

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

Minutes for Meeting Held  
**Wednesday, July 21st, 2004, 9:30 a.m.**  
Omaha Small Business Network  
24<sup>th</sup> and Lake Streets

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**OLS CAG Members Present:**

Janet Bohm—*Citizen at Large*  
Janet Bonet—*Citizen at Large*  
Sue Casteel—*Agency for Toxic Substances and Disease Registry*  
Tanya Cook—*Governor's Omaha Advisory Council for Lead Safe Neighborhoods*  
Todd Davis—*Nebraska Department of Environmental Quality*  
Jonah Deppe—*League of Women Voters*  
Barba Edwards—*League of Women Voters*  
Bob Feild—*Environmental Protection Agency*  
Terrie Jackson-Miller—*Omaha Chamber of Commerce*  
Robin Kammandel—*Metro Omaha Medical Society*  
Jeff McDermott—*Union Pacific Railroad*  
Dr. Adi Pour—*Douglas County Health Department*  
Dr. Everett Reynolds—*NAACP*  
Chris Rodgers—*Mayor's Office*  
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*  
Camellia Watkins—*Sierra Club*

**Others Present:**

Rod Austin—*Omaha City Council Staff*  
Floyd Brown—*FD & Associates*  
Michelle Calloway—*Citizen*  
Todd Crawford—*U.S. Senator Chuck Hagel's Office*  
Sonny Foster—*Senator Ben Nelson's Office*  
Nancy Gaarder—*Omaha World-Herald*  
Doug Hadley—*U.S. Army Corps of Engineers*  
Herman Hanner—*Professional Environmental Engineers*  
Bob Henderson—*AnLab Environmental*  
Mary Hill—*Sisters Together*  
Kevin Howe—*U.S. Army Corps of Engineers*  
Jesus Magana—*Integrated 8(a) Solutions, Inc.*  
Willie McCarty—*Citizen*  
Stacy Meacham—*MFG, Inc.*  
Amy Morrison—*Lake County Community Health Program*

Irene Perez—*Hope Medical Outreach Coalition*  
Jennifer Rawley—*MFG, Inc.*  
Steve Sanders—*Environmental Protection Agency*

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Ms. Meacham announced that she would be substituting as facilitator for Ms. Brenda Council, who was ill.

Ms. Meacham went through the handouts for the meeting. Ms. Meacham stated that Public Health Assessment comments had been drafted per the CAG's request at the July 7, 2004 CAG meeting. Ms. Meacham asked CAG members to review the comments and email Ms. Council or Ms. Connie Determan with any changes.

Ms. Meacham, referring to a document sent via email to the CAG, stated that a summary of *Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program* would be emailed to the CAG. Ms. Meacham asked if the CAG would like to invite the authors of the report to speak at the next CAG meeting. Ms. Bonet stated that other community groups should be invited to participate in a presentation by the authors.

Ms. Hill stated that citizens are interested in attending CAG meetings, but cannot unless meetings are scheduled in the evening. Ms. Meacham stated that an evening CAG meeting has been held and was not well attended by the public. Ms. Deppe stated that in order to increase community participation, meetings should be held when citizens are available to attend. Ms. Hill suggested providing flyers announcing meetings to CAG members to distribute to the public.

Ms. Meacham asked if CAG members would like to hold the next CAG meeting, on August 4, 2004, in the evening. Ms. Bonet stated that regular evening meetings are important.

Mr. McCarty stated that many of his friends do not participate in EPA's sampling program because they do not trust EPA. Mr. McCarty noted that he had raised children in the area and that they had not been affected by the contamination. He stated that many of his neighbors and residents in the area do not have children in their homes and as such do not feel that they need to have their properties tested. Mr. McCarty stated that there is a lack of trust and concern that the government is attempting to acquire land. Mr. Feild replied that EPA needs to increase communication with the community. Mr. Feild stated that EPA's purpose is to protect children and is not interested in property acquisition.

Mr. McCarty questioned why it is that new homes and commercial properties being built within the Superfund boundaries do not have to be tested. Ms. Weston stated that the community should be informed that, under HUD regulations, soil is to be tested before new homes are constructed.

Ms. Weston suggested EPA hold an availability session on Tuesday night and the CAG hold a meeting Wednesday morning at the regular time. Ms. Hill replied that such an

arrangement would not permit community members to participate at CAG meetings. Ms. Weston replied that community participation would be low in the summer.

Ms. Bohm suggested holding a separate meeting for the speakers regarding the HUD study. Ms. Weston suggested inviting the speakers to present on Tuesday evening, August 3, 2004. CAG members expressed agreement on scheduling the speakers to present at this time.

Ms. Cook asked if the speakers' presentation could be broadcast on Ms. Weston's T.V. program. Ms. Weston stated that if the presentation were recorded, she would broadcast it.

Ms. Meacham stated that the speakers would be invited to present on Tuesday evening, August 3, 2004, and the CAG would hold its next meeting at its regularly scheduled time on Wednesday morning, August 4, 2004.

Ms. Meacham asked for any corrections to the minutes from the July 7, 2004 CAG meeting. Ms. Bonet stated that, on page 3, "suggested" should read, "requested". Mr. Feild stated that on page 3, "bioavailability for arsenic is 10-15%" should read, "bioavailability of arsenic is 10-50%."

Mr. Feild also stated that EPA had revised language for the same paragraph on page 3. Ms. Meacham asked if Mr. Feild was providing this paragraph to clarify statements made during the July 7<sup>th</sup> meeting or if it was felt that this language better summarized actual statements made during the July 7<sup>th</sup> meeting and should replace the original language. Mr. Feild stated that this language better summarized statements made at the July 7<sup>th</sup> meeting.

Ms. Weston asked Mr. Field to read the revised paragraph. Mr. Feild read the following:

Dr. Pour asked how EPA determined that the risk from arsenic found in the soil is acceptable because the hazard quotient in the Risk Assessment is greater than one. Mr. Beringer stated that risk management was used to determine that the risk from arsenic is acceptable. Mr. Beringer stated that a hazard quotient was calculated for each metal identified as a chemical of potential concern. Mr. Beringer stated that risk from the metals is assumed to be additive. The hazard quotients for each metal are added to determine an overall hazard index. While the hazard indices were greater than one for a residential child, arsenic was the only metal with a hazard quotient greater than one. Mr. Beringer stated that to determine if the risk was acceptable, EPA looked at the assumptions inherent to the hazard quotient. Mr. Beringer stated that arsenic was assumed to be 100% bioavailable, while in actuality; the bioavailability for arsenic is typically 10 to 50%. The risk assessment evaluated children from 0 to 6 years of age because incidental soil ingestion is highest during this time frame. A chronic reference dose or "safe dose" was initially used in calculating the hazard quotients for children. However, a chronic reference dose is the amount that can be safely ingested over a lifetime of exposure, so EPA also calculated hazard quotients using a subchronic reference dose which is based on exposure to humans up to 10 years, including children. When using the subchronic reference dose, that hazard quotients for arsenic are all less than one. After considering all this information, EPA determined that the potential for adverse health effects from exposure to arsenic does not warrant a remedial action.

Dr. Pour stated that she did not believe Mr. Beringer had actually made the statements Mr. Feild read as revised language. It was agreed that Dr. Pour would have an opportunity to review and provide her comments on the language submitted by Mr. Feild. Mr. Feild stated that he would like the language entered into the Administrative Record. Ms. Meacham stated that due to the disagreement as to whether the statements were actually made at the July 7<sup>th</sup> meeting, the paragraph provided by Mr. Feild would not replace text in the July 7<sup>th</sup> minutes but would be included in the record of today's meeting minutes.

Ms. Weston stated that, on page 2, the date EPA's fiscal year ends (September 30, 2004) had also been mentioned and should be included in the minutes. Ms. Weston also stated that, on page 5, "Mr. Henderson stated that prime contractors should be hired from Omaha, otherwise Omaha contractors will not have the opportunity to be prime contractors" should be inserted.

Ms. Weston asked if the statement that a cancer study was suggested because it is a requirement was correct. Ms. Casteel stated that health assessment guidance requires a cancer study for possible carcinogens.

Ms. Weston motioned to approve the minutes from the July 7, 2004 CAG meeting with the corrections from Ms. Bonet, Mr. Feild, and Ms. Weston, excluding the paragraph read by Mr. Feild. Ms. Bonet seconded the motion. The motion was approved unanimously.

Mr. Feild provided an update on EPA activities. He stated that 15,500 yards were sampled prior to 2004 and 1,985 additional yards have been tested this year.

Ms. Watkins asked what EPA's post-sampling follow-up actions include. Ms. Watkins asked if EPA is communicating with residents between steps. Mr. Feild replied that EPA needs to increase communication with residents. Ms. Watkins asked how long it takes to receive results after sampling. Mr. Feild replied that it takes several months to receive results after initial sampling due to a large backlog. Ms. Watkins asked if residents are alerted to the backlog situation when sampling occurs. Ms. Feild said he would look into the situation.

Mr. Feild stated that the Feasibility Study was released on July 9<sup>th</sup>. Mr. Feild summarized the alternatives presented in the Feasibility Study. Mr. Feild stated that the Proposed Plan was released on July 16<sup>th</sup>. Mr. Feild explained that the preferred alternative presented in the Proposed Plan is very similar to the fourth alternative in the Feasibility Study. Mr. Feild explained that this alternative is an interim approach, including 5,600 soil removals, health education, one-time interior dust cleaning, and removal of exterior loose and flaking paint, while a phosphate treatability study is performed. Mr. Feild stated that the treatability study would take several years to complete.

Mr. Feild stated that EPA is looking at using phosphate remediation for lead levels up to 800 ppm, assuming that phosphate remediation reduces the risk from lead by half.

Mr. Feild announced that public meetings to discuss the Proposed Plan would be held August 10<sup>th</sup> from 4-6 p.m. at Omaha South High School and 7-9 p.m. at the OPS TAC Building.

Mr. Feild also announced that copies of the Community Involvement Plan were available. Ms. Meacham asked if the comments submitted on the Community Involvement Plan were attached as requested. Mr. Feild stated that comments were not included. Mr. Feild stated he would follow-up with Ms. Debbie Kring on the status of the requested comments.

Ms. Meacham asked how a comprehensive plan fits into the Proposed Plan. Mr. Feild stated that the Proposed Plan includes elements from the CAG subcommittee's comprehensive plan. Mr. Feild stated that during the comment period, there is an opportunity to further refine the comprehensive plan. Mr. Feild added that he intends to work with the CAG subcommittee on coordinating the comprehensive plan with the Proposed Plan.

Ms. Bonet stated that visualizing the EPA's cleanup as part of an overall comprehensive plan was helpful.

Ms. Bohm asked EPA if the treatability study would be completed at the time the 5,600 removals are completed. Mr. Feild stated that excavation is dependent upon funding. Ms. Bohm stated that she is concerned about the 400 ppm cleanup level because the bioavailability study indicated that cleanup levels should be 200-300 ppm. Mr. Feild replied that the swine study (bioavailability study) is only one piece of the puzzle. Mr. Feild stated that other factors were considered to determine that 400 ppm would be protective of human health. Mr. Feild added that the advantage of an interim approach is that more time is available to better evaluate bioavailability and associated risks.

Ms. Weston asked how "several years" is defined, in reference to the statement that the 5,600 soil removals would be completed in several years. Mr. Feild replied that it is not known when the removals will be completed because EPA does not know what funding to expect. Ms. Weston stated that from the community's perspective, "several years" means two to three years, though it will probably be more. Ms. Weston stated that the wording was misleading and unfair to the public. Ms. Weston also stated that the public needs to be informed that changes can be made to the Proposed Plan because of the interim approach. Mr. Feild stated that EPA should be able to complete 5,600 yard removals in three to four years at currently projected funding levels.

Ms. Weston stated that the CAG members should review and submit comments on the Proposed Plan, so Mr. Feild could answer questions at the next CAG meeting. Ms. Meacham stated that comments could be emailed to Ms. Determan to be distributed to the CAG and forwarded to Mr. Feild.

Dr. Pour stated that the CAG has not seen the results of the additional in vitro bioavailability study. Mr. Feild stated that EPA would make the study available.

Ms. Weston asked about the status of the contracting issue discussed at the CAG meeting on July 7, 2004. Mr. Howe stated that the situation has not changed, except that the U.S. Army Corps of Engineers is looking at holding a networking meeting either August 16<sup>th</sup> or 17<sup>th</sup>.

Mr. Feild stated that he received an email from Mr. Foster requesting for clarification in writing about the funding constraints. Mr. Feild stated that a written response will be finalized this week and sent to Mr. Foster. Ms. Meacham asked if the CAG could be copied on the letter. Mr. Feild stated he would copy the CAG on the letter to Mr. Foster.

Ms. Weston asked if Mr. Feild had the requested appropriations information. Mr. Feild stated that he does not yet have the requested information. Ms. Weston asked if Mr. Crawford could locate the information. Mr. Crawford agreed to locate the applicable appropriations information.

Mr. Henderson stated that he was bothered that EPA had not provided the appropriations document. Mr. Henderson stated that it is unfair for congress to prohibit Omaha firms from doing the work. Mr. Henderson expressed frustration at having more success in getting work from the private sector than from the government.

Mr. Feild stated that EPA headquarters had made 5 million dollars available to conduct a pilot project on contracting mechanisms. He further explained that the intent of the pilot is to evaluate two different contract types, one being a contract with insurance and the other being a standard contract with no insurance. He explained that a competitive bidding process was one of the requirements of the pilot project. Ms. Jackson-Miller asked if Mr. Feild meant that receiving the 5 million dollars had nothing to do with soil cleanup. Mr. Feild stated that Ms. Jackson-Miller was correct and that the funding was made available to conduct the contracting pilot project, not soil removals.

Ms. Weston stated that EPA could use 1.5 million dollars to sole source to a contractor in Omaha. Mr. Feild stated that it is EPA's expectation that the contractors will hire people from Omaha to provide equipment, etc.

Dr. Reynolds stated that it is not unusual that minority contractors are subcontractors. Dr. Reynolds asked EPA which minority contractors could be assured a contract, not a subcontract. Mr. Feild stated that he does not have the liberty to choose whichever contractors he wants to employ. Ms. Jackson-Miller asked if 2005 allocations would have the same restrictions. Mr. Feild stated that 2005 allocations would not have the same restrictions.

Ms. Meacham asked the CAG members what they would like to do with the letter to the National Remedy Review Board. Ms. Meacham noted that although this item has been on the agenda for the past several meetings, there had not been time at previous meetings to discuss it. She summarized that the original purpose of the letter was to inform the National Remedy Review Board of the CAG's frustration with not having been given an opportunity to comment on EPA Region VII's submittal to the board. She explained that

the letter was never sent because there were recommended changes to the text of the letter that the CAG needed to discuss. She noted that copies of the original letter and copies of suggested revisions to the letter were included in the handouts for today's meeting.

Ms. Deppe noted that the issue with the original draft language was in regards to the language used to describe the CAG's recommendation. She explained that in the original draft of the letter, it was written that the CAG recommends that a comprehensive plan be included as an alternative by EPA. A suggestion was made that this language be revised to state that instead of the CAG recommending that a comprehensive plan be included as an alternative, a comprehensive plan be included as an added element to EPA's remedy. She further stated that this portion of the letter was probably a moot point now that the Proposed Plan has been released.

Ms. Deppe motioned to submit the letter to the NRRB, expressing the CAG's concerns regarding not having been given opportunity to participate in the process, but with the removal of the paragraph referring to the comprehensive plan as a remedial alternative. The motion was seconded and passed.

Mr. McDermott asked Mr. Feild if the National Remedy Review Board would be involved in the Omaha Lead Site in the future. Mr. Feild stated that the National Remedy Review Board will be involved anytime more than 30 million dollars is approved at a time. Ms. Meacham stated that in light of the fact that the National Remedy Review Board would be involved again, perhaps the CAG wanted to reconsider including the paragraph stating the CAG's recommended alternative.

Ms. Deppe moved to add the paragraph, as presented in the original draft of the letter, referring to the comprehensive plan as a remedial alternative, back into the letter. Mr. McDermott seconded the motion. Ms. Weston stated that EPA could not select the comprehensive plan as a remedial alternative. Ms. Meacham read the paragraph in question and the motion. The motion passed with a vote of 5 to 2. Ms. Meacham apologized for the confusion over parliament procedure [The first motion passed without opportunity for discussion; therefore, the CAG agreed to allow a second motion.]

Todd Falter discussed the Nebraska Childhood Lead Poisoning Prevention Program. Mr. Falter explained that NHHS contracts with Douglas County Health Department to oversee the lead issue on a local level. Mr. Falter stated that although a decrease in funding has occurred for the State, an increase has occurred in Omaha. Mr. Falter stated that NHHS is working on a statewide lead elimination plan. He complimented the CAG on the CAG's comprehensive plan and asked to include the CAG's plan in the statewide plan.

Mr. Waldren provided an update on the Comprehensive Plan Subcommittee. Mr. Waldren encouraged CAG members to read the draft comprehensive plan. Mr. Waldren explained that the draft comprehensive plan is a working draft and many changes are expected. Mr. Waldren stated that Section 2.0 of the draft comprehensive plan and the

minutes from the subcommittee meeting (distributed at the CAG meeting) reflect questions that need to be answered.

Ms. Deppe stated that she had concerns about the draft comprehensive plan. Ms. Deppe provided the following concerns (Ms. Deppe also distributed hard copies of her concerns to the CAG.):

In response to discussion at meeting on development of a Comprehensive Plan for the reduction of lead poisoning at the Omaha Lead Superfund Site, the OLS CAG should consider the following:

- A comprehensive plan is recognized as necessary to remediate all the sources of lead in Omaha including lead-based paint and lead contaminated soil.
- Both Governor Johanns and Mayor Fahey have indicated they support the implementation of a comprehensive plan.
- Governor Johanns (in a letter dated May 5, 2004 and in a meeting with CAG members on June 6, 2004) supported the development and implementation of a comprehensive plan and indicated he had “asked the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services Regulation and Licensure to work together with the Douglas County Health Department to identify other sources of risk and other sources of funding to address them.”
- The Douglas County Department of Public Health and NHHSS are required by the Center for Disease Control and Prevention as grantees to develop a strategic plan to eliminate childhood lead poisoning. While a strategic plan will be for Douglas County, it will include the Superfund site and should include activities for the OLS.
- CDC (Centers for Disease Control and Prevention) calls upon health departments to develop strategic plans because of their knowledge, experience, and recognized role of leadership in lead poisoning prevention. CDC recognizes that health departments cannot by themselves protect children from lead poisoning. Ending this disease depends on the programs and policies of other government agencies (especially housing and code enforcement agencies) and ultimately on steps taken by many private sector interests (especially owners of residential properties burdened by lead-based paint). In the final analysis, ending lead poisoning depends on mustering political will to marshal additional resources and spur further action to protect children from lead hazards. (*Making Lead-Safe Housing the Central Focus of Strategic Plans to Eliminate Childhood Lead Poisoning- Alliance to End Childhood Lead Poisoning*)
- Per above referenced AECLP document – **Communities most affected by lead poisoning need to be vocal advocates for prevention and fully engaged in both the design and implementation of solutions.** For solutions to be effective and lasting, strategic plans must reflect community values, build capacity and power within distressed communities (such as OLS) and strengthen their economies. CDC has called for health departments to assemble a planning advisory committee or workgroup by maximizing two opportunities:
  - ✓ Include people with experience in a broad array of disciplines- including affordable housing, landlord tenant issues, construction trades, real estate finance, and code enforcement along with community representatives for expertise needed for primary prevention strategies.
  - ✓ Build constituencies for lead poisoning prevention with high involvement of all pertinent government agencies along with other community based organizations.

Therefore, the proposed CAG Comprehensive Lead Risk Reduction Plan for Omaha will be duplicative efforts of those of the Douglas County Health Department's Strategic Plan to Eliminate Childhood Lead Poisoning. It is proposed that the CAG support the Douglas County Health Department and the collaborative efforts proposed by the Governor rather than starting a new community-based organization.

It is not necessary to have two completely different groups developing a comprehensive/strategic plan to address lead poisoning elimination/reduction in Omaha. If the intent of the CAG's comprehensive plan is to have an organization that can accept private funding, both the Douglas County Health Department and the City of Omaha have received funding from private sources to address the Superfund efforts and can continue to do so. They are also in a good position to apply for grants and can assist present community-based organizations in applying for grants to address the lead poisoning problem.

In addition, DCHD and DEQ/NHHSS are appropriate bodies to work with EPA Region 7 in developing a comprehensive/strategic plan as an alternative for EPA's Feasibility Study.

Ms. Deppe stated that she is concerned that the CAG comprehensive plan is too similar in nature to the strategic plan being prepared by the Douglas County Health Department, and she stressed that the CAG needs to work with the Douglas County Health Department to avoid duplicating efforts. Ms. Meacham recommended that since no one from the Douglas County Health Department present at the meeting, Douglas County Health Department be included on the agenda for the next meeting to discuss how the two plans will fit together.

Mr. Davis stated that instead of including this on the agenda for the next meeting, the issue should be handled via the Comprehensive Plan Subcommittee, which could then report back to the CAG.

Mr. Felix stated that NDEQ is working on scheduling a meeting to discuss further coordination of activities. Mr. Felix stated that NDEQ is interested in receiving credit for some activities and is trying to determine ways in which they can direct the 10% of funding that the state will be required to pay for the cleanup.

Mr. Davis asked Ms. Morrison what the county's role is in Leadville, CO. Ms. Morrison stated that the county performs blood lead testing. Mr. Davis asked how the program in Leadville is funded. Ms. Morrison replied that the program is funded through a trust established by Asarco. Mr. Felix asked if there is coordination of services. Ms. Morrison stated that there is a coordinating committee to avoid duplication of services. Mr. Felix asked what other funds are being spent. Ms. Morrison replied that other funds are used on other (non-residential) areas of the site.

Mr. Davis stated that the CAG would need to give attention to the requirements that come with funding. Ms. Deppe stated that CDC's funding is dependent upon having a strategic elimination plan.

Ms. Weston stated that it was clear that funding coming into the comprehensive program is the only funding that would be directed by the program. Ms. Weston stated that any other funding would be under the jurisdiction of other parties.

Ms. Meacham announced that the next Comprehensive Plan Subcommittee would be held Wednesday, August 11, 2004 at 10:00 a.m. at the TAC Building, Room 50/60. Ms. Meacham also announced that a Remedial Investigation/Risk Assessment Subcommittee Meeting was scheduled for Tuesday, August 3, 2004 at 2:00 p.m. at the TAC Building, Room 50/60.

Ms. Meacham reported that the Education Subcommittee did not meet.

Ms. Deppe stated that there was nothing new to report regarding health fairs and conferences.

Ms. Meacham stated that the CAG had sent a letter in support of LSOC's application for a LEAP Grant and asked if there were any new requests for grant support letters. There were no new requests.

Ms. Meacham stated that the next CAG meeting would be held at the Omaha Small Business Network on Wednesday, August 4, 2004 at 9:30 a.m.

Handouts Provided for the Meeting (July 21<sup>st</sup>, 2004):

*Draft Minutes from 07/07/04 (Provided by MFG, Inc.)*

*Approved Minutes from 06/23/04 (Provided by MFG, Inc.)*

*Letter of Support for LEAP Grant for LSOC from the CAG*

*Draft Comprehensive Lead Risk Reduction Plan for Omaha (Provided by MFG, Inc.)*

*Draft NRRB Letter (Provided by MFG, Inc.)*

*Draft NRRB Letter with Revisions (Provided by Ms. Janet Bonet)*

*Letter from ATSDR to the CAG*

*Letter from Mr. Gulliford (EPA) to Mayor Fahey*

*Letter from LSOC to Governor Johanns and Mayor Fahey (Provided by Ms. Cheryl Weston)*

*Federal Requirements for Volunteer Paint and Rehabilitation Programs (Provided by Ms. Jonah Deppe)*

*Feasibility Study for the Omaha Lead Site (CD)(Provided by EPA)*

*Comprehensive Plan Subcommittee Notes* (Provided at meeting by MFG, Inc.)

*Recommendation to the OLS CAG regarding Comprehensive Plan for Reduction of Lead Poisoning* (Provided by Ms. Jonah Deppe at the meeting)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)