

Community Advisory Group (CAG) for the Omaha Lead Site

Minutes for Meeting Held
Wednesday, March 14, 2007, 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*
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*
Jeff McDermott—*Union Pacific Railroad*
Vicki Quaites-Ferris—*City of Omaha Mayor's Office*
Chris Rodgers—*Douglas County Board of Commissioners*
Reid Steinkraus (Designee for Dr. Adi Pour)—*Douglas County Health Department*
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*
Lelia Coyne—*Citizen*
Felisa Dillon—*EPA Information Offices*
Patty Falcone—*Douglas County Health Department*
Mike Felix—*Nebraska Department of Environmental Quality*
Nancy Gaarder—*Omaha World-Herald*
Tina Gray-Ventry—*Lead Safe Omaha Coalition*
Laura Hardesty—*Cadmus Group*
Tom Janssen—*Senator Chuck Hagel's Office*
Louise Latimer—*Senator Ben Nelson's Office*
Diane Luna—*Burlington Road Neighborhood Association*
Becky Newman—*MFG, Inc.*
Mia Price—*Charles Drew Health Center/OHKA Board of Directors*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*U.S. Environmental Protection Agency*
Jill Shugart—*Agency for Toxic Substances and Disease Control*

1. Discussion on Minutes from the February 14, 2007 Meeting

Ms. Council asked for corrections or additions to the CAG meeting minutes from February 14, 2007.

Ms. Barrientos-Patlan stated that the year was omitted from the first page and should be inserted. Ms. Barrientos-Patlan stated that on page eight: “Ms. Barrientos-Patlan distributed a letter she wrote responding to EPA’s plan to remove lead from the list of National Ambient Air Quality Standards” should read: “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. Barrientos-Patlan stated that on page ten, “Lark Park” should read, “Large Park.” Mr. Feild stated that on page four: “Mr. Feild stated that he hates to think of reducing cleanup funds to spend more on health education” should read, “Mr. Feild stated that he hates to think of reducing cleanup funds simply for the sake of spending more on health education.” Ms. Coyne stated that the statement on page four reading, “Ms. Coyne stated that it needs to be made clear that to get a truly permanent remedy, EPA must change its point of view” should be deleted. Ms. Weston stated that the statement, “Ms. Weston stated that she disagrees with Ms. Thompson,” on page five, should be deleted. Ms. Weston stated that on page eight: “Ms. Weston replied that the conference has been held in Omaha in the past” should read: “Ms. Weston replied that the conference has been held in Omaha in the past and was not well-attended.” Ms. Price stated that she was in attendance at the February meeting and should be added to the list on page one.

Mr. Waldren motioned to approve the minutes with the above corrections. Ms. Eastman seconded the motion. The motion was unanimously approved (12-0).

2. EPA Update

Mr. Feild stated that he contacted EPA Headquarters to request that the OLS CAG be added to EPA’s list of CAGs.

Mr. Feild stated that EPA is developing responses to comments on EPA’s large park sampling plan and treatability study work plan. Ms. Council asked if there is a timeline for completing the responses to comments. Mr. Feild replied that he estimates the responses to comments will be completed within 30 days.

Mr. Feild stated that bids were opened for two 2007 construction season EPA contracts. Mr. Feild stated that ten bidders applied for each contract. Mr. Feild reported that One Stop Environmental (teamed with ER) is the low bidder for the fixed price contract; although Mr. Feild added that this is not a final decision due to an incorrect tabulation.

Mr. Feild reported that Prudent Technologies is the low bidder for the Indefinite Delivery Indefinite Quantity (IDIQ) contract.

Ms. Thompson asked where Prudent Technologies is located. Ms. Weston replied that they are located in Kansas City. Ms. Barrientos-Patlan asked if EPA will pursue new contracts each year. Mr. Feild replied that EPA does not have to, but may prefer to, pursue new contracts on a yearly basis. Mr. Feild stated that the 2007 contract have options for up to three years of work. Ms. Barrientos-Patlan asked if One Stop Environmental has worked for EPA in the past. Mr. Feild replied that One Stop Environmental has performed work for EPA in the past.

Ms. Council stated that she had been contacted by an EPA contractor employee who is concerned about a worker pay issue. Ms. Council stated that her understanding of the issue is that, originally the contractor did not provide employee benefits, but instead provided a cash incentive in addition to Davis-Bacon wages. Ms. Council stated that the contractor is no longer offering the cash incentive. Ms. Weston stated that the proposed plan was to offer insurance in lieu of fringe benefits. Ms. Weston stated that it is her understanding that the contractor must pay an employee who refuses the insurance the fringe benefit. Ms. Council stated that she wanted EPA to be aware of the issue. Ms. Council stated that she referred the contractor employee to the Nebraska Department of Labor.

Ms. Thompson asked if anyone monitors EPA's contractors to make sure the contractors follow through with contract requirements. Mr. Feild replied that each contractor has a contract manager who is responsible for ensuring that work is completed in accordance with the terms of the contract. Ms. Thompson expressed concern in selecting the lowest bidder. Ms. Thompson stated that she is concerned that contractors are not being held accountable for doing what they say they will do. Mr. Feild stated that federal regulations require EPA to select contractors in certain ways, usually requiring selection of the lowest bidder. Ms. Weston stated that a federal Department of Labor specialist is monitoring wage issues due to the situation that occurred with Environmental Restoration.

Ms. Weston stated that there is also an issue with work categories. Ms. Weston stated that more explanation is needed to clarify the difference between Davis-Bacon wages and service contracts. Ms. Weston stated that Davis-Bacon wages apply to construction workers and service contracts apply to environmental technicians and other workers.

Ms. Barrientos-Patlan asked if there is a difference in pricing on a per household basis from year to year. Mr. Feild replied that a price per household could be determined by dividing the cost of the fixed price contracts by the number of households and that this value does change.

Mr. Feild provided additional feedback on the CAG's request for an Explanation of Significant Differences (ESD). Mr. Feild stated that, at this time, EPA declined to modify its remedy for the Omaha Lead Site. Mr. Feild stated that EPA is not going to

spend additional remedial action dollars on health education. Mr. Feild stated that EPA understands and recognizes the importance of health education and will assist in identifying additional resources to fund health education. Mr. Feild stated that EPA is not opposed to increasing resources for health education, but will not do so using remedial action dollars. Ms. Latimer asked Mr. Feild to clarify to which resources he was referring. Mr. Feild replied that the U.S. Department of Housing and Urban Development (HUD) and other EPA programs may have funding.

Mr. Feild stated that EPA is looking for assistance from the Omaha community to gain access to properties. Mr. Feild reported that there are 1,211 homes in North Omaha and 2,003 homes in South Omaha where EPA has been unsuccessful in contacting homeowners to gain access for initial soil sampling.

Mr. Feild stated that, in total, 16,633 North Omaha and 21,169 South Omaha homes have been identified for soil sampling. Mr. Feild stated that in addition to the homes where EPA has been unsuccessful in contacting homeowners, access has been denied at 1,177 North Omaha and 1,693 South Omaha properties. Mr. Feild stated that 8,870 properties remain to be sampled.

Mr. Feild stated that EPA met with OHKA yesterday to discuss ways to work with the community to gain access to homes for sampling. Mr. Feild stated that a key part to gaining access is health education. Mr. Feild stated that families need to understand the importance of allowing sampling to occur on their properties. Ms. Barrientos-Patlan asked if EPA could send letters to homeowners and provide home lead testing kits. Ms. Barrientos-Patlan stated that residents are afraid to let EPA into their homes, so EPA will need to think of new ways to approach residents. Mr. Feild stated that EPA is just looking at sampling yards at this time. Ms. Eastman stated that it had previously been suggested that EPA work with the University of Nebraska, Lincoln Extension to provide incentive to homeowners through block parties or other mechanisms.

Ms. Coyne asked if EPA could pressure homeowners to comply through real estate disclosure rules, by explaining that property values could be reduced if EPA does not test the soil. Ms. Council stated that the subject of real estate disclosure rules has been discussed at great length at previous CAG meetings.

Ms. Deppe stated that the Sisters Together survey found that even if residents had knowledge about lead, they did not connect that knowledge to the Superfund site. Mr. Feild stated that EPA is concerned that increased awareness of the Superfund site is needed. Mr. Feild stated that EPA is looking at making additional fact sheets.

Ms. Barrientos-Patlan suggested that EPA partner with Keep Omaha Beautiful and involve the City council.

Mr. Janssen asked why EPA cannot use remedial action funding for education to address households where EPA is having difficulty obtaining access. Mr. Feild stated that gaining access to properties is part of EPA's site characterization and should be

addressed using pipeline money. Mr. Feild stated that EPA is already spending \$160,000 per year on health education. Mr. Feild stated that non-remedial action funds are available. Mr. Feild reiterated that EPA does not want to increase the level of remedial action funding. Ms. Deppe asked if EPA could increase funding for education by calling it something other than education, such as funding for access issues. Ms. Deppe asked EPA to utilize pipeline funding to address access issues through education. Mr. Feild stated that EPA's current health education funding is partially pipeline funding and partially remedial action funding. Ms. Deppe requested EPA to be innovative in accessing additional funding.

Ms. Weston suggested that the CAG be positive in approaching homeowner's concerns about property values. Ms. Weston suggested that EPA explain that property values will increase following yard remediation. Ms. Coyne stated that she agreed with Ms. Weston.

Mr. Feild provided a copy of the Superfund State Contract to Ms. Rawley. Ms. Council stated that the contract would be posted on the CAG website.

Ms. Barrientos-Patlan noted that EPA's update sheet from January was incorrectly labeled 2006, instead of 2007.

3. Fact Sheet and Educational Materials—EPA and ATSDR

Ms. Casteel distributed folders with educational materials produced by EPA and ATSDR and presented educational posters. Ms. Casteel stated that EPA and ATSDR created an updated fact sheet on the Omaha Lead Site at the request of the CAG. Ms. Casteel stated that the fact sheet contains basic information about the Superfund site. Ms. Casteel stated that six additional fact sheets on different topics were included in the folders. Ms. Casteel stated that the six additional fact sheets were created with assistance from the Education Committee and that the committee agreed that the correct messages are included in the fact sheets.

Ms. Weston suggested including the North Omaha EPA public information center phone number on the fact sheet. Ms. Barrientos-Patlan suggested creating Spanish versions of the information. Ms. Barrientos-Patlan also suggested sending the information home to parents through the schools. Ms. Casteel stated that fact sheets can be provided for community meetings. Ms. Price stated that handouts solely with pictures (no captions) are needed for the Sudanese population.

Ms. Barrientos-Patlan asked anyone interested in having a booth at the Latino Police Officer Association egg hunt to contact her. She stated that over 2,000 children are expected to attend the event.

Ms. Weston stated that she prefers the posters with photographs over the posters with drawings of animals.

Ms. Weston asked when the fact sheet will be finalized. Ms. Casteel replied that the fact sheets would have to go through an additional review at ATSDR and EPA, and would likely be finalized in two weeks.

Ms. Weston suggested distributing fact sheets through Habitat for Humanity, Family Housing Advisory Services, and other housing associations. Ms. Weston suggested handing out various information sheets on a periodic basis, rather than all at once. Ms. Price suggested partnering with Kid Ability, an Omaha Public Schools program. Ms. Price also suggested distributing information in payment envelopes at health clinics.

Ms. Deppe suggested putting circles with crosses through them on the negative messages on the maze handout. Ms. Weston suggested using thicker lines for the maze.

Ms. Council commented that the educational posters include information about paint and window sills, but the fact sheets do not address lead-based paint. Ms. Casteel stated that the fact sheets are designed for use in the Superfund site. Ms. Casteel stated that a separate flyer about various sources of lead in homes could be created. Ms. Deppe commented that EPA is addressing exterior lead-based paint. Ms. Council stated that EPA's Interim Record of Decision recognized a comprehensive approach, and includes paint stabilization and interior cleaning, which are not covered in the fact sheets. Ms. Casteel stated that she had talked with the Education Committee about developing a separate flyer that addresses all sources of lead exposure. Ms. Casteel stated that the current fact sheets were designed to address lead in soil. Ms. Eastman stated that it is her sincere hope that as materials are created, everyone will work together to ensure that consistent messaging is used. Ms. Eastman stated that OHKA has established connections with numerous organizations.

Ms. Barrientos-Patlan suggested providing homeowners a "free" certificate or coupon, which states that EPA will address lead in soil for free. Mr. Feild stated that EPA has already sampled most properties.

4. Education Committee Update

Ms. Eastman announced that OHKA launched a lead information hotline: 1-877-LEAD-411. Ms. Eastman stated that, when called, an individual can be connected to various lead services in Omaha. Ms. Eastman stated that the system tracks the calls. Ms. Eastman stated she is happy to change the current voice and messaging, if requested. Mr. Waldren stated that the hotline will reduce the confusion of who to call. Mr. Waldren stated that the committee suggested that EPA and ATSDR include the hotline on their fact sheets.

Mr. Waldren reported that the education committee will be sending out one page flyers in an upcoming Omaha Public School newsletter, which will include the new hotline.

Ms. Shugart suggested including basic educational information on the new hotline.

Mr. Waldren stated that the Education Committee requested a general and comprehensive fact sheet from EPA, rather than a fact sheet that only addresses soil.

Mr. Waldren stated that copies of all available lead educational materials could be provided to the CAG. Ms. Council stated that the materials could be posted on the CAG website.

Mr. Waldren stated that OHKA has developed an action plan, using the comprehensive plan and education matrices. Mr. Waldren stated that the action plan and the OHKA playbook are part of a total outreach effort designed to provide positive, consistent messages.

Mr. Waldren stated that May will be lead month. Mr. Waldren stated that several committee members will be attending a national lead conference in April. Mr. Waldren reported that the Omaha Children's Museum display period has ended. Mr. Waldren announced that a lead safe work practices training session would be held on Monday, March 19, 2007.

Mr. Waldren reported that the letter to the U.S. Preventative Services Task Force was not sent due to a lack of votes. The Education Committee motioned to reconsider and submit the letter as drafted. The motion was unanimously approved (9-0).

Mr. Waldren stated that the main goal of the Education Committee is to ensure that consistent messaging regarding lead is used throughout the community. Mr. Waldren stated that the committee wants to provide a uniform voice regarding what needs to be accomplished in Omaha to reduce blood lead levels. Mr. Waldren stated that the committee meetings are open and everyone is invited to attend.

Ms. Weston asked if OHKA was designed to find funding. Ms. Weston asked why OHKA is not providing funding to the University of Nebraska, Lincoln Extension for the Omaha Public Schools newsletter flyers. Ms. Eastman replied that OHKA is not a grantor and that the University of Nebraska, Lincoln Extension already has funding for the flyer through a HUD grant. Mr. Waldren stated that the University of Nebraska, Lincoln Extension is obligated to do certain things with the grant funding, and the newsletter insert is one of those things.

Ms. Weston asked Ms. Eastman to define the purpose of OHKA and if OHKA will use funding it receives. Ms. Eastman replies that it depends on the funding. Ms. Eastman stated that, for example, funding provided by the City of Omaha to OHKA must be used by OHKA. Ms. Eastman stated that, if OHKA received funding for lead hazard abatement, OHKA would not do the work itself, but would funnel the funding to those in the community who do lead hazard abatement. Ms. Weston asked what OHKA's start-up funding is used for. Ms. Eastman replied that the start-up funding is used to grow the nonprofit. Ms. Weston asked if OHKA is a service program provider. Ms. Eastman stated that it depends on the service and the program. Ms. Eastman stated that the CAG meeting was not an appropriate place to discuss the matter. Ms. Weston stated that is was

appropriate because Ms. Weston had voted on the formation of OHKA. Ms. Eastman stated that OHKA will never do blood lead testing or lead hazard control.

Mr. Waldren stated that the Education Committee is developing a response to EPA's rejection of the CAG's request for additional health education funding. Mr. Waldren asked CAG members to let him know if they would like specific points included in the response.

Ms. Price suggested evenly distributing messages to the refugee population. Ms. Price suggested working with the refugee task force. Ms. Falcone indicated that she is a member of the refugee task force. Ms. Thompson stated that OHKA will assist in developing materials to reach refugee communities.

5. OHKA Update

Ms. Eastman provided an update on OHKA activities. Ms. Eastman stated that OHKA has developed a playbook that defines OHKA. Ms. Eastman stated that she has been interviewed on National Public Radio and the Charles Drew Health Center's television program. Ms. Eastman stated that funding from the City will be used for a pilot program distributing canvas lunch bags with lead home testing kits. Ms. Eastman stated that the lunch bags will include various promotional materials and will be distributed in multiple ways. Ms. Eastman stated that Kwal Paints has become a sponsor for OHKA. Ms. Eastman stated that she will be meeting with Lieutenant Governor Sheehy and EPA Regional Administrator John Askew about future coordination with OHKA.

6. LSOC Update

Ms. Weston stated that the Lead Safe Omaha Coalition is continuing to work with Head Start and neighborhood associations.

7. City Update

Ms. Todd provided an update on City lead activities. Ms. Todd reported that, as of the end of December, the CAG and other organizations have contributed \$12,074 of \$24,750 committed in-kind dollars.

Ms. Todd stated that the City will complete lead hazard control work at 11 homes this month. Ms. Todd stated that a second lead safe work practices training for painters will be held next week. Ms. Todd stated that she is looking for bilingual (Spanish-speaking) individuals who would like to be trained to provide the training in the future. Ms. Todd stated that she will be distributing lead safe training videos to volunteer groups and would like to know of any service organizations that do painting or remodeling.

8. NDEQ Update

Mr. Felix stated that the amendment to the State Superfund contract has been finalized.

9. Questions and Answers

Ms. Council stated that the next CAG meeting will be held April 11, 2007 at 9:30 a.m.
The location is to be announced.

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

Draft CAG Meeting Minutes from 2/14/07

Final CAG Meeting Minutes from 1/10/07

*Report of a Feild Oversight Review of the Pre-Excavation Sampling and X-Ray
Florescence Analysis of Lead by ASW and ATC (Provided by EPA)*

*NDEQ Comments on Draft Treatability Study Omaha Lead Superfund Site (Provided by
NDEQ)*

*LSOC's Comments on EPA's Draft Treatability Study Work Plan for the Omaha Lead
Site (Provided by Cheryl Weston)*

*LSOC's Comments on EPA' Large Park Surface Soil Investigation Omaha Lead Site
(Provided by Cheryl Weston)*

*Letter from Governor Heineman to EPA Administrator Johnson Dated 01/26/07
(Provided by NDEQ)*

*Letter from EPA Administrator Johnson to Governor Heineman Dated 02/13/07
(Provided by NDEQ)*

Letter to CAG from Bob Feild Dated 02/12/07

*Letter to EPA Administrator Johnson from BRNA Dated 01/27/07 (Provided by Rebecca
Barrientos-Patlan)*

*Letter to EPA Administrator Johnson from National Center for Healthy Housing Dated
02/02/07 (Provided by MFG, Inc.)*

Letter to the CPSC from Sierra Club Dated 02/05/07 (Provided by MFG, Inc.)

Omaha Healthy Kids Alliance Playbook (Provided by OHKA)

No Lead Cleanup Education Boost (Provided by Nancy Gaarder)

Lead-Test Holdouts a Challenge for EPA (Provided by MFG, Inc.)

How Gov't Decided Lunch Box Levels (Provided by MFG, Inc.)

Getting the Lead Out (Provided by MFG, Inc.)

Lead Report Wins Award (Provided by MFG, Inc.)

Children's Jewelry Recalled (Provided by MFG, Inc.)

Children's Ring Recalled (Provided by MFG, Inc.)

Samara Brothers Recalls Boys' Jackets (Provided by MFG, Inc.)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)