occasion. So that's all taken into account on concentration levels.

SPEAKER: Second question to KB attorneys and themselves, is the taxpayer money coming out to clean this up?

SPEAKER: Yes.

SPEAKER: So in essence, we taxpayers are duped once and now we're duped twice. We have to clean up the mess. And I'm asking KB and its attorneys what are you contributing financially for this cleanup? What are you doing to get us out?

SPEAKER: It's coming out of our tax dollars, that's -- why should we pay (inaudible)

MR. CONDIKE: I would like to answer that.

SPEAKER: I would like to hear theirs first.

SPEAKER: We're not in the business of cleaning up bomb sites. There is obviously -- all the expertise is here. We're certainly supporting the Corps' efforts. We had soil tests done of the property. Before we purchased it we had full knowledge of the previous use of the site and take issue with the fact that it wasn't disclosed. And that subject is currently at issue and I would prefer not to comment.

SPEAKER: I just wanted to ask the attorneys, I bought my property, my home, based on the fact that they said all the cleanup was done and that there was no -- because all

1 the reports and documents that they gave me that I looked  
2 through in detail stated that, yes, there was -- it was a bomb  
3 site, but they said there's nothing that has been found -- and  
4 there was one that was reported that there was a lawsuit that  
5 maybe not many people may not be aware of, there is a lawsuit  
6 that happened. But I want to know is this grounds for a lawsuit  
7 because you didn't tell us that it's a possibility that it's  
8 still going on or -- because now I feel like I'm ready to move  
9 because if we tell people about this they don't want to buy.

10 SPEAKER: You have to tell them.

11 MS. LAGUERUELA: Let me have the gentleman answer  
12 your question.

13 SPEAKER: Sir, we can't comment on pending  
14 litigation. We're very confident that we've sold these houses  
15 with disclosure -- adequate disclosure. They are filed of  
16 record. You can walk in a model home and the first thing you  
17 ought to see on the wall is disclosure about the previous use of  
18 this property. The Corps has done a terrific job of reaching  
19 out to the public. Before that time we had soil tests, there  
20 have been soil tests of the property, environmental tests, that  
21 specifically looked at the previous use of the property.

22 MS. LAGUERUELA: Thank you, sir. You have a  
23 question?

24 SPEAKER: I've heard rumors and I think I've seen  
25 it on the internet someplace there was a homeowner accused of

putting ordnance in yards. Do you have proof otherwise that there actually is that the government left behind? Years ago somebody found an ordnance. There has been rumor that one of the homeowners placed them there. Do you have proof otherwise?

MR. CONDIKE: Well, I don't know, I read that article in the paper. That's some sort of civil or criminal lawsuit, I don't have any personal knowledge of that. I do know

--

SPEAKER: But do you know that there is ordnance there left by the government?

MR. CONDIKE: Yes, I found one myself.

SPEAKER: That's totally contradictory to what we -- when we signed up.

SPEAKER: I have a question for the lawyers. You're probably going to get used to seeing my face, so pay attention. I want to know where you got your market data. You're saying that the market values of the homes are increasing. I know that TAD increased it, but the market value of a home is really what people are willing to pay for the home. I've had two realtors already come out to my house and tell me that the homes just aren't selling. You guys are selling homes. I mean, you're doing very well and I want KB to do well because after the lawsuit I want them to pay me. If the market is so great and if this neighborhood is so great that their buying rate is so high, let me just ask their legal counsel if you

1 could just give me what I came in with, I would be happy. I  
 2 would be out of there because I am one of the people whose son  
 3 played in the backyard and had to be rushed to the emergency  
 4 room. If my husband were to lose their job, my son would not be  
 5 insured because now he has chronic asthma. Because ever since  
 6 we moved in here -- I want you as a lawyer to hear this because  
 7 I know about the legal profession, I want you to listen to the  
 8 type of people who are coming to get you and the kids that are  
 9 actually getting ill from this. I have on medical record what  
 10 happened to my son since we've been in this home. If my husband  
 11 were to leave his job, we could not insure him because all the  
 12 emergency room visits and all the doctors visits. Thank God we  
 13 have good health insurance now. And I cannot sell my home  
 14 faithfully knowing the illnesses that have occurred in my house.  
 15 You know, to say bombs were there 50 years ago, that's one  
 16 thing, but to say, you know what, we've actually been sick since  
 17 we lived here. How in the world am I supposed to sell my home  
 18 like that?

19 SPEAKER: Ladies and gentlemen, and I apologize,  
 20 unfortunately due to the fact that KB Homes is in litigation, I  
 21 cannot answer that question. Thank you.

22 SPEAKER: I have one question. In our yards when  
 23 y'all placed those flags, what did that mean? Did that mean  
 24 that there was ordnance found in your yard and that those people  
 25 that definitely had flags in their yards are definitely going to

be ones that you all ask about? I had an another question, I'll ask both of them at the same time. Apparently there's something detrimental in that soil over there, whether you all tested it or not. Okay. And tell me how great it is because I have been (inaudible) since I've been in that house. Everybody on my job knows that and I work for a newspaper. And I can barely walk sometimes and every since I moved in that house I've been bad in my back, my joints, everything. So I know it's something. And my dog, too, all of his hair fall off. And I took him to the vet and they didn't know what was wrong. They said have you had your soil tested. And also there's this white stuff that was in my yard when I first moved in there that kept washing up and I didn't know what it was and I had my dog out there and I didn't know, I thought maybe it was something they put down for my St. Augustine grass, I didn't know. But that's why I'm asking you that. My yard was tested and you did say, oh, there's nothing there and dug three holes and didn't find nothing, but I have been sick ever since I've been in that house, ever since I have been in that house, if there is something detrimental in that stuff that you're trying to take out because if so (inaudible). Just leave all that ordnance there, it's not going to hurt you, but now it's detrimental and you put this stuff up there and say it's fine. We're hearing both sides of the story, so it's very confusing to me and stressful. So I just need somebody to answer now.

1 MS. TOLEN: Let me try to answer a few of your first  
2 questions. I think there was multiple questions in there.  
3 Number one, the significance of the flags in your yard, you  
4 asked if that meant that there was ordnance there. For safety  
5 reasons we didn't test anywhere where we thought there would be  
6 ordnance for the same reason we don't want the homeowners out in  
7 the safety zone during excavation. You had a flag in your yard  
8 either because you're in the area that was designated or you're  
9 a resident that asked for us to sample your yard because the  
10 Corps sampled anybody that asked outside of the original sample  
11 locations. Okay. So those are the two questions I can  
12 remember. But the flags do not mean there was ordnance there.

13 MR. CONDIKE: She had another question. It was  
14 another long one, but one part of it was why are we here now and  
15 so intently moving the ordnance if we think there was no problem  
16 with the soil in terms of contamination and is the fact that  
17 we're here now intently moving ordnance because we think there's  
18 a problem, that that's causing a problem with contamination of  
19 the soil and we just don't want you to know about it and if we  
20 remove the ordnance that that removes the problem. That's not  
21 the case at all. We're required by the formerly-used defense  
22 site program, which is a public law, Public Law 106-377, which  
23 states that we will investigate the sites and we will determine  
24 if there's a problem; and if we find anything, we must clean it  
25 up. And we're here more now because of the concerns of the

1 residents than because we have a personal need to clean this  
2 particular site. We have ten other sites we're working in  
3 Texas, we could be over there doing that, but because you all  
4 are concerned about ordnance as a safety issue, we're here to  
5 clean it up as fast as we can.

6 SPEAKER: When you say it's you all's problem now,  
7 are you saying because of --

8 MS. LAGUERUELA: Ma'am, I'll give you the  
9 microphone in just a minute. This young lady has been standing  
10 up for just a few minutes and I want to give her a chance to ask  
11 her question. I'll come back to you in a second.

12 SPEAKER: I have just had one additional question.  
13 In previous meetings you indicated that we wouldn't have to  
14 leave our homes in order for the testing and all of that to be  
15 done and the excavation. What now has driven the need for us to  
16 be 200 feet away during the time of excavation?

17 MR. CONDIKE: I'm sorry if you got that  
18 understanding from what was said in the past, but I don't think  
19 we ever said that. We may have said that -- there is different  
20 things that are going on here. We may have said you could be in  
21 your homes while we collect the soil samples. We may have said,  
22 like I said earlier, you could be in your homes while we're  
23 mapping the site to determine what is under the ground. But I  
24 don't think I ever said you could state in your homes while we  
25 were picking up the ordnance because I know that not to be true.

I've known that for years. If you understood that before, that's my fault for not being clear and I apologize, I'm sorry. That was not what I was trying to say.

SPEAKER: Can you explain, though, the necessity to be 200 hundred feet away?

MR. CONDIKE: Depending upon the type of ordnance that's on the ground this safety zone will vary. I know we have safety zones for some ordnance that is 2,500 feet, it's very large and has a lot of explosives in it. But the absolutely shortest distance that the Department of Defense Explosive Safety Board, which governs this activity, will allow is 200 feet. Now, it's possible -- I hate -- I hate to bring this up, but it's possible that the contractor who gets the contract will propose some engineering device, some barrier, he can use around it -- I'm waiting for my ordnance folks to nod at me -- that might reduce this distance and they could reduce it to 50 feet or 100 feet. We're not sure. But it will be up to them to convince this Army agency or this proper agency depending on if that is still safe for you all. I don't want to give false hopes that we can have this smaller distance, but it's possible. No, it's not possible. See, I was wrong. Two hundred feet is the shortest distance they allow. It's just their absolute minimum.

MS. LAGUERUELA: We have a question right here.

SPEAKER: I want to ask, you said that it's you

47

all's responsibility, and I'm hoping that that's due to the nature of the situation. And also you said like in the first time that we met that it was -- that KB knew what the property has been used for previously. I'm one of the owners that was not informed. Okay. So now to me it's sounds like you're treating it like the other sites that might have this problem. Did those people build their homes on the sites not knowing what the homes was used for? So this is why we feel it should be a shared responsibility, not a taxpayer responsibility.

MR. CONDIKE: Whether there is a home on the site or not, we're still responsible for coming and cleaning up the ordnance.

SPEAKER: I understand that, but you got people that are stressed out that are deceived by what they believe. So I understand that you might have other sites, but live in the zone, we drive up in our driveways every day, we leave and go to sleep knowing that this stuff is up under our homes and we were never told that. So why should this be your responsibility? We pay more taxes.

MR. CONDIKE: The only answer I can give you is the government put the ordnance there, it's the government's job to take it out. And whether there is a home there or not, doesn't relieve the government from the responsibility to take it out.

SPEAKER: Why should we have to pay for something

1 you all have caused?

2 SPEAKER: This company, whatever you want to call  
3 it, KB, is responsible for all the stuff that's going on in the  
4 homes that we're living in that you all don't have no complaint  
5 about. We're living in these homes. And it's like KB is trying  
6 so sugar coat, trying to tell us, you know what, it's okay,  
7 we're going to take care of this problem. It's still our  
8 problem. We have to pay for the problem that you have done.  
9 Why should we pay for something that you and KB have done to us?

10 MR. CONDIKE: I'm not sure what you mean by --

11 SPEAKER: What I'm saying why should we have to  
12 pay for the problem that you all have caused us with these  
13 homes? It shouldn't come out of our pay. You all should pay  
14 for this, KB should pay for this.

15 MR. CONDIKE: The government is paying for it.

16 MS. HOLT: One thing I would like to explain  
17 there's been several questions about why the government is  
18 paying for this rather than KB.

19 SPEAKER: That's why, because KB is a part of that  
20 problem as well.

21 MS. HOLT: Something that happened between 1956  
22 when the government conveyed the property --

23 SPEAKER: I heard you say that.

24 MS. HOLT: I'll explain if you'll give me a  
25 chance. In 1956 the government conveyed the property away, but

the law changed after the government no longer owned this property. Environmental laws change in the last 50 years. And under the new laws and the under the new regulations the government just says everybody is liable for cleaning up anything that they do that's a residual problem on the property. And so the government has the responsibility of cleaning this up under the new environmental regulations and laws that have been passed in the last 50 years.

MS. LAGUERUELA: If you guys in the back can keep it a little bit low so we can here the questions.

SPEAKER: If people are evacuated from their homes, what are the residents going to do when a party can't pay? My mom cannot afford to stay somewhere. She's barely paying her bills. Where is she going to stay, in her car down the street? And two years ago my mom's trailer home -- my uncle's trailer home there was a bomb found and the bomb squad had to go over there and take it with them. What are we going to do? Where are we going to stay?

MR. CONDIKE: Earlier on I said that if you leave your home during the day and we ask you to leave because we're going to be working in that area, we will provide a hotel room for you to go to and we will reimburse you for your meals.

SPEAKER: On that slide that you showed about the iron levels I failed to tell you this earlier, on recent bouts with doctor -- since last year is the increase of my iron in my

1 body. He says it is off the charts. He says you have the  
 2 highest level of iron. He said have you beefed upon your iron,  
 3 I said no. And he goes why is your iron so high, because I'm  
 4 normally a low iron person. So it's so high to the point that I  
 5 taste metallic in my mouth like rust all the time. And he told  
 6 me to go get a water sample, soil sample, all that kind of stuff  
 7 just to see if it might be the water system or whatever because  
 8 my iron is off the chart. But I noticed you stated that the  
 9 iron levels are just perfect up there.

10 MR. CONDIKE: We only tested for zinc and lead.  
 11 We didn't test for iron. That wasn't a substance of concern.

12 SPEAKER: That's what I was wondering. I wonder  
 13 if the iron in that soil is very high is why my iron is so high  
 14 because he told me my iron is very high and he was wondering  
 15 what was making it so high, since it's always so low because I  
 16 used to have iron deficiency anemia, so now I've just got iron  
 17 coming out of everywhere and he didn't know why my iron was so  
 18 high. I was wondering is there any way to test the iron in that  
 19 soil out there?

20 MR. CONDIKE: There would be no reason for what  
 21 the Navy did on the site back in th'40s to affect the iron  
 22 level.

23 SPEAKER: It wouldn't?

24 SPEAKER: Wouldn't the EPA be interested in  
 25 searching for something else? I mean, I understand what you all

1 are interested in and that's fine. But we're looking at a lot  
2 of people complaining about different stuff. Would there be any  
3 possibility to get them to checking for basically everything  
4 else?

5 MR. CONDIKE: If you have health concerns and you  
6 attribute them to where your living and you think it has  
7 something to do with the soil or the water or the air, then I  
8 encourage you to contact the county health department. Those  
9 are the right people to contact. Mr. Winert had a question.

10 SPEAKER: I have one question for you. This may  
11 have been asked already, I was a little tardy getting here. I'm  
12 wondering how deep you go for the soil samples and did you  
13 consider that the topsoil that they had brought in?

14 MR. CONDIKE: Yes, sir. When we collected our  
15 sample, we collected from what was the native soil at the time  
16 of the Navy's use of this site as a bombing target. So we  
17 penetrated and sampled below the topsoil, we did not sample the  
18 topsoil except in the mobile home park area where that was  
19 native soil.

20 MS. LAGUERUELA: Sir, did you have a question?

21 SPEAKER: How deep are they digging to see how  
22 much is contaminated? Because the contamination can go deep I'm  
23 sure. I mean, this was years ago, if you're going to be digging  
24 just a small portion, you have to dig deep because so much  
25 water, so much -- I mean, so much dirt has accumulated between

1 that time and now.

2 MR. CONDIKE: We look at the top two feet of the  
3 native soil in most instances and in about a dozen locations we  
4 go down five to six feet below.

5 SPEAKER: You indicated you were going to be  
6 mailing out these consent forms.

7 MR. CONDIKE: Yes.

8 SPEAKER: Right of entry. When are those going to  
9 take place and who do we contact if we don't get them?

10 MR. CONDIKE: You can contact me, I'll give you my  
11 business card if you don't get one in the mail. We're still  
12 working with with country appraisal district to get mailing list  
13 of all the residents, you know, there are several hundred  
14 homes. You can go tonight and pick one up right there.

15 MS. LAGUERUELA: For all those who would like to  
16 take a form home just to read it and look at it, you can wave  
17 your hand so they can see you. Raise your hand. Take them home  
18 with you and read them and everything else. You can take them  
19 home tonight. Are any other questions?

20 SPEAKER: They said we could dig in the garden and  
21 plant trees and all that stuff. How can they say that when they  
22 still got to get coordinates out?

23 MR. CONDIKE: What we normally tell people is if  
24 you want to dig in your yard, we can't stop you, be careful what  
25 you're doing. If you come across something, stop and call the

1 police. But in general terms it's really not a good idea.

2 Mr. Winert. Would you give him the microphone?

3 MR. WINERT: Just a brief followup. If you can't get  
4 all of the homeowners or occupants within a 200 area to agree to  
5 leave the homes, will you at least mark the areas where ordnance  
6 may be located based on the metal detectors that you're going to  
7 be using?

8 SPEAKER: The electronic match that we're going to  
9 devise won't leave a mark on the ground. This is an electronic  
10 map and all it shows is a subsurface metal object.

11 SPEAKER: From a safety standpoint, though,  
12 shouldn't you at least let the homeowners know that there may be  
13 ordnance located in those places? Because the likelihood is  
14 that it's going to be very difficult to get everybody to  
15 evacuate within a 200 foot radius.

16 MR. CONDIKE: Let's wait and see how well we do.  
17 You know, if we put flags on the ground, they don't last  
18 forever, that's not a permanent solution.

19 SPEAKER: I understand, but at a minimum the  
20 homeowner should know that there is a possibility of ordnance  
21 located, whether you do it with paint or you do it with flags,  
22 they at least will know where not to dig from a safety  
23 standpoint.

24 MR. CONDIKE: We'll have to see. That is not  
25 something we normally do. We could have 50 to 100 flags in

1 someone's yard.

2 MS. HOLT: One of the things you have to remember  
3 is it may not be ordnance. All we're going to be picking up is  
4 metallic anomalies. It could be -- if equipment is strong  
5 enough, it could be a nail.

6 SPEAKER: It could also be ordnance. And  
7 shouldn't the homeowner know that there is some likelihood, a  
8 likelihood that's high enough that the Corps would be willing to  
9 have a UXO dig it up? If you folks dig it up, at a minimum the  
10 homeowners should know that there's some likelihood there's  
11 unexploded ordnance.

12 MR. CONDIKE: There's an easier way to address  
13 that, don't dig in your yard at all.

14 SPEAKER: Tell that to the homeowners.

15 MR. CONDIKE: I did earlier. Just be careful.

16 MS. LAGUEREULA: It looks like we've answered  
17 everybody's questions, so we're going to wrap up the meeting  
18 right now. For those of you who would like to ask specific  
19 questions, the experts will be going to the back of the room and  
20 you can ask questions pertaining to your specific needs. Thank  
21 you very much for coming.

22

23

24

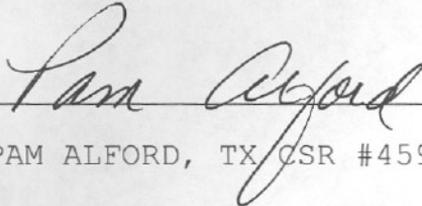
25

1 THE STATE OF TEXAS )

2 COUNTY OF TARRANT )

3 I, Pam Alford, Certified Shorthand reporter in and for  
4 the State of Texas, do hereby certify that the above and  
5 foregoing contains a true and correct transcription of the  
6 proceedings had at the above-stated time and place, all of which  
7 were reported by me.

8 WITNESS MY HAND this the 16th day of June, 2003.

  
\_\_\_\_\_

PAM ALFORD, TX/CSR #459

Expirations Date: 12/31/04