

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

Minutes for Meeting Held  
**Wednesday, August 18, 2004, 9:30 a.m.**  
Metro Community College  
Industrial Training Center, Room 107  
27<sup>th</sup> and Q 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*  
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*  
Karen Shepard—*OPS School Board*  
Marian Todd—*City of Omaha Planning Department*  
Vernon Waldren—*Douglas/Sarpy County Extension*  
Warren Weaver—*City of Omaha*  
Cheryl Weston—*Lead Safe Omaha Coalition*  
Camellia Watkins—*Sierra Club*

**Others Present:**

Todd Crawford—*Senator Chuck Hagel's Office*  
Trenton Erickson—*Douglas/Sarpy County Extension*  
Mike Felix—*Nebraska Department of Environmental Quality*  
Nancy Gaarder—*Omaha World-Herald*  
Gary Gernandt—*City Council*  
Steve Kemp—*Nebraska Department of Environmental Quality*  
Stacy Meacham—*MFG, Inc.*  
Jennifer Rawley—*MFG, Inc.*  
Steve Sanders—*Environmental Protection Agency*  
Steve Scarpello—*Mayor's Office*  
Reid Steinkraus—*Douglas County Health Department*

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Ms. Council asked for any changes to the minutes from the CAG meeting on August 4, 2004. Ms. Deppe stated that on page 7, the minutes should state that ConAgra and UNMC are putting on the health fair in south Omaha. Mr. Feild stated that on page 7, in

the last paragraph, “lead-based paint actions” should be replaced with “actions that are not in the Record of Decision.” Mr. Waldren moved to approve the minutes with the two changes. Mr. Gernandt seconded the motion. The motion passed with one abstention (Ms. Bonet).

Ms. Council invited the CAG to discuss concerns regarding the conduct of meetings, specifically related to the length of discussion of agenda items. Ms. Council stated that as a facilitator it is difficult for her to cut off discussion. Ms. Weston stated that issues discussed are important and benefit the community. Ms. Weston stated that she sympathized with Ms. Council’s position.

Ms. Council stated that another CAG concern expressed was the meeting start-time of 9:30 a.m. because meetings are still regularly lasting into the noon hour.

Ms. Bonet stated that letters have been sent by the CAG with the implication of consensus from the CAG. Ms. Bonet was upset that the NRRB letter had been placed near the end of the agenda, instead of being moved up on the agenda after being moved from the July 7, 2004 to July 21, 2004 CAG meeting. Ms. Bonet stated that when the letter was voted on, three members with dissenting votes were absent. Ms. Bonet stated that the contracting issue had pushed the NRRB letter discussion back and that a subcommittee should have been formed to address the contracting issue. Ms. Bonet stated that if an item has not been addressed at a meeting, it should be moved to the top of the agenda for the next meeting. Ms. Bonet stated that she did not understand how the vote was made and then changed (referring to the NRRB letter vote on July 21, 2004).

Ms. Bonet also expressed concern about the minutes. Ms. Bonet asked why statements she had made at previous meeting were abbreviated to one statement in the minutes. Ms. Bonet stated that she does not have proof of her statements because the minutes are not recorded. Ms. Bonet stated that there seem to be long paragraphs on one side of an issue and short paragraphs on the other side of the issue.

Ms. Weston stated that Ms. Council had been lenient in the past in moving agenda items around based on CAG member requests, including for reasons such as having to leave a meeting early.

Ms. Council stated that the NRRB letter had been on the agenda for discussion at a time when ample discussion time was available; however, it had been requested for the item to be moved to the next meeting because not all CAG members had Ms. Bonet’s and Ms. Deppe’s comments on the letter. Ms. Council stated that the agenda is intentionally mailed out in advance of the CAG meeting, so the agenda can be adjusted, if needed, before the CAG meeting. Ms. Council stated that when the agenda was created for July 21<sup>st</sup> meeting it was not intended for discussion surrounding the NRRB letter to occur so late in the meeting.

Ms. Council stated that concern was raised regarding voting quorums. Ms. Council stated that the CAG has not adopted formal rules, and because the membership is fluid, it would be difficult to do so.

Ms. Council reminded CAG members that changes to the minutes are requested at the beginning of each meeting. Ms. Council encouraged CAG members to report any inaccuracies during the allotted time.

Ms. Bonet stated that she was not at the meeting at which the NRRB letter was voted on. Ms. Bonet stated that CAG members depend on the minutes to accurately reflect what happens at meetings.

Ms. Deppe suggested defining a number of members that must be present to vote. Ms. Watkins suggested that at least one or two citizens at large should be present when voting. Dr. Pour suggested forming a subcommittee to discuss the issue further. Mr. Waldren volunteered to chair a Parliamentary Procedure Subcommittee.

Ms. Council stated that concern has been raised regarding the frequency of meetings, specifically subcommittee meetings. Ms. Council stated that when issues arise, subcommittees are formed and members decide when to meet. Ms. Council stated that the meeting frequency is driven by the timeframe in which the CAG has an opportunity to respond. Ms. Deppe stated that the concern originated because those attending subcommittee meetings mostly represent agencies and community members do not have the time to attend all meetings.

Dr. Pour stated that it would be most valuable for community members to attend CAG meetings and that community members are not expected to attend all subcommittee meetings. Dr. Pour stated that frequent subcommittee meetings are necessary because of the Superfund schedule.

Ms. Deppe stated that non-CAG members are not given the opportunity to speak at CAG meetings and suggested adding time on the agenda for public comments. Ms. Council stated that a "Questions and Answers" item had been added to the agenda to accommodate this request. Ms. Council stated that those wishing to speak have always been given an opportunity to do so. Ms. Deppe stated that public comments should be requested after EPA's update. Ms. Council stated that she would note the suggestion. Ms. Deppe stated that to make the CAG a community group, the CAG needs to recognize and allow community members to comment.

Ms. Bonet stated that an email requesting availability should be sent to those volunteering for a subcommittee, so that it is not only MFG, Inc. and EPA at a subcommittee meeting a community member is interested in. Ms. Council stated that emails regarding subcommittee meetings are sent to everyone. Ms. Bonet stated that emails are sent announcing subcommittee meeting times, but not requesting schedule availability.

Ms. Council invited Mr. Feild to provide an update on EPA activities. Mr. Feild stated that he created a written summary of requested information. Mr. Feild stated that it is difficult to determine all homeowner notification procedures because there are multiple contractors and subcontractors involved. Mr. Feild provided copies of his summary sheet.

Ms. Bonet asked if EPA knows why access to some properties has been denied. Mr. Feild stated that he did not have that information. Ms. Bonet asked if EPA could keep a tally of why access is denied and provide the neighborhood associations with that information. Ms. Bonet stated that this would provide neighborhood associations with important information to use to form a strategy for involving more homeowners. Ms. Watkins suggested providing subcontractors with a checklist of reasons for denial of access.

Ms. Weston asked what happens at the properties at which access has been denied. Mr. Feild stated that EPA will be at the Omaha Lead Site for a long time and will continue to try to persuade property owners to permit access. Ms. Deppe stated that at an EPA availability session in south Omaha, EPA stated that property owners who refused access would be fined. Mr. Feild stated that EPA has the authority to fine, but at this time, is not planning to impose fines. Mr. Gernandt stated that penalties are an option, but EPA is not that far along yet.

Dr. Pour asked if properties where emergency removals are completed have been removed from the National Priorities List (NPL). Mr. Feild stated that residents received “clean letters” stating that the property is no longer a hazard, but are not deleted from the NPL. Dr. Pour stated that it was a specific concern of the Governor that individuals placed on the NPL would be removed after cleanup. Mr. Feild stated that EPA would not know if the final cleanup goal is achieved until a final cleanup level is set. Dr. Pour stated that she is concerned that an interim Record of Decision (ROD) approach will prevent properties from being delisted. Dr. Pour stated that the 500 yards already excavated should be below any future cleanup level, and thus, should be delisted.

Ms. Weston asked for clarity on how homes are added to the NPL. Ms. Deppe asked how EPA knows which yards are included in the site. Mr. Feild stated that yards scheduled for removal are on the NPL.

Dr. Pour stated that EPA had promised the Governor that properties would be removed from the NPL after remediation.

Mr. Feild stated that excavated yards could not be removed from the NPL because a lower cleanup level could be selected at deeper than six inches. Mr. Felix asked if 1,200 ppm lead was defined as acceptable at 12 inches. Mr. Feild stated that 1,200 ppm lead at 12 inches is acceptable according to ATSDR’s health consultation, but is not included in any formal decision document. Mr. Felix asked if the ROD could state a lowest potential cleanup level at 12 inches to allow for delisting. Mr. Feild stated that a lowest potential cleanup level could not be defined because the Proposed Plan includes refining the Risk Assessment further to better assess risks at a lower range.

Ms. Todd stated that she received a phone call from a property owner who refused to permit sampling because a neighbor had lost \$200 as a result of sampling. Ms. Weston stated that the neighbor had moved a car to the street to allow samplers onto the driveway, and the car had been ticketed or hit. Mr. Feild stated that anyone could contact

him personally about such problems. Mr. Feild stated that there have been issues with the subcontractors, who are paid per access agreement. Mr. Feild stated that it had been reported that subcontractors were knocking on doors early in the morning and late in the evening. Mr. Feild asked for anyone to report any such incidences.

Dr. Polk-Primm asked how the CAG could help involve neighborhood associations. Dr. Polk-Primm asked if EPA could delegate some outreach activities to neighborhood associations. Mr. Feild asked Dr. Polk-Primm to contact him to discuss what roles local organizations could have.

Ms. Bohm stated that she is concerned excavations are scheduled in a checkerboard pattern, increasing the likelihood of recontamination. Mr. Feild stated that EPA is trying to arrange for one block at a time to be remediated.

Ms. Weston inquired about the zip codes included in the Omaha Lead Site. Mr. Feild stated that zip codes are only used to show blood lead statistics.

Mr. Feild stated that he had provided Ms. Weston with the contact information she requested at the last CAG meeting.

Mr. Feild stated that the U.S. Army Corps of Engineers' statement of work has been finalized and that a networking session would be held today. Ms. Weston stated that she provided questions pertaining to the statement of work to EPA and the U.S. Army Corps of Engineers.

Ms. Council announced that a Contracting Subcommittee is being established and will be chaired by Mr. Chris Rodgers. Ms. Council stated that the first Contracting Subcommittee meeting would be held Wednesday, September 1<sup>st</sup> from 8:00 a.m. to 9:00 a.m. at the Mayor's Office. Ms. Weston stated that Mr. Rodgers should have contacted those interested in participating on the subcommittee before setting a meeting time. Ms. Council stated that any questions should be directed to Mr. Rodgers (who was absent from the meeting). Ms. Determan asked CAG members interested in participating on the Contracting Subcommittee to provide their contact information. Ms. Determan stated that she would provide Mr. Rodgers with the contact information.

Mr. Felix provided information on the activities of NDEQ. Mr. Felix stated that NDEQ is involved in many cleanup programs, including Superfund sites. Mr. Felix stated that Mr. Kemp is responsible for NDEQ's Superfund projects. Mr. Felix stated that Mr. Davis is the project manager for the Omaha Lead Site. Mr. Felix explained that State Superfund-type regulations do not exist. Mr. Felix stated that EPA funds NDEQ Superfund activities through a management assistance cooperative agreement. Mr. Felix stated that NDEQ provides technical and regulatory support on Superfund projects. Mr. Felix stated that NDEQ wants to ensure State requirements are met on Superfund projects. Mr. Felix explained that there is a ten percent State funding match for the Omaha Lead Site. Mr. Felix stated that NDEQ could receive credit towards the match for activities undertaken by the State that do not utilize federal funding. Mr. Felix stated that

because the State does not have lead soil cleanup numbers, the Risk Assessment would drive cleanup numbers.

Mr. Felix stated that criteria must be met to implement a selected remedy, including State support of the remedy, which is why NDEQ reviews all EPA Superfund documents. Mr. Felix stated that NDEQ would write a letter stating if NDEQ concurs with the selected remedy. Ms. Weston asked if EPA could go forward with a remedy if the State does not concur with the selected remedy. Mr. Feild stated that State concurrence is not technically required. However, Mr. Feild stated that in order to proceed with the remedy, State concurrence is needed, because the State has to sign a contract in order to use the State's cost share.

Ms. Weston requested copies of NDEQ's comments on EPA documents. Mr. Felix stated that he would provide future comments as CAG handouts. Dr. Pour asked if NDEQ would be providing written comments on EPA's Proposed Plan to EPA. Mr. Felix stated that comments have already been submitted via a letter. Dr. Pour asked if NHHS would be submitting written comments as well. Mr. Felix stated that he did not know.

Dr. Polk-Primm provided an update on the Education Subcommittee. Dr. Polk-Primm stated that Mr. Waldren is working on an education plan to include in the comprehensive plan. Dr. Polk-Primm invited CAG members to provide any suggestions on the education plan to the subcommittee. Dr. Polk-Primm announced that the next Education Subcommittee would be held on August 30<sup>th</sup> at 10:00 a.m. at the Nebraska Urban Indian Health Coalition. Dr. Polk-Primm stated that the goal of the Education Subcommittee is to inform residents about lead issues. Dr. Polk-Primm stated that the subcommittee intends to make a presentation at the next CAG meeting.

Ms. Deppe stated that the Sierra Club has held community meetings about lead and asthma and will hold a back to school event on August 28<sup>th</sup> at Elmwood Park. Ms. Deppe also stated that the Sierra Club is currently issuing a phone survey and announcement.

Dr. Polk-Primm stated that the Education Subcommittee discussed health fairs and is looking at ways to have students or others receive community service hours for manning a CAG booth at health fairs. Dr. Polk-Primm stated that the subcommittee is looking for funding to create visual displays and provide small stipends to those working at health fairs.

Ms. Council announced that the next CAG meeting would be held on Wednesday, September 1, 2004 at 9:30 a.m. at the Nebraska Urban Indian Health Coalition. Ms. Council asked CAG members to bring donations of coffee, canned foods, fabrics, and craft items for the Nebraska Urban Indian Health Coalition.

Ms. Council stated that the Comprehensive Plan Subcommittee had met on August 11, 2004. Ms. Council stated that Ms. Deppe and Ms. Weston offered to be co-chairs of the subcommittee. Ms. Council stated that at the subcommittee meeting, Dr. Pour provided thoughts about a comprehensive plan. Ms. Council stated that Dr. Pour had provided a chart and invited Dr. Pour to summarize the chart.

Dr. Pour explained the chart (provided as a handout). Dr. Pour stated that awareness, education, and training are needed in the community. Dr. Pour stated that coordination is needed, and she envisions coordination via a non-profit organization consisting of a council with individuals from various groups as members. Dr. Pour explained that such an organization could apply for funding and leverage resources that other agencies cannot.

Dr. Pour stated that in an effort to outline what gaps need to be filled, she drafted some elements to be included in the Proposed Plan (provided as a handout). Dr. Pour asked for CAG members to provide input on what should be included in the Proposed Plan, specifically in regards to if exterior and interior lead-based paint abatement should be recommended by the CAG. Dr. Pour also stated that the CAG could decide if the CAG wants to submit comments on the Proposed Plan to EPA.

Dr. Polk-Primm stated that the CAG had determined early on that there was a need for a coordinated approach. Dr. Polk-Primm stated that all pathways should be identified and addressed, including exterior and interior lead-based paint, food, etc.

Ms. Bonet stated that other agencies have a role in addressing exterior and interior lead-based paint. Ms. Bonet stated that the CAG could take on other issues if it is desired. Ms. Bonet stated that the CAG could coordinate efforts with Superfund, but Superfund could not address all issues. Ms. Bonet stated that each issue is addressed by a separate agency.

Dr. Polk-Primm asked if elements not addressed by regulatory agencies could be included. Ms. Bonet stated that such elements could be included in a comprehensive plan, but stated that who plays what roles and receives credit for paying for the plan are different categories that have to be addressed. Ms. Weston stated that the point is to involve all resources so that if EPA is only addressing soil, other efforts could be coordinated. Ms. Weston stated that interior lead-based paint should be included, but the plan would not state that EPA would address interior lead-based paint; the plan would state that interior lead-based paint is one part of the coordination.

Ms. Deppe stated that she is investigating the agencies that are involved with lead issues and defining their roles. Ms. Deppe provided a table with this information and explained that she is continuing to fill-in the table. Mr. Felix stated that NDEQ is also researching activities currently funded by the State to determine what activities can be used towards the State's Superfund match. Mr. Davis stated that he will be meeting with different agencies regarding programs and funding and will report this information to the Comprehensive Plan Subcommittee.

Dr. Polk-Primm stated that by taking the comprehensive approach, Omaha could set an example for other communities. Ms. Weston motioned to pursue drafting recommendations from the CAG regarding EPA's Proposed Plan.

Dr. Pour stated that comments on the Proposed Plan are due September 15, 2004 and can be submitted by individuals and agencies, as well as the CAG.

Ms. Weston stated that as part of her motion the CAG would draft a letter based on the recommendations provided by Dr. Pour and the Comprehensive Plan Subcommittee. Ms. Shepard seconded the motion. Ms. Council stated that other comments might need to be included. Ms. Council suggested allowing the CAG to review and provide additional comments. Ms. Council stated that a draft letter could then be created and discussed at the next CAG meeting. Ms. Bonet expressed agreement with Ms. Council. Dr. Pour stated that comments could be provided to MFG, Inc. to draft a letter.

Ms. Council stated that according to the RI/RA Subcommittee notes, EPA would investigate if exterior lead-based paint had been addressed in RODs at other sites. Mr. Feild stated that EPA is still investigating this.

Ms. Council stated that because the State's match could only go towards things in the ROD, perhaps the CAG could recommend that the ROD include things not ordinarily considered in the Superfund program. Dr. Pour stated that EPA would respond to this by stating that EPA can only include in the ROD what is within EPA's authority to fund.

Ms. Council stated that EPA could address exterior lead-based paint when recontamination is a concern. Ms. Deppe stated that according to a 2002 letter from the Governor, these issues should be included as part of the selected remedy.

Confusion occurred regarding Ms. Weston's pending motion. Ms. Weston had left the meeting. Mr. Waldren motioned to table Ms. Weston's motion. Ms. Bonet seconded the motion. The motion unanimously passed. Ms. Bonet asked that this item be placed at the top of the agenda for discussion at the next CAG meeting. Ms. Council stated that this item would be placed on the agenda immediately following discussion of the meeting minutes.

Ms. Council stated that another RI/RA Subcommittee would be scheduled before the next CAG meeting. Ms. Council asked CAG members to submit any comments or questions on the RI/RA to be added to the provided questions. Ms. Bonet requested for the source of each question provided by the subcommittee to be identified.

Ms. Council stated that costs associated with audio recording meetings is continuing to be researched and will be discussed at the next CAG meeting. Ms. Council stated that the logistics of changing locations would need to be considered.

Ms. Deppe stated that the CAG might want to look into ClearCorps. Ms. Deppe stated that ClearCorps performs cleanup of lead dust.

Dr. Pour stated that Ms. Todd had located the city ordinance regarding addressing paint at homes with more than 25% chipping or peeling paint mentioned at an EPA public meeting. Ms. Deppe stated that enforcement of the ordinance only occurs in response to a complaint.

Mr. Feild stated that anyone wishing to meet with EPA during the Proposed Plan comment period (ending September 16, 2004) should contact him.

Handouts Provided for the Meeting (August 18, 2004):

*Draft Minutes from 08/08/04* (Provided by MFG, Inc.)

*Approved Minutes from 07/21/04* (Provided by MFG, Inc.)

*RI/RA Subcommittee Draft Comments*

*RI/RA Subcommittee Meeting Notes from August 3, 2004*

*Statement from NDEQ Office in Lincoln, NE* (Provided by Mr. Todd Davis)

*Letter from Governor Johanns to Mr. Gulliford dated January 29, 2002* (Provided by Mr. Todd Davis)

*Letter from UPRR to the OLS CAG dated August 10, 2004*

*Comments of UPRR to the Public Health Assessment for the Omaha Lead Refinery Site*

*Omaha Lead Performance Work Statement* (Provided by EPA)

*EPA Action Memorandum dated August 2, 1999* (Provided by MFG, Inc.)

*EPA Action Memorandum Amendment* (Provided by MFG, Inc.)

*ClearCorps Community Service Guide* (Provided by Ms. Jonah Deppe)

*Community Involvement Plan Comments* (Provided by EPA)

*Letter from UPRR to Mr. Feild dated July 30, 2004*

*Committee Report, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, 2003* (Provided by EPA)

*Lead Safe Training* (Provided by ATSDR)

*Education Subcommittee Notes, August 12, 2004*

*Comprehensive Plan Subcommittee Notes, August 11, 2004*

*Lead in Garden Hose Makers Settle California Case, Agree to Reduce Lead Exposure in Products*

*2004 Indiana Lead-Safe & Healthy Homes Conference*

*Shortchanged Superfund*

*Polluted Sites Could Face Shortage of Cleanup Money*

*Letter to Administrator Leavitt from U.S. Congressman Barton*

*Draft Comments on EPA Proposed Plan for OLS*

*Coordination Flowchart*

*Coordination Schematic*

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)