

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

Minutes for Meeting Held
Wednesday, March 3rd, 2004, 10:00 a.m.
City/County Building
1819 Farnam Street, Room 1210, Omaha, NE

OLS CAG Members Present:

Janet Bonet—*Citizen at Large*
Councilman Brown—*City Council*
Sue Casteel—*ATSDR*
Tanya Cook—*Omaha Advisory Council for Lead Safe Neighborhoods*
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*
Gene Gunn (Designee for Bryant Burnett)—*Environmental Protection Agency*
Terrie Jackson-Miller—*Greater Omaha Chamber of Commerce*
Connie Lowndes—*Douglas/Sarpy County Extension*
Jeff McDermott—*Union Pacific Railroad*
Dr. Donna Polk-Primm—*Nebraska Urban Indian Health Coalition*
Dr. Adi Pour—*Douglas County Health Department*
Arson Rayford—*Omaha Housing Authority*
Chris Rodgers—*Mayor's Office*
Karen Shepard—*OPS School Board*
Rebecca Valdez—*Chicano Awareness Center*
Warren Weaver—*City of Omaha*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Don Bahnke—*Environmental Protection Agency*
Mike Beringer—*Environmental Protection Agency*
Rita Brown—*Lead Safe Omaha Coalition*
Julie Cacho—*Environmental Protection Agency*
Che Thompson—*Lead Safe Omaha Coalition*
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*
Denise Jordan-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*
Barry Long—*Omaha Housing Authority*
Stacy Meacham—*MFG, Inc.*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Sharon Skipton—*Douglas/Sarpy County Extension*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*Douglas/Sarpy County Extension*
Jeff Williams—*Marc Enviro Services, Inc.*

Ms. Council began the meeting by apologizing for the inconvenient parking. She stated that in the future the CAG might want to consider having evening meetings in order to accommodate the general public. Introductions of the group were given.

Ms. Council announced that she had invited Ms. Lowndes from the Douglas/Sarpy County Extension to join the CAG and stated that Ms. Lowndes had brought pamphlets created by the University of Nebraska—Lincoln.

Ms. Council asked if any of the CAG members had not received the materials for the meeting. Silence indicated that the members had received the materials.

Ms. Council asked for comments and correction to the minutes. Ms. Jordan-Izaguirre stated that her name was misspelled. She also indicated that in the paragraph in which she was speaking, “health assessment” should read “health study”. Mr. Davis stated that on page 2, 1st paragraph, “Mr. Davis” should read “Mr. Gunn”. Ms. Determan read corrections provided by Dr. Rajaram, who could not be present. Ms. Bonet asked if Dr. Rajaram could submit her changes in a letter in order to submit her formal opinion. Ms. Miller asked if Dr. Rajaram was changing her opinion or position. Ms. Weston added that Dr. Rajaram’s changes were corrections to the minutes. Dr. Polk-Primm stated that she agreed and asked if the CAG could be provided with copies of the amended minutes. Ms. Determan stated that she would provide the CAG with all previously amended minutes.

Ms. Jordan-Izaguirre asked if changes could be made to the Jasper Synopsis handout. She stated that it seemed to be discussion on what was stated at the previous meeting and that she felt she had been misquoted. Ms. Council stated that because the Jasper Synopsis was not a part of the minutes, changes could not be made; however, Ms. Council stated that a written submission could be made to the CAG.

Ms. Weston moved to accept the minutes with all changes. Dr. Polk-Primm seconded the motion. Ms. Bonet opposed. Motion passed.

Ms. Council asked if EPA brought the requested census data. Mr. Bahnke stated that he had one copy with him. Ms. Council asked how he would distribute the data to the CAG. Ms. Weston stated that she would look at the entire package, if Mr. Bahnke would provide a written synopsis

for the CAG. She asked if this would be acceptable to the CAG. There were no objections. Ms. Bonet asked if the data could be provided electronically. Mr. Bahnke stated that he could enter the data into a spreadsheet and provide a written synopsis to the CAG.

Ms. Council asked if Mr. Bahnke could also provide a brief report of the data now. Mr. Bahnke stated that the 65,000 residences calculation was based on a polygon drawn around the outermost points with 1,200 parts per million lead in soil or greater [Mr. Bahnke held up a map]. The census blocks within that polygon were used to calculate the number of residences. Later, the site boundaries were changed to the area from Ames Ave. to "L" Street and east of 45th Street. Because the area changed, so did the calculated number of residences.

Ms. Bonet stated that the CAG should keep in mind that the 9,000 children whom were identified the year of the census do not represent the total number of kids that have been affected by lead over generations.

Dr. Polk-Primm stated that at an EPA availability meeting the previous night, she had heard 1,200 parts per million used as a reference, when previously she had heard 800 parts per million. She asked for clarification. Mr. Gunn stated that a screening level of 400 parts per million is used for some time critical soil removals, as is 1,200 parts per million.

Ms. Council reiterated that the CAG would expect a synopsis from Mr. Bahnke regarding the census data. She asked for the synopsis to include a more detailed explanation of the overlap in the two site areas discussed. Ms. Weston stated that she would make an appointment to go over the data provided by Mr. Bahnke with Dr. Reynolds. She added that perhaps Mr. Bahnke could sit down with them to answer any questions.

Ms. Council stated that in the future the CAG would need to determine the best way to disseminate information to the public. She said that perhaps a repository should be identified. It was stated that at the EPA availability session the previous night, Mr. Gunn had identified the W. Dale Clark Library as a current repository for EPA documents. Mr. Gunn stated that a separate file could be set up for CAG materials. Ms. Weston suggested that a repository be opened at north and south Omaha branches of the public library. Ms. Council suggested Mr. Gunn work with Ms. Determan to set up the repository. Dr. Polk-Primm stated that she would like to help. She added that materials could also be provided to the Chicano Awareness Center, community colleges, etc.

Mr. Beringer discussed the risk assessment and provided a summary handout. He stated that the risk assessment provides justification for remedial action. He spoke about the IEUBK model. He stated the model alone does not determine the final cleanup number. Other factors are considered, such as cost, reliability of controls, technical feasibility, and community acceptance. He discussed the dust sample collection, stating that the data from the 159 homes sampled is important but not critical to the risk assessment. He said this data would not change any overall conclusions. He said that dust data provides a more complete picture of lead exposure for those particular homes sampled. This information is compared to other sites to see if any large differences are present. He stated the dust data at the Omaha Lead Site is not different than what

is seen at other sites. He added that there is a lot of variability in the dust data and that it is a difficult parameter to get a handle on.

Mr. Gunn discussed the EPA sampling effort. He stated that originally Ms. Sue Dempsey of Nebraska Health and Human Services System wanted 550 dust sample locations. EPA began contacting homeowners and was able to get 330 access agreements signed. When EPA went back to the home, only 159 homeowners allowed sampling. Mr. Gunn passed out copies of a sampling map. He discussed the map and stated that EPA is comfortable that the distribution of the 159 samples is enough.

Ms. Bonet asked why homeowners had denied access for sampling. Mr. Gunn stated that there were many reasons. He stated that many people did not want to provide access because of the time of year, which was from November through January. He also stated that dust sampling is an intrusive process.

Ms. Weston stated that she found it offensive that Mr. Gunn was making it seem like residents of Omaha were not willing to cooperate. She stated that weekly cancellations were not due to people not wanting to participate. She said the problems were the contractor not following through, the approach, the demographic survey, and the subcontractor not showing up. She stated that the majority of the community was willing to go along with dust sampling. Ms. Weston requested that the minutes reflect this point.

Ms. Weston asked why EPA had stated that 15,000 soil samples had been collected but also stated that only 12,000 of those samples will be used in the risk assessment. Mr. Gunn replied that because sampling is ongoing, they needed to set a cutoff number.

Ms. Weston asked what the EPA's current timeline is for the Proposed Plan. She specifically asked, "What is the status of the Community Involvement Plan." Mr. Gunn stated that the Remedial Investigation would be finalized by the end of March. The Feasibility Study will be ready at that same time or slightly after. EPA will seek public comment on the proposed plan in April. They will then hold a public hearing on the proposed plan. Comments will be attached to the Record of Decision, which is scheduled to be finished in July. Ms. Weston asked if the CAG could receive a copy of the schedule to distribute. Mr. Gunn said EPA would provide the CAG with copies of the schedule.

Ms. Kring stated that the Community Relations Plan is not yet finalized. She is incorporating what the CAG is doing and comments into the Community Relations Plan. Mr. Gunn asked when the CAG would be able to look at something. Ms. Kring stated that the Community Relations Plan would be available mid-March. Ms. Council asked who commented on the Community Relations Plan and if the comments were internal. Ms. Kring replied that internal comments were received and that she has also been working with the State. Ms. Council asked if the broader community has been provided with the opportunity to comment on the Community Relations Plan. Ms. Kring indicated the community had not been given the opportunity to comment. Ms. Bonet asked if the community would ever be solicited for comments. Ms. Kring stated that she would like to get organizations involved. She would like to incorporate organizations into the process in order get information out to the public. Ms. Weston stated that

once the CAG is provided with the Community Relations Plan, the CAG would be able to help distribute information about organizations to Ms. Kring.

Mr. Gunn asked if Ms. Kring could commit to bringing a draft of the Community Relations Plan to the next CAG meeting. Ms. Council suggested that EPA provide the CAG with the Community Relations Plan earlier, so it could be distributed before the next CAG meeting. Mr. Gunn stated that EPA would have a draft to the CAG before the next meeting.

Dr. Polk-Primm, referring back to the risk assessment discussion, stated that it has already been determined that there is a health threat. She asked if EPA is only concerned with the threat as it pertains to soil. She asked if EPA is concerned about lead in paint and water. She said she was confused because Mr. Beringer had spoke about sources other than soil contributing to lead in dust. Mr. Gunn said there is a difference between what EPA is concerned with and what EPA can address. He stated that EPA is limited to addressing soil under Superfund law.

Dr. Polk-Primm asked if EPA would be recommending changes in social policy to stiffen landlord responsibility, etc. Mr. Gunn stated that such recommendations would not be made because EPA can only respond to soil.

Ms. Weston asked why the CAG has not received the information from ATSDR, considering how soon the Proposed Plan will be coming out. Ms. Jordan-Izaguirre stated that the ATSDR health study had been sent to state agencies. Ms. Weston stated that ATSDR had failed to include community input. Ms. Jordan-Izaguirre stated that her and Ms. Weston had had conversations. Ms. Weston stated that her and Ms. Jordan-Izaguirre had not had discussions that will be identified in the report. Ms. Jordan-Izaguirre said that every time she comes to CAG meetings she meets with different people to hear opinions. Ms. Weston stated that there had been meetings with institutional representatives, but not community representatives

Dr. Pour asked if EPA could run the IEUBK model twice: once using the default for dust and once using the data from the 159 homes. She would like to see a comparison. She would also like to know how the dust samples compare to national averages. Mr. Beringer stated that the dust data would be included in the risk assessment, but that the dust data will not necessarily be applied to the other 12,000 properties.

Dr. Pour asked what the default value for dust is in the IEUBK model. Mr. Beringer stated that for indoor dust, the default value is close to 700 parts per million. Ms. Pour asked how that compares to the 159 homes. Mr. Beringer stated that there is high variability with the 159 homes.

Dr. Pour said, in reference to the sampling map handed out by EPA, that the 159 homes appeared to be along the periphery of the site. She added that EPA seems to have missed the homes closet to the smelter. Mr. Gunn stated that there are also a lot of high impact areas in south Omaha and that samples were taken there. Dr. Pour stated that she would like to see that the impact is characterized as close to reality as possible.

Dr. Pour asked how uncertainty would be included in risk management decisions. Mr. Beringer replied that that is based on Mr. Gunn's and upper management's decisions. He stated that professional judgment and weight of evidence would be used to determine what is protective of health.

Ms. Determan asked if EPA could provide the bioavailability study to the CAG. She stated that she would like to distribute the study before the next meeting along with any dust data. Mr. Gunn said EPA would do so.

Ms. Bonet stated that she had an analogy to express what EPA cannot address under Superfund. She explained that if you call a plumber because you have a leaky pipe, and you find that you have termites because of wet floorboards, it is not the plumber's responsibility to get rid of the termites or to replace the floorboards. She stated that EPA is similarly constrained as to what they can do at the Omaha Lead Site, and that that is why the CAG is so important. Ms. Bonet reiterated that it is part of EPA's guidance to involve the community first. She stated that the CAG is available to help and willing to respond early in the process. She asked EPA to define institutional controls at the next CAG meeting.

Ms. Council asked EPA if the risk management plan is limited to a soil remediation plan. She asked if the plan could be more comprehensive. Mr. Gunn stated that the EPA decision document will probably only cover what EPA is obligated to see performed. He said that the risk management plan could address other things, but that such things would fall outside what is implemented by EPA.

Ms. Council asked if the appropriate time to provide input on addressing more than just soil in risk management decisions is when the preliminary plan is released. Mr. Gunn replied that that would be the appropriate time. He stated that EPA would be willing to entertain such a proposal if someone wanted to enter into an enforceable agreement.

Mr. Langan provided an update on state disclosure requirements. He distributed two handouts. He stated that the State does not have disclosure requirements.

Mr. Bahnke provided Ms. Council with a fact sheet explaining disclosure requirements. He explained that this fact sheet is included in the letters with sampling results sent to residents/homeowners. Ms. Council stated that copies would be distributed to the CAG next week.

Ms. Council asked for clarification on the public housing questions that surfaced at the prior CAG meeting. Mr. Rayford stated that he would still have to look into the issue. Mr. Bahnke stated that to date 27 Omaha Housing Authority properties have been tested for lead in soil. He explained that some of the properties are individual buildings on large tracks of land. He stated that EPA has not tested the buildings along these large tracks of land, but are preparing to do so now. They have signed access agreements from Mr. Brad Ashford of the Omaha Housing Authority. He stated that EPA needs to contact the Omaha Housing Authority to determine the individual address for each building because the Douglas County tax assessor only has one

address for the large parcels. He added that it appeared that Pleasant View and Spencer Homes might not have been included.

Ms. Council asked how the yards are divided for sampling at the large sites. Mr. Bahnke stated that sampling would not follow typical protocol. Ms. Council stated concern that sampling occurred at duplexes, not at the developments. Mr. Bahnke stated that common areas and play areas were sampled. Mr. Brown stated that the Omaha Housing Authority would work with EPA. He said if EPA does not do the testing, the Omaha Housing Authority will.

Ms. Council asked if any of the public housing properties have received time critical soil removals. Mr. Bahnke stated that none of the properties have qualified for time critical removals.

Ms. Weston asked if there is a way to sort addresses out of the database to easily determine which properties have been tested.

Mr. Brown stated the minutes from the last meeting indicate that EPA had problems gaining access from the Omaha Housing Authority. Mr. Bahnke apologized and said that he did not mean to disparage the Omaha Housing Authority.

Ms. Council requested that each CAG member prepare a list of four to five issues or concerns that the member believes needs to be addressed through the CAG. She stated that the lists would be used to help shape the form and structure of what the CAG will do. She asked the CAG to provide their lists to herself or Ms. Determan by Wednesday, March 10th, 2004.

Discussion occurred to determine the next meeting time. Ms. Bonet suggested that the current meeting time be maintained and that if the EPA plans to continue holding meetings the night before, a CAG member could attend to provide the public with updates on the CAG. The CAG agreed to meet at 10 a.m. on Wednesday, March 17th, 2004. Mr. Rayford offered the Omaha Housing Authority Gateway Center as a meeting place.

Handouts Provided for the Meeting (March 3rd, 2004):

Limited English Proficiency Handouts (hardcopy provided by MFG, Inc.)

- *Know Your Rights*
- *Affirming LEP Access & Compliance in Federal and Federally Assisted Programs*
- *Executive Order 13166*
- *Department of Justice Policy Guidance Document*

Jasper County Superfund Site Synopsis (Hardcopy provided by MFG, Inc.)

Regional Blood Lead Map (*Percent of Tested Children with Blood Lead Levels ≥ 10 $\mu\text{g}/\text{dL}$ in Nebraska and Iowa Counties*) (Hardcopy provided by MFG, Inc.)

Potential Sources Map (Hardcopy distributed at meeting)

Durham to Honor Four Omaha Leaders (Hardcopy distributed at meeting)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)