

Community Advisory Group (CAG) for the Omaha Lead Site

Minutes for Meeting Held
Wednesday, November 14, 2007, 9:30 a.m.
North Omaha Boys and Girls Club
2610 Hamilton St.
Omaha, NE 68131

OLS CAG Members Present:

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*
Sue Casteel—*Agency for Toxic Substances and Disease Registry*
Brenda Council—*OLS CAG Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jim Dowding (Designee for Gary Gernandt)—*City Council Staff*
Bob Feild—*U.S. Environmental Protection Agency*
Dr. Adi Pour—*Douglas County Health Department*
Vicki Quaites-Ferris—*City of Omaha Mayor's Office*
Crystal Rhoades—*Neighborhood Center for Greater Omaha*
Ché Thompson (designee for Kara Eastman)—*Omaha Healthy Kids Alliance*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*University of Nebraska, Lincoln Extension*

Others Present:

Mary Castaneda—*EPA Information Offices*
Lelia Coyne—*Citizen*
Connie Determan—*MFG, Inc.*
Felisa Dillon—*ASW Associates*
Tiffany Frezell—*EPA Information Offices*
Amy Gibson—*Boys Town*
Tina Gray—*Lead Safe Omaha Coalition*
Laura Hardesty—*Cadmus Group*
Steve Jackson—*Office of Minority Health*
Louise Latimer—*Senator Ben Nelson's Office*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*U.S. Environmental Protection Agency*
Cheryl Weston—*Lead Safe Omaha Coalition*

1. Voting Restrictions

Ms. Council stated that, as requested by the CAG, a lawyer was consulted to obtain a legal opinion on the matter of CAG voting restrictions and membership. Ms. Council stated that Mr. Gary Gotsdiner, who assisted the Omaha Healthy Kids Alliance (OHKA) in filing for nonprofit incorporation, provided an opinion, which is reflected in the draft

voting language provided in the CAG meeting packet. Ms. Council stated that she asked Mr. Gotsdiner for simple language for a community group.

Ms. Council stated that when the CAG was originally formed, EPA guidance on CAGs was consulted. Ms. Council explained that the draft language for the vote follows what is set forth in EPA's guidelines.

The CAG reviewed the draft language.

Ms. Weston asked if it is proposed that EPA subcontractors not be voting members. Ms. Council replied that there has been a split of opinion about if there should be a distinction between voting and non-voting members or not. Ms. Council stated that the group needs to decide. Dr. Pour stated that it seems that being a CAG member means that you are a voting member. Mr. Waldren stated that certain members do not vote, but that is their individual choice.

Dr. Pour stated that she would like the CAG to be inclusive. Dr. Pour stated that she would like to talk about voting members and non-voting members. Ms. Council stated that if a distinction is made between voting and non-voting members, guidance would be needed to determine how a non-voting member could or could not participate in discussions.

Ms. Weston stated that this vote will only affect the Lead Safe Omaha Coalition (LSOC). Ms. Weston stated that LSOC entered into a contract to provide personnel, making this an issue. Ms. Weston stated that if an organization has been allowed to participate on the CAG for years and has always disclosed contractual relationships, that organization should be allowed to be a voting member. Ms. Weston stated that the CAG should not exclude local community groups from participating as members. Ms. Weston stated that it is insulting to remove a prominent organization from the CAG.

Ms. Council stated that she appreciated Ms. Weston's points. Ms. Council stated that the issue is whether or not an organization is being representative of the community. Ms. Council stated that other groups, such as the Latino Center of the Midlands, may soon face the same issue. Ms. Council reported that an individual present at the last CAG meeting was concerned about a community organization being a CAG member, when that organization is performing remedy work at the Omaha Lead Site. Ms. Council stated that the draft language addresses "remedy work."

Ms. Weston stated that she does not have a problem with other contractors or subcontractors becoming voting members. Ms. Weston stated that if a contractor is professional, he/she can follow conflict of interest guidance, and disclose pertinent information. Ms. Weston stated that she has always disclosed the work that LSOC performs.

Ms. Quaites-Ferris expressed a concern in opening membership to vendors at this point, knowing that vendors have been excluded from participation since the creation of the

CAG. Ms. Barrientos-Patlan suggested defining members versus voting members. Ms. Thompson stated that CAG membership should be the same as it has been from the start. Ms. Thompson stated that contractors should be allowed to attend CAG meetings, but not to vote.

Dr. Pour suggested that time be allotted for anyone, member or not, to speak at the end of each agenda item and before a vote during meetings. Ms. Barrientos-Patlan noted that EPA does not want contractors to speak for EPA. Ms. Council stated that that decision was EPA's, not the CAG's.

Ms. Weston stated that if the resolution passes, LSOC would not be a CAG member, but nothing would exclude Ms. Weston from participating as a citizen. CAG members replied that such participation would be a conflict of interest. Ms. Barrientos-Patlan stated that she was in a similar position at one time. Ms. Barrientos-Patlan stated that she stepped down from the CAG, when she was working for an EPA subcontractor. Ms. Barrientos-Patlan explained that she knew she was in a conflict position, and because she was receiving money, could not voice her opinion as a community leader. Ms. Weston stated that she could separate herself as a citizen on the CAG from her other role as a subcontractor for EPA.

Ms. Barrientos-Patlan stated she received a phone call from a North Omaha community member regarding LSOC. Ms. Barrientos-Patlan stated that there is community concern that because Ms. Weston is receiving money through LSOC's subcontract with EPA, Ms. Weston may not be able to stick up for the community, when serving on the CAG. Ms. Barrientos-Patlan stated that she does not want to see Ms. Weston's integrity tarnished because of her continued participation on the CAG. Ms. Weston stated that the individuals who contacted Ms. Barrientos-Patlan are not representing the facts. Ms. Weston stated that it does not matter what others say because she knows she has integrity. Ms. Weston stated that she stands up for her community.

Mr. Feild stated that most people on the CAG are receiving funding. Mr. Feild stated that he does not understand the distinction between for-profit and other entities. Mr. Feild stated that every member of the CAG has potential conflicts and can recuse themselves for participating in discussion on certain items. Ms. Council stated that the issue is not that simple. Ms. Council stated that the CAG needs to consider how it is viewed from within and outside itself. Ms. Council stated that the CAG needs to be focused on the integrity of the CAG.

Mr. Davis suggested that each CAG member provide a brief written description of what their associated organization is and what financial stake they may have in this project. Ms. Thompson stated that there is a difference between for-profit entities and other CAG members. Mr. Davis agreed that there is a large difference, but added that the information would still be useful.

Mr. Sanders suggested that a committee be formed to deal with the conflict of interest issue.

Ms. Dillon suggested that there is a distinction between subcontractors performing remedial work and groups that provide a variety of services. Ms. Weston stated that that is a good distinction. Ms. Weston asked if the distinction could be remedial action work versus non-remedial action work. Ms. Weston replied that such a distinction makes sense. Mr. Feild stated that EPA makes its own distinction based on the source of funding, e.g. remedial action dollars versus other dollars.

Dr. Pour stated that it is important for the CAG to be a credible body in the eyes of the community. Dr. Pour asked if the perception is that CAG members have an unfair advantage in obtaining jobs related to the Omaha Lead Site. Ms. Council replied that that perception exists in the community. Dr. Pour asked how to address that perception. Ms. Council stated that the CAG has done a remarkable job of being representative of the community. Ms. Council stated that, recently, she has been receiving calls to the contrary and is concerned. Ms. Council stated that the CAG is the community's organization, and this issue needs to be addressed.

Ms. Rhoades motioned to approve the draft language with a revision to #5 to add that time be allotted for anyone, member or not, to speak at the end of each agenda item and before a vote during meetings. Ms. Thompson seconded the motion. Ms. Todd clarified that contractors hired by the City to perform Omaha Lead Site work would not be permitted to be members. It was also clarified that if a non-profit entity becomes a remedy vendor, that entity would no longer be a CAG member. The motion was unanimously passed (9-0).

2. Discussion on Minutes from the October 10th Meeting

Ms. Council asked for corrections or additions to the draft CAG minutes from October 10, 2007. Mr. Feild stated that "certificate of occupancy" should be deleted from the EPA Update discussion. Mr. Waldren motioned to approve the minutes with Mr. Feild's correction. Dr. Pour seconded the motion. The motion unanimously passed (9-0).

3. EPA Update

Contracting

Mr. Feild reported that the Request for Proposals to obtain access to properties was re-advertised. Mr. Feild stated that the second bid period closed last Friday, and proposals are under review.

Dust Sampling

Mr. Feild reported that EPA is collecting data for the final Risk Assessment. The data will be used to determine a final cleanup level. Mr. Feild stated that the initial Risk Assessment indicated that a cleanup level should perhaps be set below 400 ppm. Mr. Feild stated that EPA is collecting soil, dust, and tap water at 120 homes. Mr. Feild reported that, thus far, EPA has collected this data at 70 of the 120 homes. Mr. Feild stated that the data will be used to generate a relationship between lead in soil and indoor

dust. Ms. Council asked if a work plan is available. Mr. Feild replied that he would provide a copy of the work plan to the CAG.

Sod Maintenance

Mr. Feild reported that EPA is responsible for maintaining sod at a property for 30 days, not for 90 days. Mr. Feild stated that sod is more cost-effective than seed because sod requires less watering than seed. Ms. Determan reminded Mr. Feild that Councilmember Frank Brown requested that EPA update the city council on the maintenance of vacant properties. Mr. Feild stated that he would update the city council.

Contractor Trucks

Mr. Feild reported that he reinforced to the contractors that truck beds must be covered at all times when hauling clean or contaminated soil. Mr. Feild stated that the U.S. Department of Transportation requires covering as well. Mr. Davis added that local and state agencies also require the trucks to be covered.

Ms. Thompson asked what would happen if a complaint were made to EPA about uncovered trucks. Mr. Feild replied that he would contact the EPA person who oversees that contractor. Ms. Thompson asked if those contractors could be fined. Mr. Feild stated that EPA would not fine the contractors, but other agencies may have the authority to issue fines.

Ms. Thompson expressed concern that this is a reoccurring issue. Mr. Feild stated that the contractors have told EPA that they are covering their trucks. Ms. Council suggested contacting the Omaha Police Department to follow-up on applicable city ordinances.

Community Telecast Report

Mr. Feild stated that EPA has been unable to find the final Community Telecast report.

Ms. Thompson noted that a budget was not included in the telecast work plan provided by EPA. Mr. Feild stated that he was initially unsure if that information could be provided, but has confirmed with EPA's legal department that the budget information can be released. Mr. Feild stated that he would provide the budget to the CAG.

Recontamination Study

Mr. Feild reported that the recontamination study work plan is not yet available.

Omaha Zoo

Mr. Feild stated that he has left multiple messages for the assistant director of the zoo and has not heard back.

Ms. Barrientos-Patlan stated that the Gorilla Valley area that was sampled is a very small portion of the zoo. Ms. Barrientos-Patlan stated that soil was brought into different areas of the zoo over time. Ms. Barrientos-Patlan stated that the CAG requested that the zoo be tested, not just Gorilla Valley. Ms. Barrientos-Patlan stated that the zoo is a large attraction and that she wants the children visiting the zoo to be safe. Mr. Feild stated that

he would ask the zoo if they would be willing to have the zoo sampled. Mr. Davis explained that the City owns the property and leases it to the zoo. Ms. Quaites-Ferris asked if the whole zoo should be sampled or just bare areas. Ms. Barrientos-Patlan stated that areas where children go should be sampled. The CAG agreed that areas where children congregate (e.g., picnic areas) should be sampled.

Other

Mr. Feild stated that EPA has not completed its contracting strategy for next year.

Ms. Barrientos-Patlan stated that the PM-10 air monitor was moved from the area of 25th and I Streets during construction of I-80 and the Kennedy Freeway. Ms. Barrientos-Patlan stated that homes were located where the Kennedy Freeway is now. Ms. Barrientos-Patlan stated that she is concerned about lead in that area from the old homes.

Ms. Barrientos-Patlan stated that she is concerned that moving the monitor to the Kennedy Freeway has left the community unprotected. Ms. Barrientos-Patlan asked if EPA could recommend placing a monitor back in the community in a residential area. Dr. Pour stated that the monitor had to be moved and was relocated to a more “downtown-type” area, where more people are living. Ms. Council asked if the Nebraska Department of Environmental Quality could assist with this concern. Mr. Davis replied that the City of Omaha monitors air quality and could be contacted.

Mr. Feild stated that EPA may hold a media event to announce the completion of soil replacements at 1,000 properties this year. Mr. Feild stated that any press releases would be provided to the CAG.

4. Boys Town Grant

Ms. Gibson stated that Boys Town Pediatrics received a grant from EPA in August. Ms. Gibson stated that the grant provides funding to improve the quality of pediatric care through small, incremental changes. Ms. Gibson stated that Boys Town Pediatrics has partnered with the Douglas County Health Department to target three practices. Ms. Gibson stated that resources have provided for lead testing to be performed in-house at the clinics. Ms. Gibson reported that since the lead testing has started to be performed in-house, Boys Town Pediatrics has screened more kids than all of last year. Ms. Gibson stated that the grant is for two years and also includes lead testing of all Boys Town village children up to the age of 18. Ms. Gibson stated that the data collected at Boys Town village will be used to examine the role of lead in behavioral issues.

Dr. Pour asked if Boys Town village properties have been tested for lead-based paint. Ms. Gibson stated that she did not know, but noted that the properties are well-maintained. Dr. Pour asked if there is an onsite daycare. Ms. Gibson replied that a daycare is not located onsite.

5. OHKA Update

Ms. Thompson provided an update on OHKA activities. Ms. Thompson reported that OHKA began running a television commercial during lead week, which will run for three months. Ms. Thompson reported that an Angie's List event was held in Omaha. Ms. Thompson stated that although the event did not draw the desired participation, it was a good opportunity for META trainers to interact with the Douglas County Health Department. Ms. Thompson reported that several OHKA board members toured lead programs in Grand Rapids, Michigan. Ms. Thompson stated that the board members were impressed with a program known as "Lighthouse," which is a nonprofit organization that provides rehabilitation of housing, focusing on primary prevention. Ms. Thompson stated that OHKA would like to look into partnering with a similar organization in Omaha. Ms. Council noted that the Douglas County Health Department is doing an excellent job in comparison to the health department at Grand Rapids. Ms. Council stated that the Douglas County Health Department provides case management for children with blood lead levels at or above 10 µg/dL, while Grand Rapids provides case management at 20 µg/dL and above.

Housing Committee

Ms. Todd provided a report on the recent OHKA Housing Committee meeting. Ms. Todd stated that the committee talked with EPA in detail about access issues and the risk assessment data collection work. Ms. Todd stated that the committee also discussed interim controls that may be selected for the final Record of Decision. Ms. Todd stated that the committee is looking into lead-safe registries and is pursuing talking with the City about providing lead notification requirements to remodelers that obtain permits. Ms. Todd stated that the next committee meeting will be in January.

Education Committee

Mr. Waldren reported on OHKA Education Committee activities. Mr. Waldren stated that Ms. Todd assisted in facilitating lead-safe work practices training this month. Mr. Waldren stated that three of the trainees will provide future training sessions in Spanish. Mr. Waldren reported that Mr. Rick Reibstein trained realtors and spoke with Creighton law students last month. Mr. Waldren stated that evaluations of those sessions would be provided to the CAG. Mr. Waldren stated that Mr. Reibstein received positive responses. Mr. Waldren stated that Mr. Reibstein also spoke with the newly-formed Continuum of Housing Repair. Mr. Waldren stated that that group is now considering changing their name to the Continuum of Healthy Housing. Mr. Waldren stated that the committee is working with the UNO service-learning academy to develop projects for students related to lead. Mr. Waldren reported that Omaha's lead hotline continues to receive many calls. Mr. Waldren noted that the next Education Committee meeting will be on December 11, 2007.

6. LSOC Update

No update.

7. City Update

No update.

8. NDEQ Update

No update.

9. Other Agency Updates

None.

10. Grants Updates

None.

11. Questions and Answers

None.

Handouts Provided for the Meeting (November 14, 2007):

Draft CAG Meeting Minutes from 10/10/07

Draft Language for CAG Vote on Membership and Conflict of Interest

Final CAG Meeting Minutes from 09/12/07

Douglas County Health Department EPA Region VII Grant Proposal (Provided by Reid Steinkraus)

Community Telecast Inc. and Lead Safe Omaha Coalition Work Plan (Provided by EPA)

Lead Safe Omaha Coalition Service Learning Project Report (Provided by Cheryl Weston)

Lead Screening Report, Henry Doorly Zoo (Provided by EPA)

City of Omaha Lead Hazard Control Grantee Quarterly Progress Report (Provided by Marian Todd)

Institutional Controls (Provided by MFG, Inc.)

National Children's Study Information (Provided by MFG, Inc.)

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

Mentored Quantitative Research Development Award Grant (Provided by MFG, Inc.)

"Made in the U.S.A." Stages a Comeback (Provided by MFG, Inc.)

Children Receive \$2.5 Million in Record Lead Settlements (Provided by MFG, Inc.)

EPA Tests Inside Homes in Lead Cleanup Program (Provided by MFG, Inc.)

CPSC Staff Study: Home Lead Test Kits Unreliable (Provided by MFG, Inc.)

Senator Clinton Introduces Legislation to Improve Government Response to Lead Poisoning (Provided by MFG, Inc.)

Senate Panel Approves Beefing Up Safety Agency (Provided by MFG, Inc.)

For Many Kids, Lead Threat is Right in Their Own Homes (Provided by MFG, Inc.)

Disposal and Murky Issue in Recall of Lead-Tainted Items (Provided by MFG, Inc.)

EPA Honors 10 Exceptional Efforts to Protect Children (Provided by MFG, Inc.)

A Poison Kiss: The Problem of Lead in Lipstick (Provided by MFG, Inc.)

National Primary Drinking Water Regulations for Lead and Copper (Provided by MFG, Inc.)

Review of National Ambient Air Quality Standards for Lead (Provided by MFG, Inc.)

Testing for Lead in Consumer Items for Children (Provided by MFG, Inc.)

Children's Environmental Health 2007 Highlights (Provided by MFG, Inc.)

News from CPSC, Recalls (Provided by MFG, Inc.)