

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

Minutes for Meeting Held  
**Wednesday, November 10, 2004, 9:30 a.m.**  
Metro Community College  
Industrial Training Center, Rm. 120  
27<sup>th</sup> and Q Streets

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**OLS CAG Members Present:**

Tanya Cook—*Governor's Omaha Advisory Council for Lead Safe Neighborhoods*  
Brenda Council—*Facilitator*  
Todd Davis—*Nebraska Department of Environmental Quality*  
Connie Determan—*MFG, Inc.*  
Bob Feild—*Environmental Protection Agency*  
Jeff McDermott—*Union Pacific Railroad*  
Dr. Adi Pour—*Douglas County Health Department*  
Chris Rodgers—*Mayor's Office*  
Marian Todd—*City of Omaha Planning Department*  
Vernon Waldren—*University Extension*  
Cammy Watkins—*Sierra Club*  
Cheryl Weston (Proxy for Janet Bohm)—*Lead Safe Omaha Coalition*

**Others Present:**

Sue Casteel—*ATSDR*  
Todd Crawford—*Senator Chuck Hagel's Office*  
Sue Dempsey—*Nebraska Health and Human Services*  
Juliet Eilperin—*Washington Post*  
Mike Felix—*Nebraska Department of Environmental Quality*  
Sonny Foster—*Senator Ben Nelson's Office*  
Mary Jochim—*Citizen*  
Debbie Kring—*Environmental Protection Agency*  
Stacy Meacham—*MFG, Inc.*  
Jennifer Rawley—*MFG, Inc.*  
Steve Sanders—*Environmental Protection Agency*  
Reid Steinkraus—*Douglas County Health Department*  
Warren Weaver—*City of Omaha*

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Ms. Council asked for any corrections to the meeting minutes from the October 13, 2004 CAG meeting. Ms. Watkins stated that she was not present at the last meeting. Ms. Weston stated that on page 1, the minutes should reflect that Ms. Todd asked to speak earlier in the meeting than as listed on the agenda. Ms. Weston stated that on page 2, in the fifth paragraph, Mr. Feild did not ask if any CAG members were involved with the visit. Ms. Council stated that Mr. Foster asked if any CAG members were involved with

the visit. Ms. Weston, referring to the second paragraph on page 3, stated that Mr. Feild had stated that the “mega sites” had Records of Decision. Ms. Weston stated that Ms. Council had then stated that a couple of the “mega sites” did not have a Record of Decision. Ms. Weston stated that Mr. Feild then stated that not all “mega sites” have a Record of Decision. Ms. Weston stated that she did not report on the status of evaluations. Ms. Council suggested changing the sentence to read, “Ms. Weston was asked to report on the status of training evaluations.” Mr. Felix, referring to page 4, stated that NDEQ was interested what the source of funding was, not whether funding was federal or not. Mr. Waldren motioned to approve the minutes with the above changes. Ms. Weston seconded the motion. The motion unanimously passed (9-0).

Ms. Council introduced Ms. Eilperin from the *Washington Post*. Ms. Eilperin stated that she is performing research at Superfund sites in order to write a story about the future of the Superfund program. Ms. Eilperin stated that the article would be completed in the next few weeks.

Mr. Feild provided an update on EPA activities pertaining to yard sampling and removal. Mr. Feild provided and discussed a handout. Mr. Feild stated that he had contacted the program in St. Louis regarding the lead study. Mr. Feild stated that the funding is provided through the Office of Enforcement and Compliance Assurance (OECA) at EPA Headquarters. Mr. Feild stated that funding for additional projects is unavailable. Ms. Council asked how St. Louis was selected to receive the funding. Mr. Feild replied that St. Louis applied for the competitive grant posted in the Federal Register and was selected based on the lead problem in St. Louis. Ms. Council asked CAG members if Omaha was aware of this grant. There was no response. Ms. Council stated that it would be beneficial to have one source to access all available grant applications. Ms. Council stated that coordination is needed. Ms. Weston asked with whom coordination is needed. Ms. Council replied that coordination is needed between EPA and the community. Mr. Feild stated that EPA is trying to increase coordination, so that something like this grant will not slip through the cracks next time.

Dr. Pour asked if there could be collaboration between EPA activities and lead screening of children. Mr. Feild stated that collaboration does not exist for the emergency response actions. Mr. Feild stated that activities would not be expanded until after the Record of Decision is released. Mr. Feild stated that EPA hopes to have the Record of Decision in place at the end of November. Dr. Pour stated that if EPA would give the Douglas County Health Department the addresses of homes where soil will be removed, the health department could make sure those children are tested, even before the release of the Record of Decision.

Mr. Feild stated that EPA cannot directly support a 501(c)(3), but can provide administrative support. Mr. Felix asked if the State could support a 501(c)(3) through the State’s cost share. Mr. Feild stated that the State could potentially support a 501(c)(3) through the State’s cost share, if the 501(c)(3) is included in the Record of Decision as part of the selected remedy.

Ms. Cook stated that two Black & Veatch employees came to her house to take soil samples. Ms. Cook stated that her home is outside of the current Superfund boundaries and asked if the Superfund area has been expanded. Mr. Feild stated that the area has not been expanded. Ms. Weston stated that contractors were originally given a list of addresses that included residences outside of the currently defined area. Mr. Rodgers stated that he has also been contacted for soil sampling and is also outside of the area.

Ms. Weston asked for clarification on the length of the moratorium following the release of the Record of Decision. Mr. Feild stated that after the Record of Decision is released, a special notice letter will be sent to Potentially Responsible Parties (PRPs). Mr. Feild stated that the EPA would like the PRPs to take the lead on the cleanup, adding that, historically, 70% of Superfund cleanups are funded by PRPs. Mr. Feild explained that the PRPs will have 60 days to respond to EPA with a good faith offer, and then an additional 60 days are set aside to arrive at an agreement. Therefore, the moratorium lasts for four months. Ms. Weston asked if the letter sent to the PRPs is public record. Mr. Sanders stated that the letter would be public information. Ms. Weston requested a copy of the letter when it is sent. Mr. Feild stated that he would check to make sure the letter is releasable.

Ms. Weston asked what amount of funding has been requested for the Omaha Lead Site for 2005. Mr. Feild stated that EPA has not submitted an amount. Mr. Feild stated that Region VII is working with EPA Headquarters and that a definite amount does not exist. Ms. Watkins asked if Mr. Feild knew the amount of funding for emergency removals. Mr. Feild replied that the funding for emergency removals is not site-specific and originates from several different funding "pots", including funds from the Asarco settlement and remedial funding. Ms. Weston asked when EPA Region VII would request funding for 2005. Mr. Feild replied that funding for 2005 would be requested after the release of the Record of Decision. Ms. Weston asked what the request would be. Mr. Feild replied that Region VII would present a number of budget scenarios. Mr. Feild stated that funding is a dynamic process.

Dr. Pour stated that the community is concerned about 2005 funding because the 2005 fiscal year has already begun. Dr. Pour asked if the Omaha Lead Site would receive funding. Mr. Feild stated that the Omaha Lead Site would be funded at a substantial level.

Ms. Weston stated that Mr. Feild's explanation of funding differed from discussions at previous CAG meetings. Mr. Feild stated that he had previously provided a more simplistic explanation. Ms. Council, referring to the CAG meeting minutes from September 15, 2004, stated that she had asked Mr. Feild if EPA would seek appropriations of 26 million dollars each year. Mr. Feild had replied that EPA receives an appropriation for all Superfund sites and then allocates those funds between the various sites. Mr. Feild had stated that Congress determines the amount of the appropriation. Mr. Feild stated that funding is distributed site by site and that a panel decides which sites get funded. Ms. Weston asked when the panel meets. Mr. Feild

stated that the panel has been meeting since October and is aware of Omaha's funding needs.

Ms. Weston asked if Congress has appropriated funds to EPA for 2005. Mr. Feild stated that he did not know. Ms. Eilperin stated that appropriation would be finalized next week.

Ms. Council asked if EPA's contractors are responsible for damage to underground wiring conduits. Mr. Feild stated that the contractors are responsible for any damage. Ms. Council stated that one contractor had said that the homeowner would have to replace the damaged conduit. Ms. Council asked where a homeowner would go for help if such damage were discovered months later. Mr. Feild stated that EPA hopes to open a local office to assist residents.

Mr. Davis provided an update on NDEQ activities. Mr. Davis stated that he had a copy of Union Pacific's Railroad's comments on EPA's Proposed Plan and invited anyone interested in reading the comments to let him know. Mr. Davis stated that he gave a presentation on the Omaha Lead Site at the University of Nebraska, Lincoln on October 20, 2004 and could provide a copy of the presentation to anyone interested. Mr. Davis distributed a draft copy of notes from the October 21, 2004 coordination meeting. Mr. Davis asked to be notified of any needed corrections. Mr. Davis stated that he attended the CDC regional conference on October 27, 2004. Mr. Davis stated that a community advisory group from Madison, Missouri presented at the conference. Mr. Davis stated that in Madison, lead-based paint has not been addressed and there have been decreases in blood lead levels following soil removals. Ms. Kring stated that Madison is a mine waste site, not a smelter site.

Ms. Weston discussed the results of the training evaluation, referring to a summary handout. Ms. Weston stated that the results of the evaluation were positive. Ms. Weston asked if there is interest in holding additional training sessions. Ms. Weston stated that there are 10 to 12 individuals interested. Ms. Weston asked if EPA would consider sponsoring training again. Mr. Feild stated that the training was a special offer because the U.S. Army Corp of Engineers contract resulted in an urgent need for trained individuals.

Ms. Todd provided an update on U.S. Department of Housing and Urban Development (HUD) grants. Ms. Todd stated that Ms. Gail Braun with the Mayor's office has submitted a request for a debriefing. Ms. Todd stated that regulations stated that debriefings must be done by January. Ms. Todd stated that various protests have occurred questioning the procedure used in awarding HUD grants this round. Ms. Todd stated that a letter from the CAG on the subject has been drafted. Dr. Pour motioned to send the letter to HUD, as drafted. Mr. Waldren seconded the motion. The motion unanimously passed (9-0).

Ms. Council congratulated Mr. Rodgers on being elected as a county commissioner. Mr. Rodgers stated that this might be his last CAG meeting. Mr. Rodgers stated that he would assume Ms. Carole Woods Harris's role in the CAG.

Ms. Weston stated that about 25 interested parties attended the recent contractor's meeting, in order to learn about the possibilities of contracting with EPA during the next phase of remediation. Mr. Feild stated that the meeting was positive and that EPA wanted to provide local contracting opportunities.

Dr. Pour stated that she looked into water testing in Omaha. Dr. Pour reported that MUD took 51 water samples in June 2004, 7 of which were in the Superfund area. All samples were in regulatory compliance. Dr. Pour asked if the CAG should request additional sampling, given that 7 samples is probably not statistically valid for the area. Ms. Weston stated that it would not hurt to ask for additional samples. Mr. Waldren stated that it would be a good idea to request additional samples be taken. Ms. Casteel stated that the houses samples are identified as the most likely to have lead plumbing. Ms. Weston stated that it still would not hurt to take additional samples.

Ms. Weston motioned to send a letter requesting MUD conduct additional water sampling for lead within the Omaha Lead Site. Mr. Waldren seconded the motion. Mr. McDermott stated that it might be a good idea to specify the number of samples to be taken. Ms. Council stated that Dr. Pour and Ms. Determan could work together to determine a sampling number. Mr. Felix asked if EPA is considering doing additional water sampling. Mr. Feild stated that EPA is interested in characterizing other potential sources, including tap water and interior paint. The motion passed (8-0-1), with Ms. Watkins abstaining.

Ms. Council stated that a memo about the St. Louis project, previously discussed by Mr. Feild, was provided by MFG in the CAG package. Ms. Council explained that MFG asked EPA Region VII about the project and received answers different from Mr. Feild's response. Ms. Council stated that the memo explains that funding originated from a cooperative agreement, not a competitive grant process posted in the Federal Register.

Mr. Waldren stated that the Education Subcommittee meeting was postponed and will be rescheduled at a later time. Ms. Waldren encouraged CAG members to provide comments on the education plan and matrix. Mr. Waldren stated that during National Lead Poisoning Prevention Week, Ms. Carrie Schneider-Miller gave a presentation on television about nutrition and a Public Service Announcement was released.

Ms. Kring stated that she has a grant matrix of smaller grants if anyone is interested.

The CAG decided to meet next on Wednesday, December 8, 2004 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (November 11, 2004):  
*Draft Minutes from 10/13/04 (Provided by MFG, Inc.)*

*Approved Minutes from 09/29/04 (Provided by MFG, Inc.)*  
*Education Subcommittee Notes from 10/11/04*

*Education Subcommittee Minutes from October 11, 2004*

*Comprehensive Plan for the Elimination of Lead Hazards in Omaha, Nebraska*

*Draft letter to HUD requesting reconsideration of Omaha's grant proposal (Provided by MFG, Inc.)*

*Memorandum regarding EPA Region 7 Lead Education and Awareness Project in St. Louis, Missouri 11/03/04 (Provided by MFG, Inc.)*

*Response from U.S. Army Corps of Engineers regarding a Freedom of Information Act request for a list of bidders and subcontractors for the OLS Performance Based Contracting Project 10/26/04 (Provided by MFG, Inc.)*

*Comments of Union Pacific Railroad Company on EPA's Proposed Plan for the Omaha Lead Site (Provided by Union Pacific Railroad Company)*

*Comments of Gould Electronics Inc. on EPA's Proposed Plan for the Omaha Lead Site (Provided by Gould Electronics Inc.)*

*Omaha Lead Site: Grant Opportunities (Provided by MFG, Inc.)*

*Arsenic and Lead Leach Out of Popular Fertilizer (Provided by MFG, Inc.)*

*Arsenic and Lead Leaching from the Waste Derived Fertilizer Ironite (Provided by MFG, Inc.)*

*Public Comments on EPA's Proposed Plan (Provided by EPA)*

*Memorandum Regarding Water Testing for Lead (Provided by Dr. Pour)*

*Letter to HUD from Councilmember Frank Brown (Provided by Councilmember Brown)*

Attachments to Minutes:  
Sign-In Sheet (hardcopy to be delivered)