

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

Minutes for Meeting Held
Wednesday, October 11, 2006, 9:30 a.m.
North Omaha Boys and Girls Club
2610 Hamilton Street
Omaha, NE 68131

OLS CAG Members Present:

Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*
Sue Casteel—*Agency for Toxic Substances and Disease Control*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
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*
Marian Todd—*City of Omaha Planning Department*
Rebecca Valdez—*Chicano Awareness Center*
Cammy Watkins—*Sierra Club*
Cheryl Weston—*Lead Safe Omaha Coalition*
Vernon Waldren—*Douglas/Sarpy County Extension*

Others Present:

Gordon Andersen—*City of Omaha*
Joe Bateman—*Union Pacific Railroad*
Mary Castaneda—*EPA Information Offices*
Lelia Coyne—*Citizen*
Connie Determan—*MFG, Inc.*
Felisa Dillon—*EPA Information Offices*
Stacy Meacham—*MFG, Inc.*
Althea Moses—*U.S. Environmental Protection Agency*
Jennifer Rawley—*MFG, Inc.*

1. Discussion on Minutes from September 13, 2006 Meeting

Ms. Council asked for corrections or additions to the minutes from the September 13, 2006 CAG meeting. Mr. Feild clarified that the City is not using U.S. Department of Housing and Urban Development (HUD) funding for paint stabilization. Mr. Feild stated that paint stabilization will be funded with EPA money through a subcontract with the City.

Mr. Feild stated that in the first paragraph on page five, “being received” should read, “being released.”

Mr. Feild stated that in the second paragraph on page five, “Senator Terry” should read “Congressman Terry.”

Mr. Waldren motioned to approve the minutes with the above two corrections. Ms. Brooks Pittman seconded the motion. The motion did not carry due to lack of a quorum (8-0).

2. Grants Update

Ms. Council stated that Mr. Waldren would provide an update on grants with the Education Committee update.

3. EPA Update

Mr. Feild reported that several EPA documents are in the final phase of review, including the ATC laboratory review, large park sampling plan, residential paint assessment plan, and treatability study work plan. Mr. Feild stated that he will electronically distribute the plans to the CAG as they are made available. Mr. Feild stated that plans should be available in the next two weeks.

Mr. Feild stated that EPA intends to initiate the treatability study this year. Mr. Feild reported that EPA has not yet identified a study site that can be used for three years. Ms. Weston asked how many homes’ soil will be utilized for the treatability study. Mr. Feild replied that soil from four or five homes will be used depending upon sampling results. Mr. Feild explained that highly contaminated soil is needed for the study.

Mr. Feild stated that EPA is pursuing a meeting with Mr. Gant of HUD to increase participation and coordination with HUD at the federal level.

Ms. Brooks Pittman asked if EPA performs soil excavations year-round. Mr. Feild replied that excavation ceases during the winter, when EPA is unable to get sod and/or the ground is frozen.

Mr. Bateman asked if it would take EPA a full three years to complete the treatability study, knowing that EPA plans to release the final Record of Decision in 2008. Mr. Feild replied that, by relying on *in vitro* bioaccessibility techniques, EPA may be able to get results after 16 months, in time for remedy selection in December 2008. Mr. Feild explained that testing in Omaha will be used to determine if phosphate treatment is effective in the short-term. EPA will consider the long-term effectiveness of phosphate treatment at other sites in the evaluation of the potential long-term effectiveness at the Omaha Lead Site.

Mr. Bateman offered to assist EPA in arranging a meeting with HUD officials. Mr. Feild declined Mr. Bateman's offer, stating that EPA will arrange a meeting with EPA's Region 7's new regional administrator and Mr. Gant.

Ms. Weston asked how long-term data from other states could be applicable, given that EPA has said in the past that Omaha soil is very different from soils in the rest of the country. Mr. Feild stated that EPA will perform a site-specific study. Mr. Feild stated that long-term effectiveness is a separate issue. Ms. Weston asked if EPA would periodically inform the CAG of the progress of the treatability study. Mr. Feild replied that data will be made available.

Ms. Council stated that she has observed an increase in sampling of vacant lots. Mr. Feild stated that the Interim Record of Decision includes remediation of vacant lots. Mr. Feild stated that EPA prioritizes properties where children reside. Mr. Feild stated that some owners request sampling of adjacent vacant lots where children play. Mr. Feild stated that, other times, vacant lots are assigned for sampling without knowledge that the lot is or has become vacant. Mr. Feild stated that EPA does not intend to prioritize vacant lots, except in cases where children are known to congregate.

Ms. Council asked if EPA's estimate of sampling 40,000 homes includes vacant lots. Mr. Feild stated that he would find out. Mr. Feild added that 40,000 homes is an estimate and that, ultimately, EPA will sample outside of the focus area to identify and define a final site boundary.

Mr. Bateman asked if mapping of sample results shows that lead levels taper as distance from the Asarco site increases. Mr. Feild replied that lead levels decrease approaching EPA's current site boundaries. Mr. Feild stated that additional speciation work is needed to define the final boundary. Mr. Bateman stated that boundaries will help determine where to focus outreach activities. Mr. Waldren added that the Education Committee is focusing on the current boundaries, which correspond to older housing and lead-based paint hazards.

Discussion on Minutes from September 13, 2006 Meeting (continued)

Ms. Council stated that a voting quorum was now present at the meeting. Mr. Waldren motioned to approve the minutes with the two corrections identified at the beginning of the meeting. Ms. Brooks Pittman seconded the motion. The motion was unanimously approved (9-0).

4. Lead-Based Paint Assessment Criteria Discussion

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

5. CAG Voting Member Restrictions

Ms. Council stated that it was agreed at the last meeting to continue the discussion of voting member restrictions at this meeting. Ms. Council reminded that CAG that the issue was brought up because LSOC was listed as an EPA subcontractor. Ms. Council added that a comment was made at the last meeting that other organizations on the CAG receive funding from EPA.

Ms. Valdez asked if it matters whether or not an organization's contract with EPA is active or inactive. Ms. Weston stated that the CAG was considering making a distinction between for-profit or not-for-profit organizations and agencies. Ms. Weston asked if organizations receiving any federal funding or just organizations receiving funding from EPA should be restricted from voting. Ms. Council suggested that a distinction could be made between any federal funds and federal funds related to the Superfund site.

Ms. Brooks Pittman suggested getting a legal opinion on the issue. Mr. Bateman offered to contact Mr. Gary Gotsdiner, legal counsel for OHKA, to discuss the issue. Ms. Weston asked that Mr. Gotsdiner be reminded that the CAG is a community group. Ms. Weston also suggested contacting Mr. Steve Virgil at Creighton for an additional legal opinion.

Mr. Davis asked that the CAG keep in mind differences in how funding is awarded: negotiated contracts versus open bid selection. Mr. Feild stated that EPA's goal is to find ways to contract work to for-profit, local companies. Ms. Council stated that for-profit contractors have not been allowed to be members of the CAG; therefore, her opinion is to simply restrict for-profit entities from voting.

Ms. Brooks Pittman motioned to request a legal opinion regarding how the CAG should handle voting restrictions. Ms. Weston seconded the motion. The motion was unanimously approved (9-0).

5. ESD Update

Ms. Council reported that the ESD request was sent to EPA along with letters of support. Ms. Brooks Pittman asked when the CAG could expect to hear back from EPA. Mr. Feild stated that EPA has responded to the letters of support and will coordinate with EPA Headquarters to respond to the CAG. Mr. Feild stated that a response will take weeks.

6. Survey report

Ms. Valdez stated that the survey results will be provided at the December CAG meeting.

7. OHKA Update

Mr. Bateman provided an update on Omaha Healthy Kids Alliance (OHKA) activities. Mr. Bateman stated that Ms. Kara Eastman is at a Centers for Disease Control and Prevention (CDC) lead conference this week.

Mr. Bateman stated that Ms. Eastman is assembling a housing committee, which is scheduled to meet at 10:00 a.m. on November 1st at the OHKA office. Mr. Bateman stated that anyone interested is invited to attend the housing committee meeting.

Mr. Bateman stated that OHKA will share a booth with Lead Safe Omaha Coalition (LSOC) at the Restore Omaha conference.

Mr. Bateman thanked Ms. Thompson and Ms. Casteel for getting the display up at the Omaha Children's Museum.

Mr. Bateman stated that OHKA's website will include an activities calendar. Mr. Bateman asked CAG members to email Ms. Eastman with dates of activities.

Mr. Bateman announced that OHKA is sponsoring the October 19th dinner with Mr. Rick Reibstein.

Ms. Weston asked if EPA sits in on OHKA board meetings. Mr. Bateman replied the EPA presented at one OHKA board meeting. Mr. Bateman stated that EPA is welcome to provide periodic updates to the board, but does not sit in on regular board meetings. Mr. Feild stated that there is a difference between reporting and collaboration. Mr. Feild stated that collaboration between EPA and OHKA has not begun. Mr. Feild stated that he hopes EPA and OHKA can increase their level of coordination.

Ms. Brooks Pittman asked if the OHKA board is full. Mr. Bateman stated that there are at least two positions open. Ms. Brooks Pittman asked if there is an attendance requirement. Mr. Bateman stated that there is not such a requirement and added that attendance has been good. Ms. Brooks Pittman stated that if any member cannot attend the board meetings, another agency should be allowed to fill that position.

Ms. Weston asked if the 501(c)(3) application had been submitted. Mr. Bateman replied that he believed the application had been submitted.

8. City HUD Grant Update

Ms. Todd provided an update on the City's HUD grant. Ms. Todd reported that 15 homes are completed; eight homes are under construction; 10 applications are in a pre-construction phase; and 22 new applications have been received.

Mr. Bateman asked if the City now knows the approximate cost per home. Ms. Todd replied that she could provide average costs at the next CAG meeting. Ms. Weston asked

if Ms. Todd could provide the cost breakdown for individual properties. Ms. Todd replied that costs are included in quarterly reports and stated that she would provide the cost breakdown per property at the next CAG meeting, in addition to the average costs.

6. NDEQ Update

Mr. Davis reported that EPA's new Regional Administrator is coming to town next week for a tour, and NDEQ is coordinating with EPA to arrange the tour.

7. LSOC Update

Ms. Weston reported that LSOC will release the Request for Proposal for the EPA Technical Assistance Grant consultant in two weeks.

Ms. Weston reminded the CAG that LSOC is offering a 40-hour hazmat class at the Omaha Small Business Network on November 11-14th and an eight-hour refresher hazmat course on November 12th and 13th. Ms. Weston stated that there is a \$50 discount for the 40-hour class and a \$15 discount for the refresher class for those living in the Omaha Lead Site.

Ms. Weston announced that the LSOC meeting has been rescheduled for November 2nd at 5:30 p.m. at the OPS TAC building.

8. Comprehensive Plan Committee Update

Ms. Weston stated that she did not attend the Comprehensive Plan Committee meeting. Ms. Weston stated that a meeting would be held in November. Ms. Council proposed combining the next meeting with a Grants Committee meeting. Ms. Council encouraged involvement in the Comprehensive Plan Committee, especially now that OHKA has submitted for 501(c)(3) status.

10. Education Committee Update

Mr. Waldren provided an update on the Education Committee. Mr. Waldren stated that the Omaha Children's Museum exhibit opened last Friday. Mr. Waldren encouraged CAG members to visit the display. Mr. Waldren stated that the Committee has discussed adding materials to the wall. Mr. Waldren stated that presentations will be given once a month at the Museum. Ms. Casteel added that 600 individuals were at the Museum opening day. Ms. Casteel stated that almost all materials were taken. Ms. Casteel stated that the City's display was removed after the first day because of lack of adequate supervision. Ms. Todd clarified that the display is not the City's; it is owned by OHKA.

Mr. Waldren announced that a school task force meeting will be held November 2nd at 12:00 p.m. at the OHKA office.

Ms. Casteel stated that the Education Committee is working to identify corporate sponsors to provide buses for field trips to the Omaha Children's Museum. Mr. Bateman stated that every school has a corporate sponsor and suggested speaking with Mr. David Brown at the Greater Omaha Chamber of Commerce.

Ms. Valdez asked what the goal of the Omaha Children's Museum Display is. Mr. Waldren stated that the ultimate goal of educational activities is to change behavior and reduce blood lead levels. Ms. Valdez suggested distributing Omaha Children's Museum coupons through Toys for Tots.

Mr. Waldren announced several upcoming events with Mr. Rick Reibstein. Mr. Waldren announced that a dinner with Mr. Rick Reibstein will be held on October 19th at 5:00 p.m., with a public forum following at 7:00 p.m. Mr. Waldren asked those planning to attend the dinner to RSVP to Ms. Rawley. Mr. Waldren stated that a real estate professional continuing education session will be held the morning of October 20th. Mr. Waldren stated that 51 real estate professionals have registered so far. Mr. Waldren stated that a strategy session will be held at 2:00 p.m. on October 20th.

Ms. Council stated that she had tried to arrange an event at Creighton Law School with Mr. Rick Reibstein, but it did not work out because of semester break.

Mr. Waldren stated that the Douglas/Sarpy County Extension has reapplied for a Nebraska Environmental Trust grant. Mr. Waldren stated that the Extension expects to find out in November if they are awarded the grant.

Mr. Waldren announced that the Douglas/Sarpy County Extension was awarded \$300,000 from HUD for educational activities. Mr. Waldren stated that they are in the process of negotiating and responding to questions from HUD. Ms. Council asked if Mr. Jones would be able to provide counsel to Mr. Waldren. Mr. Jones replied that the local HUD office could provide assistance.

12. Questions and Answers

Ms. Moses, EPA Environmental Justice (EJ) Coordinator, stated that lead is a top EJ priority. Ms. Moses stated that two EJ grants through EPA are available. Ms. Moses encouraged Omaha groups to apply for the grants. Ms. Moses stated that applications are due October 22nd.

Ms. Weston stated that the applications are too difficult for grassroots organizations to complete. Ms. Valdez agreed, adding that in order to apply for a previous grant, the Chicano Awareness Center had to hire an expensive researcher. Ms. Moses asked for any concerns to be directed to her in writing. Ms. Council stated that a letter could be drafted and voted on by the CAG.

Ms. Council stated that the next CAG meeting would be held Wednesday, November 8, 2006 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (October 11, 2006):

Draft CAG Meeting Minutes from 09/13/06

Final CAG Meeting Minutes from 08/09/06

Public Meeting Notice – Dr. Bob Bornschein

“Don’t Spread Lead in Omaha” (Provided by Marian Todd)

Superfund Basic Research and Training Program Grant Summary (Provided by MFG, Inc.)

Lead Progress – More Resources Can Speed the Good Work Already Being Done (Provided by MFG, Inc.)

Sierra Club Asks Court to Help Protect Kids from Toxic Toys (Provided by Cammy Watkins)

Patio Umbrellas Being Recalled (Provided by MFG, Inc.)

A Guide to Marketing Social Norms for Health Promotion in Schools and Communities (Provided by MFG, Inc.)

Biosolid Compost Reduces Lead Bioavailability at Inner-City Site (Provided by MFG, Inc.)

Guidelines for Health Care Providers on the Prevention, Identification, and Medical Management of Lead Poisoning in Pregnant Women in New York City (Provided by Dr. Adi Pour)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

EPA Update (hardcopy to be delivered)