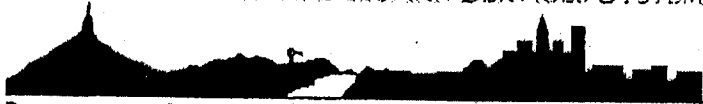


NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM

DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE
DEPARTMENT OF FINANCE AND SUPPORTSTATE OF NEBRASKA
MIKE JOHANNIS, GOVERNOR

October 29, 2004

Debbie Kring
Community Involvement Coordinator
U.S. EPA – Region 7
901 North 5th Street
Kansas City, Kansas 66101

Re: Additional Comments on Proposed Plan
Omaha Lead Superfund Site
Facility ID #69981, Program ID # NESFN0703481

Dear Ms Kring:

The Nebraska Department of Environmental Quality (NDEQ) and the Nebraska Health and Human Services System (NHSS) are providing additional comments concerning our review of the Proposed Plan for the Omaha Lead Site. As you know, NDEQ submitted comments on the Proposed Plan in an August 9, 2004 letter. NHSS submitted comments on the Proposed Plan in a September 15, 2004 letter. In those letters, the State of Nebraska stated its concurrence with a comprehensive approach to addressing all sources of lead exposure at the site and that this approach should be included in the preferred remedial alternative. Subsequent to this letter, we have discussed with EPA the possibility of NDEQ and NHSS requesting that EPA “enhance” the remedy, pursuant to 40 C.F.R. § 300.515(f) of the National Contingency Plan (NCP), to incorporate the comprehensive approach.

The State of Nebraska’s support for a comprehensive approach at the site is based on the potential multi-media/multi-source nature of lead exposures at this site. The potential for various media/sources of lead exposure indicates that an overall risk reduction strategy may be necessary to achieve reductions in elevated blood lead levels. As part of our State cost share responsibilities for this site, we prefer that a portion of our cost share pay for cleanup of other sources of lead exposure, that are authorized CERCLA response actions, besides cleanup of lead in residential yard soils. We understand that these authorized actions may include removal of exterior lead-based paint where necessary to protect the yard soil cleanup and removal of interior dust if derived from exterior pollution sources. Public health education is also an authorized action used to supplement the other remedial measures. We also understand that addressing exposures related to interior lead-based paint or lead plumbing are not CERCLA authorized actions and that we would not receive credit to our cost share responsibilities for any State costs associated with these activities.

Ms. Debbie Kring
October 29, 2004
Page 2

In order to develop the overall risk reduction strategy, additional data collection consistent with EPA guidance^{1,2,3} is necessary. Specifically, EPA guidance recommends that soil, potable water, exterior paint, indoor dust, and interior paint should all be sampled to identify primary lead exposure sources. If the indoor dust has elevated lead content, it should be evaluated to determine the relative contribution of interior lead-based paint and soil to the lead in the indoor dust. During implementation of the interim remedy, which we support, this data should be gathered to determine primary lead exposure pathways at the site. If non-soil lead sources such as interior lead-based paint and lead plumbing are determined to be major contributors at the site, EPA guidance recommends that identification and coordination with other authorities and funding sources be performed to design a comprehensive and cost-effective response strategy. NDEQ understands that response activities to address interior lead-based paint or lead plumbing should not be used to increase risk-based soil cleanup levels.

If interior paint and lead plumbing are found to be primary lead exposure pathways, NDEQ may request, subsequent to the interim Record of Decision, enhancement of the remedy pursuant to 40 C.F.R. § 300.515(f)(1)(ii) of the NCP to achieve a greater overall risk reduction at the site. We want to make clear that at this time, the State of Nebraska does not have funding for interior paint and lead plumbing. We anticipate that the City of Omaha, Douglas County, Nebraska Health and Human Services System (NHHSS), and/or others will apply for lead abatement grant funds to the United States Department of Housing and Urban Development (HUD). The State will work with our Congressional delegation and will support such grant applications. We will also work with the City and the County to identify other appropriate grant funding sources. The State's ability to fund the interior paint and lead plumbing component will be strictly dependent upon these federal and private funding sources.

We appreciate the opportunity to provide this further input to the Proposed Plan. We again thank you and all of the EPA staff for your very hard work on this project and look forward to working with EPA on this site in the future. If you have any questions, please contact Mike Felix, David Haldeman, or Mike Linder at (402) 471-2186 or Dick Nelson at (402) 471-8566.

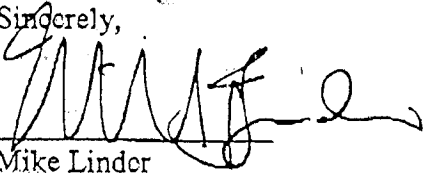
¹USEPA. OSWER Directive: Revised Interim Soil Lead (Pb) Guidance for CERCLA Sites and RCRA Corrective Action Facilities. EPA/540/F-94/043 PB94-963282. (August 1994).

²USEPA. OSWER Directive: Clarification to the 1994 Revised Interim Soil Lead (Pb) Guidance for CERCLA Sites and RCRA Corrective Action Facilities. EPA/540/F-98/030, OSWER Directive 9200.4-27P, PB98-963244. (August 1998).

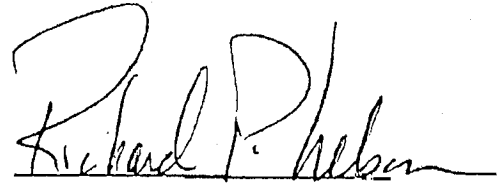
³USEPA. OSWER Directive: Superfund Lead-Contaminated Residential Sites Handbook. OSWER Directive 9285.7-50. (August 2003).

Ms. Debbie Kring
October 29, 2004
Page 3

Sincerely,



Mike Linder
Director, NDEQ



Richard P. Nelson, Director
Health and Human Services
Finance & Support

cc: James Gulliford, EPA Regional Administrator
Bob Field, EPA
Governor Johanns
Mayor Fahey
OLS CAG

¹USEPA. OSWER Directive: Revised Interim Soil Lead (Pb) Guidance for CERCLA Sites and RCRA Corrective Action Facilities. EPA/540/F-94/043 PB94-963282. (August 1994).

²USEPA. OSWER Directive: Clarification to the 1994 Revised Interim Soil Lead (Pb) Guidance for CERCLA Sites and RCRA Corrective Action Facilities. EPA/540/F-98/030, OSWER Directive 9200.4-27P, PB98-963244. (August 1998).

³USEPA. OSWER Directive: Superfund Lead-Contaminated Residential Sites Handbook. OSWER Directive 9285.7-50. (August 2003).