

**Community Advisory Group (CAG)
for the
Omaha Lead Site**

Minutes for Meeting Held
Wednesday, February 4, 2004, 10:00 a.m.
Omaha Public Schools TAC Building, Rm. 406-408
3215 Cuming St., Omaha, NE 68131

OLS CAG Members Present:

Robin Kammandel—*Metro Omaha Medical Society*
Dr. Shireen Rajaram—*University of Nebraska, Omaha*
Sonny Foster—*Senator Ben Nelson's Office*
Donna Polk (substitute for Lu Armell)—*Nebraska Urban Indian Health Coalition*
Karen Shepard—*OPS School Board/GOCA*
Jeff McDermott—*Union Pacific Railroad*
Barba Edwards—*League of Women Voters*
Janet Bonet—*Citizen at Large*
Sue Casteel (Designee for Shawn Blackshear)—*ATSDR*
Jonah Deppe—*League of Women Voters and Citizen at Large*
Dr. Adi Pour—*Douglas County Health Department*
Warren Weaver—*City Council Staff- Councilman Brown*
Tanya Cook—*Governor's Task Force*
Terrie Jackson-Miller—*Greater Omaha Chamber of Commerce*
Chris Rodgers—*City of Omaha – Mayor Mike Fahey's Office*
Todd Crawford (designee for Senator Chuck Hagel)
Dr. Everett Reynolds—*NAACP*
Connie Determan—*MFG, Inc.*
Bryant Burnett—*Environmental Protection Agency*
Councilman Garry Gernandt—*Omaha City Council*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Jennifer Rawley—*MFG, Inc.*
Stacy Meacham—*MFG, Inc.*
Merril Coomes—*MFG, Inc.*
Jeff Williams—*Citizen*
Reid Steinkraus—*Douglas County Health Department*
Nancy Gaarder—*Omaha World-Herald*
Sue Dempsey—*Nebraska Health and Human Services System*

Ms. Council asked if any CAG members had not received materials either via email or delivered hardcopies. There was no reply. Ms. Council assumed this meant all had received the materials.

Ms. Council asked if there were any changes or discussion needed on the minutes. Mr. McDermott stated that the year Union Pacific had leased land to Grant Smelting needed to be changed from 1860 to 1870. Ms. Weston motioned to approve the minutes with Mr. McDermott's change. Ms. Edwards seconded the motion. Motion approved unanimously.

Ms. Council called attention to the Mission Statement and Operating Guidelines handout. Time was given to review the document. Ms. Council asked any CAG members to let her know if the document did not accurately reflect the understanding reached at the prior meeting. No comments were given. Ms. Council stated that the Mission Statement and Operating Guidelines would, therefore, be accepted as written.

Mr. McDermott provided clarification on Union Pacific's connection to Grupo Mexico. He explained that in 1997, Union Pacific and Grupo Mexico joined together to make a bid on a Mexican railroad operating concession. As a result of this collaboration, Union Pacific and Grupo Mexico became partners in Ferrovioario Mexicano. Union Pacific owns 26% of Ferrovioario Mexicano; Grupo Mexico owns the rest. In 1999, Grupo Mexico acquired Asarco. Therefore, there is a relationship between Grupo Mexico and Asarco, not between Asarco and Union Pacific.

Ms. Bonet asked if Union Pacific owns 26% of Asarco, given that Grupo Mexico owns Asarco. Mr. McDermott replied, no. He explained that Union Pacific owns part of Ferrovioario Mexicano, not Asarco.

Ms. Bonet asked if Mr. McDermott could foresee the relationship between the three [Union Pacific, Grupo Mexico, and Asarco] having an influence on the CAG knowing that Grupo Mexico is using Asarco as a reason to declare bankruptcy. Mr. McDermott replied, absolutely not.

Ms. Council asked if anything was happening to involve other Potentially Responsible Parties, in addition to Union Pacific.

Mr. McDermott replied that Union Pacific was named a Potentially Responsible Party along with three others. Union Pacific is planning to notify other Potentially Responsible Parties that the CAG has convened. This will be accomplished via letters to other Potentially Responsible Parties.

Ms. Bonet asked if Mr. McDermott had this list of Potentially Responsible Parties. Ms. Determan explained that EPA had a report written by Dynamac listing Potentially Responsible Parties. Ms. Determan will submit this report as a handout to the CAG prior to the next meeting.

Next, Mr. Burnett passed out a handout to CAG members. The handout summarized sampling results at the Omaha Lead Site. Mr. Burnett stated that soil results have been sent to over 9,000 properties. The remaining results will be distributed this month. A remediation plan is due out in spring 2004. The EPA is looking at sampling 13,000-15,000 properties in each of the next two years. They would like to sample the majority of all properties in the Omaha Lead Site.

Ms. Council asked how many properties lie within the area identified by EPA as the Omaha Lead Site. Mr. Burnett stated that there are 40,000 properties. Ms. Bonet asked if the 40,000 referred to residences or all properties. Mr. Burnett stated that they were residential.

Ms. Weston stated that originally 60,000 residences were identified. She asked how this number has declined, given that the geographical area of the Omaha Lead Site has expanded. Mr. Burnett stated that EPA first targeted zip codes for sampling, and, as a result, sampling was conducted outside of the targeted area. Ms. Weston stated that sampling occurred as far as Harrison Street and that sampling that far from the Omaha Lead Site should not have been done. She asked how the number of residences declined, even if the samples taken outside the targeted area were included. Mr. Burnett stated that EPA is looking at 40,000 residences within the targeted area. Ms. Weston asked if the number of residences within the targeted area was based on census data. Mr. Burnett stated that they were based on census data. Ms. Weston asked if the census data could be checked to resolve this issue, determining why the number of residences has changed. Mr. Burnett said the EPA would provide an answer.

Ms. Weston stated that the General Inspector of EPA had announced a funding decrease. She asked how EPA intends to sample 13,000 homes with less funding. Mr. Burnett stated that they had asked for 4 million dollars for the Omaha Lead Site and received 3 million dollars.

Ms. Deppe stated that residents have not been receiving soil results from vacant lots, though these areas were sampled. She stated that kids play in these lots and asked why results have not been provided. Mr. Burnett said he did not have an answer and would follow up on this.

Mr. Williams asked if blood lead levels are known. Mr. Burnett stated that Douglas County looks into blood lead levels, and then follows up with EPA if levels are found in excess of 10 µg/dL. Dr. Pour added that every child with an elevated blood lead level receives case management in addition to soil removal. Case management involves someone identifying lead sources at the residence.

Ms. Council stated that the primary concern is elevated blood lead levels. She asked what kind of funding is available from the Douglas County Health Department to deal with elevated blood lead levels. Dr. Pour stated that if a house has a lot of lead paint, it is referred to the City. If it does not, the Douglas County Health Department provides recommendations to the residents, such as remediation residents can perform on their own. She stated that the Douglas County Health Department does not have funding for new painting or window replacement. CDC funding is available. There are no County dollars for the lead program. The lead program is paid by grant funds for blood lead screening and case management.

Ms. Weston asked if the blood lead level set to receive case management is 10 µg/dL. Dr. Pour stated that it is 15 µg/dL. Ms. Kammandel stated that they would sometimes address a situation even if the child's blood lead level were below 10 µg/dL if they believe there is a problem.

Ms. Bonet stated that her children were never tested for lead. She asked if doctors are being educated to administer tests. Ms. Kammandel stated that a screening mechanism is used to first determine if testing is needed. All children on Medicaid are to receive testing and for other

children, doctors are to ask screening questions and look for changes in responses over time using a new tracking document.

Ms. Deppe stated that only about 20% of children on Medicaid actually receive testing. Ms. Kammandel stated that the system is not perfect. Dr. Pour stated that in 2001, there were 6,000 children that had their blood lead tested, and in 2002, there were 9,000 tested. They have not reached 10,000 tested children in Douglas County, which was a set goal for 2003. She believes this needs to be brought to the attention of physicians.

Dr. Reynolds, referring back to discussion on the number of residences within the Omaha Lead Site, asked that EPA provide the CAG with the first source of information used to generate the 60,000 residences.

Dr. Rajaram asked what percentage of Medicaid children have been screened. Ms. Deppe stated that it is around 20% for Omaha.

Mr. Foster asked if the Douglas County Health Department has money to perform lead-based paint remediation. Ms. Council added that they do test children and housing. Mr. Foster asked if there is money available to remediate the houses with lead-based paint hazards. Dr. Pour stated that there is, if the resident qualifies.

Dr. Pour stated that it is not known what percent of the problem soil is with potentially affecting blood lead levels. The bigger problem is probably paint in the home, but EPA says their jurisdiction is only soil. Maybe the CAG would like to recommend what needs to be done.

Ms. Bonet stated that the place to address getting the housing problem corrected is through community block grant funds. The CAG will only address what is in the soil. She stated that inside the house should be addressed by the planning department and should be funded through community block grants. She said more of this money needs to be made available to more people and that low interest or no interest loans are needed to remediate housing.

Mr. Foster stated that he believed money for remediation does not come from a community block grant fund. Dr. Pour stated that he was correct. She said that the city receives funding through a special HUD grant. Ms. Weston stated that the problem is the strict criteria set to receive the HUD funding.

In response to Ms. Bonet's earlier comment that the CAG will only address lead in the soil, Ms. Council stated that the issue of lead inside the home is not outside the scope of the CAG. She stated her belief that everyone agrees that the objective for the CAG is to reduce blood lead levels, regardless of the source of lead exposure.

Ms. Council said that at a recent Lead Safe Omaha Coalition meeting, citizens expressed confusion about the sampling process performed by EPA. She asked Mr. Burnett to address this. Ms. Council also asked if, after cleanup, soil could be recontaminated by exterior lead-based paint. Several CAG members responded yes to the recontamination question.

Ms. Council asked if lead found in the drip zone is transient. She expressed concern that if people work around their house, this could be tracked into the home. Ms. Bonet stated that migration of lead from lead-based paint is no different than air deposits from stacks.

Ms. Council asked how many residences have received testing data and if the results were understandable. Councilman Gernandt stated that he had received results. Mr. Burnett explained that each yard is divided into a quadrant. Multiple samples are taken from within each quadrant and combined to create one sample. The resulting concentration of lead presented is for each quadrant.

Dr. Reynolds requested a definitive response from EPA to Ms. Council's earlier question regarding recontamination to the soil from lead-based paint outside the home. Mr. Burnett's response was absolutely the soil could be recontaminated.

Ms. Polk stated that a lot of information has been provided to property owners, but not necessarily occupants. She inquired about the legal requirements pertaining to this. Ms. Weston stated that she would like Mr. Burnett to have an answer to this question for the next meeting. Mr. Burnett responded that he would have a response.

Ms. Kammandel stated that all issues need to be discussed, but expressed concern about prioritizing what the CAG should work on. She stated that there are many complex issues as a Superfund site. She asked how the CAG could begin to resolve these issues. What are the strategies of the CAG? She said, we cannot work on everything all at the same time.

Ms. Council stated that these are the initial meetings, serving to identify community issues and concerns, which would then be prioritized. She then requested Mr. Burnett to finish his discussion on sampling.

Ms. Deppe injected that the city has funds used for things other than lead hazards, which could be directed toward remediating lead hazards.

Mr. Burnett stated that 112 soil cleanups were conducted in 2003, with 403 total removals performed to date. He said that letters would be sent to homeowners describing how the soil was removed in their yards. Removals will resume in the spring. There is currently a list of 500 qualifying properties.

Ms. Council asked how EPA determines which homes have children present. Mr. Burnett stated that this information is either provided by Douglas County or extrapolated from access agreements. He said that migrant occupancy is a problem for EPA.

Ms. Council stated that at the previous Lead Safe Omaha Coalition meeting, it was brought to the attention of the Lead Safe Omaha Coalition that some properties without children have been remediated. Mr. Burnett said that if a yard were highly contaminated, the soil would need to be removed to protect future residents.

Ms. Bonet stated that the whole yard is not removed. Mr. Burnett stated that removals are based on quadrant lead levels, keeping in mind that a quadrant is the most economical to remove.

Ms. Weston asked what would be done about yards where child with a blood lead level of 8 µg/dL reside. Will those children be identified? Mr. Burnett stated that the EPA is only told about children with blood lead levels 10 µg/dL and above via the Douglas County Health Department. Ms. Weston asked about what could be done when a parent knows their child's blood lead level is rising, yet their blood lead level is under 10 µg/dL and the concentration of lead in the soil is 1000 parts per million, for example. What can be done to help them along? Can they be moved up on the list? Mr. Burnett said he did not have an answer, but would like to say EPA would move them up on the priority and perhaps do more sampling. Ms. Weston asked if Mr. Burnett could talk with EPA staff about this. Mr. Burnett agreed to do so.

Mr. Burnett explained that elevated blood lead levels would always be the first priority for removals. The second priority is soil over 2500 part per million, regardless of the presence of children.

Ms. Bonet stated that if a child does not have an elevated blood lead level that does not remove them from the list. Mr. Burnett stated no, it depends on the level of contamination.

Ms. Deppe asked if there is a way EPA can look to see if a child's blood lead level is rising. Mr. Burnett replied that lead in soil is not the only issue driving elevated blood lead levels and that case management is needed. Ms. Pour stated that the Douglas County Health Department does whatever they can.

Ms. Council introduced Ms. Dempsey from the Nebraska Human Health and Services System, who is doing the Risk Assessment for the Omaha Lead Site.

Ms. Dempsey stated that the two Risk Assessments already provided to the CAG were not smelter sites. Ms. Determan stated that Leadville was a smelter site.

Ms. Dempsey described what a Risk Assessment does. She described the steps included in a Risk Assessment and provided a handout that describes the process.

Ms. Dempsey stated that lead has been the only identified chemical of concern at the site.

Ms Dempsey explained that she had just received data from EPA the previous day. It had not been reviewed. She does not anticipate other issues besides lead. She stated that incidental ingestion is the primary pathway. She stated that she would be looking at all sources of lead exposure, not just soil.

Ms. Dempsey stated that the Risk Assessment results in a risk determined for each child, not for the entire site. Therefore, the more data she is provided with for each child, the better the assessment.

Ms. Dempsey provided the CAG with examples of risks determined for several different children.

Ms. Bonet asked what “national default” means. Ms. Dempsey stated that a default value is the number she uses if she does not have site-specific values. The default value is based on other communities’ data.

Ms. Council stated that the IEUBK model looks weighted because it only includes dust and soil data. Ms. Dempsey stated that the model takes default values into account if specific data is not available.

Ms. Council asked if Black & Veatch is collecting paint data. Ms. Dempsey stated that the model cannot take paint chip data into account.

Ms. Council noted that Ms. Dempsey was not using garden data. She asked if garden data is included in the model. Ms. Dempsey stated that garden data is not included in the model. Ms. Council asked, if you had this data, would it be included? Ms. Dempsey said it would not be included.

Dr. Rajaram asked if the IEUBK model has been a good predictor of blood lead levels in previous uses. Ms. Dempsey stated, yes.

Dr. Reynolds asked Ms. Dempsey to relate her discussion to Mr. Burnett’s discussion about whether or not a home is moved up on the cleanup list. Ms. Dempsey stated that she only provides the assessment. EPA decides if a home will have soil removals or not. Dr. Reynolds asked if Ms. Dempsey provides removal recommendations to EPA. Ms. Dempsey stated that she does not provide recommendations regarding removals, but that later she will make recommendations for a clean-up level for the entire Omaha Lead Site.

Mr. Williams asked if anyone does a wipe sample to address the interior of the house. Ms. Weston replied that EPA does not address the interior.

Ms. Bonet asked if there is follow-up after yard removals. Ms. Dempsey stated that a five-year review is performed to ensure cleanup is successful.

Ms. Jackson-Miller stated that so many things are not taken in consideration. She expressed concern that, ultimately, the child is not protected. She asked how the child benefits.

Ms. Dempsey said that the majority of data she will have is soil data. Because of this, her estimate of risk will be somewhat “wishy-washy”. It will show that soil needs to be addressed. She said that Risk Assessment is a tool used to determine what homes need to be remediated.

Ms. Jackson-Miller asked what the goal is for the risk assessment.

Mr. Weaver asked if there is follow-up on the child after cleanup outside and inside the home.

Ms. Council stated that Ms. Dempsey's model isn't what drives that. It is separate from the case management of the Douglas County Health Department. Douglas County uses medical test data. Ms. Pour stated that Ms. Dempsey's assessment will provide a cleanup number for the entire site. Ms. Weston added that Ms. Dempsey's Risk Assessment will only address the soil. She will come up with a level of soil that needs to be cleaned up in order to prevent an elevated blood lead level from the soil.

Ms. Kammandel stated that Ms. Dempsey could identify, with limited data, what may cause children to be at risk.

Mr. Rodgers stated that the clean-up level set by EPA would determine how many yards would be cleaned up. Ms. Dempsey added that the model provides a cleanup number so that less than 5% of children have blood lead levels in excess of 10 µg/dL, and then EPA considers the recommended clean-up level in the Risk Management Process.

Ms. Polk asked if the model takes into account activities engaged in by children on the basis of age. Ms. Dempsey responded that the model uses soil ingestion rates depending on age.

Ms. Polk asked how appropriate the use of soil ingestion rates is when absorption of lead via skin could occur because of soil on shoes and other materials children contact. Ms. Dempsey stated that skin absorption is not an issue.

Dr. Rajaram stated that 159 demographic surveys have been completed. These surveys provided information on children, lifestyle, etc. The surveys help to identify how a child may be exposed to lead. Dr. Rajaram later added that not all 159 homes have children.

Ms. Dempsey stated that she has soil and dust data for 159 homes, which is less than 1% of the homes within the Omaha Lead Site. She had asked for data from 550 homes. At the time of that request, she was told there was a total of 20,000 residences in the Omaha Lead Site.

Ms. Weston asked why Ms. Dempsey asked for data from 550 residences, given that this is only about one percent of all residences in the Omaha Lead Site. She asked why a larger number of residences were not sampled, stating that it will be more difficult to receive funding via Superfund with such a small number of residences sampled.

Mr. Rodgers stated that the lower the cleanup level used, the greater the number of residences that could be cleaned up. Mr. Burnett stated that if the clean-up level were lower, there would potentially be more residences qualifying for cleanup.

Dr. Reynolds asked what percent of homes have received soil and dust sampling at other sites. Ms. Dempsey stated typically it is closer to 10%. Dr. Reynolds stated that he would hope ten percent would be the minimum requirement for the Omaha Lead Site. Ms. Weston asked what could be done to request a higher percentage of residences to be sampled for soil and dust. Mr. Burnett stated that additional dust data would not necessarily lower the cleanup value. He stated that the cleanup value will probably end up being what it is and will be similar to cleanup values generated from national averages. He said a Risk Assessment is only needed because it's a

requirement. He stated that EPA continues to use the removal budget to cleanup the priority residences.

Ms. Polk asked why EPA did not sample the 550 residences Ms. Dempsey had requested. Mr. Burnett stated that a cutoff date was set to provide data. The cutoff date had to be adhered to in order to meet the deadline for the Record of Decision this summer.

Ms. Bonet asked if the 159 homes sampled is a statistically significant value. Ms. Dempsey stated that it was not. She said, however, that it does not impact the cleanup number. She said that the Omaha Lead Site is already going to be cleaned up, so maybe the point is moot. She said the prediction will be a little “shaky” when based just on soil. The model will make assumptions about dust.

Dr. Rajaram asked if the model specifies a range of samples needed. Ms. Dempsey said no, the model could be used for any number of homes. She would have liked to have had more data. Her original plan was to randomly select homes across the site.

Ms. Council asked if it was mandated for the Record of Decision to be released in July. Ms. Weston stated that it was EPA’s commitment, and that because EPA has exhausted their budget, they must complete a Record of Decision. She said that’s why the mandate is in place—the law says EPA can only use x amount of dollars.

With respect to the models assumption about dust, Ms. Deppe stated that if a child had an elevated blood lead level, Douglas County would’ve taken a dust sample. Mr. Steinkraus stated that dust data could be provided to Ms. Dempsey. Ms. Dempsey said she would take any data she could get.

Ms. Dempsey recommended that a large educational component be included in the Record of Decision. Ms. Polk stated that it is EPA’s responsibility to collaborate and support other efforts, in order to address more than soil. Ms. Council stated that the CAG should help to drive a comprehensive approach for the community. She added that everyone recognizes remediation of the soil alone is not going to result in the reduction of elevated blood lead levels in this community.

Ms. Dempsey continued explaining her approach to Risk Assessment. She stated that the IEUBK model does not address lead paint. She said it is just not possible. She said that the biggest influence on the soil cleanup level is soil bioavailability. She stated that the soil bioavailability for the Omaha Lead Site was determined to be 44%, while the default for the model is 30%. She said the soil cleanup level will be lower than 400 parts per million because of this factor.

Ms. Bonet asked if soil speciation has been performed. Mr. Burnett stated that it had.

Ms. Council stated that if anyone had questions regarding the risk assessment, they could contact Ms. Dempsey or Ms. Determan. Ms. Dempsey added that she could be contacted by email.

Ms. Council asked about the status of creating a website. Ms. Determan said it is possible and would be moved to the next meeting for discussion due to time restraints.

Ms. Council stated that Ms. Bonet had suggested an EPA Risk Assessment video be made available to the CAG. MFG, Inc. has a copy of this video, which can be checked out from Ms. Determan.

Ms. Council mentioned that Senator Don Preister had sent a letter to the group. He appeared to be misinformed about discussion of phytoremediation, which took place at a Lead Safe Omaha Coalition meeting, not at a CAG meeting. Discussion on this memo will take place at the next CAG meeting.

Ms. Determan reiterated that MFG, Inc. would distribute the Dynamac Corporation report on Potentially Responsible Parties, the letter to homeowners from EPA, recontamination studies, and EPA's speciation report. EPA will check census data, look into the vacant lot issue, look into owner's responsibilities, and clarify criteria for soil removals.

Ms. Weston asked when Ms. Dempsey must have the Risk Assessment to EPA. Ms. Dempsey stated that her goal is March 1st, 2004.

Ms. Council asked if the CAG could see the results. Ms. Dempsey stated that she intends to send a draft of the Risk Assessment to the EPA toxicologist for a technical review and once that review is complete, it could be made available to the CAG.

Ms. Polk asked if GIS mapping of the area could be considered, in order to clearly show where the Omaha Lead Site is, census data, and other information.

Mr. Burnett stated that he would work with Ms. Determan to get maps and figures together.

The time for the next meeting was chosen by the CAG to be at 10:00 a.m., February 18th, 2004. It will be held in the same location, unless the room is not available.

Handouts Provided for the Meeting:

Superfund Today: Focus on Risk Assessment (electronic)(provided by MFG, Inc.)

Health Consultation: Public Health Review of the Addendum to the Quality Assurance Project Plan Concerning Interior Sampling, Herculanum Lead Smelter Site (electronic)(provided by Ms. Janet Bonet)

Presenter's Manual for: "Superfund Risk Assessment and How You Can Help" (hardcopy to be delivered)(provided by Ms. Janet Bonet)

Baseline Human Health Risk Assessment, California Gulch Superfund Site, Leadville, Colorado (hardcopy to be delivered)(provided by MFG, Inc.)

Human Health Risk Assessment, Oronogo-Duenweg Mining Belt Superfund Site, Jasper County, Missouri (hardcopy to be delivered)(provided by MFG, Inc.)

EPA Soil Sampling (electronic)(provided by Mr. Mark Doolan, EPA)

Memo from Senator Don Preister

Mission Statement/Operating Guidelines

Demographic and Land Use Survey, Omaha Lead Site (provided in English and Spanish by Dr. Shireen Rajaram)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)