

Community Advisory Group (CAG) for the Omaha Lead Site

Minutes for Meeting Held
Wednesday, March 8, 2006, 9:30 a.m.
Omaha Police Department Southeast Precinct
2475 Deer Park Blvd.
Omaha, NE 68105

OLS CAG Members Present:

Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*
Sue Casteel—*Agency for Toxic Substances and Disease Registry*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jonah Deppe—*League of Women Voters*
Jim Dowding (Designee for Gary Gernandt and Frank Brown)—*City Council Staff*
Nick Flattery—*OneWorld Community Health Centers*
Bob Feild—*Environmental Protection Agency*
Jeff McDermott—*Union Pacific Railroad*
Dr. Adi Pour—*Douglas County Health Department*
Chris Rodgers—*Douglas County Board of Commissioners*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*Douglas/Sarpy County Extension*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Gordon Andersen—*City of Omaha Public Works Dept.*
Patrick Bustos—*Environmental Protection Agency*
Mary Castaneda—*EPA Information Offices*
Todd Crawford—*Senator Hagel's Office*
Felisa Dillon—*ASW*
Connie Determan—*MFG, Inc.*
Nancy Gaarder—*Omaha World-Herald*
Ayesha Graves—*City of Omaha*
Debbie Kring—*Environmental Protection Agency*
Kathy Leinenkugel—*Douglas County Health Department*
Stacy Meacham—*MFG, Inc.*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Reid Steinkraus—*Douglas County Health Department*

Ms. Council began the meeting by introducing Mr. Patrick Bustos, the Director of Communication and Public Affairs for EPA Region 7.

Ms. Council stated that the CAG had been sent two emails before the meeting, one regarding Omaha Public Schools firing ranges and one announcing EPA's pre-bid conference.

Ms. Council announced that Dr. Bob Bornschein of the University of Cincinnati would be attending the Education Committee meeting and speaking at a public meeting on Thursday, March 9, 2006.

1. Discussion on Minutes from the February 15, 2006 Meeting

Ms. Council asked for any corrections or additions to the minutes from the February 15, 2006 CAG meeting. Ms. Weston stated that in the last paragraph on page 2, "Ms. Weston stated that vacant lots and parks are frequented by children and should be sampled before home without children" should read, "Ms Weston stated that parks should be sampled before properties without children. Ms. Weston stated that children would not play on vacant lots." Ms. Weston stated that in the second paragraph on page 5, "Ms. Council stated that she did not know if there would be value to obtaining input from the CAG on the executive director since very little input from the CAG Comprehensive Plan Committee was taken into consideration when selecting board members" should be deleted because Ms. Council was not in attendance at the meeting. Ms. Weston stated that on page 6, "Ms. Todd stated that the City has entered into an agreement with EPA to do exterior paint stabilization, but this funding is separate and for a separate program" should read "Ms. Todd stated that the City has entered into an \$350,000 agreement with EPA to do exterior paint stabilization, but this funding is separate and for a separate program." The minutes were unanimously approved with the above corrections (9-0).

2. EPA Update

Mr. Feild provided an update on EPA activities. Mr. Feild stated that limited activity is ongoing and full activity will resume in the spring.

Mr. Feild provided a list of parks that EPA has sampled to-date. Mr. Feild stated that most of the park sampling was performed in 1999, with the purpose of characterizing the extent of contamination. Mr. Feild stated that at that time, EPA was not attempting to sample all parks. Mr. Feild stated that sampling did not identify any concentrations of lead above 400 ppm, except at the Heartland of American Park, where the former Aaron Ferer and Gould lead smelter was located. Mr. Feild explained that the samples collected at the Heartland of America Park were obtained from below ground surface for the purpose of speciating the lead to determine its origin. Mr. Feild stated that EPA is now planning to sample all parks and hopes to complete the sampling protocol soon.

Mr. Feild stated that paint assessments have been done on over 100 homes to determine the lead loading on those homes. Mr. Feild stated that the assessments will be used to determine if exterior lead-based paint threatens EPA's remedy. Mr. Feild stated that, eventually, EPA will perform lead-based paint assessments on all homes included in the

interim remedy (approximately 4,500 homes). Dr. Pour asked if the assessments are being performed on properties where soil was recently replaced. Mr. Feild replied that EPA is assessing homes where soil will be replaced in 2006.

Mr. Feild stated that EPA intends to award another performance based contract, through the U.S. Army Corps of Engineers, this construction season. Mr. Feild stated that funding is still available through a time and materials contract with EMR, which EPA will be able to use in 2006.

Ms. Weston asked what contractor is performing the paint assessments. Mr. Feild replied that Marc Environmental, as a subcontractor to Black & Veatch, is performing the paint assessments. Ms. Weston asked what contractor will perform the park sampling. Mr. Feild replied that sampling will be performed by Black & Veatch.

Ms. Weston asked how many excavations were completed by EMR last year. Mr. Feild stated that he did not know, but would report this information at the next CAG meeting.

Ms. Weston asked when the award date for bids will be. Mr. Feild replied that contracts will be awarded by the end of March. Ms. Weston asked Mr. Feild to comment on a rumor that Envirocon filed bankruptcy. Mr. Feild stated that Envirocon has not filed for bankruptcy and that EPA feels the company is in strong condition.

Ms. Brooks Pittman asked when the 2006 season would begin. Mr. Feild replied that work will probably begin mid to late April. Ms. Brooks Pittman asked if contracts include incentives for hiring local workers. Mr. Feild stated that all contracts have incentives for local spending. Ms. Brooks Pittman asked if EPA looks at a contractor's record of previous local spending when considering awarding a contract. Mr. Feild replied that EPA looks at overall satisfaction with previous work, including local spending.

Ms. Weston asked why the pre-bid conference was held in Kansas City, instead of Omaha. Mr. Feild stated that he did not know. Ms. Weston stated that last year the pre-bid conference was held in Omaha.

Ms. Council asked why contracts were being awarded through the Kansas City office of the U.S. Army Corps of Engineers instead of the Omaha office. Mr. Feild stated that last years pilot study showed that it is not in the government's best interest to use the contracting mechanism used through the Omaha office of the U.S. Army Corps of Engineers.

Ms. Weston asked if the same incentives used last year would be included in this year's performance-based contract. Mr. Feild replied the same level or a higher level of incentives would be used.

Ms. Council asked if the hiring of subcontractors by Black & Veatch for the paint assessment was a competitive process. Mr. Feild stated that Marc Environmental is a

local small business and that Black & Veatch solicited proposals years ago. Mr. Feild stated that Black & Veatch would be open to evaluating additional companies for future work, if there are additional interested companies. Ms. Council stated that because it is difficult for local companies to compete for larger opportunities, subcontracting opportunities are very important. Ms. Council asked if Black & Veatch's contract with EPA contains provisions regarding the use of local businesses. Mr. Feild stated that he was unsure what Black & Veatch's contract contains. Ms. Brooks Pittman asked if the Black & Veatch contract includes the same incentives as other EPA contracts. Mr. Feild stated that the Black & Veatch contract is not specific to Omaha. Ms. Brooks Pittman asked if the individuals performing the paint assessments live within the Omaha Lead Site. Mr. Feild stated that Marc Environmental is located just west of the boundary. Ms. Weston stated that Marc Environmental is a local company that hires from the community and is supposedly woman-owned. Ms. Brooks Pitman asked if the people living in the Omaha Lead Site are performing the paint assessments. Mr. Feild stated that it is most cost effective to utilize local workers.

Ms. Weston stated that local companies will never have the opportunity to be prime contractors because they do not have the experience and are never given the opportunity to obtain prime contractor experience.

Ms. Council asked why Black and Veatch has not advertised opportunities each construction season. Mr. Feild stated that he will look at the Black and Veatch subcontracting plan and be prepared to discuss the plan at the next CAG meeting.

Ms. Council asked if EPA could provide the CAG with copies of work and sampling plans for area parks when completed. Mr. Feild stated that EPA would provide the plans once the plans are completed.

Dr. Pour asked if the details of the lead-based paint assessment could be shared with the CAG, including the number of samples being collected and how the analysis is performed. Mr. Feild stated that an XRF is being used to measure all similarly painted surfaces. Mr. Feild stated that the area of deteriorated surface is then estimated. Mr. Feild stated that EPA will determine based on the amount of deterioration and lead loading, if lead-based paint is a threat to the protectiveness of the soil cleanup. Ms. Deppe asked if lead in trim around windows and doors are being measured. Mr. Feild replied that lead loading for window and door trim is being measured. Dr. Pour asked if EPA could share the threshold for a threat to the remedy. Mr. Feild stated that he would share the threshold after it is developed.

Dr. Pour asked if the inside of the home is being considered. Mr. Feild stated that EPA will do interior cleaning last and that EPA is interested in performing additional interior testing to support EPA's risk assessment. Dr. Pour stated that she hopes EPA will collect good data that may be used later by the Omaha Healthy Kids Alliance (OHKA). Dr. Pour asked if measurements are only taken by XRF or if paint chips are collected. Mr. Feild stated that all paint and soil measurements are taken by XRF.

Ms. Weston asked how the Toxic Substances Control Act (TSCA) group at EPA Region 7 could become involved at the Omaha Lead Site. Mr. Sanders stated that TSCA does outreach but not abatement. Ms. Weston asked if there could be involvement with sampling lead-based paint. Mr. Feild stated that TSCA and HUD mirror each other, and that when EPA goes into a home, EPA follows HUD procedure, and, thus, is consistent with TSCA procedures. Ms. Council stated that if any resources are available through TSCA, they should be used. Mr. Sanders stated that he could ask TSCA what they could do, but added that TSCA does not perform remediation work.

Ms. Council asked if EPA is sampling detached garages during the exterior paint assessments. Mr. Feild replied that every structure is being examined.

3. Proposed Staging Areas

Ms. Council stated that Ms. Barrientos-Patlan had requested this agenda item, but was not in attendance. Ms. Council stated that proposed staging areas would be moved to next month's CAG meeting.

4. OHKA Update

Ms. Council provided an update on OHKA activities. Ms. Council stated that the OHKA board of directors was scheduled to meet March 10, 2006. Ms. Council stated that the board assigned an organizational committee to carry out responsibilities, such as identifying office space, developing a job description for an executive director, and identifying accounting and financial institutions. Ms. Council stated that the job description for executive director was distributed to the CAG and will be posted in various media, such as CareerLink.com and local newspapers.

Ms. Davis asked if the board minutes will be provided to the CAG. Dr. Pour stated that the board has not discussed releasing minutes, but has assigned Ms. Council to be a liaison to share OHKA activities with the CAG.

Ms. Council stated that Dr. Bob Bornschein and EPA would be presenting at the OHKA meeting, and Dr. Pour and Dr. John Walburn would present at the following OHKA meeting.

Ms. Weston asked if OHKA has identified an office location. Ms. Council replied that OHKA is still searching for office space and that any suggestions would be appreciated.

Ms. Weston asked if OHKA has a website. Dr. Pour stated that the OHKA board has only had one organizational meeting and has not discussed a website at this point.

Ms. Deppe asked if community residents have been identified to serve on the OHKA board. Ms. Council stated that two positions remain to be filled: one for a resident and

one for a representative of the philanthropic community. Ms. Deppe asked if more than one resident is on the board. Ms. Council stated that more than one resident is on the board and that board membership is consistent with the structure that the CAG approved. Mr. Davis asked if support staff have been hired. Ms. Council replied that support staff have not been hired at this point and that the executive director will determine staff needs.

Mr. Feild stated that EPA has great interest in a comprehensive remedy and hope to coordinate closely with OHKA. Dr. Pour stated that that is the goal.

6. City HUD Grant Update

Ms. Todd provided an update on the City's HUD grant. Ms. Todd stated that the City held a contractor information meeting. Ms. Todd reported that 19 applications are in some stage of the lead hazard reduction program, but construction has not begun. Ms. Todd stated that she will be switching from working with the Comprehensive Plan Committee to the Education Committee to discuss providing education to remodelers and handymen.

Ms. Weston stated that she hope EPA and the City will collaborate. Ms. Todd stated that the City is waiting for EPA to get to a point where collaboration is possible.

7. NDEQ Update

Mr. Davis reported that he is facilitating discussion with the Lincoln office on soil disposal and alternative uses.

8. Douglas County Health Department Update

Mr. Steinkraus stated that he would present 2005 blood lead data at the next CAG meeting.

9. LSOC Update

Ms. Weston stated that LSOC provided a HAZMAT training course to 26 participants, three of whom have been hired by current EPA contractors. Ms. Weston stated that LSOC will hold a job skills class on March 22, 2006 for individuals needing assistance with completing applications and other tasks. Ms. Weston stated that LSOC will also be hosting a lead worker and supervisory course. Ms. Deppe asked if Spanish-speaking course will be available. Ms. Weston replied that LSOC is looking into providing Spanish-speaking courses in April. Mr. Steinkraus asked who would provide the training. Ms. Weston replied that META will provide the Spanish-speaking training.

10. Comprehensive Plan/Grants Committees Update

Ms. Weston provided an update on the Comprehensive Plan and Grants Committees. Ms. Weston stated that a combined meeting of the Comprehensive Plan and Grants Committees was held. Ms. Weston stated that Ms. Gail Braun from the City and Mr. Stan Quy from HUD attended to provide information on grants. Ms. Weston reported that the committee discussed many upcoming grant opportunities. Ms. Weston stated that the committee also discussed creating a housing matrix to show gaps in funding related to lead hazard control in housing.

11. Education Committee Update

Mr. Waldren provided an update on the Education Committee. Mr. Waldren reported that the committee is continuing to discuss plans for lead week, such as a display at the civic building, inserts for the Omaha Public Schools newsletter, and news releases. Mr. Waldren stated that at the last committee meeting, Dr. Bob Bornschein attended, providing information on his experience and answering questions from the committee. Mr. Waldren stated that discussion has occurred regarding resubmitting the draft scope of work for the Superfund state cost share to NDEQ. Mr. Waldren stated that the draft would be resubmitted.

12. Questions and Answers

Ms. Dillon stated that she has been receiving calls at the EPA information office about the paint assessments.

Ms. Deppe stated that Sisters Together received a grant to survey the community about their knowledge on lead. Ms. Deppe stated that Sisters Together will be collaborating with Weed and Seed, the Nebraska Urban Indian Health Coalition, and the International Family Center. Ms. Leinenkugel asked who is designing the survey. Ms. Deppe stated that she is designing the survey and would be happy to accept input. Dr. Pour asked Ms. Deppe to provide the Douglas County Health Department with copies of the survey, so that they can answer any calls received from the community regarding the survey.

Ms. Weston asked for an update from EPA on closeout letters at the next CAG meeting.

Ms. Weston stated that LSOC received a Technical Assistance Grant from EPA and is currently looking for a technical advisor. Ms. Weston stated that she would provide qualifications for the technical advisor to the CAG.

Ms. Council stated that the next meeting will be on Wednesday, April 12, 2006 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (March 8, 2006):

Draft CAG Meeting Minutes from 2/15/06

Final CAG Meeting Minutes from 1/25/06

Letter to Real Estate Commission

Comprehensive Plan/Grant Committee Minutes from 02/13/06

Contracting Committee Minutes from 02/15/06

Local Area Businesses (Provided by Ms. Cheryl Weston)

Jury Finds Lead-Paint Firms Liable (Provided by MFG, Inc.)

First Year Finds Lead-Paint Law Not as Costly as Predicted (Provided by MFG, Inc.)

EPA Memorandum on Permits and Permit "Equivalency" Processes for CERCLA On-site Response Actions (Provided by EPA)

Summary of Statements from CAG Meetings Regarding Parks and Playgrounds (Provided by MFG, Inc.)

Summary of Schools Located in the Omaha Lead Site (Provided by MFG, Inc.)

Summary of Parks Located in the Omaha Lead Site (Provided by MFG, Inc.)

Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program Fact Sheet (Provided by MFG, Inc.)

EPA Offers Aid for Community Projects to Reduce Risks of Toxic Exposure (Provided by MFG, Inc.)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

EPA Update (hardcopy to be delivered)