

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

Minutes for Meeting Held
Wednesday, September 13, 2006, 9:30 a.m.
Omaha Police Department Southeast Precinct
2475 Deer Park Blvd
Omaha, NE 68105

OLS CAG Members Present:

Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*
Tanya Cook—*Governor's Omaha Advisory Council for Lead Safe Neighborhoods*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Kara Eastman—*Omaha Healthy Kids Alliance*
Nick Flattery—*OneWorld Community Health Center*
Bob Feild—*U.S. Environmental Protection Agency*
Ayesha Graves—*Mayor Fahey's Office*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Jeff McDermott—*Union Pacific Railroad*
Adi Pour—*Douglas County Health Department*
Marian Todd—*City of Omaha Planning Department*
Rebecca Valdez—*Chicano Awareness Center*
Cheryl Weston—*Lead Safe Omaha Coalition*
Vernon Waldren—*Douglas/Sarpy County Extension*

Others Present:

Mary Castaneda—*EPA Information Offices*
Lelia Coyne—*Citizen*
Connie Determan—*MFG, Inc.*
Felisa Dillon—*EPA Information Offices*
Jim Dowding—*City Council Staff*
Tom Janssen—*State Senator Hagel's Office*
Denise Jordan-Izaguirre—*Agency for Toxic Substances and Disease Registry*
Louise Latimer—*Senator Ben Nelson's Office*
Stacy Meacham—*MFG, Inc.*
Julie Powers—*Nebraska Department of Environmental Quality*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*U.S. Environmental Protection Agency*
Reid Steinkraus—*Douglas County Health Department*

1. Discussion on Minutes from August 9, 2006 Meeting

Ms. Council asked for any corrections or additions to the CAG meeting minutes from August 9, 2006. Ms. Todd stated that she was not present at the previous meeting, but would like to clarify some statements that were made. Ms. Todd stated that the City's HUD-funded program has certain eligibility criteria including household income limits and the presence of a child less than six years of age in the home. Ms. Todd added that the City will use EPA funds for this paint stabilization work and will coordinate this to the fullest extent possible with HUD-funded projects. Ms. Todd also clarified that the City's HUD-funded program requires state-certified firms with state-certified supervisors because the program includes abatement activity along with interim controls. Paint stabilization is an interim control which requires HUD/EPA Lead Safety for Remodeling, Repair and Painting training.

Mr. Feild stated that in the first line on page four, "may have been" should read, "were."

Mr. Feild stated that in the fourth paragraph on page four, "kilograms of paint" should read, "kilograms of lead in paint."

Mr. Feild stated that in the first paragraph on page five, "Mr. Feild stated that HUD's standard recommends paint stabilization for surfaces with greater than 1 mg/cm² on areas of 10 ft² or more" should read, "Mr. Feild stated that HUD's standard recognizes a problem with paint for surfaces with greater than 1 mg/cm² on areas of 10 ft² or more."

Mr. Feild stated that "TRB" should be "TRW" throughout.

Mr. Feild stated that in the second paragraph on page five, "Mr. Feild stated that he is most interested in the CAG's comments" should read, "Mr. Feild stated that he is interested in CAG comments."

Mr. Feild stated that the following sentence on page five should be deleted: "Mr. Feild stated that EPA is trying to prioritize."

Mr. Feild, referring to the third paragraph on page five, stated that he did not recall saying that, "1,000 homes will be on hold for a year until EPA determines if stabilization will occur." Mr. Feild stated that excavations will not be put on hold. Ms. Weston clarified that the statement on page five was not in reference to soil excavation, but, rather, referred to delays in assessing paint at homes. Mr. Feild suggested deleting: "Mr. Feild stated that this is true" and inserting: "Mr. Feild stated that all paint stabilization will be on hold until the stabilization procedures are in place."

Mr. Feild stated that in the third paragraph on page five, "in order to get the most accurate information to the residents" should read, "in order to be able to interpret the results for the residents."

Mr. Feild stated that in the fifth paragraph on page five, “using the City’s HUD money” should be deleted from the statement: “Mr. Feild stated that the City will subcontract the paint stabilization work using the City’s HUD money.”

Referring to the fourth paragraph on page six, Mr. Feild stated that, “Mr. Feild stated that the approach was developed internally by EPA Region 7 with the assistance of Region 8 based on experience at the VB I-70 site and that EPA worked with Black and Veatch to develop the worksheet” should be changed to read: “Mr. Feild stated that the approach was developed internally by EPA Region 7 based on experience at the VB I-70 site (within EPA Region 8) and that EPA worked with Black and Veatch to develop the worksheet.”

Ms. Valdez stated that she was present at the meeting and should be added to the list of attendees.

Ms. Weston motioned to approve the minutes with the above corrections. Ms. Brooks-Pittman seconded the motion. The motion was unanimously approved (10-0).

Ms. Weston stated that, at the last CAG meeting, a list was distributed listing the Lead Safe Omaha Coalition (LSOC) as a subcontractor to EPA. Ms. Weston stated that concern was raised after the meeting that LSOC’s relationship with EPA could be considered a conflict of interest with serving as a voting member on the CAG. Ms. Weston stated that she spoke with Mr. Waldren, CAG parliamentarian, about the issue. Ms. Weston reported that Mr. Waldren did not feel there was a conflict with being a voting member because LSOC is only assisting with obtaining access to properties. Weston stated that she would have no problem with abstaining from voting if a conflict was determined to exist.

Ms. Council stated that contractors have been invited to attend CAG meetings, but have been prohibited from serving as voting members. Ms. Weston stated that other CAG members have contracts with EPA, such as the Douglas County Health Department. Ms. Council asked if the determining factor should be whether or not the individual is representing an agency or a business. Ms. Council asked if LSOC is a nonprofit organization. Ms. Weston stated that LSOC is a non-governmental agency (NGO) and is in the process of resubmitting for nonprofit status.

Mr. Waldren motioned to deny CAG voting membership to for-profit EPA contractors or subcontractors. Ms. Brooks-Pittman seconded the motion. Mr. Waldren clarified that organizations can be nonprofit without having 501(c)(3) federal tax-exempt status. Ms. Brooks-Pittman asked how the CAG would know whether or not an organization is nonprofit. Ms. Council stated that an organization would have articles of incorporation or other paperwork stating the organization’s nonprofit status. The motion failed due to lack of a quorum. Ms. Council stated that the issue would be added to next month’s agenda.

2. EPA Update

Mr. Feild provided a handout summarizing the status of EPA's soil excavations. Mr. Feild stated that the contracting process for next year will begin soon. Mr. Feild stated that EPA plans to excavate 1,000 yards again next year.

Review of ATC Laboratory

Mr. Feild stated that the final ATC laboratory review report is not completed. Mr. Feild stated that he would provide the completed report to the CAG. Mr. Feild stated that he would like to reiterate that the lab procedures are of no interest or importance to EPA since no decision-making is based on data from that laboratory.

Coordination with HUD

Mr. Feild stated that he is looking forward to working with OHKA and others involved with the comprehensive remedy. Mr. Feild stated that a meeting with HUD and others is not yet scheduled, but Ms. Eastman will arrange a meeting.

Ms. Weston asked if the local or federal HUD office will be involved. Mr. Feild replied that local and federal HUD offices will participate.

Large Park Sampling Plan

Mr. Feild reported that the large park sampling plan is being developed along with the paint assessment criteria narrative. Mr. Feild stated that the Omaha Lead Site is a highly visible, precedent-setting site, so the documents are going through a high degree of review. Mr. Feild stated that the large parks sampling plan and paint assessment criteria narrative will be released to the CAG soon.

Ms. Weston noted that Kellom Park, which is closest to the former Asarco site, had the highest lead concentrations of the parks sampled. She asked if there had been any communication with schools or daycares in the area of the park to advise them of the sampling results or to encourage testing of children. Mr. Feild stated that after review of the data, EPA does not believe any parks exceed the action level, so there is no need to contact schools or other organizations. He noted that three quadrants at Kellom Park stood out among others at the park; however, these were undeveloped areas adjacent to the play area, outside of the actual park, and not considered high child impact areas. Ms. Council explained that the Kellom Greenbelt was developed after a number of homes were demolished, leaving the vacant lots that EPA tested. Mr. Feild stated that, as noted in the minutes from the last meeting, EPA had resampled the areas to confirm that the concentrations were not underestimated.

Are Addresses Where Access Refused Public Record?

Mr. Feild reported that the addresses where EPA has been denied access are public record. Mr. Feild stated that individuals interested in the list should make a request in writing so that EPA has a record of why the list is being released.

3. Explanation of Significant Differences (ESD) Update

Ms. Council stated that the ESD letter and associated materials are completed and were approved by the CAG at the August meeting. Ms. Council stated that requests for support letters were mailed to governmental entities involved at the Omaha Lead Site. Ms. Council reported that the letters of support have been provided by Senator Hagel, Mayor Fahey, Douglas County Health Department, Nebraska Senator Preister, and Senator Nelson. Ms. Council reported that additional letters are expected from Congressman Terry, the Governor, and NDEQ. Ms. Council stated that the final package will be submitted to EPA before October 1st.

4. Lead-Based Paint Assessment Criteria Discussion

Mr. Feild stated that EPA will electronically submit the paint assessment criteria narrative to MFG for distribution to the CAG, once completed.

5. OHKA Update

Ms. Eastman provided an update on OHKA activities. Ms. Eastman stated that OHKA has selected a logo. Ms. Eastman stated OHKA's website is up and under development (www.omahahealthykids.org). Ms. Eastman stated that the website will include a calendar of community lead-related events and asked that CAG members inform her of any scheduled events.

Ms. Eastman stated that she will be attending several upcoming fairs and conferences. Ms. Eastman reported that OHKA will be at Family Safety Day and will share a booth with LSOC at the Restore Omaha Conference.

Ms. Eastman reported that she and Ms. Che Thompson are forming a school task force to develop curriculum for Omaha schools. Ms. Eastman asked any CAG members interested in joining the task force to call her.

Ms. Eastman announced that OHKA purchased a game board as part of the Education Committee's Children's Museum exhibit, which will open in October.

Ms. Eastman announced that the City gave OHKA \$20,000 and that OHKA is working with the Education Committee to determine how to use those funds.

On behalf of the CAG, Ms. Council thanked OHKA for purchasing the game board.

5. City HUD Grant Update

Ms. Todd provided an update on the City's HUD grant program. Ms. Todd reported that six homes are completed, 15 homes are under construction, eight homes are in a paperwork stage, 15 applications are being processed, and one multifamily home is in a trial run.

Ms. Weston asked if groups can still submit proposed programs to the City for education funding or if all the available education funding under the City's HUD program went to OHKA. Ms. Todd stated that the Education Committee has been involved in developing a comprehensive educational plan and is in a better position to prioritize the funding. Ms. Weston asked for further clarification. Ms. Todd stated that all education funding was given to OHKA with the intent of the Education Committee working to determine the best uses of the funding to target "hard-to-reach" populations.

6. NDEQ Update

Mr. Davis introduced Ms. Julie Powers, supervisor of NDEQ field offices.

Mr. Davis reported that NDEQ has been busy obtaining support letters for the ESD from the Director of NDEQ and the Governor and working with EPA's On-Site Coordinator (OSC) in addressing and identifying problems.

7. LSOC Update

Ms. Weston provided an update on LSOC activities. Ms. Weston announced that LSOC will meet October 10, 2006 at 6:00 p.m. at the OPS TAC building.

Ms. Weston stated that LSOC will be advertising starting next week for a consultant provided for by the EPA Technical Assistance Grant (TAG) to review forms, papers, etc. Ms. Weston stated that ads will be published in the Omaha World-Herald, Omaha Star, and Nuestro Mundo. Ms. Weston stated that LSOC is considering out-of-town applicants, but would also like to receive resumes from local consultants.

Ms. Weston stated that she has been asked to give a deposition for Billy Tyler v. Union Pacific Railroad. Ms. Weston stated that Mr. Tyler is currently serving time in the Lincoln prison. Ms. Weston stated that Mr. Tyler is suing regarding funding that he believes was given to Ms. Council by Union Pacific for the Omaha Lead Site. Ms. Council stated that Mr. Tyler has a long history of litigation. Ms. Council stated that Mr. Tyler is asserting that money provided to initially fund OHKA went to Ms. Council.

Ms. Weston announced that a 40-hour hazmat class will be offered at the Omaha Small Business Network November 11-14, 2006, and an 8-hour refresher hazmat course will be offered November 12 and 13, 2006. Ms. Weston stated that the cost is \$650 for the 40-hour class and \$160 for the refresher.

Ms. Council asked about a statement made by a guest on Ms. Weston's television program. Ms. Council stated that the guest reported that there is a grant to pay individuals that come to public meetings \$20. Ms. Weston stated that the guest, Mr. John Carter of the Highlander Neighborhood Association, is looking into the issue. Ms. Weston stated that she believes Mr. Carter made an incorrect statement.

8. Comprehensive Plan Committee Update

Ms. Weston stated that that Comprehensive Plan Committee will meet October 9, 2006 at 10:30 a.m. The previously scheduled meeting was cancelled.

9. Grants Update

Ms. Council stated that Mr. Waldren could report on grants during the Education Committee update.

10. Education Committee Update

Mr. Waldren announced that Mr. Rick Reibstein will come to Omaha on October 19, 2006 as part of Omaha's "Don't Spread Lead" campaign. Mr. Waldren stated that Mr. Reibstein will likely hold a forum at Creighton, dinner at the Douglas/Sarpy County Extension for the CAG and OHKA, a forum targeting workers and realtors, and realtor training. Ms. Todd distributed a flyer about Mr. Reibstein's planned visit.

Mr. Waldren reported that the Children's Museum display will be setup on October 4, 2006 and a presentation will be given monthly for six months. Mr. Waldren stated that a \$2/student fee has been secured for school field trips. Mr. Waldren stated that corporate partners for the schools will be contacted to possibly pay for buses to transport the students to the museum.

Ms. Valdez reported that the Chicano Awareness Center's survey results are ready, and she would look into distributing the results to the CAG.

Ms. Valdez stated that work needs to be done to reach Latino real estate agents as there are still many complaints from homeowners. Mr. Davis suggested identifying the brokers the agents work for and directing complaints to the brokers. Ms. Valdez asked if banks have been contacted. Mr. Waldren stated that educating and working with lenders and mortgage providers will be the next stage and is a long-term goal of the committee.

Mr. Waldren reported that Douglas/Sarpy County Extension should find out about the HUD grant by the end of September. Mr. Waldren stated that the Douglas/Sarpy County Extension's landscaping grant was resubmitted to the Nebraska Environmental Trust and includes additional coordination with EPA.

Ms. Weston asked if a media blitz is planned for the Children's Museum. Mr. Waldren stated that the committee has not discussed media plans.

Mr. Waldren stated that the committee will meet October 10, 2006 at 1:30 p.m.

12. Questions and Answers

Mr. Feild announced that EPA Region 7 has a new regional administrator, Mr. John Askew.

Mr. Feild stated that he would be attending a Field Club Neighborhood Association meeting to answer questions. Mr. Feild stated that EPA is interested in increasing its level of community outreach and encourages others to do the same.

Ms. Council stated that Ms. Eastman is a valuable resource because the OHKA office is located within the Neighborhood Center for Greater Omaha.

Ms. Council stated that the next CAG meeting would be held Wednesday, October 11, 2006 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (September 13, 2006):

Draft CAG Meeting Minutes from 08/09/06

Final CAG Meeting Minutes from 07/12/06

Comprehensive Plan Committee Minutes from 08/07/06

OLS Subcontractors/Vendors by Contract (Provided by EPA)

Small Parks Sampling Data (Provided by EPA)

Despite Pact, Stores Lax on Giving Lead Paint Advice (Provided by MFG, Inc.)

Government Looks to Recoup Cleanup Costs (Provided by MFG, Inc.)

Des Moines Landlords Cited for Serious Violations (Provided by MFG, Inc.)

Lead in Water Linked to Coagulant (Provided by MFG, Inc.)

The Starbucks Foundation: Giving Voice (Provided by Gail Braun)

Toys Handed Out at Libraries Recalled Because of Lead Levels (Provided by MFG, Inc.)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

EPA Update (hardcopy to be delivered)