

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

Minutes for Meeting Held
Wednesday, November 12, 2008, 9:30 a.m.
Omaha Healthy Kids Alliance Office
115 S. 49th Avenue
Omaha, NE 68132

OLS CAG Members Present:

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*
Dr. Richard Brown—*Charles Drew Health Center*
Sue Casteel—*ATSDR*
Brenda Council—*OLS CAG Facilitator*
Kara Eastman—*Omaha Healthy Kids Alliance*
Bob Feild—*Environmental Protection Agency*
Jeff McDermott—*Union Pacific Railroad*
Dr. Adi Pour—*Douglas County Health Department*
Vicki Quaites-Ferris—*City of Omaha Mayor's Office*
Crystal Rhoades—*Neighborhood Center for Greater Omaha*
Stacey Stricker—*Nebraska Department of Environmental Quality*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*University of Nebraska, Lincoln Extension*

Others Present:

Mary Castaneda—*EPA Public Information Center*
Joel Christensen—*Metropolitan Utilities District*
Greg Franzen—*Sherwin Williams*
Tiffany Frezelle—*EPA Public Information Center*
Laura Hardesty—*Cadmus Group*
Tom Janssen—*Senator Hagel's Office*
Bill Lukash—*City of Omaha Planning Department*
Lelia Coyne—*Citizen*
Brendan McEntegart—*Conestoga-Rovers & Associates*
Todd McMartin—*Sherwin Williams*
Jennifer Rawley—*Conestoga-Rovers & Associates*
Steve Sanders—*Environmental Protection Agency*
Che Thompson—*Omaha Healthy Kids Alliance*
Cheryl Weston—*Lead Safe Omaha Coalition*

1. Discussion on Minutes from the October 8th Meeting

Ms. Weston provided written corrections to the second to last paragraph on page six. Ms. Eastman stated that her statements should not be changed. Ms. Council stated that, without altering Ms. Eastman's statements, the paragraph should read: "Ms. Eastman asked Ms. Weston if she had been attending or teaching Lead-Safe Work Practices training sessions. Ms Weston stated, 'Lead Safe Omaha Coalition has no update.' Ms. Weston stated this three (3) times. Ms. Eastman asked if Ms. Weston is unwilling to tell the CAG if Ms. Weston is offering training. Ms. Weston reiterated, 'The Lead Safe Omaha Coalition has no update.'"

Ms. Quaites-Ferris stated that on page six, "Ms. Quaites-Ferris stated that the FAQs may be revised to indicate that compliance is complaint-driven" should read: "Ms. Quaites-Ferris stated that the FAQs may be revised to indicate that the nuisance ordinance is complaint-driven."

Mr. Feild and Ms. Quaites-Ferris clarified that on page four: "Ms. Quaites-Ferris reported that she spoke with Henry Doorly, a representative from the Omaha Zoo (Zoo)" should read: "Ms. Quaites-Ferris reported that she spoke with Mr. Danny Morris, a representative from the Omaha Henry Zoo (Zoo)."

Mr. Waldren motioned to approve the minutes. Ms. Eastman seconded the motion. The motion was unanimously approved. (10-0)

2. EPA Update

Mr. Feild stated that EPA must officially respond to all questions or comments. Therefore, Mr. Feild stated that comments regarding the released documents should be provided in writing. Mr. Feild noted that he could talk generally about logistics, but not about comments or questions specific to the released documents. Mr. Feild stated that this policy is because EPA does not keep an official record at the meeting.

Update on Release of Proposed Plan and Other Documents

Mr. Feild stated that EPA announced the release of the proposed plan. Mr. Feild stated that EPA has received requests for extensions to the 30-day public comment period from the Mayor's office and Union Pacific Railroad; however, EPA does not have a response to the requests at this time.

Mr. Feild announced that EPA will be holding two public meetings on November 18th. The first meeting is at Omaha South High School from 4 p.m. to 6 p.m. The second meeting will be at North Omaha High School from 7 p.m. to 9 p.m. Mr. Feild stated there will be a PowerPoint presentation and an opportunity for questions and answers.

Mr. Janssen stated that Senator Hagel will be sending a letter supporting the Mayor of Omaha in requesting an extension of the comment period.

Ms. Council asked if the CAG would also like to request an extension of the comment period. Ms. Barrientos-Patlan motioned that the CAG request a comment period extension of 30 days for public review of EPA's proposed plan. Mr. Waldren seconded the motion. The motion was unanimously approved (9-0).

Ms. Council stated that Conestoga-Rovers & Associates drafted questions and comments on EPA's proposed plan, as requested by a CAG electronic vote. Ms. Council asked if the CAG would like to go over the written comments today. Ms. Council stated that if the CAG prefers to review the comments later and vote electronically to submit comments to EPA, it might be difficult to meet EPA's December 1st deadline. Ms. Eastman asked if the CAG has time to go over the comments together today. Ms. Council answered that certainly the CAG could take the time to go through the comments. CAG members reviewed the questions and comments.

Ms. Council asked if there were any additions, revisions, questions, or comments regarding the comments on EPA's proposed plan or associated documents. Mr. McDermott noted a typo on page six: the word "date" should be replaced with "data." Dr. Pour asked if CRA has records of all the emails and statements referenced in the prepared comments. Ms. Rawley stated that Conestoga-Rovers & Associates has copies of all references and would be happy to provide those documents. Ms. Council suggested that all correspondence, including letters and emails, referred to in the comments be attached to the comments. Dr. Pour agreed.

Ms. Weston asked if any of the comments repeat the CAG's comments from the interim proposed plan or if the comments are specific to the final. Ms. Rawley replied that these comments are specific to the final proposed plan, but that since the documents are so similar the comments are similar to those submitted by the CAG on the interim proposed plan.

Ms. Weston asked Mr. Feild if the comments will be responded to individually or if the comments will be combined. Mr. Feild answered that comments would be combined with other like comments.

Dr. Pour motioned to submit the questions and comments to EPA, with the correspondence references attached. Ms. Eastman seconded the motion. The motion passed unanimously (10-0).

Ms. Council asked if Mr. Feild had any additional updates. Mr. Feild stated that soil replacement crews are still in the field. Mr. Feild reported that Prudent has completed 317 of 400 assigned properties for the season and Coastal Environmental has completed 284 of 400 properties.

Mr. Feild stated that paint stabilization will continue as long as the weather allows. Prudent and PEE are attempting to complete fifty or more stabilizations per week. Prudent has completed 490 properties so far this season, and PEE has completed 150 properties this season. Ms. Eastman asked if the goal is still to complete paint stabilization at 1,000 properties by the end of the year. Mr. Feild replied that the goal is to complete 1,000 properties by the end of the season. Ms. Weston asked for clarification on whether the goal of 1,000 paint stabilizations includes the paint stabilization work being performed by the City of Omaha. Mr. Feild replied that EPA has assigned 700 properties to Prudent and 300 properties to PEE. Mr. Feild stated that EPA is funding the City's work and will look collectively at the progress. Mr. Feild stated that EPA anticipates continuing the paint stabilization program next year. Mr. Feild added that this is contingent on the proposed plan being carried out in its current form.

Mr. Feild stated there are more houses to sample in the newly extended focus area of the OLS. Mr. Field reported that EPA is attempting to obtain access agreements at multiple properties to perform soil sampling and paint assessments.

Ms. Council asked Mr. Feild if it is true or not that there is a temperature at which painting is ill-advised. Mr. McMartin stated that the temperature level Sherwin Williams has recommended is as low as 35°F with specialty paints. Ms. Weston asked if there is a stipulation in the contract that 35°F is the limit at which painting must discontinue. Mr. Feild replied that there is no stipulation in EPA's performance work statement. Ms. Weston asked Mr. Feild if he could confirm that the work statement does not include a temperature requirement. Mr. Feild replied that he would review the performance work statement for said stipulation.

Status of Administrative Orders

Mr. Feild reported that EPA has not yet issued any administrative orders.

Other Discussion

Ms. Barrientos-Patlan stated that she received a letter and one email regarding soil replacement and paint stabilization. Ms. Barrientos-Patlan read the letter and email, which expressed the following concerns:

1. Concern over the transportation and disposal of contaminated soil to an Iowa landfill, and concern that this same soil is used as topsoil.
2. Concern over weed growth after sod placement.
3. Concern about paint stabilization during cold temperatures and where children are present.
4. Concern over the proximity of stockpiled contaminated soil to a local school at 29th and Taylor Streets.

Mr. Feild responded that soil is being used as daily cover, not final cover, at an Iowa landfill. Mr. Field stated that this means contaminated soil will be covered over within a short period of time and will not be continuously exposed to weathering. Mr. Feild also stated that ingestion is the primary source of exposure to children, as opposed to inhalation. Mr. Feild stated that elevated airborne lead concentrations have not been identified at soil staging areas. Ms. Barrientos-Patlan asked Mr. Feild to see if material being stored near Druid Hill School is of concern and to investigate other allegations in Iowa to see if these allegations are true. Mr. Feild stated that he would look into the issue and report back to the CAG. Ms. Barrientos-Patlan requested that copies of the aforementioned communication be included in the CAG package for the next CAG meeting.

Ms. Thompson asked Mr. Feild if the requirements put in place for contractors concerning soil quality and yard replacement are working. Ms. Thompson asked if there are methods EPA can take to ensure better quality results. Ms. Thompson cited complaints about workers not laying down plastic to collect paint chips and workers not wearing respirators. Ms. Thompson added that negative results do not occur all the time, but it is apparent in more than a few cases. Ms. Thompson suggested a need for contract language and enforcement to prevent corner-cutting by contractors. Mr. Feild responded that on a daily basis there is a lot of work in progress, which presents many opportunities for noncompliance with the performance work statement. Mr. Feild

added that there are three full time EPA workers devoted to following up with such issues. Mr. Feild stated that EPA makes every effort possible to respond to property owner complaints.

Dr. Brown asked how many complaints have resulted in the correction of an identified problem. Mr. Feild responded that EPA works with property owners to resolve issues. Dr. Brown asked if EPA tracks the numbers of complaints and resolutions. Mr. Feild answered he would find out the number of property owners complaints and the percentage of complaints that have been resolved and would report back to the CAG. Ms. Barrientos-Patlan asked if EPA could provide a monthly update on complaints. Mr. Feild responded that it is not always possible to categorize the difference between comments and complaints. Ms. Weston asked if it is EPA's policy that in every instance EPA works to resolve property owners' concerns. Mr. Feild stated that some property owners make unreasonable requests. Mr. Feild stated that EPA tries to work with all homeowners to resolve issues and complaints. Ms. Weston stated that her understanding is that EPA addresses all issues. Ms. Weston asked Mr. Feild if it would be fair to say that EPA resolves 90-95 % of complaints. Mr. Feild replied that the percentage resolved is higher than 90-95%. Mr. Feild suggested that only a handful of complaints are unresolved.

Ms. Weston stated that EPA sends out satisfaction surveys to property owners. Ms. Weston asked Mr. Feild what percentage of surveys is returned to EPA. Mr. Feild stated that the surveys are sent back to EPA and become public record. Ms. Weston asked Mr. Feild if he could provide copies of the customer satisfaction surveys. Mr. Feild responded that the surveys become available at the end of each season.

Ms. Weston asked about the large stockpiles of soil located on Lake Street between 24th and 25th Streets. Ms. Weston asked if the piles of soil have been tested and are safely stored. Mr. Feild answered that the distribution of lead in soil is limited to the extreme surface in yards. Mr. Feild also noted that the soil lead levels vary throughout a yard. Therefore, Mr. Feild stated that the concentration of lead in soil stockpiles is very low.

Ms. Council stated that EPA's homeowner satisfaction surveys do not prevent the problem of continuing poor work practices. Ms. Council asked if EPA staff could drive around to observe work practices at ongoing paint stabilization properties. Mr. Feild responded that EPA workers spend all day monitoring the performance of contractors. Mr. Feild stated that he does not direct day to day operations. Mr. Feild stated that the project officer and each contractor are responsible for ensuring compliance with lead-safe work practices.

Mr. Feild stated that employee protection is enforced by the Occupational Safety and Health Administration (OSHA). Ms. Council stated that if EPA's observes noncompliance with lead-safe work practices, the responsibility should not only fall to OSHA, but also to EPA as the offenders are violating EPA's contract. Ms. Council suggested that EPA should be terminating contracts if problems are ongoing with certain contractors. Mr. Feild responded that from a regulatory perspective, it is an issue between the employer and employee. Ms. Eastman suggested that if EPA trains and recommends lead-safe work practices, but does not follow through when performing work, EPA would not be sending a positive message to the community.

Mr. Feild stated that EPA ensures that work is performed utilizing lead-safe work practices as stipulated in EPA's performance work statement. Mr. Feild noted that the project officer and contract officer are highest responsible agents for such action by EPA. Mr. Feild stated that any action taken by EPA is taken by a project officer.

Ms. Weston stated that as a community representative she has been working on a documentary film about the Superfund site. Ms. Weston noted that very few of the citizens she has spoken to have had major complaints about the work being done. Ms. Weston stated that project managers are overseeing projects and have stopped work when necessary. Ms. Weston stated that contractors have adjusted to and corrected whatever mistakes a project manager has identified. Ms. Weston stated that project managers have terminated subcontractors. Ms. Weston stated that there are good feelings in the community about the work being done. Ms. Weston stated that the work is being completed at a high and conscientious level.

3. Zoo Sampling Report Summary

Mr. Feild stated that he received and reviewed the sampling report conducted by Terracon at the Omaha Henry Doorly Zoo. Mr. Feild noted that Terracon collected four samples from the zoo property and picnic areas. The lead concentrations in the soil samples ranged from 14.4 ppm (parts per million) to 65.2 ppm. Mr. Feild stated that these values are below EPA's action level. Mr. Feild noted that this report was not done by or for EPA; therefore, Mr. Feild stated that he could not comment on the impact of the results.

CAG members agreed to review the report and discuss any desired follow-up actions at the December CAG meeting.

4. OHKA Update

Ms. Eastman announced that OHKA has been awarded an EPA grant of \$250,000, to make homes lead-safe in zip code 68111. Ms. Eastman also announced that OHKA assisted New Community Development Corporation (NCDC) in applying for a U.S. Department of Housing and Urban Development (HUD) grant, which NCDC was awarded, to make 150-200 properties lead-safe. Ms. Eastman stated that OHKA will help administer the grant with NCDC.

Ms. Eastman introduced Mr. Ken Lyons, with NCDC. Mr. Lyons stated that NCDC would not have been able to acquire the grant without the help of OHKA. He stated that this is a great opportunity for the community. Mr. Lyons praised Ms. Eastman and Ms. Thompson for having the presence of mind to focus on an at risk area. Mr. Lyon noted that this zip code is besieged with high numbers of elevated blood lead levels. He stated that this grant will help with interior paint stabilization and window replacement, which are two areas of great concern in regards to lead dust.

Ms. Eastman stated that OHKA has hired AmeriCorps members for education and outreach efforts. Ms. Eastman stated that OHKA will provide updates on the progress of the AmeriCorps workers at CAG meetings in the future. She stated that OHKA is now in the process of hiring CLEARCorps members as well.

Ms. Barrientos-Patlan stated that there are local community volunteers that scrape and paint community houses. Ms. Barrientos-Patlan asked how to protect the volunteers. Ms. Thompson stated that Ms. Todd provides lead-safe work practices information for volunteer groups.

Education Committee Update

Mr. Waldren provided an update on Education Committee activities.

Mr. Waldren reported that the UNL Extension has met all benchmarks for their current HUD grant.

Mr. Waldren stated that the Education Committee is contemplating transitioning to a healthy homes approach.

Ms. Thompson stated that lead-safe work practices courses have been conducted outside of the courses provided by the City and UNL Extension. Ms. Thompson stated that there was a charge of \$50 per course. Ms. Thompson stated that in the future one must be approved by EPA to offer training. Ms. Thompson stated that if an individual is going to work on the Superfund site, that individual will have to take a course approved by EPA, under a future EPA rule.

Housing Committee Update

Ms. Todd stated that the Housing Committee did not meet yesterday because of the Veteran's Day holiday. She stated that the meeting will be held on November 18, 2008.

5. City Update

Ms. Todd announced that the City received an extension of its HUD Lead-Based Paint Hazard Control Grant.

Ms. Quaites-Ferris provided a status report on the nuisance and rental ordinances. Ms. Quaites-Ferris announced that the City decided to forgo pursuing the rental ordinance at this time and will only proceed with nuisance ordinance. Ms. Quaites-Ferris stated that if the ordinance passes the City will be able to treat lead hazards as a nuisance. She added that the ordinance will be complaint-driven, and that the City is not looking to penalize anyone. Ms. Quaites-Ferris stated that there is support from the Board of Realtors. She stated that the City Council is looking at placing the ordinance on the December 9, 2008 agenda. Ms. Quaites-Ferris stated that there will be an introductory hearing, then a public hearing, then it will be put up for a vote.

Ms. Casteel stated that she is aware of other states that have passed similar ordinances. She said she would follow-up and provide information to Ms. Quaites-Ferris.

6. Douglas County Health Department Update

Dr. Pour announced that 12 nursing students have completed a practicum through the health department. Dr. Pour stated that this is positive because it increases local healthcare provider knowledge.

Dr. Pour stated that testing through the Head Start program is still in discussion. Dr. Pour stated that the health department is looking to begin Head Start testing in early 2009.

Ms. Barrientos-Patlan asked Dr. Pour if there have been any recent incidents related to lead in Mexican candy. Dr. Pour stated that there have been no new incidents. Dr. Pour also stated that she does not know why there have been no new incidents; one reason could be if there is just less of the candy in circulation. Ms. Barrientos-Patlan asked if the health department has tested candy. Dr. Pour stated that the health department does not have funding for candy testing at this time. Dr. Pour stated that since the problem has to do with how candy is prepared and distributed, and with the ingredients used, the problem has to be addressed on a national level.

Ms. Barrientos-Patlan asked if the CAG should send a letters to Congress about the lead in candy issue. Ms. Thompson stated that California has tested and taken action regarding lead in Mexican candy. She stated that as a result of pressure, distributors changed how they produce the candy sold in California. Ms. Thompson stated that incidents have gone down because of this, but a concern is that since it was only one state that took action on this issue, contaminated candy may be shipped to other states. Ms. Thompson suggested reviewing California's research. Mr. Waldren added that The University of Nebraska and Omaha has tested candy and keys for lead.

Ms. Barrientos-Patlan asked about testing lead in water. Mr. Christensen stated that MUD (Metropolitan Utilities District) tests homes for lead in water, as required by federal law. Ms. Barrientos-Patlan asked if MUD would test water at the request of a resident for free. Mr. Christensen that MUD does not receive many requests for testing, and as long as MUD does not receive a high volume of requests, MUD would test residential water for free.

Ms. Castaneda asked Mr. Christensen if MUD currently has anybody going door to door offering testing. Mr. Christensen replied that MUD does not have a door-to-door testing program. Ms. Castaneda stated that someone contacted her to test the water in her home. Ms. Castaneda stated that the men implied they were associated with the City and MUD. When Mary asked for identification, she discovered the men were from a water filtration company running a scam. Mr. Lukash stated that he has had a similar experience. Ms. Council suggested that such incidences be reported to the Nebraska Consumer Protection Division and Better Business Bureau.

7. Other Group or Agency Updates

Ms. Casteel announced that she will no longer be regularly attending CAG or Education Committee meetings.

8. Grant Updates

None.

9. Questions and Answers

Ms. Council stated that the next CAG meeting will be on December 10, 2008. The location is to be announced.

Handouts:

Draft CAG Meeting Minutes from 10/08/08

Final CAG Meeting Minutes from 09/10/08

New Community Development Corporation Announcement (Provided by OHKA)

Grant Money to Help Reduce Lead Exposure in Northeast Omaha (Provided by CRA)

AmeriCorps/CLEARCorps Opportunity (Provided by OHKA)

Fact Sheet: EPA Announces Public Comment Period on the Proposed Plan (Provided by EPA)

Proposed Plan (Provided by EPA)

Draft Omaha Lead Site Final Remedial Investigation Report (Provided by EPA)

Draft Omaha Lead Site Feasibility Study (Provided by EPA)

Appendix M: Public Review Draft Baseline Human Health Risk Assessment (Provided by EPA)

Draft Final Lead-Based Paint Recontamination Study Report (Provided by EPA)

CD ROM of 2008 EPA Documents (Provided by CRA)

Number of Lead Contaminated Yards Continues to Climb in Omaha (Provided by CRA)

Omaha Henry Doorly Zoo Report (Provided by Mayor's Office)

Building Bright Futures: Community Action Plan (Provided by OHKA)

FAQs About the City of Omaha Proposed Ordinances to Reduce Childhood Lead Poisoning

Program Rule Effective Dates for Renovation, Repair, and Painting Program Rule (Provided by EPA)

Additional Information Under the Toxic Substance Control ACT (TSCA) Regarding Lead (Provided by EPA)

Office of Healthy Homes and Lead Control Grantee Quarterly Progress Report: Lead Hazard Reduction Demonstration (Provided by Marian Todd)

Office of Healthy Homes and Lead Hazard Control Grantee Quarterly Progress Report: Lead Hazard Control (Provided by Marian Todd)