

Community Advisory Group (CAG) for the Omaha Lead Site

Minutes for Meeting Held
Wednesday, April 12, 2006, 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*

Tanya Cook—*Governor's Omaha Advisory Council for Lead Safe Neighborhoods*

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*

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

Bob Feild—*Environmental Protection Agency*

Chris Rodgers—*Douglas County Board of Commissioners*

Vernon Waldren—*Douglas/Sarpy County Extension*

Others Present:

Gordon Andersen—*City of Omaha Public Works Dept.*

Mary Castaneda—*EPA Information Offices*

Lelia Coyne—*Citizen*

Todd Crawford—*Senator Hagel's Office*

Felisa Dillon—*ASW*

Connie Determan—*MFG, Inc.*

Lyndsy Jenness—*Senator Hagel's Office*

Debbie Kring—*Environmental Protection Agency*

Diane Luna—*Burlington Road Neighborhood Association*

Stacy Meacham—*MFG, Inc.*

Jennifer Rawley—*MFG, Inc.*

Steve Sanders—*Environmental Protection Agency*

1. Discussion on Minutes from the March 8, 2006 Meeting

Ms. Council asked for any corrections or additions to the CAG minutes from March 8, 2006. Mr. Waldren motioned to approve the minutes as drafted. Ms. Cook seconded the motion. The minimum number of votes required to pass a motion was not met, so the motion did not carry.

2. EPA Update

Mr. Feild provided an update on EPA activities. Mr. Feild stated that soil removals have begun for the 2006 construction season. Mr. Feild stated that EPA has awarded a new performance-based contract for 425 properties in South Omaha to ASW, and the U.S. Army Corps of Engineers will be awarding a task order for an additional 425 properties in North Omaha to one of their four pre-qualified contractors. Mr. Feild added that ECC will be completing 84 removals that were incomplete last year.

Number of properties excavated per contractor in 2005

Mr. Feild provided a handout listing the number of properties completed per contractor in 2005.

Black & Veatch subcontracting plan

Mr. Feild reported that most of the Black & Veatch subcontracting plan is considered confidential business information and cannot be released. Mr. Feild stated that in 2002, Black & Veatch began working under a large (non-site-specific) contract with EPA. Mr. Feild noted that, although EPA's contract with Black & Veatch excluded requirements for local hiring, Black & Veatch searched PRO-Net in 2002 to identify potential subcontractors in Lincoln and Omaha and contacted the Nebraska small business coordinator to identify small, disadvantaged businesses. In December 2002, Black & Veatch solicited proposals and received ten proposals. In 2003, Black & Veatch awarded five subcontracts. Mr. Feild reported that for every dollar invoiced by Black & Veatch, one-fourth to one-third goes to subcontractors. Mr. Feild estimated that \$1.5 to \$2 million has gone to local companies since the project began. Ms. Barrientos-Patlan asked who the ten companies that submitted proposals were. Mr. Feild listed the following companies, who have and continue to work as subcontractors to Black & Veatch:

- FD & Associates, Inc.
- Professional Environmental Engineers
- ASW
- AEW
- Marc Enviro Services

Ms. Barrientos-Patlan asked who the other five firms that submitted proposals were. Mr. Feild listed the following additional companies:

- AMI
- Mid-America Environmental Solutions
- Resource Management Systems
- RDG Geoscience & Engineering
- E & A Consulting Group
- Asbestos Removers

Ms. Barrientos-Patlan asked what Black & Veatch looks for in a subcontractor. Mr. Feild replied that Black & Veatch looks for environmental remediation companies with skills to perform sampling and to attain signed access agreements.

Lead-based paint assessment procedures

Mr. Feild reported on EPA's lead-based paint assessment procedures. Mr. Feild stated that contractors are testing lead loadings with an XRF instrument for all similarly painted surfaces on the exterior of homes. Mr. Feild stated that the square footage of deteriorated paint for each similarly painted surface is estimated. Mr. Feild stated that EPA is still determining the criteria to determine eligibility for paint stabilization. Mr. Feild stated that EPA will be using the initial paint assessments to determine how big a threat deteriorating lead-based paint is to EPA's remedy. Mr. Feild stated that he hopes to have the criteria set by the next CAG meeting. Mr. Feild stated that EPA will ultimately perform a paint assessment at every property included in the interim remedy, but at this time, EPA is prioritizing the paint assessments at homes currently slated for excavation to eliminate the need to address recontaminated soil.

Ms. Brooks Pittman asked if the paint assessments are postponing excavations. Mr. Feild replied that EPA is moving forward with excavations, but if significant paint deterioration is identified as a problem, EPA may elect to delay excavations where children are absent. Mr. Feild stated that EPA is excavating homes with the highest lead concentrations and those that have children first. Ms. Brooks Pittman asked who tracks the prioritization of homes. Mr. Feild replied that Black & Veatch is transitioning information to EPA's database. Mr. Feild stated that EPA hopes to have an operational Oracle database in the next two months. Ms. Brooks Pittman asked if EPA is notified when children move into a home. Mr. Feild stated that EPA is not necessarily notified, but if EPA learns that children move into a home, EPA will make that home a higher priority. Ms. Brooks Pittman expressed the need for a link to the community to ensure that work is completed first for those who need it most. Mr. Feild stated that EPA just developed the criteria for prioritizing last year. Mr. Feild stated that EPA is discussing a strategy to engage local groups to gain cooperation of homeowners.

Mr. Davis asked if ASW is having difficulty obtaining access for EPA. Ms. Dillon stated that typically, if the contractor is able to clearly explain the process, the homeowner will allow access. Ms. Dillon stated that sometimes persistence is required and access to individuals who speak various languages is also necessary.

Close-out letters

Mr. Feild provided an update on close-out letters. Mr. Feild stated that EPA is reviewing 2004 and 2005 files to confirm completion of excavations. Mr. Feild stated that EPA will send close-out letters after completion is verified. Mr. Feild reported that close-out letters have been mailed to qualifying properties completed through the 2003 construction season. Mr. Feild noted that letters sent out through 2003 only indicate that cleanup has been completed. Letters to be sent for properties completed in 2004 and

2005 will state that the property has been cleaned up to levels protective of human health and no restrictions apply. However, to be able to make this statement, the files and field notes must be reviewed to confirm that all areas of the property were completed.

Park sampling update

Mr. Feild reported that EPA is interested in sampling 65 public parks and is continuing to develop a statistical sampling approach for large parks. Mr. Feild stated that he will share the sampling approach at the next CAG meeting.

Mr. Feild stated that EPA has begun sampling at 37 small parks (less than or equal to 6.5 acres). Mr. Feild stated that EPA is sampling all grassy areas, but not heavily forested areas or areas with dense trees. Mr. Feild stated that he hopes to have the results of the sampling at the next CAG meeting.

Mr. Feild reported that EPA has begun sampling at private schools. Mr. Feild stated that EPA has identified eight schools to sample (one was identified that does not have soil on its property). Mr. Feild stated that EPA has obtained access at five of the schools and anticipates completing sampling at all eight schools by the next CAG meeting. Ms. Barrientos-Patlan asked if lead-based paint will be assessed at older schools. Mr. Feild stated that a school would have to have contaminated soil in order to be eligible for a lead-based paint assessment.

Update on information centers

Mr. Feild stated that EPA still intends to hold an open house at the information centers within the next month, once the contractors are up and running. Ms. Dillon stated that she has been busy receiving phone calls with questions concerning the latest round of sampling results EPA sent to residents.

3. Proposed Staging Areas

Mr. Feild stated that ASW prefers not to utilize the Missouri-River Waste Water Treatment Plant as a staging area and is searching for an alternate site. Mr. Feild stated that ASW is required by contract to work with EPA and the public to select a site. Mr. Feild stated that ASW is currently contemplating utilizing an area at 25th and Center Streets. Mr. Feild asked for input regarding the appropriate level of public participation to provide in selecting a staging area. Ms. Barrientos-Patlan suggested that EPA contact the neighborhood association for that area. Mr. Feild stated that, at a minimum, EPA would contact the neighborhood association.

Ms. Barrientos-Patlan asked when ASW would begin using the staging area. Mr. Feild stated that ASW would like to commence work in the next few weeks. Ms. Brooks Pittman asked what the distance to properties to be excavated is from the proposed staging area. Mr. Feild stated that properties to be excavated are within two miles of the

proposed staging area. Mr. Davis stated that ASW's trucks could avoid driving through neighborhoods by utilizing Highway 75.

Ms. Barrientos-Patlan suggested that EPA present a map of the truck route to the public. Ms. Council stated that the CAG could assist in coordinating with the Neighborhood Association for Greater Omaha to hold a public information meeting. Ms. Council stated that it would be helpful if ASW would provide a description of the proposed use of the property, operating hours, trucks routes, etc.

Ms. Barrientos-Patlan asked if the staging area would be utilized even if the public says they do not want that area to be used. Mr. Feild said he could not say. Ms. Council stated that she would think public concern would be taken into consideration in order to avoid negative publicity and complaints.

Mr. Feild stated that because of the CAG, there is an increased focus on air quality. Mr. Feild stated that EPA will perform air monitoring throughout the year along fence lines of staging areas.

Ms. Barrientos-Patlan asked if Mr. Feild could provide a list of properties that have been excavated in South Omaha. Mr. Feild stated that excavated properties are public information and that he could provide a list. Ms. Council suggested that Mr. Feild provide the list to Ms. Determan, to distribute to any interested CAG members. Mr. Feild stated that he would provide the list to Ms. Determan.

Ms. Council asked if sometime in the future homes slated for excavation would be prioritized for lead-based paint assessment before excavation. Mr. Feild stated that EPA should perform paint stabilization before excavations. Mr. Feild stated that EPA has not done so to-date because paint and dust actions were not originally included in EPA's remedy. Mr. Feild stated that prior to 2004 paint and dust were not included in EPA's response action. Ms. Council asked if Black & Veatch has the capacity to perform lead-based paint assessments on 2000 homes. Mr. Feild replied that he did not know.

Ms. Brooks Pittman asked if covering lead-based paint with siding is an option. Mr. Feild stated that EPA is not considering providing siding or window replacement because of cost. Mr. Feild stated that EPA's primary focus is soil. Ms. Brooks Pittman suggested that EPA consider the costs associated with repainting compared to a one-time solution of siding a house. Mr. Feild stated that EPA will be working with the City and will rely on the City to instruct EPA on the most cost-effective solution.

4. OHKA Update

Ms. Council provided an update on the Omaha Healthy Kids Alliance (OHKA). Ms. Council stated that the next OHKA board of directors meeting is scheduled for April 27, 2006. Ms. Council stated that at the last OHKA board of directors meeting, decisions were made regarding operations and the ad for an executive director was posted. Ms.

Council stated that OHKA made preliminary arrangements for a grant writer and decided upon a bank, a day-to-day accounting firm, an auditing accounting firm, and a liability insurance firm. Ms. Council added that at the last meeting, Mr. Feild and Dr. Bob Bornschein presented to the board. Mr. Rodgers stated that the board also selected Lt. Governor Sheehy to serve as the chairman and Mr. Joe Bateman to serve as secretary and treasurer. Mr. Rodgers stated that Dr. Bornschein gave a great presentation explaining lead issues and why a comprehensive approach is needed to address the problem.

5. City HUD Grant Update

Mr. Waldren provided a brief update in Ms. Todd's absence. Mr. Waldren stated that at this time, the City has processed five applications and that a number of applications are in the cue.

6. NDEQ Update

Mr. Davis stated that NDEQ representatives met with Ms. Council and other Education Committee members. Mr. Davis stated that an update would be provided by the Education Committee.

7. LSOC Update

No one from the Lead Safe Omaha Coalition (LSOC) was present to provide an update.

8. Comprehensive Plan Committee Update

Ms. Council provided a brief update in Ms. Deppe's absence. Ms. Council stated that the Comprehensive Plan Committee met twice since the last CAG meeting. Ms. Council stated that the Committee continues to work on a matrix, similar to the Education Committee's matrix that includes elements such as paint activities, dust activities, and regulations.

Ms. Council stated that the next Comprehensive Plan Committee meeting will be held on May 9, 2006 at 10:00 a.m. at the Family Resource Center.

9. Education Committee Update

Mr. Waldren provided an update on the Education Committee. Mr. Waldren stated that Dr. Bornschein met with the Education Committee and spoke at a public session. Mr. Waldren stated that Dr. Bornschein did a great job and affirmed that the group was headed in the right direction.

Mr. Waldren stated that last week was lead week. Mr. Waldren stated that the Committee laid the groundwork for future lead weeks. Mr. Waldren stated that activities completed during lead week included:

- A mayoral proclamation;
- T.V. spot;
- News releases;
- Flyers distributed in 28,000 Omaha Public Schools newsletters;
- Flyers distributed in area Hy-Vee grocery bags;
- Flyers distributed at Omaha Public Libraries; and
- A display at the civic center.

Mr. Waldren stated that Ms. Casteel and Ms. Che Thompson met with the Omaha Public Schools curriculum coordinator to discuss a lead school enrichment pilot program. Mr. Waldren stated that Ms. Joyce Stevens is working with contractors to encourage lead safe work practices.

Mr. Waldren stated that the Education Committee will be presenting to the OHKA board on April 27, 2006.

Mr. Waldren stated that members of the Committee participated in a conference call with former EPA Region I attorney, Mr. Rick Riebstein. Mr. Waldren stated that Mr. Riebstein is working on a "Don't Spread Lead" campaign targeting realtors and contractors. Mr. Waldren stated that the Committee has discussed potentially inviting Mr. Riebstein to Omaha.

Mr. Waldren stated that the Committee will discuss the Real Estate Commission's response to the CAG's request regarding homeowner disclosure requirements and determine the next step to take.

Mr. Waldren reported that he, Dr. Pour, Ms. Council, Ms. Rawley, and Ms. Determan met with NDEQ representatives to discuss the draft scope of work for the State's Superfund cost share. Mr. Waldren stated that the meeting went well and that another meeting will be held with NDEQ and EPA to further discuss allocating the State's cost share to educational activities.

Ms. Council thanked the anonymous donor that provided funds to print the Omaha Public Schools newsletter flyers.

Mr. Waldren stated that the next Education Committee meeting will be held on May 9, 2006 at 1:30 p.m. at the Douglas/Sarpy County Extension office.

10. Questions and Answers

Ms. Council stated that the next meeting will be on Wednesday, May 10, 2006 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (April 12, 2006):

Draft CAG Meeting Minutes from 3/8/06

Final CAG Meeting Minutes from 2/15/06

Comprehensive Plan Committee Minutes from 3/6/06

'Blight' Tag Could Mean Boom (Provided by MFG, Inc.)

Lead Paint Suit Revived (Provided by MFG, Inc.)

Lead and Arsenic Found in South Asian Remedies (Provided by MFG, Inc.)

Survey of Lead Exposure around a Closed Lead Smelter (Provided by MFG, Inc.)

Educational Outreach in a Large Retail Chain: Opportunities, Challenges, and Suggested Approaches (Provided by MFG, Inc.)

The Little Tikes Co. Recalls Animal-Shaped Flashlights Containing Lead Paint Sold at Target (Provided by MFG, Inc.)

Reebok Recalls Bracelet Linked to Child's Lead Poisoning Death (Provided by Ms. Leinenkugel)

Lead Safe Work Requirements to Protect Children During Renovation, Repair and Painting Activities (Provided by MFG, Inc.)

National Center for Healthy Housing Comments Regarding EPA's Lead Renovation, Repair, and Painting Program Dated 3/16/06 (Provided by MFG, Inc.)

National Center for Healthy Housing Comments Regarding EPA's Lead Renovation, Repair, and Painting Program Dated 3/24/06 (Provided by MFG, Inc.)

Urban Childhood Lead Poisoning Presentation (Provided by Dr. Bob Bornschein)

Prevention of Lead Exposure in Ohio (Provided by Dr. Bob Bornschein)

Omaha Lead Site Park Sampling Summary (Provided by EPA)

Map of Omaha Age of Housing (Provided by Ms. Marian Todd)

Omaha Healthy Kids Alliance Board of Directors (Provided by OHKA)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

EPA Update (hardcopy to be delivered)