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FIVE POINTS OUTLYING FIELD
NEIGHBORHOOD MEETING
7 p.m., Tuesday October 30, 2001

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A P P E A R A N C E S

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- 3 Brian Condike
- 4 Randy Fraser
- 5 Jane Holt-Duecaster
- 6 Dan McClendon
- 7 Tom Murrell
- 8 Dr. Madison Patrick
- 9 Ron Ruffennach
- 10 Bill Sargent
- 11 Margaret Simmons
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P R O C E E D I N G S

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3 MR. CONDIKE: Good evening, everyone. Thank you
4 for coming to this meeting to talk about the former Five Points
5 Outlying Field here in Arlington. I know we're competing
6 against the third game of the World Series, Michael Jordan's
7 return from two-year retirement, but thanks for coming anyway.

8 First a little housekeeping. There are rest rooms in
9 the back for those who need them. We do have a court reporter
10 here this evening just because there might be some many people
11 talking and we want to be sure we have a record of everything
12 that's said. If anyone has a cell phone, we ask you to turn it
13 off now please. If you haven't registered at the front table
14 and you want to be on the mailing list, please feel free to do
15 so before you leave.

16 First of all, my name is Brian Condiike. I'm with the
17 U.S. Army Corps of Engineers in Fort Worth. I think we had
18 available for you when you walked in a piece of paper with a
19 list of all the Corps of Engineers representatives that we have
20 with us here tonight. We also have a few other people I want to
21 recognize. Lt. Jeff Matthews for the Arlington Police
22 Department. Jeff, he is back there?

23 Darrin Miller from the U.S. Environmental
24 Protections Agency in Dallas. And Tim Sewell from the Texas
25 Natural Resource Conservation Commission. If I'm forgetting

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1 anybody, I'm sorry. Those are the people that I have names for
2 that are here other than the Corps of Engineers people.

3 I apologize for the setup. I wanted to be down closer
4 to you, get a little bit more intimate setting, but for those of
5 you who were here saw my protective screen disintegrated in
6 front of me, so I had to move closer.

7 We wanted to open a dialogue with you all to tell you
8 what we know -- what we think we know about this site that used
9 to be used by the Navy back in the 1940s. I have been talking
10 to several people that are concerned about this site, some of
11 the residents, Ms. Lewis, from the one of the homeowner's
12 association. And if we can, a lot of people have done their
13 research as well, some of the history of it and various
14 documents, various archives. And we're not altogether certain
15 that we have all the information. We don't want to pretend that
16 we know everything. Determining the history of these sites and
17 how they were used in the past is a mystery problem, which we
18 work on continually to try to get as much information as we can.

19 We're also going to present to you what
20 information we've gathered, what we think we know about the site
21 and what was done here. And at the end we're going to open it
22 up to questions and also solicit any additional information you
23 all might have that might contradict what we've collected or
24 might hopefully add to what we know about the site. So we want
25 to open an information exchange, more of a workshop setting

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1 other than us dictating to you what there is to know.

2 I'll start here and give you some background
3 information. I'll ask some of our ordnance experts to come up
4 and talk. And then we'll have question and answer.

5 Our agenda, we went through the first part. I'm going
6 to talk a little bit about things that we're going to talk about
7 tonight, but I also want to mention some of the things that we
8 aren't going to mention here tonight. There are some things
9 which the Corps of Engineers in its role in managing the
10 formerly used defense sites cannot do and we wanted to make sure
11 that people understood what they might get out of this and what
12 you might not get out of this. We want to talk about the FUDS
13 process. We want to talk about the risk assessment codes, what
14 they are and how they're used. We want to give a little history
15 and chronology of the Five Points Outlying Field, the type of
16 ordnance or munitions that were used on site. And then our
17 information sharing or question and answer period at the end.

18 First a matter of telling who we are. We are the U.S.
19 Army Corps of Engineers. The vast majority of us are civilians,
20 although the people at the top of our organization are Army
21 regular Army. Our commander is a two star general in the Army.

22 AUDIENCE MEMBER: Can you make that a little
23 clearer?

24 MR. CONDIKE: That's the best I can do. If I
25 speak up, can you hear me? Can you all hear me?

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1 The Department of Defense reports to the President,
2 U.S. Army, we got the Navy, the Marines and all these other
3 guys. We got the Army Corps of Engineers in Washington where
4 our headquarters are. The Southwestern Division in Dallas.
5 Down here is the Fort Worth District where I'm from.

6 Also with us tonight are people from our Huntsville
7 Center, they're the Center for Expertise of Ordnance and
8 Explosives with the Corps of Engineers in Huntsville, Alabama.
9 We also have people here from our St. Louis District in
10 Missouri. They are the historians, the people that research the
11 material for us. We also have a physician here who is part of
12 the program -- the contractor that worked with the program
13 manager for chemical demilitarization to address other concerns
14 you may have. Sorry I can't do better on the projector.

15 So let's talk about things we're going to talk about,
16 we're going to talk about the FUDS process, formerly used
17 defense sites. We are going to talk about risk assessment
18 codes, what they mean, history of the site, the type of
19 ordnance, the characteristics of these type of ordnance, how
20 they were used, what they look like, safety in terms of
21 unexploded ordnance, what happens when you find them, then ask
22 questions and answers.

23 Things we are not we're going to talk about. We're not
24 going to talk about the value of real estate property and how it
25 might be affected by these things being on your property.

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1 That's not something that we can get into. We're not going to
2 talk about the complete real estate history of the site. In
3 other words, the government transferred sites to the private
4 sector in the '50s and a lot of people have owned it from then
5 until now. We're not going to all the way down the line from
6 the first private home and who owns it now. As far as the
7 government is concerned there's a problem out there with
8 ordnance we're responsible to fix it. We don't care who owned
9 it between then and now.

10 We're not going to talk about any obligation the
11 property seller may have had to the property buyer in terms of
12 what they should or should not have disclosed during the
13 purchase. That's a legal issue that really doesn't concern us,
14 us the government, I'm sure it concerns you.

15 We're not going talk about any claims or promises
16 or representations or misrepresentations that may have been made
17 about the property to you when you purchased the land.

18 We're not going to talk about any lawsuits. There
19 may or may not be lawsuits. We're not involved in lawsuits. I
20 know there are a lot of different groups of people out there.
21 There are at least three homeowner's associations that I know
22 of. There is several attorneys involved, there's a developer,
23 there's the public agencies. We're not going to talk about what
24 these different groups do not want or do want. That's between
25 all --

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1 AUDIENCE MEMBER: So the Army Corps of Engineers
2 can tell us they are not responsible? That's what I'm hearing.

3 MR. CONDIKE: We're responsible for cleaning up
4 the ordnance that's onsite, that's what we're responsible for.
5 We're not responsible for what occurred when you purchased the
6 land as what you did or did not know about it.

7 AUDIENCE MEMBER: How can you clean it up if
8 you've got all these hundreds of homes built on it? We're told
9 that we're a Level 2, 1 being the worst. How can you come in
10 and clean it up the site?

11 MR. RUFFENNACH: Let me jump in real quick. What
12 we want to do tonight is allow Brian to go through his
13 presentation. We've got a lot of work to do tonight. It kind
14 of sets a tone for what we hope will be a productive question
15 and answer session. And the only way we're going to get through
16 this tonight is if we allow Brian to do his thing first and then
17 we'll take a Qs and As after that. So I beg for your permission
18 to do that. Thank you.

19 MR. CONDIKE: I think I will answer a lot of
20 questions that you may have during the course of the
21 presentation and then we'll get down to questions that I haven't
22 answered directly.

23 First I want to talk about something called the
24 Formerly Used Defense Site Program or FUDS. These FUDS
25 properties are anything that was owned or leased or used by the

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1 Department of Defense prior to October 1986 that was later
2 transferred from the Department of Defense to the private
3 sector. There was a law passed in 1986 that authorized the
4 Corps of Engineers to spend money on these sites to identify
5 them, inventory them and clean them up. So far the Corps has
6 inventoried over 9,000 properties like this in the country.
7 There is over 400 of them in Texas alone.

8 The different types of things the Corps cleans up on
9 these sites is hazardous toxic and radio active waste,
10 containerized hazardous waste, ordnance and explosives. That
11 includes unexploded ordnance I highlighted because that's what
12 we think applies to the site. And building (inaudible), that's
13 structures that are not safe for some reason, we might come in
14 and tear it down and take it away.

15 The process involves several steps when we approach the
16 site. The first step is inventory of the site. We have a
17 report on that. A brief history of the site, includes the real
18 estate, research of that that identifies the potential projects.

19 At that point if we think there is ordnance onsite,
20 we'll establish what we call a risk assessment code score or RAC
21 score. I'll explain what that is in the couple of slides.

22 The second step, if we do identify ordnance onsite, is
23 we'll do a more detailed historical survey. We have
24 accomplished that as well. That was a report that was drafted
25 in March of 2001. There is a draft report subject to revision.

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1 We're in the process of reviewing it, it's in draft form and we
2 already know a few revisions we're going to make. The ones we
3 know about I'll go over later on tonight. At that point we
4 review and revise the RAC score. The risk assessment code may
5 change. In this particular instance the score has not changed
6 from the first one. (Inaudible)

7 The next step is what we already have. We're presently
8 reviewing the draft report, trying to finalize, and then there
9 is a final review of the RAC score and we finally issue a
10 report. After the archive search report is finalized, if there
11 is indication that we should be studying it more, we do
12 something called an engineer evaluation cost analysis.

13 Then we actually go onsite with our instrumentation and
14 look in the field to try to determine what ordnance is on site
15 and where it is, how much is there, the density. And then based
16 upon that, we recommend some sort of response action on how to
17 deal with the situation. That requires funding that at this
18 point we don't have.

19 Based upon that we write an action memorandum, which is
20 the decision document, which defines exactly what the response
21 action is we're going to take onsite. And finally, there's a
22 response action itself, that activity which we undertake to
23 clean up the site should that be necessary. That step also
24 requires funding.

25 I mentioned the RAC, Risk Assessment Code. The Risk

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1 Assessment Code (inaudible). These Risk Assessment Codes result
2 in the combination of two factors. One is the hazard severity,
3 the other is hazard probability. The hazard severity is related
4 to the type of ordnance that was used onsite to the best of our
5 knowledge, we figure out what ordnance was used onsite and we
6 give it a score. The second factor that's related to risk
7 assessment code is hazard probability, which is how close are
8 people to this ordnance what is the accessibility, is it buried,
9 is it lying on the surface, how close are the structures, what
10 are the structures, are they residences, schools and that sort
11 of thing.

12 From those two scores we get this table. The
13 probability score is across the top and it goes from a very
14 improbable likelihood of contact of people with the ordnance all
15 the way to something that might be frequently contacted.
16 I've highlighted where the Five Points Field is scored right now
17 in terms of probability. It's the highest score it can get in
18 terms of probability. We've got homes right on top of the site,
19 lots of homes very close to it.

20 As far as the severity or the type of ordnance that was
21 used on site, at this point our documentation says that we
22 scored it only marginal and that's because --

23 AUDIENCE MEMBER: I'm confused. You said the
24 possibility of anybody on the site is five, none, and people are
25 digging them up.

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1 MR. CONDIKE: No, ma'am. The probability of
2 accessability of people coming in contact with the bombs is the
3 highest it can be, it's frequent. It's way up here.

4 This is the low score on this scale and this is the
5 high score. Okay. You people are right on top of it, it's in
6 your backyards. You know that. I've seen it on news. The
7 people are finding it.

8 The other factor that results in final RAC score is the
9 type ordnance that was used on the site. Right now that factor
10 is rated at marginal because the best evidence we have right now
11 that we have in our report is that there were practice bombs
12 used there, no high explosives, some small (inaudible) charges
13 and some practice bombs. When put those two factors together,
14 it comes up with a final RAC score of two, which is the next to
15 highest RAC score. I will go over what the scores mean in a
16 minute. But right now that's where we are. I want you to know
17 where we are right now. We'll go over the type of ordnance that
18 was used on the site later and what that means.

19 I'll try to explain it a little bit. This is according
20 to the best definition that we have of what the RAC score means.
21 It goes from the lowest RAC 5, which means (inaudible) there's
22 no ordnance there's no danger to the public (inaudible). Rac 4s
23 and 3s go further up the scale, we recommend that something be
24 done. A RAC 2 site is considered high priority. We recommend
25 that something happen. That's highlighted in blue. That's

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1 where the site is rated right now. And above that is the
2 highest priority of Rac 1 site.

3 AUDIENCE MEMBER: If there was such a
4 problem, wouldn't that be classified as 1? If something was
5 found out there, wouldn't it be a 1 instead of a 2?

6 MR. CONDIKE: No, sir. It's a function not
7 only of what was found, but also the nature of the ordnance that
8 was found. Right now we have practice bombs out there, we don't
9 have live hand grenades, we don't have live artillery shells,
10 things with a lot of high explosives. We'll get back to that in
11 a moment.

12 AUDIENCE MEMBER: Well, how come you're not
13 --

14 MR. CONDIKE: Please hold your questions
15 until I finish. We'll answer all your questions. Please be
16 patient.

17 This is a map of the area that the Fort Worth District
18 has responsibility for. And what I've -- what I'm going to
19 highlight to you are all the sites that presently exist in our
20 area that are considered RAC 1 sites that are considered the
21 highest priority. (Inaudible). Some of these sites are getting
22 attention and some of them are not.

23 AUDIENCE MEMBER: Are houses on all of those?

24 MR. CONDIKE: On the majority of them, yes,
25 ma'am. There's as many as 4,000 residents on all of these

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1 sites.

2 These sites that you see circled, the smallest sites in
3 these sites are 14,000 acres. The largest site is a 120,000
4 acres. These are all large Army training camps, all with
5 significant problems with ordnance.

6 As far as history of the site, as we understand it in
7 the 1940s the Department of Defense bought the site, 162 acres
8 and change. In 1943 -- originally it was used as a practice and
9 landing field out of what's now known as the Dallas Naval Air
10 Station. In 1943 they changed its use from a practice landing
11 field into a practice bombing target.

12 This is an aerial photo in 1943 showing what it looked
13 like. These are different runways crisscrossing the site. As
14 best as we know they were dirt runways. This is before it was
15 used as a bombing target.

16 Sometime between 1943 and 1954 the Navy stopped using
17 the site. The Army stopped using the site. We don't have an
18 exact date.

19 In 1954 the Department of Defense turned the site over
20 to the General Services Administration for disposal. They
21 wanted to give it back to the private sector. As part of that
22 process they took the Army out to clear the land, to pick up the
23 ordnance that was lying on the surface of the land. There's a
24 document, which several of you have seen, which is a report of
25 clearance, 7 October 1954 signed by Major Military Corps of

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1 Engineers. And I've highlighted a few items, which I think are
2 of note.

3 The story started to get murky at that point. It
4 specifically talked about the Navy field called Five Points in
5 Arlington, Texas. It says 162 acre. That's true. It talks
6 about these different types of arms. It talks about M47
7 chemical bombs, Mark 23 bombs and M38 practice bombs. The thing
8 that puzzles us, they refer to the 25.6 acre impact area. This
9 site has an impact area of a different size.

10 The story is confusing because there was another site
11 very similar to this, also a Navy outlying field also in
12 Arlington, it was called the Arlington Field. And it's not
13 clear as to whether the people who did this clearance were at
14 the right place when they did it.

15 This is a picture of the Arlington Outlying Field in
16 1943. It's just a few miles up the road. I'm going to show you
17 the next map, different configuration altogether. This was also
18 used as a practice bomb target. This is a rough outline of
19 where this is. Maybe that's not too clear. This is Interstate
20 20. This is The Parks Mall in Arlington, this is Cooper Street.
21 This area outlined in blue is what we think roughly, we're not
22 really sure about the southern boundary, is where the other
23 Arlington field was. That's a recent aerial photo showing the
24 same approximate boundary.

25 Now, in that 1954 clearance report they provide some

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1 detail and I've computed some statistics. They found 125
2 ordnance items during that visit, 22 of them contained
3 explosives. They did this with eight people and they did it in
4 one workday. So these 162 acres were covered by eight men and
5 each man had to cover on the average 20 acres. That's a big
6 area for what an acre is 3,562 square feet. They found a 125
7 items on 162 acres. That's less than one item per acre. And
8 also in addition to going on the site and picking all those up,
9 they also took the time to destroy the items.

10 AUDIENCE MEMBER: Did you say that that's the
11 place where Parks Mall is now?

12 MR. CONDIKE: No. Well, we don't know. We're not
13 drawing a conclusion. All we know is that it's confusing.
14 We're not sure to which the first clearance report referred.

15 AUDIENCE MEMBER: The one that's Parks Mall is on
16 is that ranked 2? Is that ranked at all?

17 MR. CONDIKE: No, we just discovered this one.
18 Because of the interest in this site that has been generated we
19 have gone back and looked at this again. We discovered there
20 are 15 of these in the Dallas Metroplex area that were
21 associated what is now known as the Dallas Naval Air Station.
22 We have not found all 15. We looked specifically in Arlington
23 (inaudible) because it was so close to this one we knew this was
24 confusing as to identity.

25 Then less than a year and a half later, January of

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1 1956, they issued another clearance certificate. The same
2 person signed this second clearance certificate. And this is a
3 typewritten representation of what it says. I didn't change
4 anything, I just typed it so you can read it. You can't read
5 the Xerox copy. This again refers to Five Points Field, again
6 talks about 162 acres that the site comprises. This one refers
7 to a 17.5 acre area in that area and that's what it is. There's
8 still an uncertainty in our minds as to what that first report
9 was referring. We can't nail it down. We're assuming what is
10 in that report applies to this site. We're not discounting
11 that.

12 You'll notice that clearance certificate supersedes the
13 older one. We're not sure why they wrote out the old one and
14 (inaudible). We don't know whether they realized their error or
15 whether it was simply a simple correction of the size of the
16 impact area. There was some question from GSA when they wanted
17 to dispose of the property. They said, you know, what you're
18 telling us doesn't exactly coincide with what we think we have.
19 So they did come back and look at it again. (Inaudible) the
20 impact area. We're not sure why they did that.

21 And then in July 1956 GSA did indeed succeed in
22 conveying the property to private owners. Fifteen years later,
23 17 years later, Twin Parks Estates purchased some of the land, a
24 35 acre parcel, and they started to construct the mobile park.
25 After about six weeks, they stopped the construction because

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1 they started finding these bombs on site. They found a couple
2 of dozen subsurface bombs. I didn't have a better description
3 than that. About a month later, while the construction was
4 halted, the developer -- apparently they came to the Army and
5 said will you come and take care of this -- this was prior to
6 the law that authorized the Army to spend money on. It was
7 prior to the FUDS law of 1986. So the Army said, no, I'm sorry,
8 we can't do anything, we don't have the authority. So the
9 mobile home park developer went and hired a private company,
10 (inaudible), to come and remove any high explosive ordnance.

11 ordnance That was 16 December. Ten days later they said
12 they were done and they found 1600 bombs according to the
13 records we have and they left. A few months later the
14 construction continued, they said oops, we found some more. So
15 they had the private contractor come back. In June they
16 declared they had found over 1600 of these items.

17 AUDIENCE MEMBER: That's 35 acres they found that
18 many?

19 MR. CONDIKE: Yes. It could have been on
20 (inaudible), we're not sure which part of the 35 acres they were
21 working one. I'm sure they weren't paying them to (inaudible).
22 Whether the number is 1600 bombs or larger number is really not
23 that important, the fact is there were a lot of them, hundreds
24 of them, maybe over a thousand, possibly more. So this site was
25 heavily used.

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1 This is a 1995 aerial photo that shows the development
2 of the mobile home park. This is Matlock Road on the east and
3 the north. It's bordered by Harris Street.

4 If I could turn out the lights and I can. I'm not sure
5 if I can show it. It's faintly visible here. You can get this
6 on the internet, if you want, from a site called Terraserver.
7 Terraserver, T-e-r-r-a-s-e-r-v-e-r. It's a Microsoft site on
8 the Microsoft network.

9 You can faintly see some outlines. Anybody have a
10 laser pointer? Thank you. You can faintly see the outline here
11 to the difference in vegetation that shows where the runways
12 were on the site. And I took a computer and I freehanded it and
13 that's what it looks like. You can see the one, two, three,
14 four, five points, that's why they call it Five Points. These
15 are the runways, one here, one here, one here, and there is one
16 over here. This area in the middle is what is called the impact
17 area. That's the 17.5 acre impact area. That was the target
18 that they were trying to hit when they (inaudible) the bombs.
19 Since this was a practice field and they were rookies, they
20 didn't necessarily hit the target all the time. So there is no
21 guarantee that these are in there.

22 The clearance certificate recommended, and it's in the
23 original deed, that this area, impact area, be used for surface
24 use only. In other words, it was not supposed to be any
25 penetration purposes, used for grazing or parking lots or

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1 something like that. That was why apparently when they came
2 back to the Army and said we want to put homes in here, the Army
3 said, no, you're not supposed to be doing that anyway. So they
4 went and hired a contractor.

5 This is a later photo. I'm not exactly sure when it
6 was taken. You can see some of the newer roads that a new
7 developer building homes put in. There's a couple of homes over
8 here. They put in these roads, as you are all familiar, are
9 extended out all the way over here and this road comes down here
10 a little bit. I don't have a more recent aerial photo that's
11 superimposed on that's what it looks like. People have been
12 wondering around, that photo is one of the ones that shows up on
13 the easel over here. This is just the same outlying site, just
14 with the streets shown on it. And red star is I had to give the
15 computer program Map Quests the name of a road, I picked
16 Marsland Road, it put the red star there and I can't get rid of
17 it.

18 AUDIENCE MEMBER: Can you tell me where Harris and
19 Matlock are?

20 MR. CONDIKE: Yes, sir. This is Harris right here
21 and this is Matlock Road right here.

22 AUDIENCE MEMBER: Where's Marsland?

23 MR. CONDIKE: Marsland is right here.

24 AUDIENCE MEMBER: Where is Alcrest Street located?

25 MR. CONDIKE: Right here. This is an area -- I'm

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1 a hazardous waste person by trade, I'm a chemist, environmental
2 chemist. So we're going to talk about ordnance and bombs and
3 that sort of thing, that's not my area of expertise. I've got
4 several experts. Which one? Randy. Randy, from St. Louis,
5 Missouri. Take it away.

6 MR. FRASER: My name is Randy Fraser. I'm a
7 ammunition safety specialist assigned to the Corps of Engineers
8 in St. Louis. I'll just give you a real quick background. I'm
9 retired military Army, EOD(inaudible). I'm probably one of the
10 guys, the bomb techs, that they called and said please come up
11 and clean it and we came up, but we couldn't do it. No, I
12 didn't do that. That's my background.

13 What I want to do is talk about the type of ammunition
14 or ordnance that has been reportedly found on this site. I know
15 that most of y'all in here are familiar with the miniature
16 practice bombs that has been surfacing over the past couple of
17 years, the one like they are talking about 1600 of them that we
18 find all these little bombs just. Well, just recently we found
19 out that according to a clearance document that they used M47
20 chemical bombs here. Okay. And that's what I'm going to talk
21 about right now. I'm going to give you a little idea what a M47
22 chemical bomb is and why it was used on this site and maybe
23 explain a little bit about it.

24 First off, in the early '40s -- in the '30s and the
25 '40s and such all chemical munitions were -- let me rephrase

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1 that. Smoke type of chemical munitions, toxic chemical
2 munitions such as mustard gas, you all have heard of mustard or
3 nerve agents, stuff like, that's what are called the toxics.
4 Also included in chemical is incendiary materials. Also
5 included in chemical is smoke type materials, white phosphorous,
6 (inaudible) is another type of smoke material, it's not a
7 burning type of substance like white phosphorus. But
8 everything is categorized into chemical. So when you see the
9 M47 chemical bomb, it doesn't necessarily mean you have a toxic
10 chemical munition type of device. You got to remember that it
11 could have been an incendiary, it could have been a smoke round
12 or it could have been a chemical bomb, which indicates it's not
13 a smoke bomb. We know there is no mustard out there, there is
14 no nerve agent. But what we are concerned with is the white
15 phosphorus. I know that's y'all's concern.

16 In other cases these types of munitions were also used
17 as practice bombs. In that case they were filled with iron
18 oxide, which is nothing more than powder, just rust. And it was
19 used as a marker. When the bomb impacted on the ground, it just
20 spread out a rust spot on the ground. All right. We have no
21 evidence that that was used here.

22 So what we're going to do is we're just going to look
23 at the white phosphorus type of round because that's the most
24 hazardous one in this type of category. We're also going to
25 look at some of the other ones, too.

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1 Okay. According the '54 clearance document, we found
2 M47 chemical bombs, Mark 23 Mod 1. That should be Mod 1. In
3 the original document it was spelled out as model, but it should
4 read Mod 1, which modification. Means nothing really, but just
5 make sure everything is on the same --

6 And the M38 practice bomb, in the draft of our search
7 report they also reported Mark 1 Mod 0 type practice bomb. And
8 since then these are being revises, these are being taken out.
9 We have no evidence that those bombs were ever used on this
10 site. We have no reason to believe they were. These bombs were
11 1930, 1920s vintage and it's very unlikely that they were ever
12 used on the site. So that is being removed. Actually we don't
13 know how it got in there in the first place, but it is a
14 practice bomb.

15 It's a very poor picture, but this is a representation
16 of the M47 incendiary bomb. It is a light case condition. The
17 thickness of the metal itself is about one-sixteenth of an inch
18 thick. It was used for a variety of purposes. It was used for
19 the incendiary where they filled it with gasoline and maybe a
20 rubberized type of component to Napalm. I doubt it was filled
21 with Napalm, but this is the first type use of a Napalm type of
22 bomb. There's a better picture of it. It's approximately about
23 52 inches long or 52 inches high and about eight to eight and a
24 half inches in diameter. If you read different manuals, it will
25 tell you 52 inches long, 52 and a half inches long. Some say

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1 8.1, 8.5, it's all approximately eight inches in diameter.
2 Approximately four, four feet and a couple of inches in length.

3 AUDIENCE MEMBER: How long?

4 MR. FRASER: About 52 inches. So that's about the
5 size of these things. As we know right now other than that one
6 document we haven't -- I've seen no reports of these things
7 being found on this site. I don't know if anybody here knows of
8 these things being found recently or in the past. But that's
9 what the M47 looks like.

10 AUDIENCE MEMBER: How many pounds?

11 MR. FRASER: A hundred pounds, but also the
12 hundred pounds referred to the bomb itself. Now, depending on
13 what went in the bomb, the weight varied. It varied anywhere
14 from 68 pounds up to 130 pounds depending on the substance they
15 put in it. If they put in a gasoline, it was down to about 68
16 pounds. If they put in white phosphorus, it was up to a
17 125-130 pounds.

18 AUDIENCE MEMBER: Are you referring to the 7 of
19 October 1954 document as the only document you've got?

20 MR. FRASER: Yes, ma'am.

21 AUDIENCE MEMBER: And also if these were to be
22 dropped, would those not go further into the ground because they
23 are heavier and weigh more?

24 MR. FRASER: It would really depend on what the
25 soil was when they the dropped it. If it was hard, if it was

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1 dry, it's very unlikely that these things would penetrate into
2 the ground. If they did, they wouldn't penetrate very far. But
3 if it had just rained and it's real muddy, it would go a little
4 bit deeper. But you got to remember, too, that this material is
5 a thin case -- it's a thin case metal, one-thirty-second or one
6 sixteenth of an inch thick. It's filled with a liquid form or a
7 liquid type of (inaudible). When it hits, if it doesn't -- I'm
8 going to use the term detonate, but it doesn't really detonate,
9 it burns slowly. If it doesn't burn slowly, it's very likely
10 that it's just going to crack apart and squash and pancake on
11 the surface.

12 MR. CONDIKE: Can we hold the questions until the
13 end? Okay.

14 MR. FRASER: So the fillers are -- they could be
15 white phosphorous or another filler they refer to is PWP, which
16 is a plasticized white phosphorous. You'll see that.
17 Plasticized white phosphorous is nothing more than white
18 phosphorous. Which, by the way, white phosphorous is a smoke
19 type of material that the military uses for screening purposes
20 or to mark targets and it just produces a large quantity of
21 white, dense smoke. White phosphorous also burns, so you are
22 going to get a lot of flames produced. The military uses it
23 also as a very minor incendiary type of device because it will
24 produce a lot of heat. White phosphorous burns on contact with
25 air. If you just had some white phosphorous and you held it out

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1 here, it would ignite, it would start burning and produce a very
2 dense white smoke. So that's what white phosphorous is.

3 Plasticized white phosphorous is a mixture of white
4 phosphorous and a -- it's likely a rubber latex type of stuff.
5 What the military found is when they used these bombs and white
6 phosphorous, they didn't get a good sticking substance. White
7 phosphorous would spread and it would burn out. So they put
8 this rubberized material in there, so if it went up against a
9 wall or something like that, it would stick and burn a little
10 bit better, that way they had a little bit better incendiary
11 (inaudible). So that's what the difference is between PWP and
12 WP.

13 The other type of bomb and it's a M47 case. These are
14 a series of bomb cases. There is a M47-A1, M47-A2, M47-A3 and
15 A4. And there is also AN-M47 and 47-A1. The AN stands for Army
16 Navy, which is a joint use. So there is a lot of different
17 types of these bombs in the series.

18 They also use these as practice bombs. Like I say,
19 they filled them with iron oxide. When these bombs were shipped
20 to the installations, they were shipped -- the white phosphorous
21 rounds were shipped fully loaded. They came fully loaded with
22 white phosphorous. The chemical rounds and the incendiary
23 rounds, they were shipped empty, so all they had was an empty
24 carcass and they would fill them on site. A lot of times when
25 they had shortage of practice bombs, they could use these for

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1 practice bombs. I don't have any written evidence right now
2 that says that they used these for practice bombs, so that's
3 only speculation. There is a model that's filled with iron
4 oxide, which is categorized as a practice bomb.

5 Everybody can see that this sheet is just really what I
6 just commented.

7 You want to talk about the miniature bombs or do you
8 want to take it? Is there any really quick question on the M47?
9 I know he said hold your questions, but if you have a question
10 that we can cover real quick --

11 AUDIENCE MEMBER: If these bombs did not penetrate
12 the ground very far, then how could they not been discovered by
13 in the other (inaudible) during the sweep and how do we know
14 that if we find any of these bombs that they are not going to
15 explode?

16 MR. FRASER: I'm glad you asked that. I did fail
17 to discuss a little bit more on how these things actually
18 function. How these are designed to function, you see the tube
19 down the center? The tube down the center is what they call a
20 burster tube. These things are filled and in this burster tube
21 there is a small amount of explosive. There is a -- when I'm
22 talking about a small amount, I'm talking about 400 grams of
23 explosive. That's what burst the case open. In the top portion
24 they would have -- it's not shown in this picture, but up there
25 there would be a fuse. The fuse is an impact type of fuse.

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1 When that thing hits the ground, it generates an explosive train
2 and ignites that burster. The burster detonates and it spreads
3 the mixture out on the ground. If it fails to function, just
4 the impact alone would very likely crack this case open. And if
5 it was filled with a gasoline or Napalm type of liquid, it would
6 probably leak out on the ground if it didn't ignite. If it's
7 the white phosphorous type of ignition, it's very likely that --
8 because white phosphorous ignites on contact with air, it would
9 probably burn itself out. The problem you have with white
10 phosphorous is when it burns, it also -- it bubbles, it's like a
11 molten type of burning mixture. It will actually crust over and
12 it will form a hardened crust over the white phosphorous that
13 hasn't burned. And if somebody comes up and breaks apart
14 (inaudible), what you get is a burning mixture.

15 White phosphorous does not detonate, it does not
16 explode, all it does burn. If you went up there and you kicked
17 it with your foot, it would start burning and start smoking. If
18 you stand on top of it (inaudible). It just doesn't detonate.
19 If it penetrates into the ground -- and why they didn't find
20 any? The thing is I don't know if we have found any since we
21 have been doing any digging out here or since anybody has been
22 digging.

23 The clearance report found them in '54, right? That
24 was the team that came up and did that clearance, they did a
25 surface clearance only. All they did was they got in a line

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1 five guys on a line or seven or ten or however many they had,
2 and they all walked. They walked the line, they pick up
3 whatever they find and they take care of whatever they find in
4 front of them. They get to the other end of the field, they
5 turn around, they walk down a little bit and come back and just
6 keep doing that until they completely cover whatever area they
7 are clearing. In that report it's apparent that they only did
8 surface clearance, so they didn't clear anything but surface.

9 AUDIENCE MEMBER: If any of that leaks into the
10 ground, is that dangerous in the soil?

11 MR. FRASER: To be honest with you, I don't know,
12 I'm not a chemist.

13 MR. CONDIKE: We've got a physician here that can
14 talk about that.

15 MR. FRASER: I'm a bomb tech, if it blows up, I
16 take care of it.

17 AUDIENCE MEMBER: These M47 bombs, you said they
18 were like flown in and dropped, right? How high in the sky was
19 the --

20 MR. FRASER: It would be hard to day. I don't
21 know, it could 500 feet, it could be 10,000 feet.

22 AUDIENCE MEMBER: Like dusting a field, they could
23 be that low?

24 MR. FRASER: Yes, ma'am, they could. In that
25 particular type, these are normally when we find them fully

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1 intact because they don't impact with a great amount of force,
2 but they also don't penetrate the surface at that point. So
3 anything that would be on the surface, I'm sure they would have
4 policed up or taken care of. If they dropped from 10,000 feet,
5 these things about that thin when we find one on the ground.
6 Okay.

7 AUDIENCE MEMBER: But all of them were actually
8 dropped -- all these little bombs that they say they found on
9 this particular site, all of them fell from a plane, none came
10 from like another state, in the target area in this state?

11 MR. FRASER: No, ma'am. They were dropped on this
12 bomb target.

13 AUDIENCE MEMBER: How many were dropped?

14 MR. FRASER: We'll cover that at the end. I don't
15 know. There is no way to tell. We know that there has been
16 reported on how many they found, but we don't know how many they
17 haven't found. I'm going to let Dan come up and talk a little
18 bit about the miniature practice bombs and the M38s. He's the
19 local safety guy here in Fort Worth and he is the guy.

20 MR. McCLENDON: Good evening. My name is Dan
21 McClendon, I'm the ordnance explosive safety specialist in Fort
22 Worth. So most of the people here that are law enforcement and
23 fire department will be dealing with somebody from our office.

24 The primary item that the law enforcement agencies have
25 been finding are the Mark 23s. Some of you ask a question on

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1 why they find them now, why are they digging them up. These
2 things are only eight inches long. They are about that long.
3 They've been lying around probably since the '40s. What happens
4 is (inaudible) and they'll soon be covered up. I've worked with
5 builders before and what happens is before they even start
6 building, they grade the land. When you do that, the fact that
7 they are not looking for ordnance, what they do is they end up
8 burying these things. It's a very small, they're about the
9 silver-gray in color. They are mostly (inaudible) pieces of
10 clay, pieces of wood, pieces of dirt. (Inaudible). Normally,
11 (inaudible) they pick them up, they shake them.

12 Has anybody here actually found one? When you
13 first picked it up, did you realize it was a bomb?

14 AUDIENCE MEMBER: Yes.

15 MR. McCLENDON: You did? Okay. But, again,
16 that's the problem. Those of you that seen the picture, it
17 looks like a toy. Normally it's a situation that if you ever
18 find (inaudible) there is not that (inaudible) once you pick
19 them up and (inaudible) call the sheriff's department, call the
20 fire department, they'll come out (inaudible) the site,
21 (inaudible)

22 AUDIENCE MEMBER: What could it do?

23 MR. McCLENDON: What could it do? Okay. Worst
24 case scenario one three ounces, three and a half ounces black
25 powder. It just burns. It degrades over time. It's probably

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1 not going to detonate. It will burn. Unfortunately, the ones
2 filled with the (inaudible) mixture, they're going to burn
3 little hotter. Everybody has seen the war movies where somebody
4 calls in the white smoke and you see the big white stringers go
5 up in the air, that's what happens.

6 AUDIENCE MEMBER: Are those dropped out there?

7 MR. McCLENDON: Yes. If the Navy dropped them,
8 (inaudible) changed the they are smoke use the (inaudible).

9 AUDIENCE MEMBER: So what would it do if I hit one
10 with my shovel?

11 MR. McCLENDON: What it will do is eject out the
12 rear. It ejects out the front end rather. The phosphorous
13 material and smoke and it will pretty much start a fire.

14 AUDIENCE MEMBER: It will burn my skin?

15 MR. McCLENDON: Yes, it will, it will burn the
16 skin. We have a doctor, we have medical hazards. Unfortunately
17 sometimes these things happen. They lay in for ages, records
18 are lost and that's why we're called to clean it up. That's our
19 responsibility.

20 Any really quick questions on the 23?

21 AUDIENCE MEMBER: Is there (inaudible)?

22 MR. McCLENDON: Chances are -- like I said, it has
23 a simple type of fuse, simple type of firing mechanism, chances
24 are these things are going to expended. If they're not
25 expended, it's be lying around for 30 years, 35 years, it's

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1 going to be corroded at both ends and chances are the mixture is
2 either no longer hazardous or it's plugged up that it's not
3 going to (inaudible) unless somebody finds it and opens it up.

4 AUDIENCE MEMBERS: What's the oldest bomb in
5 there, 10 years old, 20 years old?

6 MR. McCLENDON: The oldest one would be in
7 Louisiana. We found some dropped in the early '40s and they are
8 pretty bad shape. Until we put what we call a counter charge on
9 (inaudible) to be even functional at the time.

10 AUDIENCE MEMBER: But they weren't live.

11 MR. McCLENDON: Right, they weren't live.

12 AUDIENCE MEMBER: They have the potential to blow
13 up?

14 MR. McCLENDON: Yes, they have the potential to
15 blow up. They were not designed to detonate. Even now 40 years
16 later they're not going to detonate. They'll send out an
17 explosive charge. The explosive charge is going to cause
18 burning injuries or it's going to start a fire. These things
19 were never designed to detonate.

20 MR. CONDIKE: Let's keep the questions technical
21 right now to ordnance expert.

22 AUDIENCE MEMBER: When you say detonate, you mean
23 they --

24 MR. McCLENDON: They won't explode, they were
25 never designed to explode. The mechanism as it's designed, if

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1 you look at it, it's a (inaudible), it's still going to have the
2 basic shape.

3 MR. CONDIKE: Can we hold the questions now
4 please? We want to hold the questions. Dan, let's hold the
5 questions.

6 MR. McCLENDON: These right here. These. Okay.
7 We found these -- like we said, we found a whole lot of these at
8 Camp Claybourne, Louisiana. And most of them were expended,
9 that's why you see them stack up like that. Basically they'll
10 have the same gauge as shotgun shells. They will be about that
11 long. They have white phosphorous and red phosphorous mix and
12 it degrades over time. I've never heard -- I won't say it could
13 never happen, that it won't go off, but I've never heard of one
14 of these going off.

15 AUDIENCE MEMBER: You're not going to say it won't
16 happen?

17 MR. McCLENDON: Right, I'm not going to say it
18 won't happen.

19 The M38 practice 100 pound practice bomb. The chance
20 of finding one of these subsurface is probably slim because the
21 construction of this bomb is the same as the other one. The
22 chances are it came to the ground and due to the weight of the
23 filler it's going to hit the ground and pancake. And normally
24 you would find it smashed. You remember the beer commercial,
25 the guy takes the can and pushes it up aside his head, well,

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1 that's what these are going to do, especially in this nice Texas
2 dirt, the bad farming range. The filler on these are a little
3 bit different than a bomb, sometimes water, sometimes
4 sand-filled, but it's going to have a little bit of bigger
5 hazard for the practice munitions.

6 It's all going to have been shotgun shell, same as the
7 Mark 23. And so the hazards of this one is a little bit greater
8 than it is on the Mark 23. Anybody here a hunter? Then you
9 know the hazards of dealing with gunpowder. It will burn.
10 Normally it will just burn, it not considered an explosive.

11 Okay. Now the last slide. Basically do not try move
12 it, mark it well, contact your local law enforcement, who will
13 come in (inaudible) contact Fort Worth representative or
14 Arlington that their procedure is to go to Fort Worth, they will
15 notify the Fort Hood response. We have expressed an interest in
16 it also. Chances are this comes up on project like I said
17 you'll be dealing with the people out of my office.

18 AUDIENCE MEMBER: How do our kids know not to
19 touch it?

20 MR. McCLENDON: Normally what we end up doing is
21 like a town hall meeting and such, we get with the head of our
22 safety department and try to come up with and have public
23 affairs, handouts and stuff and give it to local media. Fort
24 Hood, when I was on active duty normally, we would go out to
25 schools, put on a presentation, don't touch, bomb threat, bomb

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1 threat, everything, for the kids in the schools. And basically
2 Fort Hood hasn't done that, but that's part of their area of
3 responsibility.

4 AUDIENCE MEMBER: She is talking about a one-year
5 old child.

6 MR. McCLENDON: A one-year, they should be with
7 the parents. They shouldn't be running around.

8 AUDIENCE MEMBER: We pay for big corner lots we
9 paid for our kids to be in. I can't use the backyard because of
10 possible --

11 MR. CONDIKE: Dan, that's all that.

12 MR. McCLENDON: Anything else on general --

13 AUDIENCE MEMBER: You know, these things don't
14 explode, they just don't detonate; is that true? What does it
15 do? What will it do if contact is made with gas or something?

16 MR. McCLENDON: Nothing, sir.

17 AUDIENCE MEMBER: Nothing happens?

18 MR. McCLENDON: Nothing.

19 AUDIENCE MEMBER: White phosphorous doesn't do
20 anything?

21 MR. McCLENDON: The first thing, you put the fire
22 out, you douse it with some kind of liquid, you put muddy water
23 on there, it goes out. You cover it up with a cloth, it goes
24 out. After white phosphorous ignites, it needs oxygen. You
25 deprive it of oxygen, it goes out.

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1 AUDIENCE MEMBER: You have senior citizens in
2 their seventies, in their eighties, they start telling you of
3 watching the 4th of July take place where we're sitting, how can
4 you tell us it's not an explosion when you have the opposite
5 (inaudible)? I mean so we're saying it's possible, but none of
6 us have the --

7 MR. CONDIKE: Let me finish a few more slides
8 first and then we'll get to a few more questions, please.

9 MR. McCLENDON: Two or three more slides to go
10 through, then we'll get to the general questions and I'll turn
11 it over to Mr. Ruffennach.

12 Just to try to put this in prospective, not to minimize
13 the situation that you all have, but some of these areas might
14 be familiar to you, they are not that far away. This summer in
15 Mineral Wells we removed from a one-acre field a 129 live hand
16 grenades the farmer was uncovering with his plow. Nobody got
17 hurt. We still have 23,000 acres to clear up there. Camp Howe
18 in Gainesville, Texas, we're finding these have large artillery
19 shells. This one has three pounds of high explosives in it.
20 It's not 50 feet from a man's backdoor. Some of them are much
21 larger, five times larger. This is the Camp Claybourne. These
22 are some of the very large explosives that are there on that
23 artillery range. You'll see Mr. Sargent sitting on the 750
24 pound one.

25 Now we'll go to question and answer period and

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1 information sharing. The woman that was just speaking about
2 fireworks display (inaudible).

3 MR. RUFFENNACH: Let me first of all
4 apologize. We were hoping to get through this presentation in
5 about 30 minutes, so that we would have a good period of time
6 for questions and answers and specifically when you have
7 questions and answers to go through, your presentation gets to
8 an hour and ten minutes like we did. So I apologize for jumping
9 up and trying to hold the questions to the end. We know there
10 are many.

11 Let me first of all refer you to the sheet that you
12 were handed when you came in the front. It's got a number of
13 people that are here tonight that are going to try to answer
14 those questions for you. And the other reason we're trying to
15 keep the questions to this part of the program is so I can tell
16 you we want you to really yell your question out because this
17 poor court reporter behind me has been struggling to get every
18 word that you all have been yelling from the audience. We're
19 also trying to get a good sensing of what the general concerns
20 are because obviously this is the first step in future dialogue
21 we're going to have between the Army Corps of Engineers and the
22 neighborhood associations. We're going to talk a little bit
23 about that at the end. We're here as long as you need us to be
24 here. It is a much larger group than we typically have on these
25 kinds of things and so we're hoping that we can provide at least

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1 this next session to the benefit of everybody here. With that
2 in mind in trying the conduct some kind of organization in
3 answering questions, I'm going to go directly back to the lady
4 who I personally asked not to say anything to Brian. Ma'am, if
5 you would please stand up and repeat your question. And then
6 we're going to start going across the room, I'm going to keep
7 going back and forth. And if you ask one question, we may not
8 get back to you until the very end.

9 AUDIENCE MEMBER: That's fine. My question
10 is you are saying that the explosives are not (inaudible). We
11 were not born in the '40s, a lot of us were not. And then you
12 have senior citizens that were born in the '40s and they tell
13 you they remember having a 4th of July in their backyards where
14 we're living and the explosives going off. That's one issue.
15 The other issue we're a Level 2, we have got bombs in an area
16 that needs to be cleaned up. How can you go in and clean up
17 when our homes are built on that? The only way you can clean up
18 is demolishing the homes that are there now. That's why
19 (inaudible).

20 MR. RUFFENNACH: You want to handle that,
21 Brian? I didn't say I knew anything. I'm just a facilitator.

22 MR. CONDIKE: As I said earlier, I don't
23 pretend to be an expert on the ordnance There are a couple of
24 ordnance experts speaking tonight about the nature of these
25 munitions what they can and can't do.

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1 AUDIENCE MEMBER: Is the doctor going to get
2 up and talk?

3 MR. RUFFENNACH: Dr. Patrick, certainly if
4 you have questions, he will be available for that. Let me give
5 you Bill Sargent. We're going to get Bill to come up here. The
6 question this lady asked have we cleaned up sites where we have
7 had residents before.

8 MR. SARGENT: The sites we have been working
9 on that have had residents usually we'll go in and try to
10 characterize what kind of ordnance they have out there and what
11 kind of risk does it make to the people that live there. There
12 will be a public meeting for participation held in that. Right
13 now we're working up a scan (inaudible) and we're clearing
14 around houses to see if there is a risk around those houses. We
15 understand some of this impact area is underneath the house and
16 there's really no way to get at that. The people aren't doing
17 anything up underneath that house and that ordnance is there.

18 the first step we got to figure out is what kind of
19 ordnance we have. If it's just practice munitions (inaudible),
20 if it's never touched and never bothered, then it's not going to
21 bother anybody. It's when people can get at it is when we start
22 having problems with ordnance because that's what triggers this
23 is some kind of human interaction. But we are working around
24 the houses. We haven't got to that road yet, but if we get into
25 the impact area where we have got a house with a lot of ordnance

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1 we're going to have to try to address some of these sites, how
2 do we deal with it, people that get up under the house the crawl
3 spaces, that's a case by case, we have to work with that. But
4 on this site right now we're just trying to figure out what is
5 the problem, what is the munitions that may actually be out
6 there.

7 MR. RUFFENNACH: I'm going to this side of the
8 room. Ma'am, since you are standing.

9 AUDIENCE MEMBER: You said that you told the
10 developer this property was to be used for surface level only
11 and parking lot or grazing and that you told him that he
12 couldn't build houses here. That's what I heard. And number
13 two, if KB (inaudible) that and keep building, what can the Army
14 Corps of Engineers do to prevent them from building these homes
15 because homes are not surface?

16 MR. CONDIKE: Didn't the deed that the (inaudible)
17 recommended that this property (inaudible) for surface use only?
18 (Inaudible)

19 AUDIENCE MEMBER: So the City of Arlington and
20 everybody knew all this was going on?

21 MR. CONDIKE: We don't know what the City of
22 arlington knew.

23 AUDIENCE MEMBER: First of all, when people go
24 dropping bombs they do have an obligation to tell people what
25 they can do with that land, especially when they're going to

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1 build homes on it. And that's the Army and Navy's job to make
2 sure that happens. It may not be documented. As far as I'm
3 concerned it was your responsibility.

4 Next, we're looking at what it's going to take to move
5 this to a Level 1 as far the priority list. Is somebody going
6 to have to be injured, maimed, killed? What is it going to take
7 to get to that?

8 MR. CONDIKE: I glad you asked that question
9 because it did come up in the previous discussion. On one of
10 the slides we talked about the three conditions that the 1954
11 clearance report listed. It listed the chemical bomb, the Mark
12 23 practice bomb and the M38 practice bomb. None of those are
13 listed in our RAC -- no, that's not true. The middle one is,
14 but the other ones are not, the chemical and the big practice
15 bomb are not listed. Because of this review, we have been going
16 over it, we're now going to add the chemical bomb, we're now
17 going to search for it, because it's possibly on this site we're
18 going to add the M38 practice bomb. The point is so (inaudible)
19 that it takes very few points to bump this up to RAC 1, it's
20 going to be a RAC 1 site when they finish.

21 AUDIENCE MEMBER: Well, I just have one. The blue
22 area, you say 17.5, correct? Now, is it possible that the
23 outlying area you have in the red with the blue makes up the
24 26.5? It doesn't? Okay.

25 My other main question is I am not sure if all of you

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1 did, I know I did, I got a question and answer paper from KB
2 saying, oh, well, these were the main questions that were asked.
3 And it said on there are these bombs anything that are harmful
4 and it said no, Brian Condiike said these are not harmful. Did
5 you say that?

6 MR. CONDIKE: When I found about this, I had
7 somebody send me a copy of this and I shook my head.
8 (Inaudible.) I never said that. And I think you have heard
9 enough tonight to know that even though these are practice bombs
10 are not (inaudible).

11 AUDIENCE MEMBER: When they are explaining the
12 type of bombs supposedly was used, they are saying that we don't
13 have documentation that these other weren't used. Would there
14 be documentation or you just don't have it?

15 MR. CONDIKE: When we have uncertain information,
16 for instance, this 1954 clearance report refers to possible use
17 of chemical bombs, we're not sure that it applies to this site,
18 we err on the side of conservatism, so even though they are not
19 showing on the site, we assume that they are on the site. We
20 take our worse case. We never got the documentation to show
21 that these items were actually used on the site, but based upon
22 the information we have we make the best decision we can.

23 AUDIENCE MEMBER: Do they document they would use
24 this type of arm or we did not use this type of arm or they just
25 say what they used and that's it?

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1 MR. CONDIKE: I'm not sure I understand the
2 question.

3 AUDIENCE MEMBER: What I am saying when he's
4 describing the bomb and the contents what was supposedly used,
5 would they go back and say we only used a certain type of bomb
6 in the area?

7 MR. CONDIKE: The records are not that complete.
8 We don't know.

9 AUDIENCE MEMBER: Based on the information Brian
10 put up earlier was that you advised these people first in the
11 trailer park home to have the property cleared; is that correct,
12 to hire ordnance people to remove it?

13 MR. CONDIKE: What I believe how it transpired and
14 what I was trying to say was based upon what I've read the
15 developer asked the Army to clear the site, the Army declined.
16 And the Army suggested that if they wanted that done, they could
17 hire a private contractor.

18 AUDIENCE MEMBER: Do you know if that also related
19 to KB? Do you know?

20 MR. CONDIKE: There's a report in the archive
21 search report that stated that there was a trip in 1998 where
22 the Corps of Engineers met with some people and at the end of
23 the visit they advised the developer that if they wanted to
24 continue with development, they should higher a private
25 contractor.

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1 AUDIENCE MEMBER: You don't know whether KB --

2 MR. CONDIKE: I don't know if they did it or not.

3 AUDIENCE MEMBER: I'm not asking you that. I'm
4 asking if you made that --

5 MR. CONDIKE: I'm not sure if KB Homes was
6 approached with that question. Did I say that? No, I don't
7 remember that.

8 AUDIENCE MEMBER: If you told KB Homes that as it
9 was being developed if did they find any of the large bombs that
10 they have to call law enforcement or if what KB Homes found was
11 practice bombs?

12 MR. CONDIKE: Arlington Police Department, Jeff
13 Matthews. Jeff, are you here? How long have you had Fort Worth
14 Fire Department under contract to handle that situation?

15 MR. MATTHEWS: Maybe ten years.

16 MR. CONDIKE: Do you know offhand of any instance
17 when they found anything?

18 MR. MATTHEWS: The only thing in my memory is the
19 smaller bombs.

20 MR. CONDIKE: I talked to Fort Worth Fire
21 Department about four days ago and I talked to all the people
22 that were in bomb squad and their collective memory goes back to
23 1984 and they said they don't remember anything but these small
24 bombs.

25 AUDIENCE MEMBER: You said practice bombs were

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1 used, but you mentioned if they ran out of practice bombs, they
2 might have used the larger chemical bombs. But you have
3 mentioned no documentation if they did and you have no
4 documentation if they didn't and you no documentation on how
5 many they used and yet today none have been found.

6 MR. CONDIKE: We go back to the 1954 clearance
7 certificate that said, I think, there were 75 M47 chemical bombs
8 found.

9 AUDIENCE MEMBER: 1956, but none since 1994 or
10 even go back to 1991.

11 MR. CONDIKE: That's all the records we have.

12 AUDIENCE MEMBER: I know that a lot of us had
13 discussed together, and it's really for the doctor. It's really
14 more for the doctor. That a lot of us have had medical
15 problems, some worse than others. Some of the children have had
16 situations that were not until we moved into the neighborhood.
17 And we just think they've been constant. We have all wondered
18 are any of the bombs -- could any of the chemicals that were
19 used in the bombs be causing any of this? There are seizures,
20 infections, fevers and the doctors could not find anything.

21 DR. PATRICK: It sounds like the people that have
22 had a number of different symptoms are children. Is that what
23 you are saying?

24 AUDIENCE MEMBER: And the adults, mostly the
25 people who are home more have had more problems than people that

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1 are working outside of the home. There are a lot people in the
2 neighborhood, there are children, babies, women having
3 miscarriage that do not have a history of miscarriages,
4 unexplained fevers, unexplained seizures, sores, I mean, all
5 kinds of things that doctors cannot find any reason for.

6 DR. PATRICK: What I'm going to do is get to the
7 definite linkage we have for people that have had problems with
8 white phosphorous because that's what we have here. So we have
9 actually authority from the internet that this is well
10 (inaudible). But there's not much information on white
11 phosphorous except by people like that. How would you get
12 exposed to white phosphorous? First of all, you have people who
13 work with munitions (inaudible).

14 AUDIENCE MEMBER: (Inaudible) on trout. In
15 the dirt, you know, we've all got dirt tracked into our homes
16 and kids are out there playing.

17 DR. PATRICK: First of all, it rarely, rarely
18 falls, you know -- first of all, it doesn't explode, it's not a
19 munitions per se. But when it is used in munitions, it
20 disperses, it hits the air and burns, actually cover it with
21 water or something like that, otherwise it burns itself to
22 death. So rarely have it (inaudible), so it's not usually a
23 problem. (Inaudible) You don't normally get it into food unless
24 you have some kind of garden where white phosphorous lands right
25 inside the area. So the chance of that happening is pretty rare

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1 unless you're right inside an area where the plants were getting
2 the white phosphorous (inaudible). We have seen where they
3 produced white phosphorous (inaudible). If they ate
4 contaminated fish or game birds that actually (inaudible) in
5 people that ingested it, we had some problems there.
6 (Inaudible). Usual this was ingesting the fire where they had,
7 you know, like a kid is chewing on (inaudible) white phosphorous
8 or deliberately swallowing rat poison, that's white phosphorous.
9 So it's usually a deliberate action to have some kind of serious
10 problem or --

11 AUDIENCE MEMBER: So the chances aren't very high
12 of it just being in our dirt?

13 DR. PATRICK: We don't have any evidence of any
14 (inaudible). I'm a retired Army colonel in Vietnam and we had
15 the real bad stuff and even then I didn't see it. I know they
16 bury stuff in many places. We didn't have laws like we do today
17 about these things. So your (inaudible) even though it's just
18 small munitions that have black powder, it's really not a major
19 thing like if it was nerve agent. We going to do our very best
20 to make sure that your place is a safe spot because they are.
21 Okay.

22 Okay. Now, how do you get it into the lungs? Well,
23 you can inhale the smoke from the white phosphorous. You get it
24 if you eat contaminated foods or water that had it in it. And
25 burn, you could be burned by it, too, that could happen. What

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1 would happen? Now, I've a number of items to talk about.
2 Condition known as phossy jaw usually because it damages the
3 blood vessels in your mouth, that's large amount, not a small
4 amount, intentional type eating, damage to blood vessels. You
5 would have injuries to your mouth and it would actually start
6 causing damage to the jaw. That's an unusual situation unless
7 you were getting a large amount.

8 Most of what they found about the health effects of
9 breathing it, the workers, the actual workers working in
10 munitions plants. None of you here are going to get that kind
11 of concentration. Let's say that you actually ate the white
12 phosphorous, say suicide attempt, that has happened. There you
13 have problems with your heart, your liver, your kidneys, damage.
14 Those things we have only seen in, you know, intentional types
15 where it was ingested in large amounts, usually from a munitions
16 or something of that nature. Again, it's in rat poison,
17 fireworks, that's about the extent of what we have.

18 The other thing is the levels in foods and water are so
19 low that we don't have any studies to find out at this time what
20 it will do.

21 So if you don't mind (inaudible). I want to finish
22 that way everybody can know the best information. There is no
23 detailed information. This is probably the best. It comes off
24 the internet, you can get a copy for yourself if you would like.
25 I'll show it to.

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1 We don't know much about the serious effects other than
2 these intentional hits. And we do not know if cancer or birth
3 defects are caused in people that have children, if you cause
4 problems if you are having children. Since they haven't done
5 any cancer studies on animals or people, the EPA has determined
6 white phosphorous is not a human carcinogen. Again, we don't
7 know, but we don't think it is. If you breathe the white
8 phosphorous smoke and it gets in your lungs and so forth,
9 (inaudible) and to tell you that right now there are no studies
10 to tell you the smoke (inaudible.)

11 I was in Desert Storm. I had to pick up pieces, I
12 know what I'm talking about. It's not a (inaudible) you have a
13 little. If I had my choice I had rather work with your little
14 ones. I realize that there is a still a lot of those and we
15 can't tell you what we don't know. Does that help?

16 AUDIENCE MEMBER: No.

17 DR. PATRICK: That's the best I can do.

18 MR. RUFFENNACH: I made a promise to go over here.

19 AUDIENCE MEMBER: My question is for Mr. Condikey.
20 You stated earlier that in 1954 when they did the surface
21 cleaning, the area cleaning, that it was eight men and they did
22 it all in one day. So you assume they did 20 acres apiece.
23 Well, this is a paper right here that said they did it in three
24 days. So where did you come up with your one day? This is an
25 official Army Corps of Engineers paper.

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1 MR. CONDIKE: They spent a day on travel, a day
2 on site --

3 AUDIENCE MEMBER: They said they traveled
4 approximately 700 -- let me read it to you. They said they
5 traveled approximately 700 miles. How long did it take them to
6 get there? They said they traveled approximately 700 miles in
7 one a day. They needed approximately three days. They said for
8 three days per diem seven guys they traveled to Arlington,
9 Texas.

10 MR. CONDIKE: What time did they get there?

11 AUDIENCE MEMBER: I don't know.

12 AUDIENCE MEMBER: They got there at 4:00 o'clock.

13 AUDIENCE MEMBER: It says they got there at 4:00
14 o'clock. I was in the military. The military requires that you
15 drive eight hours and stop. Seven hundred miles is not going to
16 be more than eight hours.

17 MR. CONDIKE: When did they leave?

18 AUDIENCE MEMBER: They said on this paper that
19 they left Monday, the 4th of October 1954, for the purpose of
20 clearing the subject area land. That's what they state in here.
21 I'm trying to figure out how you get one day when the paper says
22 three days.

23 MR. CONDIKE: Because the way I read that paper
24 the arrived at 4:00 o'clock in the afternoon on one day and left
25 at 5:00 o'clock in the afternoon the day after.

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1 AUDIENCE MEMBER: What about --

2 MR. CONDIKE: I said they did it in one workday.
3 They didn't work all night. They got there at 4:00 o'clock in
4 the afternoon one day. I'm sure they checked in a motel room.
5 Got there the next morning and worked on the site and left at
6 5:00 o'clock in the afternoon the next day.

7 MR. RUFFENNACH: Okay. We're going back over to
8 this side of the room, sir.

9 AUDIENCE MEMBER: This is for Mr. Condiike. Okay.
10 You have a lot of people in here with children and I can see the
11 grave concern here. The presentation was great, but it seems to
12 me like there is a lot of uncertain, you know, because old folks
13 used to tell me it's better to be safe than sorry. If this
14 thing is a number two, I think you ought to bump it up to a
15 number one, be safe than sorry.

16 MR. CONDIKE: I think I indicated that there's an
17 indication that we're going to bump this up to a number one
18 site. I think I said earlier, I'll repeat it, that based upon
19 the amendment we're making to the draft that this site will
20 undoubtedly be restored and end up as RAC 1 site. I'm not
21 promising anything, that's just the way it seems to be going.

22 AUDIENCE MEMBER: I've two questions. It said in
23 the draft -- the draft is being reviewed. How far a long in the
24 review it is about, is it one week until the draft, the review,
25 six months until it's done? And second, I got a letter in my

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1 door that says the EPA has suggested that this is hazardous bomb
2 waste site. I believe you said you had an EPA person here. Is
3 there any validity to this? Is there a form number and file
4 number anything like?

5 MR. MURRELL: Let me talk about ASR. I have
6 St. Louis people that are actually doing the ASR. We have the
7 draft document. Once the draft goes through the review process,
8 there's a technical advisory group that will sit down and review
9 the document and go through it. At the time prior to this
10 meeting we discussed some of the discrepancy things that we
11 weren't quite sure of, we talked with St. Louis about that, so
12 they came down to this meeting in hopes of maybe gathering some
13 additional information that you all may have about this site and
14 talk a little bit more and look at the site again. So once we
15 get done with this meeting and they go back to St. Louis, they
16 make all these changes we have to the document, that will be
17 resubmitted back to Fort Worth and Huntsville, Alabama Corps of
18 Engineers, we'll go through the real tag team advisory group,
19 which will happen fairly quickly once we get it. At that point
20 in time we'll finalize the document and submit it for review.
21 I'm imagine -- I would say within a month we would have this
22 thing.

23 MR. FRASER: Right now I'm due back in St.
24 Louis tomorrow night and I'm going to Fort Mead for another site
25 five days. So before I can do any work, it will be about two

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1 weeks.

2 MR. MURRELL: So we're talking maybe a month,
3 right around that time, I think we can finalize this document
4 and push onto the next step.

5 MR. RUFFENNACH: His second question was is
6 the note that some of you folks got on your door by the EPA.
7 Guys come on down. Is that Gary? Somebody from the EPA Dallas?

8 MR. MILLER: I spoke with it was one of the
9 other criminal investigators, I read the flier to him, he was
10 not pleased in the least. He also gave -- he gave me a copy of
11 his memo to file that he wrote today he was called. What he
12 told me was that (inaudible). The individual he spoke with told
13 him that he had a bomb lying on the kitchen table. He informed
14 that person they should leave the house immediately and call
15 the fire department. That's all he said. He did not say
16 evacuate the entire neighborhood and tell all of you to leave
17 your homes. He was very upset. I told him what the flier said.
18 I intended to bring a copy of the memo tonight and I left it on
19 my desk. I've got it and read through it, spoke with him on the
20 phone today, he clarified that he never said that.

21 AUDIENCE MEMBER: He said that to that one
22 person that had it on their kitchen table?

23 MR. MILLER: He was referring to that one
24 person who told him they had a bomb laying on their table. He
25 was concerned for their safety. He knew nothing about this

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1 whole situation. He took the called cold. Like I said, he's a
2 criminal investigator that works in my office.

3 MR. RUFFENNACH: But he did not make any official
4 declaration regarding the site. I just wanted to refer to this
5 flier that people got on their doors. If you have any questions
6 about information that you see in the newspaper or hear on the
7 television or get a flier like this, doesn't say who it's from
8 or where it's from, call us to try to verify, but recognize that
9 anything we send out -- we did pass out our invitations
10 door-to-door. When we first did this, we didn't have much time.
11 Future communication will be by mail, it will be on letterhead.

12 MR. MILLER: If the EPA is going to say something,
13 you'll see it on the letterhead.

14 MR. RUFFENNACH: I'm going back to this side.

15 AUDIENCE MEMBER: Mr. Miller, is there a Mr.
16 Arnold Andarza in your Denver location?

17 MR. MILLER: There may be, I do not know each
18 person.

19 AUDIENCE MEMBER: Mr. Arnold Andarza as of
20 Thursday last week spoke with Home Advocacy Group President
21 Janet Lamont in San Antonio by telephone and said these words to
22 her he would recommend at this point that this area be
23 considered a bomb waste site. And in addition to that he also
24 told her that he would recommend that we start getting on the
25 phone to HUD, VA or whoever took your loan and guaranteed it to

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1 KB that all loans be suspended. That is the EPA representative
2 quote.

3 MR. RUFFENNACH: Let me take that. And I'm not
4 here for the EPA. But one of the things I think we need to be
5 careful about is validating information and how things get taken
6 out of context. And I'm not assuming that that was. I would
7 question that individual's familiarity with this. I don't know
8 if he has or she has the kind of knowledge to make that kind of
9 statement. But I tell you one of the things that's the purpose
10 of tonight's meeting, I would like to be very specific, get
11 those names, give them to Brian, give them to Gary. That's the
12 kind of thing we need to track down and those are the kinds of
13 things that we need to come back to you. That's the reason I
14 wanted the court reporter here.

15 AUDIENCE MEMBER: And we have nothing to hide
16 about who we talk to.

17 MR. RUFFENNACH: You have the tell us what you
18 know. That's why we're here. We're, I guess, wasting too much
19 time talking to you, we want to hear from you. And that's the
20 kind of information that's helpful. And this little lady's arm
21 is about to fall off.

22 AUDIENCE MEMBER: If the site moves to a Level 1,
23 does that give us permission to have soil samples? Is that
24 automatic?

25 MR. CONDIKE: Nothing is automatic. Right now the

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1 sites that we have that are RAC 1, those are the ones that I
2 think I had nine on the map I showed you that surrounded us like
3 Custer at Little Big Horn. Although those are all RAC 1 sites,
4 we don't have enough money to have activity on all of them. A
5 site of this nature with all the people, the proximity of the
6 people there and the site specific issues (inaudible.)

7 AUDIENCE MEMBER: I know y'all know about this.
8 Why is KB still building?

9 MR. RUFFENNACH: That's not a question for us.

10 AUDIENCE MEMBER: Right now you have a fiduciary
11 duty at this point to at least cover your own tails by saying to
12 them we have already told you this. And at this point I mean
13 the '54 certification says this. Then in 1998 when they met
14 with your representative we said this. Now today residents have
15 gotten in touch with us and are alarmed that houses have this
16 built under them. You need to disclose to them to keep your
17 tails covered. I mean, you see what I'm saying, CYA.

18 MR. RUFFENNACH: Yes, ma'am. We're trying to get
19 folks that haven't asked a question.

20 AUDIENCE MEMBER: Have there be any known injuries
21 in any other area that was Level 1, any type of injuries?

22 MR. RUFFENNACH: Level 1 or Level 2?

23 AUDIENCE MEMBER: Level 1.

24 MR. RUFFENNACH: Across the country?

25 AUDIENCE MEMBER: If so, what are those injuries?

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1 MR. CONDIKE: The only one I'm aware of was
2 Gainesville and that was in 1953, '53 or 4. I think it was a
3 ten-year old boy found a 105 millimeter artillery shell about
4 this big, it was live. He took it home to his garage, took a
5 hammer and screw driver to it and it blew up and killed him.

6 AUDIENCE MEMBER: What about Level 2?

7 MR. CONDIKE: They are kind of hard to find. They
8 didn't keep a lot of documentation. One thing about this whole
9 program really in Terrasaje, California, in San Diego, there
10 were two or three -- three children were killed by an artillery
11 shell that they are playing with. Three were playing, one was
12 kill and two were maimed. And that kind of wraps up this whole
13 program, but we have things happening. A lot of people have
14 told in public meeting they remember somebody being injured or
15 being hurt. But, again, the records are pretty tough to find.

16 AUDIENCE MEMBER: Whose fault would that be if
17 some kid gets hurt? Who is to blame for that?

18 MS. SIMMONS: I work out of Huntsville Corps of
19 Engineers. If someone got hurt, who is to liable. Those issues
20 have been decided by courts. In the case of the three children
21 in Terrasaki, California where one child died and two were
22 seriously injured, there was a former Navy bombing site and at
23 the time these children found an item like in a ravine, beat it
24 on a rock, it went off. They sued the developer, they sued the
25 Navy, they sued the City of San Diego. And that case was

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1 settled out of court, so I'm not aware of how liability was
2 decided because that case was settled. For the number of sites
3 around the country, as Bill was saying, there have been very few
4 reports. There are -- I know of about 20 cases where people were
5 hurt, some were determined that was their own fault. Some
6 hunters pick up some bombs threw them on a camp fire, it started
7 exploding and they got hurt by shrapnel. They were celebrating
8 late at night. The more serious ones have been those where
9 children have somehow got access, somehow the Army did not, they
10 had hole in their pants (inaudible) and got hurt, I think the
11 Army was responsible.

12 But what this program is is that DOD has the
13 responsibility to go out, evaluate the site where DOD left this
14 kind of ordnance behind and determine how to make that project
15 safe for how it is being used today. So hopefully by education
16 and other things a lot of people are aware of the program and
17 where is (inaudible) sites, there is -- we have not had any, but
18 in those few cases that they've gone to court there have been
19 very few where liability was found in with the government.

20 MR. RUFFENNACH: Sir.

21 AUDIENCE MEMBER: We all know or we all basically
22 know we got bombs. How long before and in an estimation before
23 the cleanup begins and is it going to be something along the
24 line is that the Army Corps of Engineers' representatives are
25 actually going to come to our door, search our land, show us

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1 where we're at or what they can find and clean it up at that
2 point?

3 MR. RUFFENNACH: In the process what normally
4 happens through our investigation is that we get to the
5 (inaudible), we complete that, once the site is determined to be
6 (inaudible), we get out there in a hurry.

7 Of course, this all depends upon funding. Funding is
8 going to have, of course, a bigger direction. With things going
9 on in other parts of the world, that's starting to impact some
10 of the stuff that's happening. Normally, the process is once we
11 have the RSA report and we know that we know that we need to
12 deliver a site, we will initiate what we call an engineering
13 evaluation cost analysis, which means that we investigate to see
14 what is the problem out there, what's the risk and what can we
15 do to minimize that risk or eliminate it. So there is an
16 investigation. We'll put a contract out to actually do some
17 sampling around these houses and around areas, see what it is
18 that they can do to the ground. (Inaudible.)

19 But during this whole process we have public
20 involvement, we'll have meetings, everybody will know what's
21 going on. It's a lot of coordination that happens. Once we get
22 this document completed, then there will be a public review
23 period where everybody gets to look at it. The document is
24 going to recommend alternatives for the project. It may
25 recommend clean up, it may recommend institutional control, it

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1 may recommend a whole variation of remedies for the site. There
2 will be a public comments period, everybody will get their
3 input. And there will be a decision document after that, that's
4 the authorization document for the Army to actually do a wide
5 spread action, whatever is determined to happen on that site.
6 So, again, it depends upon the funding for, you know, a good
7 part of what happens. Do you want to talk about that?

8 MR. McCLENDON: To finish the answer to the
9 question, ultimately if the site were cleaned up, that's the way
10 it happens. Somebody will knock on your door and say we're here
11 to cleanup your backyard.

12 AUDIENCE MEMBER: Let's say we have gone through
13 the investigation period. Okay. From now to the end of the
14 investigation period to someone knocking on my door. Are we
15 looking at three months or we looking at six months or we
16 looking a full year? As far as the funding goes, are we looking
17 at time frame?

18 MR. CONDIKE: Let me speak to funding. You
19 mentioned the funding. As I mentioned, there are 9600 sites
20 that are have problems right now. The estimated cost to clean
21 up all these sites is probably around 18 billion dollars. Right
22 now congress is appropriating 200 million dollars dedicated to
23 this program. If you do the math, it will take about 90 years
24 to clean up all the sites. Right now in the Arlington area we
25 have estimation (inaudible).

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1 AUDIENCE MEMBER: I have had this discussion
2 already. Tell the people this point, tell them you cannot left
3 up a house to clean it. He's asking you what's the time frame
4 and what exactly is your clean-up procedure. You cannot pick up
5 a house and vacuum underneath it. Tell them what he told you.

6 MR. CONDIKE: Let me finish, please.

7 AUDIENCE MEMBER: Yeah, as soon as you get to that
8 point. You are going around the corner.

9 MR. RUFFENNACH: That's how the discussion is
10 going to go to terminate because we have had a pretty nice --

11 AUDIENCE MEMBER: The technology of today will not
12 even go under as deep as some of the bombs may be. Is that not
13 what you told me, the technology will not do it thoroughly?

14 MR. RUFFENNACH: We're kind of focused in on still
15 trying to answer your question.

16 AUDIENCE MEMBER: You're not answering.

17 AUDIENCE MEMBER: What I'm looking for I've got
18 kids, I'm looking at this from a time frame prospective.

19 MR. RUFFENNACH: That's what Brian was trying to
20 get to.

21 MR. CONDIKE: Let me get to that. I've got six
22 and a half million dollars a year, I don't have enough money to
23 do this and I'm not going to try to do that. The cost of the
24 process that we're talking about, it will be a year or two
25 before we show up at your backdoor.

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1 AUDIENCE MEMBER: Why is KB not responsible for
2 some of this money?

3 MR. RUFFENNACH: If we find something prior to
4 that will this have possibility of accelerating that process.

5 MR. CONDIKE: Anything is possible.

6 AUDIENCE MEMBER: Why is KB not paying for this?

7 MR. RUFFENNACH: Did we answer your question?

8 Again there are some people that might on this side want to ask
9 a question. I see people. Ma'am, do you have a question?

10 AUDIENCE MEMBER: The ground gets real dry, it
11 starts cracking. Are we in danger of something like that?

12 AUDIENCE MEMBER: You are talking about cracks
13 like in some places --

14 MR. McCLENDON: If the ground is opening up, if
15 there's something subsurface, you may become exposed, you may be
16 able to see it. That is way to become exposed. If you see,
17 again, it's a notification, call the local law enforcement out
18 and they'll got somebody out immediately to police that item up
19 and get it out of there.

20 MR. RUFFENNACH: These two people. I'm trying to
21 get a couple of other folks.

22 AUDIENCE MEMBER: Excuse me if we seem a little
23 touchy, but we have been lied to for a long time. We understand
24 that it's going to take a long time. Can we put in a deck?
25 Should I turn over my garden? What can we do right now? What

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1 should we be doing, what should we not be doing?

2 MR. RUFFENNACH: We're not going to tell you to
3 stop doing what you need to do. We want to emphasize that you
4 need to be careful, you need to be aware that the potential is
5 you may find something and what to do when you do find
6 something. Right now everything we have indicates on the site
7 is not a lethal condition. (Inaudible) the black powder
8 (inaudible), but it's not a detonating type of in munition. So,
9 you know, we would tell you continue on with what you're doing,
10 but be aware if you find something when you roll the dirt over
11 and there is an item there, stop.

12 AUDIENCE MEMBER: Is there a danger that I'm going
13 to hit one of these with a shovel and it's going to ignite in a
14 hole? Is there a danger that someone working on my property is
15 going to do that and I'm going to be liable? You say stop
16 digging when you see it, what if you have already hit it? I
17 don't see how we can foresee that.

18 MR. McCLENDON: I'm not a munitions expert. I
19 deal with (inaudible). I spent a number of years in the Army
20 working with (inaudible). This stuff is -- I want to say it's
21 relative, but it's not usually going to detonate, it doesn't
22 have real sensitive fuses on it. The way you have to almost hit
23 that thing on the nose and really just jab it with something
24 sharp to get it to (inaudible), so even hitting it with a shovel
25 I don't think it's going to set that thing off. We're really

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1 talking about if somebody picks that thing up and wants to try
2 to clean it out and look at it and starts poking around and
3 starts jabbing at it, that's when you (inaudible). So I think
4 just picking at it with shovel. It's really a small three-pound
5 bomb, which are cast iron inner layer or zinc outer layer,
6 they're pretty tough, so I don't think you're going to have
7 problem. We don't want people handling it or taking it apart or
8 playing with it, because that's when it gets (inaudible).

9 MR. RUFFENNACH: I don't know where we are going
10 across the room. I have one question from you already, I don't
11 think we have heard from you. If I may, let's go to this side.
12 I'm sorry. And I'll come back to you if I can. Okay?

13 AUDIENCE MEMBER: I know he doesn't have an
14 official stance on this area. What I wanted to know is in this
15 area that were labeled Level 1 area and there was housing on
16 that area. What can the EPA do about it?

17 MR. RUFFENNACH: The question was even though the
18 EPA didn't have an official statement or position on this site,
19 did they, in fact, have any --

20 AUDIENCE MEMBER: On other sites across the
21 country --

22 MR. RUFFENNACH: On other sites across the country
23 similar to this what did the EPA do?

24 MR. MILLER: I really can't speak to what they do
25 across the country. In our region generally everything that

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1 they have in the district our involvement has been strictly in
2 a supporting role for the Corps of Engineers. We try and work
3 with the Corps to ensure that sites like this people call and
4 question us with and they are aware of the sites and that's it.

5 MR. RUFFENNACH: The FUDS Program is administered
6 by the Corps for the Department of Defense. Ma'am.

7 AUDIENCE MEMBER: I'm just curious to find out if
8 there's any pounds of pressure built into these M23s and M38s,
9 how many pounds of pressure, because he is saying it doesn't
10 have any -- it won't harm anything if anybody was to -- you
11 know, it won't cause any physical damage. What if you have one
12 sitting right outside by my gas thinking, whatever you want to
13 call it, that's on top of my house that's supposed to open. It
14 has the white phosphorous, it ignites, right? How much pounds
15 of pressure is it in it? What is the probability that's going
16 to cause an explosion in my house?

17 MR. McCLENDON: Okay. It's 133 even in an
18 ordinary bomb (inaudible) what it has is a shotgun shell, it has
19 a round type of primer (inaudible). The ones that we have found
20 were already corroded, even the fuse. If it strikes the
21 ground, it takes direct pressure on the nose of M23 to go off.
22 (Inaudible) never going to go off.

23 AUDIENCE MEMBER: If we were to it, it would
24 shoot off the pressure and hit a pipeline?

25 MR. McCLENDON: No. There is not enough force in

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1 that, just like a little shotgun shell that smoke charges coming
2 out. I mean it's going to flash and throw out a little flame,
3 but it won't penetrate a pipeline, it may throw a rock or
4 something at you.

5 MR. RUFFENNACH: Ma'am. I tell you what we have
6 got some noise going on out there, so the meeting it still
7 officially going on. If I could get those folks to move out and
8 ask you to yell.

9 AUDIENCE MEMBER: I guess I'm just a little bit
10 confused, so can you explain it to me? I guess I'm wondering --
11 you state that you've no control over what anybody can do when
12 they the purchase their property. I'm confused the point to
13 where why isn't KB Home liable for this because now we're having
14 to wait until you come out to be the (inaudible). That's a lot
15 of money if you got to sell this property. I think it should
16 have never been sold, we wouldn't be in the predicament that
17 we're right now today if the property was never sold. Now we
18 have to wait until you all come back hoping you've enough money
19 to come back and clear our area. I don't get that.

20 MR. RUFFENNACH: Once again, I go back to the
21 early '50s and the practice back then was to do exactly what
22 they did, they did surface cleaning and turned it back over to
23 the private sector. That wouldn't happen today. And also it
24 wasn't until what, the mid '80s that this program was, which
25 we've been calling FUDS, the formerly used defense sites, it

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1 wasn't until the mid '80s that that program came to be where the
2 program came back to Department of Defense, using the Army Corps
3 of Engineers, came back in and actually started cleaning up
4 formerly used defense sites. So, you know, this is all in the
5 big scheme of things, in terms of looking at history in
6 particular, this is all relatively new, that process.

7 AUDIENCE MEMBER: That's in the '80s and I just
8 whoever moved in my home in 2000, I just think that (inaudible).

9 MR. RUFFENNACH: I'm going to go over here with
10 more questions. I heard from you, I haven't heard from you I
11 don't think.

12 AUDIENCE MEMBER: I have one question I would like
13 to address to all the experts EPA representative, all the Corps
14 of Engineers, simple answer, as simple answer as possible. Is
15 this a safe place to live and raise kids? Would you live there?

16 MR. MILLER: Yes. I think with a little knowledge
17 and you understand what is on the site. I deal with this stuff.
18 I understand the nature of ordnance that's there. I would take
19 precautions. Knowing we're going to deal with it, we just got
20 to figure out what the problem is. I wouldn't have any problem
21 living in the site like that. I think it's relatively safe.

22 AUDIENCE MEMBER: You would live on that site?

23 MR. MILLER: Yes. Yes.

24 AUDIENCE MEMBER: Would you buy a house?

25 MR. MILLER: If I was going to buy a house --

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1 AUDIENCE MEMBER: I'll sell you mine. The real
2 estate agents won't even list it.

3 AUDIENCE MEMBER: This is why a lot of people
4 walked out because you're not being honest. I'm not asking you
5 to represent the Corps. They're asking you to represent
6 yourself as a person as a human being and that did not come
7 across.

8 MR. CONDIKE: Sir.

9 AUDIENCE MEMBER: KB took our money for one of
10 these homes. Now all this bull crap is going on. They can't
11 tell us what we need to know. The doesn't make any sense.

12 MR. CONDIKE: Sir.

13 AUDIENCE MEMBER: They can't tell us anything.
14 I'm pissed off. They should have told us that from the
15 (inaudible).

16 AUDIENCE MEMBER: My grandfather always told me
17 put your -- if you were in my shoes right now. People are upset
18 not only with (inaudible), but with the Corps. We asked this
19 man be an individual, just to represent -- put himself in his
20 place, what would he do know. I wouldn't move here now. For
21 the Corps situation it would be probably totally different, but
22 put yourself personally in his shoes.

23 MR. MILLER: I'm dealing with this every day
24 across the United States. I know about the ordnances, there's
25 nothing that bothers me personally because I deal with risk of

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1 it and I deal with a lot of sites that have a lot more dangers
2 there --

3 AUDIENCE MEMBER: There is so much uncertainty
4 here it makes me upset. What makes me upset is that you got --
5 many of these people here, and many of them left, have little
6 small children. Put your children in the situation, put your
7 grandkids. I got a grandson. I won't let my grandson come out
8 and visit me any more, he can't play in the yard.

9 AUDIENCE MEMBER: So many lies have been told, the
10 truth still hadn't come out.

11 AUDIENCE MEMBER: Why is the government not
12 sticking and holding to its responsibility for not letting us
13 know about this problem?

14 MR. CONDIKE: Sir, if you had asked me that
15 question would I live on this site, I'm not sure I would give
16 the same answer. You also understand his perspective, he --

17 AUDIENCE MEMBER: No, sir, you are doing just what
18 the Corps asked you to do.

19 MR. CONDIKE: Ask me, sir. Ask me what I would
20 do.

21 MR. RUFFENNACH: This is what we're hoping not to
22 have happen.

23 AUDIENCE MEMBER: It's going to happen. We were
24 lied to.

25 MR. RUFFENNACH: I understand that. I thought we

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1 would come in here night with the hope of -- the Army Corps of
2 Engineers is holding this meeting, we're hopefully trying to
3 create a forum where we could (inaudible). Ma'am.

4 AUDIENCE MEMBER: These people are so upset, it's
5 because we have been lied to, so you have to understand we have
6 truly been lied to. I want to add to what this lady said about
7 holding (inaudible). I would think that there would be
8 something that you can do to prevent them from continuing this
9 lie. Is there anything you can suggest to us as homeowners to
10 prevent them from continuing in the lie? There are people that
11 walking into their sales office every day who have no idea of
12 what is about to happen to them. We had no choice. You said
13 you would live there because you are aware. We, sir, don't have
14 that knowledge. We were never trained. We don't have the
15 experience that you have. I have a small child. Other people
16 have small children. If I had walked into the sales office and
17 been told the truth, I guarantee I would not be here today.

18 MR. RUFFENNACH: I don't know if we can address
19 that question from a legal point of view, what our authority is.

20 AUDIENCE MEMBER: Is there something you can
21 suggestion?

22 MS. SIMMONS: Unfortunately we cannot advise you.
23 If there are personal action you want to take, that's just
24 something we're not allowed to do. I'll tell you at the site in
25 California where they children died people continued to build

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1 homes there. The Corps is working with the community, we have
2 cleaned that up. They have education in the schools and into
3 the homes. New homes have been built. People have been able to
4 sell their homes. And somewhere in the past year a 6th grader
5 was out playing, found a suspicious looking item, noted the
6 location, went home, they called out the local law enforcement.
7 They took care of the item. No one was hurt. They have done a
8 lot of education work in the community. And those communities
9 have found a way to make their communities safe. But the Corps
10 has worked with them. That's the goal also at this site is to
11 do that (inaudible) out there on the ground and ask for what you
12 can do personally, tell other people. I don't really
13 (inaudible) the police department or fire department just drop
14 from the air is it just one they keep going five million dollar.

15 MR. RUFFENNACH: Again, I think what you'll find
16 in doing this there is a chance that there's high probability
17 you'll (inaudible).

18 AUDIENCE MEMBER: When it comes to (inaudible),
19 are y'all going to look for (inaudible)?

20 MR. RUFFENNACH: Do we even know, Brian?

21 MR. CONDIKE: Because these have been gone on over
22 the years and there is uncertainty how many bombs have been
23 found, a number of something over 1600.

24 AUDIENCE MEMBER: That was just the trailer park
25 area, right?

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1 MR. RUFFENNACH: That is correct.

2 AUDIENCE MEMBER: We don't know how many are in
3 our area.

4 MR. CONDIKE: And I asked -- you know, in the past
5 prior to ten years ago they would go to Fort Hood and we called
6 them and ask them and how many were found and they don't keep
7 records that old. We asked the Fort Worth Fire Department what
8 their records showed and their records aren't in the kind of
9 order where they can't tell us, they just know they found a lot.
10 We don't have an answer.

11 MR. RUFFENNACH: We know they found a whole bunch
12 of them buried. We don't know where they were found or how many
13 were found.

14 AUDIENCE MEMBER: Finding 1600 bombs in one area
15 like that, that means there had to been a hole or something.

16 MR. CONDIKE: Not if it's like --

17 AUDIENCE MEMBER: If they did a surface scan back
18 in '54 and they only found so many, then 1983 rolled around and
19 they find a thousand more, where the heck did they come from?

20 MR. CONDIKE: Have you ever seen one of these?
21 Fort Worth came up a couple. They are little really heavy dense
22 three pounds particularly solid and when you drop one from a few
23 thousand feet in the air, they will burrow beneath the surface.
24 That's why in the surface clearance in 1954 -- how many did they
25 find, 125. Since then when they do construction digging, moving

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1 the dirt around, penetrating below, those are the ones
2 (inaudible).

3 AUDIENCE MEMBER: Did KB (inaudible)?

4 MR. CONDIKE: I have no idea what KB (inaudible).

5 AUDIENCE MEMBER: Can you clarify more about the
6 health risks specifically if you have a garden or fruit trees
7 and you want to know if it's safe to eat the fruit or vegetables
8 that you plant? And, secondly, can you risk the water?

9 DR. PATRICK: Come on up and I'll get you the web
10 site. It's a CDC web site site. And so far there have not been
11 a lot of studies. They found it in some catfish. It was in a
12 contaminated area around Pine Bluff. And so that means that
13 obviously if you have very heavily contaminated area you might
14 have, you have contaminated something in the garden. If you
15 have a garden right above where a lot of munitions were. We
16 don't have evidence that that's happened to any great extent.
17 Let's say you want to make sure your garden is safe, you would
18 probably want to check to make sure you don't have any munitions
19 there. Probably that's hazardous duty. Since we haven't had
20 these explode, we have had none explode, but they are
21 threatening. You want to make sure that your ground is clear
22 from any of those munitions. And sooner or later they are going
23 to take some soil samples to see if you have contamination.
24 Let's say you want to check your garden. First thing, if your
25 not sure, probably be better not to have a garden until you're

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1 sure. Obviously, I can't give you a recommendation because even
2 the article does not have a lot of good information about that.
3 We're getting a gray zone that we don't really know. I'll refer
4 to the experts and get the soil samples and see if that does it.

5 AUDIENCE MEMBER: Has there been any studies about
6 contamination of water?

7 DR. PATRICK: The main one I referred you to there
8 is on Pine Bluff, they did have the contamination and catfish
9 were contaminated.

10 AUDIENCE MEMBER: People who ate the catfish?

11 DR. PATRICK: Obviously that's what's (inaudible).
12 We don't have a lot of information, there has been very few
13 studies.

14 AUDIENCE MEMBER: I'm trying to get an idea.
15 People that ate the catfish, what kind of symptoms (inaudible).

16 DR. PATRICK: Let's say it was a very small dose,
17 which say a vegetable or whatever, with very, very minimal in
18 the soil, we might not be able to tell. The only case where we
19 can really tell was where kids like ate fireworks somebody ate
20 rat poison and ate a very large amount, then you can see
21 internal damage of the live and et cetera. It takes sometimes a
22 large dose of toxic to see the clinical effect. What we don't
23 know because there haven't been studies done to find out
24 (inaudible) because there haven't been studies done to find out.

25 AUDIENCE MEMBER: When you take a soil sample,

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1 what exactly are you looking for?

2 DR. PATRICK: They're going to be looking for
3 white phosphorous or any other filler that would be in munitions
4 because they don't know. Is that safe to say? Just don't know.
5 So they are looking for anything. Did that help?

6 AUDIENCE MEMBER: Do we have any recourse? Is
7 there anything we can be doing to help ourselves in the
8 meantime? What has happened to those other neighborhoods that
9 this happened to? I mean, were their homes bulldozed? Are they
10 still living there? What if it's shifted? What if the ground
11 shifted? I mean under our home is --

12 MR. RUFFENNACH: You want to take that based on
13 your experience across the county?

14 MR. MILLER: People are coming to live there.
15 What we are doing is educational programs where they know how to
16 live around that, they continued with their lives.

17 AUDIENCE MEMBER: What about their property
18 values?

19 MR. MILLER: I'm not familiar with their property
20 values. I know there has been concern in other communities,
21 other communities (inaudible). They have had massive amount of
22 clean-up work that was done by the government clean up.

23 AUDIENCE MEMBER: I think that's probably what's
24 going to happen to us, they're going to clean up around the
25 homes.

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1 MR. MILLER: Based on the investigating of what
2 the real risk is. Right now we have got one piece of munition,
3 three-pound bombs or practice bombs. We have reports of others
4 being dropped on the site, but we don't have 1954 good evidence.
5 What we would like to do is come in and take a look and see if
6 we can get this stuff out of there. Is there evidence of it?
7 Is it all up now? Are there any three pounders that are around?
8 We do the samples to make sure there's not contaminate from the
9 filler in --

10 AUDIENCE MEMBER: Are there any of the other --
11 based on your experiences other neighborhoods that are holding
12 builders responsible for anything? Basically I don't want to
13 live there any more.

14 MR. MILLER: I know there's some very upset
15 communities out there. They have an impact area. They didn't
16 know until we came out there, so I don't know what is going on
17 in those communities. That's something --

18 MR. RUFFENNACH: Let me get back to you.

19 AUDIENCE MEMBER: I've a question to the attorney.
20 From what you know of the cases in California you said that they
21 were still building homes and they were still selling homes.
22 Did the prices of the homes that were sold, if they were fully
23 disclosed, did they keep up with the same value with the other
24 homes in the neighborhood?

25 MS. SIMMONS: As far as I know, yes, the values

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1 have held. There is a site in Washington, D. C. that actually
2 came close to becoming a million dollars. They've been cleaning
3 that site since 1993. Those homes continue to sell for a
4 million dollars.

5 AUDIENCE MEMBER: But they don't have anyplace
6 else to go.

7 AUDIENCE MEMBER: Did you see a market analysis or
8 percentage --

9 MS. SIMMONS: I don't know about the market
10 analysis. The Corps of Engineers does have a web site. It is
11 WW.H, like Henry, N like Nancy, D like David .USACE.Army.MIL and
12 I'm sorry it's so long, but the government can't do anything
13 simple. It ought to be EPA.Gov. But that brings up the Corps
14 of Engineers web pages, on that front page there's a little box
15 that says major programs. If you click on that, it will bring
16 up five or six of our major programs, one of which is ordnance
17 and explosives. If you click on that, then it will bring up a
18 page where you can look at fact sheets of various sites. You
19 can pull up maps, click on different rent parts of the county
20 and look at different projects. At the top it's a little web
21 page that are all ordnance projects and you can click on Texas
22 and look at -- I'm not sure what all types of information.
23 Sometimes reports are there, the engineer evaluation cost
24 analysis, if we have got through that. So some of that
25 information may be there. But my understanding is in most of

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1 those sites -- I guess what I can tell you is that I don't know
2 of any site where the houses -- that there has been a short
3 term, a year or so, where people were afraid to buy, but once
4 there was knowledge of it, people understood what to do, the
5 homes have continued to sell and areas have continued to be
6 developed. Sometimes with their own private contractor and
7 sometimes after the Corps has been through their process.

8 MR. RUFFENNACH: Real quick.

9 AUDIENCE MEMBER: Thanks for putting this on and
10 giving us information.

11 MR. RUFFENNACH: I saw a hand go up.

12 AUDIENCE MEMBER: Whatever, I don't know really
13 care what she does or what she says. I'm an individual. I know
14 I would just like to be in contact with you so I understand.
15 There as lot of information out there.

16 AUDIENCE MEMBER: I want to make a comment about
17 what you just said, I personally would prefer that you
18 communicate indicate to every homeowner at the same time. That
19 way we all hear the same thing rather than separate people,
20 separate groups. It's already enough separation and issues
21 going on that don't pertain to anything other than the fact
22 that, one, we're not where we should be and, two, we have been
23 lied to and, three, we're stuck and, four, we don't know yet
24 what we can do about it. So if you're going to have these
25 meetings with us, I for one would like you to hold it with

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1 everyone as to about how we can make these meetings productive.

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I certify that the foregoing is a correct transcript from the record of the proceedings in the above matter, and that the transcript was prepared by me and under my supervision.

Pam Alford, CSR #459
In and for the State of Texas

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