

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

Minutes for Meeting Held  
Wednesday, April 6, 2005, 9:30 a.m.  
Juan Diego Center  
5211 S. 31<sup>st</sup> Street

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**OLS CAG Members Present:**

Sue Casteel—*ATSDR*  
Patricia Castro—*Juan Diego Center*  
Brenda Council—*Facilitator*  
Todd Davis—*Nebraska Department of Environmental Quality*  
Jonah Deppe—*League of Women Voters*  
Bob Feild—*Environmental Protection Agency*  
Nick Flattery—*OneWorld Community Health Centers*  
Clifton Jones—*U.S. Department of Housing and Urban Development*  
Jeff McDermott—*Union Pacific Railroad*  
Kerri Peterson—*Our Healthy Community Partnership*  
Dr. Adi Pour—*Douglas County Health Department*  
Chris Rodgers—*Douglas County Board of Commissioners*  
Warren Weaver (proxy for Councilmen Gernandt and Brown)—*City of Omaha*  
Cheryl Weston—*Lead Safe Omaha Coalition*  
Tommie Wilson—*NAACP*

**Others Present:**

Todd Crawford—*Senator Hagel's Office*  
Karen Davis—*Congressman Terry's Office*  
Felisa Dillon—*ASW*  
Todd Falter—*Nebraska Health and Human Services*  
Mike Felix—*Nebraska Department of Environmental Quality*  
Todd Feltman—*Citizen*  
Sonny Foster—*Senator Ben Nelson's Office*  
Herman Hanner—*Professional Environmental Engineers*  
Debbie Kring—*Environmental Protection Agency*  
Stacy Meacham—*MFG, Inc.*  
Julie Powers—*Nebraska Department of Environmental Quality*  
Claudia Preddy—*Marc Enviro Services*  
Jennifer Rawley—*MFG, Inc.*  
Steve Sanders—*Environmental Protection Agency*  
Katy Spellerberg—*MFG, Inc.*  
Joyce Stevens—*City of Omaha*

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## **1. Discussion of Minutes from the March 9, 2005 Meeting**

Ms. Council asked for any corrections or additions to the minutes from the March 9, 2005 CAG meeting. Mr. Waldren motioned to approve the minutes as is. Dr. Pour seconded the motion. The motion unanimously passed (8-0).

## **2. CAG Comments Regarding Dr. Linkenbach's Presentation**

Ms. Council provided an opportunity for CAG members to comment on Dr. Linkenbach's presentation on the "Science of the Positive" held March 9, 2005. Mr. Waldren stated that the Education Subcommittee intends to utilize some of the principles Dr. Linkenbach discussed.

## **3. Letters to Congress**

Ms. Council stated that letters were sent on behalf of the CAG to the congressional delegates, as requested. Mr. Crawford stated that Senator Hagel's office received the letters and forward the letters to Washington.

## **4. EPA Update**

Mr. Feild stated that the U.S. Army Corps of Engineers contractors, ECC and HGL, are in their third week of excavations. Mr. Feild reported that ECC has completed 10 yards to date (excavated and resodded) and has access at 110 of their 120 assigned properties. Mr. Feild stated that HGL has completed 9 yards to date (excavated and resodded) and has access to 30 or 40 of their 163 assigned properties. Mr. Feild stated that EPA would mobilize their contractors next week. Mr. Feild estimated that a total of about 30 properties per week would be excavated by all of the contractors.

Mr. Feild stated that EPA is focusing on the area from Ames to L Street and 45<sup>th</sup> Street to the Missouri River.

Mr. Feild distributed several maps. Mr. Feild advised that the maps are draft.

Ms. Deppe requested that EPA generate an additional map indicating the number of yards that will require cleanup. Mr. Feild stated that he would provide the number of yards requiring cleanup.

Mr. Feild distributed a map showing information by parcel. Mr. Feild stated that this map is linked to Douglas County's and EPA's databases. Mr. Feild stated that EPA would continually update this map.

Dr. Pour stated that EPA's maps show that one area is not receiving more attention than other areas.

Ms. Council asked if there are two access agreements obtained for each property: one to allow sampling and one to allow cleanup. Mr. Feild stated that two access agreements are obtained. Mr. Feild stated that the map only reflects the sampling agreements. Mr. Feild stated that in very few instances was access denied for cleanup, where access was granted for sampling. Ms. Council requested that EPA provide the lead concentrations in soil on a map, to compare to the number of access agreements. Ms. Council stated that the number of properties sampled is higher than the number of access agreements obtained. Ms. Weston stated that the number of samples might be higher because an owner may sign an agreement for multiple properties. Ms. Council stated that she owns multiple properties and was required to sign an agreement for each property. Mr. Feild stated that the maps and data would be reviewed. Ms. Dillon stated that some yards that have been sampled would not require excavation.

Ms. Council asked if the U.S. Army Corps of Engineers contractors are prioritizing excavations. Mr. Feild stated that EPA would prioritize excavations to address properties where children with elevated blood lead levels are present and childcares, then residences where children live, next properties with lead in soil concentrations above 1,200 (parts per million) ppm, and last properties with lead in soil concentrations between 800 and 1,200 ppm. Mr. Feild stated that EPA has limited control over the U.S. Army Corps of Engineers' contractors. Mr. Feild stated that the contractors have agreed to prioritize properties, but added that the contractors are focusing on one neighborhood at a time.

Mr. Feild stated that EPA received the CAG's FOIA request for contractor work plans and associated documents. Mr. Feild stated that EPA is working on processing the request. Mr. Feild expects the request to be fulfilled in about two weeks. Ms. Council requested that EPA expedite the process, knowing that the contractors are currently excavating. Ms. Council stated that at properties near her residence, she observed a lack of runoff control and soil falling off of trucks. Ms. Council stated that the community has an interest in reviewing the contractors work plans to see what provisions have been made to address issues, such as runoff control and truck traffic. Mr. Feild stated that he could research what the contractors' procedures are.

Mr. Feild stated that EPA requested from the U.S. Army Corps of Engineers contractors information regarding the percentages of local workers hired for the project. Mr. Feild stated that the contractors did not provide the requested percentages because they do not have to submit such information until completion of the work. He stated that at completion of the project, the contractors would be paid an incentive fee based on local hiring. Ms. Council stated the Statement of Work indicated that the contractors would be paid on a progressive basis and asked if information on local hiring would thus be submitted along the way. Mr. Feild stated that the contractors are paid on an ongoing basis, but are not paid the incentive fee until after completion of work. Mr. Feild stated that, last year, about 60 or 70 percent of individuals hired by EPA's contractor were local hires. Mr. Feild added that crews were paid Davis-Bacon wages at a rate of approximately 21 dollars per hour. Ms. Dillon noted that many crews are currently working eleven-hour days and that workers are paid time and a half for hours exceeding 40 hours per week.

Ms. Council asked if the contractors' incentive fee is based upon EPA satisfaction, percent of local employees, and percent use of local businesses. Mr. Feild clarified that the incentive fee is based upon EPA satisfaction, resident satisfaction (he noted that a rating sheet evaluating performance is given to all property owners), and amount of money locally spent. Ms. Weston stated that she had been in contact with the U.S. Army Corps of Engineers contractors.

Ms. Weston stated that HGL informed her that 88 percent of their hires were local individuals. Ms. Weston stated that ECC informed her that 83 percent of their hires were local individuals. Ms. Weston stated that ECC provided 40-hour OSHA training at a local church, and HGL also provided training to a few individuals. Ms. Weston stated that the homeowners she has spoken with have been satisfied with the work. Ms. Weston announced that Mr. Feild would be a guest on her television program, *People Talking to People*, Monday, April 11<sup>th</sup> at 7:00 p.m.

Ms. Council asked why it is easy for Ms. Weston to receive information from the contractors, but difficult for EPA to receive the same information. Mr. Feild stated that he could request the information again, but reiterated that the contractors are not required to report the number of local hires until completion of the project.

Ms. Weston stated that the information was provided to her even though the contractors did not have to provide the information. Mr. Foster stated that the request was made to EPA in order to be provided with official documentation. Mr. Foster stated that Ms. Weston does not have documented proof. Mr. Foster stated that prior to this meeting, Ms. Weston had not accepted such information from others, and therefore, should not expect her information to be accepted. Ms. Council stated that the issue is a process issue. Ms. Council stated that even though it is not information that the contractors are required to provide, she did not understand why the information was difficult to obtain.

Ms. Deppe stated that she was concerned that EPA does not verify if workers are actually local residents, noting that sometimes individuals do not actually live where they say they do. Mr. Feild stated that ECC and HGL most likely verify the workers' information. Ms. Deppe reiterated that EPA does not verify or monitor workers. Mr. Feild stated that he assumes that the U.S. Army Corps of Engineers has a verification process.

Ms. Weston stated that as Interim Chair of the Contracting Subcommittee, she was providing the CAG with information from the contractors. Ms. Council stated that, although the CAG appreciates the information, Ms. Weston was not directed by the CAG to gather the information; the CAG made a request to EPA for the information, which EPA agreed to provide. Mr. Feild stated that he would request the information from the contractors again.

Mr. Foster asked what the next deadline is related to EPA negotiations with Potentially Responsible Parties (PRPs). Mr. Feild stated that the 120-day moratorium will end April 22, 2005, but might be extended. Mr. Foster asked if EPA could make an announcement

about the state of negotiations at the next CAG meeting. Mr. Feild stated that he would discuss what he could at the next meeting. Mr. Feild stated that EPA would like to enter into an agreement where the PRPs will take the lead on implementation of the work. Mr. Foster asked if EPA is in discussions with Asarco. Mr. Feild stated that EPA is in negotiations with all four PRPs, including Asarco. Ms. Davis asked if there were more than four PRPs. Mr. Feild stated that there are only four PRPs. Mr. Foster added that the PRPs named by EPA are Asarco, Gould, Union Pacific Railroad, and Aaron Ferer.

Mr. Feild invited anyone with questions about the maps provided by EPA to call him. Ms. Council asked if EPA is only sampling on properties where a building is located. Mr. Feild stated that EPA is sampling vacant lots and will address soil at vacant lots where children play.

Mr. Rodgers asked when EPA would be working from a new pot of emergency funding. Mr. Feild stated that EPA is currently spending emergency removal dollars. Mr. Feild stated that EPA could not spend remedial action money until EPA enters into an agreement with the PRPs. Mr. Feild stated that EPA Region 7 has requested enough remedial action funding to begin awarding large-scale contracts. Mr. Feild added that he is confident Omaha will have the funding, if needed. Mr. Rodgers asked if the remedial action funding would be cut if EPA reaches an agreement with the PRPs. Mr. Feild stated that at this time, 77.4 million dollars has been budgeted for the Omaha Lead Site. Mr. Foster asked how money is being spent for a specific site, when sampling and excavation is occurring outside of the site boundaries. Mr. Feild stated that EPA is focusing on an area and then will decide if the area needs to be extended. Mr. Foster asked how EPA could excavate outside of the boundaries described in the Interim Record of Decision. Mr. Feild stated that the Interim Record of Decision does not specify an area, but rather specifies that 5,600 properties will be excavated.

Ms. Weston asked for clarification regarding Mr. Rodgers' question. Mr. Feild stated that if, for example, the PRPs contributed 50 million dollars to the cleanup, EPA would then only contribute 27 million dollars. Ms. Council asked what the State's cost share is based on. Mr. Feild stated that the State's cost share would be ten percent of whatever EPA contributes. Ms. Weston asked who would lead the project, if the PRPs do not pay for the entire cleanup. Mr. Feild stated that any agreement is possible. Ms. Weston asked how a PRP-led project would affect the CAG. Mr. Feild stated that it would not necessarily affect the CAG. Ms. Council added that because a CAG is a part of EPA guidance, it would likely be a part of the Omaha Lead Site whether or not PRPs lead the project.

## **5. NDEQ Update**

Mr. Davis stated that NDEQ did not have an update.

## **6. City Update**

Ms. Stevens provided an update on behalf of Ms. Marian Todd, who could not attend the meeting. Ms. Stevens stated that the City is applying for a U.S. Department of Housing and Urban Development (HUD) grant, adding that Ms. Todd is requesting for CAG

members to provide her with suggestions on the grant. Ms. Weston asked if the grant referred to is the same grant the City was denied this year. Ms. Steven stated that it is the same grant. Dr. Pour asked if the City would like letters of support. Ms. Council stated that the CAG needs information on what Ms. Todd would like to see in the letters of support. Mr. Jones stated that the application process is online. Mr. Jones stated that he would coordinate with the City to provide assistance with the grant.

Ms. Council stated that the City has to show matching resources. Ms. Council asked if the Superfund spending could be viewed as matching funds. Mr. Jones replied that federal dollars are ineligible. Ms. Council asked if non-federal Superfund spending, such as spending related to the CAG's comprehensive plan, could be used as matching resources. Mr. Jones stated that he did not know if CAG funds would qualify. Mr. Jones agreed to provide an update on the grant at the next CAG meeting.

### **7. Our Healthy Community Partnership Presentation**

Ms. Peterson presented on Our Health Community Partnership and the 2004 Douglas County Community Report Card, which examined community members reported health behaviors and perceptions of quality of life.

### **8. Lead Educational CD-ROM**

Mr. Waldren presented an educational CD-ROM created by the University Extension.

### **9. Education Subcommittee Update**

Mr. Waldren provided an update on the Education Subcommittee. Mr. Waldren stated that the Subcommittee had assisted in identifying individuals from the Douglas County Health Department's outreach program. Dr. Pour reported that 35 individuals applied for positions.

Ms. Casteel provided an update on the Masimax training. Ms. Casteel stated that the training was well received. Ms. Casteel added that she is looking into holding a Spanish training session. Ms. Weston asked who attended the training. Ms. Stevens reported that contractors, homeowners, workers, and City personnel attended.

Mr. Waldren presented the Education Subcommittee's briefing book. Ms. Weston asked who would be responsible for updates to the briefing book. Mr. Waldren stated that the Education Subcommittee would be responsible for updates. Ms. Deppe motioned to approve the briefing book. Mr. Rodgers seconded the motion. The motion unanimously passed (12-0).

### **10. Comprehensive Plan Subcommittee Update**

Ms. Deppe provided an update on the Comprehensive Plan Subcommittee. Ms. Deppe stated that the Subcommittee is developing work groups, including work groups to look at city housing codes, state policy, and advocacy. Ms. Deppe encouraged CAG members to let her know if they are interested in serving on a work group.

## **11. Grants**

Ms. Kring stated that those applying for grants should consider how to parallel their proposals to other cities to maximize potential for acceptance.

Ms. Council announced that the CAG has been awarded the Nebraska Council on the Environment's 2005 Environmental Excellence Award. Ms. Council stated that the award lunch will be held on April 27, 2005 and encouraged CAG members to attend.

Ms. Council stated that the next CAG meeting would be held on May 11, 2005 at 9:30 a.m. The location is to be announced.

### Handouts Provided for the Meeting (April 6, 2005):

*Draft Minutes from 03/09/05 (Provided by MFG, Inc.)*

*Approved Minutes from 02/09/05 (Provided by MFG, Inc.)*

*FOIA Request to EPA (Provided by MFG, Inc.)*

*Comprehensive Plan Subcommittee Notes from 03/15/05*

*Education Subcommittee Notes from 03/15/05*

*Summary of Community and Tribal Grant Programs (Provided by EPA)*

*Lead Outreach Grant Program (Provided by Ms. Siobhan Champ-Blackwell)*

*2005 Environmental Awards Nomination Form (Provided by Ms. Brenda Council)*

*EPA Abandons Lead-Based Paint Protections (Provided by MFG, Inc.)*

*2005 Governor's Conference on Community Service*

*Nebraska Senate Committee Appointments (Provided by Ms. Gail Braun)*

*Memorandum Regarding 40-Hour HAZWOPER Operations Training (Provided by Mr. Sonny Foster)*

*Munroe-Meyer Institute Presentation*

*Collaboration Presentation (Provided by ATSDR and DCHD)*

*Draft Briefing Packet (Provided by the Education Subcommittee)*

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