



Lead-Impacted Communities Relocation Assistance Trust

POST OFFICE BOX 96 • PICHER, OKLAHOMA 74360 • 918.673.1000

| | | | |
|--------------------|---|---------------|-----------------|
| Larry Rice | = | chairman | ↑ trustees ↓ |
| Mark Osborn | = | vice-chairman | |
| Jim Thompson | = | secretary | |
| Mike Sexton | = | treasurer | |
| Charles Clevenger | | | |
| John Lomax | | | |
| Tamara Summerfield | | | |
| Janelle Trimble | | | |
| Bob Walker | | | |

MINUTES

Public Meeting

August 28, 2007 at 4:00 PM

Picher City Hall • City Council Chambers
101 North Connell • Picher, Oklahoma

APPROVED: 9/24/2007

Notice of this meeting has been filed with the Secretary of State at least 48-hours in advance of said meeting. In addition, a copy of this advance notice of meeting and agenda has been posted in a prominent location at Picher City Hall, 101 North Connell Avenue, Picher, Oklahoma at or before 4:00 PM on August 27, 2007.

The Lead-Impacted Communities Relocation Assistance Trust ("Trust") may vote to approve, disapprove, or take other action on any of the following agenda items. The Trust may vote to authorize public comment on any agenda item and, at its discretion, may impose time limitations on speakers.

- I. **Call to Order** – *Dr. Mark Osborn, Vice Chairman* Time: 4:03 PM
- a. Roll Call – *Jim Thompson, Secretary*

| Present | Trustee Name | Absent | Tardy (time arrived) |
|---------|-------------------------------|--------|----------------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| X | Tamara Summerfield | | |
| X | Jim Thompson | | |
| | Janelle Trimble | X | |
| X | Bob Walker | | |
| | Chairman Larry Rice | X | |

- b. Welcome & Introductions

Vice Chairman Osborn advised those in attendance of the need to adjourn the meeting in sufficient time for everyone to get to the EPA public meeting scheduled for 6:00 PM at the Picher-Cardin High School Commons, which may leave little-to-no time at the end of the meeting for public comments or questions. While the Trust would endeavor to reserve some time for public input, Dr. Osborn offered that Operations Manager Larry Roberts would at least stay after the meeting to answer questions and provide assistance.

II. Consideration and Vote to Approve Minutes from August 9, 2007 Meeting
 – *Jim Thompson, Secretary*

Motion: [waive reading and approve the minutes as drafted.](#)

Motion By:

[Thompson](#)

Seconded:

[Summerfield](#)

| Aye | Trustee Name | Nay | Abstain |
|-----|-------------------------------|-----|---------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| X | Tamara Summerfield | | |
| X | Jim Thompson | | |
| | Janelle Trimble | | <i>absent</i> |
| X | Bob Walker | | |
| | Chairman Larry Rice | | <i>absent</i> |

III. Consideration and Possible Vote to Take Action on Draft Working Budget for Buyout Assistance Program – *Mike Sexton, Treasurer*

Mr. Sexton reported that he was able to compile some preliminary budget figures but would rather wait until the next meeting to provide the Trust and public with more accurate, precise budget information.

No further action was taken.

IV. Consideration and Vote to Approve, Amend, or Take Other Action on Draft Comment Letter to EPA Regarding Proposed Plan for Operable Unit 4 – *Dr. Mark Osborn, Vice Chairman*

Dr. Osborn referred the Trust to the draft letter he circulated in advance of the meeting. He expressed his desire to deliver whatever letter the Trust would ultimately support to the EPA public meeting and read it into the record. Ms. Summerfield expressed concern about allegations in the letter that chat removal would prove unsafe for area citizens, particularly in light of the Quapaw Tribe's interest in assisting its members with safe methods of chat sales from the area. Tim Kent of the Quapaw Tribe Environmental Office also pointed out that the Trust should consider striking one portion of a sentence claiming that soils could be cleaned up to a lesser extent if residents are relocated from the area.

Motion: [submit the comment letter to EPA on behalf of the Trust after removing the sixth paragraph completely, as well as the second phrase of the second sentence of the seventh paragraph.](#)

Motion By:

[Osborn](#)

Seconded:

[Thompson](#)

| Aye | Trustee Name | Nay | Abstain |
|-----|-------------------------------|-----|---------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| X | Tamara Summerfield | | |
| X | Jim Thompson | | |
| | Janelle Trimble | | <i>absent</i> |
| X | Bob Walker | | |
| | Chairman Larry Rice | | <i>absent</i> |

V. Status Report from Trust Contractors on Appraisals, Offers, Closings, and Other Activities – Bob Parmele, Cinnabar Service Company

Mr. Parmele reported that they had completed 337 appraisals, 190 appraisal reviews, and 136 offers to-date. Of the 136 offers made, 115 had been accepted and only 4 had been rejected. Thus far, Cinnabar’s acquisition agents have closed on 63 properties, 17 of which have been verified as vacant.

VI. Consideration and Possible Vote to Approve, Amend, or Take Other Action on Owners Maintaining Property Insurance Pending Acquisition – Larry Roberts, Operations Manager

Larry Roberts informed the Trust that a number of applicants had inquired as to whether they need to continue maintaining property insurance after appraisals are completed. Dr. Osborn suggested that the Trust would pay the amount offered after an offer has been accepted, regardless of whether the property owner had closed or vacated the premises, even if the structure is damaged. Whether or not owners want to maintain insurance until closing, however, is for them to decide and may depend upon a number of factors beyond the Trust’s control, such as protection of a mortgage holders’ interest, etc. Mr. Thompson added that it would be wise for owners to at least maintain contents (or renter’s) insurance while remaining in the house, as the Trust is not responsible for any damage to their body or personal property while living in the home after closing.

No further action was taken.

VII. Consideration and Vote to Approve, Amend, or Take Other Action on Revisions to Trust Buyout Guidelines and Priorities – Dr. Mark Osborn, Vice Chairman

While there were no additional revisions presented for Trust consideration, Dr. Osborn clarified revisions made by the Trust at its August 9, 2007 meeting. At its last meeting, the Trust revised its guidelines to allow applicants the option to seek payment for the cost to move and reestablish their homes rather than having it bought out as long as the cost to do so did not exceed the amount they would otherwise receive to have it bought out. The guideline revision also required that at least two bids be presented for the cost of this move, which Dr. Osborn stressed needed to be quotes from the actual contractors, rather than notes of conversations with the contractors, site preparation, utility hookups, etc., in order for the Trust to better verify the costs.

No further action was taken.

VIII. Consideration and Vote to Approve, Deny, or Take Other Action on Requests for Extensions Beyond the 90-Day Deadline to Vacate – Dr. Mark Osborn, Vice Chairman

- a. Parcel #P1G1006 – Carolyn Ellington

Ms. Ellington reported that her children were not able to take off work sufficient time to assist her in moving from her house, so she requested an additional 30 days to vacate.

Motion: [allow P1G1006 an additional 30 days to vacate the property.](#)

Motion By:

[Sexton](#)

Seconded:

[Summerfield](#)

| Aye | Trustee Name | Nay | Abstain |
|-----|-------------------------------|-----|---------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| X | Tamara Summerfield | | |
| X | Jim Thompson | | |
| | Janelle Trimble | | <i>absent</i> |
| X | Bob Walker | | |
| | Chairman Larry Rice | | <i>absent</i> |

- b. Parcel #P1G1036 – Gary & Linda Garrett

Larry Roberts reported that the Garretts also were requesting an additional 30 days to vacate due to pending completion of their new home.

Motion: [allow P1G1036 an additional 30 days to vacate the property.](#)

| | Aye | Trustee Name | Nay | Abstain |
|---------------------------|------------|-------------------------------|------------|----------------|
| Motion By: | X | Rev. Charles Clevenger | | |
| Sexton | X | John Lomax | | |
| | X | Dr. Mark Osborn | | |
| | X | Mike Sexton | | |
| Seconded: | X | Tamara Summerfield | | |
| Clevenger | X | Jim Thompson | | |
| | | Janelle Trimble | | <i>absent</i> |
| | X | Bob Walker | | |
| | | Chairman Larry Rice | | <i>absent</i> |

IX. Consideration and Vote to Approve, Deny, or Take Other Action on Offers for the Buyout of Residents and Owners – Dr. Mark Osborn, Vice Chairman

Pursuant to the Oklahoma Open Meetings Act, the Trust may enter into Executive Session via recorded vote of a majority of a quorum of Trustees for the purpose of holding confidential communications regarding real estate transactions.

- A. Possible Executive Session to discuss pending real estate transactions for parcels listed hereunder.
 - 1. Vote on whether to enter Executive Session

Motion: [enter Executive Session to discuss pending real estate transactions.](#)

| | Aye | Trustee Name | Nay | Abstain |
|--------------------------|------------|-------------------------------|------------|----------------|
| Motion By: | X | Rev. Charles Clevenger | | |
| Thompson | X | John Lomax | | |
| | X | Dr. Mark Osborn | | |
| | X | Mike Sexton | | |
| Seconded: | X | Tamara Summerfield | | |
| Lomax | X | Jim Thompson | | |
| | | Janelle Trimble | | <i>absent</i> |
| | X | Bob Walker | | |
| | | Chairman Larry Rice | | <i>absent</i> |

- 2. If Executive Session approved, designation of person to keep minutes: [Thompson](#)

3. Executive Session on appraisal values and real estate offers – vote or action taken on any item of business considered in Executive Session must be taken in public meeting

Confidential real estate appraisal information was discussed regarding pending or possible revised offers. Vice Chairman Osborn ordered the Trustees out of executive session.

- B. Identification of properties that should be moved from Summary Disposition for further discussion and/or special consideration (if any).

Motion: [remove P1G3B08, P1G3B14, P1G3B18, P1G3B20, P1G3025, P1G3030, P1G3038, P1G3040, and P1G2110 from Summary Disposition for further review by the Trust Operations Manager and/or Trust contractors.](#)

Motion By:

[Thompson](#)

Seconded:

[Lomax](#)

| Aye | Trustee Name | Nay | Abstain |
|-----|-------------------------------|-----|---------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| X | Tamara Summerfield | | |
| X | Jim Thompson | | |
| | Janelle Trimble | | <i>absent</i> |
| X | Bob Walker | | |
| | Chairman Larry Rice | | <i>absent</i> |

- C. SUMMARY DISPOSITION: Approval of final offers based upon appraisal amount, and authorization to proceed with closing and acquisition on such parcels.

- ~~1. Parcel #P1G2086 – Jimmy & Sheri Willis~~
2. Parcel #P1G3B01 – Church of the Nazarene
3. Parcel #P1G3B02 – Bethel Freewill Baptist Church
4. Parcel #P1G3B04 – Bob Garner Body Shop
- ~~5. Parcel #P1G3B08 – Douthat Holiness Church~~
6. Parcel #P1G3B09 – Picher Assembly of God, Oklahoma District Council
7. Parcel #P1G3B10 – First Baptist Church of Cardin
8. Parcel #P1G3B11 – Cardin Christian Church
9. Parcel #P1G3B12 – United in Christ
10. Parcel #P1G3B13 – Hockerville Baptist Church
- ~~11. Parcel #P1G3B14 – Tecter's Asphalt & Materials~~
12. Parcel #P1G3B15 – End Time Revival Tabernacle
13. Parcel #P1G3B16 – Picher Mining Field Museum
- ~~14. Parcel #P1G3B18 – C. L. Gun Repair~~
15. Parcel #P1G3B19 – First Christian Church
- ~~16. Parcel #P1G3B20 – Oklahoma Flintrock Products, LLP~~
17. Parcel #P1G3002 – Doyle Howell & Kimberly Dixon
18. Parcel #P1G3016 – Everett & Roberta McBride
19. Parcel #P1G3017 – Russlyn LaFalier
20. Parcel #P1G3018 – David & Norma Hassenberg
21. Parcel #P1G3019 – Windell & Octa Rooney
22. Parcel #P1G3020 – Theodore & Linda Freeman
23. Parcel #P1G3021 – Steven & Delores Ray

- 24. Parcel #P1G3022 – James & Amy Cruzan
- 25. Parcel #P1G3023 – Francis Tyree
- 26. Parcel #P1G3024 – Anna Sayers
- ~~27. Parcel #P1G3025 – Mary Sue Newton~~
- 28. Parcel #P1G3026 – Debra Durham
- 29. Parcel #P1G3027 – Kimberly Gosney
- 30. Parcel #P1G3028 – Lillian & Francis Crockett
- 31. Parcel #P1G3029 – Elva Simmons
- ~~32. Parcel #P1G3030 – William & Steven Elmore~~
- 33. Parcel #P1G3031 – Billie Crawford
- 34. Parcel #P1G3033 – Tommy & Alice Sharbutt
- 35. Parcel #P1G3034 – Truman Snow (tenant assistance)
- 36. Parcel #P1G3035 – Mickey McGuire
- 37. Parcel #P1G3036 – Lillie Vickers
- 38. Parcel #P1G3037 – Gerald & Mary Inman
- ~~39. Parcel #P1G3038 – Roger & Margaret Reeves~~
- ~~40. Parcel #P1G3040 – Melba Creech~~
- 41. Parcel #P1G3041 – Karrie Bench
- 42. Parcel #P1G3042 – Georgia Newcomb
- 43. Parcel #P1G3043 – Danny & Chantel Barbee
- 44. Parcel #P1G3044 – Jeremy & Amanda Hinkle

Motion: [approve offers and acquisition on parcels not previously removed from Summary Disposition.](#)

Motion By:

[Thompson](#)

Seconded:

[Lomax](#)

| Aye | Trustee Name | Nay | Abstain |
|-----|-------------------------------|-----|---------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| X | Tamara Summerfield | | |
| X | Jim Thompson | | |
| | Janelle Trimble | | <i>absent</i> |
| X | Bob Walker | | |
| | Chairman Larry Rice | | <i>absent</i> |

- D. SUMMARY DISPOSITION: Approval of revised offers based upon revised appraisal amount, and authorization to proceed with closing and acquisition on such parcels.
 - 1. Parcel #P1G1041 – Belinda Tallent
 - 2. Parcel #P1G2050 – David & Beverly Wilson
 - 3. Parcel #P1G2077 – Benny Miller
 - 4. Parcel #P1G2095 – Harold & Robin Cawyer
 - ~~5. Parcel #P1G2110 – Shane Trease~~
 - 6. Parcel #P1G2140 – LeRoy & Pamela Oswald

Motion: [approve offers and revised offers on all but P1G2110.](#)

Motion By:

[Thompson](#)

Seconded:

[Lomax](#)

| Aye | Trustee Name | Nay | Abstain |
|-----|-------------------------------|-----|---------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| X | Tamara Summerfield | | |
| X | Jim Thompson | | |
| | Janelle Trimble | | <i>absent</i> |
| X | Bob Walker | | |
| | Chairman Larry Rice | | <i>absent</i> |

E. SPECIAL CONSIDERATION: Consideration and vote to approve, amend, or take other action on offers or revised offers for buyout assistance, including authorization to proceed with closing and acquisition on such parcels.

1. Parcels transferred from Summary Disposition (if any)

Motion: [remove P1G2086 from Summary Disposition for further review by the Trust Operations Manager and/or Trust contractors.](#)

Motion By:

[Thompson](#)

Seconded:

[Lomax](#)

| Aye | Trustee Name | Nay | Abstain |
|-----|-------------------------------|-----|---------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| | Tamara Summerfield | | X |
| X | Jim Thompson | | |
| | Janelle Trimble | | <i>absent</i> |
| X | Bob Walker | | |
| | Chairman Larry Rice | | <i>absent</i> |

X. **Consideration and Vote to Take Action Regarding Future Meeting Dates, Locations, and Topics** – *Dr. Mark Osborn, Vice Chairman*

Trust members unanimously consented to setting the next Trust meeting on Tuesday, September 11, 2007 at 5:00 PM in Council Chambers at Picher City Hall.

XI. **Adjourn** – *Dr. Mark Osborn, Vice Chairman*

Time: [5:50 PM](#)

Motion: [adjourn meeting.](#)

Motion By:

[Lomax](#)

Seconded:

[Sexton](#)

| Aye | Trustee Name | Nay | Abstain |
|-----|-------------------------------|-----|---------------|
| X | Rev. Charles Clevenger | | |
| X | John Lomax | | |
| X | Dr. Mark Osborn | | |
| X | Mike Sexton | | |
| X | Tamara Summerfield | | |
| X | Jim Thompson | | |
| | Janelle Trimble | | <i>absent</i> |
| X | Bob Walker | | |
| | Chairman Larry Rice | | <i>absent</i> |

DRAFT

August 28, 2007

Ms. Janetta Coats, Community Relations Coordinator
U.S. EPA (6SF-TS)
1445 Ross Avenue
Dallas, TX 75202-2733

RE: Comments on Tar Creek OU4

Dear Ms. Coats:

It is with profound disappointment that the Lead Impacted Communities Relocation Trust has learned of the decision by the EPA to omit funding for the voluntary relocation of the residents of the Tar Creek Superfund site in its current proposal for Operational Unit 4. To do so continues to ignore the greatest risk to public health and safety, subsidence risk, that presents itself to the population.

Buried in the decision to select the currently proposed remedy is the assumption that the EPA can make Picher, Cardin and Hockerville safe places for people to live by yard remediation to be followed by chat removal. New information, contained in the United States Army Corps of Engineers' "Picher Mining Field Northeast Oklahoma Subsidence Risk Evaluation" has shown this to be untrue.

While you may not have the statutory authority to evaluate or remediate subsidence risk, your statutory authority does not require you to *exclude* relevant information inherent to the dangers of the site in your decision making process. This is an important differentiation, and to continue to do so constitutes a policy by the EPA of deliberate and purposeful ignorance.

Included in your interim policy on the use of permanent relocation is the referencing of CERCLA section 101 (24). In this reference you note it, "grants explicit authority to conduct permanent relocations..." and that such may be justified "where it is necessary to protect human health and the environment." Your policy further notes, "Generally, the primary reasons for conducting a permanent relocation would be to address an immediate risk to human health (where an engineering solution is not readily available)..." This is clearly the case in relation to the subsidence risk of the site.

The assumption that the EPA can make the site a safe place for people to live without investing the estimated billions of dollars to have the USACOE fully evaluate the subsidence risk *and alleviate it* appears to make all other options but relocation a moot point. To continue the current EPA policies, equivalent to the rearranging of the deck

chairs on the Titanic after all have become aware that the ship is sinking, only further damages the EPA's credibility.

Acknowledgement of the subsidence risk at the site would allow the reassessment of an operational unit, OU4, which is based on the flawed assumption that the current policies of the EPA can result in a safe civic and residential area in Picher, Cardin and Hockerville. This clearly is not the case and to continue to assume so is the worst form of sophistry. It is inconceivable that the EPA would choose to pursue the activity at the site that will pose increased risk to human health (moving the chat piles and fines with the population still in place), while ignoring the only option (relocation), which, in the final analysis, will be protective. It is of far less risk to the residents should the fines continue to be held in place by undisturbed chat piles than it is to expose them to the most toxic component of the residual material (i.e. the fines) as you attempt to remove the seventy million tons of waste currently interwoven with the communities at the site.

Furthermore your evaluation of the voluntary buyout using the mechanism developed by the State of Oklahoma in the form of the Trust is incorrect both in cost and time analysis. Removal of the chat and fines can be done more cheaply with the population removed and the ground can be remediated to a lesser standard if it is not to be a residential area. In addition, you have overestimated the cost of the buyout. With the buyout already a third of the way completed, the cost will obviously be less than you have predicted, particularly as we are exempted from the Uniform Relocation Act. And finally, with the Trust mechanisms currently in place, it is unlikely we will need three years to complete the process.

We would beg of the EPA that it reconsider its plans for OU4. With the people removed, the entire project can be reevaluated. We would suggest that the list of priorities should start with public safety and health, and subsequent to buyout, should be refocused to limit environmental damage to the watershed. In this setting, there would be no pressure to push chat sales past economic realities, and the process of chat removal and the permanent storage of fines can be explored at a safe, rational and commercially viable pace.

By its stubborn insistence to ignore information pertinent to the site the EPA has managed to produce a recommendation that has been found to be unsatisfactory by the citizens of Picher, Cardin and Hockerville, the ODEQ, the affected tribes, the State of Oklahoma and this Trust. The acceptance of the remedy selected by the EPA requires deliberate ignorance and the abdication of reason. This is a situation we sincerely hope does not come to pass.

Sincerely,

J. Mark Osborn, MD

Vice Chairman, Lead-Impacted Communities Relocation Assistance Trust

STATUS REPORT

AUGUST 28, 2007

- APPRAISALS 337
- REVIEWS 190
- OFFERS MADE 136
- OFFERS ACCEPTED 115
- OFFERS REJECTED 4
- CLOSINGS 63
- VACATES 17