

Community Advisory Group (CAG) for the Omaha Lead Site

Minutes for Meeting Held
Wednesday, July 12, 2006, 9:30 a.m.
OneWorld Community Health Center
4920 S. 30th Street
Omaha, NE 68107

OLS CAG Members Present:

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*
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*
Jonah Deppe—*League of Women Voters*
Nick Flattery—*OneWorld Community Health Center*
Bob Feild—*Environmental Protection Agency*
Ayesha Graves—*Mayor Fahey's Office*
Clifton Jones—*U.S. Department of Housing and Urban Development*
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:

Gordon Andersen—*City of Omaha*
Kristina Carter—*Lead Safe Omaha Coalition*
Mary Castaneda—*EPA Information Offices*
Joel Christensen—*Metropolitan Utilities District*
Felisa Dillon—*ASW*
Kara Eastman—*Omaha Healthy Kids Alliance*
Tom Janssen—*Senator Hagel's Office*
Kathy Leinenkugel—*Douglas County Health Department*
Diane Luna—*Burlington Road Neighborhood Association*
Stacy Meacham—*MFG, Inc.*
Senator Don Preister—*Nebraska Legislature*
Stan Quy—*U.S. Department of Housing and Urban Development*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*

Ms. Council introduced the executive director of the Omaha Healthy Kids Alliance (OHKA), Ms. Kara Eastman. Ms. Eastman stated that she was looking forward to working with the CAG.

Ms. Council congratulated Mr. Waldren on his 30th anniversary at the Douglas/Sarpy County Cooperative Extension.

1. Discussion on Minutes from the May 10 and June 14, 2006 Meetings

Ms. Council asked for corrections or additions to the May 10, 2006 minutes. Mr. Waldren motioned to approve the minutes with corrections made at the June 14, 2006 meeting. Ms. Weston seconded the motion. The motion was unanimously approved (10-0).

Ms. Council asked for any corrections or additions to the June 14, 2006 minutes. Ms. Weston asked for clarification regarding the statement in the fourth paragraph on page 3, "Mr. Feild stated that EPA is interested in PRI." Ms. Weston stated that she believed EPA had selected PRI. Mr. Feild stated that PRI has been selected, but may not have yet been selected at the June 14, 2006 meeting.

Mr. Feild stated that in the fourth paragraph on page 3, "Mr. Feild stated that the EPA is looking to amend their interagency agreement, which he believes is a task order contract" should read, "Mr. Feild stated that the EPA is looking to amend their interagency agreement, to access a task order contract."

Ms. Council and Ms. Weston identified the following corrections of typographical errors:

- Insert period at the end of the fourth paragraph on page 2.
- Delete "are" from first sentence on page 3.
- Insert "EPA" after the word "that" in the first sentence of the fourth paragraph on page 3.
- Delete "paint stabilization assessment's" in the fifth paragraph on page 3.
- Correct misspelling of "paint" in last sentence of second to last paragraph on page 3.
- Correct misspelling of "Castaneda" throughout.
- Replace "Caseneda" with "Dillon" in the third sentence of the third paragraph on page 4.
- Correct "Ms. Pour" to "Dr. Pour" throughout.
- Insert the words "stated that" following "Ms. Council" in the first sentence of the fifth paragraph on page 5.
- Insert the word "the" following "coincides with" in the first sentence of the fifth paragraph on page 5.
- Replace "bruncheon" with "luncheon" on page 6.
- Correct misspelling of "Jon Gant" throughout.
- Insert the word "the" following "matrix so that" in the second sentence of the third paragraph on page 6.
- Replace "Division" with "Commission" in the first sentence of the sixth paragraph on page 6.
- Replace the last sentence of the minutes, "Ms. Weston stated that the August 9, 2006 meeting will be held at Salem Baptist Church, and the room has been

confirmed” with, “Ms. Weston requested that the August 9, 2006 meeting be held at Salem Baptist Church.”

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

2. EPA Update

Mr. Feild provided an update on EPA activities. Mr. Feild reported that three teams are currently performing soil removals (ECC, through a U.S. Army Corps of Engineers performance based contract; ASW, through an EPA contract; and PRI, through a U.S. Army Corps of Engineers time and materials contract). Mr. Feild stated that a new contractor, PRI, is performing removals at higher priority properties, such as homes with children with elevated blood lead levels and licensed daycares. Mr. Feild stated that EPA is also performing “punch list” items for work that was unanticipated under the performance-based contracts.

Mr. Feild stated that 178 properties had been completed since the last CAG meeting, bringing the total for this construction season to 394 properties. He stated that EPA is on-track for meeting their goal of 1,000 properties this year.

Lead-based paint assessment criteria

Mr. Feild stated that EPA is very near completion of the paint criteria, and will share the criteria at the next CAG meeting.

Park sampling plan and QA data

Mr. Feild stated that soil data from 43 small parks are being validated and, as such, is not publicly available at this time. Mr. Feild explained that quality assurance (QA) samples are collected for approximately 1 out of every 20 samples and are sent to the EPA laboratory in Kansas City for analysis. He noted that such analysis can take weeks to months depending on the back log of samples.

Public concern data from information offices

Mr. Feild reported on the types of calls received at the EPA information offices in June. Mr. Feild reported that 170 calls were received, divided nearly evenly between the north and south offices. Mr. Feild provided the following breakdown regarding the nature of the calls:

- 64% -- General (e.g., requesting soil testing, requesting soil test results, inquiring about the paint stabilization process, and realtors inquiring about properties)
- 27% -- Complaints/Concerns (e.g. concerns about level of restoration, sod placement, watering, or damage)

- 9% -- Status Inquiry (i.e. inquiring when a property will be excavated)

Administration percentage for U.S. Army Corps of Engineers

Mr. Feild reported that the administration percentage for the U.S. Army Corps of Engineer's interagency agreement with EPA is about 8%, but varies from month to month. Mr. Feild stated that the 8% includes contract administration and construction management assistance.

Ms. Weston asked if yards with high levels of lead outside of the OLS focus area will be replaced. Mr. Feild replied that EPA determines replacement of yards outside of the boundaries on a case by case basis. Mr. Feild noted that EPA will have to establish definitive boundaries and will need to determine how to address concerns for properties exceeding the final clean up level that are located outside the final boundaries.

Ms. Weston asked if EPA coordinates with the State to identify newly licensed daycares. Mr. Feild replied that EPA's list is periodically updated.

Ms. Rebecca Barrientos-Patlan stated that she briefly worked for ATC, a subcontractor to ASW, an EPA contractor. Ms. Barrientos-Patlan stated that she worked in a soil lab for the Omaha Lead Site and reported observing cross-contamination at the lab. Ms. Barrientos-Patlan stated that samples from separate homes were sieved with the same sifter, a spaghetti strainer. Ms. Barrientos-Patlan stated that some samples were wet and some were dry. Ms. Barrientos-Patlan stated soil was distributed all over the lab when samples were broken-up. Ms. Barrientos-Patlan stated that safety procedures for employees were not in place. Ms. Barrientos-Patlan asked if EPA is aware of all the subcontractors performing work at the Omaha Lead Site. Ms. Barrientos-Patlan asked how accurate soil testing results are given the cross contamination. Ms. Barrientos-Patlan asked why safety procedures were not in place.

Mr. Feild stated Black & Veatch performs all initial site characterization. Mr. Feild stated that subcontractors may perform confirmation sampling of soil collected at the bottom of an excavated yard. Ms. Barrientos-Patlan stated that the samples being analyzed appeared to be for initial site characterization. Mr. Feild stated that he would look into the issue.

Ms. Weston asked if Ms. Barrientos-Patlan is 40-hour HAZWOPER certified. Ms. Barrientos-Patlan replied that she has never had any type of training. Mr. Feild reiterated that he would look into the issue and report back to the CAG at the next meeting.

Ms. Council asked if EPA could provide the CAG with a list of subcontractors and the subcontractors' roles. Mr. Feild stated that he would provide the list to the CAG.

Mr. Davis stated that, awhile ago, Black and Veatch demonstrated the soil sampling and testing on a news program. Mr. Davis stated that at that time, quadrant samples were collected and mixed together, so perhaps Ms. Barrientos-Patlan observed mixing of

quadrant samples. Ms. Barrientos-Patlan stated that she did not observe quadrant mixing, she observed cross contamination of samples from separate properties. Ms. Barrientos-Patlan stated that equipment was not cleaned between samples from separate properties, and samples from two separate properties were handled simultaneously on the same table. Mr. Davis stated that some variation is allowed. Mr. Davis stated that perhaps the Nebraska Department of Labor or OSHA should be informed of the situation to investigate possible dangerous work conditions.

Ms. Barrientos-Patlan stated that it would be helpful if contractors were present at CAG meetings to answer questions. Mr. Feild stated that EPA does not want to put contractors in a position to speak for EPA.

Ms. Weston stated that she has visited the Black and Veatch laboratory and observed testing procedures being meticulously followed.

Ms. Deppe asked if EPA monitors the soil testing. Mr. Feild stated that EPA has a full-time individual that monitors all EPA activities.

Ms. Council asked what specific concerns regarding soil excavation have been reported to EPA. Ms. Council stated that she has heard complaints about damage to yards. Ms. Council stated that equipment has been dragged over portions of the yard that are not to be excavated in order to reach the portions of the yard that are to be excavated, damaging the portions of the yard that are to be left intact. Mr. Feild stated that the contractor is responsible for any damage, regardless of the quadrant.

Ms. Council asked if EPA excavates only the drip zone at any properties. Mr. Feild replied that EPA does not ever only excavate the drip zone. Mr. Feild stated that an example of excavating only the drip zone was provided to EPA last year, and, after investigation, it was determined that another portion of the yard had been excavated at a later date. Ms. Council stated that she has recently observed properties where only the drip zone was excavated. Mr. Feild stated that if Ms. Council provided an address, he would look into the situation.

Ms. Council raised a concern that EPA is approaching homes to perform paint assessments before notifying the homeowner that their property will be excavated. Ms. Council stated that she received a door hanger requesting access to perform a paint assessment without being provided information regarding plans for soil excavation at this property. Ms. Council stated that the text on the door hanger does not explain that the paint assessment is related to soil excavation. Ms. Council expressed concern that the door hangers could create a false expectation that EPA will address lead-based paint regardless of the soil. Ms. Council stated that the door hanger indicates that the purpose for the paint assessment is for the protection of children's health and makes no reference to the recontamination of soil by flaking paint.

Mr. Feild stated that, unfortunately, properties are in all stages of sampling. Mr. Feild suggested that EPA create a fact sheet to send to properties that are eligible for

excavation. Ms. Council stated that a fact sheet would be helpful. Ms. Leinenkugel suggested including a checklist showing the property owner the steps involved and where the property is at in the process. Mr. Feild stated that it would be difficult to identify the stage in the process for each property. Ms. Leinenkugel stated that the person leaving the door hangers would know the stage. Mr. Feild stated that the person leaving the door hangers would not necessarily know because the different contractors are not aware of what each other are doing. Mr. Feild stated that EPA is trying to perform paint assessments before the soil is excavated, but, in some cases, paint assessments are being performed where soil has already been replaced.

Ms. Carter asked if there a central database with all data, including the soil and paint data. Mr. Feild stated that EPA maintains such information, but added that EPA's contractors do not have access to the information. Mr. Feild stated that EPA recently purchased an Oracle database to improve tracking and is in the process of transitioning from the current database.

Mr. Feild provided the CAG with a copy of requested project plans for ECC and ASW.

3. OHKA update

Ms. Eastman provided an update on OHKA activities. Ms. Eastman stated that OHKA will be hiring an administrative assistance. Ms. Eastman stated that OHKA is working on creating a website, designing a logo, and setting up an office.

Ms. Weston asked how the administrative assistant position would be advertised. Ms. Rawley replied that the administrative assistant position would be advertised in the same outlets as the executive director position was advertised.

4. City HUD Grant Update

Ms. Todd provided an update on the City's HUD grant activities. Ms. Todd reported that five homes have been completed; six homes are under construction; financing is being arranged for seven homes; six homes are in the bidding or work write-up process; four applications are being processed; and the City is waiting for 13 applications to be returned.

Ms. Council asked what the total number of homes budgeted for is. Ms. Todd stated that the City's grant budgeted for 210 homes. Ms. Deppe asked when the grant time period ends. Ms. Todd replied that the grant will be completed in September 2008.

5. NDEQ Update

Mr. Davis reported that NDEQ participated in a conference call to discuss requesting an Explanation of Significant Differences (ESD) to increase EPA funds for education at the Omaha Lead Site.

6. LSOC Update

Ms. Weston stated that there were no updates.

7. Comprehensive Plan Committee Update

Ms. Weston provided an update on the Comprehensive Plan Committee. Ms. Weston stated that the Committee continued to work on improving the comprehensive plan matrix. Ms. Weston stated that the Committee is also looking into an Illinois statute as an example of a lead-safe statute. The next meeting will be held Monday, August 7, 2006 at 10:30 a.m. at the Urban League of Nebraska Family Resource Center.

8. Education Committee Update

Mr. Waldren provided an update on the Education Committee. Mr. Waldren reported that the Committee is working on bringing Mr. Rick Riebstein to Omaha in October to discuss targeting contractors, realtors, and landlords. Mr. Waldren reported that the Committee is continuing to work on the Omaha Children's Museum display and school enrichment program.

Ms. Deppe asked if the results of the Chicano Awareness Study are available. Ms. Council replied that the results are being reviewed by EPA and are not yet available to the public. Ms. Deppe stated that this is also the status for the surveys conducted by Sisters Together. Mr. Waldren stated that the Education Committee is interested in receiving results of both surveys.

Mr. Waldren stated that the Education Committee created a prioritized list of education and outreach activities in preparation for requesting an ESD. Mr. Waldren explained that the Committee drafted suggested language to assist in requesting the ESD, but that EPA would actually draft the ESD. Mr. Waldren stated that NDEQ suggested that the request for the ESD come from the CAG.

Mr. Waldren stated that the Education Committee identified three main significant differences that justify an ESD:

- At the time the Interim Record of Decision (IROD) was released, the CAG had not yet prepared the comprehensive plan and education program budget.
- The timeframe for the IROD has increased.
- The IROD did not include a budget for elements related to the comprehensive program.

Ms. Council stated that activities were prioritized to give the State a better idea of what educational activities the Education Committee believes are required at a minimum. Ms. Council stated that a vote is needed to submit the draft ESD language to EPA. Ms. Council stated that the Education Committee has recognized a need to request the ESD as soon as possible to meet deadlines associated with the State's fiscal year.

Ms. Brooks Pittman asked how much time EPA would spend considering the ESD. Mr. Feild replied that EPA must carefully consider any proposed ESD because a ROD goes through a public process and because EPA has already budgeted the use of limited Superfund dollars. Mr. Feild stated that EPA's primary goal is to clean up soil. Mr. Feild stated that health education activities at the Omaha Lead Site are currently funded at the high end of the range for similar activities at other superfund sites. Mr. Feild stated that EPA cannot commit to a timeline, but estimated that the request would take weeks or months to process.

Mr. Waldren stated that education needs to be increased to achieve quicker, greater success. Mr. Waldren stated that he encourages EPA to consider increasing education at any superfund site. Mr. Waldren stated that research shows that education, in conjunction with other activities, is very effective.

Mr. Waldren asked what EPA is currently funding as part of the IROD budget for health education. Mr. Waldren asked if EPA's funding of the Douglas County Health Department counts toward EPA's IROD budget for health education. Mr. Feild stated that, from now on, EPA would fund health education activities using remedial action money. Mr. Feild stated that the Douglas County Health Department was previously funded through pipeline money. Mr. Feild stated that EPA has more than 15 million dollars worth of excavation and paint assessment work to perform alone. Mr. Feild stated that EPA anticipates continuing to fund the Douglas County Health Department, unless a change is agreed upon with the county and the community. Ms. Council stated that the CAG does not want to change the remedy. Ms. Council stated that the CAG would like funds to be reallocated.

Ms. Brooks Pittman asked if dollars have been identified by the CAG for the comprehensive program component of the IROD. Mr. Waldren replied that the Comprehensive Plan Committee is identifying needs and a budget for a comprehensive plan. Mr. Waldren stated that the ESD focuses on requesting funds for education. Ms. Weston stated that the Comprehensive Plan Committee is in the process of identifying funding needs. Mr. Feild stated that the comprehensive plan activities that are outside the scope of the selected remedy can not be funded using Superfund dollars.

Ms. Leinenkugel asked if EPA plans to cut education if EPA runs out of funding. Mr. Feild stated that the 15 million dollars will be used for what is budgeted in the IROD. Mr. Feild stated that any additional funding requests would have to compete with funding needs at other sites.

Ms. Leinenkugel asked if the pipeline funding for Douglas County Health Department counted towards the funding budgeted for health education in the IROD. Mr. Feild stated that EPA is committed to funding the Douglas County Health Department. Ms. Leinenkugel repeated her question. Mr. Feild stated that EPA plans to fund the Douglas County Health Department next year through the dollars budgeted in the IROD. Ms. Meacham asked if what has been spent on the Douglas County Health Department to-

date has counted towards EPA's IROD budget for health education. Mr. Feild stated that future funding will count towards the IROD budget. Ms. Meacham asked if, to-date, remedial action funding has been spent on health education. Mr. Feild replied that, to-date, only pipeline money has been spent on health education.

Ms. Brooks Pittman motioned to add a suggested budget for the IROD's comprehensive program component to the ESD language and submit the language to the CAG for an electronic vote. The motion failed due to lack of a quorum (4-3-1). Ms. Todd abstained from voting.

Ms. Council stated that the draft ESD would be added to the agenda for the next CAG meeting. Ms. Council encouraged CAG members to submit questions or comments on the ESD to Ms. Rawley or Ms. Meacham in the meantime.

Ms. Council stated that the next CAG meeting would be held at the Salem Baptist Church on August 9, 2006 at 9:30 a.m.

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

Draft CAG Meeting Minutes from 5/10/06 and 6/14/06

Education Committee Minutes from 6/12/06

Comprehensive Plan Committee Minutes from 6/12/06

Letter to the U.S. Consumer Product Safety Commission

Email from Mr. Bob Feild Dated 6/19/06

OHKA Executive Director Announcement

Responses to NDEQ and NHHS May 31, 2006 Questions Regarding the Draft Scope of Work for the Stated of Nebraska Cost Share for the OLS

EPA Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program Announcement

CPSC Announces New Policy Addressing Lead in Children's Metal Jewelry

Guidance for Lead in Consumer Products

Safety Risks Grow on Imported Goods

Makers of Plumbing Fixtures Lose Bid to Block Bill on Lead

Model Home Illustrates Lead Safety

Development of a Reliable, Low-Cost, and User-Friendly Spot Test Kit for Leases Paint and Dust

EPA to Crack Down on Remodelers' Lead Dust

An Expose: Can You Dig It? Soil Abatement, Lead Poisoning and Getting Paid

List of Omaha Lead Site Properties Where Soil Replaced

Lead Safe Omaha Coalition Benefit Flyer

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

EPA Update (hardcopy to be delivered)