

Community Advisory Group (CAG) for the Omaha Lead Site

Minutes for Meeting Held
Thursday, April 29th, 2004, 7:00 p.m.
Omaha South High School
4518 S. 24th Street

OLS CAG Members Present:

Janet Bohm—*Citizen at Large*
Dr. Richard Brown—*Charles Drew Health Center*
Brenda Council—*Facilitator*
Jonah Deppe—*League of Women Voters and Citizen at Large*
Connie Determan—*MFG, Inc.*
Mark Doolan (Designee for Bryant Burnett)—*Environmental Protection Agency*
Melissa Gardner—*Sierra Club*
Lucy Garza—*Office of Latino/Latin American Studies, University of Nebraska, Omaha*
Councilman Gary Gernandt—*Omaha City Council*
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*
Arson Rayford—*Omaha Housing Authority*
Karen Shepard—*OPS School Board*
Marian Todd—*City of Omaha Planning Department*
Rebecca Valdez—*Chicano Awareness Center*
Vernon Waldren—*Douglas/Sarpy County Extension*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Siobhan Blackwell—*Creighton University*
Julie Cacho—*Environmental Protection Agency*
Dr. Merrill Coomes—*MFG, Inc.*
Todd Crawford—*U.S. Senator Chuck Hagel's Office*
Karen Davis—*Congressman Lee Terry's Office*
Mike Felix—*Nebraska Department of Environmental Quality*
Bob Feild—*Environmental Protection Agency*
David Filipi—*Metro Omaha Medical Society*
Sonny Foster—*Senator Ben Nelson's Office*
Nancy Gaarder—*Omaha World-Herald*
Dennis Grams—*Olsson Associates*
Kevin Howe—*Army Corps of Engineers*
Denise Jordan-Izaguirre—*ATSDR*
Mary Kerwin—*Citizen*
Debbie Kring—*Environmental Protection Agency*

Jan Lambert—*Environmental Protection Agency*
Kathy Leinenkugel—*Douglas County Health Department*
Don Lininger—*Environmental Protection Agency*
Barry Long—*Omaha Housing Authority*
Stacy Meacham—*MFG, Inc.*
Irene Perez—*Citizen*
Jennifer Rawley—*MFG, Inc.*
Teresa Rivera—*Citizen*
Steve Sanders—*Environmental Protection Agency*
Jerome Tworek—*Citizen*
Jeff Williams—*Marc Enviro Services, Inc.*
Larry Zaragon—*Environmental Protection Agency*

Ms. Council began the meeting by thanking Ms. Valdez for her assistance in advertising the meeting. Ms. Council stated that Ms. Valdez was also providing a Spanish-English translator for the meeting.

Ms. Council apologized for any confusion about this meeting and its relationship to the EPA availability session. She stated that at the EPA availability session on April 13, 2004 it was announced that there would not be an EPA availability session on April 27, 2004. Instead, it had been announced that the EPA would be available to answer questions at this CAG meeting.

Ms. Council apologized for neglecting to include ATSDR on the agenda for the meeting. She stated that ATSDR would be on the agenda at the next meeting on May 12, 2004.

Introductions were made.

Ms. Council asked for any corrections to the minutes from April 14, 2004. No corrections were given. Ms. Weston moved to approve the minutes without corrections. Mr. Filipi seconded the motion. The motion passed unanimously.

Ms. Council went through the handouts distributed for the meeting.

Ms. Council provided an update on the CAG website. She encouraged members to submit suggestions for any additional links to Ms. Determan. Ms. Council also reported that to date the website has received approximately 1,500 hits.

Ms. Council, referring to the handout *Results of Superfund Process Discussion Questionnaire*. Ms. Council asked the CAG members if they would prefer to hold the information session on the same week as a meeting or on an off-week. Various members indicated that an off-week would be preferable. Ms. Council stated that a location would be identified to hold an information session on May 20, 2004 from 1:00 to 5:00 p.m.

Mr. Doolan asked if the information session would include reviewing plans. Ms. Council stated that the intent was to hold an information session to ensure all members have the same level of knowledge about the Superfund process, not to review specific documents.

Ms. Council asked if Mr. Doolan or Mr. Rayford could comment on the status of the children at the Charles Drew Health Center. Mr. Rayford stated that the confidentiality issue between the Omaha Housing Authority and Dr. Brown had been worked out. He confirmed that Dr. Brown has shared his list of children with elevated blood lead levels with the Omaha Housing Authority. Ms. Council asked if the list of children would be shared with EPA. Mr. Rayford stated that the Omaha Housing Authority is only working on this issue with Dr. Brown. Mr. Doolan stated that EPA has investigated every address where an elevated blood lead level has been reported and that the Douglas County Health Department is currently performing a crosscheck to see if any of those children's addresses fall within public housing.

Ms. Council asked for an update from the census subcommittee. Ms. Weston stated that she had provided two handouts to the CAG regarding the census subcommittee. She stated that she spoke with Mr. Don Bahnke from EPA about concerns regarding the census data. She stated that there was a difference between properties and population that had not been properly clarified at previous meetings, including Lead Safe Omaha Coalition meetings. She clarified that the 65,000 number used by EPA refers to population, not properties.

Ms. Weston also stated that EPA has identified 9,800 children under the age of 7 within the Omaha Lead Site. Ms. Weston stated that according to numbers previously provided by the Douglas County Health Department, there are 22,000 children under 7 east of 72nd Street. Ms. Weston stated that she did not think this seemed accurate. Ms. Council asked if the 9,800 estimate pertained to children under 7 east of 45th Street. Ms. Leinenkugel stated that there are 9,800 children under 7 east of 45th Street between Ames Avenue and L Street and that the 22,000 estimate included children under 7 east of 72nd Street from one end of the county to the other. Ms. Weston stated that if that was the case, it should have been clarified earlier.

Ms. Weston also stated that she was concerned about the expense of soil removals. She stated that using the information previously provided by Mr. Gene Gunn of EPA, over 40,000 yard samples have been identified with lead levels greater than 400 parts per million. She stated that even if you assume that 40% of the 12,000 samples exceed the cleanup threshold, it would be about 57 million dollars to perform soil removals. She added that that estimate does not include all the future sampling that will occur. Ms. Weston stated that she thought the cost of the project should be evaluated.

Ms. Weston added that Mr. Gunn had spoken at past EPA Availability Sessions about the possible use of phosphate treatment. Ms. Weston stated that she thought the CAG should have more information about phosphate treatment. She would like to know if families would be moved out of their homes during phosphate treatment.

Mr. Foster asked if phosphate is dangerous. Mr. Doolan replied that it depends on how the phosphate is applied. Mr. Doolan stated that at previous sites, the phosphate used was similar to the acidity of Coca-Cola, and therefore, Mr. Doolan would not foresee a danger to the children. However, Mr. Doolan added that studies have not been completed to determine if there is any danger in using phosphate treatments.

Ms. Weston stated that she feels the CAG needs more information about the site. She would like to know how many properties have been sampled, how many total yards have been removed, and how many individual quadrants have been removed. She stated that she had asked Mr. Bahnke how many quadrants had been removed. Mr. Bahnke told Ms. Weston that he did not have that information and that the EPA does not have a computerized system to easily retrieve the information.

Ms. Weston stated that she also asked Mr. Bahnke to provide her with an estimate of the cost of using phosphate treatment if the soil cleanup level was 400 to 800 parts per million.

Ms. Bohm asked why soil with a lead over 800 parts per million would not be treated with phosphates. Mr. Doolan replied that 800 parts per million is not a set level at this time. It is just a number used to look at a cost differential. A level would be set at which up to that level phosphate treatment is protective. Above that level, soil removal would be performed.

Dr. Rajaram asked if EPA could provide any phosphate studies. Mr. Doolan replied that an extensive study was performed in Jasper County and that a report on that study should be available in the next month. Mr. Doolan agreed to provide the study to the CAG when it is released. Mr. Doolan added that the study is being duplicated in Omaha for comparison.

Dr. Rajaram asked EPA if studies had been performed prior to Jasper County. Mr. Doolan replied that prior to the Jasper County study, no studies had been performed to estimate the reduction of bioavailability of lead. Mr. Doolan stated that other studies have looked at reducing leachability for disposal of soil with heavy metals, but have not assessed the toxicity.

Ms. Leinenkugel stated that the University of Washington is studying the use of mulch to reduce bioavailability. She asked if that is the first study of its kind. Mr. Doolan replied that other similar studies exist.

Ms. Council asked for an update from the Repository Subcommittee. Dr. Polk-Primm has been looking into the possibility of creating an informational kiosk. Dr. Polk-Primm stated that the CAG needs to look at ways to get information out to the community. A kiosk could provide information about Superfund and other health related topics. It could be done in several languages. Dr. Polk-Primm stated that another Repository Subcommittee meeting would be held in the near future.

Ms. Valdez invited the public to comment on ways in which families would prefer to receive information. Ms. Rivera stated that she would like more information on television and in newspapers. Ms. Rivera would like to know how her son, who has an elevated blood lead level, could get help.

Ms. Weston asked if the kiosk would be moved to different locations. Dr. Polk-Primm replied that hopefully four to six kiosks would be built and would not be transported.

Dr. Rajaram asked who would maintain the kiosks. Dr. Polk-Primm replied that the Repository Subcommittee has not looked into how the kiosks would be maintained, but stated that someone would be hired to maintain the kiosks, perhaps through a grant program. Dr. Polk-Primm stated that the kiosk could even be a project for a university, such as the J.D. Edwards program at the University of Nebraska, Lincoln. Ms. Weston added that the Kiewit Institute might also be able to help. Mr. Waldren stated that the University Extension had a program that might fit with the kiosk idea. Mr. Waldern offered to call Dr. Polk-Primm to speak with her about the program.

Ms. Council invited Ms. Deppe to provide an update on the Health Fair. Ms. Deppe stated that she met with Ms. Determan to discuss the display for the Health Fair. Ms. Deppe stated that sometimes there is a cost for a table and that the CAG might want to look at how to get funding. Ms. Council stated that funding for the Health Fair would not be a problem. For future events, Ms. Council asked to be provided with the total cost of attending these events, in order to look into additional funding. Ms. Deppe stated that EPA might want to be available at the Health Fair to provide access agreement. Ms. Council stated that the Health Fair is May 15th at Omaha North High. She stated that a sign-up sheet would be sent out to CAG members to sign-up to man the booth.

Ms. Blackwell mentioned that May 10th through May 16th is Cover the Uninsured Week and that information can be obtained at www.covertheuninsuredweek.org.

Ms. Council invited Ms. Todd to explain the 2005 Action Plan schedule she provided to the CAG. Ms. Todd stated that the City would be seeking input for the grant application for lead hazard control funds. Ms. Todd stated that HUD has not released the request yet, but that it is expected any day. Ms. Council asked if it would be more beneficial for individuals or the CAG to provide input. Ms. Todd stated that both individual and CAG input would be most beneficial. Ms. Todd stated that she would inform the CAG as soon as she hears about the HUD request. She added that the timeline she provided does not relate to the lead hazard control grant.

Ms. Todd stated that the timeline provided is for the 2005 Action Plan. She stated that on May 6th a focus group meeting would be held. Ms. Todd stated that she did not know where or what time the focus group meeting would be. Ms. Todd said she would let Ms. Determan know when the information becomes available to distribute to the CAG. Ms. Todd added that a public meeting on the same topic would be held on May 23rd.

Ms. Council stated that a letter would be sent to the Governor regarding additional funding for a lead hazard control program. Ms. Council asked if that letter would be

something the CAG could present at a meeting discussing the 2005 Action Plan. Ms. Todd replied that providing the letter at one of the meetings would be appropriate.

Ms. Todd continued to discuss the timeline. She stated that a second public meeting would be held in September to present the proposed Action Plan. Ms. Council stated that public input would be needed before the proposed Action Plan is released.

Ms. Todd discussed the TAP and RAP. Ms. Deppe asked how many homes receive lead hazard control funding in 2003. Ms. Todd replied that 110 single-family homes and about 200 multi-family homes had received funding from June 2002 to December 2003.

Ms. Council reiterated that ATSDR would provide a report at the next CAG meeting.

Ms. Council stated that EPA had provided written responses to bioavailability questions at the meeting. Ms. Council added that EPA also provided a copy of a field sampling plan. She stated that the response to bioavailability questions and the field sampling plan would be distributed to CAG members in the packet for the next meeting.

Ms. Council asked Ms. Weston for an update on the National Remedy Review Board (NRRB). Ms. Weston stated that she had not drafted a written response, but did speak with the NRRB. Ms. Weston stated that the NRRB would be providing Ms. Weston with information. Ms. Council stated that at the previous CAG meeting EPA stated that EPA could only provide the CAG with the comments from the NRRB, not the proposed plan submitted to the NRRB. Mr. Doolan stated that EPA could only provide the CAG with the NRRB's comments.

Dr. Polk-Primm asked when the deadline for comments on the Proposed Plan would be. Doolan stated that once the Proposed Plan is released, the comment period would be either 30 or 60 days.

Dr. Polk-Primm stated that she is concerned that soil is only being addressed.

Ms. Weston asked if EPA is on target for releasing the Proposed Plan. Mr. Doolan stated EPA is on target for releasing the Proposed Plan. Ms. Weston asked if that meant the Risk Assessment is complete. Ms. Doolan stated that the Risk Assessment was the next topic on the agenda. Ms. Weston asked if the Feasibility Study had been completed.

Mr. McDermott stated that when the CAG met at the last meeting on April 14th and discussion occurred regarding the NRRB, it appeared to come as a surprise to Mr. Doolan that the policy was EPA policy. Mr. McDermott stated that according to the handout, *National Remedy Review Board Progress Memoranda*, a CAG or PRPs have the opportunity to see the plan that is submitted to the NRRB. Mr. Doolan stated that EPA only has to solicit comments PRPs in an agreement with EPA. He added that there are not any PRPs who have entered into an agreement at the Omaha Lead Site. Mr. Doolan stated that the CAG was not asked to submit comments because the plan was submitted before the CAG had been formed and it was EPA's opinion that the CAG was led by a PRP. Mr. McDermott stated that Union Pacific does not lead the CAG. Mr. Doolan

replied that it was EPA's opinion at the time that the CAG was led by Union Pacific. Mr. Doolan stated that it was his understanding that letters about the CAG were on Union Pacific letterhead. Mr. McDermott stated that Union Pacific had spoken with EPA about EPA forming an advisory committee in 2002, but EPA essentially ignored the idea. Mr. Doolan stated that he did not believe that was correct. Mr. Doolan stated EPA has been meeting with various people in this community and that EPA knows what the issues are.

Ms. Deppe asked when EPA submitted the Proposed Plan to the NRRB. Mr. Doolan replied that the Proposed Plan was submitted to the NRRB in late January or early February. He stated that there would not have been time for the CAG to prepare comments.

Ms. Council stated that it has been stated numerous times without EPA disagreement that the CAG was a result of discussions between EPA and Union Pacific and that EPA tasked Union Pacific with establishing the CAG. She stated that she felt EPA was distorting the facts. She stated that at the last CAG meeting, EPA stated that the Proposed Plan was submitted to the NRRB March 1st, 2004. Mr. Doolan stated that the Proposed Plan was due to the NRRB by February 1st, 2004.

Ms. Weston stated that she took strong offense to Mr. Doolan's assumption that EPA knows what the community's feelings are. She stated that the Lead Safe Omaha Coalition existed at the time the Proposed Plan was submitted to the NRRB. She asked how EPA could assume that the CAG could not have put together comment in time. She stated that EPA should have come to the CAG and the public to request input. Ms. Weston stated that she spoke with the former and current presidents of the NRRB. They informed Ms. Weston that two questions asked regarding the submitted Proposed Plan are if there are comments from stakeholders and the CAG and if there are comments from the PRP. Ms. Weston stated that she felt that EPA Region 7 policy did not seem to follow the NRRB's policy. Ms. Weston stated that she felt that Mr. Doolan was being patronizing and making assumptions about the capabilities of the community. Ms. Weston stated that the community was not going to let EPA do this, even if it meant taking EPA to court as a community. Mr. Doolan stated that EPA has never talked down to the community. Ms. Weston stated that EPA does not know what knowledge the community has.

Dr. Polk-Primm stated that she thought one of the reasons for the CAG meeting is to provide input into the Proposed Plan. Dr. Polk-Primm stated that she knew EPA had not met with the Native American public and that that was one of the reasons why she wanted to serve on the CAG. Dr. Polk-Primm stated that she believes she could provide input during the process, not after the fact. Dr. Polk-Primm stated that when it says in the paper that individuals can be fined if they do not let EPA into their yards, it creates fear. She stated that people in the community are already afraid of the government.

Mr. Doolan stated that comments would be taken during the Proposed Plan comment period. Dr. Polk-Primm thought the purpose of the CAG was to contribute to the Proposed Plan. Ms. Council stated that Dr. Polk-Primm was correct. Ms. Council referred to the CAG's Mission Statement that states, "To provide a forum to discuss and

resolve technical issues and community concerns relating to the Omaha Lead Site.” Ms. Council also referred to the handout *Risk Assessment Guidance for Superfund* that states on page one that EPA should, “Provide opportunities for the public to *be in* the process early, not *buy in* at the end.”

Ms. Bohm stated that EPA has a Proposed Plan that states what is reasonable for cleanup and at a reasonable cost. She asked why the Proposed Plan is so secretive that EPA does not want to provide it to the CAG. Ms. Bohm asked what harm it would do to provide the CAG with the Proposed Plan if the Proposed Plan is reasonable. Ms. Bohm stated that if the Proposed Plan is reasonable, then the CAG would agree with it. She asked why EPA has not asked for public input into the Proposed Plan.

Mr. Sanders stated that the package sent to the NRRB is not a Proposed Plan. He stated that the Risk Assessment and Feasibility Study are not complete. Mr. Sanders stated that is not fair to present a document to the community when pieces are missing.

Ms. Bohm asked what good it would do the CAG to look at the comments from the NRRB when the CAG cannot see the package. Mr. Sanders replied that the CAG would see the package when the CAG receives the NRRB comments.

Ms. Council asked why EPA Region 7 met with the NRRB when EPA Region 7 did. Mr. Sanders stated that EPA Region 7 had to meet with the NRRB at that time.

Ms. Weston asked how EPA Region 7 responded when asked about community input by the NRRB. Mr. Sanders replied that EPA Region 7 summarized community issues, such as lead-based paint and property value concerns. Ms. Weston asked what EPA Region 7’s answer was when asked why the community’s 10 pages of comments were not supplied. Mr. Sanders replied that EPA Region 7 said this is what the EPA has heard from the community for the last five years. Ms. Weston stated that no one could raise the issues better than herself. Ms. Weston asked if any input was included from congressional representatives. Mr. Sanders stated that input from congressional representatives was not included.

Ms. Council asked for an update on the Remedial Investigation and Feasibility Study. Mr. Doolan stated that the dates were pushed back. It is anticipated that the Risk Assessment and Remedial Investigation will be out mid-May and the Feasibility Study and Proposed Plan in late May. Ms. Weston asked if the comment period would be held in June. Mr. Doolan stated that the comment period for the Proposed Plan would be held in June. Ms. Weston asked if the Proposed Plan is almost finished, considering the timeline. Mr. Doolan replied that Ms. Weston statement was probably a correct assumption.

Ms. Leinenkugel gave a presentation on the CDC/ATSDR 2004 National Lead Poisoning Prevention Partners’ Conference. She provided a handout of the presentation titled, *Getting to 2010, The Beginning of the End*.

Ms. Council stated that she came upon a book titled, *Lead Astray*. The book talked about a number of Superfund lead sites. Ms. Council stated that CAG members would be provided with a copy. Ms. Deppe commented that the book is written by a conservative think tank and advised the CAG to read it with a grain of salt.

Ms. Council asked if the CAG would like to meet Wednesday morning or have another evening meeting. Various members stated that they would prefer Wednesday morning. There were no objections. Ms. Council stated that the next CAG meeting would be held Wednesday, May 12th at 10:00 a.m. Ms. Weston stated that the meeting could be held at the Omaha Small Business Network at 24th and Lake.

Ms. Council stated that a white paper titled, "Applicability of a Kids First Program to the Omaha Lead Site" was made available to the CAG after discussion occurred regarding a comprehensive approach to eliminating elevated blood lead levels. Ms. Council stated that the Kids First Program is an example of a comprehensive program.

Dr. Polk-Primm stated that the most important question that people in the community need answered is, "What can I do about my child?" She stated that this question is why the community needs a program like the Kids First Program. Dr. Polk-Primm stated that this type of program, which has been implemented in other communities, would be instrumental in informing families. Dr. Polk-Primm stated that the Kids First Program should be included in EPA's Proposed Plan. She also stated that it is so important to address the diversity of the community. Dr. Polk-Primm suggested forming a subcommittee to discuss including the Kids First Program as part of EPA's remedy.

Ms. Deppe stated that the elimination plan that Ms. Leinenkugel spoke about in her presentation should be the Kids First Program.

Dr. Polk-Primm stated that the Kids First Program is something the community can rally around.

Ms. Leinenkugel stated that one of the concerns of the Douglas County Health Department has been that all efforts would be directed at soil exposure, when it is known that there is more to the lead problem. She stated that it would take a comprehensive plan to solve the lead problem.

Ms. Weston stated that she was very impressed with the comprehensive plan. She said the CAG needs to consider the comprehensive plan. Ms. Weston asked EPA if a comprehensive plan could be included in the Proposed Plan. Mr. Doolan stated that EPA also thinks the Kids First Program is a great plan. Mr. Doolan said that EPA does not have the authority to implement some of what is in the plan, like interior lead-based paint. Dr. Polk-Primm stated that at the last meeting Mr. Doolan said EPA does have the authority. Mr. Doolan replied that EPA does not have authority to address interior lead-based paint.

Ms. Weston stated that the Kids First Program should be part of the Proposed Plan. She added that maybe the comprehensive plan could be written in conjunction with what EPA is writing.

Mr. Sanders stated that there are parts of the comprehensive plan that EPA can do and parts that the community can do. He stated that Superfund could not do everything. Mr. Sanders stated that EPA is not the bad guy. Dr. Polk-Primm stated that EPA is saying all the bad things. Ms. Deppe stated that EPA is causing confusion.

Ms. Weston asked if there was a way to piggyback the comprehensive plan with EPA. Mr. Sanders stated that EPA would be glad to do so. Mr. Sanders stated that at other sites, the PRP has done the work. Ms. Weston asked if the PRPs did the entire cleanup at other sites. Mr. Sanders stated that the PRPs did the entire cleanup.

Dr. Polk-Primm stated that she was not talking about cleanup. Dr. Polk-Primm stated that she was talking about the kids and where parents can go to get help. Dr. Polk-Primm asked if the EPA would be open to working to create a comprehensive plan. Mr. Doolan stated that EPA could determine which components of the comprehensive plan EPA can do and can also work with the other agencies to make it work.

Ms. Council asked if one of the alternatives in the Leadville, Colorado Feasibility Study was a comprehensive plan. Mr. Doolan stated that he was not familiar with Leadville. Ms. Determan stated that the Leadville Feasibility Study did include a comprehensive plan alternative. Ms. Council asked why it was necessary to wait for the Proposed Plan. Ms. Council asked if it would be appropriate to consider the comprehensive plan for inclusion in the Feasibility Study. Mr. Sanders replied that the comprehensive plan was done by the PRPs. Ms. Council stated that the Feasibility Study for Leadville does not say who is doing the action.

Mr. Sanders stated that the CAG could submit the comprehensive plan to EPA and ask EPA to include it in the Feasibility Study. Ms. Council asked what would happen next. Mr. Sanders replied that parts that could be addressed by EPA would be included in the Feasibility Study.

Ms. Weston stated that the comprehensive plan would not prevent EPA from going after PRPs for cleanup. The comprehensive plan would not say that the PRP is assuming responsibility; it would just say that the PRP is helping to get it started. Ms. Determan stated that in Leadville, the PRP lead the funding, but the federal government also provided funding to the PRP to assist with the comprehensive program.

Mr. Sanders stated that EPA has been clear. He stated that there are portions of a comprehensive plan that the federal government can pay for.

Ms. Council stated that she read the Feasibility Study for Leadville and that at no point is it stated that the PRP would pay for the program. She stated that the issue is whether the alternative is feasible. Ms. Council asked why the Kids First Program could not be presented as an alternative in the Feasibility Study. Mr. Doolan replied that EPA could

make the comprehensive plan an alternative. He stated that EPA Region 7 typically does not do that. Mr. Doolan said he would speak with management about it. Mr. Doolan stated that EPA would need to talk with management and legal counsel to see what is legal.

Ms. Council asked if the CAG would like to submit "Applicability of a Kids First Program to the Omaha Lead Site" to EPA for inclusion in the Feasibility Study, considering that the Remedial Investigation/Feasibility Study is due out in mid-May. Ms. Weston motioned to submit "Applicability of a Kids First Program to the Omaha Lead Site" to EPA for inclusion at an alternative in the Feasibility Study. Ms. Bohm seconded the motion. Ms. Council asked for any discussion. Ms. Bohm stated that she is concerned about her daughter. Ms. Bohm stated that if EPA removes soil from her yard, it would be recontaminated in two years if other lead sources were not addressed as well. Mr. Doolan asked what additional sources Ms. Bohm was referring to. Ms. Bohm stated that she was referring to lead-based paint. She stated that there is a lead-based paint chipping off of the house next door to her own house. Ms. Bohm is also concerned about interior lead-based paint. Ms. Bohm stated that many people in her neighborhood remodel or work on their homes without knowledge about the lead-based paint hazards. She stated that she would like to see more than soil addressed.

Ms. Weston asked Mr. Felix if the State was hearing what the CAG was saying. Mr. Felix stated that the Nebraska Department of Environmental Quality would support a comprehensive plan.

Ms. Deppe stated that the governor of Michigan is working on coordinating funding. She also stated that a comprehensive plan is necessary because there are more issues than soil. Ms. Deppe stated that the plan needs to include building codes and other elements.

Mr. Tworek asked if EPA is willing to take effective remediation on all properties? He asked if, after being tested, a property owner finds out there is a lead-in-soil problem, would EPA firmly commit to taking effective remediation? Mr. Sanders stated that EPA would remediate any property meeting the criteria for soil removal. Mr. Tworek asked what would happen if budget constraints occur. Mr. Sanders stated that if that were the case, removals would occur when more funding is available. Mr. Tworek expressed concern that a property owner could inherit liability and that EPA is forcing discovery of the liability.

Ms. Council stated that a motion was on the table and asked for a vote. The motion to submit "Applicability of a Kids First Program to the Omaha Lead Site" to EPA for inclusion at an alternative in the Feasibility Study passed unanimously.

Mr. Tworek stated that the federal government would force disclosure based on penalties. He stated that maybe it would be fair to state that property owners could be held liable for disclosure in the letter asking for authorization to test the yard. Mr. Sanders stated that the EPA would get the funding for soil removal eventually. Mr. Sanders stated that Mr. Tworek was kidding himself thinking that it would be better to not sample. Mr. Foster stated that because a site was designated, whether or not testing occurs, liability exists.

Mr. Sanders stated that an individual is only a part of the site if it's sampled and found above a designated level.

Handouts Provided for the Meeting (April 14th, 2004):

Approved Minutes from 03/31/04 (Provided by MFG, Inc.)

Draft Minutes from 04/14/04 (Provided by MFG, Inc.)

National Remedy Review Board Progress Memoranda (Provided by Ms. Cheryl Weston)

Year 2005 Action Plan Development Schedule (Provided by Ms. Marian Todd)
State of Nebraska Applicable or Relevant and Appropriate Requirements (ARARs)
(Provided by MFG, Inc.)

Superfund XVII: The Pathology of Environmental Policy, DeLong (Provided by MFG, Inc.)

A Survey of Compliance: Medicaid's Mandated Blood Lead Screenings for Children Age 12-18 Months in Nebraska, Wilken et al. (Provided by Dr. Adi Pour)

Intellectual Impairment in Children with Blood Lead Concentrations Below 10 µg per Deciliter, Canfield et al. (Provided by Dr. Adi Pour)

339 Children Identified with Elevated Blood Lead Levels in Douglas County in 2003
(Provided by Dr. Adi Pour)

HUD's Remodeling, Repair, and Painting Training Curriculum (Provided at meeting by Ms. Nancy Gaarder)

CAG Website Links (Provided at meeting by MFG, Inc.)

Risk Assessment Guidance for Superfund (Provided at meeting by MFG, Inc.)

Lead Safe St. Louis (Provided at meeting by Dr. Shireen Rajaram)

Results of Superfund Process Discussion Questionnaire (Provided at meeting by MFG, Inc.)

City Says Law on Lead Paint Will Be Costly (Provided at meeting by MFG, Inc.)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)