

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

Minutes for Meeting Held
Wednesday, October 13, 2004, 9:30 a.m.
Chicano Awareness Center
4821 S. 24th Street

OLS CAG Members Present:

Janet Bohm—*Citizen at Large*
Tanya Cook—*Governor's Omaha Advisory Council for Lead Safe Neighborhoods*
Brenda Council—*Facilitator*
Jonah Deppe—*League of Women Voters*
Connie Determan—*MFG, Inc.*
Bob Feild—*Environmental Protection Agency*
Mike Felix—*Nebraska Department of Environmental Quality*
Jeff McDermott—*Union Pacific Railroad*
Dr. Donna Polk-Primm—*Nebraska Urban Indian Health Coalition*
Chris Rodgers—*Mayor's Office*
Marian Todd—*City of Omaha Planning Department*
Rebecca Valdez—*Chicano Awareness Center*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Todd Falter—*NHHS*
Sonny Foster—*Senator Ben Nelson's Office*
Nancy Gaarder—*Omaha World-Herald*
Toby Hines—*ASW*
Mary Jochim—*Citizen*
Debbie Kring—*Environmental Protection Agency*
Stacy Meacham—*MFG, Inc.*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Reid Steinkraus (proxy for Dr. Adi Pour and Vernon Waldren)—*Douglas County Health Department*

Ms. Council thanked Ms. Valdez for providing the meeting room. Ms. Valdez announced upcoming events involving the Chicano Awareness Center.

Ms. Todd requested to speak about the City's grant application early in the meeting. CAG members agreed to allow Ms. Todd to speak at that time. Ms. Todd stated that Omaha is not listed on the Department of Housing and Urban Development's (HUD) grant list. Ms. Todd stated that she would contact HUD to find out why the City did not receive the grant. Ms. Council asked if not receiving the grant will affect city programs.

Ms. Todd stated that the City is already operating at a low level of funding and will be unable to expand its efforts. Ms. Weston asked what would happen to the families that have previously contacted the City for assistance. Ms. Weston asked if those families would be notified that funding is insufficient to provide the assistance this year. Ms. Todd replied that notifying families on the waiting list of the funding situation is a good idea. Ms. Kring asked what programs the City was competing against for the grant. Ms. Todd replied that two groups are eligible for funding: ongoing programs and returning/new applicants. Ms. Todd explained that the City applied under the "returning/new applicant" category. Ms. Todd stated that HUD's website has information about each program that was awarded a grant.

Ms. Council asked for any additions or corrections to the minutes from the CAG meeting on September 29, 2004. Ms. Weston motioned to approve the minutes as drafted (no corrections). Ms. Bohm seconded the motion. The motion unanimously passed (10-0).

Mr. Feild provided an update on EPA activities. Mr. Feild provided a handout with updates and a list of mega Superfund sites. Mr. Feild stated that he has been unable to reach contacts in St. Louis and will continue to look into the education program under development there.

Mr. Feild stated that Administrator Mike Leavitt's visit to Omaha was very successful. Mr. Feild stated that he was interested in receiving feedback on the visit. Ms. Weston asked Mr. Feild what he thought the outcome and the purpose of the visit were. Mr. Feild replied that the purpose of Mr. Leavitt's visit was to demonstrate the commitment EPA has to the Omaha Lead Site. Mr. Feild stated that the visit made it possible for Mr. Leavitt to put a face on the Site. Dr. Polk-Primm stated that she only saw the visit on television and asked how Mr. Leavitt seeing the site would be beneficial. Mr. Feild replied that the visit could improve the chances for receiving funding for the Omaha Lead Site. Dr. Polk-Primm stated that she hoped the visit was not just for political purposes.

Mr. Foster asked if any CAG members were involved with the visit. Ms. Kring stated that Ms. Weston and Ms. Council were involved. Ms. Kring added that Congressman Terry had invited the Administrator to visit. Ms. Valdez stated that she felt bad for the residents who were involved with the visit because the group visiting came to the residents' houses, dug holes, and left. Ms. Valdez stated that it was scary for the residents. Ms. Weston stated that there was no communication with the homeowners or community members. Ms. Council stated that she was disappointed that the CAG was not directly invited to the visit and that only elected officials could attend the site tour. Ms. Council stated that she asked the Administrator about the CAG's request for a comprehensive plan at the press conference. Ms. Council stated that she did not receive an answer. Ms. Valdez added that Mr. Leavitt was literally whisked away after Ms. Council posed her question.

Ms. Council stated that one of the homes visited had a significant amount of chipping paint. Ms. Council stated that Mr. Leavitt mentioned that EPA had talked with HUD that day. Mr. Rodgers stated that Mr. Leavitt had spoken with Mr. Stan Quy of HUD. Ms. Council stated that Mr. Leavitt indicated that the recontamination issue needed to be

pursued further. Mr. Rodgers stated that it appeared that Mr. Leavitt did not want to talk about the recontamination effort because he sees it as a HUD issue. Ms. Weston stated that there should have been more community representation at the visit.

Ms. Council asked what makes a Superfund site a “mega site.” Mr. Feild stated that a site with a Record of Decision and exceeding the 50 million dollar funding level is labeled a “mega site.” Ms. Council stated that a couple of the sites listed as a “mega site” did not have a Record of Decision. Mr. Field explained that not all mega sites have a Record of Decision.

Ms. Weston asked who at EPA decides to approve a comment extension. Mr. Feild stated that his management at the Regional EPA office decides. Ms. Weston asked if Mr. Feild felt that the community has had sufficient time to review and comment on the Proposed Plan. Mr. Feild replied that he hoped the community has had sufficient time to comment. Ms. Weston asked who requested the last extension. Mr. Feild replied that Union Pacific Railroad, Gould, and members of the community requested an extension. Ms. Weston stated that community members need more education from EPA. Ms. Weston stated that she does not feel that there has been ample time to comment.

Mr. Rodgers stated that Governor Johanns, Congressman Terry, and Mayor Fahey expressed a desire to Mr. Leavitt for a comprehensive plan. Mr. Foster stated that Mayor Fahey was a great advocate for the comprehensive approach.

Ms. Council asked why lead-based paint hazards are not currently being evaluated at homes where soils are being replaced. Mr. Feild replied that EPA is going through a decision-making process and cannot speculate on the homes that will require soil replacement. Mr. Feild stated that EPA Region VII is coordinating with other EPA regions and headquarters to try and expand activities at the Omaha Lead Site.

Mr. Foster stated that Mr. Leavitt had compared the lead situation to asbestos. Mr. Foster stated that Mr. Leavitt argued that if EPA cleans up lead-based paint in Omaha, EPA would have to clean-up lead-based paint in homes across the country.

Dr. Polk-Primm stated that she is concerned about the public health threat. Dr. Polk-Primm stated that many people in the community are still unaware of the problem. Dr. Polk-Primm asked what EPA’s timeframe is without additional extensions. Mr. Feild replied that EPA expects to release the Record of Decision in November.

Ms. Gaarder asked if EPA is closer to deciding if EPA or homeowners will be responsible for repainting exteriors. Mr. Feild stated that EPA has not made that decision at this time.

Mr. Feild responded to comments regarding the Proposed Plan submitted to EPA by the CAG. Mr. Feild stated that legal counsel for EPA is determining whether or not the elements suggested by the CAG can be included in the Proposed Plan. Mr. Feild stated that EPA would evaluate the possibility of funding a 501(3)(c) organization. Mr. Feild stated that the Proposed Plan would include screening and monitoring via the Douglas

County Health Department and in-home assessments to determine if there are sources of lead present other than soil. Mr. Feild stated that EPA is planning on addressing exterior lead-based paint at residents where soil excavation is planned and there is loose, flaking lead-based paint on the exterior of the house. Mr. Feild stated that the paint would be removed via wet scraping, not pressure washing, and will probably be repainted before excavation of soil. Mr. Feild stated that EPA's Proposed Plan includes interior cleaning; however, Mr. Feild acknowledged that at other sites, it has been very difficult to gain access to residences to perform the cleaning. Mr. Feild stated that EPA's position remains that they do not have the authority to address interior lead-based paint. Mr. Feild stated that HUD and other programs need to take responsibility for interior lead-based paint remediation. Mr. Feild stated that EPA supports a comprehensive remedy to the extent possible.

Ms. Council asked how the State's 10 percent match is calculated. Mr. Feild stated that the State would sign a contract with EPA, which will lay out how the State will provide the cost share. Mr. Feild stated that the State would likely pay or show they have contributed the cost share through in-kind service per quarter. Ms. Council asked if the State's cost share could go toward activities that EPA says are beyond EPA's authority. Mr. Felix stated that the State's cost share can go towards those elements, as long as those activities are included in the Record of Decision.

Mr. Felix explained that NDEQ is holding a meeting on October 21, 2004 to get a better understanding of lead activities being performed and what the sources of funding are to determine what credit the State may be able to receive.

Ms. Weston was asked to report on the status of training evaluations. Ms. Weston stated that she is waiting on evaluations from two individuals. Ms. Weston stated that she would provide a synopsis of the results of the evaluations to the CAG before the next CAG meeting.

Dr. Polk-Primm provided an update on the Education Subcommittee. Dr. Polk-Primm explained that a draft table of educational strategies had been created (see handout). Dr. Polk-Primm asked CAG members to review the table and provide her with any comments. Dr. Polk-Primm also stated it was her understanding that the education plan was determined to be too detailed for inclusion in the comprehensive plan.

Ms. Determan stated that a public service announcement (PSA) for National Lead Poisoning Prevention Week had been drafted by the Education Subcommittee. Ms. Determan stated that a draft of the PSA would be emailed to the CAG. Ms. Determan asked CAG members to provide Dr. Polk-Primm with any suggested changes to the PSA.

Mr. Felix asked if a column indicating the source of funding could be added to the table developed by the Education Subcommittee. Dr. Polk-Primm stated that funding will be from many different sources and that the Subcommittee would like to leave it open because the Subcommittee is interested in looking for new funding sources.

Mr. Felix asked if the State's cost share could go toward funding a 501(3)(c) organization. Mr. Feild replied that EPA would research the possibility. Mr. Felix added that the 501(3)(c) organization would have to be tied to the remedy. Dr. Polk-Primm stated that that is why the CAG is trying to include the formation of a 501(3)(c) organization in the comprehensive plan.

Ms. Deppe provided an update on the Comprehensive Plan Subcommittee. Ms. Deppe stated that the Subcommittee recommends submitting the comprehensive plan to EPA to be included in the remedy. Ms. Valdez motioned to submit the comprehensive plan to EPA to be included in EPA's selected remedy. Ms. Weston seconded the motion. Ms. Council stated that she was concerned that several comprehensive plan subcommittee members were absent. Ms. Deppe stated that submitting the comprehensive plan was at the recommendation of the Subcommittee. Ms. Council stated that not all CAG members have had a chance to look at the comprehensive plan. Ms. Weston stated that EPA's comment period on the Proposed Plan is ending October 15, 2004. Mr. Feild stated that EPA would consider the comprehensive plan regardless of whether or not the plan was formally submitted by the CAG. Mr. Felix asked if the CAG is prohibited from enhancing the comprehensive plan after the comment period. Mr. Feild stated that the CAG is not prohibited from enhancing the comprehensive plan after the comment period. The motion passed (8-1-1), with Mr. McDermott voting against the motion and Ms. Weston abstaining.

Mr. Rodgers provided an update on the Contracting Subcommittee. Mr. Rodgers stated that EPA did not attend the scheduled meeting, so the meeting was cancelled. Mr. Rodgers stated that a meeting has been scheduled for October 27 from 5:30 to 7:30 p.m. at the TAC building to bring contractor together to discuss qualifications.

Ms. Council asked who prepared the briefing packet for Mr. Leavitt's visit. Mr. Feild replied that EPA prepared the packet. Ms. Council asked Mr. Steinkraus if the blood lead statistics were correct, specifically in regard to the percent of children with elevated blood lead levels in the target zip codes. Mr. Steinkraus stated that the 89% statistic does not represent the percentage of children within the OLS that have elevated blood lead levels; rather, he explained, it is the percentage of children tested with elevated blood levels that live in the target codes.

Ms. Council invited several new attendees to introduce themselves. Ms. Jochim introduced herself as a citizen interested in learning more about the CAG. Mr. Hines introduced himself as an employee from ASW (contractor for EPA).

Mr. Falter reminded the CAG that the CDC regional lead conference would be held Wednesday, October 27, 2004 in Omaha.

Ms. Council stated that the next CAG meeting would be held November 10, 2004. The location is to be announced.

Mr. Steinkraus stated that the mayor and Douglas County Health Department would hold a joint press conference about lead for National Lead Poisoning Prevention Week. Mr.

Steinkraus stated that details are unknown at this time. Mr. Steinkraus asked for individuals interested in attending the press conference to contact him or Ms. Leinenkugel.

Handouts Provided for the Meeting (October 13, 2004):

Draft Minutes from 09/29/04 (Provided by MFG, Inc.)

Approved Minutes from 09/15/04 (Provided by MFG, Inc.)

U.S. Army Corps of Engineers Announcement of Awarded Contracts (Provided by EPA)

Lead Level in Water Misrepresented Across U.S. (Provided by Ms. Jonah Deppe)

Public Affairs Advisory from the American Water Works Association (Provided by Mr. Sonny Foster)

Contracting Subcommittee Notes from 09/01/04

Contracting Subcommittee Notes from 09/15/04

Education Subcommittee Notes from 09/30/04

Summary of OSWER Directives (Copies of OSWER Directives #9355.4-12 and 9200.4-27P attached) (Provided by MFG, Inc.)

Notice of a Public Meeting for an Expert Panel Workshop on Lead Service Line Replacement (Provided by MFG, Inc.)

Department of Health and Human Services, Availability of Funds Announced in the HRSA Preview (Provided by ATSDR)

Comprehensive Plan for the Elimination of Lead Hazards in Omaha, Nebraska (Provided by the OLS CAG Comprehensive Plan Subcommittee)

Questions Regarding EPA's Feasibility Study for the Omaha Lead Site

Educational Strategies Table (Provided by the OLS CAG Education Subcommittee)

Omaha Lead Site Community Advisory Group Meeting, EPA Update, October 13, 2004 (Provided by EPA)

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)