

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

Minutes for Meeting Held
Wednesday, January 25, 2006, 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 Registry*
Tanya Cook—*Governor's Advisory Committee for Lead Safe Neighborhoods*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Nick Flattery—*OneWorld Community Health Centers*
Bob Feild—*Environmental Protection Agency*
Mark Kirchhoff (Designee for Violet Iluebbey)—*International Family Center*
Jeff McDermott—*Union Pacific Railroad*
Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*
Dr. Adi Pour—*Douglas County Health Department*
Marian Todd—*City of Omaha Planning Department*
José Villegas—*Chicano Awareness Center*
Vernon Waldren—*Douglas/Sarpy County Extension*
Cammy Watkins—*Sierra Club*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Gordon Andersen—*City of Omaha Public Works Dept.*
Mary Castaneda—*EPA Information Offices*
Joel Christensen—*Metropolitan Utilities District*
Lelia Coyne—*Citizen*
Todd Crawford—*Senator Hagel's Office*
Felisa Dillon—*ASW*
Connie Determan—*MFG, Inc.*
Gary Gotsdiner—*McGill, Gotsdiner, Workman, and Lepp*
Ayesha Graves—*City of Omaha*
Debbie Kring—*Environmental Protection Agency*
Diane Luna—*Burlington Road Neighborhood Association*
Stan Quy—*U.S. Dept. of Housing and Urban Development*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Eva Serenil—*Senator Nelson's Office*

To begin the meeting, Ms. Council read a letter sent to CAG from Ms. Barrientos-Patlan thanking the CAG for recent efforts.

1. Discussion on Minutes from the December 14, 2005 Meeting

Ms. Council asked for any corrections or additions to the CAG meeting minutes from December 14, 2005.

Ms. Dillon stated that “Elton Eaton” should read “Elton Foster” and that Mr. Foster should be listed as a citizen, rather than an employee of ASW.

Ms. Casteel stated that in the second paragraph on page six, “Ms. Casteel stated that ATSDR would look into sampling dust in homes to determine the source of lead in dust” should be changed to read, “Ms. Casteel stated that ATSDR would look into including dust sample results in homes in the health assessment protocol.”

Ms. Casteel also stated that in the fifth paragraph on page six, “Ms. Casteel stated that looking at blood lead levels before and after excavation may not be an effective way to examine impacts because a decline in blood lead levels is expected to occur over time regardless of whether or not soil replacement occurs” should be changed to read, “Ms. Casteel stated that looking at blood lead levels before and after excavation may not be an effective way to examine impacts because a decline in blood lead levels is expected to occur as children get older regardless of whether or not soil replacement occurs.”

Ms. Barrientos-Patlan stated, in reference to discussion at the December CAG meeting, that she was now providing EPA with a list of parks located east of 42nd Street from Ames Avenue to Harrison Street.

Mr. Feild stated that in the second paragraph on page three, “Mr. Feild stated that regulations...” should read, “Mr. Feild stated that EPA regulations...”

Mr. Feild stated that the last sentence in the second paragraph on page three, “Mr. Feild stated that in the future, fewer contractors would be used, so only the Missouri River Water Treatment Plant will be utilized as a staging area” should read, “Mr. Feild stated that in the future, the Missouri River Waste Water Treatment Plant will continue to be utilized as a staging area.” Ms. Council stated that discussion had occurred at the December CAG meeting regarding fewer contractors to be used in the future. Ms. Council asked if such statements should be reflected in a different section in the meeting minutes. Mr. Feild replied that he is not sure that EPA will use fewer contractors and does not know if such a statement is accurate.

Mr. Feild stated that in the third paragraph on page three, “Mr. Feild stated that the problem with the trucks being uncovered is not a risk issue” should read, “Mr. Feild stated that the problem with the trucks being uncovered while waiting at the staging area is not a risk issue.”

Mr. Feild stated that, also in the third paragraph on page three, “Mr. Feild stated that the issue is a perception problem, not a risk problem” should read, “Mr. Feild stated that the issue with lead contaminated soil entering the sewer is a perception problem, not a risk problem.” Ms. Barrientos-Patlan stated that Mr. Feild had made that statement and asked how it could now be altered. Mr. Feild reiterated that he had not made that statement. Ms. Council clarified that if someone has been misquoted in the meeting minutes, it is permissible to change the statement. Ms. Council stated that if statements were made, but are inaccurate, clarification can be made and would be reflected in the current meeting minutes. Ms. Weston stated that she recalled Mr. Feild stating that soil washing into the sewer was a perception problem.

Continuing in the third paragraph on page three, Mr. Feild said that he did not make the statement that, “Mr. Feild noted that wood has been placed around the Nebraska Beef site so soil won’t enter their cattle chute” and stated that the sentence should be deleted. Ms. Barrientos-Patlan stated that wood was placed around the staging area. Mr. Feild stated that even if wood was placed, he did not report on it. Mr. Feild added that it would be helpful if draft minutes were distributed before the CAG meeting, so statements could be corrected before the meeting. Ms. Weston stated that the draft minutes are distributed before the CAG meeting. Ms. Todd stated that it is beneficial to air changes at the meeting so all members understand and agree on corrections.

Mr. Waldren motioned to approve the minutes with the above changes. Ms. Weston seconded the motion. The motion failed (8-0) due to a lack of minimum required votes. Mr. Waldren motioned, again, to approve the minutes with the above changes. Ms. Weston seconded the motion. The motion unanimously passed (10-0).

2. EPA Update

Mr. Feild provided an update on EPA activities. Mr. Feild stated that EPA’s contractors are in the process of completing sod replacement before demobilizing for the winter. Mr. Feild stated that contractor representatives will be available through the winter to address any problems that might arise. Mr. Feild pointed out that more yards have now been replaced this year in Omaha than at any other site ever. Mr. Feild stated that EPA plans to continue the same pace next year.

Mr. Feild reported on soil testing at schools. Mr. Feild stated that Omaha Public Schools (OPS) performed their own soil tests at all OPS schools. Mr. Feild stated that private/parochial schools are being tracked as private properties. Ms. Feild stated that of 22 private schools identified within the Omaha Lead Site, 13 have been sampled by EPA. Mr. Feild stated that EPA intends to prioritize the remaining schools for sampling next spring. Mr. Feild stated that he would like to distribute EPA’s list of private schools to the CAG to determine if EPA has a complete list of private schools in the area. Ms. Council stated that the Nebraska Department of Education has a list of all the schools and suggested contacting Doug Christensen at the Department to obtain the information. Ms.

Weston requested that EPA's list of schools still be distributed. Mr. Flattery requested that the list indicate which schools have been tested and have not been tested. Mr. Feild stated that he would provide the list to the CAG.

Mr. Feild stated that EPA has not sampled parks. Mr. Feild stated that EPA has made residences a higher priority. Mr. Feild stated that EPA would look at sampling parks in the spring. Mr. Feild stated that some parks are very large and would require developing a sampling strategy. Ms. Council suggested that EPA contact the City of Omaha Parks and Recreation Department to identify which parks participate in the Sundawgs program. Ms. Council stated that it might make sense to sample those parks first because a significant number of children attend those parks on a daily basis. Ms. Todd added that it would be possible to identify areas of large parks where children most frequently play. Mr. Feild stated that he would distribute EPA's list of parks to the CAG. Ms. Weston stated that Mr. Don Bahnke of EPA had previously reported that some parks had been tested. Mr. Feild reiterated that parks have not been sampled.

Mr. Feild stated that EPA's public information centers are now open. Mr. Feild stated that open houses have been postponed. Mr. Feild stated that the hours of the centers are as follows:

North EPA Information Office
Open mornings Tuesday and Thursday
Open afternoons Monday, Wednesday, and Friday

South EPA Information Office
Open mornings Monday, Wednesday, and Friday
Open afternoons Tuesday and Thursday

Mr. Feild added that weekend appointments can be made by contacting either office. Ms. Weston asked if Ms. Dillon and Ms. Castaneda, who will run the offices, are employed by ASW or EPA. Mr. Feild stated that they are employed by ASW.

Ms. Council stated that her husband has been having difficulty resolving an issue with EPA's contractor. Ms. Council stated that she ran into Ms. Castaneda in a social setting and that Ms. Castaneda took was able to resolve the issue. Ms. Council thanked Ms. Castaneda for taking care of the problem.

Ms. Barrientos-Patlan stated that she has been researching air monitoring in Omaha and has some concerns regarding air monitoring of lead. Ms. Barrientos-Patlan asked how much lead dust is going into the air during excavation. Ms. Barrientos-Patlan stated that the City does not run an air monitor in South Omaha, adding that the closest monitor is at 19th and Burt Streets. Ms. Barrientos-Patlan suggested moving one of the monitors to South Omaha, where many excavations are occurring. Mr. Andersen stated that the City runs permanent air monitors through its Air Quality Control Division. Mr. Andersen stated that Mr. Chester Black would be the contact for the Air Quality Control Division. Mr. Andersen stated that the monitors are not mobile. Mr. Andersen stated that it is EPA's responsibility to suppress dust at the Omaha Lead Site. Mr. Andersen stated that he was unsure if EPA monitors lead dust levels. Ms. Barrientos-Patlan stated that EPA performs air monitoring, but that with the great number of excavations occurring, additional monitoring by the City seems appropriate.

Ms. Watkins stated that Mr. Tom Baker at the Douglas County Health Department may be able to answer air monitoring questions. Dr. Pour recommended inviting Mr. Chester Black to the next CAG meeting. Dr. Pour stated that Omaha is the only city in Nebraska with continuous air monitoring. Dr. Pour stated that Mr. Chester Black would be able to explain the limits of the City's air monitoring program.

Ms. Weston asked EPA to clarify what air monitoring is performed by EPA at the Omaha Lead Site. Mr. Feild replied that air monitoring is required around staging areas, and air monitoring has occurred at excavation site. Mr. Feild stated that he does not know if the air monitoring is performed on a regular basis, but will report this information at the next CAG meeting.

Ms. Barrientos-Patlan asked if contractor notification to neighbors of staging areas will be a procedure in EPA protocol that could be provided to the CAG. Mr. Feild replied that the procedures will be included in individual contracts. Ms. Council asked if EPA would provide the CAG with a copy of the contractor provision before it is executed to provide input. Mr. Feild stated that the provision would vary depending on whether or not the staging area is located near a residential area or not. Ms. Barrientos-Patlan stated that her neighborhood includes a lot of heavy industrial zoned areas and that she would like to know that someone will physically look at a site before choosing it as a staging area. Mr. Feild stated that EPA will make sure that public interest is respected.

3. NDEQ Update

Mr. Davis stated that he did not have any updates to report.

4. City HUD Grant Update

Ms. Todd stated that brochures are available for the City's HUD-funded lead program. Ms. Todd stated that one staff person is processing applications and one rehabilitation inspector is available. Ms. Todd stated that she has a contractor information packet available and that a contractor informational meeting is scheduled for February 23, 2006. Ms. Todd stated that the meeting will be valuable for potential new contractors. Ms. Todd stated that average grant will be \$12,500 per unit and that, if a house is particularly large, funding will be combined from other sources, such as rehabilitation funding.

Ms. Kring asked if the program applies to multi-family residences. Ms. Todd stated that, at this time, only single-family applications are being accepted, but multi-family applications will be accepted in the future. Ms. Weston asked if rental properties can apply. Ms. Todd stated that the landlord must apply and the tenant must meet income guidelines. Ms. Weston asked if a landlord could apply for multiple properties. Ms. Todd stated that there is no limit to the number of properties that a landlord may apply for.

Ms. Weston asked if local lead assessors would be hired. Ms. Todd replied that a staff person would perform risk assessments, to reduce costs.

Ms. Todd stated that the City is also working on a private sector initiative to urge private contractors to use lead-safe practices, making training sessions available, and building a demand for services. Ms. Todd stated that she wanted to provide the CAG with a preview of the private sector initiative program, and asked that CAG members not tell individuals to contact Ms. Todd yet regarding the program. Ms. Todd stated that she would like to work with the Comprehensive Plan and Contracting Committee on the private sector initiative. Ms. Todd stated that she will also be working with the Education Committee on identifying gaps in funding and activities for public education to high-risk families.

5. HUD Disclosure Rules for Arsenic

Mr. Quy stated that HUD does not have a disclosure rule pertaining to arsenic.

Mr. Quy stated that, in Nebraska, arsenic has been found in drinking water at levels above the regulatory limit in 75-80 communities.

Mr. Davis stated that, unlike lead, EPA does not require disclosure of arsenic. Mr. Davis stated that the Nebraska Department of Environmental Quality believes that the real estate commission's state regulation requiring disclosure of environmental hazards may apply. Mr. Davis stated that the State does not have soil standards.

Mr. Christensen from the Metropolitan Utilities District (MUD) stated that Omaha is not one of the communities exceeding the drinking water standard for arsenic.

Dr. Pour stated that she is receiving many calls from real estate agents wanting to know if arsenic in soil levels must be disclosed. Dr. Pour stated that ATSDR's letter to homeowners does not address this issue. Dr. Pour stated that it would be a disservice to not provide this information. Ms. Council asked how to determine if arsenic levels are an "environmental hazard," and thus, must be reported during real estate transactions. Ms. Casteel stated that another fact sheet could be created to explain these issues to the community. Ms. Weston asked if the original fact sheet was distributed to the CAG. Ms. Casteel stated that the original fact sheet was provided at public meetings. Ms. Casteel stated that she would provide the fact sheet to the CAG. Ms. Council suggested that the Education Committee address this issue. Dr. Pour stated that ATSDR has not classified the arsenic in soil as a hazard to children, only a hazard to young children with pica behavior. Ms. Casteel stated that she would look into the issue.

Mr. Davis suggesting disclosing the arsenic levels when selling a home. Ms. Council stated that disclosing the information would decrease the likelihood of selling the home if disclosing is not necessary.

Ms. Pour stated that another issue is whether ATSDR will send a letter to homeowners stating that arsenic is no longer a concern after a yard is replaced by EPA because of lead in soil.

6. OHKA Update

Mr. Gotsdiner stated that the articles of incorporation for the Omaha Healthy Kids Alliance were filed on January 11, 2006, officially creating the entity. Mr. Gotsdiner stated that the initial board meeting will be held on February 10, 2006, which will be an organizational meeting to establish the board, elect officers, authorize OHKA to accept funds from donors, etc.

Ms. Todd asked what the status of OHKA's IRS application is. Mr. Gotsdiner stated that officers will be authorized to file the application at the initial board meeting. Mr. Gotsdiner stated that he expects to file the application in the next three to six months. Mr. Gotsdiner stated that the application will be retroactive to the date the organization was formed.

Ms. Weston asked if the initial meeting would only include the initial appointed board members, not the ones to be selected. Mr. Gotsdiner replied that all directors that have indicated their acceptance may attend, up to the full board; however, it may take two or three board members to get all directors installed.

Ms. Weston asked how to apply for the executive director position. Mr. Gotsdiner replied that he did not know, stating that it is his recommendation that the board create a committee to implement an approach to selecting an executive director.

Ms. Watkins asked what the response has been regarding the board of directors. Mr. Gotsdiner replied that he has not received a formal response from a few individuals, but that most have responded enthusiastically.

7. Update on Staging Areas

Mr. Andersen stated that Mr. Bob Sink has retired from the City.

Mr. Andersen stated that two staging areas are active in the City: one at 33rd and Pinkney and one at the Missouri River Waste Water Treatment Plant. Mr. Andersen stated that there is no interest in ever reopening the previously used South Omaha staging area. Mr. Andersen stated that the City wants to coordinate with EPA to expedite selection of any new staging areas quickly and safely. Mr. Andersen stated that EPA is working on drafting language to require a public involvement process in contractor selection of staging areas. Mr. Andersen stated that EPA will be providing a phone number to the public, should any questions arise concerning staging areas.

Ms. Barrientos-Patlan asked what input the City will have into the process. Mr. Andersen replied that if a new staging area is proposed, EPA will notify the City of the proposed area, and the City will communicate any concerns with the proposed site; however, there will not be a formal process.

Ms. Brooks Pittman asked if public hearings would be held to discuss proposed staging areas. Mr. Andersen stated that it would depend on where the proposed site is located. Mr. Davis stated that the City does not have a mechanism to permit or prevent a staging area from being selected. Ms. Brooks Pittman stated that the City can do something for the public good without being regulated to do something. Mr. Andersen stated that that is why the City is working with EPA. Ms. Weston stated that community pressure can lead to action. Mr. Andersen stated that although the Public Works Department does not have a legal means to prevent a site from being selected, citizens could always go to the City Council with concerns.

Mr. Feild stated that EPA has an overall responsibility for overseeing all aspects of the project. Mr. Feild stated that EPA will increase inspections of staging areas. Mr. Feild stated that at least two staging area will be needed to reduce transportation costs and risks. Mr. Andersen added that staging areas are necessary to keep the project moving at the current pace. Ms. Barrientos-Patlan stated that she recognizes wanting to move things along, but stated that the contractors could care less where staging areas are located.

Ms. Barrientos-Patlan asked if the City will physically look at proposed staging areas. Mr. Andersen stated that the City will have to look at near a proposed site is to a residential area. Mr. Davis suggested that if anyone knows of a potential good site for a staging area, they could provide that information to EPA. Ms. Barrientos-Patlan stated that she could assist in locating a preferred area.

Ms. Brooks Pittman asked if the City will do more than monitor the roads near staging areas. Mr. Andersen stated that oversight is EPA's responsibility. Ms. Brooks Pittman asked if the phone number provided to call with concerns about staging areas will be an EPA number. Mr. Andersen stated that it would be an EPA number, but added that the City can be contacted as well.

Ms. Council asked what the City considers "hazardous" versus "nonhazardous" under land use control regulations. Ms. Council stated that the excavated soil is not considered hazardous by land use control regulations. Mr. Andersen stated that the excavated soil is not considered hazardous waste when disposed. Mr. Andersen stated that the soil is only considered an ingestion hazard to children.

Ms. Kring stated that EPA would like individuals to call with any concerns regarding contractor issues. Ms. Brooks Pittman suggested providing contact information for the contractors because people feel intimidated to contact a big agency, like EPA.

8. LSOC Update

Ms. Weston stated that the Lead Safe Omaha Coalition (LSOC) will be receiving funding through the City's HUD grant for additional HEPA vacuums. Ms. Weston announced that Ms. Todd will be the guest on *People Talking to People* on Monday, January 30, 2006.

Ms. Weston stated that mold and hazmat training will be available in the near future. Ms. Weston stated that, in the past, over 80% of trained individuals were able to find jobs. Ms. Weston announced that First National Bank has provided LSOC with \$10,000 to provide training, with the stipulation that LSOC raises an additional \$2,500.

Ms. Weston announced that a Contracting Committee meeting will be held before the next CAG meeting on February 15, 2006 at 8:30 a.m.

9. Comprehensive Plan Subcommittee Update

Ms. Council stated that a Comprehensive Plan Committee meeting will be announced in the near future.

10. Education Subcommittee Update

Ms. Council stated that Mr. Waldren had to leave. Ms. Council distributed a flyer regarding Lead Awareness Week. Ms. Council asked any interested member to contact Mr. Waldren to get involved. Ms. Council stated that the next Education Committee meeting will be held on Tuesday, February 14, 2006 at 1:30 p.m. at the Douglas/Sarpy County Extension office.

11. Questions and Answers

Ms. Barrientos-Patlan asked about the status of negotiations between EPA and Union Pacific. Mr. McDermott replied that EPA is still considering a letter sent to EPA by Union Pacific and that conversations are ongoing.

Ms. Council stated that the next CAG meeting would be held on Wednesday, February 15, 2006 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (January 25, 2006):

Draft Minutes from 12/14/05 (Provided by MFG, Inc.)

Approved Minutes from 11/09/05 (Provided by MFG, Inc.)

Education Committee Summary Notes from December 13, 2005

Articles of Incorporation of Omaha Healthy Kids Alliance

EPA December 16, 2005 Press Release

EPA Order May Set Up Showdown

Recent Revelation Indicates U.P. Should Not Pay for Cleanup

Anti-Lead Paint Plan Saluted

Lead-Removal Boost Proposed

U.P. Refuses to Pay Bulk of Lead Cleanup Costs

EPA Sued for Ignoring Lead Poisoning Hazards

Proposed Rule Establishing Requirements to Protect Children during Renovation, Repair and Painting Activities that Disturb Lead-Based Paint

Lead in Candy Likely to Be Consumed Frequently by Small Children: Recommended Maximum Level and Enforcement Policy

HUD Settles Case against Connecticut Landlords for Failing to Disclose Potentially Dangerous Lead to Tenants

Clash on Getting Lead Out

More Money Sought for Lead Cleanup

Property Owners Face Fines if They Don't Remove Lead

Lead and Healthy Homes Grantees Conference

Lead Poisoning Among Refugee Children in Massachusetts, 1995-1999

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

EPA Update (hardcopy to be delivered)