

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

Minutes for Meeting Held
Wednesday, May 9, 2007, 9:30 a.m.
Chicano Awareness Center
4821 S. 24th Street
Omaha, NE 68107

OLS CAG Members Present:

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*
Sue Casteel—*Agency for Toxic Substances and Disease Control*
Brenda Council—*OLS CAG Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Connie Determan—*MFG, Inc.*
Kara Eastman—*Omaha Healthy Kids Alliance*
Bob Feild—*U.S. Environmental Protection Agency*
Nick Flattery—*OneWorld Community Health Center*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Connie Lowndes (designee for Vernon Waldren)—*University of Nebraska, Lincoln Extension*
Jeff McDermott—*Union Pacific Railroad*
Dr. Adi Pour—*Douglas County Health Department*
Vicki Quaites-Ferris—*City of Omaha Mayor's Office*
Chris Rodgers—*Douglas County Board of Commissioners*
Marian Todd—*City of Omaha Planning Department*
Rebecca Valdez—*Chicano Awareness Center*
Diane Ward—*Creighton University Department of Pediatrics*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Mary Castaneda—*EPA Information Offices*
Lelia Coyne—*Citizen*
Felisa Dillon—*EPA Information Offices*
Nancy Gaarder—*Omaha World-Herald*
Tina Gray-Ventry—*Lead Safe Omaha Coalition*
Laura Hardesty—*Cadmus Group*
Andrew Herman—*Marc Environmental Services*
Steve Jackson—*Nebraska Health and Human Services*
Tom Janssen—*Senator Chuck Hagel's Office*
Debbie Kring—*U.S. Environmental Protection Agency*
Louise Latimer—*Senator Ben Nelson's Office*
Kathy Leinenkugel—*Douglas County Health Department*
Stacy Meacham—*MFG, Inc.*

Mia Price—*Charles Drew Health Center*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*U.S. Environmental Protection Agency*
Che Thompson—*Omaha Healthy Kids Alliance*

Ms. Council thanked Mr. Waldren for facilitating the April meeting. Ms. Council congratulated Ms. Barrientos-Patlan for the City's recognition of her work. Ms. Council congratulated Dr. Pour on receiving the J.G. Elliot award.

1. Discussion on Minutes from the March 14, 2007 and April 11, 2007 Meetings

Ms. Council asked for any corrections or additions to the March and April CAG meeting minutes. Ms. Weston motioned to approve the March minutes as drafted. Mr. Jones seconded the motion. The motion was unanimously approved (11-0).

Ms. Council noted that on pages two and seven of the April minutes, "Ms. Council" should read "Mr. Waldren." Ms. Weston motioned to approve the April minutes with Ms. Council's correction. Mr. Jones seconded the motion. The motion was unanimously approved (11-0).

2. EPA Update

Mr. Feild reported that EPA is still finalizing the large park and treatability study work plans.

Mr. Feild reported that Coastal Environmental has begun soil excavations, and Prudent Technologies is mobilized.

Mr. Feild stated that he anticipates that the U.S. Corps of Engineers interagency agreement will be signed by the end of May, allowing ECC to begin soil excavations in early June.

Mr. Feild reported that HydroGeoLogic (HGL) will be performing data management and quality assurance monitoring of soil remediation contractors.

Ms. Council stated that last week's Omaha Star included a column on the issue of North Omaha EPA contractors. Ms. Council stated that the article raised a question about ER's affiliation with Coastal Environmental. Mr. Feild replied that ER is a subcontractor of Coastal Environmental. Mr. Feild stated that contractors are not required to obtain consent for hiring subcontractors. Ms. Council stated that the article reported that ER was cited for a number of violations last year. Mr. Feild stated that ER was not cited for violations by EPA. Mr. Feild stated that ER's contract was terminated as a "matter of convenience." Ms. Weston asked if ER's contract was terminated because of the wage rate issue. Mr. Feild stated that the wage rate issue was one considered factor. Mr. Feild stated that EPA did not assign any judgment, blame, or reason when terminating the

contract. Ms. Weston asked EPA to provide a definition of “terminated for convenience.”

Ms. Council stated that an employment add for a staff position at the North Omaha EPA Public Information Center was also in the Omaha Star. Ms. Council asked if EPA is adding or replacing staff. Mr. Feild replied that he heard Ms. Dillon is accepting a new position within ASW.

Mr. Feild reported that EPA is still working on drafting a paint stabilization fact sheet and flow chart of all EPA activities homeowners will be asked to participate in at the Omaha Lead Site.

Mr. Feild reported that EPA’s contractor, Black and Veatch, will perform a recontamination study this summer. Mr. Feild stated that EPA does not have a work plan yet. Ms. Council asked what the objective of the study will be and what properties will be sampled. Mr. Feild replied that EPA has a conceptual plan that includes sampling 30 to 50 properties where soil cleanup has been performed. Mr. Feild stated that the purpose of the study will be to determine if soil replaced by EPA is being recontaminated from deteriorated exterior lead-based paint. Mr. Feild stated that EPA will measure the concentration of lead in soil every six inches up to ten feet from the side of the house, at two locations, using an XRF. Mr. Feild stated that the data collected from the recontamination study will be used to predict the potential for recontamination of yards to occur, based on the condition and lead content of exterior paint. Mr. Feild stated that the data will assist EPA in developing criteria to determine which houses will be eligible for paint stabilization. Mr. Feild stated that the criteria will be finalized in the final Record of Decision for the site, in December of 2008.

Dr. Pour asked if EPA’s recontamination study will be a true study with scientific value and if Black and Veatch is able to do this. Mr. Feild replied that EPA understands the significance of the study and that EPA will thoroughly review the study plan. Mr. Feild stated that Black and Veatch is capable of performing the study.

Dr. Pour asked what the study will cost and how it will be funded. Mr. Feild replied that pipeline money, not remedial funding, will be used to perform the study. Mr. Feild stated that sampling will cost less than \$100,000 and other costs will include an outside review.

Ms. Eastman asked what EPA will do if the study shows that recontamination is occurring. Mr. Feild replied that determining any course of action would be a part of EPA’s final decision-making, when developing the final Record of Decision. Mr. Feild stated that EPA committed in the Interim Record of Decision to address the issue of recontamination, but did not define what “address” means or include specific criteria.

Mr. Janssen asked if EPA has performed recontamination studies at similar sites. Mr. Feild replied that he is not aware of any other studies. Mr. Feild stated that the Omaha Lead Site is the first Superfund site where paint will be addressed on such a large scale.

Mr. Janssen asked when the study will be performed and completed. Mr. Feild replied that EPA plans to collect samples this summer, evaluate the data over the winter, and develop any decisions based on that data in December of 2008.

Ms. Council asked how the recontamination study and the criteria to be developed from the recontamination study differ from the dripzone study and the criteria that were previously developed utilizing a complicated formula. Mr. Feild replied that EPA initially tried to develop criteria for eligibility of paint stabilization by performing a dripzone study to determine how far away from a house paint would fall and be mixed into soil. Mr. Feild stated that EPA initially thought this approach was sound, but because of added scrutiny, EPA decided to collect additional data (the recontamination study).

Ms. Council asked if EPA is only planning to perform exterior paint stabilization where kids are living. Mr. Feild replied that EPA prioritizes homes where children reside. Ms. Eastman asked if EPA will look at stabilizing paint on abandoned homes. Mr. Feild replied that EPA does not prioritize abandoned homes. Mr. Feild stated that EPA is ranking the homes where paint stabilization will occur, although it is not a strict ranking. Dr. Pour asked if the recontamination study will refine what EPA did in developing a criteria formula. Mr. Feild stated that EPA anticipates that as many as half of the properties eligible for soil removal will also be eligible for paint stabilization. Mr. Feild stated that EPA has directed the City to begin addressing the homes with the worst condition of exterior lead-based paint this year and next year, as these homes will clearly meet any established criteria.

Ms. Latimer asked how EPA will make sure that exterior paint stabilization is performed before soil removal, so that EPA will not have to backtrack. Mr. Feild replied that EPA is trying to get ahead of soil removals, but that last year's paint assessments were only performed on homes where soil had already been replaced. Mr. Feild stated that EPA plans to perform paint assessments where soil has not yet been replaced and insert those homes into the prioritized list of homes where the City will do exterior paint stabilization.

Ms. Quaites-Ferris asked why Omaha has been selected for a recontamination study. Ms. Quaites-Ferris stated that it would be helpful to learn the results of the recontamination study as soon as possible to start determining how EPA will address the recontamination. Ms. Quaites-Ferris asked if EPA has thought about how they will address recontamination. Mr. Feild replied that EPA's guidance allows EPA to use Superfund money to address lead-based paint when it threatens EPA's remedy. Mr. Feild stated that EPA will look at other mechanism of funding first, and if none are available, EPA will use Superfund money to address the recontamination. Mr. Feild stated that EPA committed to including exterior paint stabilization in the remedy.

Ms. Quaites-Ferris asked if Omaha will be a model for other cities. Mr. Feild replied that what is decided at the Omaha Lead Site will be considered in future decision-making at other sites.

Ms. Weston asked if it is true that EPA has never stabilized paint before. Ms. Weston stated that Mr. Gene Gunn of EPA told Governor Johanns years ago that EPA could do paint stabilization if recontamination is a concern, leading Ms. Weston to believe that EPA has dealt with recontamination before. Mr. Feild replied that EPA has performed paint stabilization at other sites, but not on as large a scale as the Omaha Lead Site. Ms. Weston stated that because recontamination has been addressed before, EPA may not need to do a study. Mr. Feild stated that criteria for paint stabilization were not developed at other sites. Ms. Eastman stated that it is disconcerting to hear that EPA will be spending money on a recontamination study, when Girls, Inc. is able to identify the issue of recontamination by observing paint flaking into soil at a daycare. Mr. Feild stated that spending money on a study will in no way impact progress in addressing lead-based paint.

Ms. Council asked what EPA would do if the study determines that, for example, only ten percent of the homes the City will have stabilized met the criteria. Mr. Field replied that paint stabilization will only be performed on homes that meet eligibility criteria, and response actions must meet those criteria to be cost-recoverable.

Mr. Davis asked that the CAG keep in mind that EPA, like NDEQ, has limited authority. Mr. Davis stated that, for example, NDEQ receives phone calls about radon, but does not have the authority to address indoor air, so NDEQ refers those calls to the health department. Mr. Davis stated that EPA, likewise, is limited with what they can address on the outside of homes. Mr. Davis stated that HUD is able to address lead-based paint, and EPA can address soil. Mr. Davis stated that EPA is trying to expand and do what they can to protect the soil, which is why EPA will perform a recontamination study. Mr. Davis stated that Omaha is getting much HUD funding. Mr. Davis stated that more funding is needed to deal with deteriorating paint before soil remediation. Ms. Eastman stated that she understands EPA limitations, but that more logical steps could be taken to make sure that the children are the focus. Ms. Council stated that the issue is not an authority issue. Ms. Council stated that what the CAG is asking for is what is already in the EPA's Interim Record of Decision. Ms. Council stated that EPA's Interim Record of Decision states that EPA will address paint if there is a potential for it to recontaminate the soil. Ms. Council stated that the issue is how EPA will accomplish what is set forth in the Interim Record of Decision.

Mr. Steinkraus asked if EPA provides a copy of the paint assessment to the property owner. Mr. Feild replied that EPA has not yet transmitted results to property owners, but that EPA is required to provide property owners with environmental data.

Ms. Weston asked if contractors noticing obvious lead-based paint problems could notify the City or EPA to coordinate the paint assessment prior to excavating the property. Mr. Feild replied that nothing prevents the contractor from doing so. Ms. Council asked what would encourage the contractors to notify EPA. Ms. Weston asked if EPA could encourage the contractor to contact EPA if they notice obvious deteriorating lead-based paint, so that the paint issue could be addressed before the soil is replaced. Mr. Feild stated that when the contracts were put in place, EPA did not place such a condition in

the contract. Ms. Weston stated that EPA could substitute a property for the contractor, ensuring that EPA would not have to return to the property two years later to redo the soil remediation. Mr. Feild stated that the contractors can ask for a property to be substituted. Mr. Feild expressed concern in asking the contractors to do anything additional. Mr. Feild stated that at the end of the contract last year, ER submitted claims for additional requirements that were outside their original scope.

Ms. Weston asked if future contracts could include a requirement for contractors to notify EPA if it is obvious that lead-based paint on a particular property threatens the remedy. Mr. Feild replied that EPA could consider such a requirement, once a database is developed to determine which homes are eligible for exterior paint stabilization. Ms. Thompson asked if there is anything the CAG could do to assist EPA in including such requirements in future contracts. Mr. Feild stated that he is aware of the interest and cannot think of anything the CAG could do to help.

Ms. Barrientos-Patlan stated that her children witnessed trucks hauling dirt without covers. Ms. Barrientos-Patlan stated that she wished to reiterate her concern that dirt is being distributed in the community.

Mr. Feild stated that EPA is not the only solution. Mr. Feild stated that EPA will only be addressing soil at a portion of the homes in Omaha, and lead-based paint will be addressed at only a portion of those homes. Mr. Feild urged OHKA to find other funding sources to address lead-based paint in Omaha homes. Mr. Feild stated that the issue is not what EPA is working on; the issue is finding community funding.

Ms. Council stated that EPA is spending \$15,000 per yard and looking at possibly having to do soil replacements twice at 2,500 properties. Ms. Council stated that this is a big concern. Ms. Council stated that millions of taxpayer dollars are being spent and EPA will potentially have to do the soil remediation work over again because of recontamination from lead-based paint. Ms. Council stated that the spending of HUD dollars and other sources is a separate and distinct issue from the issue of having to come back and readdress properties that were not done right the first time.

Mr. Feild stated that it is a mischaracterization to say that the yards will be recontaminated. Mr. Feild stated that there is some potential for recontamination, but EPA does not know if recontamination will result in concentrations of lead in soil that are of concern. Mr. Feild stated that EPA does not believe that recontamination is significant. Mr. Feild stated that EPA may only need to address the foundation soil at some homes.

Mr. Janssen stated that the CAG's main concern is protecting families and children. Mr. Janssen asked the CAG to imagine the future, when EPA is long gone, and it is found that millions of dollars were spent and Omaha has the same problem as before because of recontamination. Mr. Janssen asked what the CAG will say when others in the community ask why the CAG let this happen. Mr. Janssen stated that if lead in Omaha is going to be addressed, it needs to be done right.

Mr. Feild stated that EPA needs to continue to address soil because EPA believes soil contamination is an immediate concern to children. Mr. Janssen reiterated that the concern is that it be done correctly, so that money does not need to be spent in the future to fix it. Mr. Feild stated that EPA does not know if recontamination will even occur. Mr. Janssen asked if EPA can speed up the timeline for the recontamination study. Mr. Feild replied that EPA expects to have the data from the study this summer. Mr. Janssen stated that Mr. Feild had previously said that conclusions and recommendations would not be made until 2008. Mr. Feild stated that EPA will have a sense of whether or not recontamination is occurring this summer. Mr. Feild stated that EPA does not believe paint is a primary source of contamination in soil.

Ms. Weston asked if EPA's new Oracle database will be maintained by Black & Veatch. Mr. Feild replied that EPA's data management will be in-house.

Ms. Weston asked about the current legal standing with Potentially Responsible Parties (PRPs). Mr. Sanders replied that EPA does not talk about enforcement. Mr. Sanders stated that EPA has continuing dialogue with the PRPs. Ms. Weston stated that she thought a legal document had been presented to the PRPs that was public information. Mr. Sanders stated that an order was issued to Union Pacific Railroad in March of 2005, but nothing additional has been issued since that date. Ms. Weston asked if the CAG would be informed if and when EPA decides to move forward with litigation. Mr. Sanders stated that the CAG cannot know, as talking about the issue would compromise EPA's case. Mr. Sanders stated that EPA has not filed for litigation yet. Mr. Sanders stated that EPA is currently in bankruptcy proceedings with Asarco.

Ms. Weston asked about the expansion of site boundaries. Mr. Feild stated that the current boundaries were emailed to Ms. Rawley. Ms. Leinenkugel requested that the new map be emailed to the CAG. Ms. Rawley stated that she would forward the map to the group.

Mr. Feild stated that EPA will do statistical work this summer to determine which yards are likely contaminated by Asarco, to determine final site boundaries of properties eligible for soil replacements. Ms. Weston asked if Black & Veatch has started sampling. Mr. Feild stated that soil, dust, tap water, and other media will be sampled this summer in order to collect data for the final risk assessment.

Mr. Rodgers asked how EPA determined the extended boundaries, knowing that the boundaries do not follow wind patterns. Mr. Feild replied that EPA found properties with high lead in soil levels at the original focus area boundary, so EPA extended the boundaries to the north, south, and west to further define the extent of lead contamination.

Ms. Barrientos-Patlan asked how many properties south of "L" Street have been sampled. Mr. Feild replied that he did not know, but would report the number at the next CAG meeting.

3. Minority Health Consortium

Ms. Council introduced Mr. Steve Jackson from the Minority Health Consortium. Mr. Jackson described the Minority Health Consortium. Mr. Jackson stated that lead is not a currently-listed initiative. Mr. Jackson explained that the second congressional district is ineligible to apply for funds through the Minority Health Consortium. Ms. Council questioned the district's ineligibility, given that a high percentage of the State's minority population resides within the second congressional district. Ms. Council encouraged Mr. Jackson to attend future CAG meeting.

4. 2006 Blood Lead Levels

Mr. Steinkraus presented 2006 childhood blood lead data for Douglas County.

Mr. Steinkraus reported that 127 children with blood lead levels requiring case management were living in homes with lead-based paint hazards. Mr. Steinkraus stated that 12 children requiring case management were found living in homes without lead-based paint hazards; however, lead-based paint hazards were often found in secondary homes, where these children frequently visited.

Mr. Steinkraus stated that he does not have 2006 EPA soil data with which to compare the blood lead data.

Ms. Weston expressed concern that Omaha Housing Authority properties are not being properly inspected. Ms. Council stated that she has urged the Omaha Housing Authority to send a representative to CAG meetings.

Ms. Barrientos-Patlan stated that, in July, the PM-10 monitor in South Omaha will be up for evaluation and may be removed. Ms. Barrientos-Patlan stated that it is important for the monitor to remain in South Omaha for the protection of the community, just as the rest of Omaha is protected. Ms. Barrientos-Patlan asked if the CAG could assist her in ensuring that the monitor remains in place. Dr. Pour stated that it is not necessary to get involved yet. Dr. Pour stated that the health department will review the results from the monitor from the last year and then report back with a recommendation.

5. Lead-Based Paint on Playground Equipment

Mr. Steinkraus distributed data tables with lead-based paint data from the City for playgrounds. Mr. Steinkraus stated that, in June of 2005, accompanied by a City parks manager, he tested older playground equipment at 49 parks. Mr. Steinkraus stated that lead-based paint was found in 22 of the parks. Mr. Steinkraus reported that most of the equipment was subsequently repainted and some of the equipment was replaced. Mr. Steinkraus stated that he advised the City to maintain the painted surfaces or replace the equipment.

6. Education Committee Update

Ms. Lowndes provided an update on the Education Committee. Ms. Lowndes stated that the committee discussed the Orlando conference and is in the process of updating and prioritizing the education matrix. Ms. Lowndes stated that work groups will be formed based on the prioritization of the matrix.

Ms. Council stated that the revised draft briefing book was included in the CAG package. Ms. Council asked CAG members to review the briefing book and be prepared to vote on the revisions at the next CAG meeting.

7. OHKA Update

Ms. Eastman provided an update on OHKA activities. Ms. Eastman stated that OHKA is applying for a HUD grant. Ms. Eastman stated that OHKA is embarking on a path to deal with lead-based paint hazards in housing. Ms. Eastman stated that information about the lead hotline was presented on WOWT.

8. City Update

Ms. Todd provided an update on City activities. Ms. Todd stated that the first batch of homes for paint stabilization will go out for bid this week. Ms. Todd stated that, initially, four batches will be completed within four quadrants of the Omaha Lead Site. Ms. Todd stated that 11 contractors are approved for bidding.

Ms. Todd reported that the City is applying for a HUD lead hazard reduction demonstration grant, which would provide additional funding for lead hazard control. Ms. Todd stated that a draft letter of support from the CAG was distributed in the CAG packages. Ms. Todd motioned to approve the letter as drafted. Ms. Weston seconded the motion. The motion was unanimously approved (10-0).

Ms. Todd announced that a one-day painter and remodeler lead safety training course will be held on June 29, 2007.

9. NDEQ Update

Mr. Davis provided an update on NDEQ activities. Mr. Davis reported that he is working on obtaining a letter of support from the governor for the City's HUD grant application.

Mr. Davis stated that he is working with the onsite EPA coordinator to ensure that loess soil is preserved. Mr. Feild added that EPA's contractors are prohibited from taking loess soil.

10. LSOC Update

Ms. Weston thanked those who attend the presentation at North High School.

Ms. Weston stated that it was rumored in an Omaha Star article that LSOC is a subcontractor to EPA. Ms. Weston stated that, at this time, LSOC does not have a formal contract.

Ms. Weston stated that, due to a scheduling conflict, Niton will not be providing lead testing on May 15, 2007. Ms. Weston stated that another date will be arranged.

Ms. Weston declined Ms. Thompson's offer at the April meeting to head the School Task Force.

Ms. Council stated that she was approached by an individual who worked for a former EPA contractor. Ms. Weston stated that the individual was questioning the current hiring process. Ms. Council asked what percentage of local individuals who worked for EPA contractor last year has found employment with the new contractors. Ms. Weston replied that Prudent Technologies has hired some of the local workers, but she did not know how many. Ms. Weston stated that she suggested that workers who attended the Coastal Environmental job fair follow-up with EPA because the job fair did not serve its purpose. Ms. Weston stated that interviews were not held. Ms. Weston stated that one individual, a female truck driver, felt discriminated against. Ms. Weston stated that EPA cannot force their contractors to hire local workers, but should be made aware of the situation. Ms. Weston added that the job fair was held across the river, even though free meeting space in Omaha was offered.

Ms. Barrientos-Patlan asked why the contractors were not present at the CAG meeting. Mr. Feild replied that contractors are not paid to deal with these situations. Mr. Feild stated that there are established channels to deal with contractors.

11. Other Agency Updates

Ms. Leinenkugel stated that the updated EPA focus area map is included in the draft briefing book.

Ms. Price announced that an upcoming health fair and blood drive will be held at Charles Drew Health Center.

12. Questions and Answers

Ms. Council stated that the next CAG meeting will be held on June 13, 2007 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (May 9, 2007):

Draft CAG Meeting Minutes from 3/14/07 and 4/11/07

Lead Poisoning Workshop Notice (Provided by Kara Eastman)

Draft Briefing Materials for the OLS CAG

Proposed Letter of Support (Provided by Marian Todd)

Lead-Based Paint as a Source of Recontamination (Provided by MFG, Inc.)

Two New Studies on Lead Safe Work Practices (Provided by MFG, Inc.)

City of Omaha Lead Hazard Control Grantee Quarterly Report (Provided by Marian Todd)

Letter to Administrator Johnson Dated April 3, 2007

Letter to U.S. Preventative Services Task Force dated April 16, 2007

UPRR Comments on EPA/ATSDR Draft Fact Sheet (Provided by Jeff McDermott)

Lead Paint is the Focus of Church Demolition (Provided by MFG, Inc.)

\$85,000 Grant Helps Group Combat Lead Poisoning (Provided by MFG, Inc.)

“Lead Police” Offer Safety Tips (Provided by MFG, Inc.)

Lead Test for Children Now Mandated by Law (Provided by MFG, Inc.)

EPA Will Cut Lead in Kids’ Products (Provided by Kathy Leinenkugel)

900,000 Children’s Necklaces and Charm Bracelets Recalled (Provided by MFG, Inc.)

Ohio Sues Paint Makers for Costs of Lead Hazards (Provided by MFG, Inc.)

Obama Announces Legislation that Bans Children’s Products Containing Lead (Provided by Kara Eastman)

New DVD and Other Resources Available (Provided by MFG, Inc.)

EPA Honors Maine, Michigan Programs (Provided by MFG, Inc.)

Action Alert – Ask Members of the US House to Protect Children from Lead Poisoning and Asthma (Provided by MFG, Inc.)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)