

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

Minutes for Meeting Held  
**Wednesday, August 13, 2008, 9:30 a.m.**  
Omaha Healthy Kids Alliance  
115 S. 49<sup>th</sup> Ave  
Omaha, NE 68132

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**OLS CAG Members Present:**

Sue Casteel—*Agency for Toxic Substances and Disease Registry*  
Brenda Council—*OLS CAG Facilitator*  
Kara Eastman—*Omaha Healthy Kids Alliance*  
Bob Feild—*Environmental Protection Agency*  
Dr. Adi Pour—*Douglas County Health Department*  
Vicki Quaites-Ferris—*City of Omaha Mayor's Office*  
Chris Rodgers—*Douglas County Board of Commissioners*  
Vernon Waldren—*UNL Extension*  
Diane Ward—*Creighton Pediatrics*

**Others Present:**

Diana Acero—*Douglas County Health Department*  
Mary Castaneda—*EPA Public Information Offices*  
Lelia Coyne—*Citizen*  
Jim Dowding—*Omaha City Council Staff*  
Tiffany Frezelle—*EPA Public Information Offices*  
Cerita Gains—*Citizen*  
Laura Hardesty—*Citizen*  
Steve Jackson—*DHHS-Office of Minority Health*  
Debbie Kring—*Environmental Protection Agency*  
Louise Latimer—*U.S. Senator Ben Nelson's Office*  
Shavonna Lausterer—*Douglas County Health Department*  
Amanda Micek—*CRA, Inc.*  
Jennifer Rawley (proxy for Jeff McDermott)—*CRA, Inc.*  
Reggie Robinson—*U.S. Department of Housing and Urban Development*  
Steve Sanders—*Environmental Protection Agency*  
Reid Steinkraus—*Douglas County Health Department*  
Ché Thompson—*Omaha Healthy Kids Alliance*  
Cheryl Weston—*Lead Safe Omaha Coalition*

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## **1. Discussion on Minutes from the June 11, 2008 and the July 9, 2008 Meetings**

Ms. Rawley asked for corrections or additions to the CAG minutes from the June 11, 2008 and the July 9, 2008 meetings.

Ms. Quaites-Ferris stated that the change she had requested to page 8 of the June 11 minutes was not reflected. Ms. Quaites-Ferris stated that: “the City will be mailing letters to each of the city council members” should read: “letters of support will be mailed to each of the city council members.”

Ms. Weston requested a change to the July 9<sup>th</sup> minutes on page 6. Ms. Weston stated that the sentence reading: “Ms. Weston replied that a home inspector could perform all inspections (if the inspector is a certified lead risk assessor)” should be deleted.

Mr. Waldren motioned to approve the minutes with the above corrections. Dr. Pour seconded the motion. The minutes were unanimously approved (8-0).

## **2. EPA Update**

Mr. Feild provided an update sheet summarizing Year 2008 excavation progress, paint stabilization progress, soil sampling status, exterior household lead-based paint assessments, and statistics for previous years.

### *Access Progress*

Mr. Feild stated that the EPA has gained additional access to properties with the help of local subcontractors. Mr. Feild stated that the EPA’s first attempt to obtain access for sampling was in the form of a letter that identified contact numbers to a public information center and also included a self-addressed stamped envelope.

Ms. Weston pointed out that there is an error in the dates listed on the EPA update sheet; the sheet has a 2005 date, which should read “through 08/12/2008.”

Ms. Weston asked Mr. Feild if he had an exact number or percentage of access agreement letters received yet. Mr. Feild replied that he does not have an exact number or percentage as the EPA is just beginning to receive letters back.

### *Status of Administrative Orders*

Mr. Feild stated that the Administrative Orders will first be sent to non-owner occupied properties where access has been refused three times. Mr. Feild stated that a letter from the Omaha City Council requesting cooperation with soil sampling will be sent to 1,100 properties. Mr. Feild extended thanks to the Omaha City Council.

Ms. Quaites-Ferris requested a copy of the letter from the Omaha City Council. Mr. Dowding replied that he would provide a copy of the letter to the Mayor’s Office and the CAG. The CAG requested a copy of the Administrative Order. Mr. Sanders replied that he would provide a copy of the Administrative Order to the CAG.

Ms. Weston asked what the follow-up procedure will be if a homeowner does not comply with the Administrative Order. Mr. Sanders replied that if a property owner does not comply with the Administrative Order issued for access, the property owner would be subject to a fine of \$32,000 a day, according to the Administrative Order. However, Mr. Sanders stated that the EPA does not intend to fine property owners. Mr. Sanders stated that there would be a timeframe for compliance and eventually a warrant would be issued to enter the property. Mr. Sanders clarified that the Administrative Orders are just to retrieve a soil sample, not for cleanup. Mr. Sanders warned that the EPA could receive bad press because of the Administrative Orders.

Dr. Pour asked if the contact numbers on the letter are bilingual. Mr. Feild replied that he was unsure.

Dr. Pour asked if the Administrative Orders are to get access for both sampling and soil replacement. Mr. Feild replied that the Administrative Orders are only for sampling and that the EPA has not yet made a decision to compel clean-up. Ms. Weston asked if the Administrative Order includes testing soil and paint. Mr. Sanders replied that it includes testing soil and paint.

Ms. Eastman asked what would happen if people were to keep refusing access for sampling. Mr. Sanders clarified that a warrant would be issued from the government, just like a search warrant, allowing EPA to walk on the property and retrieve samples. Mr. Sanders stated that the EPA could involve the police, if any of the residents are threatening.

#### *Update on Recontamination Study*

Mr. Feild stated that all EPA site documents (e.g., Recontamination Study, Risk Assessment, etc.) will be released in October 2008 to allow for a 60-day public comment period before the Final Record of Decision (ROD) is published.

#### *Update on Risk Assessment and RI/FS*

Ms. Council stated that, in regards to the Risk Assessment, this month's CAG packet provided information about the process. She pointed out the Omaha Lead Site Remedial Response Process flow-chart, which depicts the Superfund process. Ms. Council pointed out a presentation included in the packet titled "What Does a Risk Assessment Do?" which was prepared by Ms. Sue Dempsey of NHHS prior to the Interim ROD. Ms. Council stated that the CAG is essentially at the same point in the process as in 2004 with the Interim ROD, but this time for the Final ROD.

Mr. Feild stated that the Risk Assessment is being conducted by Syracuse Research Corporation (SRC), who will use the IEUBK model.

### 3. OHKA Update

Ms. Eastman provided an update on OHKA activities. Ms. Eastman reported that OHKA submitted an application for a U.S. Department of Housing and Urban Development (HUD) LEAP grant.

Ms. Eastman stated that OHKA was awarded CLEARCorps and AmeriCorps grants. The CLEARCorps grant will employ two people. The AmeriCorps grant will employ three people. Both grants will provide a small living stipend. Ms. Eastman stated that these grants will bring prestige to Omaha. Dr. Pour congratulated OHKA.

Ms. Eastman stated that OHKA should soon hear about the \$250,000 grant from the EPA for census track 11, zip code 68111.

#### *Education Committee Update*

Ms. Eastman provided an update from the most recent Education Committee meeting. Ms. Eastman stated that the UNL Extension applied for a HUD grant, which includes collaboration with Legal Aid of Nebraska. Ms. Eastman stated that the UNL Extension hired a nutritionist and calls are welcome to request her assistance on projects. Ms. Eastman reported that there is an article in the City Weekly that discusses the lead site.

#### *Housing Committee Update*

Ms. Eastman asked Mr. Steinkraus to discuss the ordinance for the update on the most recent Housing Committee meeting.

Mr. Steinkraus stated that there is a meeting scheduled for Friday with representatives of the Mayor's office and Omaha City Planning Department to discuss revisions to the ordinances. Mr. Steinkraus stated that there are already revisions made to the ordinance regarding lead paint certification in rental properties. Copies of the revised ordinances were distributed. Mr. Steinkraus stated that if a landlord has 100 units in their property, not all 100 units have to be tested. Mr. Steinkraus stated that the phase-in period for all properties are two years for structures containing ten or more units, three years for structures containing three to nine units, and five years for all other structures. Mr. Steinkraus stated that if a property owner has a risk assessment done within two years of the implementation of the ordinance, the reexamination period would be extended to four years, and if the risk assessment is done within one year, the reexamination period would be extended to five years.

Ms. Kring asked who would be in charge of enforcing the ordinance. Mr. Steinkraus responded that the City of Omaha Housing Department would be in charge, as the ordinance would be part of City code.

Ms. Eastman stated that members of the Housing Committee drafted a Frequently Asked Questions (FAQs) document about the proposed ordinances. Copies of the FAQs were distributed. Ms. Council stated that the FAQs were written in response to the level of

misunderstanding, miscommunication, and opposition the Omaha Landlords Association has expressed towards the ordinance. Ms. Council stated that the announcement for the Omaha Landlords Association meeting incorrectly stated that all units would be required to be assessed, and it would cost the landlords \$350.00 a unit. Ms. Council stated that the ordinance only addresses rental properties. Ms. Council stated that the ordinance committee did not have the opportunity to reconvene with the Omaha Landlords Association before the landlords held their meeting.

Ms. Quaites-Ferris stated that it was the ordinance committee's understanding that they were going to meet again with the Omaha Landlords Association to discuss questions and concerns, and that during the meeting between the ordinance committee and the Omaha Landlords Association, she had made clear that not all units would have to be assessed.

Ms. Quaites-Ferris stated that the Omaha Landlords Association has already taken a position and requested that anyone who is in support of the ordinance write a letter to the Omaha City Council.

Ms. Weston asked if the current revisions to the ordinance are going to remain.

Mr. Steinkraus replied that he did not foresee any additional changes. Ms. Weston asked if the FAQs will be distributed to the Omaha Landlords Association and/or the public.

Mr. Steinkraus replied that he thought the FAQs would be a good resource for the Landlords Association, but was unsure if the media would make note of this.

Ms. Weston asked who individuals should contact if needing more clarification about the ordinances. Mr. Steinkraus stated that he and Mr. James Thele would be the appropriate contacts.

The CAG discussed corrections to the draft FAQs. Mr. Steinkraus pointed out a change to be made on the FAQ to item #3, when code enforcement inspectors notice the presence of chipping and lead-based paint, the Douglas County Health Department (not the City of Omaha) will report it as a nuisance; in item #6, it is up to the risk assessor (not the property owner) to decide what method the property owner should use to fix the problem.

Ms. Ward asked for clarification on the asterisk at the bottom of the table on the FAQ that referred to child occupied residents. Mr. Steinkraus explained that a unit containing children would absolutely need to have a risk assessment done, and if an elevated blood-lead level is detected, then the risk assessor could require all units on the property to be assessed.

Ms. Coyne asked about an auditing process to ensure that the landlords do not get "chummy" with the risk assessors. Mr. Steinkraus responded that there are auditing requirements, but he does not believe the auditing requirements are statutory; however, Mr. Steinkraus stated that he knows many of the risk assessors and assured that there would not be any corruption.

Ms. Weston asked if there are any penalties tied to the number of days delayed for a risk assessment. Mr. Steinkraus replied that penalties are specified in Chapter 48 of the City

code, and it was his understanding that it would be a misdemeanor. Ms. Weston suggested that descriptions of penalties should be added to the document. Mr. Steinkraus agreed.

Ms. Weston stated that there is a misunderstanding between the nuisance ordinance and the rental property ordinance and requested an explanation between the two be included in the FAQs. Ms. Weston pointed out item #10, which discusses similar lead programs in other cities and states. Ms. Weston stated that the attorney at the Omaha Landlords Association meeting said there was only one other state that has a similar type of ordinance and asked if those listed in item #10 were similar to another type of ordinance. Mr. Steinkraus stated that the attorney was possibly just referring to the code. Mr. Steinkraus stated that Kansas City has a similar ordinance. Ms. Weston stated that she wants to prepare for opposition to this item and mentioned that Minnesota has a similar ordinance as well, and it should be noted on the FAQ that many more are being formed to show it is a trend. Ms. Council stated that Grand Rapids issues a certificate indicating that a property is lead safe and this improves the ability to sell the home, and rental properties are required to have a lead safe certificate.

Ms. Weston asks if maintenance crew at a rental property could become certified inspectors. Ms. Weston stated that there is a misunderstanding that the landlords are being penalized, but Section 8 is not because the Omaha Housing Authority has trained inspectors. Mr. Steinkraus stated maintenance crews could be trained in lead risk assessment. Ms. Thompson clarified that the Omaha Housing Authority does not perform risk assessments. Ms. Council stated that only certified risk assessors could do the assessments, and Section 8 would not be exempt.

Ms. Council requested Ms. Quaites-Ferris to have the City Law Department review the FAQs to make sure it is worded clearly that Section 8 has to comply with all city ordinances. Ms. Council requested to have any revisions sent to Ms. Rawley for distribution, and for anyone who has a website to post the FAQs.

#### **4. City Update**

No update.

#### **5. Douglas County Health Department Update**

Dr. Pour announced the addition of a new staff member, Ms. Shavonna Lausterer, who has a master's degree in public health. Dr. Pour stated that Ms. Lausterer is very qualified and Ms. Lausterer and Ms. Acero will make a great team.

Ms. Council asked the Douglas County Health Department to discuss what this year's blood lead testing data will look like given that the health department has not received any testing data for 2008 Head Start children. Mr. Steinkraus stated that the Douglas County Health Department has a meeting set for August 26<sup>th</sup> with Head Start to discuss

the 700+ children that need to be tested and to see what role the health department can play.

Ms. Council asked who was in charge of blood lead testing for Head Start.

Mr. Steinkraus replied that it has been the Lead Safe Omaha Coalition's (LSOC's) responsibility. Ms. Weston stated that Mr. Steinkraus should have received reports from the lab with the testing results. Mr. Steinkraus stated that when the health department receives the results via the State, the results do not include addresses. Ms. Weston stated that it was her understanding that the Douglas County Health Department had been receiving the test results with corresponding addresses. Mr. Steinkraus stated that testing has not been conducted through Head Start for a long time. Ms. Weston replied that testing stopped because school is out. Ms. Weston stated that Head Start children were tested until the end of the 2007-2008 school year. Ms. Weston requested to be included in the meeting with Head Start and the health department.

Ms. Thompson stated that, according to Head Start, blood lead testing has not been conducted since the end of 2007. Ms. Thompson stated that testing was LSOC's responsibility, and that now Head Start is looking for help from the Douglas County Health Department to complete the testing. Ms. Weston stated that she was unaware of this issue and intends to follow-up with Head Start. Ms. Weston stated that she does not want it to appear that LSOC has failed in their efforts.

Ms. Weston explained that the procedure requires permission from the parents who are not enforced to have testing done on their children. Ms. Weston stated that she has been working with Clarkson College to get medical students involved in the community by doing the actual testing in 2008. Ms. Weston stated that they are done for the 2006-2007 and 2007-2008 school years. Ms. Weston stated that the State of Nebraska does not require a phlebotomist to draw blood using the finger prick method, but thinks it is still important to get the medical field involved through volunteers.

Ms. Council stated that this is an area of miscommunication and requested that someone report on this in the August 26<sup>th</sup> meeting. Mr. Jackson requested Douglas County Health Department to report on the findings, since there are opposing viewpoints from two parties.

## **6. LSOC Update**

No update.

## **7. Other Group or Agency Updates**

No update.

## 8. Grant Updates

Ms. Weston asked how many people will be employed through OHKA's AmeriCorps and CLEARCorps. Ms. Eastman replied that the AmeriCorps grant will employ three full-time individuals, and the CLEARCorps grant will employ two full-time individuals. Ms. Weston asked if OHKA will be the administrator for the Mayor's grant.

Ms. Eastman replied that the grant has not been issued yet, so she does not know what the grant will include. Ms. Council explained that this is not a grant issued through the CAG or OHKA. Ms. Council stated that this grant is offered by DuPont through the U.S. Conference of Mayors and Mayor Fahey has applied for the grant each year for several years. Ms. Council stated since Omaha has the largest residential Superfund site, Mayor Fahey inquired as to why Omaha not been awarded this grant in the past. DuPont recommended focusing on a specific population rather than the entire city. Ms. Council stated that it was suggested to focus on non-English speaking residents to improve Omaha's chance of being awarded the grant. Therefore, the application was written to focus on Spanish-speaking communities, and Mayor Fahey was awarded the grant. Ms. Council stated that the bulk of Spanish-speaking residents lived in South Omaha and that is why that funding is going to that area of the city.

Ms. Council stated that she wanted to clarify misinformation of her involvement in the process of getting grants. Ms. Council stated that, as facilitator of the CAG, she is uninvolved with grant applications, she has no approval authority, no review authority, and only receives the same information as all CAG members do. Ms. Council clarified that for the \$2 million HUD grant for which OHKA applied, she was approached by New Community Development Corporation (NCDC) and OHKA to see if she was willing to include her rental property located in zip code 68111 in the proposed project. This included a financial commitment on Ms. Council's part. Ms. Council stated that she wrote a letter approving a certain amount of money to include her rental property in the proposed grant program, and that is the extent of her involvement.

Ms. Eastman stated that she has applied for grants that are for the entire City of Omaha, and has been told that she needs to focus on specific areas to improve her success in being awarded grants. Ms. Eastman explained that OHKA has been strategic in applying for grants in the sense that when and where OHKA sees a need for funding, OHKA applies for that funding.

Ms. Weston asked if OHKA would be administrator to the Mayor's grant, if the outreach person will be bilingual, and if and when that person will be hired. Ms. Weston stated that when there is a public statement made about a grant, it needs to be worded carefully since the grant has not been received yet. Ms. Council stated that the Mayor's Office has been notified that they are receiving the grant, but does not yet know what the grant will entail. Ms. Council added the grant award is for \$60,000; although the Mayor's office requested \$150,000. Ms. Council stated that the grantor advises what will be done under the funding of the grant.

## 9. Questions and Answers

Ms. Gains asked about results of the Paint—a-Thon issue. Mr. Feild replied that the EPA coordinated with the City and was able to remove eight houses from the Paint—a-Thon list.

### **Handouts:**

*Draft CAG Meeting Minutes from 06/11/08 and 07/09/08*

*Omaha Lead: Highest Non-Drip Lead Concentrations (Map Provided by EPA)*

*Omaha Lead: Final Focus Area (Map Provided by EPA)*

*Revised Blood Lead Level Testing (Provided by Dr. Donna Polk-Primm)*

*Omaha Lead-Based Paint Hazard Control Program Grantee Quarterly Report (Provided by Marian Todd)*

*Imported Candy Likely to Be Consumed Frequently by Small Children: Recommended Maximum Level Enforcement Policy (Provided by CRA)*

*Omaha Lead Site Superfund Remedial Response Process*

*Superfund Today: Focus on Risk Assessment*

*What Does a Risk Assessment Do? (Presentation by Sue Dempsey, NHHS)*

*Risk Assessment Questions*

*Mayor's Budget Takes Aim at Condemned Buildings (Provided by CRA)*

*EPA Extends Public Comment Period on the Proposed Lead Air Quality Standards (Provided by CRA)*

*New Health Laws for Iowa School Children (Provided by Kara Eastman)*

*House OKs Tough Lead Standards (Provided by CRA)*