

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

Minutes for Meeting Held
Wednesday, November 8, 2006, 9:30 a.m.
Chicano Awareness Center
4821 S. 24th Street
Omaha, NE 68107

OLS CAG Members Present:

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*
Sue Casteel—*Agency for Toxic Substances and Disease Control*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jim Dowding (Designee for Gary Gernandt and Frank Brown)—*City Council Staff*
Kara Eastman—*Omaha Healthy Kids Alliance*
Bob Feild—*U.S. Environmental Protection Agency*
Nick Flattery—*OneWorld Community Health Center*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Jeff McDermott—*Union Pacific Railroad*
Chris Rodgers—*Douglas County Board of Commissioners*
Rebecca Valdez—*Chicano Awareness Center*
Cheryl Weston—*Lead Safe Omaha Coalition*
Vernon Waldren—*Douglas/Sarpy County Extension*

Others Present:

Rita Brown—*Citizen*
Mary Castaneda—*EPA Information Offices*
Lelia Coyne—*Citizen*
Felisa Dillon—*EPA Information Offices*
Tina Gray-Ventry—*Lead Safe Omaha Coalition*
Frank Jackson—*Citizen*
Debbie Kring—*U.S. Environmental Protection Agency*
Diane Luna—*Burlington Road Neighborhood Association*
Stacy Meacham—*MFG, Inc.*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*U.S. Environmental Protection Agency*
Che Thompson—*Omaha Healthy Kids Alliance*

1. Discussion on Minutes from the October 11, 2006 Meeting

Ms. Council asked for corrections or additions to the meeting minutes from the October 11, 2006 meeting.

Ms. Casteel stated that on page six, "...because of safety reasons" should read, "...because of lack of adequate supervision."

Mr. Feild stated that on page two, "Assuming that long-term studies in other states show that phosphate treatment is effective, EPA would then assume that phosphate treatment would be effective in the long-term in Omaha" should read, "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. Feild stated that on page three, "...vacant lots may be sampled by accident" should read, "...vacant lots are assigned for sampling without knowledge that the lot is or has become vacant." Mr. Feild stated that, "except in cases where children are known to congregate" should be added to: "...EPA does not intend to prioritize vacant lots."

Mr. Feild, referring to the seventh paragraph on page 5, stated that his point had been that EPA has been invited to attend Omaha Healthy Kids Alliance (OHKA) board meetings to make a presentation, but EPA does not participate in the board meetings. Mr. Feild stated that EPA expressed interest in working with OHKA. Mr. Feild stated that Mr. Bateman had stated that EPA would be asked to provide updates to OHKA. Ms. Council stated that Mr. Feild could not change Mr. Bateman's statements.

Mr. Feild stated that, "Mr. Feild stated that he hopes Ms. Eastman can organize coordination between the two entities" should read, "Mr. Feild stated that he hopes EPA and OHKA can increase their level of coordination."

Mr. Waldren motioned to approve the minutes with the above corrections. Ms. Weston seconded the motion. The motion was unanimously approved (9-0).

2. EPA Update

Mr. Feild stated that the review of the ATC laboratory is not yet finalized.

Mr. Feild stated that the draft Large Park Sampling Plan was completed and available for public comment. Mr. Feild proposed a two week comment period for the CAG to provide comments to EPA. Mr. Feild stated that following the comment period, EPA will review the comments and finalize the sampling plan, taking submitted comments into consideration. Mr. Feild stated that EPA hopes to complete sampling of the large parks this year. Ms. Weston stated that she would like more than two weeks to submit comments. Mr. Feild stated that he could extend the comment period, but that doing so would jeopardize completion of sampling by the end of the year. Mr. Feild stated that the comment period would be extended to the next CAG meeting on December 13, 2006.

Ms. Council requested that comments be sent to the CAG to forward to EPA, so that the CAG has a record of the comments. Mr. Feild stated that it would be EPA's decision to provide the comments to the CAG. Ms. Council stated that either EPA could provide the comments or the individuals commenting could provide the comments to the CAG. Ms.

Weston stated that EPA could choose to forward comments on as they wish. Mr. Field stated that EPA is not required to provide comments to the CAG. Ms. Weston reminded Mr. Feild that EPA provided comments on the Interim Record of Decision to the CAG.

Mr. Feild stated that the lead-based paint assessment criteria are not finalized. Mr. Feild stated that because EPA will be setting precedence with the criteria, EPA plans to move forward with stabilization of paint, while continuing to develop the criteria. Mr. Feild stated that the criteria will be used more for the final remedy. Mr. Feild stated that he will not be producing the criteria at this time and will work with the City of Omaha to identify homes where paint poses the greatest threat to the remedy. Mr. Feild added that the EPA would perform paint stabilizations in a manner generally consistent with discussions at previous CAG meetings.

Ms. Weston asked if EPA has criteria to use to identify the initial homes where paint stabilization will occur. Mr. Feild replied that EPA will use information from lead-based paint assessments and EPA's calculation sheet to more or less rank houses. Mr. Feild stated that EPA is concerned about the mixing depth and the distance from the home that paint is assumed to fall. Mr. Feild stated that EPA believes an additional study is necessary to further characterize the area of yard that could become recontaminated.

Mr. Feild stated that EPA is working with the City and will have to get approval from the City Council to move forward with paint stabilization. Mr. Feild stated that paint stabilization will be performed year-round. Ms. Council asked what amount is being funded for paint stabilization. Mr. Feild replied that EPA is providing \$350,000 for paint stabilization.

Ms. Coyne asked if studies have been conducted in Omaha to determine what sources are contributing to the lead in soil. Mr. Feild stated that EPA will be performing such studies. Mr. Feild stated that EPA will be collecting samples from the dripzone to perform speciation analyses.

Mr. Feild reported that EPA is moving forward with the phosphate study. Mr. Feild stated that he would electronically distribute the phosphate study protocol before the next CAG meeting.

Mr. Feild reported that within the extended boundaries of the Omaha Lead Site:

- 9,877 residential (non-commercial) properties remain to be sampled by EPA;
- 2,315 of the 9,877 remaining residential properties are vacant;
- EPA will sample a total of 41,293 properties;
- 4,103 of the 41,293 properties are vacant;
- EPA has sampled 1,788 vacant properties to-date;
- 59 of the 1,788 vacant properties sampled were eligible for soil replacement;
and
- EPA has replaced soil at 25 vacant lots to-date.

Mr. Feild explained that the number of vacant lots were determined from information listed by the Douglas County Assessor. Mr. Feild stated that properties without structures and/or properties with a value less than \$5,000 were assumed to be vacant.

Mr. Feild provided Ms. Eastman with a map depicting soil lead concentrations of properties within the Omaha Lead Site. Ms. Council asked if the map could be electronically viewed. Mr. Feild replied that the map could not be electronically viewed.

4. Citizen Update and Questions

Ms. Council stated that she had been contacted by a member of the public who is concerned about activities in connection with EPA's remediation. Ms. Council stated that this individual requested to be placed on the agenda to voice his concerns. Ms. Council introduced Mr. Frank Jackson.

Mr. Jackson asked how many soil storage sites EPA maintains in Omaha. Mr. Feild replied that, currently, two staging areas exist for the Omaha Lead Site: one at the Missouri River Wastewater Treatment Plant and one at 33rd and Pinkney. Mr. Jackson stated that he does not think it is right for contaminated soil to be dumped in an area that did not originally have contaminated soil.

Mr. Jackson explained that from 2002 to 2004, EPA maintained a staging area in his neighborhood at 49th and Sorenson. Mr. Jackson stated that the owner of the property attempted to sell the land, but eventually decided to build houses on the property. Mr. Jackson expressed concern about building houses on a contaminated property. Mr. Jackson stated that he called EPA to ask about the situation. Mr. Jackson stated that EPA originally denied the existence of a staging site at 49th and Sorenson, but later admitted to having the staging area.

Mr. Jackson asked why EPA is allowing a developer to build on contaminated land. Mr. Jackson asked why this is allowed in a poor neighborhood. Mr. Jackson stated that he does not believe EPA cleaned up the property. Mr. Jackson stated that he never saw EPA remove soil from the property. Mr. Jackson stated that, according to EPA's website, land where lead-contaminated soil is dumped should not be used for residential property. Mr. Jackson stated that it is not right to cleanup one part of town and contaminate another.

Mr. Jackson stated that the Omaha City Council voted to allow development on the property. Mr. Jackson added, however, that the two councilmen living in the area voted against it.

Mr. Jackson asked for the CAG's help in preventing the development of the contaminated property into residential homes.

Ms. Barrientos-Patlan thanked Mr. Jackson for his zealousness. Ms. Barrientos-Patlan stated that a similar situation had occurred in her neighborhood. Ms. Barrientos-Patlan asked Mr. Feild to clarify if the property at 49th and Sorenson was a true staging area.

Mr. Feild stated that EPA did have a staging area at 49th and Sorenson. Mr. Feild stated that this staging area was in use before Mr. Feild was involved with the Omaha Lead Site. Mr. Feild stated that the staging area was used to temporarily store soil and that, in all cases, the soil was not legally a hazardous waste. Mr. Feild stated that contaminated soil would not have been permitted to remain onsite.

Ms. Barrientos-Patlan asked if the staging area at 33rd and Pinkney is located near homes. Mr. Feild replied that the staging area is located near homes. Mr. Barrientos-Patlan asked when the staging area at 33rd and Pinkney first went into use. Mr. Feild replied that the staging area at 33rd and Pinkney has been in use at least since 2004. Ms. Barrientos-Patlan asked if the neighborhood was notified prior to opening the staging area. Mr. Feild stated that the contractor has worked with the neighborhood, but Mr. Feild did not know if the contractor notified the neighborhood prior to opening the staging area. Ms. Barrientos-Patlan asked if the neighbors influence whether or not a staging area goes into their neighborhood. Ms. Council stated that the CAG has had lengthy discussions at previous meetings about this topic.

Mr. Jackson stated that his neighborhood was not notified about the staging area. Mr. Jackson reiterated that EPA's website states that homes should not be built where lead-contaminated soil is stored. Mr. Davis stated that homes cannot be built where the soil is permanently stored. Mr. Davis stated that a staging area is a temporary storage area. Mr. Jackson stated that the soil was stored there for three years.

Ms. Weston asked if the soil piles are still on the property. Mr. Jackson stated that the piles were removed after three years. Ms. Weston asked if the lead concentration in the soil was tested after removal of the piles. Ms. Weston asked if EPA could test the property now. Mr. Rodgers offered to talk with the county about sampling the site. Ms. Weston stated that EPA should test the site. Mr. Jackson stated that he does not trust EPA to sample the site. Ms. Barrientos-Patlan stated that she would like the CAG to request EPA to sample the property and provide any previous sampling data. Mr. Feild stated that he would research the issue and provide any available data before the next CAG meeting. Mr. Feild stated that EPA would sample the property, if necessary.

Mr. Feild stated that EPA promotes the redevelopment of remediated sites. Mr. Davis stated that an example of such remediation is Rick's Boatyard, which was the former location of the Asarco refinery.

Ms. Casteel stated that ATSDR would be happy to look into the situation, as a public health agency.

Mr. Flattery thanked Mr. Jackson for speaking to the CAG. Mr. Flattery stated that lead is an Omaha problem, not a North or South Omaha problem. Ms. Council thanked Mr. Jackson for his advocacy.

5. CAG Voting Member Restrictions

Ms. Eastman stated that Mr. Gary Gotsdiner suggested that the CAG could consider drafting a conflict of interest policy. Ms. Eastman reported that Mr. Gotsdiner stated that there would not be an issue unless the topic up for vote would directly impact the member voting. Ms. Eastman stated that she could provide a copy of OHKA's conflict of interest policy, as an example. Ms. Council stated that the OHKA's conflict of interest policy would be circulated and it would be up to the CAG members to take any action on the matter. Mr. Feild stated that he does not want a conflict of interest policy to create any restrictions on EPA's ability to gain cooperation from local groups.

5. Letter to EPA Environmental Justice Program

Ms. Council stated that, as requested, a letter had been drafted in response to Ms. Althea Moses' statements and suggestion at the last CAG meeting.

Ms. Weston motioned to approve the letter, with one grammatical correction. Mr. Rodgers seconded the motion. The motion failed due to a lack of quorum. CAG members agreed to electronically vote.

6. ESD Update

Mr. Feild reported that the CAG's request for an Explanation of Significant Differences is still under review. Mr. Feild was unable to estimate a time frame for a response to the CAG's request.

7. OHKA Update

Ms. Eastman provided an update on OHKA activities. Ms. Eastman stated that OHKA convened their first housing committee meeting. Ms. Eastman reported that representatives from HUD, EPA, the City, the Mayor's office, DCHD, and others attended the meeting. Ms. Eastman reported that the group is considering utilizing EPA funding available through the City to hire lead inspectors. Ms. Eastman stated that the group is also looking into legislation. Ms. Council stated that anyone interested in lead issues related to housing is welcome to attend the housing committee meetings.

Ms. Eastman stated that at the last CAG meeting, a concern about OHKA board meeting attendance was raised. Ms. Eastman stated that the OHKA board meets monthly and has a great attendance record.

8. LSOC Update

Ms. Weston provided an update on Lead Safe Omaha Coalition activities. Ms. Weston reported that LSOC is releasing a Request for Proposals for a Technical Advisory Grant (TAG) consultant.

Ms. Council stated that LSOC held a good meeting last week with a guest speaker.

9. Comprehensive Plan Committee Update

Ms. Weston stated that the Comprehensive Plan Committee will meet next month and will look at implementing the comprehensive plan and the potential of bringing the committee under OHKA. Ms. Weston encouraged CAG members to attend.

10. City HUD Grant Update

Ms. Council stated that Ms. Todd was unable to attend the meeting but provided a written update. Copies of the update were provided.

11. NDEQ Update

Mr. Davis reported that the tour with EPA's new regional administrator was cancelled.

12. Education Committee Update

Mr. Waldren provided an update on Education Committee activities. Mr. Waldren reported a successful turn-out at the real estate professional's training, with 119 individuals completing the training. Mr. Waldren stated that positive responses were received from evaluations.

Mr. Waldren reported that the Douglas/Sarpy County Extension signed the HUD education grant. Mr. Waldren stated that copies of the grant will be submitted once finalized.

Mr. Waldren reported that the committee discussed adding to the display at the Omaha Children's Museum. Mr. Waldren stated that the school task force will meet after the first of the year.

Ms. Eastman announced that OHKA hired Ms. Che Thompson.

12. Questions and Answers

Ms. Council stated that the next CAG meeting would be held Wednesday, December 13, 2006 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (November 8, 2006):

Draft CAG Meeting Minutes from 10/11/06

Final CAG Meeting Minutes from 09/13/06

Draft Letter to EPA Environmental Justice Program

Video Helps Parents Avoid Lead's Dangers (Provided by MFG, Inc.)

Akron Sues Eight Makers of Lead Paint (Provided by MFG, Inc.)

Toledo to Sue Makers of Lead-Based Paint (Provided by MFG, Inc.)

City Targets Paint Firms (Provided by MFG, Inc.)

Obama, Clinton Introduce Legislation to Get Dangerous Lead Out of Child Care

Facilities (Provided by MFG, Inc.)

Child Treated for Lead Poisoning in City Home (Provided by Kara Eastman)

Home Lead Test Kit Offered (Provided by MFG, Inc.)

Five Health Plans Fall Short in Lead Testing (Provided by MFG, Inc.)

Environmental Health Sciences Core Center Grants (Provided by MFG, Inc.)

Request for an ESD for the OLS Interim Record of Decision

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

EPA Update (hardcopy to be delivered)