

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

Minutes for Meeting Held
Wednesday, August 10, 2005, 9:30 a.m.
Salem Baptist Church
3131 Lake Street

OLS CAG Members Present:

Janet Bohm—*Citizen at Large*
Sue Casteel—*ATSDR*
Brenda Council—*Facilitator*
Tanya Cook—*Governor's Omaha Advisory Council for Lead Safe Neighborhoods*
Todd Davis—*Nebraska Department of Environmental Quality*
Jonah Deppe—*League of Women Voters*
Jim Dowding (proxy for Councilmen Gernandt and Brown)—*City of Omaha*
Bob Feild—*Environmental Protection Agency*
Nick Flattery—*OneWorld Community Health Center*
Joe Gudenrath—*City of Omaha Mayor's Office*
Terri Jackson-Miller—*Greater Omaha Chamber of Commerce*
Jeff McDermott—*Union Pacific Railroad*
Patrice Pittman (Designee for Marilyn McGary)—*Urban League of Nebraska*
Dr. Adi Pour—*Douglas County Health Department*
Dr. Shireen Rajaram—*University of Nebraska, Omaha*
Chris Rodgers—*Douglas County Board of Commissioners*
Marian Todd—*City of Omaha Planning Department*
José Villegas—*Chicano Awareness Center*
Cammy Watkins—*Sierra Club*
Cheryl Weston—*Lead Safe Omaha Coalition*
Tommie Wilson—*NAACP*
Rachel Wright (Designee for Vernon Waldren)—*Douglas/Sarpy County Extension Office*

Others Present:

Joel Christensen—*MUD*
Lelia Coyne—*Citizen*
Todd Crawford—*Senator Hagel's Office*
Connie Determan—*MFG, Inc.*
Felisa Dillon—*ASW*
Sonny Foster—*Senator Ben Nelson's Office*
Nancy Gaarder—*Omaha World-Herald*
Steve Kemp—*Nebraska Department of Environmental Quality*
Debbie Kring—*Environmental Protection Agency*
Kathy Leinenkugel—*Douglas County Health Department*
Stacy Meacham—*MFG, Inc.*

Holly Miller—*Educare*
Claudia Preddy—*Marc Enviro Services*
Jennifer Rawley—*MFG, Inc.*

1. Discussion of Minutes from the July 13, 2005 Meeting

Ms. Council asked for any corrections or additions to the minutes from the July 13, 2005 CAG meeting. Ms. Kring stated that Ms. Stevens should be added to the attendee list. Ms. Weston, referring to the second paragraph on page 3, asked if Mr. Feild had stated that a contract would not be signed until the State's cost share agreement was in place. Mr. Feild stated that he did not recall exactly what he had said, but clarified that EPA cannot spend remedial action funding until the State agreement is signed. Mr. Feild added that the State cost share agreement has been signed. Ms. Weston motioned to approve the minutes with the addition of Ms. Joyce Stevens to the list of attendees. Mr. McDermott seconded the motion. The motion unanimously passed (12-0).

2. EPA Update

Mr. Feild provided an update on EPA activities. Mr. Feild announced that a new contract has been awarded to Environmental Restoration (ER) to perform 300 soil removals in South Omaha. Mr. Feild stated that EPA intends to complete 1,000 soil removals by the end of this year. Mr. Feild stated that the State's cost share agreement has been signed. Mr. Feild added that another contract addressing properties in North Omaha should be announced in the next few days.

Ms. Weston asked how many properties are remaining for ER to remediate under emergency removal funding. Mr. Feild stated that ER has approximately 22 removals to perform by the end of August; however, additional properties might be assigned. Mr. Feild stated that the removals performed by ER using remedial action funding are separate from removals performed using emergency removal funding. Mr. Feild stated that ER would use two separate crews. Ms. Weston asked if ER would be tasked to perform removals in other areas or if a separate contract would be awarded. Mr. Feild stated that EPA could task ER with additional work, but does not intend to.

Ms. Weston asked if EPA could determine the percentages of local and minority workers hired. Mr. Feild stated that he could request the percentage of local hires, but could not request ethnic information. Ms. Weston stated that application forms ask for ethnic information for statistical purposes; therefore, the information should be available. Mr. Feild stated that he is not privy to such information.

Ms. Weston asked if the action level listed in the Interim Record of Decision could change after additional testing is completed. Mr. Feild stated that the action level would change in the final Record of Decision.

Dr. Pour stated that at a Lead Safe Omaha Coalition meeting the previous night, Mr. Feild had stated that EPA would be opening information offices in North and South Omaha. Mr. Feild stated that two public information centers would be opening in North and South Omaha. Mr. Feild stated that the offices would be open part-time and locally staffed. Mr. Feild stated that the offices would have bilingual staff or translators. Ms. Council stated that she was pleased to hear that one of the early recommendations of the CAG, to open local offices, was taken to heart.

Ms. Council asked if there is a provision requiring EPA to hire local workers or small, disadvantaged businesses. Mr. Feild stated that contractors have to demonstrate capacity and experience to do the work. Ms. Council asked if EPA is required to competitively bid work if EPA cannot find small, disadvantaged businesses that meet the capacity and experience requirements. Mr. Feild replied that EPA is not required to competitively bid under those circumstances. Mr. Feild stated that sole sourcing to small, disadvantaged businesses is restricted to contracts with dollar amounts between \$3 and \$5 million, except for Native American firms, which are not subject to the sole sourcing limit.

Ms. Council asked if the new contracts awarded by EPA have the same incentives built-in as the U.S. Army Corps of Engineers contracts. Mr. Feild stated that similar incentives (for customer satisfaction, etc.) are included.

Ms. Council stated that a citizen, Ms. Susan Whitfield, requested that Ms. Council pass a comment onto EPA, on Ms. Whitfield's behalf. Ms. Council stated that Ms. Whitfield requests that prior to establishing staging areas in residential areas, EPA hold community meetings to inform the neighborhood about what to expect.

Ms. Weston asked if a contract including areas one and two would exceed the sole source limit, and, if so, if two contracts should be awarded. Mr. Feild stated that EPA does not have the contract staff to award and administer two contracts. Ms. Council asked if EPA could assign contracting to an entity, like the U.S. Army Corps of Engineers, to manage and administer the contracts. Mr. Feild stated that doing so would be just as labor intensive. Mr. Feild added that he did not expect the contract for area one and two to exceed the sole sourcing limit.

Ms. Weston stated that she believes that local contractors with appropriate capacity and experience exist. Mr. Feild stated that it is EPA's goal hire such companies.

Ms. Coyne asked if a small company could latch onto an established company. Mr. Feild stated that a contracting official would have to answer Ms. Coyne's question.

Dr. Pour asked what verbiage is included in the State's cost share agreement. Mr. Feild stated that he was unsure. Dr. Pour asked how in-kind contributions are defined. Mr. Feild stated that activities have not been identified. Mr. Feild stated that once activities are identified, EPA would enter into a new agreement with the State. Dr. Pour suggested forming a subcommittee to define activities to be considered for funding by the State's cost share.

3. NDEQ Update

Mr. Kemp provided an update on EPA activities. Mr. Kemp reported that the funding provided to the Douglas/Sarpy County Extension from the Environmental Trust Fund could not apply towards the State's cost share because that funding is already being applied as a State match for a grant. Mr. Kemp stated that the cost share could not be applied twice.

4. Douglas County Health Department Update

Dr. Pour provided an update on Douglas County Health Department (DCHD) activities. Dr. Pour stated that the DCHD is developing a six-month calendar of screening sites and health fairs. Ms. Leinenkugel added that the calendar is continuously evolving.

Dr. Rajaram asked why the DCHD is no longer providing blood lead screening at health fairs. Ms. Leinenkugel stated that the DCHD prefers to staff health fairs with outreach workers instead of phlebotomists. Ms. Leinenkugel stated that the outreach workers provide families with a list of screening locations, such as local clinics. Ms. Leinenkugel stated that, historically, low numbers of children were screened at health fairs.

Ms. Weston asked if the DCHD accepts filter paper tests for blood lead screening. Ms. Leinenkugel replied that the DCHD is currently studying filter paper collection.

5. City HUD Grant Application Update

Ms. Todd provided an update on the City's HUD grant application. Ms. Todd stated that the City has not received any information regarding the grant.

Ms. Council asked if the City would be including funding for lead abatement in next year's budget. Ms. Todd replied that the City is excluding funding for lead abatement.

6. Education Subcommittee Update

Ms. Wright provided an update on the Education Subcommittee. Ms. Wright reported that the Subcommittee had met twice since the last CAG meeting. Ms. Wright stated that the Subcommittee has been discussing and estimating costs for an education program. Ms. Wright stated that the Subcommittee is also looking into possible activities for National Lead Poisoning Prevention Week, which will likely be held in October. Ms. Wright asked CAG members to contact Mr. Vernon Waldren with any suggestions. Ms. Wright stated that the next Education Subcommittee meeting would be held on Tuesday, September 13, 2005 at 1:30 p.m. at the Douglas/Sarpy County Extension Office.

7. Comprehensive Plan Subcommittee Update

Ms. Deppe presented recommendations from the Comprehensive Plan Subcommittee regarding structure of a 501(c)(3), as follows:

- 1) Recommend that the CAG establish an Omaha Lead Site Alliance as indicated in the OLS CAG Comprehensive Plan—this would be a two-tier structure with a governing body and collaborating partners. The governing body would write by-laws, be responsible for funding and budgeting funds, set program priorities, and other governing tasks including hiring the OLS Coordinator to implement the comprehensive plan with community partners.

The governing body could consist of the following members:

1. Mayor or Representative
2. Douglas County Health Department Director or Representative
3. Nebraska Department of Environmental Quality Director or Representative
4. Potentially Responsible Party Representative
5. Business Community Member
6. Philanthropic Community Member
7. Community-Based Organization Representative
8. Citizen at Large (resident of the Omaha Lead Site)
9. Citizen at Large (parent of a child with an elevated blood lead level residing in the Omaha Lead Site)

Ms. Deppe moved to, “recommend that the CAG establish an Omaha Lead Site Alliance as indicated in the OLS CAG Comprehensive Plan—this would be a two-tier structure with a governing body and collaborating partners. The governing body would write by-laws, be responsible for funding and budgeting funds, set program priorities, and other governing tasks including hiring the OLS Coordinator to implement the comprehensive plan with community partners.” Dr. Pour seconded the motion.

Mr. Crawford asked if only one Potential Responsible Party (PRP) member would be included on the governing body, even though four PRPs have been named for the site. Ms. Council stated that although all PRPs have been invited to participate since the CAG’s inception, only one has shown any interest or involvement. Dr. Rajaram stated that she was concerned about having a PRP on the governing body. Dr. Rajaram stated that PRPs should be a resource, but should not have a governing role. Dr. Rajaram suggested involving additional parents from the community. Ms. Weston stated that she agreed with Dr. Rajaram. Mr. Flattery suggested including one resident from each of the five areas (as on EPA’s map of the Omaha Lead Site). Ms. Watkins suggested that the business community and philanthropic community members also be residents. Ms. Watkins asked what a PRP would be offering to the Comprehensive Program as a member of the governing board. Ms. Council stated that the suggested governing body was modeled after other lead sites, specifically Leadville, Colorado, where membership included a PRP representative because the PRP provided substantial funding. Ms. Council stated that the intent of a PRP member is to enable funding. Ms. Council stated that the intent is the same for other positions; the governing body positions provide a means of connecting the Alliance to the community to access funding to carry out the

Comprehensive Program. Ms. Council stated that it would be unlikely for the governing body to meet regularly. Ms. Council stated that the Alliance would meet regularly to carry out the Comprehensive Program.

Mr. Foster asked what the source of funding for the Comprehensive Program would be. Ms. Council stated that funding would come from grants, the Omaha Community Foundation, private donors, etc. Ms. Council stated that in order to receive this funding, a 501(c)(3) must be established. Ms. Council stated that the first thing potential donors ask for is a list of the governing body. Mr. Foster stated that if the group removes business members from the governing body, the program would not receive funding. Mr. Foster stated that that is exactly what the Lead Safe Omaha Coalition did.

Ms. Deppe stated that she did not see an advantage to including a philanthropic member on the governing body. Ms. Wright stated that it is helpful to be able to list the resumes and connections established through the governing body membership when seeking additional funding. Ms. Council stated that having a philanthropic community member would provide direct access to a major funding source. Ms. Council reiterated that the purpose of the governing board is to maximize the opportunity to access funds to carry out the Comprehensive Program. Ms. Council stated that in discussions she and Mr. Waldren have had with Mr. John Scott of the Omaha Community Foundation and Mr. David Brown of the Omaha Chamber of Commerce regarding funding, one of the first questions asked is the makeup of the governing body. Ms. Council stated that based on these discussions, it is her impression that grant decision-makers are in favor of such representation on the governing body. Ms. Council offered to invite Mr. Scott and Mr. Brown to the next CAG meeting to get their feedback regarding what grantors recommend in terms of governing bodies.

Mr. McDermott stated that the Comprehensive Program is part of EPA's Interim Record of Decision. Mr. McDermott stated that the PRPs have a vested interest to make sure that the components of the Interim Record of Decision are carried out, and, therefore, it is important to keep a PRP member on the governing board. Ms. Watkins stated that PRP involvement, but not governing body membership, is important. Ms. Weston stated that she agreed.

Ms. Coyne stated that she was concerned that the labor community and parents with children who do not have elevated blood lead levels are being underrepresented.

Ms. Todd stated that she was in favor of keeping a PRP member on the governing body. Ms. Todd stated that one of nine is not a controlling position. Ms. Todd stated that the PRP is a partner, and that having a PRP in the groups provides the community with a link to resources. Ms. Todd stated that including a PRP would help to build a partnership. Mr. Davis stated that he agreed. Mr. Davis stated that preventing PRP membership sets up an adversarial relationship, instead of a partnership. Mr. Davis stated that the purpose of a governing body is to provide funding. Mr. Davis stated that having the suggested membership in place would demonstrate to potential donors that all parties are working

together for a single cause. Dr. Pour stated that the difference between Omaha and Leadville is that, in Leadville, the PRP was paying for the comprehensive program.

Ms. Jackson-Miller stated that, from a business perspective, any donors would want to see that business representatives are involved in the program. Mr. Foster stated that to his understanding, Union Pacific Railroad is the only entity putting money on the table. Mr. Foster stated that Union Pacific Railroad and EPA have not yet agreed on an amount, but Union Pacific Railroad is the only PRP agreeing to pay any amount. Ms. Deppe asked what money Union Pacific had agreed to pay. Mr. McDermott responded that Union Pacific was still negotiating with EPA and could not discuss it.

Mr. Foster stated that if the group wants to raise money, they would have to have business community members involved. Dr. Rajaram stated that having a PRP on the governing board seems like a conflict of interest. Mr. Foster stated that the purpose of an Alliance is to do a comprehensive approach that goes beyond soil. Mr. Foster stated that PRPs do not have any obligation to deal with lead-based paint. Dr. Pour stated that Mr. Foster made a great point. Mr. Foster stated that the Comprehensive Program is comparable to Leadville because, despite that EPA only requires soil remediation, the PRP was willing to put money forward for a broader program. Mr. Gudenrath suggested putting off a vote until the next meeting to consider everything being discussed. Ms. Council stated that the issue of the membership would be on the agenda for the next CAG meeting.

Ms. Deppe noted that while membership could be discussed at the next meeting, a vote should still be made on the motion to establish the Omaha Lead Site Alliance. The CAG voted on the motion to recommend a two-tiered structure for a 501(c)(3) organization (see page 5 for entire motion). The motion was unanimously approved (13-0).

Ms. Deppe motioned to, “recommend that the CAG contact the Mayor’s office and City Planning Department regarding revisions to the City Housing Codes to include references to lead-based paint and require that lead-based paint that is hazardous be remediated and that occupants and/or owners be notified of the health hazards of deteriorating (chipping and peeling) lead-based paint.” Dr. Rajaram seconded the motion. Mr. Gudenrath stated that the Mayor is aware of this issue and would prefer a written request. Mr. Gudenrath stated that there is a moratorium on the code, until October, when a judge will make a ruling on the code. Ms. Todd stated that when peeling paint is identified at a pre-1978 house, the City would provide tenants and owners with an informational pamphlet. Ms. Deppe asked if the pamphlets would be hand-delivered. Ms. Todd replied that the pamphlets would likely be mailed. The motion unanimously passed (13-0).

Ms. Deppe stated that the Comprehensive Plan Subcommittee is considering potential names for the Comprehensive Program. Ms. Deppe stated that the next Subcommittee meeting would be held Tuesday, September 13, 2005 at 10:30 a.m. at the Urban League Family Resource Center.

Ms. Council stated that the next CAG meeting would be held on Wednesday, September 14, 2005 at 9:30 a.m. The meeting will be held at the North Omaha Boys and Girls Club.

Handouts Provided for the Meeting (August 10, 2005):
Draft Minutes from 07/13/05 (Provided by MFG, Inc.)

Approved Minutes from 06/08/05 (Provided by MFG, Inc.)

Education Subcommittee Minutes from 07/14/05 (Provided by MFG, Inc.)

Wisconsin High Court Lets Teen Sue Over Paint (Provided by MFG, Inc.)

National Briefing, Science and Health: Lead Exposure Follow-Up (Provided by MFG, Inc.)

Third National Report on Human Exposure to Environmental Chemicals (Provided by MFG, Inc.)

Letter from EPA to LSOC Regarding Contracting Concerns (Provided by Ms. Cheryl Weston)

Free Workshop: Bioavailability of Lead and Arsenic (Provided by MFG, Inc.)

Omaha Lead Site Map (Provided by EPA)

Cancer Data Review Summary (Provided by ATSDR)

Cancer Data Review for East Omaha (Presentation)(Provided by ATSDR)

Health Consultation, Cancer Incidence Rates in East Omaha (Provided by ATSDR)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)