

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

Minutes for Meeting Held
Wednesday, February 18, 2004, 10:00 a.m.
Greater Omaha Chamber of Commerce
1301 Harney Street, Omaha, NE

OLS CAG Members Present:

Janet Bonet—*Citizen at Large*
Dr. Richard Brown—*Charles Drew Health Center*
Bryant Burnett—*Environmental Protection Agency*
Sue Casteel (Designee for Shawn Blackshear)—*ATSDR*
Tanya Cook—*Governor's Task Force*
Todd Davis—*Nebraska Department of Environmental Quality*
Jonah Deppe—*League of Women Voters and Citizen at Large*
Connie Determan—*MFG, Inc.*
Barba Edwards—*League of Women Voters*
Terrie Jackson-Miller—*Greater Omaha Chamber of Commerce*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Robin Kammandel—*Metro Omaha Medical Society*
Jeff McDermott—*Union Pacific Railroad*
Dr. Donna Polk-Primm—*Nebraska Urban Indian Health Coalition*
Dr. Adi Pour—*Douglas County Health Department*
Dr. Shireen Rajaram—*University of Nebraska, Omaha*
Dr. Everett Reynolds—*NAACP*
Steve Scarpello (Designee for Chris Rodgers)—*Mayor Fahey's Office*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Don Bahnke—*Environmental Protection Agency*
Mike Beringer—*Environmental Protection Agency*
Dr. Merrill Coomes—*MFG, Inc.*
Todd Crawford—*U.S. Senator Chuck Hagel's Office*
Karen Davis—*U.S. Congressman Lee Terry's Office*
David Filipie—*Methodist Health System*
Sonny Foster—*U.S. Senator Ben Nelson's Office*
Nancy Gaarder—*Omaha World-Herald*
Gene Gunn—*Environmental Protection Agency*
Denise Izaguirre—*Agency for Toxic Substances and Disease Registry*
Debbie Kring—*Environmental Protection Agency*
Jan Lambert—*Environmental Protection Agency*
Tim Langan—*Senator John Synowiecki's Office*
Stacy Meacham—*MFG, Inc.*

Jennifer Rawley—*MFG, Inc.*

Steve Sanders—*Environmental Protection Agency*

Sue Semerena—*Nebraska Health and Human and Services System*

Jeff Williams—*Marc Enviro Services, Inc.*

Ms. Council began the meeting by asking for any corrections to the minutes from the previous CAG meeting on February 4th, 2004. Mr. Burnett stated his concerns about the minutes of the previous meeting not containing factual statements. Ms. Council requested Mr. Burnett to identify the errors in the minute. Dr. Pour stated that, on page 8, “health assessment” needs to be changed to “case management.” Mr. Burnett stated that, on page 2, “A sampling plan is due out in spring 2004” should be changed from “sampling plan” to “remediation plan”. Mr. Gunn added that “...the next three years” should read “each of the next two years.” Mr. Burnett stated that, on page 6, “...moves the home down the list” should read “depends on the level of contamination.” Mr. Burnett, referring to page 9, said, “...EPA has exhausted the removal budget, but continues to cleanup the priority residences” should read “EPA continues to use the removal budget to cleanup the priority residences.”

Ms. Kring expressed concern that statements she had read from the previous meetings minutes were not factual. She stated that such statements should not be recorded in the minutes and entered into the Administrative Record. Mr. Davis expressed similar concern. Ms. Jackson-Miller stated that Ms. Kring was out of order and that the minutes accurately record what occur at the meetings. Ms. Council stated that if an individual believes a statement is incorrect, the individual is welcome to bring it to the attention of the CAG during the meeting. She added that such a discussion would be reflected in the minutes. Mr. Gunn stated that he thought the minutes should be factual. Ms. Council explained that if incorrect information is provided to the CAG, follow-up information could be submitted in writing to the CAG. Ms. Council specifically stated that all statements are the opinion of CAG members, unless information is documented.

Those present introduced themselves.

Mr. Burnett reported to the group on four topics identified at the prior meeting. He explained that the number of residences identified in the Omaha Lead Site had changed from 60,000 homes to 40,000 homes because the original site boundaries have since been modified. He stated that the EPA arrived at approximately 40,000 residences through the use of census data in conjunction with the revised projected site boundary. Ms. Weston asked to be provided with the census data used to arrive at this number. Mr. Gunn added that the original boundary was a polygon based on a few locations found to have high levels of lead in soil. The area of the Omaha Lead Site was decreased to include 40,000 residences. Ms. Weston asked for EPA to provide the census tracts used that resulted in the 40,000 residences estimation. Dr. Reynolds expressed concern that this was what the CAG had requested at the last meeting. He stated that the CAG expected EPA to follow through with providing information they had previously stated they would supply. Ms. Weston restated her request for the census tracts used by EPA in order to see what had been used in EPA’s decision-making process, which resulted in the reduction of the number of residences included in the Omaha Lead Site. Mr. Burnett stated that the CAG would be provided with the census tracts and all information EPA is using to determine the number of residences within the site boundaries. Ms. Council asked about the section of east

Omaha, including the Downtown area, which has been excluded from the Omaha Lead Site. Mr. Bahnke stated that because this area is a business district, it was excluded. Ms. Council stated that children do live within that area and that it is a mixed-use area.

Mr. Burnett, in regards to the question of vacant lot testing asked at the prior CAG meeting, stated that EPA is not currently sampling vacant lots. Ms. Deppe stated that she knows people who have had vacant lots tested and that these families have not received results from EPA. Mr. Bahnke said that vacant lots are tested if children play in the lots or if the family uses the lot for gardening. He stated that the results of testing in these particular lots might be distributed separately from the results of other samples taken at the same residence. He stated that EPA is still continuing to mail the results to homeowners. Mr. Bahnke stated that if residents have questions, they can receive answers by calling EPA at the 800-number.

Mr. Burnett clarified how EPA prioritizes time-critical soil removals. He stated that children with elevated blood lead levels that live in residences with soil lead levels above 1,200 parts per million, and daycares with soil lead levels above 1,200 parts per million, are the top priority. Originally, the time-critical soil removal level was set at 2,500 parts per million but was later reduced. The second priority is yards with lead in soil at levels greater than 1,200 parts per million, regardless of the presence or absence of children.

Mr. Burnett clarified that EPA sends testing results to both residence owners and occupants. Dr. Polk-Primm asked if owners are legally responsible for disclosing the test results to occupants. Mr. Gunn replied that owners are required to notify occupants if lead hazards are present. A fine can be imposed if this information is not disclosed. Confusion arose during the discussion as to what specific laws exist regarding this issue. Dr. Polk-Primm stated that a massive education program is needed because she is sure many property owners have no idea of what their legal obligations are to report results to future tenants. She also expressed concern with the way the letters are written in that they give results but then do not specifically state if hazardous conditions are present or not or if action is needed. There was a recommendation about modifying the letter to include text indicating that if your home was built prior to 1978, it may contain lead based paint hazards, and changing the sentence regarding disclosure of the test results to read "must show" instead of "can show".

Mr. Langan stated that he would look into State requirements pertaining to disclosing lead hazard information. Mr. Scarpello added that he would look into similar City ordinances. Mr. Langan and Mr. Scarpello will provide information back to the CAG on this issue. Ms. Bonet suggested that if the City also regulated disclosure of health risk information, in addition to State and Federal regulations, this could encourage owners to disclose information about lead hazards. Concern was expressed over that fact that the results letter is only sent once to the residence; therefore, if a new family moves in, they will not receive the test results from EPA. Mr. Jones will check on lead disclosure requirements for homeowners, specifically related to Section 8 housing, and report to the CAG.

Dr. Brown brought up a problem he has observed with children living in public housing. He stated that he has observed children at the Charles Drew Health Center with elevated blood lead levels. He said many of these children live in public housing projects and that their residences

have not been tested by EPA. Mr. Bahnke stated that EPA has had problems getting access from the Omaha Housing Authority to sample. He stated that EPA had contacted the Omaha Housing Authority but had not received a response back. Dr. Polk-Primm asked EPA if public housing is tested and remediated. Mr. Bahnke said that if elevated blood lead levels were reported to the Douglas County Health Department, EPA would have received the information, tested the soil, and performed soil removals, if the residence met the criteria discussed earlier. Mr. Bahnke added, however, that he could not recall performing any soil removals at public housing project locations. Mr. Bahnke and Dr. Brown agreed to look further into this issue and report back to the CAG. Dr. Brown will find out how many children identified by the Charles Drew Health Center with elevated blood lead levels live in public housing. Mr. Bahnke will find out how many public housing areas have been sampled. Ms. Council listed the public housing complexes owned by the Omaha Housing Authority, which included: Hilltop Homes, Pleasantview, Spencer Homes, and Southside Terrace.

Dr. Rajaram spoke about the demographic survey she designed under contract with EPA. She explained that the contract she was under was very strict. She specifically asked for the contract to be amended to permit her to gather input on the design of the survey from agencies (such as the Lead Safe Omaha Coalition and the Chicano Awareness Center) and the community. Under the final contract, she was only permitted to receive input from Nebraska Health and Human Services System and Douglas County. Ms. Weston stated that she wanted the minutes to reflect that EPA did not give the community any opportunity for input into this study, despite Dr. Rajaram's specific requests. She wanted it clearly distinguished that there was no community involvement not because the community groups chose not to participate, but rather because they were not ever offered an opportunity. Ms. Determan stated that MFG, Inc. had provided EPA with comments on the demographic survey. Dr. Rajaram replied that EPA had not forwarded these comments on to her.

Dr. Rajaram said that she does not have confidence in the data resulting from the demographic survey due to many problems in the data collection process. She stated that this was from a researcher's perspective. She added that this she is not a risk assessor and did not know how the data would affect the Risk Assessment. She expressed additional concern over the lack of information provided to homeowners prior to receiving the survey and the lack of training by those administering the survey. Dr. Rajaram stated that although homeowners were told EPA would be coming into their homes to sample dust, they were not told about the demographic survey. She also stated that some Black and Veatch employees performed the surveys. Dr. Rajaram has no knowledge of the Spanish speaking ability or interview experience/training of some of the Black & Veatch employees whom collected the data. Ms. Bonet asked for clarification regarding which home were given the surveys. Dr. Rajaram stated that the 159 homes where EPA collected dust samples were given the demographic survey. She stated that the demographic survey should have been conducted in a different manner. Dr. Rajaram stated that she would not be discussing the final results at the meeting since they were currently under review by the EPA. She also mentioned that she had completed a draft report on the demographic survey, which EPA is currently reviewing. EPA advised that the report should be available to the CAG in two or three weeks.

Dr. Polk-Primm asked about translation of letters sent to residents. Mr. Bahnke stated that the entire letter provided to owners and residents, containing the results of soil testing, is written in English. There is a statement at the end of the letter written in Spanish, informing Spanish-speaking persons to call an information line. Ms. Kring added that EPA has a Spanish translator in Kansas City who can take phone calls from Spanish-speaking residents.

Dr. Coomes provided the CAG with a presentation on Risk Assessment guidance. The main ideas presented included:

1. A summary of portions of the Superfund Lead-Contaminated Residential Sites EPA Handbook, August 2003
2. Identifying differences between the Superfund Lead-Contaminated Residential Sites EPA Handbook and available EPA Field Sampling Plans for the Omaha Lead Site
3. The importance of using a Conceptual Site Model (CSM) when planning data collection and remedial actions
4. The importance of the *sequence* of remedial action, which Superfund Lead-Contaminated Residential Sites EPA Handbook identifies as: 1) lead-based paint, 2) residential yard soil, and 3) indoor dust
5. Summarized results of other risk assessments (Leadville, Colorado, Clear Creek, Colorado, and Jasper County, Missouri), demonstrating that the IEUBK model does not identify all children at documented risk from lead exposure
6. Clarification of how lead-based paint is included in the IEUBK model in the form of indoor dust

Mr. Gunn asked Dr. Coomes about the bioavailability factor used in the model for Joplin. He also inquired if the bioavailability factor was less bioavailable, since the lead source was primarily mining. Mr. Gunn then mentioned that a Bioavailability Study has been completed in Omaha. The study was conducted using four samples (two samples from each of two Omaha locations) to determine the bioavailability of lead in soil for the entire Omaha Lead Site. Ms. Weston asked to see a report of the study.

Ms. Izaguirre discussed the Joplin Superfund Site and the health study/exposure study that was done prior to the soil removals and then 5-years after. She stated that despite the fact that the predicted model results did not match up with actual results, the health study results indicated that the selected remedy in Joplin has been successful. There was discussion on whether there was a need for a health study in Omaha. Ms. Bonet expressed concern that a health study had not been completed for the Omaha Lead Site. She asked EPA if they expect Potentially Responsible Parties to pay for cleanup if EPA is not completing all possible studies. Mr. Sanders response was that there are four Potentially Responsible Parties and that EPA has a good case against them.

Dr. Polk-Primm expressed concerns about the lack of site-specific data (such as a health assessment) for Omaha and EPA relying on data from other cities to make assumptions about Omaha. She asked how similar the conditions that existed in Joplin really are to the conditions that exist in Omaha. Dr. Polk-Primm then asked if EPA is interested in an accurate and reliable Risk Assessment, and if so, who is going to do it. Mr. Gunn stated that they are interested in an accurate Risk Assessment and stated that Sue Dempsey, under direction from EPA, is conducting the risk assessment. Mr. Beringer from EPA stated that he is in constant communication with Sue regarding the Risk Assessment.

Ms. Weston expressed the need for the CAG to focus on the soil issues so that the CAG can provide input to EPA prior to the ROD being finalized. Ms. Council stated hopefully the CAG would be able to list and prioritize the CAG concerns at the next meeting.

Ms. Council stated that the next meeting would begin with EPA's clarification of the Risk Assessment. The agenda items that were not reached at this meeting would be moved to the next meeting. It was decided that the next meeting would be held Wednesday, March 3rd at 10 am. The first preference for a meeting room would be at the Omaha Chamber of Commerce and the second the Omaha Public Schools TAC Building. The location is to be announced at a later time.

Handouts Provided for the Meeting:

Glossary (hardcopy)(provided by Ms. Janet Bonet)

Be Safe's Four Principles (hardcopy)(provided by Ms. Janet Bonet)

Cleanup of Other Sources of Lead, from Superfund Lead-Contaminated Residential Sites Handbook (hardcopy)(provided by MFG, Inc.)

Dynamac Corporation Summary of Potentially Responsible Parties (hardcopy)(provided by MFG, Inc.)

Potential Responsible Parties Figure (hardcopy)(to be provided by MFG, Inc. at CAG meeting)

The Source of Anomalous Lead Concentrations in Soils from the Omaha Community Report, dated April 4, 2002 (hardcopy)(provided by EPA)

Example Letter to Homeowners from EPA (hardcopy)(provided by MFG, Inc.)

Number of Renter Occupied Housing Units (figure)(hardcopy)(provided by MFG, Inc.)

2001 Blood Lead Levels in Tested Children (0-6 Years), with City Age, in Omaha, Nebraska (figure)(hardcopy)(provided by MFG, Inc.)

Letter from U.S. Senator Ben Nelson (hardcopy)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)