

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

Minutes for Meeting Held  
**Wednesday, September 14, 2005, 9:30 a.m.**  
North Omaha Boys and Girls Club  
2610 Hamilton Street

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**OLS CAG Members Present:**

Brenda Council—*Facilitator*  
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*  
Jeff McDermott—*Union Pacific Railroad*  
Dr. Donna Polk-Prim—*Nebraska Urban Indian Health Coalition*  
Dr. Adi Pour—*Douglas County Health Department*  
Marian Todd—*City of Omaha Planning Department*  
José Villegas—*Chicano Awareness Center*  
Vernon Waldren—*Douglas/Sarpy County Extension Office*  
Cammy Watkins—*Sierra Club*  
Cheryl Weston—*Lead Safe Omaha Coalition*

**Others Present:**

Lelia Coyne—*Citizen*  
Todd Crawford—*Senator Hagel's Office*  
Connie Determan—*MFG, Inc.*  
Felisa Dillon—*ASW*  
Monica Espenosa—*Environmental Protection Agency*  
Mike Felix—*Nebraska Department of Environmental Quality*  
Jennifer Gates—*MFG, Inc.*  
Lisa Giambattista—*Citizen*  
Debbie Kring—*Environmental Protection Agency*  
Althea Moses—*Environmental Protection Agency*  
Claudia Preddy—*Marc Enviro Services*  
Jennifer Rawley—*MFG, Inc.*  
Steve Sanders—*Environmental Protection Agency*  
Reid Steinkraus—*Douglas County Health Department*

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## **1. Discussion of Minutes from the August 10, 2005 Meeting**

Mr. Waldren stated that Ms. Council would be late and that at the request of Ms. Council, he would facilitate in her absence.

Mr. Waldren asked for corrections or additions to the minutes from the August 9, 2005 CAG meeting. Ms. Weston stated that in the first paragraph on page seven, she did not say that she would agree to a Potentially Responsible Party representative on the governing board. Ms. Weston motioned to approve the minutes with the removal of the above referenced statement. Ms. Deppe seconded the motion. The motion was unanimously approved (12-0).

Ms. Deppe introduced Ms. Giambattista, a local resident who wished to speak to the CAG about her experiences in having her yard replaced. Ms. Giambattista stated that it took three years for her soil to be replaced. She explained that there was an issue with drainage on her property, which complicated the situation and required coordination between the City and EPA. Ms. Giambattista stated that she was vigilant in making phone calls and following up on the situation to assure her issues were addressed. Ms. Giambattista stated that EPA was helpful; however, she expressed concern that a less persistent individual would have had more problems.

Ms. Giambattista asked EPA what the normal turnaround time for a yard replacement is. Mr. Feild replied that because yards are prioritized, some yards that may have been sampled in 1999 would not be completed until the end of the project. Mr. Feild stated that, conversely, residences with children might be quickly completed.

Ms. Weston asked that Ms. Giambattista be acknowledged as a CAG member, if she so desires. Mr. Waldren stated that participation in the CAG is open.

## **2. EPA Update**

Mr. Feild provided an update on EPA activities. Mr. Feild stated that an additional 12 properties were assigned to Environmental Chemical Corp (ECC) under their current contract with the U.S. Army Corps of Engineers. Mr. Feild stated that the U.S. Army Corps of Engineers also entered into a new interagency agreement with ECC for an additional 350 properties in zones one and two, to be completed by the end of this year. Mr. Feild stated that EPA is currently negotiating an additional contract for zone five. Mr. Feild stated that an agreement, separate from soil replacement, has been made with Hydro GeoLogic Inc (HGL) to provide quality assurance monitoring to EPA.

Mr. Feild stated that EPA is currently arranging for the opening of two information offices in the Omaha Lead Site. Mr. Feild stated that EPA's contractor, Black and Veatch, is responsible for hiring local staff for the offices. Mr. Feild stated that federal, state, and local officials might also spend time in the offices. Dr. Pour asked if EPA would advertise the opening of the offices to inform the community of their existence. Mr. Feild stated that Black and Veatch would be doing the hiring and that EPA is not

directly involved in the hiring of staff. Dr. Pour asked if EPA would advertise the office once the offices are established. Mr. Feild stated that there would be a press release.

Ms. Preddy asked if there is a plan for interior residential work. Mr. Feild stated that Black and Veatch has been tasked with performing assessments of the exterior condition of paint at 1,700 properties. Mr. Feild stated that EPA is exploring entering into a cooperative agreement with the City to provide interior cleaning, clearance testing, and exterior paint stabilization. Mr. Feild stated that another option is to hire a contractor to perform the work. Mr. Feild stated that because the City already has a program, it would be more efficient to enter into a cooperative agreement with the City. Ms. Deppe asked if funds could be allotted to the Douglas County Health Department to fund inspectors. Mr. Feild stated that funding inspectors is a possibility, but would require a different type of agreement.

Ms. Weston asked if ECC has begun replacing soil under the new task order. Mr. Feild stated that ECC has begun the new work, which includes zones one and two. Ms. Weston asked if there are incentives for ECC to complete the work by the end of this year and asked if those incentives would carry over to the next year if work remained incomplete. Mr. Feild replied that Environmental Restoration (ER) is required to finish this construction season in order to qualify for incentives. Mr. Feild stated that ECC's contract is slightly different, with incentives dependent upon EPA satisfaction.

Ms. Weston asked if the CAG could be provided with a copy of HGL's quality assurance responsibilities. Mr. Feild stated that HGL is generally assisting EPA in assuring that work is carried out in accordance with contracts and the Interim Record of Decision. Mr. Feild stated that he would provide the statement of work, but added that the work falls under a time and materials contract that does not have a defined set of responsibilities.

Ms. Weston asked if all homes would receive a paint assessment. Mr. Feild stated that eventually all homes would receive a paint assessment. Mr. Feild stated that at this time, the 1,700 homes to be evaluated by the end of this year are scheduled to be assessed.

Ms. Weston asked why ER is allowed to pay laborers lower wages than what has been paid for the same work under all other contracts. Mr. Feild stated that Davis-Bacon wages are required under EPA's contract with ER. Mr. Feild stated that EPA does not specify the use of a certain labor category, and, in this case, ER has selected a different labor category. Mr. Feild stated that it is the Department of Labor's responsibility to determine the appropriate category. Ms. Weston motioned to send a written request to the Department of Labor asking for an investigation and a written request to the congressional delegation asking for the delegation to request an inquiry. Ms. Deppe seconded the motion. The motion unanimously passed (13-0).

Ms. Preddy stated that several residents have been asking how to get the interior of their homes tested. Ms. Preddy asked who she can refer the residents to, so that their questions will be answered. Mr. Feild stated that EPA does not have a mechanism to test interior dust at this time. Mr. Feild asked that residents be referred to him for all questions. Ms.

Weston stated that the Douglas County Health Department could provide interior testing. Mr. Steinkraus stated that families with children less than 7 years old could contact the Douglas County Health Department for a courtesy inspection. Mr. Feild stated that the EPA would collect additional data to use in support of a final cleanup number. Mr. Feild stated that the EPA will be collecting samples from media other than soil and is in the process of designing a data collection process.

Ms. Weston asked for an update on EPA's phosphate study. Mr. Feild stated that EPA is still discussing how to perform the phosphate study and is considering moving impacted soil to a secured location to perform the study.

Ms. Weston stated that she has received several phone calls from neighborhood association representatives expressing appreciation for a Lead Safe Omaha Coalition meeting at which EPA spoke to neighborhood association representatives.

Ms. Weston asked if EPA would be cleaning up interior dust or only sampling. Mr. Feild stated that homes would be cleaned where lead concentrations in dust exceed standards.

Ms. Dillon stated that she appreciates knowing to where to refer residents. Mr. Feild asked if she would like EPA to create a fact sheet to be distributed to residents with referral phone numbers. Mr. Steinkraus stated that the first point of contact should be the Douglas County Health Department. Mr. Steinkraus stated that if the issue cannot be handled by the Douglas County Health Department, the residents would be referred onto EPA. Ms. Council stated that it would be helpful to have a one page fact sheet with reference phone numbers for the contractors to distribute and suggested that the education subcommittee take on the task of creating the fact sheet. Mr. Waldren stated that the education subcommittee would assume responsibility for creating a fact sheet. Ms. Weston suggested that the fact sheet be no more than one-half page.

Ms. Weston asked Mr. Feild to clarify if the EPA local offices to be opened will be staffed by Black and Veatch employees. Mr. Feild stated that Black and Veatch would hire local representatives to staff the offices as subcontractors under EPA's contract with Black and Veatch. Ms. Council asked if EPA would be developing qualifications for the staff. Mr. Feild stated that Black and Veatch is responsible for the hiring procedure. Ms. Deppe requested that EPA notify the CAG when hiring is to begin so that the CAG may assist in referring individuals to apply. Mr. Feild stated that he was unsure how far along Black and Veatch is in the process.

Dr. Polk-Primm asked who Black and Veatch is and if they could attend a CAG meeting to explain what they are doing. Mr. Feild stated that EPA generally does not allow contractors to speak for EPA. Dr. Polk-Primm suggested that Black and Veatch could hold a separate meeting if necessary. Dr. Polk-Primm stated that the community is interested in know how to apply for the jobs and what the job descriptions entail.

Ms. Council asked how Black and Veatch representatives would be able to speak on behalf of EPA at the local offices, if they cannot speak at CAG meetings. Mr. Feild

stated that there would be limitations to what the office staff could say and that inherently governmental questions would be passed onto EPA. Ms. Council asked why EPA is not contracting employees to work at the offices that would be able to speak on behalf of EPA. Mr. Sanders stated that it is a resource issue and would require overseeing additional contracts. Mr. Feild stated that the purpose of the offices is to get information out about EPA's work. Ms. Council expressed concern that residents will assume that EPA is staffing the EPA office. Ms. Council stated that if that is not the case, EPA needs to make it clear to the public that the offices will be information centers, not local EPA offices. Ms. Council stated that the CAG could assist in notifying the community. Ms. Weston agreed that the type and purpose of the offices should be made clear to the public. Dr. Polk-Primm reiterated that the community needs to know the job description and where to apply. Mr. Feild stated that it is probably too late, but that the offices would be an ongoing process with the potential for future hiring. Ms. Council stated that an update on the information centers would be added to the next meeting's agenda.

### **3. NDEQ Update**

Mr. Felix stated that Mr. Davis might be able to periodically help staff the information centers.

Mr. Felix provided an update on the State's Superfund cost share. Mr. Felix stated that the State is unable to receive credit for the Douglas/Sarpy County Extension grant because that particular grant is already being used as a match for another program. Mr. Felix stated that the State has transferred \$300,000 to the City to temporarily fund the City's lead hazard control program. Mr. Felix stated that the \$300,000 is being used as a match on the City's HUD grant application; and therefore, also cannot be utilized as credit for the Superfund cost share.

Mr. Felix stated that the 10% match could be used to fund the dust and exterior paint work and that the funding would be provided to the City. Mr. Feild stated that if EPA enters into an agreement with the City, EPA could provide funding for the City to perform the exterior paint stabilization and interior cleaning. Mr. Felix stated that the State would be required to pay for 10% of the cost.

Mr. Davis stated that an issue with contractor obtaining proper City permits for staging areas has been rectified. Mr. Feild stated that EPA does not have a role in identifying staging areas. Mr. Feild stated that that is a City issue. Ms. Council asked if ER is continuing to utilize the Missouri River Water Treatment Plant as a staging area. Mr. Feild replied that ER is currently not using a staging area. Ms. Council suggested that the contractors' community liaisons hold community meetings regarding the staging areas, as previously requested by community members.

### **4. Education Subcommittee Update**

Mr. Waldren provided an update on the Education Subcommittee. Mr. Waldren stated that the Education Subcommittee would continue to meet the day before CAG meetings

at 1:30 p.m. at the Douglas/Sarpy County Extension Office. Mr. Waldren asked individuals interested in volunteering at Health Fairs or assisting with National Lead Poisoning Prevention Week to contact him.

Mr. Waldren stated that Dr. Pour had spoken with Mr. Felix regarding the State's required cost share. Mr. Waldren stated that he, Dr. Pour, and Ms. Council, in an effort to be proactive, met to draft a scope of work for the State's match. Mr. Waldren reported that the draft was presented to the Education Subcommittee and that the Subcommittee's response was positive. Mr. Waldren stated that the draft scope of work targets education program activities, which are included in the Interim Record of Decision.

Mr. Waldren provided an overview of the draft scope of work. Dr. Polk-Primm asked why funding for translation for the Sudanese population had been excluded from the proposal. Dr. Pour stated that there are many languages used within the Sudanese population. Dr. Polk-Primm stated that the Sudanese primarily speak two languages. Dr. Pour stated that funding for additional languages could be added.

Mr. Waldren stated that the purpose of drafting the scope of work was to be proactive in raising dollars. Dr. Pour stated that the draft scope of work provides an opportunity for the community to do some really good work that compliments EPA's activities. Dr. Pour stated that if the CAG does not take this opportunity, the State would send a check to EPA for the 10% match. Dr. Pour added that the draft scope of work includes methods for accountability and that detailed work plans would be expected from groups before funding would be provided.

Dr. Polk-Primm stated that she was concerned about use of a database. Dr. Polk-Primm asked if the database would allow for the tracking of tested kids. Dr. Pour stated that she did not expect the proposed database to include health information. Dr. Pour stated that children are tracked through the Douglas County Health Department's stellar database. Ms. Council stated that a database would be needed to measure and demonstrate results. Ms. Council stated that the database would not be a health database, but rather a controlled database for the program.

Mr. Waldren stated that the draft scope of work excludes some items that are included in the CAG's education plan because those items are already funded by other means.

Ms. Weston thanked Mr. Waldren, Dr. Pour, and Ms. Council for being proactive. Ms. Weston stated that the CAG should look beyond the University of Nebraska, Omaha for the demographic survey and database. Ms. Deppe asked if the estimated costs included the University's 40% additional cost. Mr. Waldren stated that UNO may not have the same 40% additional cost as UNL. Ms. Council suggested changing the implementing agency from the University of Nebraska-Omaha to "to be determined."

Mr. Felix stated that the draft scope of work could be funded through EPA, instead of funded entirely through the State's cost share. Mr. Felix stated that it would be more practical and efficient in terms of administration for EPA to fund the draft scope of work.

Mr. Felix stated that an entity would have to be identified to sign an agreement with the EPA, perhaps the 501(c)(3), which would have the responsibility of ensuring accountability. Ms. Deppe stated that the Douglas County Health Department could be the entity.

Dr. Polk-Primm asked what the anticipated start-up time for initiating the draft scope of work is. Mr. Felix stated that \$1.2 million is expected from the State in 2005 and that if activities are performed and all agreements are in place, the State will have the money to provide. Ms. Council stated that any amount not spent in 2005 would be carried over to 2006 and that the State would receive periodic bills from EPA. Mr. Felix stated that the State would receive annual bills. Ms. Council stated that it is highly unlikely that the \$1.2 million would be spent in 2005. Mr. Sanders stated that the \$1.2 million might be spent in 2005. Ms. Council stated that the amount that is not spent would carry over to the next year and that the time during which the bulk of the amount would be spent would likely be between November 2005 and November 2006. Mr. Felix suggested that the timeframe be presented as the time during which the plan could be implemented. Dr. Polk-Primm stated that many of the local groups and agencies could have plans in place tomorrow.

Mr. Feild stated that the State is bound to pay 10% of remedial action costs. Mr. Feild stated that the State could pay for the scope of work and receive credit if EPA agrees to the scope. Mr. Feild stated that the draft scope of work is worth pursuing. Mr. Feild stated that EPA had anticipated a health education budget of \$100,000 per year and that the draft scope of work estimates a much higher cost. Mr. Feild stated that EPA might not pay for the entire cost. Mr. Feild stated that other groups and parties that may be interested in participating should not be excluded. Dr. Polk-Primm stated that a real effort has been made to be inclusive and asked who could be added that has not already been identified.

Dr. Polk-Primm stated that she did not know that there was a \$100,000 budgetary limit. Mr. Feild stated that the \$100,000 is not a limit—just an estimate. Mr. Feild stated that a health education program might cost more than \$100,000 per year. Mr. Feild stated that EPA would listen and discuss the issue with the State.

Mr. Felix stated that it would not make a difference whether the State paid for the program through the cost share or whether EPA paid for the program through an agreement because either way the State is required to pay 10% of EPA's costs. Mr. Sanders stated that the State is required to pay 10% of EPA's total costs and that if EPA agrees that \$1.2 million should be spent on health education, then that is what would be spent. Dr. Pour stated that she would like to see State dollars being used by the community and in the community.

Dr. Polk-Primm motioned to present the draft scope of work to NDEQ and EPA for consideration as a concept. Ms. Watkins seconded the motion. Ms. Kring stated that more detail regarding the estimated costs would be needed. Ms. Council stated that additional detail could be found in the CAG's education matrix. Mr. Crawford stated that

it would have been helpful to have seen the draft scope of work in advance. Ms. Council stated the draft scope of work is just a starting point. Ms. Council stated that a copy of the education matrix and a sample grantee proposal would be sent along with the draft scope of work to EPA and NDEQ. The motion was unanimously approved (12-0).

Mr. Feild stated that he understood that a lot of work went into the draft scope of work, but added that a mechanism is needed to assure that any other voices that want to be included are in the plan. Dr. Polk-Primm stated that participation has been very open and that the only secrecy she has seen has been with Black and Veatch. Ms. Council stated that the Education Subcommittee has worked diligently to identify parties and NDEQ has done the same. Ms. Council stated that efforts would continue to invite members of the Sudanese community to participate. Ms. Deppe stated that the International House serves Sudanese and Somali children. Ms. Kring asked if EPA could provide support in getting the school district involved. Ms. Council stated that the CAG includes a school board representative, who could not attend this meeting because she was out-of-town.

## **5. Comprehensive Plan Subcommittee Update**

Ms. Deppe stated distributed a draft letter regarding suggested changes to the City Property Maintenance Code to incorporate language regarding lead-based paint. Ms. Deppe motioned to email the letter for the CAG review, for comments to be provided by CAG members by September 19, 2005, for MFG to make the revisions according to the comments, and for the letter to subsequently be sent to the Mayor. Ms. Weston seconded the motion. The motion was unanimously approved (13-0).

Ms. Council stated that discussion regarding the governing board for the 501(c)(3) would be moved to the next meeting to allow for philanthropic community representatives to attend. Ms. Deppe asked if the discussion could be moved to the Comprehensive Plan Subcommittee meeting. Ms. Deppe stated that the next Comprehensive Plan Subcommittee is tentatively scheduled for Thursday, October 6, 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 October 12, 2005 at 9:30 a.m. Mr. Davis offered to hold the meeting at the NDEQ Omaha Office, located at Wehrspann Lake/Chalco Recreation Area. Ms. Council stated that a survey would be emailed to CAG members to determine the location of the meeting.

Handouts Provided for the Meeting (September 14, 2005):  
*Draft Minutes from 08/10/05 (Provided by MFG, Inc.)*

*Approved Minutes from 07/13/05 (Provided by MFG, Inc.)*

*Superfund State Contract Between the Nebraska Department of Environmental Quality and the United States Environmental Protection Agency for Interim Remedial Action at the Omaha Lead Site (Provided by NDEQ)*

*Comprehensive Plan Subcommittee Recommendations*

*Letter from Senator Ben Nelson dated August 15, 2005*

*Letter to EPA Administrator Johnson from the Nebraska Congressional Delegation dated August 1, 2005*

*Union Pacific Opposes EPA on Unfair Omaha Lead Site Order (Provided by Union Pacific)*

*Bankruptcy of ASARCO could Affect Yard Cleanup (Provided by MFG, Inc.)*

*Grant Opportunity (Provided by MFG, Inc.)*

*Education Subcommittee Summary Notes from August 9, 2005*

*Comprehensive Plan Subcommittee Summary Notes from August 9, 2005*

*Draft Scope of Work for the State of Nebraska Cost Share for the Omaha Lead Site*

**Attachments to Minutes:**

*Sign-In Sheet (hardcopy to be delivered)*