

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

Minutes for Meeting Held
Wednesday, January 10, 9:30 a.m.
Omaha Police Department, Southeast Precinct
2475 Deer Park Blvd.
Omaha, NE 68105

OLS CAG Members Present:

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*
Sue Casteel—*Agency for Toxic Substances and Disease Control*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jonah Deppe—*League of Women Voters*
Connie Determan—*MFG, Inc.*
Jim Dowding (Designee for Gary Gernandt and Frank Brown)—*City Council Staff*
Kara Eastman—*Omaha Healthy Kids Alliance*
Bob Feild—*U.S. Environmental Protection Agency*
Nick Flattery—*OneWorld Community Health Center*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Dr. Adi Pour—*Douglas County Health Department*
Chris Rodgers—*Douglas County Board of Commissioners*
Karen Shepard—*OPS School Board*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*Douglas/Sarpy County Extension*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Mary Castaneda—*EPA Information Offices*
Joel Christensen—*Metropolitan Utilities District*
Lelia Coyne—*Citizen*
Felisa Dillon—*EPA Information Offices*
Tina Gray-Ventry—*Lead Safe Omaha Coalition*
Tom Janssen—*Senator Chuck Hagel's Office*
Louise Latimer—*Senator Ben Nelson's Office*
Kathy Leinenkugel—*Douglas County Health Department*
Mia Price—*Charles Drew Health Center*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*U.S. Environmental Protection Agency*
Reid Steinkraus—*Douglas County Health Department*
Lauren Urban—*MFG, Inc.*
Diane Ward—*Creighton University, Department of Pediatrics*

Ms. Council thanked everyone for their attendance at the third anniversary of the CAG's establishment. Ms. Council congratulated CAG members for their commitment to reducing children's blood lead levels in Omaha.

1. Discussion on Minutes from the December 13, 2006 Meeting

Ms. Council asked for corrections or additions to the minutes from the December 13, 2006 meeting.

Dr. Pour stated that Ms. Anne Camp's name was misspelled.

Ms. Barrientos-Patlan stated that on page two, "and distributed her comments to the CAG" should be added to, "Ms. Barrientos-Patlan stated that she has comments to submit." Ms. Barrientos-Patlan stated that on page five, "Ms. Barrientos-Patlan stated that it is expensive to visit the Omaha Children's Museum" should read, "Ms. Barrientos-Patlan stated that it is expensive for low-income families and those on fixed incomes to visit the Omaha Children's Museum." Ms. Barrientos-Patlan stated that on page five, "Ms. Council stated that a permanent exhibit at the Omaha Children's Museum is newsworthy" should be elaborated to include Ms. Council's emphasis on the CAG's achievement of the exhibit.

Mr. Feild, referring to page two, stated that there appeared to be confusion about whether or not EPA will forward received comments on to the CAG. Mr. Feild stated that EPA will gladly forward any comments to the CAG. Mr. Feild stated that he would like the deletion on page two deleted. Ms. Deppe stated that she recalled Mr. Feild making the statement in question. Ms. Council stated that Mr. Feild had stated that EPA is not required to provide the comments to the CAG. Mr. Sanders stated that, although EPA is not required to provide the comments, EPA will. Mr. Feild stated that the comment is correct, but gives the false impression that EPA will not provide the comments to the CAG. Mr. Feild stated that EPA is willing and will provide any and all comments received on any EPA document to the CAG.

Ms. Deppe motioned to approve the minutes with the corrections provided by Dr. Pour and Ms. Barrientos-Patlan. Ms. Weston seconded the motion. The motion was unanimously approved (11-0).

2. Education Committee Update

Mr. Waldren provided an update on the Education Committee. Mr. Waldren reported that the Omaha Children's Museum display is still up. Mr. Waldren stated that the display was mentioned in the Omaha World-Herald in a brief article. Mr. Waldren stated that the next educational session at the museum will occur on January 20, 2007.

Mr. Waldren stated that the School Task Force will meet on January 22, 2007.

Mr. Waldren stated that the committee discussed whether or not to hold a lead awareness week this year. Mr. Waldren stated that OHKA is doing a good job on maintaining a calendar of lead events in the community. Mr. Waldren stated that the committee is planning to put together a calendar of all anticipated events for the year. Mr. Waldren asked that CAG members report any events to Ms. Eastman.

Mr. Waldren stated that the Douglas/Sarpy County Extension office is moving forward with their HUD grant.

Ms. Weston stated that she was in agreement with Ms. Barrientos-Patlan and would like to know what could be done to subsidize the field trips to the museum for local school children. Mr. Waldren stated that the committee has been working on making school field trips possible. Ms. Eastman stated that the children's museum has offered a permanent exhibit to OHKA in 2008. Ms. Eastman stated that OHKA would like to put resources towards the permanent exhibit, rather than a temporary exhibit. Ms. Eastman stated that the committee will create a long-range plan. Ms. Weston stated that the kids are not being educated now and suggested targeting spring field trips, perhaps in April. Ms. Eastman stated that the temporary display ends in March. Ms. Casteel stated that the exhibit is mobile and will be displayed in individual schools.

Ms. Council suggested inviting Ms. Luanne Nelson to the School Task Force meeting to discuss potential funding opportunities.

3. EPA Update

Mr. Feild provided an update on EPA activities. Mr. Feild distributed copies of an EPA update sheet listing the final numbers of soil replacements performed by EPA in 2006. Mr. Feild stated that approximately 10,000 properties remain to be sampled in 2007.

Mr. Feild reported that the ATC laboratory review should be finalized by the next CAG meeting.

Mr. Feild stated that EPA is aware of an interest in extending the comment period for EPA's treatability study plan. Ms. Council stated that the CAG had made a formal request to extend the comment period. Mr. Feild stated that EPA would extend the comment period until the February CAG meeting.

Ms. Weston asked if EPA would wait to proceed with the treatability study until replying to all comments on the plan. Mr. Feild replied that EPA will prepare a written response to comments and the revise the draft plan into a final document. Ms. Weston asked when EPA expects to complete the final treatability study plan. Mr. Feild replied that he expects the document to be finalized within 30 days of the end of the comment period (March 16, 2007).

Mr. Feild reported that EPA is still preparing the response to the CAG's request for an Explanation of Significant Differences.

Mr. Feild reported that EPA received three sets of comments on EPA's large park sampling plan, which were distributed to the CAG.

Mr. Feild reported on EPA's contracting strategy for 2007. Mr. Feild stated that EPA's contracting strategy is dependant upon available funding. Mr. Feild stated that he anticipates receiving adequate funding.

Mr. Feild stated that 400 additional properties, located primarily in North Omaha, will be contracted through the U.S. Army Corps of Engineers. A second contract will be an indefinite-delivery, indefinite-quantity (IDIQ) contract. A third contract will be a performance-based contract. The IDIQ and performance-based contracts will include a base of 100 properties each, with options for three additional sets of 100 properties, for a total of 600 properties between the two contracts. Mr. Feild stated that EPA has a goal of remediating 1,000 properties in 2007.

Ms. Weston asked if one company could have both the IDIQ and performance-based contracts. Mr. Feild replied that it is inappropriate for one company to have both contracts because of the potential conflict. Mr. Feild stated that the IDIQ contract will include properties in North and South Omaha, while the performance-based contract will include primarily South Omaha properties. Mr. Feild stated that the IDIQ contract will be an 8(a) contract, and the performance-based contract will be a HUBZone contract. Ms. Weston stated that because the performance-based contract is a HUBZone contract, it will be open to contractors across the country. Mr. Feild stated that EPA cannot restrict the bidding process to only Omaha contractors.

Mr. Feild stated that paint stabilization work will begin through the City this year. Mr. Feild stated that EPA has additional funds for paint stabilization that will be made available, as the City gets the program running.

Ms. Deppe asked what percentage of EPA-sampled properties have had soil excavated. Mr. Feild replied that 14% of properties sampling are eligible for the current phase of EPA's cleanup, and 10% of sampled properties have been excavated.

Ms. Barrientos-Patlan thanked Union Pacific Railroad for their comments provided to EPA on EPA's large park sampling plan. Ms. Barrientos-Patlan was grateful for Union Pacific's comments and stated that she appreciated Union Pacific's diligence in correcting errors.

Ms. Barrientos-Patlan asked if the comment provided to EPA would be incorporated into EPA's final plan. Mr. Feild replied that EPA will address all comments.

Ms. Weston asked if access has been obtained at the remaining 10,000 properties EPA intends to sample. Mr. Feild replied that the 10,000 figure includes properties where EPA has and has not obtained access.

Ms. Council asked if EPA has been discussing the review of the CAG's request for an Explanation of Significant Differences with the State. Mr. Feild replied that the State has been in contact with EPA. Ms. Council reminded EPA that the request included utilization of the State's cost share for the CAG's proposed activities. Ms. Council stated that the State's fiscal year differs from EPA and begins on July 1st. Ms. Council stated that timing is important to ensure that the State's cost share is utilized as requested. Mr. Feild added that the existing Superfund contract would have to be amended before contracts are awarded.

Ms. Council stated that an issue has been raised, which the CAG needs to address. Ms. Council stated that a couple years ago, the CAG voted to establish information repositories at four Omaha libraries. Ms. Council stated that when the July, August, and September CAG notebooks were taken to the libraries, librarians at two of the libraries stated that EPA had removed the CAG's repositories. It was learned that the repositories had been relocated to the EPA information centers. Ms. Council stated that she reviewed previous CAG minutes, and the CAG had never authorized relocating the two repositories to the EPA information centers. Ms. Council reported that she called Ms. Debbie Kring about the situation. Ms. Council stated that Ms. Kring said that she would talk with Mr. Feild, who would call Ms. Council. Ms. Council stated that she has not received a call from Mr. Feild. Ms. Council asked by what authority EPA removed the repositories. Ms. Council expressed concern that the CAG's website directs the public to the libraries to view the repositories.

Mr. Feild stated that he had left messages for Ms. Council. Mr. Feild stated that EPA was contacted by a librarian, asking if EPA could relocate the EPA Administrative Record for the site because of limited shelf space. Mr. Feild stated that EPA decided to move the Administrative Record to the EPA information offices. Mr. Feild stated that EPA did not intend to move the CAG materials. Mr. Feild stated that the libraries delivered the materials to EPA. Mr. Feild stated that EPA would return the CAG's materials to the libraries and that it would be up to the CAG to arrange storage with the libraries. Mr. Feild apologized for any misunderstanding about what occurred. Mr. Feild reiterated that EPA did not intend to remove the CAG's materials.

Ms. Council stated that the CAG needs to decide what to do about the repositories. Ms. Council stated that she received conflicting information from the librarians about how the CAG's binders were handled. Ms. Deppe stated that she would be concerned about keeping the binders at the EPA information centers because of the restricted hours. Ms. Barrientos-Patlan stated that South Omaha is building a new library, so the CAG may want to hold onto the materials until the new branch is completed. Ms. Price asked if the CAG has considered putting the materials on microfiche. Ms. Council replied that all materials are available on the CAG's website. Ms. Council added that the cost of transferring the materials to microfiche would likely be prohibitive. Dr. Pour suggested meeting with a library representative and explaining why it is important to have the materials available. Dr. Pour suggested that the CAG could maintain additional repositories at the EPA information centers. Ms. Council stated that she would meet with a library representative to discuss the issue.

Mr. Janssen stated that the issue is the public's access to the information. Mr. Janssen stated that notification should have been provided if materials were to be moved.

Mr. Sanders stated that the Administrative Record belongs to EPA, and EPA decides what is in it. Mr. Sanders stated that EPA does not care where the Administrative Record is located because the Administrative Record's purpose is for litigation. Mr. Janssen stated that no one is talking about EPA's Administrative Record. Ms. Deppe stated that the CAG was talking about public access to information. Mr. Sanders stated that the library asked EPA to remove the information. Ms. Deppe stated that if something comes up like that, EPA should at least talk to the CAG before taking action.

4. OHKA Update

Ms. Eastman provided an update on Omaha Healthy Kids Alliance (OHKA) activities. Ms. Eastman stated that the OHKA Housing Committee will meet January 24, 2007, and the School Task Force will meet January 22, 2007.

Ms. Eastman reported that OHKA is applying for an EPA grant to develop a partnership with CLEARCorps to develop a social marketing and education campaign. Ms. Eastman stated that she is excited about the potential national partnership that would be piloted and could be replicated in other communities.

Ms. Eastman stated that OHKA is still working to arrange the medical provider training. Ms. Eastman announced that the keynote speaker will be Dr. Bruce Lanphear, and Dr. Pour will be the Master of Ceremonies.

Ms. Eastman stated that she met with Lt. Governor Sheehy, Mr. Steinkraus, Mr. Rodgers, and Mr. Joe Bateman to discuss legislation. Ms. Eastman stated that an official committee has not yet been formed.

Ms. Weston asked if OHKA has received 501(c)(3) status. Ms. Eastman replied that OHKA's application is pending.

Ms. Weston asked if, for other grants, OHKA would be a collaborator. Ms. Eastman stated that it would depend on the grant. Ms. Eastman stated that, at this time, OHKA can collaborate or go through the Omaha Community Foundation, while waiting for approval of 501(c)(3) status. Ms. Eastman stated that the CAG and OHKA need to start talking about how to best proceed when grant opportunities arise. Ms. Eastman stated that OHKA hopes to collaborate with any viable entity to offer support, services, and grant writing assistance. Ms. Eastman stated that OHKA wants to help get as much money to organizations as possible. Ms. Council suggested developing a strategic information sharing mechanism. Dr. Pour suggested that any grant be directed to the applicable committee, such as funneling education grants through the Education Committee.

Ms. Barrientos-Patlan asked if the Grants Committee could help maintain the PM-10 air monitor in South Omaha. Ms. Barrientos-Patlan stated that she would like EPA to consider adding the South Omaha monitor to the other monitors in Omaha. Ms. Barrientos-Patlan stated that it seems like South Omaha's air quality is not as protected and important as the rest of the City. Ms. Barrientos-Patlan added that Douglas County was planning to discontinue the monitor located at 25th and L Streets in July of 2007.

Ms. Eastman stated that the next OHKA board meeting will be held on January 18, 2007.

5. City HUD Grant Update

Ms. Todd provided an update on the City's HUD grant program. Ms. Todd reported that 14 homes were completed during the last quarter. Ms. Todd stated that she will have a full report in February.

Ms. Todd stated that the City will be providing lead safe work practices training for painters and remodelers on January 16, 2007. Ms. Todd stated that she expects 85 participants. Ms. Todd stated that the City will hold an information meeting for potential contractors for EPA's paint stabilization program on January 23, 2007.

Ms. Todd stated that, as part of the "Don't Spread Lead" campaign, yard signs will be posted where contractors are performing paint stabilization, to promote lead safe work practices. Ms. Todd stated that the signs include OHKA's logo and a "Don't Spread Lead" message.

Ms. Barrientos-Patlan stated that she knows an individual who reported that, in order to get a contract, he would have to purchase a \$600-\$800 vacuum. Ms. Todd stated that purchasing a vacuum would be required to do EPA's interior cleaning work, but is not required for paint stabilization. Ms. Weston suggested that contractors share vacuums.

Ms. Weston asked why OHKA's logo is on the signs. Ms. Todd stated that the signs also credit HUD for providing the funding. Ms. Todd stated that the City is part of OHKA. Ms. Todd stated that the City is assisting OHKA in becoming a recognized lead poisoning prevention group.

Ms. Weston asked if homes remediated through the City's HUD program can be sold. Ms. Todd stated that the property has to be maintained during the three-year grant period. During that time, the property can be sold, but the owner would have to repay a prorated portion of the grant. Ms. Weston asked how the City would know if a property were sold. Ms. Todd stated that the grant would show up in a title search.

6. NDEQ Update

Mr. Davis stated that NDEQ is reviewing EPA's treatability study and requested an extension of the comment period.

7. LSOC Update

Ms. Weston stated that she did not have an update on Lead Safe Omaha Coalition (LSOC) activities.

8. Comprehensive Plan Committee Update

Ms. Weston provided an update on the Comprehensive Plan Committee. Ms. Weston stated that it is the consensus of the committee to move under OHKA. Ms. Weston stated that the committee recommends becoming part of OHKA and forming subcommittees, as appropriate. Ms. Deppe added that, as stated in the CAG's Comprehensive Plan, it was always the intent of the CAG to move committees under OHKA, once OHKA was established. Ms. Deppe motioned on behalf of the committee to move the committee under OHKA. Ms. Weston seconded the motion. Ms. Council stated that it is expected that current committee members will still work on the committee under OHKA. The motion was unanimously approved (11-0).

Mr. Feild requested that future Comprehensive Plan Committee meetings be scheduled at a time close to the CAG meeting. Ms. Eastman stated that only Housing Committee and Education Committee meeting are planned at this time. Ms. Eastman stated that efforts will be made to schedule meetings close in time to CAG meetings.

9. Questions and Answers

Ms. Council stated that the next CAG meeting will be held February 14, 2007 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (January 10, 2007):

Draft CAG Meeting Minutes from 12/18/06

Final CAG Meeting Minutes from 11/08/06

Comprehensive Plan Committee Minutes from 12/11/06

EPA Draft Treatability Study Work Plan, Omaha Lead Site (Provided by EPA)

Windows of Opportunity: Lead Poisoning Prevention, Housing Affordability, and Energy Conservation (Provided by Ms. Marian Todd)

\$10,000 Champions for Healthy Kids Grants Now Available (Provided by Ms. Marian Todd)

CPSC Takes Step Forward in Effort to Protect Children from Hazardous Metal Jewelry (Provided by MFG, Inc.)

Children's Butterfly Necklaces Recalled by U.S. Toy Co. Due to Lead Poisoning Hazard (Provided by MFG, Inc.)

Comments of Union Pacific Railroad Company on EPA's November 6, 2006 "Feild Sampling Plan Large Park Surface Soil Investigation, Omaha Lead Site" (Provided by Union Pacific)

49th and Sorenson Email and Information (Provided by EPA)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

EPA Update (hardcopy to be delivered)