

Community Advisory Group (CAG) for the Omaha Lead Site

Minutes for Meeting Held
Wednesday, February 14, 2007, 9:30 a.m.
North Omaha Boys and Girls Club
2610 Hamilton Street
Omaha, NE 68131

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*

Connie Determan—*MFG, Inc.*

Jim Dowding (Designee for Gary Gernandt and Frank Brown)—*City Council Staff*

Bob Feild—*U.S. Environmental Protection Agency*

Nick Flattery—*OneWorld Community Health Center*

Clifton Jones—*U.S. Department of Housing and Urban Development*

Jeff McDermott—*Union Pacific Railroad*

Dr. Adi Pour—*Douglas County Health Department*

Chris Rodgers—*Douglas County Board of Commissioners*

Che Thompson (Designee for Kara Eastman)—*Omaha Healthy Kids Alliance*

Rebecca Valdez—*Chicano Awareness Center*

Vernon Waldren—*Douglas/Sarpy County Extension*

Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Mary Castaneda—*EPA Information Offices*

Lelia Coyne—*Citizen*

Felisa Dillon—*EPA Information Offices*

Mike Felix—*Nebraska Department of Environmental Quality*

Nancy Gaarder—*Omaha World-Herald*

Laura Hardesty—*Cadmus Group*

Louise Latimer—*Senator Ben Nelson's Office*

Stacy Meacham—*MFG, Inc.*

Mia Price—*Charles Drew Health Center/OHKA Board of Directors*

Jennifer Rawley—*MFG, Inc.*

Steve Sanders—*U.S. Environmental Protection Agency*

Reid Steinkraus—*Douglas County Health Department*

Diane Ward—*Creighton University, Department of Pediatrics*

1. Discussion on Minutes from the January 10, 2007 Meeting

Ms. Council asked for any corrections or additions to the minutes from the CAG meeting on January 10, 2007. Ms. Barrientos-Patlan stated that, on page four, “Ms. Barrientos-Patlan stated that Union Pacific Railroad’s comments were fantastic. Ms. Barrientos-Patlan stated that Union Pacific Railroad was able to comment on issues that Ms. Barrientos-Patlan identified” should read: “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 stated that at some point during the meeting, she had asked about PM-10 air monitoring. Ms. Barrientos-Patlan asked that the following be inserted: “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.”

Mr. Feild stated that in the fourth paragraph on page four, “Mr. Feild stated that a total of 1,000 excavations will occur in 2007” should read, “Mr. Feild stated that EPA has a goal of remediating 1,000 properties in 2007.”

Mr. Feild stated that on page four, “Mr. Feild replied that around 14% of sampled properties have been excavated” should read: “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 motioned to approve the minutes with the above corrections. Ms. Ward seconded the motion. The motion was unanimously approved (11-0).

2. EPA Update

Mr. Feild stated that EPA did not replace any yards in the last thirty days.

Mr. Feild stated that EPA has completed a review of ATC’s laboratory procedures. Mr. Feild provided copies of EPA’s report.

Mr. Feild stated that EPA had finalized a response to the CAG’s request for an Explanation of Significant Differences (ESD). Mr. Feild provided a limited number of copies of EPA’s letter to the CAG. Mr. Feild stated that EPA Administrator, Steve Johnson, had received a letter from the Governor Heineman regarding the CAG’s request and sent a response to Governor Heineman yesterday.

Mr. Feild stated that EPA is awaiting additional comments on EPA’s large park sampling plan from the Lead Safe Omaha Coalition before responding to all received comments.

Ms. Weston stated that she had completed additional comments and provided Mr. Feild and the CAG with copies of the comments.

Mr. Feild provided an update on EPA contracting activities. Mr. Feild stated that EPA held two well-attended pre-bid meetings in Kansas City, Kansas last week to discuss the two EPA contracts for 2007. Mr. Feild stated that the bids are due February 28, 2007, and EPA will respond to the bids around mid-March.

Mr. Feild stated that there are more than 3,000 properties where EPA has made three unsuccessful attempts to reach homeowners to gain access to properties. Mr. Feild stated that EPA will be soliciting help from the local community to make contact with those homeowners. Mr. Feild added that there are more than 2,000 properties where access has been denied. Mr. Feild stated that many of the 2,000 property denials were denied by landlord. Ms. Barrientos-Patlan asked how the CAG could help EPA and suggested that EPA contact neighborhood associations. Ms. Barrientos-Patlan offered to include information in the Burlington Road Neighborhood Association newsletter. Ms. Valdez asked how many properties EPA has been unable to gain access to in North Omaha versus South Omaha. Mr. Feild stated that he would find out. Mr. Feild stated that he would like to start a dialogue with the CAG regarding this issue. Ms. Barrientos-Patlan suggested involving the city councilmen, as well. Ms. Council suggested referring the issue to the OHKA Housing Committee.

Ms. Weston stated that she was under the impression that landlords and daycares could not refuse EPA access. Mr. Feild stated that, at this point, access is strictly voluntary, but added that access could be made mandatory in the future. Ms. Council asked if there were certain access requirements for licensed daycares or Section 8 landlords. Mr. Sanders replied that he is unaware of any such requirements. Mr. Sanders stated that EPA has the authority to require access, but has not exercised that authority.

Ms. Council read EPA's letter response regarding the CAG's request for an ESD. Referring to the letter, CAG members asked EPA questions. Dr. Pour asked who the stakeholders were to which EPA referred. Mr. Feild replied that stakeholders primarily included the CAG, the State, and the Douglas County Health Department. Dr. Pour stated that those stakeholders would have agreed with the CAG. Dr. Pour asked if EPA Region 7 is required to inform EPA Headquarters of their decision. Mr. Feild replied that EPA works as one agency. Mr. Feild stated that he did not know of a legal requirement to inform Headquarters, but stated that Headquarters is aware of the decision. Dr. Pour stated that a carbon copy did not appear to go to Headquarters. Mr. Feild stated that EPA Region 7 had been closely coordinating with EPA Headquarters. Mr. Feild stated that Administrator Johnson received a letter from Governor Heineman, urging EPA to strongly consider the CAG's request. Mr. Feild stated that Regional Administrator Askew responded to the letter. Ms. Council asked if there is an appeal procedure. Mr. Feild stated that the CAG got their response from EPA. Mr. Feild stated he is unaware of a formal appeal procedure. Mr. Feild stated that nothing prevents the CAG from making the same request again. Ms. Council asked if the CAG could receive a response from

EPA Headquarters. Mr. Feild replied that Headquarters prefers issues to be handled by EPA regions.

Ms. Council stated that when CAG members met with Lt. Governor Sheehy and Ms. Cecelia Tapia with EPA, Ms. Tapia outlined a procedure for requesting an ESD. Ms. Council stated asked if the National Contingency Plan (NCP) criteria were a part of that procedure. Mr. Sanders stated that Ms. Tapia had been referring more to post-record of decision guidance at that meeting. Mr. Feild stated that, at that meeting, Ms. Tapia identified that an ESD would be an appropriate course of action, rather than requesting a record of decision amendment. Ms. Council asked if it would be appropriate to look into requesting a record of decision amendment. Mr. Feild replied that an ESD is the appropriate level of change to request, not a record of decision amendment.

Mr. Feild stated that the main consideration for rejecting the CAG's request was EPA's statutory preference for permanent remedies. Mr. Feild stated that EPA does support education and is spending more on education at the Omaha Lead Site than at any other Superfund site in the country; however, Mr. Feild stated that EPA's primary purpose is to perform a permanent cleanup. Mr. Waldren stated that he understands EPA's goal is removal of soil; however, not every yard will be excavated. Mr. Waldren stated that the level of education is what is in disagreement. Mr. Waldren stated that the children of Omaha are not 100% protected from lead poisoning by removing yard soil. Mr. Feild stated that EPA is working under an interim record of decision and that many issues will be addressed in the final record of decision. Mr. Feild stated that he understands Mr. Waldren's point, but that EPA is focused on removing soil.

Ms. Coyne stated that EPA's perspective has changed; EPA is now addressing exterior lead-based paint. Mr. Feild stated that exterior lead-based paint is addressed in the interim record of decision. Mr. Feild stated that EPA is aware of the recontamination issue. Ms. Coyne stated that there is a need for public education to assist EPA in gaining access to properties.

Mr. Rodgers asked if education could become more of a priority if EPA is unable to remove a certain number of yards each year because of funding shortfalls. Mr. Feild stated that he could not answer the question. Mr. Feild stated that the interim record of decision stated that EPA will complete the interim remedy in three to five years. Mr. Feild stated that if it takes longer, that could be a reason to rethink the level of funding for education. Mr. Feild stated that he hates to think of reducing cleanup funds simply for the sake of spending more on health education. Mr. Feild stated that EPA's goal is to replace as many yards as fast as possible. Mr. Feild stated that there is concern in Washington about what Superfund money should be spent on.

Ms. Thompson asked if EPA's contractors are being educated on lead issues, beyond HAZMAT training, given that a large number of community workers have been hired by EPA. Mr. Feild stated that education is not a focus of excavation contracts. Mr. Feild stated that the public information centers are funded for the purpose of communicating to the public. Mr. Feild stated that EPA does not want excavation contractors to

communicate to the public. Ms. Thompson stated that the excavation contractors are also Omaha residents. Ms. Thompson stated that when the excavation workers are talking with others in the community, they are seen as experts. Ms. Thompson stated that EPA does not want its contractors to provide information, but the truth is that the workers are looked at as being knowledgeable and are not aware of the history of the site and the pertinent issues. Ms. Weston stated that contractors should not be communicators. Ms. Weston stated that the contractors are informed from attending Lead Safe Omaha Coalition meetings. Ms. Thompson stated that she was not suggesting that the contractors be trained to communicate with the public.

Mr. Feild suggested creating a fact sheet. Ms. Weston stated that EPA has already created fact sheets. Mr. Feild stated that contractors could benefit from a fact sheet as much as the public. Ms. Weston stated that a lot of workers are aware of the information.

Ms. Council stated that she believed the issue was consistent delivery of the education message, not that employees should be utilized as communicators. Ms. Council suggested referring the issue to the Education Committee. Ms. Council stated that a fact sheet should have been developed years ago. Mr. Feild stated that EPA has developed fact sheets in the past. Ms. Weston introduced Ms. Hardesty who has been hired by the Lead Safe Omaha Coalition to provide technical assistance, funded by the EPA Technical Assistance Grant. Ms. Hardesty stated that the current EPA fact sheet is not user friendly. Ms. Hardesty stated that the fact sheet is unappealing, fairly technical, and will probably not accomplish its purpose.

Mr. Flattery asked what EPA's budget for 2007 is and how the State's funding will be utilized. Mr. Feild stated that EPA will be spending \$15 million on its remedial response. Mr. Feild stated that Asarco will provide \$3 million and the State will pay for 10 percent of the remaining cost, which is \$1.2 million. Mr. Flattery asked if the State's cost share is separately budgeted. Mr. Feild replied that the State's budget is not separate.

Dr. Pour asked if the community could provide the request for additional funding to EPA to fund through other mechanisms. Dr. Pour stated that educational needs were identified. Dr. Pour asked if it is ATSDR's responsibility to provide the necessary health education. Mr. Feild replied that EPA is already spending over \$300,000 a year on education at the Omaha Lead Site. Mr. Feild stated that EPA could rethink how the \$300,000 is being spent.

Dr. Pour stated that Mr. Feild had brought up the issue of EPA having difficulty gaining access to properties. Dr. Pour stated that this issue is not separate for the issue of needing additional funding for education. Dr. Pour stated that in order to be successful, EPA needs a health education program. Dr. Pour asked what other avenues the CAG could pursue to increase funding for health education. Mr. Feild replied that EPA and the CAG need to work together on the issue. Mr. Feild stated that EPA is reluctant to increase funding, regardless of the percent of the total project cost, because it is a large amount of money. Dr. Pour stated that the Omaha Lead Site is a unique site with the highest amount of potential exposure. Dr. Pour stated that at other sites, exposure can be

immediately stopped, but here, there is ongoing exposure. Mr. Rodgers added that the Omaha Lead Site is the largest residential Superfund site in the country. Mr. Feild agreed. Mr. Waldren stated that EPA needs to review how it is handling education on a nationwide basis. Mr. Waldren stated that EPA is underestimating the positive impact that education can make. Mr. Waldren stated that education needs to be hand-in-hand with other actions.

Ms. Barrientos-Patlan suggested submitting a letter to EPA Administrator Johnson. Ms. Council stated that the issue would be referred to the Education Committee.

Ms. Council commented that she appreciated EPA's recognition of the CAG's three years of work. Ms. Council stated that the level of commitment displayed by CAG members is unparalleled. Ms. Council asked why the CAG is not recognized on the EPA's list of community advisory groups on EPA's website. Mr. Feild stated that he was unaware that the CAG was not listed and would look into the issue.

3. CAG Repositories

Ms. Council stated that she met with Ms. Rivkah Sass of the Omaha Public Library to discuss the CAG repositories. Ms. Council explained that repositories had been maintained at four area libraries: Washington Branch, South Branch, Main Branch, and Willa Cather Branch. Ms. Council stated that EPA moved the repositories from the Washington and South Branches to the EPA public information centers. Ms. Council stated that she, Ms. Sass, and Ms. Sass's staff discussed the best ways to make information available to the public. Ms. Council stated that the South Branch is in transition and space is unavailable to house the repository until completion of the new building. Ms. Council proposed three options for the CAG to consider:

- 1) Leave the repositories where they currently exist. Library staff will develop a new catalog system for the two library repositories. Library will transport materials to another branch, if individual request is made.
- 2) Replace repository at the Washington Branch and create a new repository at the Metro South campus library. Library staff will develop a new catalog system for the two library repositories. Library will transport materials to another branch, if individual request is made.
- 3) Leave the repositories as they currently are.

Ms. Council stated that there have not been many requests for the information. Ms. Barrientos-Patlan stated that she wants to be able to physically view the information. Ms. Weston asked if many people would go to the Metro South library. Ms. Valdez stated that there are major health fairs held at Metro South, so displaying the materials could be coordinated with those health fairs. Mr. Rodgers stated that the Metro South library has adequate hours of operation for access and is open to the public.

Ms. Weston motioned to replace the repository at the Washington Branch and create a new repository at the Metro South campus library, to ask library staff to develop a new

catalog system for the two library repositories, to request library staff to transport materials to another branch, if individual request is made. Ms. Barrientos-Patlan seconded the motion. The motion was unanimously approved (11-0).

Mr. Feild stated that EPA could restore the EPA Administrative Record to the libraries on CD.

Ms. Council asked CAG members to think about how to increase awareness of the repositories.

4. OHKA Update

Ms. Thompson provided an update on OHKA. Ms. Thompson stated that the Housing Committee is developing relationships with paint companies for potential sponsoring. Ms. Thompson stated that the Housing Committee will discuss the access issue at next meeting. Ms. Thompson stated that OHKA is continuing to prepare for the medical provider training in May. Ms. Thompson stated that the School Task Force met and will continue to work on the school enrichment program for next school year.

5. City HUD Grant Update

Ms. Todd was unable to attend to provide an update.

6. NDEQ Update

Mr. Felix provided an update on NDEQ activities. Mr. Felix stated that NDEQ has been coordinating with EPA on the ESD request and had reiterated its support for the CAG's request. Mr. Felix stated that NDEQ received a copy of the second amendment for the State Superfund contract. Mr. Felix stated that the State commented on EPA's phosphate treatability study and would provide copies of the comments to the CAG.

Ms. Weston asked if the CAG could receive a copy of the amended State Superfund contract. Mr. Feild stated that he would provide copies to the CAG, once the contract is finalized.

7. LSOC Update

Ms. Weston provided an update on LSOC activities. Ms. Weston stated that LSOC commented on EPA's large park sampling plan. Ms. Weston stated that she attended EPA's contractor conference. Ms. Weston stated that over 40 contractors attended one session. Ms. Barrientos-Patlan asked how many local contractors were in attendance. Ms. Weston replied that at least four local contractors attended. Ms. Barrientos-Patlan asked why the conference was held in Kansas City, rather than in Omaha. Ms. Weston replied that the conference has been held in Omaha in the past and was not well-attended. Mr. Feild stated that he appreciated Ms. Weston attending the conference because she was able to answer questions regarding the local labor pool.

8. National Ambient Air Quality Standards for Lead

Ms. Barrientos-Patlan distributed a letter she wrote to EPA's Administrator Johnson responding to EPA's plan to remove lead from the list of National Ambient Air Quality Standards.

Ms. Coyne stated that EPA's public comment period for the National Ambient Air Quality Standard for lead ended February 5, 2007. Ms. Coyne stated that she also submitted comments.

Ms. Barrientos-Patlan asked how the county can determine the amount of lead in the air. Dr. Pour replied that the monitors measure particulates, not lead. Ms. Barrientos-Patlan stated that the monitor needs to remain in South Omaha.

9. Education Committee Update

Mr. Waldren stated that the Education Committee meeting was postponed until February 20, 2007. Ms. Waldren stated that the committee will discuss lead awareness week, the don't spread lead campaign, the Nebraska Real Estate Commission, the School Task Force, children's museum display, and the Douglas/Sarpy County Extension's HUD grant.

10. CAG Comments on EPA's Treatability Study Work Plan

Ms. Council stated that CAG members met last week and developed comments on EPA's phosphate treatability study. Ms. Council suggested going through the comments to determine if the CAG has a consensus to submit the comments to EPA.

Dr. Pour stated that the draft letter to EPA reflects the comments discussed at the meeting. Ms. Weston stated that EPA's work plan is too technical and not what Ms. Weston expected. Ms. Weston asked that the first sentence of the first comment be deleted.

Mr. Waldren stated that he consulted with agronomists who have said that removing the soil will destroy the structure; therefore, EPA cannot have a true study unless it is conducted onsite. Mr. Waldren stated that he would question the viability of the data if the soil is removed from the yards. Mr. Davis stated that the structure would be changed regardless of removing the soil because the soil will be tilled.

Mr. Feild stated that the phosphate treatability study is just initial data gathering.

Ms. Weston motioned to approve submittal of the comments to EPA with the one change above and additional written changes provided by Mr. Waldren. Dr. Pour seconded the motion. The motion was unanimously approved (10-0).

11. Questions and Answers

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

Handouts Provided for the Meeting (February 14, 2007):

Draft CAG Meeting Minutes from 1/10/07

Final CAG Meeting Minutes from 12/18/06

Comprehensive Plan Committee Minutes from 1/8/07

Education Committee Minutes from 1/9/07

*Union Pacific Railroad Comments on EPA's Draft Treatability Study Work Plan
(Provided by Union Pacific)*

Cheryl Weston's Comment on EPA's Large Park Sampling Plan (Provided by EPA)

*Rebecca Barrientos-Patlan's Comments on EPA's Large Park Sampling Plan (Provided
by Ms. Rebecca Barrientos-Patlan)*

*Office of Healthy Homes and Lead Hazard Control Grantee Quarterly Progress Report,
4th Quarter 2006 (Provided by Ms. Marian Todd)*

HUD's 2007 General Notice of Funding Availability (Provided by MFG, Inc.)

Overview of Community Participation in Research Grant (Provided by MFG, Inc.)

EPA CARE Grant Request for Proposals (Provided by Ms. Marian Todd)

*Linking Public Health, Housing and Indoor Environmental Policy (Provided by Ms.
Kathy Leinenkugel)*

How City is Poisoning Kids (Provided by MFG, Inc.)

A Vitamin a Day May Do More Harm Than Good (Provided by MFG, Inc.)

Museum Instructs on Lead Poisoning (Provided by MFG, Inc.)

*Case Management Protocol and Declining Blood Lead Concentrations among Children
(Provided by Ms. Jonah Deppe)*

Lead-Free Wheels (Provided by MFG, Inc.)

Anti-Lead Campaign Finds Two Polluted Sites (Provided by Ms. Kara Eastman)

Long Delays Found in Making Homes Lead Safe (Provided by Ms. Kara Eastman)

Get the Lead Out of Vermont (Provided by MFG, Inc.)

EPA's Draft Technical Assessment in Support of the Draft Lead Renovation, Repair and Painting Rule (Provided by MFG, Inc.)

CPSC Advance Notice of Proposed Rulemaking (Provided by MFG, Inc.)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)