

RESPONSIVENESS SUMMARY

OMAHA LEAD SITE

Interim Record of Decision

December 15, 2004

On July 16, 2004, the Environmental Protection Agency (EPA) released the Omaha Lead Site (OLS) Proposed Plan for a 30-day public comment period. The Proposed Plan described the Agency's preferred alternative for cleanup at the Site. Two public meetings were announced with the release of the Proposed Plan and conducted on August 10, 2004, in North Omaha and South Omaha within the focus area of the OLS. Three separate extensions of this comment period were granted in response to requests from community members. Additional EPA availability sessions were scheduled and conducted on August 20, 21, and 26, 2004. The comment period for the OLS Proposed Plan closed on November 1, 2004. Comments received are summarized in this Responsiveness Summary.

The EPA believes that an interim action for the Site is appropriate at this time to protect the residents of Omaha that are at greater risk from highly contaminated soils while a final remedy is being developed for remaining properties that are contaminated at low to moderate levels. Interim actions are usually more limited in scope than a final action. Requirements for the documentation to support an interim action are typically less than for a final action. For instance, a conventional Remedial Investigation/Feasibility Study (RI/FS) is not always required to proceed with an interim action. Agency policy requires, however, that an interim action must be supported by documentation of the rationale for conducting the interim action. A large amount of data has been collected at the OLS which identifies and documents the need for a response to the lead contamination in residential soils. The EPA believes that an interim remedy will provide the ability to address this significant threat, and concurrently develop additional information regarding risk characterization and potential treatment technologies that will be considered during the remedy selection process for a Final Record of Decision (ROD).

The EPA received hundreds of pages of comments on the OLS Proposed Plan and supporting documents. Many of these comments were repetitive. For clarity purposes, EPA has attempted to limit the number of responses to similar comments. In some instances, related comments have been combined for a single comprehensive response. In certain cases, responses to specific comments of a technical nature were not provided if a more general response adequately addresses the comment. This responsiveness summary has been prepared with the goal of

responding to all comments without being overly repetitive, while assuring that the public clearly understands the basis and goals of the interim remedy.

Comments Received from State and Local Governments

The Nebraska Department of Environmental Quality (NDEQ) submitted comments requesting clarification of whether the institutional controls in the preferred alternative would consist of a notice or restrictions on the property deed and whether placement of an institutional control would prohibit quarterly deletion of properties once remediation is complete. The NDEQ does not support such institutional controls that would place notice or restrictions on property deeds, or would prohibit quarterly deletion. The NDEQ would not object to an informational type of institutional control such as a registry identifying properties that have been sampled and remediated. The NDEQ also requested clarification of whether the proposed institutional controls for non-residential lead-contaminated areas where land use could change to residential includes the central business district, which is not considered part of the Site. The NDEQ does not support institutional controls on central business district properties.

The EPA selected remedy does not include institutional controls placed on individual residential properties at the Site. Risk characterization performed to date at the Site indicates that removal and replacement of soils exceeding 400 parts per million (ppm) from remediated properties will achieve a level of human health protection that will not require institutional controls to maintain the protectiveness of the remedy. The need for institutional controls to achieve protectiveness will be further considered during the development of a final remedy for OLS.

The NDEQ concurs with EPA that a more comprehensive approach to addressing all sources of lead exposure is needed at the Site, and believes that activities associated with all of the sources of lead should be included in the preferred alternative.

The EPA participation in a comprehensive remedy is included in the Selected Remedy.

The NDEQ supports beneficial use of excavated soil from the Site, but would need to review technical information to determine if any proposed beneficial use is protective.

The EPA agrees that beneficial use of excavated materials would potentially represent the most attractive final management option for contaminated soils. The selected remedy includes coordination with state and local governments in consideration of a beneficial use project for excavated materials.

The Nebraska Health and Human Services System (NHHSS) submitted comments generally concurring with the interim approach, requesting clarification in some areas, and offering proposed modifications:

The NHHSS recommends that prioritization of properties for remediation should be