

## AGENDA

**SPECIAL JOINT MEETING  
of the  
SALINA PUBLIC ENTITIES  
including  
CITY OF SALINA Board of Commissioners  
SALINA USD 305 Board of Education  
SALINA AIRPORT AUTHORITY Board of Directors  
and representatives of KANSAS STATE UNIVERSITY  
regarding  
FORMER SCHILLING AIR FORCE BASE ENVIRONMENTAL MATTER**

**Tony's Pizza Event Center, Room 203  
800 The Midway, Salina, KS  
October 8, 2019 – 1:30 PM**

### **1. Calls to Order.**

- City of Salina. Call to order; confirm quorum and notice. (Mayor Davis)
- USD 305. Call to order; confirm quorum and notice . (President Zimmerman)
- Salina Airport Authority. Call to order; confirm quorum and notice. (Chairman Buer)
- Kansas State University. Introduction of representatives.

Dr. Alysia Starkey, Interim CEO and Dean, Kansas State University Polytechnic Campus  
Aaron Good, Associate General Counsel, Kansas State University

### **2. Public Segment.**

- Opening Remarks and Schilling Project overview (Tim Rogers, Executive Director, Salina Airport Authority)
- Introduction of additional participants in joint executive session by Tim Rogers:

Mike Schrage, City Manager, City of Salina  
Linn Exline, Superintendent, USD 305  
Tim Rogers, Executive Director, Salina Airport Authority  
Martha Tasker, Director of Utilities, City of Salina  
Eryn Wright, Legal Counsel, USD 305  
Greg Bengtson, Legal Counsel, City of Salina and Salina Airport Authority  
Matthew Schroeder, Senior Environmental Engineer, Dragun Corporation  
Brett Shanks, Attorney, Stinson law firm (by telephone)

### 3. Joint Executive Session.

- City of Salina. Consideration of a motion for a joint executive session.

*“I move that the City of Salina Board of Commissioners recess into a joint executive session with the USD 305 Board of Education, the Salina Airport Authority Board of Directors, and representatives of Kansas State University for one-hour (1-hour) to discuss with Doug Curran, environmental counsel for the Salina Public Entities, the subject of scheduled mediation with representatives of the U.S. Department of Justice and U.S. Army Corps of Engineers associated with pending litigation in U.S. District Court based upon the need for consultation with an attorney for the public bodies which would be deemed privileged in the attorney-client relationship pursuant to K.S.A. 45-7319(b)(2). The open meeting will resume in this room at \_\_\_\_\_ p.m.”*

- USD 305. Consideration of a motion for a joint executive session.

*“I move that the USD 305 Board of Education recess into a joint executive session with the City of Salina Board of Commissioners, the Salina Airport Authority Board of Directors, and representatives of Kansas State University for one-hour (1-hour) to discuss with Doug Curran, environmental counsel for the Salina Public Entities, the subject of scheduled mediation with representatives of the U.S. Department of Justice and U.S. Army Corps of Engineers associated with pending litigation in U.S. District Court based upon the need for consultation with an attorney for the public bodies which would be deemed privileged in the attorney-client relationship pursuant to K.S.A. 45-7319(b)(2). The open meeting will resume in this room at \_\_\_\_\_ p.m.”*

- Salina Airport Authority. Consideration of a motion for a joint executive session.

*“I move that the Salina Airport Authority Board of Directors recess into a joint executive session with the City of Salina Board of Commissioners, the USD 305 Board of Education, and representatives of Kansas State University for one-hour (1-hour) to discuss with Doug Curran, environmental counsel for the Salina Public Entities, the subject of scheduled mediation with representatives of the U.S. Department of Justice and U.S. Army Corps of Engineers associated with pending litigation in U.S. District Court based upon the need for consultation with an attorney for the public bodies which would be deemed privileged in the attorney-client relationship pursuant to K.S.A. 45-7319(b)(2). The open meeting will resume in this room at \_\_\_\_\_ p.m.”*

### 4. Adjournment.

- City of Salina. Motion to adjourn (Mayor Davis)
- USD 305. Motion to adjourn (President Zimmerman)
- Salina Airport Authority. Motion to adjourn (Chairman Buer)

## Former Schilling Air Force Base Project Salina, Kansas

### Chronology of Actions

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*The following is a chronology of the actions taken to date regarding the investigation and remediation of the environmental contamination at the former Schilling Air Force Base.*

- 1942 The Smoky Hill Army Air Base (“Base” or “Site”) is opened. The Base is used for deployment staging and maintenance of heavy bombardment aircraft and equipment.
- 1946 The Base is renamed Smoky Hill Air Force Base.
- 1949 The Base is temporarily deactivated.
- 1951 The Base is reopened, and is again used for B-17, B-29, B-47 staging and maintenance and refueling KC-97 and KC-135 aircraft. Base becomes a Strategic Air Command (“SAC”) Base with “readiness” crew and capabilities
- 1957 The Base is renamed Schilling Air Force Base (“Schilling”). Schilling serves as base for 12 Atlas F missile silos deployed near Base.
- 1960 Atlas F Missile wing established at Schilling.
- November 1964 Announcement of Base closure.
- June 1965 The Base is closed except for a small detachment related to the Atlas missiles.
- 1965-1967 Base land and buildings are transferred to several Salina Public Entities (“Salina”):
- Salina Airport Authority (“SAA”)
  - Unified School District (“USD 305”)
  - Kansas Education Authority (now the Kansas Board of Regents/Kansas State University).
  - City of Salina (“City”)
- 1993-1996 First Site Investigation (“SI”) and report by Rust Environmental and Infrastructure, under contract with the U.S. Army Corps of Engineers (“Corps”).**
- 1994-1995 Underground Storage Tank (“UST”) Removal:
- Removal is conducted by the Corps,
  - SAA allows land farming of contaminated soil,

- The Corps saves \$4,000,000 in disposal costs because of SAA cooperation.

December 1998 The Corps conducts and releases a second SI, which includes results of sampling activities, and investigation by the Corps.

**February 1999 After limited sampling and investigation, the Corps releases the first Remedial Investigation (“RI”) and Base Line Risk Assessment (“BRA”). The Corps concludes no military contamination poses a risk to human health and the environment.**

May 1999 Salina sends a letter to the Corps raising questions and concerns about the scope and conclusions in the SI and RI.

**February 15, 2000 The Corps responds to the SAA’s letter; and states that Salina has no formal role in the process.**

February 28, 2000 SAA tells the Environmental Protection Agency (“EPA”) about the suspected source areas of contamination from Department of Defense (“DoD”) activities and provides maps.

Summer 2000 EPA conducts an Expanded Site Investigation (“ESI”) documenting existence of source areas directly related to DOD activities.

**March 9, 2001 Salina and the Congressional Delegation meet with Colonel Hazel and others from the Corps. At the conclusion of that meeting, the Corps accepts the “lion’s share of responsibility,” for contamination at the Site, and commits \$500,000 in fiscal year 2001.**

July 2001 The Corps announces it wants to consider the Site as a whole, and not remove soil in specific source areas.

2002 The Corps hires a contractor to put together a Workplan without sharing historical information (32 binders) provided by Salina documenting where, when, and how the military used hazardous materials.

**2002 The Corps releases a draft Workplan. Salina raises concerns over the scope and objective of the Workplan. The Corps then scraps the Workplan and devises another.**

2002 First investigation of indoor air quality at education buildings.

**June 2003 The Corps issues a Workplan in “final” form to Salina and begins sampling. Sampling activity lasts 3 months. (Sampling focuses on 7 primary areas.)**

**July 2003 Salina requests establishment of a Restoration Advisory Board (“RAB”) to obtain information from the Corps about its activities at the Site.**

2003	The Corps commissions a third RI as a “Supplemental RI”, based on the comments from Salina and the regulators to address issues remaining from previous investigations.
March 2004	The Corps tells KDHE and EPA it plans to divide Schilling Site into 3 Operable Units (“OUs”) and do more sampling.
May 2004	The Corps decides not to release the results of its Summer 2003 sampling effort, or the second RI report.
2004	Second investigation of indoor air quality at education buildings.
July 15, 2004	The Corps schedules the first Public Availability Meeting for establishment of an RAB.
<b>October 14, 2004</b>	<b>First official RAB meeting</b>
April 2005	The Corps issues Draft Final RI for Operable Unit One (“OUI”) for KDHE and EPA comment.
May 2005	Following a denial by the Corps to Salina’s request for copy of Draft Final RI, a copy is provided to Salina by KDHE under the Kansas Open Records Act.
June 2005	Salina provides comments on the Draft Final RI to Corps at June 30, 2005 RAB meeting.
<b>Aug.–Oct. 2005</b>	<b>Salina advertises and interviews environmental consulting firms to provide technical support.</b>
September 2005	The Corps issues the Final Remedial Investigation Report after changing only three paragraphs of the draft document.
October 2005	The Corps provides Risk Assessment information and Salina provides further comments and questions at the RAB meeting. EPA states it does not consider the RI as “final” until regulator comments are addressed regarding risk.
October 2005	The Corps at the RAB meeting states that the northern groundwater contamination plume is 120 years from nearest city drinking water system well.
<b>November 2005</b>	<b>The Corps issues a Fact Sheet outlining \$2.2 million in funding for FY 06.</b> The Corps states indoor air at Salina Area Technical School and KSU at Salina Tullis Building exceed proposed cancer risk screening levels. The Corps declines to provide temporary structures for KSU at Salina. The Corps promises to install a vapor mitigation system to address long-term potential exposure to indoor vapors.
<b>December 2005</b>	<b>The Salina Public Entities engage Dragun Corporation to conduct a technical review of Corps data, reports and conclusions.</b>

<b>December 2005</b>	<b>Dragun authorized to prepare the first independent and comprehensive interpretation of all USACE data.</b>
January 2006	The Corps advises the RAB members of a mathematical error in their calculations of groundwater time of travel. The Corps revises time frame from 120 years to 75 years.
January 2006	RAB Meeting. The Corps puts vapor intrusion mitigation projects at Salina Area Technical School and Tullis Building on hold.
February 2006	Salina sponsors environmental meeting to provide Dragun report. Dragun's RAB presentation includes TCE/plume travel time to City wells.
March 2006	Dragun submits its technical review (final draft) of USACE data and reports including a time of travel (TOT) calculation.
<b>April 2006</b>	<b>Salina meeting with Col. Rossi of Corps discussing better relationships and pilot studies.</b>
<b>June 2007</b>	<b>Col. Rossi meeting regarding settlement discussions.</b>
<b>August 2007</b>	<b>C. Sanders (Corps) meeting regarding settlement.</b>
<b>August 2007</b>	<b>Salina authorizes Dragun to prepare an independent cost to complete (CTC) for use during settlement negotiations with the USACE.</b>
<b>November 2007</b>	<b>Dragun completes first cost to complete draft.</b>
December 2007	Session Law Firm retained as environmental counsel to represent the Salina Public Entities.
December 2007	Dragun and Session Law Firm begin holding technical meetings with the Corps to evaluate remedial options.
January 2008	Corps provides the Administrative Record for the Site to Salina.
February 2008	Dragun updates Cost to Complete Analysis to the Corps.
March 2008	Technical meeting between Dragun, Session Law Firm and the Corps and Burns & McDonnell (consultant to Corps) held at the Corps offices.
<b>April 2008</b>	<b>Technical meeting held between Dragun, Session Law Firm, the Environmental Protection Agency and Kansas Department of Health and Environment to review the selected remedial approaches of Salina and to jointly select the appropriate and protective remedial options.</b>
May 2008	Privileged Meeting held with Salina and Kansas Board of Regents regarding the selection of an appropriate and approvable remedy.

June 2008                      Session Law Firm holds meeting with the Secretary of KDHE (Secretary Bremby) and the Chairman and CEO of the Kansas Board of Regents regarding the remedial approaches selected by Salina.

**June 2008                      Dragun provides the Final Cost To Complete Analysis to the Corps.**

**November 2008                The Corps provides its Cost To Complete Analysis to Salina.**

**January 2009                    The Salina Public Entities delivered a demand letter to the USACE. The letter demanded that settlement negotiations begin immediately with the U.S. Department of Justice.**

February 2009                The Kansas Congressional Delegation submits a letter of support (dated February 10) for settlement negotiations.

**February 2009                In a letter dated February 25 Kevin Bond acknowledges the Salina demand letter and states that the Former SAFB referral to DOJ should be completed within a month.**

February 2009                Session Law Firm receives a USACE letter dated February 23 addressing conflicts of interest involving David Benson of the Session Law Firm.

February 2009                Dragun is authorized to prepare a CTC implementation plan.

March 2009                    Session Law Firm responds to the Corps' conflict of interest letter.

May 2009                      SAA was notified that the USACE referred the former SAFB demand letter to the U.S. Department of Justice.

July 2009                      Session Law Firm had an initial teleconference with DOJ attorney, David Gunter on July 30.

July 2009                      Dragun completes an analysis of long-term monitoring data, 2008-2009.

September 2009              Session Law Firm schedules a Kansas City meeting with David Gunter for Tuesday, September 29.

September 2009              On September 25 DOJ counsel notified the Session Law Firm that canceled the September 29 meeting due to Session Law firm conflict issues.

**October 2009                    Session Law Firm withdraws as environmental counsel for the Salina Public Entities.**

**October 2009                    On October 28, the law firm of Stinson Morrison Hecker LLP is retained as environmental counsel for the Salina Public Entities.**

**December 2009                December 15 - First meeting with DOJ legal counsel, David Gunter**

February 2010 February 4 - Second meeting with DOJ legal counsel. Meeting included Burns & McDonnell and Dragun representatives.

**April 2010 April 26, DOJ provides copy of the USACE supplemental CTC**

**April 29, Dragun completes a supplemental CTC based upon nine work items – the cost of which was added to the USACE (B&M) CTC**

**May 2010**

May 5, Dragun completes the analysis of ground water monitoring data for OU3

**May 11, Salina settlement offer and draft complaint submitted to DOJ**

May 14, B&M supplemental CTC is delivered to environmental legal counsel

May 21, Salina authorizes Dragun to complete additional OU3, AOI3 sampling and report work

**May 27, Salina Public Entities file suit in U.S. District Court, Kansas City**

September 22, 2010 Salina Public Entities file First Amended Complaint.

February 3, 2011 Privileged Schilling Project Team conference call

March 3, 2011 Privileged Schilling Project Team conference call

March 31, 2011 Privileged Schilling Project Team conference call

April 22, 2011 U.S. files Answer to First Amended Complaint and Counterclaim.

May 11, 2011 Privileged Schilling Project Team conference call

May 13, 2011 Salina Public Entities file Answer to the Counterclaim of the U.S.

May 24, 2011 Privileged Schilling Project Team conference call

**June 17, 2011 Plaintiffs and Defendants file Stipulation in which U.S. admits military contamination of the Site.**

July 2011 Dragun completes a report on the feasibility of proposed treatment methods.

**July 29, 2011 Court order approves joint motion for mediation process.**

August 12, 2011 Privileged Schilling Project Team conference call

October 20, 2011 Privileged Schilling Project Team conference call

**October 25-27, 2011 Schilling Project Mediation Meetings at Mr. Hockley's office**

November 8, 2011 Privileged Schilling Project Team conference call

**November 8, 2011 Further Mediation Meeting at Mr. Hockley's office.**

November 15, 2011 Mediation continues to the present to negotiate Consent Decree (CD) with U.S. and Consent Agreement and Final Order (CAFO) with KDHE.

December 2, 2011 Privileged Schilling Project Team conference call

December 8, 2011 Privileged Schilling Project Team conference call

February 3, 2012 Privileged Schilling Project Team conference call

February 23, 2012 Privileged Schilling Project Team conference call

June 15, 2012 Privileged Schilling Project Team conference call

July 1, 2012 Privileged Schilling Project Team conference call

July 18, 2012 Privileged Schilling Project Team conference call

October 2012 Dragun submits a proposed contract to implement the scope of work associated with the CD and CAFO.

October 10, 2012 Privileged Schilling Project Team conference call

November 27, 2012 Privileged Schilling Project Team meeting

**December 13, 2012 Salina Public Entities joint news conference to announce CD/CAFO and DOJ settlement. CD/CAFO approved by respective governing bodies at subsequent meetings.**

**December 20, 2012 Interlocal Cooperation Agreement is entered into among K-State, USD-305, City of Salina and Salina Airport Authority.**

**May 2, 2013 U.S. District Court approves CD/CAFO and enters final judgment**

August 20, 2013 City of Salina contracts with Dragun Corporation for RI/FS/CAD scope of work.

September 18, 2013 Dragun and KDHE meeting

November 5, 2013 Salina Public Entities CEOs meeting

**November 20, 2013 Initial Dragun/KDHE/Salina Public Entities public information meeting is held, Dragun and KDHE meeting**

December 20, 2013 Salina Public Entities CEOs meeting

January 24, 2014 Salina Public Entities CEOs meeting

February 28, 2014 Salina Public Entities CEOs meeting

March 5, 2014 KDHE Approves Dragun's *Final Vapor Intrusion Investigation Work Plan – OUI and Addendum #1*

March 28, 2014 Salina Public Entities CEOs meeting

April 25, 2014 Salina Public Entities CEOs meeting

April 28, 2014 KDHE Approves Dragun's *Final Plume D Delineation Work Plan*

May 23, 2014 **Salina Public Entities CEOs and public information meeting**

June 2, 2014 KDHE Approves Dragun's *Final Plume D Delineation Work Plan – Addendum #1*

June 27, 2014 Salina Public Entities CEOs meeting

July 11, 2014 KDHE Approves Dragun's *Interim Soil Management Plan*

July 25, 2014 Salina Public Entities CEOs meeting

August 22, 2014 **Salina Public Entities CEOs and public information meeting**

August 27, 2014 KDHE Approves three Dragun documents:  
- *Final Remediation Investigation (RI) Work Plan, July 2014*  
- *Final Quality Assurance Project Plan July 2014*  
- *RI Work Plan Addendum 1*

September 26, 2014 Salina Public Entities CEOs meeting

October 24, 2014 Salina Public Entities CEOs meeting

November 21, 2014 Salina Public Entities CEOs meeting

January 9, 2015 Salina Public Entities CEOs meeting

January 23, 2015 Salina Public Entities CEOs meeting

February 26, 2015 Dragun and KDHE meeting

February 27, 2015 **Salina Public Entities CEOs and public information meeting**

March 27, 2015 Salina Public Entities CEOs meeting

April 24, 2015 Salina Public Entities CEOs meeting

May 20, 2015 KDHE Approves Dragun's *Final Supplemental Remedial Investigation Work Plan Bedrock Groundwater in OUI and OU2*

May 22, 2015 Salina Public Entities CEOs meeting  
June 26, 2015 Salina Public Entities CEOs meeting  
July 24, 2015 Salina Public Entities CEOs meeting  
August 28, 2015 Salina Public Entities CEOs meeting  
September 24, 2015 Dragun and KDHE meeting during which KDHE approved the abandonment of monitoring wells SAW02 and 10M09 and the repairs to monitoring wells 99M13, 22M12, and 03W10.

**September 25, 2015 Salina Public Entities CEOs and public information meeting**

October 1, 2015 KDHE Approves Dragun's *Task 3.7 of the Final Remedial Investigation Work Plan, Addendum #1*

October 23, 2015 Salina Public Entities CEOs meeting

November 20, 2015 Salina Public Entities CEOs meeting

December 18, 2015 Salina Public Entities CEOs meeting

January 22, 2016 Salina Public Entities CEOs meeting

February 26, 2016 Salina Public Entities CEOs meeting

March 25, 2016 Salina Public Entities CEOs meeting

April 21, 2016 Dragun and KDHE meeting

**April 22, 2016 Salina Public Entities CEOs and public information meeting**

June 24, 2016 Salina Public Entities CEOs meeting

August 26, 2016 Salina Public Entities CEOs meeting

October 7, 2016 KDHE Approves Dragun's *Draft Pilot Study Work Plan*

October 28, 2016 Salina Public Entities CEOs meeting

January 2017 KDHE Approves Dragun's (AlterEcho's) *Final Part III: Summary of Human Health Risk Assessment*

January 27, 2017 Salina Public Entities CEOs meeting

February 24, 2017 Salina Public Entities CEOs meeting

**March 24, 2017 Salina Public Entities CEOs and public information meeting**

June 19, 2017	Salina Public Entities CEOs meeting
July 28, 2017	Salina Public Entities CEOs meeting
August 25, 2017	Salina Public Entities CEOs meeting
September 21, 2017	Dragun and KDHE meeting
September 22, 2017	Salina Public Entities CEOs meeting
<b>October 12, 2017</b>	<b>KDHE Approves Dragun's <i>Final Pilot Studies Report</i></b>
October 27, 2017	Salina Public Entities CEOs meeting
November 16, 2017	Dragun and KDHE meeting
<b>November 17, 2017</b>	<b>Salina Public Entities CEOs and public information meeting</b>
<b>December 7, 2017</b>	<b>KDHE Approves two Dragun documents: - <i>KDHE Comment Letter, November 14, 2017</i> - <i>Addendum to Supplemental Remedial Investigation #3</i></b>
December 15, 2017	Salina Public Entities CEOs meeting
January 26, 2018	Salina Public Entities CEOs meeting
February 23, 2018	Salina Public Entities CEOs meeting
March 23, 2018	Salina Public Entities CEOs meeting
<b>April 2, 2018</b>	<b>KDHE Approves Dragun's <i>Revised Addendum to Final Part III Summary of Human Health Risk Assessment Supplemental Risk Assessment Per and Polyfluoroalkyl Substances</i></b>
<b>April 13, 2018</b>	<b>KDHE Approves Dragun's <i>Supplemental Remedial Investigation #3 Report, Revision 1</i></b>
April 28, 2018	Salina Public Entities CEOs meeting
May 3, 2018	Dragun and KDHE meeting
May 25, 2018	Salina Public Entities CEOs meeting
<b>June 13, 2018</b>	<b>KDHE Approves Dragun's <i>Groundwater Modeling Report, Revision 2</i></b>
<b>June 18, 2018</b>	<b>KDHE Approves Dragun's <i>Remedial Investigation Report (Revision 1)</i></b>
June 22, 2018	Salina Public Entities CEOs meeting

**July 2, 2018 City Commission update**

July 27, 2018 Salina Public Entities CEOs meeting  
August 24, 2018 Salina Public Entities CEOs meeting  
September 28, 2018 Salina Public Entities CEOs meeting  
October 26, 2018 Salina Public Entities CEOs meeting  
November 23, 2018 Salina Public Entities CEOs meeting

**November 29, 2018 KDHE Approves Dragun’s *Feasibility Study Report, Revision 2***

December 21, 2018 Salina Public Entities CEOs meeting  
January 25, 2019 Salina Public Entities CEOs meeting  
February 22, 2019 Salina Public Entities CEOs meeting  
March 22, 2019 Salina Public Entities CEOs meeting  
April 26, 2019 Salina Public Entities CEOs meeting

**May 1, 2019 KDHE public information and comments meeting on the “draft final” CAD**

May 24, 2019 Salina Public Entities CEOs meeting  
June 28, 2019 Salina Public Entities CEOs meeting  
July 26, 2019 Salina Public Entities CEOs meeting

**July 29, 2019 KDHE declares its corrective action decision (CAD) for the Former Schilling AFB site.**

August 21, 2019 Salina Public Entities CEOs meeting  
September 27, 2019 Salina Public Entities CEOs meeting

**October 8, 2019 Salina Public Entities Governing Boards Joint Meeting**