

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

Minutes for Meeting Held  
Wednesday, September 15, 2004, 9:30 a.m.  
Omaha Public Schools TAC Building  
Room 5072

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## **OLS CAG Members Present:**

Janet Bohm—*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*  
Connie Determan—*MFG, Inc.*  
Barba Edwards—*League of Women Voters*  
Bob Feild—*Environmental Protection Agency*  
Clifton Jones—*Department of Housing and Urban Development*  
Jeff McDermott—*Union Pacific Railroad*  
Dr. Adi Pour—*Douglas County Health Department*  
Chris Rodgers—*Mayor's Office*  
Karen Shepard—*OPS School Board*  
Marian Todd—*City of Omaha Planning Department*  
Vernon Waldren—*Douglas/Sarpy County Extension*  
Cammy Watkins—*Sierra Club*  
Warren Weaver—*Designee for Councilmen Frank Brown and Gary Gernandt*  
Cheryl Weston—*Lead Safe Omaha Coalition*

## **Others Present:**

George Barsom—*PE, Inc.*  
Todd Crawford—*Senator Chuck Hagel's Office*  
Todd Falter—*NHHS*  
Mike Felix—*Nebraska Department of Environmental Quality*  
Sonny Foster—*Senator Ben Nelson's Office*  
Nancy Gaarder—*Omaha World-Herald*  
Youlanda Outin—*ATSDR*  
Paula Peters—*ATSDR*  
Jennifer Rawley—*MFG, Inc.*  
Steve Sanders—*Environmental Protection Agency*  
Reid Steinkraus—*Douglas County Health Department*  
Carole Woods Harris—*Douglas County Board of Commissioners*

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Ms. Council asked for any corrections to the minutes. Ms. Council stated that on page 4, at the first bullet point, "o" should read, "to". Ms. Council stated that on the same page,

“modeling” should read, “monitoring.” Ms. Council stated that on page 5, in the second full paragraph, the last line should read, “at 1:00 p.m. at the...” Ms. Council stated that on page 7, in the second full paragraph, the second line should read, “Ms. Bohm... at her property.” Ms. Weston stated on page 6, “is” should read, “if.” Mr. McDermott stated that on page 2, in the fourth full paragraph, “excluded” should read, “exclude.” Ms. Weston stated that on page 5, in the last paragraph, she had asked EPA if the homeowner or EPA had made the request. Ms. Weston stated that Mr. Feild had replied that the homeowner made the request. Mr. Feild stated that the homeowner had agreed to the request. Ms. Weston stated that she did not think the reference to “several” test plots was correct. Mr. Feild stated that there are two test plots. Ms. Council suggested changing the minutes to reflect that there are “a couple” test plots, instead of “several.” Mr. Feild stated that on page 3, in the seventh paragraph, “the records of decision for Libby and Butte” should be included. Ms. Weston moved to approve the minutes with the changes described above. Mr. Jones seconded the motion. The motion unanimously passed.

Mr. Feild distributed a handout and provided an update on EPA activities. Mr. Feild stated that EPA received requests for extension of the Proposed Plan comment period. As a result, EPA has extended the comment period through October 15, 2004. Mr. Feild stated that comments could be submitted or resubmitted through October 15, 2004.

Mr. Feild repeated, as announced at the previous CAG meeting, that EPA can pay for at least one OSHA training session for individuals. Mr. Feild stated that at least 20 individuals would need to sign-up in order for the training to occur. Mr. Feild stated that the first opportunity for a training session is next week. Mr. Feild stated that the contractor who will provide the training would not provide the fit test and medical certification required by OSHA.

Ms. Weston, referring to a Wall Street Journal article distributed to the CAG (*Money Shortage Threatens Superfund*), asked how the implications of the article would affect the Omaha Lead Site. Ms. Weston stated that EPA had previously mentioned that 25 million dollars per year would be requested for the Omaha Lead Site over the next few years. Mr. Feild stated that regardless of funding concerns, the same request for funding would be made. Mr. Feild stated that the Omaha Lead Site is near the top of the Superfund priority list. Mr. Feild stated that he believes Omaha will receive funding. Ms. Weston asked if funding has already been requested for next year. Mr. Feild replied that funding has been requested for next year. Ms. Weston asked if any additional funding, beyond the 25 million dollars, has been requested for next year. Mr. Feild stated that additional funding has not been requested. Mr. Feild stated that a formal request would be made in October at a national meeting, in order to have access to the 25 million dollars next spring.

Ms. Weston stated that she is concerned about the proposal to spend 77 million dollars on phosphate remediation. Ms. Weston asked how such remediation could be proposed when it is uncertain if the treatment will work. Ms. Weston asked Mr. Feild to explain the difference between 214 million dollar and 77 million dollar proposals. Mr. Feild replied that the 214 million dollar figure applies to excavating all yards exceeding 400 ppm (estimated to be 16,000 properties). This estimate excludes phosphate remediation.

Mr. Feild stated that the proposed interim remedy (the 77 million dollar remedy) includes excavating 5,600 properties and a treatability study to evaluate phosphate treatment; however, if the phosphate treatment fails, it will cost up to 214 million dollars (assuming the cleanup number is 400 ppm). Ms. Weston asked if a test site for the phosphate treatability study has been located. Mr. Feild reported that a test site has not been located.

Ms. Council asked if Omaha is one of the nine so called “mega sites”, which utilize 52 percent of the trust fund for Superfund sites. Mr. Feild stated that Omaha is not one of those sites.

Ms. Council asked if EPA would seek appropriations of 26 million dollars each year. Mr. Feild replied that EPA receives an appropriation for all Superfund sites and then allocates those funds between the various sites. Mr. Field stated that congress determines the amount of the appropriation.

Ms. Watkins stated that the Superfund trust fund was depleted last year. Mr. Feild stated that the fund is largely depleted, but that Congress appropriates money for Superfund sites out of the general revenue. Ms. Watkins asked if EPA could work with Congress to reinstate the Superfund tax. Mr. Feild stated that such a decision is up to Congress. Ms. Watkins asked if the CAG would be interested in writing a letter to the congressional delegation asking to reinstate the Superfund tax. Ms. Council stated that Nebraska’s congressional delegation has not favored reinstating the Superfund tax.

Mr. Felix provided an update on NDEQ activities. Mr. Felix stated that Union Pacific Railroad met with the Governor to discuss the possibility of the State requesting that a comprehensive plan be included in the proposed remedy. Mr. Felix stated that he does not know the outcome of the meeting. Ms. Bonet asked if Union Pacific is lobbying the Governor and NDEQ for a specific approach at the Omaha Lead Site. Mr. Felix stated that the National Contingency Plan indicates that the State can request enhancement of the remedy. Mr. Felix stated that the State is examining that possibility but has not made a decision on the matter. Ms. Bonet asked if anyone from Union Pacific Railroad who attended the meeting with the Governor was present. (No such person was present.) Mr. Felix stated that he believed Ms. Carolyn McIntosh went to the meeting. Ms. Determan stated that she thought Ms. McIntosh had presented the same information to the Governor as presented at the previous CAG meeting. Ms. Council stated that Ms. Weston had requested copies of the regulations discussed by Ms. McIntosh at the previous CAG meeting and that the regulations had been provided in the CAG packet for the current meeting.

Ms. Weston asked if NDEQ’s voluntary cleanup program could be applied to the Omaha Lead Site. Mr. Felix stated that the voluntary cleanup program does not apply to the Omaha Lead Site. Mr. Felix stated that the voluntary cleanup program is intended for cleanup at site with a redevelopment aspect, such as work along the riverfront.

Ms. Council announced that the CAG collected 450 dollars at the last meeting, which was contributed to the Hernandez family.

Mr. Waldren provided an update on the Education Subcommittee. Mr. Waldren stated that the second draft of the Education Plan has been released. Mr. Waldren stated that the next step is to create a budget to accompany the plan. Mr. Waldren stated that the Education Subcommittee would meet again on September 30, 2004 at 10:00 a.m. at the Douglas/Sarpy County Extension Office. Ms. Council stated that the current version of the Education Plan would be emailed to CAG members.

Mr. Waldren provided an update on the Parliamentary Procedure Subcommittee. Mr. Waldren discussed the recommendations of the Subcommittee, which were as follows:

- 1) Membership is by organization, except where a person has been asked to serve on the CAG, such as a resident of the superfund site.
- 2) Organizations will designate a representative from their organization.
- 3) Organizations can send substitutes for their representatives to CAG meetings.
- 4) The quorum for official meetings is 15.
- 5) Roll call votes of members attending will be taken for votes on issues where letters or other documents will be sent or distributed on CAG letterhead.
- 6) A simple majority of those members attending (not voting) is required to pass a motion, i.e. if there are 15 members in attendance it would take 8 yes votes to pass a motion.
- 7) The facilitator will set the agenda.
- 8) Reports will be given as listed on the agenda. A suggested discussion time for each item will be listed on the agenda for each of those items, however the CAG can decide to allow further discussion. There will not be a mandatory time limit.
- 9) The CAG will not redo committee work. Questions and discussion will be allowed and encouraged on each item, but the CAG will not recreate the work of the subcommittees.
- 10) Items that do not involve official action of the CAG will be voted on by voice vote.
- 11) Electronic voting will be allowed. The method will be a motion will be made via email. The motion will require a second, there will be 3 days for discussion from CAG members, and then there will be 2 days for members to vote. At least 15 members must vote with 8 yes votes to make the motion an official action of the CAG.
- 12) Roberts Rules of Order will be used as the standard for issues not addressed in this proposal.

Mr. Waldren motioned to accept the recommendations of the Subcommittee. Mr. Rodgers seconded the motion.

As a result of discussion, the following friendly amendments were included in the motion:

- Include proxy voting;
- A written form must be carried to proxy;
- Quorum for official voting is ¼ of voting members;
- No quorum for official meeting; and
- Three days will be allowed for electronic voting discussion and five days for voting.

The motion, with the above amendments, unanimously passed.

Mr. Rodgers provided an update on the Contracting Subcommittee. Mr. Rodgers distributed a handout provided by Mr. Feild at the Subcommittee meeting. Mr. Rodgers stated that if Potentially Responsible Parties (PRPs) agree to put forward money, the PRPs would be in charge of future contracting; otherwise, EPA will be in charge of contracting. Mr. Rodgers stated that the next Contracting Subcommittee meeting would be held September 29, 2004 at 8:00 a.m. at the Mayor's Office.

Ms. Weston provided an update on the Comprehensive Plan Subcommittee. Ms. Weston stated that changes to the draft comprehensive plan were discussed at the last Subcommittee meeting. Ms. Weston stated that changes to the draft comprehensive plan will be incorporated and a new version distributed before the next Subcommittee meeting. Ms. Weston stated that the next Comprehensive Plan Subcommittee meeting would be held on Tuesday, September 28, 2004 at 2:00 p.m. at the Douglas County Health Department. Dr. Pour encouraged community members to attend the Comprehensive Plan Subcommittee meeting and provide input.

Ms. Council stated that a Remedial Investigation/Feasibility Study Subcommittee meeting needs to be scheduled. Ms. Council stated that Ms. Determan would contact EPA to schedule the meeting.

Ms. Bonet, referring to a handout, asked about the purpose of the U.S. cities blood lead map. Ms. Council stated that the map depicts comparative data. Ms. Bonet asked if a summary sheet explaining the data could be provided. Ms. Council stated that data sources were listed on attached spreadsheets. Dr. Pour stated that she would like to see more information, such as the source of the information. Dr. Pour encouraged contacting the Centers for Disease Control and Prevention to collect uniform data and suggested including additional states. Ms. Bonet stated that she would rather see a map comparing just Asarco sites. Ms. Determan stated that an explanation of the data would be provided.

Ms. Bonet stated that she would like copies of past Omaha World-Herald articles. Ms. Determan stated that she had received copies of articles from Ms. Gaarder and was holding the articles as an archive, as previously requested. Ms. Bonet stated that she would like a copy of the articles. No other CAG members requested copies of the articles. Ms. Determan stated that she would provide Ms. Bonet with copies of the articles.

Ms. Council stated that the next CAG meeting would be held on Wednesday, September 29, 2004 at 9:30 a.m. The meeting location is to be announced.

Handouts Provided for the Meeting (September 1, 2004):

*Draft Minutes from 09/01/04 (Provided by MFG, Inc.)*

*Approved Minutes from 08/18/04 (Provided by MFG, Inc.)*

*CAG Recommendations on the Proposed Plan for the Omaha Lead Site*

*Education Subcommittee Notes from August 30, 2004*

*Contracting Subcommittee Notes from September 1, 2004*

*Children with Blood Lead Levels  $\geq 10$   $\mu\text{g}/\text{dL}$  in Major Cities Across the U.S. in 2003 (Map)(Provided by MFG, Inc.)*

*Cleveland Ordinance Establishes New Lead Safety Rules and Incentives for Property Owners (Provided by MFG, Inc.)*

*Addendum to the Comments of Union Pacific Railroad Company to the Public Health Assessment for the Omaha Lead Refinery Site (Provided by Union Pacific)*

*Letter from Michael Houston Regarding Omaha Residential Lead Contamination*

*Comments on the Public Health Assessment for the Omaha Lead Refinery Submitted by Gould Electronics (Provided by Gould Electronics)*

*Comments on the Public Health Assessment for the Omaha Lead Refinery Submitted by Nebraska Health and Human Services (Provided by NHHS)*

*Comments on the Remedial Investigation/Feasibility Study – Field Sampling Plan Submitted by Nebraska Health and Human Services (Provided by NHHS)*

*Comments on the Final Preliminary Assessment/Site Inspection Report Omaha Lead Submitted by Nebraska Department of Environmental Quality (Provided by NDEQ)*

*Comments and Recommendations to the Omaha Lead Remedial Investigation/Feasibility Study Work Plan Submitted by Nebraska Department of Environmental Quality (Provided by NDEQ)*

*Comments on the Feasibility Study, Residential Yard Soil, Omaha Lead Site Submitted by Nebraska Department of Environmental Quality (Provided by NDEQ)*

*Comments on Draft Remedial Investigation, Residential Yard Soil, Omaha Lead Site and Draft Feasibility Study, Residential Yard Soil, Omaha Lead Site Submitted by Nebraska Department of Environmental Quality (Provided by NDEQ)*

*EPA Regulation Citations (Provided by Ms. Carolyn McIntosh)*

*Omaha Lead Site Community Advisory Group, Topic: Grant Opportunities (Provided by MFG, Inc.)*

*Money Shortage Threatens Superfund*

*Omaha Lead Site Community Advisory Group, EPA Update (Provided by EPA)*

*Omaha Lead Site Community Advisory Group, Contracting Subcommittee (Provided by EPA)*

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)