

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

Minutes for Meeting Held
Wednesday, July 9, 2008, 9:30 a.m.
OPD Southeast Precinct
2475 Deer Park Blvd.
Omaha, NE 68105

OLS CAG Members Present:

Sue Casteel—*ATSDR*
Brenda Council—*OLS CAG Facilitator*
Todd Davis—*City of Omaha*
Bob Feild—*U.S. Environmental Protection Agency*
Vicki Quaites-Ferris—*City of Omaha's Mayor's Office*
Crystal Rhoades—*Neighborhood Center for Greater Omaha*
Stacey Stricker—*Nebraska Department of Environmental Quality*
Vernon Waldren—*University of Nebraska, Lincoln Extension*
Diane Ward—*Creighton Pediatrics*

Others Present:

Rita Brown—*Citizen*
Mary Castaneda—*U.S. Environmental Protection Agency*
Mary Collura—*Conestoga-Rovers & Associates*
Lelia Coyne—*Citizen*
Cerita Gains—*Citizen*
Tom Janssen—*Senator Chuck Hagel's Office*
Debbie Kring—*U.S. Environmental Protection Agency*
Louise Latimer—*Senator Ben Nelson's Office*
Jennifer Rawley—*Conestoga-Rovers & Associates*
Reggie Robinson—*U.S. Department of Housing and Urban Development*
Steve Sanders—*U.S. Environmental Protection Agency*
Reid Steinkraus—*Douglas County Health Department*
Cheryl Weston—*Lead Safe Omaha Coalition*

Ms. Council opened the meeting and welcomed Ms. Stacey Stricker from the Nebraska Department of Environmental Quality (NDEQ) as a new member.

1. Discussion on Minutes from the June 11, 2008 Meeting

Ms. Council asked for corrections or additions to the CAG minutes from the June 11, 2008 meeting.

Mr. Feild stated that on page 2: "...1,638 properties are new properties added to the list due to the expanded focus area" should read, "...1,638 properties are new properties added to the list within the expanded focus area."

Mr. Feild stated that on page 2: "...a warrant from a federal judge would be issued to allow EPA access to the property" should read, "a warrant from a federal judge could be issued to allow EPA access to the property."

Mr. Feild stated that on page 3, "Mr. Feild stated that speciation sampling has found pyrometallurgic impact at these properties but that it is lessening" should read, "Mr. Feild stated that speciation sampling has found pyrometallurgic impact throughout the focus area, but the frequency of properties exceeding 400 ppm is less." Ms. Council suggested including a heading of "Final Focus Area" to the same paragraph.

Mr. Feild stated that on page 4, "Mr. Feild stated that the bids area based on a total of 800 properties each..." should read, "Mr. Feild stated that the contracts provide capacity for 800 properties each."

Mr. Feild stated that on page 4, "10%" should read "7.5%."

Mr. Waldren motioned to approve the minutes with Mr. Feild's corrections. Ms. Quaites-Ferris seconded the motion. The motion failed due to lack of a quorum. Ms. Council stated that a revised draft would be circulated for approval at the August meeting.

2. EPA Update

Contracting

Mr. Feild reported that Coastal has completed soil replacements at 31 properties this season, as of July 1st. Mr. Feild stated that Professional Environmental Engineers (PEE) will be mobilizing soon.

Mr. Feild announced that EPA's paint stabilization contracts were awarded to Prudent Technologies and PEE. Mr. Feild added that Prudent Technologies and PEE are expected to begin the paint stabilization work in the next two weeks.

Ms. Council asked if the paint stabilization workers will be paid the Davis-Bacon wage rate for commercial painters working with lead-based paint, noting that the rate is increased \$0.60/hour for working with lead-based paint. Mr. Feild and Mr. Davis stated that the worker category is "residential painter" with a base rate of \$10.00/hour. Mr. Feild noted that this is a Department of Labor issue and that \$10.00/hour is the minimum rate. Mr. Davis stated that the City usually exceeds this rate with an average of \$13.00/hour.

Ms. Council asked about the number of properties awarded by EPA under the paint stabilization contracts. Mr. Feild explained that contracts provide \$2.7 million for 900

properties (each year for three years, 200 initial properties plus an option for 100 additional properties). Mr. Feild stated that if all options were exercised for each contract, Prudent Technologies would receive \$8,067,000 and PEE would receive \$8,605,000.

Access Progress

Mr. Feild stated that EPA has a total of 5,664 residential properties remaining to be sampled, which is four less than what was reported last month. Mr. Feild reported that the contractors working on access have successfully gained access to 2,032 properties. Mr. Feild also noted that over 2,511 access letters have been sent by EPA to the additional residential properties now located in the Final Focus Area.

Ms. Weston asked if the responsibility of gaining access to sample the 2,511 properties would be given to Black & Veatch, if access was not gained from EPA's initial letters to homeowners. Mr. Feild replied that EPA would strongly consider tasking Black & Veatch with gaining access to the additional properties.

Administrative Orders

Mr. Feild stated that the Administrative Orders may go out in August.

Television Commercial

Mr. Feild stated that the 30-second segment on the importance of EPA sampling started on June 19, 2008 and will run for three months on Cox Communications. He stated that EPA is receiving calls resulting from the commercial at the EPA Public Information Centers. Mr. Feild stated that the commercial will also be posted on the Omaha Healthy Kids Alliance website.

Ms. Council and Ms. Weston complimented the commercial. Ms. Council stated that her only suggestion would have been to open the commercial with views of the Omaha Lead Site, rather than with a close-up of trees. Mr. Feild stated that EPA tried to keep the commercial positive and uncomplicated.

Phosphate Study

Mr. Feild stated that the phosphate study is in draft form and under internal review. Mr. Feild stated that he expects to release the final phosphate study in a week.

Recontamination Study

Mr. Feild stated that EPA received comments on the recontamination study work plan. Mr. Feild stated that EPA will perform the sampling very soon in order to complete the study this summer. Mr. Feild added that the recontamination study is very important to support the Final Record of Decision.

Omaha Zoo

Ms. Quaites-Ferris provided an update on soil sampling at the zoo. Ms. Quaites-Ferris reported that she was able to contact a representative from the zoo and refer them on to EPA to discuss the technical nature of the sampling performed by the zoo.

Mr. Feild stated that the zoo sampling was performed by Terracon Consulting Engineers and Scientists. Mr. Feild reported that four soil samples were collected at the zoo. Two of the samples were collected in the picnic area, one sample was collected near the barn, and the last sample was collected by the “spider.” Mr. Feild stated that all four samples tested below 400 ppm for lead.

Mr. Davis asked if the lead in soil at the zoo would represent normal background levels in Omaha. Mr. Feild replied that the levels at the zoo are lower than urban background concentrations. Mr. Feild added that it would be difficult to determine the source of lead in the zoo soils. Mr. Feild stated that the lead could be from Asarco.

Ms. Council commented that it would be of interest to see where the samples were collected with respect to the location of the interstate.

Risk Assessment

Mr. Feild reported that EPA is moving forward with the final Risk Assessment and Remedial Investigation. Mr. Feild stated that EPA hopes to release the Risk Assessment next month.

3. OHKA Update

Ms. Council stated that Ms. Kara Eastman was unable to attend the meeting because she was working on submitting the Omaha Healthy Kids Alliance’s application for the U.S. Department of Housing and Urban Development (HUD) LEAP Grant. Ms. Rawley provided an update on Ms. Eastman’s behalf. Ms. Rawley stated that Mayor Fahey, in partnership with the Omaha Healthy Kids Alliance, was awarded the U.S. Conference of Mayor’s lead grant for \$60,000.

Education Committee Update

Mr. Waldren provided an update on the Education Committee.

Mr. Waldren stated that the UNL Extension is reapplying for a HUD grant, due next week. Mr. Waldren explained that the grant proposal includes a new partnership with Legal Aid of Nebraska.

Mr. Waldren briefly discussed a handout Provided by Dr. Dana Richter-Egger, which lists heavy metal sampling results from candy and keys. Mr. Waldren explained that, for the key sampling, the analysis included soaking the keys in a buffered solution similar to saliva for approximately ten minutes to simulate children chewing/sucking on keys. Mr. Waldren stated that Dr. Richter-Egger is looking into publishing the data.

Ms. Weston asked Mr. Waldren if a copy of the UNL Extension’s grant application is available for public review. Mr. Waldren replied that he has provided it to people in the past. Mr. Robison replied that such applications are considered public information and can be obtained by contacting HUD.

4. City Update

Mr. Davis provided an update on City of Omaha activities.

Mr. Davis stated that 85 of 100 people who attended the 8-hour Lead Safe Work Practices training passed the test, allowing them to work on an approved painting crew for the City's paint stabilization contract with EPA. Ms. Council asked if similar training completed by an employee would be accepted by the City. Mr. Feild replied that EPA would be flexible with training requirements, if an employee had equivalent training. Mr. Davis clarified that in order to qualify to perform the paint stabilization work, a contractor must be an approved bidder.

Ms. Weston asked if there was a list of individuals who passed the City's training course. Mr. Waldren replied that the City maintains a list of individuals and realtors that pass the training course tests.

Mr. Davis stated that the City is moving toward a GIS-based system for the housing registry. Mr. Davis stated that the housing registry will be designed to be searchable and regularly updated.

Mr. Davis reported that the City has completed paint stabilization at 46 of the 340 properties with which EPA tasked the City. Mr. Davis stated that the City has requested an additional 120 properties from EPA to begin preparing for additional paint stabilization work.

Mr. Davis stated that the City and EPA reached an agreement to improve management of homes without wood siding that qualify for paint stabilization. Mr. Davis explained that EPA will refer any such properties (e.g. homes with asbestos siding, vinyl siding, stucco, etc.) on to the City. Mr. Davis stated that the City will stabilize the paint on those properties on a case-by-case basis.

Ms. Gains asked if the houses to be painted during the upcoming Paint-a-Thon were being pre-inspected by EPA or the City to determine if those properties qualify for paint stabilization. Mr. Waldren stated that educational materials have been provided to the Paint-a-Thon. Ms. Council suggested cross-checking the homes on the Paint-a-Thon's list with EPA's lists. Mr. Davis stated that the information would be easy to look up. Ms. Weston stated that this would be an opportunity to coordinate efforts and suggested that any homes on the Paint-a-Thon list be moved up on EPA's priority list for paint stabilization. Mr. Feild stated that approximately 1 in 20 homes qualify for EPA's paint stabilization program. Mr. Feild agreed to cross-check the addresses and coordinate with the Paint-a-Thon.

5. NDEQ Update

No update.

6. LSOC Update

No update.

7. Douglas County Health Department Update

Mr. Steinkraus stated that he and the Mayor's office had a positive meeting with representatives of the Omaha Landlords Association to discuss a proposed ordinance that would require certified lead inspections at all rental properties. Mr. Steinkraus explained that the Omaha Landlords Association expressed three concerns with the proposed ordinance: 1) three years to implement the ordinance is too fast and should be expanded to five years; 2) the ordinance unfairly targets rental property and should be expanded to include homeowner properties, requiring risk assessments at the time of purchase; and 3) the risk assessments are costly, particularly for owners of multi-unit properties. Mr. Steinkraus stated that the City is discussing possible revisions to the proposed ordinance. Ms. Quaites-Ferris stated that they hope to introduce the ordinance to the city council this month. Ms. Quaites-Ferris commented that she was very pleased that the Omaha Landlords Association is willing to work with the CAG and others on this issue.

Ms. Council commented that to make sure homes are safe, the natural time to perform the risk assessment is at the time of sale, with all other required inspections. Ms. Rhoades stated that she is hesitant to have homeowners added to the ordinance. Ms. Rhoades commented that since landlords are conducting a business, they should be held to a higher standard.

Ms. Coyne asked if each rental unit in a multi-unit property would be inspected. Mr. Steinkraus replied that HUD standards would be followed when performing risk assessments. Mr. Steinkraus explained that HUD standards do not require every single unit in a multi-unit property to be tested.

Ms. Weston asked if a public comment period could be issued for the proposed lead ordinance. Ms. Weston suggested finding a way to gain community support for the ordinance before proposing it to the city council. Mr. Steinkraus stated that he believes that due to the increase in lead education within the community, nobody would be surprised by the ordinance. Ms. Rhoades cautioned that it is very easy to know what is going on when involved in the issue, but not everyone is involved. Ms. Council suggested speaking with neighborhood associations. Ms. Weston suggested holding community meetings and placing articles in local media, in an effort to minimize the opposition. Ms. Quaites-Ferris suggested that CAG members work to get the word out within the community.

Ms. Ward asked if, hypothetically, one firm could perform the work for all required inspections, including the lead risk assessment.

Ms. Kring commented that the CAG used to have representatives from the city council present at meetings. Ms. Council stated that city council representatives whose districts fall within the Superfund boundaries receive the same emails and packets from the CAG as everyone else. Ms. Council suggested that Ms. Quaites-Ferris re-extend an invitation to the council members.

Ms. Casteel reported on an issue raised at a previous CAG meeting. Ms. Casteel stated that she spoke with a the National Center for Environmental Health (NCEH), which operates under the U.S. Centers for Disease Control and Prevention (CDC) umbrella, about the Douglas County Health Department's funding. Ms. Casteel stated that she was told that the Douglas County Health Department will not continue to receive funding. Ms. Casteel explained that NHEC held a contract with TKC Integration Services, which subcontracted with the Douglas County Health Department. The Douglas County Health Department was tasked with: 1) substantially increasing blood lead testing in children, and 2) passing a primary lead ordinance. Because the Douglas County Health Department did not meet these goals, TKC will be looking to subcontract with a different entity.

Mr. Steinkraus stated that the Douglas County Health Department has increased blood lead testing and was unaware of a decision to cease funding. Mr. Steinkraus stated that he was also unaware of the subcontracting mechanism with TKC. Mr. Steinkraus stated that he had sent a letter to the CDC requesting information on the status of funding and did not receive a response back.

Ms. Council asked if the CAG could be of any assistance in responding to this situation. Ms. Council questioned the passing of an ordinance as a goal because such a goal is highly influenced by the political environment, which is outside the control of the Douglas County Health Department.

8. Questions and Answers

Ms. Council announced that the next meeting will be held on August 13, 2008. The location is to be announced.

Handouts:

Draft CAG Meeting Minutes from 06/11/08

Final CAG Meeting Minutes from 05/14/08

*Comments on “Final Draft Lead-Based Paint Recontamination Study Work Plan”
Prepared by Black and Veatch Special Projects Corp. for EPA Region 7, June 2008
(Provided by Union Pacific Railroad)*

Grant Will Spread Word on Lead Safety (Provided by Omaha Healthy Kids Alliance)

Lead from Car Batteries Contaminates African Town (Provided by MFG, Inc.)

Picher Buyout Trust Adjust Guidelines after May 10 Tornado (Provided by MFG, Inc.)

Money Running out for Cleanup of Contaminated Sites (Provided by MFG, Inc.)

Ten Tips to Protect Children from Pesticides and Lead Poisonings (Provided by MFG, Inc.)

Small Entity Compliance Guide to Renovate Right EPA’s Lead-Based Paint Renovation, Repair and Painting Program (Provided by MFG, Inc.)

Lead Paint Still Causing Children’s Health Problems in State (Provided by MFG, Inc.)

Lead Paint Poisons Public Safety, Not Just Public Health (Provided by MFG, Inc.)

Strictest Limits on Lead Urged (Provided by MFG, Inc.)

Take a Deep Breath and Check Home’s Air Quality (Provided by MFG, Inc.)

Minnesota Tests Find Lead in More Donated Venison (Provided by MFG, Inc.)

Endangered California Condors Turning up with Lead Poisoning (Provided by MFG, Inc.)

Over the Counter Chelation Agents are Unproven, Risky (Provided by MFG, Inc.)

EPA Cleaning Lead-Tainted Glass (Provided by MFG, Inc.)

Lead Safety Still Begins at Home (Provided by MFG, Inc.)

Elevated Lead Levels in Kids Said to Fall in '07 (Provided by MFG, Inc.)

Link Between Lead Exposure, Crime is Quite Real (Provided by MFG, Inc.)

Is Lead Linked to Mental Decline (Provided by MFG, Inc.)

The City is Getting a Handle on Lead (Provided by MFG, Inc.)

Blackburn High Artists Promote Lead Poisoning Prevention (Provided by Omaha Healthy Kids Alliance)