

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

Minutes for Meeting Held
Wednesday, January 12, 2005, 9:30 a.m.
Salem Baptist Church
3131 Lake Street

OLS CAG Members Present:

Tanya Cook—*Governor's Omaha Advisory Council for Lead Safe Neighborhoods*
Todd Davis—*Nebraska Department of Environmental Quality*
Connie Determan—*MFG, Inc.*
Bob Feild—*Environmental Protection Agency*
Jeff McDermott—*Union Pacific Railroad*
Steve Scarpello—*City of Omaha Mayor's Office*
Karen Shepard—*OPS School Board*
Rebecca Valdez—*Chicano Awareness Center*
Vernon Waldren—*University Extension*
Cammy Watkins—*Sierra Club*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

George Barsom—*Professional Environmental Engineers*
Lawrence Bradley—*University of Nebraska, Omaha*
Sue Casteel—*ATSDR*
Joel Christensen—*MUD*
Felisa Dillon—*ASW*
Nancy Gaarder—*Omaha World-Herald*
Kevin Howe—*U.S. Army Corps of Engineers*
Debbie Kring—*Environmental Protection Agency*
Kathy Leinenkugel—*Douglas County Health Department*
Stacy Meacham—*MFG, Inc.*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Mark Schafer—*Marc Environmental Services*
Reid Steinkraus—*Douglas County Health Department*
Warren Weaver (proxy for Councilmen Gernandt and Brown)—*City of Omaha*

Mr. Waldren announced that Ms. Council was on vacation, and he had been asked to substitute as facilitator in her place.

Introductions of all present were made.

Mr. Waldren asked for any corrections to the CAG meeting on December 8, 2004. Ms. Weston motioned to approve the minutes as distributed. Mr. McDermott seconded the motion. The motion unanimously passed (8-0).

Mr. Waldren announced that Mr. Scarpello would be replacing Mr. Rodger's on the CAG. Mr. Waldren congratulated Mr. Weaver for being selected for City Council Chief of Staff.

Mr. Waldren invited EPA to provide an update. Mr. Feild provided a handout of recent EPA activities. Mr. Feild stated that a dynamic process exists between EPA and the U.S. Army Corps of Engineers (USACE). Mr. Feild stated that recently, for example, an urgent need arose to excavate soil at a property. Because the USACE was not prepared to respond as quickly as EPA could, EPA performed the excavation.

Mr. Feild provided copies of the letter sent to homeowners accompanying soil sample results, as discussed at the CAG meeting on December 8, 2004. Mr. Feild stated that the letter includes the recommendation that children have their blood tested for lead.

Mr. Feild stated that on December 15, 2004, EPA released the Interim Record of Decision (Interim ROD) for the Omaha Lead Site. Mr. Feild stated that the Interim ROD is essentially the same as the preferred alternative in the Proposed Plan. Mr. Feild discussed the variations between the Proposed Plan preferred alternative and the Interim ROD.

Mr. Feild stated that the Interim ROD does not specify the number of yards to be excavated, but instead, employs criteria by which yards will be selected for excavation. Mr. Feild stated that the language in the Interim ROD clarifies that clean soil cover may be considered in large open areas. Mr. Feild explained that the Proposed Plan stated that exterior paint could be addressed if ten percent of paint is chipping or flaking, but the Interim ROD excludes the ten percent basis, allowing for a qualitative, property-by-property decision. Mr. Feild stated that the Interim ROD only includes institutional controls for a potential soil repository.

Mr. Feild stated that the Interim ROD does not include institutional controls for individual properties. Mr. Feild stated that EPA does not believe there will be a need for institutional controls or engineering controls at individual properties. Mr. Feild explained that residential yards with less than 400 parts per million (ppm) lead from the surface to a one foot depth and less than 1,200 ppm below a one foot depth are considered protective of human health, according to criteria developed by ATSDR as part of a Health Consultation. Mr. Feild stated that institutional controls, specifically snow fencing, have been used at properties excavated under EPA's emergency removal authority. Mr. Davis asked how many yards have been excavated where snow fencing was used. Mr. Feild stated that a significant number of the excavations included the use of snow fencing.

Ms. Leinenkugel, referring to the EPA update handout, asked if 707 was the correct number of properties assigned for excavation in 2004. Mr. Feild stated that 707 properties were assigned for excavation in the 2004 construction season.

Ms. Leinenkugel asked if EPA would provide an updated fact sheet for the community, explaining the Interim ROD. Ms. Leinenkugel stated that the last EPA fact sheet was released in July 2004. Mr. Feild stated that a fact sheet would be created.

Mr. Howe provided an update on USACE activities. Mr. Howe explained that although EPA's update handout states that 314 properties are assigned to the USACE for excavation, the USACE is actually only contracted to excavate at 283 properties. Mr. Howe stated that the other approximately 40 (31) properties would be handed back to EPA or substituted if a particular property becomes a higher priority.

Mr. Howe, referring to discussion at the December 8, 2004 CAG meeting, stated that subcontractors are not expected to be utilized until spring. Mr. Howe explained that the two contractors (Environmental Chemical Corporation (ECC) and HydroGeoLogic (HGL)) have submitted work plans, but HGL's work plan has not yet been approved. He explained that HGL got off to a slower start than ECC due to the fact that HGL's contract requires special insurance, which HGL was unable to obtain until after the contract was awarded. Mr. Howe stated that ECC's contract includes 163 properties and HGL's includes 120 properties.

Mr. Howe stated that ECC's work plan was approved, and, in December 2004, ECC excavated six properties. He stated that ECC would be responsible for excavating the first 120 of their properties by June of 2005, with the remaining to be completed by August of 2005; thus, the bulk of their effort will commence in the spring. Mr. Howe stated that ECC would be using more local subcontractors in the spring.

Mr. Howe stated that the USACE is interested in assuring that contractors follow through with their proposals, but the USACE is restricted from requiring any particular subcontracting because of federal regulations. Mr. Howe stated that contractors are compelled to use local subcontractor because of incentives that have been built into the contracts and to increase their likelihood of gaining future work from the USACE. Ms. Weston asked if the contractor's work plans address subcontracting. Mr. Howe stated that the work plans focus on procedures, providing details on how work will be completed, but not on who specifically will be completing the work. Ms. Weston asked what amount contractors could gain from incentives. Mr. Howe replied that the incentives for each contract are \$100,000, which is five percent of the 2 million dollar contracts. Ms. Weston asked if the USACE is also looking at gaining additional work from EPA in the future. Mr. Howe stated that USACE is interested in additional work from EPA, but, at this time, EPA has not made commitments regarding potential future work for USACE at the Omaha Lead Site.

Ms. Weston asked if EPA has decided how the excavations will be handled at the additional 5,600 properties estimated to be excavated in the Interim ROD. Mr. Feild

stated that EPA is developing a contracting strategy. Mr. Feild stated that nothing will be decided until after discussions and negotiations with Potentially Responsible Parties (PRPs) are complete. Mr. Feild stated that EPA hopes the PRPs will take the lead.

Ms. Weston asked if the special notice letter has been distributed to PRPs. Mr. Feild stated that the special notice had been sent. Ms. Weston asked when the CAG would see a copy of the letter. Mr. Feild stated that EPA Region 7 is trying to find out from EPA Headquarters if the letter is releasable. Ms. Weston stated that special notice letters have been released to the public at other Superfund sites and asked why the situation is different in Omaha. Mr. Sanders stated that the letter might be releasable, but that EPA Region 7 has not heard back from EPA Headquarters. Ms. Weston asked if there was something unique about the Omaha Lead Site that was preventing EPA from releasing the special notice letter. Mr. Sanders stated that as soon as EPA Region 7 hears from EPA Headquarters, they would know whether or not to release the letter.

Mr. Schafer asked if EPA has a plan to address interior risks. Mr. Feild stated that EPA has a strong commitment to work with the U.S. Department of Housing and Urban Development (HUD) and expects HUD to have a higher level of participation at the Omaha Lead Site. Mr. Feild stated that EPA would routinely sample interior dust at properties with contaminated soil to determine the relative contribution of soil lead to lead in dust and would conduct speciation testing to determine the source of lead in the dust. Mr. Feild stated that if a dust criterion were exceeded, EPA would provide a one time HEPA cleaning at the residence. Mr. Schafer asked if EPA plans to address interior risks as stipulated by State guidelines and if risks would be addressed under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authority. Mr. Feild stated EPA believes there is a link between interior dust levels and exterior soils, and thus, EPA will provide HEPA cleaning under CERCLA authority.

Mr. Bradley asked if the University of Nebraska has applied for any grant related to lead in Omaha. Mr. Bradley also asked if the University of Nebraska has been notified that they can apply for grants. Mr. Feild stated that he could look into the situation. Ms. Kring stated that usually universities are excluded from applying for many grants, but that the EPA's Targeted Grant Program is open to universities and municipalities. Ms. Kring stated that she would be happy to work with Mr. Bradley on the issue. Mr. Bradley asked if the University has applied for any grants. Mr. Waldren stated that the University Extension is applying for the Targeted Grant on behalf of the CAG. Ms. Weston stated that the University of Nebraska has not applied for grants, with the exception of Dr. Shireen Rajaram. Mr. Bradley stated that he has been trying to get the University involved and would like to increase University participation, particularly from the environmental departments. Ms. Kring encouraged Mr. Bradley to contact Dr. Rajaram.

Ms. Weston asked Mr. McDermott if there is any reason why the special notice letter could not be released to the public. Mr. McDermott replied that he could not answer the question. Mr. Sanders stated the EPA typically does not release special notice letters to the public. Ms. Weston stated that, when asked, EPA has automatically released the special notice letter at other Superfund sites. Ms. Weston stated that she wondered why it

was not automatically released at the Omaha Lead Site. EPA will see if the special notice letter can be released.

Ms. Weston asked if it is possible for PRPs to only be held partially liable. Mr. Sanders stated that EPA could not talk about their enforcement strategy "here or ever." Ms. Weston asked if a PRP could potentially do part of the work or if PRPs would have to do all of the work at the Site. Mr. Sanders stated that at other Superfund sites, PRPs have done part of the work and EPA has done the other work. Mr. Howe asked if EPA could simply say that it is negotiable. Mr. Sanders stated that it is negotiable.

Ms. Watkins asked if EPA thought that the Interim ROD was the plan that the community wanted. Mr. Feild stated that EPA has gone as far as they can to meet community expectations. Ms. Kring stated that all comments were considered when preparing the Interim ROD.

Mr. Davis provided an update on NDEQ activities. Mr. Davis provided a table of summarizing lead funding in Nebraska. Mr. Davis explained that the table was a result of the October 21, 2004 meeting. Mr. Davis stated that almost all funding is from the federal government. Mr. Davis stated that, excluding the University Extension, the University of Nebraska is not involved with lead activities.

Mr. Waldren asked if there were any questions about either the letter to homeowners distributed by EPA or the letter distributed by the Douglas County Health Department. Ms. Leinenkugel asked if the cover letter from EPA would be updated. Mr. Feild stated that it would have to be. Ms. Leinenkugel stated that the letter from the Douglas County Health Department was drafted in response to discussion at the CAG meeting on December 8, 2004. Ms. Leinenkugel stated that the letter was distributed to the 315 properties scheduled for excavation. Mr. Feild stated that the letter was good. Mr. Feild explained that, as stated earlier by Mr. Howe, the USACE would only be excavating at 283 of those properties. Mr. Feild stated, however, that one way or another, all 315 would be excavated in the next six months.

Ms. Leinenkugel asked if questions from residents regarding excavation should still be directed to EPA. Mr. Feild stated that EPA could answer residents' questions. Ms. Weston stated that ECC and HGL are providing local contact numbers for residents. Mr. Howe stated that the USACE would prefer that residents contact the USACE. Ms. Leinenkugel asked if the USACE could provide the Douglas County Health Department with the phone numbers and preferred contacts. Mr. Howe stated that he would provide the contact information.

Mr. Waldren stated that Mr. Rodgers is no longer the chair of the Contracting Subcommittee. Mr. Waldren asked if anyone was interested in filling the position. There were no volunteers. Mr. Waldren stated that Mr. Scarpello would be contacted to find out if he has interest in being the chair. Ms. Weston asked why Mr. Rodgers is no longer participating. Ms. Determan stated that it was Mr. Rodgers' decision and that Mr. Rodgers would have to be contacted for further information. Ms. Weston stated that she

would contact Mr. Rodgers. Mr. Feild stated that it would be helpful for someone to chair the Contracting subcommittee. Ms. Weston stated that she would serve as chair in the interim.

Mr. Waldren provided an update on the Education Subcommittee. Mr. Waldren stated that the final minutes of the last meeting were distributed in the CAG packages. Mr. Waldren stated that the Subcommittee is continuing to refine the Education Outreach Matrix. Mr. Waldren announced that the next Education Subcommittee meeting would be held Tuesday, January 18, 2005 at 1:30 p.m. at the University Extension.

Ms. Leinenkugel stated that the Masimax training has been rescheduled, due to low participation, for March 29, 2005.

Mr. Waldren stated that letters of support are needed for the grant being applied for on behalf of the CAG. Mr. Waldren stated that those letters are needed by January 24, 2005.

Mr. Waldren asked if anyone was interested in coordinating and contacting agencies about grants. There were no volunteers. Mr. Waldren stated that if there were no objections, Ms. Gail Braun at the City would be contacted to see if she would be interested.

Mr. Waldren stated that MFG, Inc. is assembling a briefing packet to provide to new CAG members.

CAG members agreed to meet the second Wednesday of each month. The next CAG meeting will be held Wednesday, February 9, 2005 at 9:30 a.m. The location is to be announced.

Ms. Weston, referring to a handout, asked if someone could be sent to Leadville, Colorado for the Social Norm Workshop. Ms. Determan stated that she would contact Ms. Amy Morrison of the Leadville Kids First Program to request that she send the CAG copies of all handouts and materials provided at the workshop.

Handouts Provided for the Meeting (January 12, 2005):
Draft Minutes from 12/08/04 (Provided by MFG, Inc.)

Approved Minutes from 11/10/04 (Provided by MFG, Inc.)

Omaha Lead Site, Interim Record of Decision (Provided by EPA)

Responsiveness Summary, Omaha Lead Site (Provided by EPA)

Memo Regarding St. Louis Lead Education Survey (Rebuttal provided by MFG, Inc.)

Lead Safe Work Practices Training Course

Summary of the State of Michigan's Childhood Lead Poisoning Prevention Task Force Report (Provided by MFG, Inc.)

Some Holiday Lights May Contain Lead and Holiday Trees, Greenery May Contain Lead (Provided by MFG, Inc.)

Collaboration Article (Provided by MFG, Inc.)

Feds Recall Kids' Lead-Tainted Jewelry (Provided by MFG, Inc.)

Granholm Signs Bill Intended to Protect Children Against Lead Poisoning (Provided by MFG, Inc.)

Family Lead Poisoning Associated with Occupational Exposure (Provided by Ms. Jonah Deppe)

Education Subcommittee Summary Notes from 12/01/04

Local Contractor/Vendor Spreadsheet (Provided by Ms. Cheryl Weston)

Omaha City Council Will Get New Chief of Staff (Provided by MFG, Inc.)

National Action Week for Children's Environmental Health and Justice (Provided by MFG, Inc.)

Nebraska Coalition to Eliminate Childhood Lead Poisoning Elimination Plan (Provided by Mr. Todd Falter, NHHS)

Letter Regarding Social Norm Workshop (Provided by Ms. Amy Morrison)

Environmental Justice Program Summary (Provide by Ms. Jonah Deppe)

Environmental Justice Presentation (Provided by Ms. Jonah Deppe)

Tips for Successful Grant Applications (Provided by EPA)

Letter to Homeowners from EPA (Provided by EPA)

Letter to Homeowners from the Douglas County Health Department (Provided by the Douglas County Health Department)

Omaha Lead Site, Community Advisory Group, EPA Update (Provided by EPA)

Nebraska Funding Table (Provided by NDEQ)

Attachments to Minutes:
Sign-In Sheet (hardcopy to be delivered)