

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

Minutes for Meeting Held  
Wednesday, March 17<sup>th</sup>, 2004, 10:00 a.m.  
Gateway Building  
4401 N. 21<sup>st</sup> Street, Omaha, NE

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**OLS CAG Members Present:**

Shawn Blackshear (Designee for Sue Casteel)—*ATSDR*  
Janet Bonet—*Citizen at Large*  
Dr. Richard Brown—*Charles Drew Health Center*  
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*  
Melissa Gardner—*Sierra Club*  
Gene Gunn (Designee for Bryant Burnett)—*Environmental Protection Agency*  
Clifton Jones—*U.S. Department of Housing and Urban Development*  
Jeff McDermott—*Union Pacific Railroad*  
Dr. Adi Pour—*Douglas County Health Department*  
Dr. Shireen Rajaram—*University of Nebraska, Omaha*  
Dr. Everett Reynolds—*NAACP*  
Chris Rodgers—*Mayor's Office*  
Ben Salazar—*Nuestro Mundo*  
Karen Shepard—*OPS School Board*  
Vernon Waldren—*Douglas/Sarpy County Extension*  
Warren Weaver—*City of Omaha*  
Cheryl Weston—*Lead Safe Omaha Coalition*

**Others Present:**

Diedra Andrews—*University of Nebraska, Omaha*  
Bill Ballenger—*Ballenger Automotive Service*  
Todd Crawford—*U.S. Senator Chuck Hagel's Office*  
Nancy Gaarder—*Omaha World-Herald*  
Matthew Jarsk—*University of Nebraska, Omaha*  
Debbie Kring—*Environmental Protection Agency*  
Peter Lieben—*Guild Communications*  
Connie Lowndes—*Douglas/Sarpy County Extension*  
Carolyn McIntosh—*Patton Boggs*  
Stacy Meacham—*MFG, Inc.*  
Kristin Petersen—*Guild Communications*  
Jennifer Rawley—*MFG, Inc.*

Ms. Council began the meeting by expressing that she was impressed with the commitment of the CAG members. She stated that she feels the CAG is making progress. She then listed the handouts that were available at the sign-in table, including a census data packet with a public housing letter from EPA, the EPA bioavailability study, and EPA community involvement plan.

Ms. Council asked for any corrections to the minutes from the March 3<sup>rd</sup>, 2004 CAG meeting. Ms. Bonet stated the Chicano Awareness Center was mistakenly written as the “Chicano Awareness Society.” Ms. Cook stated that the “Governor’s Task Force” is officially named the Omaha Advisory Council for Lead Safe Neighborhoods. Ms. Weston, referring to page 2, second paragraph, stated that it was Ms. Council who announced the brochures and added that Ms. Council had explained that she invited Ms. Lowndes to be a CAG member. Referring to the fourth paragraph of page 2, Ms. Weston stated that Ms. Jackson-Miller had asked, not stated, if Dr. Rajaram was changing her opinion. Ms. Weston stated that, on page 5, she had asked why the CAG had not received information. Ms. Weston added that she had stated that there had been meetings with institutional representatives, but not community representatives. Ms. Bonet stated that she had made an important analogy about a plumber and floorboards that should be included in the minutes. She stated it should be included on page 6 in the second paragraph.

Ms. Edwards moved to approve the minutes with changes. Dr. Reynolds seconded. Motion passed unanimously.

Ms. Council stated that she had invited Ms. Gardner from the Sierra Club to join as a new CAG member. Next, introductions were made. Ms. Determan stated that she is a technical consultant to Union Pacific Railroad and is also available as a technical resource to the CAG.

Ms. Council stated that in addition to the lists of issues and concerns that had been provided to the CAG in the previous mailing, Dr. Polk-Primm provided a list to Ms. Council the night before the meeting. Ms. Council distributed Dr. Polk-Primm’s list.

Ms. Council stated that Ms. Weston and Dr. Reynolds had agreed to form a subcommittee and would meet to go over the census data and then report back to the CAG. Additionally, Ms. Council stated that a subcommittee led by Dr. Polk-Primm would meet to arrange repositories. Ms. Council added that any CAG member interested in joining the repository subcommittee should contact Ms. Council, Ms. Determan, or Dr. Polk-Primm. Ms. Council added that she hopes the repository committee will report back to the CAG at the next meeting.

Ms. Council asked Mr. Gunn to define institutional controls. Mr. Gunn stated that he did not have a written response to provide the CAG with, but that a definition can be found in the Superfund Lead-Contaminated Residential Sites Handbook in section 6.7.3 (available online). He added that this handbook is the overarching guidance EPA uses at lead sites. Ms. Council stated that CAG members had been provided with the handbook at the first meeting and that if anyone does not have this document, they may contact Ms. Determan to obtain a copy.

Ms. Bonet asked EPA to provide a brief, oral definition. She stated that it is important for people to know right now what the definition is without having to do research. Mr. Gunn stated that institutional controls are administrative and legal devices, such as easements, physical barriers, signage, etc., used when waste is left in place above a regulatory limit or level of health concern. He added that institutional controls restrict access or activities to prevent release of waste materials into the environment. He stated that some institutional controls are successful and some are not. He stated that institutional controls would be included in the Proposed Plan and Record of Decision for the Omaha Lead Site and said that examples of institutional controls used at other lead sites have included health education, gardening restrictions, blood lead screenings, and groundwater restrictions.

Ms. Bonet asked if institutional controls refer to the institution to control rather than an institution in control of a site. Mr. Gunn replied that institutional control could refer to both.

Dr. Rajaram asked if the EPA would use community input when determining institutional controls at the Omaha Lead Site. Mr. Gunn replied that the Proposed Plan will include institutional controls and that a comment period on the Proposed Plan will be provided to the community.

Dr. Reynolds asked when the Proposed Plan would be released. Mr. Gunn replied that the release of the Proposed Plan is scheduled for May. Ms. Bonet stated that in the meantime the CAG could provide suggestions.

Mr. Salazar, referring to the discussion on institutional controls, asked if the term "institutional controls" is going to become important. He asked if there is a better way to say "institutional controls." Ms. Bonet replied that "institutional controls" is the best term to use. Ms. Council urged CAG members to read the guidance document referred to earlier if members have questions. She added that if questions remain, the topic could be discussed at the next meeting.

Ms. Council asked if Ms. Kring would like to speak about the Community Involvement Plan. Ms. Kring stated that the plan had been changed from a Community *Relations* Plan to a Community *Involvement* Plan in order to incorporate existing input from the community. She explained that the Community Involvement Plan included two attachments, which had not been listed in the table of contents. She asked the CAG to provide comments by **April 5<sup>th</sup>**. Comments can be provided to Ms. Kring via email, mail, or telephone at the following:

Ms. Debbie Kring  
[kring.debbie@epa.gov](mailto:kring.debbie@epa.gov)  
Environmental Protection Agency  
Region 7  
901 N. 5<sup>th</sup> Street  
Kansas City, KS 66101  
913-551-7725

Ms. Kring urged CAG members to attend public comment sessions on the Proposed Plan, which are scheduled for May.

Ms. Council asked the CAG to review the bioavailability study. She directed the CAG to let Ms. Council or Ms. Determan know if there are questions, adding that Ms. Determan is available to assist with technical questions.

Mr. Gunn stated that bioavailability data could also be found in a report titled, "The Source of Anomalous Lead Concentrations in Soils from the Omaha Community---Omaha, Nebraska." Ms. Determan stated that this report is the speciation report, previously distributed to the group. She added that this speciation report is not in the EPA repository. Mr. Gunn stated that additional bioavailability data will be released in the near future and that the data generally agree with the bioavailability study.

Ms. Council asked Mr. Gunn to define bioavailability. Mr. Gunn stated that bioavailability is one of the important inputs used in modeling risk at the site. He stated that basically, bioavailability is the percent of uptake of lead when ingested by a child. He said that a couple of methods are used to determine the bioavailability, including swine studies. Mr. Salazar asked if uptake is the same as absorption. Mr. Gunn replied that uptake and absorption are the same. Mr. Gunn continued, saying that the other method for determining bioavailability is through the use of invitro data. This data is used to verify the data from the swine study and is not included in the model. Dr. Rajaram asked if the same soil samples were used in all three studies. Mr. Gunn replied that different yards were sampled.

Ms. Council, referring to Senator Preister's memo, suggested that a letter be sent to the Senator from Ms. Council thanking him and clarifying that phytoremediation was not an issue addressed by the CAG. Ms. Weston stated that she had spoken with someone at Senator Preister's office to clarify the situation. She agreed that a letter would be appropriate.

Ms. Council stated that at the EPA availability session the previous night, a phosphate remediation process had been discussed. She suggested adding discussion on this phosphate process to the CAG agenda at a future meeting.

Ms. Council stated that Mr. Rayford was not present to provide an update on public housing. She stated that EPA had provided a letter regarding sampling of public housing.

Ms. Council invited Ms. Determan to report on the status of the CAG website. Ms. Determan stated that an initial draft of the website had been distributed and a link emailed to the CAG. She asked for comments and suggestions on the website. Ms. Determan stated that she would like CAG members to provide more community friendly photographs to replace the photographs currently on the website. She also asked for input on links. Ms. Deppe suggested speaking with the Mayor's office to see if a link to the CAG website could be added to the City's website. Ms. Davis suggested adding links to information on health issues, such as a link to the Lead Safe Omaha Coalition and other organizations. Mr. Crawford suggested adding a link to Adobe Acrobat Reader so software can be downloaded to view the pdf files.

Mr. Salazar expressed concern that when looking around the room, he did not see representatives from the Latino community, with the exception of Ms. Bonet. He asked how this could be dealt

with. Ms. Council stated that a conscious effort had been made to have such representation, including CAG members such as Ms. Bonet and Ms. Valdez. She stated information had been provided regarding Limited English Proficiency and that these issues had been discussed at previous CAG meetings. She added that Ms. Valdez will be identifying a South Omaha location and providing a translator for the next meeting. Ms. Council stated that the intent is to be multilingual. She added that the CAG is always open to suggestions on who else can be invited to participate in the CAG. Mr. Salazar suggested contacting bilingual representatives from UNMC and the Douglas County Health Department.

Ms. Bonet stated that EPA, HUD, ATSDR, etc. have Spanish websites and that links to those pages could be added to the CAG website.

Dr. Reynolds asked if Mr. Salazar was asking for new CAG members. Mr. Salazar stated that an effort should be made to look for leadership and that many people cannot make day meetings. Ms. Weston stated that parents and other community members needed to be included on the CAG. She said that maybe if it is difficult for such people to take off work, the CAG needs to speak to their employers. Ms. Council stated that she has made a point of indicating that this group is fluid and invited anyone to provide names of individuals to contact.

Ms. Andrews asked what avenues have been used to find members. Ms. Weston replied that word of mouth was used to locate members and that the group continues to grow. She stated that people who are most affected need to be added to the CAG. Ms. Kring stated that she thought people at the EPA availability session had said they could not come to meetings during the day. Ms. Weston stated that there are people who can come during the day and again reiterated that if there are people that cannot take off work, the CAG could speak to their employers regarding the importance of this issue and the possibility of giving them time off to attend the meetings.

Mr. Gunn stated that if the CAG wants to create a subcommittee to handle outreach, EPA would provide what assistance they can. Ms. Bonet stated that EPA meetings are important for that.

Ms. Determan asked CAG members to provide any suggestions on the CAG website so that the website can be approved at the next meeting. Ms. Bonet asked if photos should be sent electronically. Ms. Determan stated that electronic photos are preferred but other media is acceptable, too.

Ms. Council stated that a list of concerns had been generated from lists provided by CAG members and by reviewing issues brought up at previous meetings. She asked if there were any concerns regarding the timeline? Ms. Bonet stated that the timeline is tight but that she thought the CAG was doing a good job of keeping up with it. Mr. Rodgers asked if EPA could provide a flowchart with a timeline that includes when cleanup will begin. Mr. Gunn said the timeline could be expanded to include information about cleanups.

Ms. Weston stated that the main focus of the CAG should be to resolve technical issues as stated in the mission statement. She said that the focus should be on the Proposed Plan and asked if people understand what the Proposed Plan is. She asked how the CAG could explain to the

public what the Proposed Plan is. She stated that the CAG needs to know what's going into the Proposed Plan and that the CAG needs to address the Superfund process in order to get comments to EPA.

Ms. Council stated that in terms of addressing the plan, the issues are all technical issues involved in the Proposed Plan.

Mr. Gunn stated that the EPA has not been asked a lot of process questions. He stated that if the CAG wants that discussion, EPA could provide it. He stated that EPA could provide an example Proposed Plan to the CAG.

Ms. Deppe asked if the CAG could have dialogue with EPA before the Proposed Plan draft is released. Mr. Gunn replied that there is a formal process to incorporate input and that input from the CAG would be included in the process.

Ms. Council stated that examples of Proposed Plans would be distributed to the CAG.

Mr. Davis stated that he thought a timeline showing when documents will be released and a flowchart showing how the documents relate to each other would help the CAG understand how each element feeds into the Proposed Plan.

Reverend Gould stated that some of us have been involved in this process for a long time and that it feels like progress has not been made. He stated that the timeline cannot be met.

Dr. Reynolds expressed concern with getting hung up in the details. He asked if the relationship between the timeline and the Proposed Plan could be provided to the CAG.

Ms. Council stated that Ms. Weston is correct about the mission. She said that the first thing on the timeline is the RI/FS. Mr. Davis stated that he didn't think the confusion was with the data for the RI/FS, but rather there was confusion surrounding the demographic data. Ms. Council stated there was confusion regarding both the RI/FS and demographic data. Ms. Council stated that the CAG needs to provide input into what the Proposed Plan is, emphasizing that that is the purpose of the CAG.

Ms. Weston stated that she agreed with Ms. Council on the intent of the CAG, but felt that the CAG had gotten off track. She asked if there is a legal reason that the Proposed Plan must be done by July 2004. Mr. Gunn stated that the July date is a goal and could be moved. Ms. Weston stated that EPA had to submit a memorandum, then after a certain time, EPA must ask for an extension. She asked if EPA has reached the point where EPA cannot get another extension. Mr. Gunn replied that the memorandum only applies to emergency removal actions.

Ms. Weston asked if there is a legal reason for the timeline. Mr. Gunn replied that the memorandum only applies to time critical removal actions.

Ms. Weston suggested that a subcommittee work with EPA to look at the Proposed Plan and then report back to the CAG.

Mr. Gunn stated that there is not a legal driver for the July 2004 Proposed Plan deadline. He said he did not mean to talk around the schedule.

Ms. Council stated that she was hearing a concern about the timeline. She stated that the CAG needs to first identify and prioritize key concerns.

Mr. Gunn stated that because EPA is not addressing all lead via time critical removals, he does not want to extend the schedule. Ms. Weston stated that her point was not to extend the schedule and that she only wanted to know if there was a legal reason for the schedule.

Mr. Rodgers asked if the timeline is driven by the need to apply for funding. Mr. Gunn said, yes, that he would like to get the Omaha Lead Site in line for funding. Ms. Weston stated that there is not anything that says EPA had to do so. Mr. Gunn stated that Ms. Weston was correct, but that he would like to move forward.

Mr. Reynolds stated that these details are the kind of information the CAG wants. Ms. Council stated that she appreciated the comments. She said that one of the objectives is to have meaningful input into the Superfund process and that the CAG needs to know the details to know what that meaningful input is. She stated that if what goes in is not right, what comes out (referring to how it is decided to properly address lead issues in Omaha) would be wrong.

Mr. Gunn reiterated that the Proposed Plan is a plan, not a decision. He added that there would be an open public comment period on the Proposed Plan. Ms. Council stated that in terms of influencing the Proposed Plan, the CAG would be more successful if they provided input before the Proposed Plan is prepared, rather than after it is presented. Mr. Gunn stated that he would not necessarily endorse Ms. Council's statement. He said that he agreed that EPA would take input from the CAG now, but stated that it would be hard for the CAG to influence the data because it has already been collected. He added that if the CAG has concerns about the data, the CAG may express these concerns, and EPA would take the concerns into consideration.

Ms. Kring stated that the July date was set to move the Superfund process forward. She said that the CAG is very supported, but did not start until January. She asked the CAG to keep in mind that EPA's dates have not changed. She stated that Mr. Gunn is trying to move forward to get funding to fight lead poisoning.

Mr. Rodgers stated that Mr. Gunn was saying that if EPA does not enter the appropriations process, the current administration could be wiped out. Mr. Rodgers said that then it would be another year until the appropriations process begins again.

Ms. Weston stated that the CAG needs an example of a Proposed Plan, in order to ask questions. She also stated that the CAG needs a line of dialogue with EPA to ask what will be going into the Proposed Plan.

Dr. Pour stated that what will drive the CAG is EPA's timeline. Dr. Pour stated that it would be reasonable for someone to give a presentation of what is in the bioavailability study, for

example, so the CAG does not have to form a subcommittee. She asked how delaying the Proposed Plan release to September would affect the funding process.

Ms. Council stated that currently, according to EPA's timeline, the Omaha Lead Site is at the Remedial Investigation/Feasibility Study step. She stated that it would be appropriate to make the Remedial Investigation/Feasibility Study the topic for the next meeting and that an example of a Remedial Investigation/Feasibility Study would be provided to the CAG.

Dr. Pour asked when the draft health assessment for the Omaha Lead Site would be released by ATSDR. Mr. Blackshear stated that the health assessment would be released at the end of May.

Ms. Weston asked if EPA could report to the CAG what goes into the Remedial Investigation/Feasibility Study. Mr. Gunn stated that EPA could do that, but that EPA cannot go into details in a short amount of time. Ms. Council stated that she would expect EPA to report on the Remedial Investigation/Feasibility Study at the next meeting, providing information on what is in the Remedial Investigation /Feasibility Study, including what data were used, what factors were taken into consideration, and how these affect the study. She also said she hoped EPA would provide a summary of the bioavailability study. Mr. Gunn said that is not what he committed to. Ms. Council asked for a brief summary of the bioavailability study and how it influences the Remedial Investigation/Feasibility Study. Mr. Gunn said he would provide a brief summary. Ms. Council asked Mr. Gunn to provide any materials by Tuesday, March 23<sup>rd</sup>, 2004 in order to provide time for the CAG members to digest the information.

Ms. Council stated that the next meeting would be held Wednesday, March 31<sup>st</sup> at 10 a.m., unless there were other suggestions. She stated that Ms. Valdez had extended an invitation to provide a location in South Omaha and a translator. The CAG will be notified of the location as soon as it is determined.

Mr. Gunn announced that EPA will be holding an availability session on March 30<sup>th</sup> at 7 p.m. and invited the CAG to provide the community with an update on the progress of the CAG.

#### Handouts Provided for the Meeting (March 3<sup>rd</sup>, 2004):

*Approved Minutes from 01/20/04, 02/04/04, and 02/18/04 (Hardcopy provided by MFG, Inc.)*

*Comments from CAG members for prioritizing topics:*

- *Vernon Waldren, Douglas/Sarpy County Extension*
- *Sharon Skipton, Douglas/Sarpy County Extension*
- *Jonah Deppe, Citizen at Large*

*Spatial and Temporal Blood Lead Trends in Children (0-6 Years) in Omaha, Nebraska (Hardcopy provided by MFG, Inc.)*

*Nebraska Administrative Code, Title 302, Chapter 1 (Hardcopy)(Provided by Mr. Tim Langan—Senator John Synowiecki's Office)*

*State Real Estate Commission Rules and Regulations, 76-2, 120* (Hardcopy)(Provided by Mr. Langan)

*Fact Sheet: EPA and HUD Move to Protect Children from Lead-Based Paint Poisoning; Disclosure of Lead-Based Paint Hazards in Housing* (Hardcopy)(Provided by EPA)

*Lead Facts: Short Term Actions to Reduce Soil Lead Hazard* (Hardcopy)(Provided by EPA)

*Lead Facts: Gardening Guidelines* (Hardcopy)(Provided by EPA)

*Relative Bioavailability of Lead in Test Materials from a Superfund Site in Omaha, Nebraska* (Hardcopy)(Provided by EPA)

*Census Data* (Hardcopy distributed at meeting)(Provided by EPA)

*Dust and Soil Data* (Hardcopy distributed at meeting)(Provided by EPA)

*Community Involvement Plan, Omaha Lead Superfund Site* (Hardcopy distributed at meeting)(Provided by EPA)

*Models Help Estimate Children's Exposure to Toxins* (Hardcopy)(Provided by Ms. Jonah Deppe)

*Kids, Houses, and Dirt: Finding Out What We Know About Lead Exposures in Douglas County, Nebraska* (Hardcopy)(Provided by MFG, Inc.)

*Sample Letter and Pamphlet to Homeowners* (Hardcopy)(Provided by MFG, Inc. on behalf of Union Pacific Railroad)

*Managing Elevated Blood Lead Levels Among Young Children: Recommendations from the Advisory Committee on Childhood Lead Poisoning Prevention* (Hardcopy distributed at meeting)(Provided by MFG, Inc.)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)