

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

Minutes for Meeting Held  
**Wednesday, December 8, 2004, 9:30 a.m.**  
Omaha Public Schools TAC Building  
3215 Cuming Street  
Room 5062

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**OLS CAG Members Present:**

Janet Bohm—*Citizen at Large*  
Dr. Richard Brown—*Charles Drew Health Center*  
Brenda Council—*Facilitator*  
Todd Davis—*Nebraska Department of Environmental Quality*  
Jonah Deppe—*Citizen at Large*  
Connie Determan—*MFG, Inc.*  
Barba Edwards—*League of Women Voters*  
Bob Feild—*Environmental Protection Agency*  
Clifton Jones—*U.S. Department of Housing and Urban Development*  
Jeff McDermott—*Union Pacific Railroad*  
Chris Rodgers—*Mayor's Office*  
Marian Todd—*City of Omaha Planning Department*  
Rebecca Valdez—*Chicano Awareness Center*  
Cammy Watkins—*Sierra Club*  
Cheryl Weston—*Lead Safe Omaha Coalition*

**Others Present:**

Sue Casteel—*ATSDR*  
Joel Christensen—*MUD*  
Todd Crawford—*Senator Chuck Hagel's Office*  
Karen Davis—*Congressman Lee Terry's Office*  
Todd Falter—*NHHS*  
Sonny Foster—*Senator Ben Nelson's Office*  
Nancy Gaarder—*Omaha World-Herald*  
Scott Keep—*MUD*  
Stacy Meacham—*MFG, Inc.*  
Jennifer Rawley—*MFG, Inc.*  
Reid Steinkraus—*Douglas County Health Department*  
Warren Weaver (proxy for Councilmen Gernandt and Brown)—*City of Omaha*

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Ms. Council introduced Mr. Keep and Mr. Christensen from Metropolitan Utilities District (MUD).

Ms. Council asked for any corrections or additions to the minutes from the CAG meeting on November 10, 2004. Mr. Feild stated that rather than suggesting changes to the minutes, he would prefer to clarify some statements during the time allotted for an EPA update. Ms. Edwards motioned to approve the minutes as drafted. Mr. Weaver seconded the motion. The motion unanimously passed (10-0).

Mr. Feild provided an update on EPA activities pertaining to yard sampling and removal. Mr. Feild provided and discussed a handout regarding the update on soil removals.

Mr. Feild stated that EPA expects to release the Interim Record of Decision on December 10<sup>th</sup> or by early next week.

Mr. Feild, referring to a discussion during the November 10, 2004 CAG meeting, stated that collaboration does exist between EPA and the Douglas County Health Department (DCHD). Mr. Feild stated that the DCHD provides EPA with a list of children with elevated blood lead levels. Mr. Feild stated that EPA samples the soil at the properties where children with elevated blood lead levels reside and prioritizes those properties for sampling and remediation. Mr. Feild stated that EPA hopes to increase collaboration as EPA moves towards a comprehensive approach.

Mr. Feild stated that, in reference to the State's cost share supporting a 501(3)(c), the State could only be reimbursed for administration costs. Mr. Feild stated that the State could not receive credit for activities that EPA cannot fund.

Mr. Feild stated that the grant awarded to St. Louis was competitively awarded and listed in the Federal Register on September 22, 2004 (Volume 69, No. 183, Page 56754). Mr. Feild stated that the grant had eligibility restrictions and was only open to state governments or tribal organizations. Mr. Feild stated that the Missouri Department of Natural Resources partnered with the City of St. Louis for the grant.

Mr. Feild reminded CAG members that proposals for EPA target grants are due January 31, 2005. He stated that \$750,000 is available and will be awarded in grants ranging in value between \$25,000 and \$100,000 each.

Ms. Weston stated that the relationship between EPA and the DCHD, as described by Mr. Feild, does not qualify as "collaboration."

Mr. Feild asked Mr. Steinkraus to elaborate on the relationship between EPA and the DCHD. Mr. Steinkraus stated that the DCHD provides a list of elevated blood lead levels at least four times a year to EPA. Mr. Steinkraus added that approximately every three months, EPA provides the DCHD with soil cleanup data, which is entered into a database. Mr. Steinkraus stated that volunteers from the Methodist School of Nursing contact residents where cleanups have been completed to see if children have been tested for lead.

Ms. Weston asked if there are efforts made to make sure that homes with children (without elevated blood lead levels) are remediated before homes without children present or visiting. Mr. Feild replied that at this point, prioritization is only given to homes with children with elevated blood lead levels. Mr. Feild added that EPA does not receive information stating whether or not a child resides at the property. Mr. Feild stated that after the Record of Decision is in place, EPA would develop a plan to address this concern. Mr. Feild stated that EPA would return to properties to determine if children reside at the properties.

Ms. Weston stated that whether or not a child lives at a residence is indicated on EPA's access agreement form. Mr. Feild stated that if that information exists, it has not been used at this time.

Ms. Weston asked if EPA could directly provide administrative support to a 501(3)(c) organization. Mr. Feild indicated that administrative support could be directly provided through the Office of External Programs. Mr. Feild stated that questions regarding the types of services this office could provide should be directed to Debbie Kring.

Ms. Deppe asked if EPA could coordinate soil removals with paint remediation on the exterior of homes. Mr. Feild stated that EPA could not do such coordination at this time. Mr. Feild stated that this is why EPA is anxious to release the Record of Decision.

Ms. Deppe encouraged any organizations or agencies considering applying for an EPA targeted grant to meet to coordinate efforts.

Ms. Council stated that at the last CAG meeting Dr. Pour was concerned about homes currently assigned for excavation. Ms. Council stated that Dr. Pour was asking for those addresses to be provided to the DCHD to determine if any children living in those residences have been screened for lead. Ms. Council asked why those addresses could not be provided to the DCHD at this time. Mr. Feild replied that the U.S. Army Corps of Engineers (USACE) is proceeding with the soil removals and does not provide EPA with information about the properties. Mr. Feild stated that it would be inappropriate to contact residents before they are scheduled for excavation.

Mr. Foster asked why USACE is not reporting their activities to EPA under the contract. Mr. Feild stated that USACE does not provide EPA with information on a routine basis. Mr. Foster asked if the USACE would notify the public of how many excavations have been completed. Mr. Feild stated that Mr. Foster would have to direct his inquiries to the USACE. Mr. Feild added that to his knowledge, none of the 315 properties assigned to USACE have been completed at this time. Mr. Foster asked when the USACE would begin excavating. Mr. Feild stated that the USACE is contracted to begin between now and next June. Mr. Foster asked if the work must be completed by June. Mr. Feild confirmed that the work must be completed by June 15, 2005. Ms. Weston stated that one contractor has begun excavation.

Ms. Deppe stated that it is negligence on the part of EPA to not inform residences and the DCHD of high levels of lead where it is known that children reside. Mr. Feild stated that EPA has notified residents of their sampling results. Mr. Feild stated that the USACE should contact the homeowners for access before the DCHD contacts the family. Ms. Deppe stated that EPA could let families know that children should be tested if high levels of lead are found in the soil. Mr. Feild stated that he thinks the letter sent to homeowners with sampling results includes the recommendation that children be tested for lead. Ms. Deppe stated that the message should be highlighted.

Ms. Weston stated that at an EPA public meeting held to discuss the Proposed Plan, residents were upset because they did not know when their yards would be excavated. Ms. Weston asked if the residents, whose yards will be excavated under the USACE contract, are aware that their yards will be excavated. Mr. Feild stated that the residents are aware that their yards will be excavated, but are not notified of when until the USACE gains access to the property.

Ms. Weston stated that EPA should take the initiative and send a letter to residents encouraging blood lead testing. Mr. Feild stated that he would bring the current sample result letter to the next CAG meeting. Ms. Weston stated that EPA could develop a letter that lets the resident know they are going to be scheduled for excavation within a certain time frame and should have any children under seven tested for lead. Mr. Feild stated that EPA is sampling thousands of properties, and to prevent errors, is only sending one notification letter to transmit sample results to homeowners. Ms. Weston asked if EPA could do something for the 315 families scheduled for yard removal. Ms. Council suggested that EPA send a letter as described by Ms. Weston, advising lead screening for children and notifying property owners that their yards will be excavated sometime between now and June 2005.

Ms. Bohm agreed with this approach and stated that it would be helpful to send a letter in advance of the attempts to gain access. Ms. Bohm noted that she received her sampling results from EPA one and half years ago and she thought that sending a new letter would help prepare residents and make them aware of the situation so they will be more receptive to allowing access. Ms. Bohm stated that the DCHD should be involved and families should be encouraged to have their children tested for lead. Ms. Bohm stated that it would not take much effort to draft a short letter. Mr. Feild stated that he would see if EPA could move forward with drafting a letter, as suggested.

Ms. Watkins asked if ATSDR could be involved. Ms. Casteel stated that ATSDR could develop a flyer.

Dr. Brown stated that he would like to hear from EPA at the next meeting that letters have gone out to residents. Mr. Feild stated that he cannot do that, but will work towards the goal of sending out letters encouraging testing. Mr. Feild stated that he would work with ATSDR. Dr. Brown stated that a letter could be completed and mailed by the next meeting. Ms. Deppe suggested that Ms. Bohm or another community member look over the letter. Ms. Weston stated that anyone interested in helping with the letter could meet

in the next two days. Ms. Casteel stated that she agreed and that a draft letter could be put together by the next meeting. Dr. Brown stated that the CAG does not need to look at a draft. Dr. Brown stated that the CAG wants EPA to report at the next meeting that the letter has been written and sent. Ms. Council stated that the letter would be developed for future use, reminding EPA that under the current Proposed Plan, 5,600 properties will potentially be excavated. Ms. Valdez suggested notifying health providers that such a letter will be sent out. Ms. Weston suggested that the Education Subcommittee help coordinate the broader approach.

Ms. Deppe asked EPA what the percentage of excavated home with children without elevated blood lead levels is. Mr. Feild stated that he did not know.

Mr. Davis provided an update on NDEQ activities. Mr. Davis stated that NDEQ received a draft of the Interim Record of Decision on Monday and is trying to review the document by Friday.

Ms. Council asked for a volunteer to chair the Contracting Subcommittee. No volunteers were identified. Ms. Council stated that she would work to identify someone for the position.

Ms. Determan stated that because Dr. Polk-Primm and Mr. Waldren could not be at today's meeting, she would provide an update on the Education Subcommittee. Ms. Determan stated that draft minutes were provided for the subcommittee's last meeting. Ms. Determan stated that a large education campaign would begin this spring. Ms. Determan stated that the State's childhood strategic elimination plan has been completed and will be distributed to the CAG. Ms. Determan announced that the next Education Subcommittee meeting would be held on January 18, 2004.

Ms. Council stated that a debriefing meeting was held to discuss the denial of the City's HUD grant proposal. Ms. Todd stated that the meeting was discouraging. Ms. Todd stated that the evaluators demonstrated a weakness in their understanding of what was written in the proposal. Ms. Todd stated that need was based on the number of children with elevated blood lead levels. Ms. Todd stated that the evaluators did not consider the collaboration with Omaha Lead Site activities. Ms. Todd stated that the evaluators felt the number of inspections proposed was too low, not considering that the City determines eligibility before an inspection. Ms. Todd stated that she does not expect a change to occur with the proposal because money has already been allocated to recipients.

Ms. Council stated that she was encouraged that everyone agreed that the City should challenge the grant decision. Ms. Council stated that the City did not receive any points for being a Superfund site. Ms. Council stated that Omaha does not have the number of children with elevated blood lead levels and pre-1978 homes to win the grants. Ms. Council added that St. Louis, due to more congressional influence, received three grants. Ms. Davis stated that Congressman Terry and Senator Hagel are working on a letter regarding the issue. Mr. Foster stated that Senator Nelson would also like to be involved.

Mr. Davis asked if the City requested the scoring criteria in advance. Ms. Todd stated that the criteria and scoring were described in the Notice of Funding Availability (NOFA).

Mr. Falter stated that HUD called him and stated that they were looking for a way to funnel money to Omaha through the State. Mr. Falter stated, however, that funds are obligated to rural areas.

Ms. Todd stated that Ms. Paula Staley from Atlanta had informed her that an old program for HUD and Superfund sites exists, but is currently unfunded. Ms. Casteel stated that she would contact Ms. Staley to find out about the program.

Ms. Rawley summarized the Western Regional Conference she attended in November. A summary handout was provided.

Mr. Christensen stated that in response to the CAG's letter, MUD would perform additional water testing for lead. Mr. Christensen suggested taking six samples first, then taking additional "for cause" samples. Mr. Christensen stated that the CAG could select the sites where samples are taken. Mr. Christensen stated that tests are normally performed in the summer, according to a requirement of the Lead and Copper Rule. Ms. Weston asked if residents could contact MUD to request a test. Mr. Christensen stated that there is a limit to the number of homes that MUD can test. Mr. Christensen stated that if there were cause, such as a child with an elevated blood lead level, MUD would test the water. Mr. Feild asked what the capacity of MUD's lab is. Mr. Keep replied that the samples would likely be sent to the State lab.

Ms. Council announced that an article about the Lead Safe Omaha Coalition's (LSOC) lack of funding had appeared in the Omaha World-Herald. Ms. Weston stated that LSOC is currently funded by private donations. Ms. Weston stated that LSOC would be working with one of the USACE contractors in January, to assist with public relations. Mr. Foster stated that he thought LSOC appeared on the lists of both Corps contractors. Ms. Weston stated that both contractors in their proposals listed LSOC and others as subcontractors, but LSOC was only actually contacted by one.

Ms. Council asked if not following through with the subcontracts as listed in the proposal would affect the contract. Mr. Feild stated that the proposal only listed "potential subcontractors." Mr. Foster stated that with this approach, contractors could have simply gone through the phone book and listed all the local business in their proposals without actually needing to contact any of them. He asked how the subcontract lists were evaluated in terms of making final selections for the contracts. Mr. Feild stated that the USACE should respond to questions about the contract selections.

Ms. Davis stated that it seemed fraudulent for the Corps to select contractors based on proposals that list specific subcontractors with which agreements have not been made. She noted that typical contracting practice is to have agreements in place between all

parties listed in the proposal; not to try and make such agreements after the contract is awarded. Mr. Feild reiterated that the USACE would need to respond to questions about the contracts and the selection process. Ms. Council stated that the USACE would be invited to the next CAG meeting to respond to these questions.

Mr. Feild stated that contractors would receive incentives for using local subcontractors. Ms. Council asked how EPA would rate the contractors, if EPA were not involved. Mr. Feild stated that he is not involved with the administration, but that in the past, EPA ratings have been based on the number of complaints received.

The CAG agreed to meet on Wednesday, January 12, 2004 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (December 8, 2004):

*Draft Minutes from 11/10/04 (Provided by MFG, Inc.)*

*Approved Minutes from 10/13/04 (Provided by MFG, Inc.)*

*Letter to HUD regarding Omaha's grant proposal*

*Letter to MUD requesting additional water sampling within the Omaha Lead Site*

*HUD Admits Staff Never Read Most Grant Applications (Provided by MFG, Inc.)*

*Final Report to Eliminate Childhood Lead Poisoning Presented to Governor Granholm (Provided by Ms. Deppe)*

*Summary of HUD Healthy Homes Grant Number OHLHR 0063-99, Evaluation of Exterior Lead Reduction and Control Methods, March 2004*

*Appeals Court Reinstates Milwaukee Lead Paint Suit (Provided by MFG, Inc.)*

*Lead Safe L.A. 2010 (Provided by MFG, Inc.)*

*Federal Funding Matrix (Provided by MFG, Inc.)*

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)