

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

Minutes for Meeting Held
Wednesday, January 9, 2008, 9:30 a.m.
North Omaha Boys and Girls Club
2610 Hamilton Street
Omaha, NE 68131

OLS CAG Members Present:

Rebecca Barrientos-Patlan - *Burlington Road Neighborhood Association*
Sue Casteel - *ATSDR*
Brenda Council - *OLS CAG Facilitator*
Todd Davis - *Nebraska Department of Environmental Quality*
Kara Eastman - *Omaha Healthy Kids Alliance*
Bob Feild - *Environmental Protection Agency*
Clifton Jones - *HUD*
Dr. Adi Pour - *Douglas County Health Department*
Vicki Quaites-Ferris - *City of Omaha Mayor's Office*
Chris Rodgers - *Douglas County Board of Commissioners*
Crystal Rhoades - *Neighborhood Center for Greater Omaha*
Marian Todd - *City of Omaha Planning Department*
Vernon Waldren - *University of Nebraska, Lincoln Extension*

Others Present:

Rita Brown - *Citizen*
Mary Castaneda - *EPA Information Offices*
Lelia Coyne - *Citizen*
Felisa Dillon - *ASW Associates*
Krys Filipi - *Citizen*
Tiffany Frezell - *EPA Information Offices*
Laura Hardesty - *Cadmus Group*
Terry Inserra - *HUD*
Tom Janssen - *Senator Chuck Hagel's Office*
Diane Luna - *Burlington Road Neighborhood Association*
Matt Manderfeld - *MFG, Inc.*
Jennifer Rawley - *MFG, Inc.*
Steve Sanders - *Environmental Protection Agency*
Reid Steinkraus - *Douglas County Health Department*
Ché Thompson - *Omaha Healthy Kids Alliance*
Rebecca Valdez - *Latino Center of the Midlands*
Cheryl Weston - *Lead Safe Omaha Coalition*

1. Discussion on Minutes from the December 12, 2007 Meeting

Ms. Council asked for corrections or additions to the CAG minutes from the December 12, 2007 meeting.

Ms. Weston stated that on page five, “Ms. Weston stated that blood lead levels have been reduced, but it is unclear why” should read: “Ms. Weston stated that the reduction in blood lead levels is due to increased awareness, education, and the Superfund remediation. Ms. Weston added that it is impossible to say there is one reason for a reduction in blood lead levels.”

Mr. Waldren motioned to approve the minutes with Ms. Weston’s correction. Mr. Jones seconded the motion. The motion unanimously passed (9-0).

Ms. Council stated that she was advised by Ms. Valdez that the Latino Center of the Midlands is now a subcontractor of Black and Veatch and, per CAG guidelines, will no longer participate as a member of the CAG.

2. EPA Update

Mr. Feild stated that he sent several documents, including the Remedial Investigation Field Sampling Plan and Remedial Investigation Quality Assurance Project Plan, to MFG, Inc. to be distributed to the CAG. Ms. Council stated that the documents will be posted on the CAG website and distributed in next month’s packets.

Contracting

Mr. Feild stated that EPA is in the process of developing a new contractor strategy for future activities in Omaha. He stated that the strategy is in the early stages. Mr. Feild stated that EPA is considering a shift in priorities and that EPA may not complete soil removal at 1,000 residences in 2008. He stated that EPA is considering putting a greater emphasis on paint stabilization. Dr. Pour stated that she appreciates the change in direction and found Mr. Feild’s statement to be encouraging.

Mr. Feild stated that EPA hopes to be in a position to seek new contracts by February. He stated that under current contracts, EPA contractors have the capacity to complete soil removal at 1,000 properties; therefore, additional excavation contracts will not be necessary. Mr. Feild stated that EPA will be putting more effort into paint stabilization.

Ms. Council asked if EPA contracts with Prudent and Coastal Environmental are renewable. Mr. Feild replied that EPA has three-year contracts with the companies and that 2007 was the base year. He stated that EPA has additional two-year extension contract options with the companies if EPA decides to continue using them. Mr. Feild stated that EPA is under no obligation to exercise the options; however, EPA may do so rather than create contracts with other companies. Mr. Feild stated that Prudent and Coastal Environmental are currently following up on “punch list” items, such as cracked sidewalks and other homeowner concerns.

Ms. Council asked if there was a timetable for “punch list” items. Mr. Feild replied that to his knowledge there is no specific time table; however, the companies have incentives to complete “punch list” items in a timely manner. He stated that he anticipates such items will be completed by the spring of 2008.

Ms. Todd stated that there will soon be a city council vote on an amendment to the cooperative agreement between EPA and the City that will allow increased paint stabilization work. She stated that the application process for construction specialist positions (which will work with the paint stabilization program) will be open until January 15, 2008.

Dr. Pour asked if subcontracts will be awarded for paint stabilization. Ms Todd replied that subcontracts will be awarded by the City for paint stabilization work. She stated that the City has approved 12 painting companies to conduct paint stabilization. She stated that the employees of the approved companies have completed lead safe work practices training. Ms. Todd stated that additional companies could be added to the list if their employees have completed the necessary training programs.

Ms. Council asked if the cooperative agreement included a target number or properties to receive paint stabilization. Ms. Todd replied that the cooperative agreement does not specify the number of properties, but includes an approved funding amount. Ms. Todd stated that the number of properties to receive paint stabilization will be determined by the availability of funds.

Mr. Davis asked if the funding for the paint stabilization comes from the \$12 million annual EPA budget for the Omaha Lead Site. Mr. Feild stated that the total funding for the Omaha Lead Site is \$15 million. He stated that \$12.5 million comes from EPA cleanup funds, and the other \$2.5 million comes from a trust associated with the ASARCO settlement, for a total \$15 million for clean up costs.

Mr. Davis asked if some of the \$15 million is used for paint stabilization in addition to clean up contracts. Mr. Feild replied that a portion of the \$15 million is used for paint stabilization.

Ms. Council stated that she wanted to clarify that EPA’s funding is \$12 million. Of the \$12 million, the state contributes 10% or \$1.2 million each year. Mr. Feild stated the 10% state contribution goes into an account through EPA and is not used to directly fund cleanup.

Mr. Feild reported that Black & Veatch awarded six subcontracts related access agreements. He stated that to date, there are approximately 8,000 properties for which EPA and its contractors have been unable to gain access. Mr. Feild stated that access was not granted at these 8,000 properties due to homeowner refusals, three failed attempts to contact owners, or because EPA and Black & Veatch have not tried to contact owners. Mr. Feild stated that Black & Veatch awarded six contracts to gain access to 300

properties each. Mr. Feild stated that contracts for additional properties will be awarded to the companies that prove to be successful at gaining access to properties.

Ms. Valdez stated that the Latino Center for the Midlands was awarded on such contract by Black & Veatch and asked Mr. Feild for the names of the other companies. Mr. Feild stated that he did not know the names of the other companies. Ms. Council asked if the CAG could get a list of the subcontractors. Mr. Feild stated that he would provide the list to the CAG.

Ms. Valdez stated that she hopes the list of selected subcontractors is diverse. Mr. Feild stated that EPA is not involved in the subcontract process and that the list was determined by Black & Veatch. He stated that he, too, hoped the list would be as diverse as possible.

Ms. Council asked if EPA intends to create multi-use access agreements that grant access for all soil and paint-related activities. Mr. Feild replied that EPA will be handing out fact sheets that describe the different activities at individual residences if high levels of lead are found. Mr. Feild stated that multi-use access agreements are not used because EPA does not know what remedial actions will be necessary at individual properties prior to initial testing. He stated that EPA does not ask for permission to complete activities for which they have not yet awarded contracts. Mr. Feild said that EPA will not ask for permission to perform dust sampling until a contract is place to perform it.

Ms. Council stated that she would assume that a number of the 8,000 residences without access agreements in place are owned by people that do not live in the area. She said that if contractors are having a hard time contacting these owners, it could be helpful to have the homeowner sign a single multi-use access agreement. Mr. Feild stated that EPA has and will continue to consider the possibility of multi-use forms. He cautioned that time between soil removal and paint stabilization could be months or even years and that people might forget about signing the access agreements and get confused when workers show up months later. Ms. Council stated that she would hope workers would call or send some type of warning to homeowners prior to showing up at a residence, regardless of how much time has passed. Mr. Davis suggested having work crews bring a copy of the signed access forms to the residences for reference prior to work. Mr. Feild stated that EPA would consider the suggestions.

Ms. Weston stated that ownership of properties could easily change in the time between different phases of work at certain properties. She said contractors could run into legal issues if previous owners sign access agreements for work that begins after changes in ownership. Mr. Davis stated that the multi-use forms could include a clause that covers future work in the event there is a change in ownership.

Ms. Barrientos-Patlan suggested using environmental liens to motivate homeowners to grant access for sampling. Mr. Feild stated that EPA intends to keep the sampling project voluntary. He stated that EPA does not want to force the issue with homeowners.

Mr. Feild stated that current contracts require a one-day training course for employees. He stated that EPA is interested working with other agencies to develop a contractor training course.

Risk Assessment Sampling

Mr. Feild stated that risk assessment sampling, including water, dust, and soil sampling, is finished. He stated that the goal of sampling 120 homes was not reached due to access limitations. He stated that the sampling was performed in accordance with the Field Sampling and Quality Assurance Plans that he emailed to MFG. Ms. Council stated that the plans were not received in time to make copies for the meeting. She stated that the plans will be posted on the CAG website.

Contractor Trucks

Mr. Feild reported that he is continuing to push for truck-covering rule enforcement. He stated that EPA will push for increased compliance in 2008.

Mr. Davis asked if future contracts could include added pressures or incentives for contractors to ensure compliance with truck covering. Mr. Feild stated that current contracts include incentives for companies to comply with truck covering requirements.

Community Telecast Final Report and Budget

Mr. Feild stated that EPA lawyers decided that Community Telecast Work Plan budget information can be made available to the public. Ms. Council stated that the information will be included in the next meeting packet.

Recontamination Study

Mr. Feild stated that the planning of the recontamination study is ongoing. He stated that the plan is not yet ready for release due to a number of significant and ongoing issues that need to be addressed. He stated that paint stabilization eligibility issues require a great deal of time and careful consideration. Mr. Feild asked the CAG to be patient, adding that the plan is a very critical and sensitive issue.

Ms. Coyne asked who is involved in the drafting the recontamination study work plan. Mr. Feild replied that an EPA technical work group, consisting of risk assessors, administrators, and other officials, is involved in the planning process.

Omaha Zoo

Mr. Feild stated that he contacted the zoo and requested access for more comprehensive sampling. He stated that he has not heard back from zoo officials and that he will follow up on it.

Ms. Barrientos-Patlan asked if it was an issue of city property. Ms. Council suggested asking the Mayor to call the zoo to help motivate a response.

Other

Mr. Feild stated, in reference to a recent editorial written by EPA's Regional Administrator John Askew, that he would like to clarify the position of EPA. Mr. Feild stated that EPA has never contended that lead paint is not a significant source of lead contamination. Ms. Thompson stated that that is not what the article stated. Mr. Feild stated that EPA has always acknowledged paint is a significant source. Mr. Feild added that soil is also a significant source. Ms. Thompson repeated that that is not what the article stated.

Mr. Feild stated that EPA would like to work towards a combined message. He stated that he hopes to work with the CAG to keep messages to the public consistent and coordinate education efforts. Mr. Feild stated that he would like to get together and coordinate a common message. He added that the future collaboration for the contractor training program will help accomplish that.

Ms. Casteel stated that there are many sources of lead. She stated that ATSDR studies have identified paint and soil as major sources. Ms. Casteel stated that, though special attention is given to the eleven zip codes in Douglas County containing the most old and therefore at-risk housing, it is important to educate the public of all sources of lead. The OLS is located within the 11 zip code target area identified by the Douglas County Health Department where older homes containing lead-based paint are located. It is difficult to determine how much exposure to lead-contaminated soil and lead-based paint contribute to children's blood lead levels. She added that ATSDR studies have shown that soil removal coupled with public education have reduced childhood exposure to lead.

Ms. Thompson stated that she is concerned about the article. She stated that the article says that paint is not a considerable problem. She stated that she is worried that comments made by Mr. Askew will affect funding opportunities if people believe that paint is not a significant source of lead in Omaha.

Ms. Council stated that, at the request of the CAG at the December meeting, a draft response letter regarding the editorial has been written and is available for review. She suggested everyone read the letter and consider an electronic vote to allow plenty of time to review and discuss the draft.

Ms. Casteel stated that no one really knows the extent to which each source contributes to lead exposure. She said it is important to be thorough and address all sources of lead.

Mr. Feild stated that EPA did not say that lead-based paint is not issue. Mr. Feild read a paragraph from an EPA press release that included a quote from Regional Administrator Askew in which he refers to the lead-based paint problem in Omaha. Mr. Feild stated that Mr. Askew clearly addressed the lead-based paint issue.

Mr. Feild stated that he heard someone say that paint was the main issue on a recent radio broadcast. Mr. Feild stated that EPA does not agree. He said that it is important to moderate our statements and be careful not to provide contradictory messages to the

public. Mr. Feild stated that the CAG needs to work together and coordinate consistent messages. He said that contractor training planning is an opportunity for coordination of messages.

Ms. Eastman stated that it was she that made the statement on the radio and that she believed the statement to be accurate. Mr. Feild read the transcript from the radio broadcast in which Ms. Eastman was quoted saying that lead dust from lead-based paint is the most significant source of exposure to lead for children. Ms. Eastman stated that she stands by the statement she made on the radio broadcast.

Mr. Feild stated that EPA does not disagree that lead-based paint is the most significant source nationwide; however, Omaha is different. Mr. Feild stated that due to the presence of the ASARCO refinery, Omaha kids receive twice as much exposure to lead than kids in areas with only lead-based paint issues. Mr. Feild said that he understands Ms. Eastman's position in terms of a nationwide problem; however, Omaha is different.

Ms. Eastman stated she understands that the situation in Omaha differs from other areas. She stated that the amount of money spent to address soil indicates an emphasis on soil as the most significant source of lead.

3. OHKA Update

Ms. Eastman provided an update on OHKA activities. Ms. Eastman stated that OHKA hosted four toy testing events in December that were attended by approximately 50 families. Ms. Eastman stated that OHKA is planning to host one or two more events.

Ms. Eastman stated that OHKA has applied for a grant through ClearCorps that would enable OHKA to hire two full-time employees to help recruit additional volunteers.

Ms. Eastman stated that Ms. Thompson has been working with Mr. Reid Steinkraus to plot the addresses of residences where children with elevated blood lead levels reside on a map to help identify and target clusters of housing that pose the most significant risk of lead exposure to children. Ms. Eastman distributed the maps. Ms. Eastman stated that OHKA is planning to layer these maps with another map that plots the residences of children receiving special education. Dr. Pour stated that she would provide copies of the maps for distribution in the next meeting packet.

Mr. Feild stated that Omaha kids are getting a double-dose of lead exposure. He said that housing is a factor; however, Omaha is unique, and ASARCO contributes to lead exposure. Ms. Eastman stated that Omaha kids could be getting a quintuple dose of lead exposure from the multiple sources of lead that may exist within a children's environment. Mr. Feild stated that every city has lead-containing toys and housing issues related to lead-based paint. He said that Omaha is a priority due to the former lead refinery in addition to the other sources of lead.

Ms. Barrientos-Patlan stated that toys her child received from the Amazing Pizza Machine restaurant contained 2,000 ppm of lead. She said she alerted the manager of the restaurant and that he agreed to investigate the lead content of the business's other toys. Ms. Barrientos-Patlan stated that local businesses need to be informed that their toys contain lead. She stated that the CAG should look into ways of getting similar businesses to get involved. Mr. Waldren stated that the Education Committee is aware of this issue and has added it to the committee's agenda.

Ms. Eastman stated that OHKA and Legal Aid of Nebraska applied for and received a grant to create a manual about lead for low-income housing. Ms. Eastman stated that OHKA looks forward to working with them.

Ms. Eastman stated that Ms. Thompson, in association with the UNL Extension, is applying for an EPA grant related to lead-safe housing.

Ms. Eastman stated that a UNO chemistry professor attended the Education Committee meeting on Tuesday, January 8th, 2008 and expressed interest in getting more involved with OHKA.

Ms. Eastman stated that the Continuum of Housing Repair is looking to map areas of potentially problematic housing as they relate to lead issues. She said they are looking to coordinate with OHKA as well as other groups to find good focus areas.

Ms. Eastman stated the Building Bright Futures organization suggested that OHKA provide healthy homes assessments to Omaha residents.

Ms. Eastman stated that OHKA has approximately 300 home dust testing kits left and asked individuals to contact OHKA if anyone has use for them at upcoming events.

Ms. Eastman stated that the lead hotline has received a total of 538 calls regarding lead issues since March.

Housing Committee

Ms. Todd stated that the Housing Committee will be meeting the Tuesday before the February CAG meeting if anyone is interested in attending.

Ms. Todd stated that the difference between funding available for housing issues and soil issues is significant despite the complexity of the housing issues. She stated that there are many responsible parties involved, including homeowners, landlords, and even paint companies, adding that many cities and states have filed lawsuits against manufacturers of lead-based paint. Ms. Todd stated that the goal of the Housing Committee is to address these issues and that anyone interested in helping should come to the meetings.

Education Committee

Mr. Waldren provided an update on the Education Committee. Mr. Waldren stated that ADT contacted OHKA regarding lead-safe training for its employees. Mr. Waldren

stated that Ms. Thompson will be attending a meeting at Blackburn High School to discuss possible involvement opportunities. Mr. Waldren reported that OHKA sent out 1,100 letters related to lead safety to landlords of Section 8 housing in Omaha and hopes to send out 7,000 additional letters to the residents. Mr. Waldren announced that lead-safe contractor training will be held February 18-21, 2008. Mr. Waldren stated that Boys Town is still looking for submissions for posters and distribution materials related to lead safety. Mr. Waldren stated that Ms. Casteel completed a lead-safety magnet prototype and is working on a fact sheet for contractors. Ms. Eastman stated that she has been in contact with a children's author in Europe and is looking into creating a children's book that emphasizes lead safety to kids.

Ms. Eastman suggested asking Ms. Weston about the Head Start program at the next meeting. Ms. Council stated that she would invite Ms. Weston to present her end of the year report on the Head Start program at next month's meeting.

Ms. Council asked about the UNO professor and his work. Mr. Waldren stated that UNO received a grant to perform a lead speciation sampling. Mr. Waldren stated that the professor shared that UNO has processed approximately 3,000 soil samples from the Omaha area to date. CAG members expressed interest in inviting the UNO professor to a future meeting. Ms. Council stated that she would extend an invitation to speak at the next meeting.

Mr. Davis stated that the instrument used in the UNO speciation studies determines which type or types of lead isotopes are present in the soil. He said UNO then matches the specific isotopes with historical data to attempt to determine from where the lead came. Mr. Feild stated that EPA has spent more time and resources than anyone to determine the source of lead in the Omaha Lead Site soils. He said the problem is that the ASARCO facility was a refinery, not a smelter; therefore ASARCO received raw lead materials from all over, including other countries. Mr. Feild stated that for this reason, speciation tests do not show distinct isotopic fingerprints, but rather a mixture of several different isotopes. Mr. Feild stated that in some cases, lead with a similar isotopic fingerprint to ASARCO lead was also used in paint. Mr. Feild stated that EPA is available to discuss and collaborate with UNO. Mr. Waldren stated that the professor made it clear that the speciation research conducted at UNO was for educational purposes and that UNO has no intention of getting involved in legal issues related to soil speciation.

Mr. Davis stated that the UNO speciation study included entire transects of parks in Omaha and Council Bluffs and that the findings of the study could be useful to EPA.

4. Douglas County Health Department Update

Dr. Pour stated that data related to lead exposure for 2007 will take more time to compile. Dr. Pour stated that in 2007 there was an increase in the number of children tested for elevated blood lead levels.

Dr. Pour stated that in December EPA released the Advanced Notice of Proposed Rulemaking for Lead National Ambient Air Quality Standards. Dr. Pour stated that the Clean Air Science Advisory Committee (CASAC), which includes a number of respected physicians, including Dr. Bruce Lanphear, has prepared a letter of recommendation for EPA based on its review of the proposed changes. Dr. Pour stated that since the CAG does not have the expertise to specifically address the complex scientific issues of the proposed change, she recommends that the CAG submits a letter of concurrence with the recommendations of CASAC to EPA. Dr. Pour suggested that the CAG express agreement with the CASAC Lead Review Panel that:

1. The existing state or science is consistent with continuing to test ambient lead as a criteria air pollutant for which fully-protective NAAQS are required.
2. The Lead Human Exposure and Risk Assessment needs to be comprehensive to be adequate for regulatory decision-making.
3. The CASAC should be provided sufficient time to review and comment on all relevant risk and exposure-related data and analyses that will presumably underpin the Agency's regulatory decisions to fulfill the statutory mandate to provide EPA with expert advice and recommendations on scientifically appropriate standards for criteria air pollutants.

Dr. Pour stated that the comment period ends on January 16th, 2008. Dr. Pour stated the final ruling on the matter will be made in May and will be followed by an additional comment period.

Ms. Barrientos-Patlan stated that she does not sign her name to recommendations based on documents that she has not read" should read: "Ms. Barrientos-Patlan stated that the CAG has not had proper time to neither read this document nor the letter of concurrence by Dr. Pour. This should not be voted on until we have read both because it may contain information for or against removing the PM-10 monitor in South Omaha. There is time to read the letter and electronically vote. Ms. Barrientos-Patlan also stated that she does not sign her name to any recommendations based on documents that she has not read.

Mr. Rodgers motioned to approve to draft and send a letter as Dr. Pour outlined. Ms. Eastman seconded the motion.

The motion passed (8-1).

5. City Update

Ms. Todd reported on the progress of the City's lead hazard control program. She said that the City has completed 97 homes to date, which is behind schedule. Ms. Todd stated that projects and the application process are ongoing.

Ms. Todd stated that the City has received several applications for the City Planner position and that the position will hopefully be filled by February.

Ms. Todd stated that a lead-safe work practices training session will be conducted January 15, 2008 and that a Spanish version of the training session is in the planning stages. She stated that training directed towards supervisors will be conducted February 18-21, 2008. Ms. Todd stated that the training will fulfill state license training requirements for lead supervisors.

6. NDEQ Update

No update.

7. LSOC Update

No update.

8. HUD Update

Mr. Jones introduced Ms. Terry Inserra, a HUD employee, to the CAG. Mr. Jones stated that Ms. Inserra will be participating in HUD's efforts related to the Omaha Lead Site.

Ms. Council stated that Mr. Jones can have Ms. Inserra act as a voting member of the CAG on HUD's behalf if he provides a written statement that Ms. Inserra may do so.

Ms. Inserra stated that she recognizes the passion and commitment demonstrated by the CAG and that she looks forward to working with the CAG in the future.

10. Other

Mr. Feild stated that he will coordinate a meeting with interested groups to discuss the contractor training issues.

Handouts Provided for the Meeting (January 9, 2008):

Draft CAG Meeting Minutes from 12/12/07

Final CAG Meeting Minutes from 11/14/07

Letter to Bob Feild dated 1-3-08

EPA Seeks Early Input on Standards for Airborne Lead (Provided by MFG, Inc.)

Law Gets Strict on Toy Lead (Provided by MFG, Inc.)

Put Money on Problem (Provided by MFG, Inc.)

County Demolition Effort Put on Hold (Provided by MFG, Inc.)

Lead Paint Law Upheld (Provided by MFG, Inc.)

Groups Release Result of Toxic Toy Tests (Provided by MFG, Inc.)

News from CPSC (Provided by MFG, Inc.)