

Published Friday January 16, 2009

Lead cleanup plan in Omaha criticizedBY NANCY GAARDER
WORLD-HERALD STAFF WRITER

30024427



Superfund

With the federal government on the verge of finalizing the scope of Omaha's lead cleanup, one of the companies that the government says is liable has objected, saying the \$400 million effort is a misuse of tax dollars and will leave children at continued risk of lead poisoning.

Union Pacific Railroad filed its formal objections Thursday, the government's deadline for the public to submit comments.

Chief among the company's assertions is that Omaha's lead problems are caused primarily by deteriorating lead paint on older houses, not industrial air pollution from now shuttered plants.

Union Pacific leased land to the Asarco lead refinery, which the EPA says is the largest identified source of lead in Omaha yards.

The City of Omaha and two U.P.-supported citizens groups also filed objections, saying the Environmental Protection Agency needs to broaden how it tackles Omaha's lead problem.

In a letter to the EPA, Omaha Mayor Mike Fahey said the EPA failed to recognize lead-based paint as a primary source of elevated lead levels in children. He also wrote that the final plan does not put enough emphasis on health education.

EPA officials said they could not comment Thursday afternoon because the public comment period did not close until midnight.

The EPA has said its efforts will protect generations of Omaha children. As for calls that the government broaden its work and tackle other sources of lead, EPA officials say they lack the legal authority to do so unless it is necessary to prevent recontamination of cleaned-up yards.

It's hard to say how these objections will affect the EPA's final cleanup strategy, if at all. At stake is whether 10,000 additional property owners will have their yards dug up as part of a cleanup that could last another 10 years.

The EPA is obligated by law to consider the criticisms as it completes its plan, which could be finished next month.

The EPA intends to test all 40,000 yards in a 27-square mile area of eastern Omaha. Most yards have already been tested and the results indicate that about one out of three will require new soil. The agency has been in Omaha since 1999 and has cleaned up about 4,600 yards.

Lead poisoning is primarily a threat to children, especially those age 6 and under. While lead's effects are hard to detect, they are irreversible. Lead lessens a child's intelligence and has been linked to behavioral problems.

Union Pacific is proposing a cleanup that could cost one-fourth to one-half of what the EPA is proposing, according to Donna Kush, a railroad spokeswoman. Union Pacific and the EPA are in legal talks over the cleanup and liability.

The EPA has made the Omaha cleanup one of its top priorities nationally because it says the city's children are at immediate risk.

According to Union Pacific, which has spent more than \$4 million analyzing Omaha's lead problem and the quality of the EPA's science, the government's own studies point to paint, not soil.

"From a health risk standpoint, it wouldn't be so bad if spending close to a half billion dollars would solve the problem. Clearly it won't," said Janet Kester, a toxicologist for NewFields, an environmental consulting company. "The problem would still remain lead-based paint."

Kester and Steve Werner, a NewFields environmental engineer, are among the scientists hired by Union Pacific to analyze the lead cleanup.

Werner said three of the EPA's own studies — one of which examined city parks for lead — support U.P.'s position. Parks are much less contaminated than yards, he said, which he called proof that the problem comes from flaking lead paint on homes in those yards.

The yards slated for cleanup all have lead levels of at least 400 parts per million. By contrast, the amount of lead in park soil usually ranged from 50 to 100 parts per million, he said.

Lead was banned from house paint in 1978, and the near-downtown neighborhoods that are being cleaned up contain the city's oldest homes.

Online extra

- The EPA documents
- The Union Pacific Railroad documents

In December, John Askew, the EPA's regional administrator, said his agency has conducted specialized tests on the lead found in Omaha yards and found that much of it is of the type used in smelters.

Lead types vary, and there are more than 200 varieties.

"Lead smelter operations are the single largest identified source of lead in the yards," Bob Feild, EPA coordinator for the Omaha cleanup, said this month. Feild said that smelter emissions accounted for more than 95 percent of the lead in a yard west of 48th Street that was singled out for specialized testing.

Askew said the EPA "is not ignorant of the dangers of lead paint" but is limited in its authority to fix the paint on homes. The EPA is repairing flaking lead paint on homes in yards where the soil is being cleaned up.

Omaha's riverfront was once home to a thriving lead industry. The Asarco metals company operated its refinery for more than a century. Gould had a battery plant nearby. The Asarco site is home to Rick's Cafe Boatyard and the Gould site is now the Heartland of America Park.

In addition to Union Pacific, EPA is targeting both of those companies and the Aaron Ferer & Sons Co.

• **Contact the writer:** 444-1102, nancy.gaarder@owh.com

Contact the Omaha World-Herald newsroom

Copyright ©2009 Omaha World-Herald®. All rights reserved. This material may not be published, broadcast, rewritten, displayed or redistributed for any purpose without permission from the Omaha World-Herald.