

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

Minutes for Meeting Held
Wednesday, August 4, 2004, 9:30 a.m.
Omaha Small Business Network
24th and Lake Streets

OLS CAG Members Present:

Dr. Richard Brown—*Charles Drew Health Center*
Sue Casteel—*Agency for Toxic Substances and Disease Registry*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jonah Deppe—*League of Women Voters*
Connie Determan—*MFG, Inc.*
Bob Feild—*Environmental Protection Agency*
Jeff McDermott—*Union Pacific Railroad*
Dr. Donna Polk-Primm—*Nebraska Urban Indian Health Coalition*
Dr. Adi Pour—*Douglas County Health Department*
Chris Rodgers—*Mayor's Office*
Karen Shepard—*OPS School Board*
Rebecca Valdez—*Chicano Awareness Center*
Vernon Waldren—*Douglas/Sarpy County Extension*
Warren Weaver—*Omaha City Council Staff*
Cheryl Weston—*Lead Safe Omaha Coalition*
Camellia Watkins—*Sierra Club*

Others Present:

Jack Anderson—*Healthy Housing Solutions*
Floyd Brown—*FD & Associates*
Marti Cieslik—*U.S. Army Corps of Engineers*
Todd Crawford—*U.S. Senator Chuck Hagel's Office*
Sonny Foster—*Senator Ben Nelson's Office*
Nancy Gaarder—*Omaha World-Herald*
Bob Henderson—*AnLab Environmental*
Mary Hill—*Sisters Together*
Kevin Howe—*U.S. Army Corps of Engineers*
Shona Johnson—*University Extension*
Jesus Magana—*Integrated 8(a) Solutions, Inc.*
Willie McCarty—*Citizen*
Stacy Meacham—*MFG, Inc.*
Bill Menrath—*University of Cincinnati*
Irene Perez—*Hope Medical Outreach Coalition*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*

Ms. Council asked for corrections to the minutes from the CAG meeting on July 21, 2004. Ms. Deppe, referring to the second paragraph on page 8, stated that she had provided extensive written recommendations regarding concerns about the draft comprehensive plan. Ms. Deppe stated that she had provided the written recommendation to be included in the minutes. Mr. Davis suggested including her comments in the minutes, as Mr. Feild's recommendations were included. Ms. Deppe also stated that the minutes should state that she provided recommendations, not a handout.

Ms. Weston stated that on page 4, it was agreed that Dr. Pour would have an opportunity to review and provide her comments. Mr. Feild, referring to the last paragraph on page 4, stated that, "the fourth" should read "very similar to the fourth."

Ms. Weston moved to approve the minutes with the above stated corrections. Ms. Hill seconded the motion. The motion was unanimously passed.

Mr. Feild provided an update on EPA activities. Mr. Feild stated that 556 properties have been excavated since 1999. Mr. Feild reported that out of 41,467 requests, EPA had been granted access to 23,048 properties. EPA has been denied access at 439 properties. Mr. Feild added that EPA has completed soil sampling results for 17,827 properties, while EPA does not yet have sampling results for 4,782 properties.

Mr. Feild reported on EPA public notification procedures, as requested at the CAG meeting on July 21, 2004. Mr. Feild stated that some owners were not given advanced notice about sampling. Mr. Feild stated that EPA has now instituted a policy, which includes contacting the homeowner a week prior to sampling. If the homeowner cannot be reached by phone, EPA will send a postcard. After the yard has been sampled, EPA will place door hangers at the property, explaining that EPA collected samples and that the homeowner should expect results in two to three months. Mr. Feild explained that it takes two to three months to provide results because of quality assurance procedures.

Ms. Weston asked when this notice procedure began and if EPA's contractors are responsible for contacting the homeowners. Ms. Weston also asked if the CAG could receive sample postcards and door hangers. Ms. Deppe requested that EPA provide the CAG with the notification procedures in writing. Mr. Feild stated that the notification policy was instituted last week. Mr. Feild stated that he would provide the CAG with written notification procedures.

Ms. Hill stated that the notification procedures were impersonal. Ms. Hill recommended that EPA visit residents in person that have not granted permission to access the property. Mr. Feild stated that EPA is following up in person with homeowners who have not provided access. Ms. Valdez stated that EPA should allow the Chicano Awareness Center and others to help contact residents. Ms. Valdez asked EPA to contact her to coordinate this effort. Ms. Weston stated that a letter could be sent to neighborhood

associations and local churches to encourage participation. Ms. Weston offered to provide a mailing list.

Ms. Weston asked what the excavation notification procedures are for homeowners. Mr. Feild replied that after providing sample results, EPA contacts the property owner, visits the property owner and videotapes the property, then excavates the soil. After excavation, EPA has an exit interview with the property owner. Ms. Weston recommended including excavation notification procedures in the write-up.

Mr. Feild, referring to a request by Ms. Weston at the CAG meeting on July 21, 2004, provided language from a committee report regarding appropriations. Mr. Feild stated that the committee report included a recommendation to perform a contracting pilot study.

Mr. Feild provided the CAG with a copy of comments submitted to the EPA on the EPA's Community Involvement Plan.

Mr. Feild provided Dr. Pour with a copy of the in vitro bioavailability study that Dr. Pour had requested at the CAG meeting on July 21, 2004. Mr. Feild stated that the in vitro bioavailability study is also included in the Remedial Investigation as Appendix F.

Mr. Feild announced that on August 10, 2004, EPA would hold two meetings to collect public comments on the Proposed Plan. Mr. Feild stated that the comment period for the Proposed Plan has been extended through Sept. 15, 2004. Mr. Feild stated that EPA is still planning on submitting the Interim Record of Decision in this fiscal year, which ends September 30th. Mr. Feild stated that the public comment meetings will be recorded and that EPA will respond to all public comments in the responsiveness summary. Mr. Feild stated that a Spanish-speaking translator would be present and that EPA would work with anyone else who could help translate into other languages.

Ms. Weston asked if EPA could consider another comment period extension. Mr. Feild stated that EPA can always extend the comment period, but emphasized that there would be strong management opposition to another extension because of the closure of the fiscal year. Ms. Weston asked who in EPA decides whether or not to approve an extension. Mr. Feild replied that the regional administrator makes the decision. Ms. Weston stated that the community's opinion should have more weight than the regional administrator's.

Ms. Weston asked for an update on the pilot project that the U.S. Army Corps of Engineers is implementing. Mr. Feild stated that EPA Headquarters in Washington D.C. decided to do the pilot study and that EPA Region 7 took advantage of it. Mr. Feild stated that EPA is moving forward with the pilot study. Ms. Weston asked to whom in EPA Headquarters Mr. Feild was referring. Mr. Feild replied that he was referring to the Superfund office in Washington D.C. Ms. Weston asked for names of individuals. Mr. Feild stated that Mr. Mike Cook is the director of the Superfund office at EPA Headquarters. Ms. Weston asked Mr. Feild for Mr. Cook's telephone number and address. Mr. Feild stated that he would provide Ms. Weston with Mr. Cook's information.

Ms. Weston stated that EPA Region 7 had facilitated miscommunication regarding the pilot project. Mr. Feild stated that EPA's message has been consistent. Mr. Feild stated that the decision to use the money was made in Washington, D.C. and had nothing to do with the Omaha Lead Site.

Mr. Howe provided an update on the pilot project contracting. Mr. Howe stated that an official explanation of the incentives would be distributed to the CAG. Mr. Howe stated that a scope of work is being issued to the contractors. Mr. Foster requested to see the scope of work in writing. Mr. Howe stated that he would provide Mr. Foster with a copy of the scope of work. Mr. Howe stated that contractors would be invited to an open house tentatively scheduled for the week of August 18, 2004. Ms. Weston also requested a copy of the scope of work. Mr. Howe stated that he would also provide Ms. Weston with a copy.

Mr. Feild proposed that EPA and contractors get together with local interested parties to determine the best contracting strategy for the coming years. Ms. Council stated that there had been a previous suggestion to have a contracting subcommittee. Ms. Council stated that the CAG would proceed with forming this subcommittee and would work with EPA and the U.S. Army Corps of Engineers. Ms. Council asked interested CAG members to contact herself or Ms. Determan.

Ms. Deppe made a motion to record EPA's conversations at CAG meetings. Ms. Council stated that if the CAG chooses to tape meetings, the CAG would have to decide how to go about doing so. Ms. Valdez stated that if meetings are taped, the entire meeting should be recorded, not only EPA segments. Dr. Polk-Primm stated that she did not understand why meetings should be taped. Dr. Polk-Primm stated that she was concerned about the time involved in going through tapes of old minutes. Mr. Foster asked how taping meetings would benefit the CAG. Ms. Weston stated that taping the minutes would allow the minutes to be more thoroughly typed. Ms. Council suggested looking into the cost and equipment necessary to tape meetings and suggested discussing the issue at the next CAG meeting. Ms. Deppe withdrew her motions and the CAG agreed to discuss recording meetings at the CAG meeting on August 18, 2004.

Ms. Council stated that at the CAG meeting on July 21, 2004, the CAG had decided to invite the authors of *Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program* to speak at a public meeting. Ms. Council stated that two of the authors graciously agreed to come speak to the CAG and the public. Ms. Council introduced Mr. Bill Menrath of the University of Cincinnati and Mr. Jack Anderson of Healthy Housing Solutions.

Ms. Weston asked if notice of the EPA Proposed Plan public meetings was included in the CAG packets. Ms. Council stated that a notice was included. Ms. Valdez stated that she would need to coordinate with EPA to provide the notice in Spanish.

Mr. Menrath spoke about lead research that has been done at the University of Cincinnati. The main ideas presented by Mr. Menrath included:

- Lead dust was the most significant contributor to child blood lead levels based on the eight year study presented in the *Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program*.
- The Three Cities Study, funded by EPA, found that soil removals did not reduce blood lead levels, except in Boston, where paint actions were also implemented.
- There is not a direct relationship between lead in soil and children's blood lead levels based on numerous studies conducted by the University of Cincinnati.
- A recent study of soil recontamination found significant levels of lead in soil from lead-based paint years after the soil had been remediated.
- Childhood lead poisoning in Omaha could be eliminated with a comprehensive program.

Mr. Anderson spoke about the National Center for Healthy Housing and the *Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program*. The main ideas presented by Mr. Anderson included:

- The primary source of lead poisoning is lead-based paint based on the *Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program*.
- Lead hazard reductions work effectively to reduce blood lead levels.
- Interventions must take local conditions into consideration.
- Interim controls are just as effective over time as full lead abatement at reducing lead hazards.
- Exterior lead-based paint and soil-related hazards should be addressed at the same time.

Mr. Henderson asked if there are plans to direct legislation towards the private sector. Mr. Anderson stated that specific activities in private owned housing, not linked to assisted housing, do not exist. Mr. Anderson stated that private housing could receive funding for lead hazard reduction under the HUD lead-based paint hazard reduction program. Mr. Menrath stated that the federal government would not mandate actions for privately owned housing, but stated that some measures have been taken, such as disclosure rules and HUD funding. Ms. Deppe asked about local regulations that have been put in place to involve the private sector. Mr. Anderson stated that many jurisdictions have adopted statutes.

Dr. Polk-Primm stated that Omaha is a diverse community. Dr. Polk-Primm asked Mr. Anderson and Mr. Menrath to address cultural issues and variables that they have encountered. Mr. Anderson stated that people of color are more prone to the effect of lead-based paint hazards. Mr. Anderson stated that higher percentages of the affected population are African Americans. Mr. Menrath stated that race and income are major factors influencing blood lead levels in children. Mr. Henderson asked if similar relationship between housing and blood lead levels is seen outside of the U.S. Mr. Menrath stated that the same relationship between housing conditions and blood lead levels has been observed in other countries.

Ms. Weston stated that Mr. Anderson and Mr. Menrath seemed to be concluding that lead-based paint is the predominate factor influencing blood lead levels in children. Mr. Anderson stated that such a conclusion is well established. Ms. Weston stated that in Omaha, soil is an important factor. Ms. Weston asked how Mr. Anderson and Mr. Menrath's conclusions compare to Omaha's situation. Mr. Anderson stated that guidance refers to bare soil as an exposure source. Mr. Anderson stated that he and Mr. Menrath had taken a brief tour of the Omaha Lead Site area. Mr. Anderson stated that he does not believe soil presents a lead hazard unless the soil is bare. Ms. Weston asked if sodded soil would be considered a lead hazard if the lead concentration in soil was extremely high. Mr. Anderson stated that unless a child was digging in the soil, it would not be a hazard. Mr. Feild stated that EPA is using a different approach and does not want to have to rely on good grass cover in the future.

Ms. Weston asked Dr. Pour if she believed that lead in soil is mainly from lead-based paint. Dr. Pour stated that she believes there has been air deposition of lead unrelated to the housing stock. Dr. Pour stated that there is a contribution from soil to blood lead levels, but no one knows what the contribution is. Dr. Pour stated that it is important that the environment is made safe for future families. Dr. Pour stated that EPA is addressing part of the issue, but stated that a comprehensive plan is needed. Dr. Pour stated that some studies have shown that lead-based paint actions would have a more positive impact on blood lead levels than soil removals. Dr. Pour stated that Douglas County would be moving forward to develop an elimination plan.

Ms. Casteel stated that ATSDR believes that there are two sources of lead, paint and soil. Ms. Casteel stated that ATSDR has no way of knowing how much soil and paint contribute to a child's blood lead level. Ms. Casteel stated that in Jasper, through multiple actions, including soil removals, education and outreach, and lead-based paint actions, substantial reductions in blood lead levels were observed. Ms. Casteel stated that ATSDR believes that a comprehensive program is needed.

Ms. Weston asked Mr. Feild if EPA or the PRP would select the soil cleanup level, if a PRP stepped forward to fund a comprehensive plan. Mr. Feild replied that EPA would select the cleanup level in the ROD.

Mr. Menrath stated that the key is to determine a safe level of lead in soil. Mr. Menrath stated that at all of the Superfund sites he has worked at, a cleanup level was selected through general agreement. Mr. Menrath stated that everyone gave a little, and in the end, EPA set many cleanup levels around 1,000 ppm and funded other lead programs.

Ms. Weston asked who drove Mr. Anderson and Mr. Menrath around the area. Ms. Determan stated that she briefly drove them through the area. Ms. Weston stated that the lawns are not well maintained in the north Omaha area. Mr. Anderson stated that he got a good sense of the area. Mr. Anderson stated that resources should be directed toward distressed housing and bare lawns.

Dr. Pour moved to approve the CAG comments on ATSDR's Public Health Assessment. Ms. Weston seconded the motion. The motion passed.

Ms. Council provided an update on the RI/RA Subcommittee. Ms. Council summarized the RI/RA Subcommittee's meeting held on August 3, 2004. Ms. Council stated that Ms. Meacham had prepared some questions and concerns. The subcommittee decided to submit the questions and concerns to EPA for response. Ms. Council stated that Ms. Meacham would email the questions and concerns to the CAG for review.

Ms. Casteel announced a free lead-based training program opportunity. Ms. Deppe asked if the University Extension provides training. Mr. Waldren stated the University Extension provides 2-hour training. Dr. Pour stated that the Douglas County Health Department also provides training. Ms. Deppe stated that training has been ongoing at the Douglas County Health Department.

Ms. Deppe stated that the Sierra Club held an information session on July 21, 2004, to which Ms. Deppe took the CAG display board. Ms. Deppe also reported that she and Ms. Rawley attended the Lead Safe Omaha Coalition's event on July 31, 2004. Ms. Watkins stated that on August 8, 2004, the Lead Safe Omaha Coalition, Hope Medical Outreach, and Sierra Club would be having a walking event to distribute information packets about Superfund to encourage people to attend the upcoming public comment sessions. Ms. Watkins asked anyone interested in volunteering to contact her. Ms. Deppe announced that the South Omaha Health Fair, put on by ConAgra and UNMC, would be held September 11, 2004 from 2:00 to 4:00 p.m. Ms. Deppe asked if the CAG would like to continue attending such events. Ms. Council stated that the Educational Committee could discuss the issue.

Ms. Deppe stated that a handout had been distributed at the meeting regarding a grant opportunity.

Ms. Council asked CAG members to forward any questions or comments on the Proposed Plan to Ms. Determan. Ms. Council asked for clarification from EPA. Ms. Council asked that if the interim ROD selected a comprehensive approach, could PRP money and the State's contribution be used to support components other than soil remediation. Mr. Feild stated that interior lead-based paint abatement cannot be funded by Superfund and therefore, cannot be included in the remedy. Mr. Feild stated that the State could receive credit for any work within the scope of the selected remedy. Mr. Feild stated that EPA cannot force PRPs to address interior paint and cannot give PRPs credit for it.

Ms. Council asked if the State's match could go towards lead-based paint actions. Mr. Feild stated that the State's match could not go towards actions not listed in the Record of Decision. Ms. Council asked if the State's match becomes Superfund dollars. Mr. Sanders stated that the law says the State has to assure that they will pay 10 percent of the Superfund cleanup. Mr. Foster stated that without a way to fund a comprehensive approach, the public is given the impression that the problem is solved, although it is not because of other remaining hazards.

Ms. Council stated that EPA said at the RI/RA Subcommittee meeting that EPA guidance does not have to be followed; yet the restriction EPA was referring to regarding lead-based paint is a part of guidance. Ms. Council questioned why EPA does not have to follow guidance in some cases, but does have to in others. Mr. Feild stated that guidance is to be used when EPA does not have information about a site. Mr. Feild stated that it would be a waste of money to do all the things listed in the RI guidance. Mr. Feild stated that new guidance was developed by a workgroup to achieve consistency and that EPA cannot depart from the new guidance. Ms. Deppe stated that the CAG needs to know what specific guidance document EPA is using. Mr. Feild stated that the lead handbook is what must be followed. Mr. Feild stated that the lead handbook is policy and cannot be broken.

Ms. Meacham stated that other procedures have deviated from the lead handbook. Mr. Feild replied that the process at the Omaha Lead Site began before the lead handbook was released. Ms. Meacham asked what guidance was being followed before the release of the lead handbook. Mr. Feild stated that the RI/FS guidance was being followed to the extent EPA felt was appropriate. Mr. Davis stated that he thought the lead handbook was more specific about what must be done at a site and that not everything was followed in the RI/FS guidance, because EPA knew not all of it was necessary. Ms. Meacham stated that the point was to ensure good science was done at the site, including scoping, designing a conceptual site model, determining data needs, creating data quality objectives, etc., as outlined in guidance. Ms. Meacham stated that none of these things were done.

Mr. Feild stated that EPA knows what their approach is and is not going to spend 5 to 7 years to determine what they already know from experience. Mr. Feild stated that EPA has decided what their approach is and the EPA knows what data is necessary.

Ms. Deppe stated that the Risk Assessment excluded lead-based paint issues. Mr. Feild stated that the Risk Assessment was done in accordance with the lead handbook. Ms. Deppe stated that she thought EPA said that they did not use the lead handbook. Ms. Deppe asked when the Risk Assessment was performed. Mr. Feild stated that the Risk Assessment had been finalized last month. Ms. Deppe asked which guidance was used when performing the Risk Assessment. Mr. Feild stated that EPA knew where they were going and that EPA used the IEUBK model to look at where EPA should be. Mr. Feild stated that the procedures of the Risk Assessment are consistent with the lead handbook.

Mr. Davis asked who paid to bring in the speakers. Ms. Determan stated that Union Pacific paid the speakers' expenses through the CAG. Ms. Determan added that Union Pacific did not have communication with the speakers until the CAG meeting.

Ms. Council asked if EPA has addressed exterior lead-based paint at any properties with excavations to-date. Mr. Feild replied that exterior paint has not been addressed. Dr. Pour stated that the Douglas County Health Department would know about the condition of the homes if a child with an elevated blood lead level resides there. Mr. Feild stated that EPA could return to those homes, if such action is included in the selected remedy.

Ms. Meacham asked EPA why they are continuing with the soil removal approach when EPA knows there is a recontamination issue. Mr. Feild stated that EPA could not address exterior lead-based paint until it is a part of the selected remedy. Ms. Council asked why exterior paint could not be addressed at properties where emergency remediation takes place. Mr. Feild stated that an action memo states what can and cannot be done as an emergency action. Mr. Davis requested a copy of the action memo for the CAG and asked EPA to assess the potential for revising the memo. Mr. Foster stated that remediation could be more expensive if lead-based paint is not initially addressed, because yards will be recontaminated and EPA will have to return.

Mr. Anderson stated that power washing could distribute lead-based paint. Mr. Anderson stated that paint stabilization would be the best approach for longevity. Mr. Feild asked Mr. Anderson to provide the suggestion as a comment to EPA as soon as possible.

Ms. Council asked Dr. Pour why there are not more children with elevated blood lead levels in Omaha if the bioavailability of the lead in soil is greater than anywhere else. Dr. Pour replied that she did not know. Dr. Pour stated that when the Superfund process was initiated, there were much higher percentages of children with elevated blood lead levels. Ms. Meacham stated that the bioavailability results closely match the bioavailability of lead-based paint. Dr. Pour stated that the bioavailability needs to be compared to other communities with refineries. Ms. Council stated the EPA has said that the Omaha Asarco plant used a process unlike anywhere else, which resulted in the high bioavailability. Mr. Feild stated that the bioavailability of samples taken at the Asarco and Gould plants, which would not contain lead-based paint, are similar to mid-yard bioavailability samples. Ms. Meacham stated that the Asarco and Gould samples were taken post-remediation and thus, are incomparable. Mr. Sanders stated that Ms. Meacham was correct, but that it was the best data available.

Ms. Council stated that the next CAG meeting would be held on August 18, 2004 at 9:30 a.m. at Metro Community College's South Campus, in room 107 of the Industrial Training Center.

Handouts Provided for the Meeting (July 21st, 2004):
Draft Minutes from 07/21/04 (Provided by MFG, Inc.)

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

Letter to Senator Nelson from EPA (Provided by Mr. Sonny Foster)

Omaha Lead Site Community Advisory Group Public Event Calendar (Provided by MFG, Inc.)

A Summary of the Report, Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program, with Executive Summary of the Report (Provided by MFG, Inc.)

House Appropriations Committee Recommends HUD Funding Levels for FY 2005
(Provided by Ms. Jonah Deppe)

KC Targeted Lead Campaign (Provided by MFG, Inc.)

Proposed Plan for the Omaha Lead Site (Provided by EPA)

EPA Fact Sheet: Proposed Plan Released to the Public (Provided by EPA)

Environmental News: July 16, 2004 (Provided by EPA)

Community Involvement Plan (Provided by EPA)

Letter to the NRRB from the CAG

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

Lead Free Kids Growth Chart (Provided by Mr. Vernon Waldren)

Letter to Ms. Jonah Deppe from NHHS (Provided at meeting)

Community Toolbox for Children's Environmental Health, 2004 Capacity Building Grants (Provided at meeting)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)