

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

Minutes for Meeting Held  
Wednesday, December 14, 2005, 9:30 a.m.  
Omaha Small Business Network  
2505 N. 24<sup>th</sup> Street  
Omaha, NE 68110

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**OLS CAG Members Present:**

Rebecca Barrientos-Patlan—*Burlington Road Neighborhood Association*  
Janet Bohm—*Citizen at Large*  
Richard Brown—*Charles Drew Health Center*  
Sue Casteel—*Agency for Toxic Substances and Disease Registry*  
Brenda Council—*Facilitator*  
Todd Davis—*Nebraska Department of Environmental Quality*  
Jonah Deppe—*League of Women Voters*  
Jim Dowding (Designee for Councilmen Gernandt and Brown)—*City of Omaha*  
Nick Flattery—*OneWorld Community Health Centers*  
Bob Feild—*Environmental Protection Agency*  
Mark Kirchhoff (Designee for Violet Iluebbey)—*International Family Center*  
Jeff McDermott—*Union Pacific Railroad*  
Marilyn McGary—*Urban League of Nebraska*  
Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*  
Reid Steinkraus (Designee for Dr. Adi Pour)—*Douglas County Health Department*  
Marian Todd—*City of Omaha Planning Department*  
José Villegas—*Chicano Awareness Center*  
Cammy Watkins—*Sierra Club*  
Cheryl Weston—*Lead Safe Omaha Coalition*

**Others Present:**

Holly Alexander—*Citizen*  
Lelia Coyne—*Citizen*  
Todd Crawford—*Senator Hagel's Office*  
Felisa Dillon—*ASW*  
Connie Determan—*MFG, Inc.*  
Elton Foster—*Citizen*  
Nancy Gaarder—*Omaha-World Herald*  
Ayesha Graves—*City of Omaha*  
Damien Jenkins—*Citizen*  
Stacy Meacham—*MFG, Inc.*  
Jennifer Rawley—*MFG, Inc.*  
Richard Sanders—*Agency for Toxic Substances and Disease Registry*  
Steve Sanders—*Environmental Protection Agency*

**1. Discussion on Minutes from the November 9, 2005 Meeting**

Ms. Council asked for any corrections or additions to the minutes from the November 9, 2005 meeting. Ms. Barrientos-Patlan stated that her name was misspelled. Ms. Deppe motioned to approve the minutes with the spelling correction. Ms. Weston seconded the motion. The motion unanimously passed (11-0).

**2. City HUD Grant Update—Marian Todd**

Ms. Todd provided an update on the City's HUD grant. Ms. Todd stated that the grant agreement has been signed. Ms. Todd stated that she expects to be distributing brochures regarding the City's program in January. Ms. Todd stated that she began recording in-kind time November 1<sup>st</sup>, 2005. Ms. Todd stated that at each CAG meeting she would distribute a form for individuals to sign to record in-kind time. Ms. Todd stated that quarterly reports must be submitted with the in-kind hours. Ms. Todd requested that recorded hours from organizations performing education and outreach activities be returned to her by the last week of January. Ms. Todd added that time being used for other grants does count, but time from Douglas County and the State cannot be counted.

Ms. Weston asked whom contractors should call to request information. Ms. Todd stated that contractors may call her for application packets.

**3. EPA Update**

Mr. Feild provided an update on EPA activities. Mr. Feild stated that, regarding concerns with backfilling, EPA has made significant progress. Mr. Feild stated that the number of yards removed, but not backfilled, has been reduced from 71 to 18, since the last CAG meeting. Mr. Feild stated that sod could not be transported at 25 degrees and below.

Mr. Feild reported on questions asked at the last CAG meeting regarding arsenic in soil. Mr. Feild stated that Superfund money could not be spent on arsenic because the arsenic appears to be from past pesticide usage versus a Superfund source, and Superfund money cannot be used on consumer product contamination. Mr. Feild stated that EPA has no response authority to address arsenic and there are no federal programs at EPA to deal with the problem. Mr. Feild stated that ATSDR is working with affected homeowners to provide health education regarding arsenic.

Ms. Barrientos-Patlan provided pictures of EPA's staging site located in South Omaha and asked if, in the future, certification by the City could be required for staging sites near residences. Mr. Feild stated that EPA could not create a city program to require permits. Mr. Feild stated that EPA is committed to including language in future contracts

requiring a public involvement process to notify neighbors and provide an opportunity for neighbors to ask questions regarding staging sites.

#### **4. City Staging Area Approval Process**

Mr. Dowding reported on the City permit process. Mr. Dowding stated that a specific permit for staging areas could not be issued. Mr. Dowding stated that coordination has occurred with the City and that it is a Public Works issue. Mr. Dowding stated that no specific permit exists that would pertain to staging sites. Ms. Barrientos-Patlan asked if an ordinance could be created. Ms. Todd stated that instating an ordinance is a lengthy process. Mr. Feild stated that EPA anticipates using the Missouri River Waste Water Treatment Plant as a staging site from now on.

Ms. Deppe stated that supervision of contractors is needed in addition to notification for residents. Mr. Feild stated that EPA oversees contractors. Mr. Feild stated that the issue was that because the staging site was small, contractors were removing tarps before entering the staging site. Ms. Deppe stated that it is assumed that because contractors received training, appropriate procedures are being followed. Mr. Feild stated that appropriate oversight exists and that EPA cannot halt removals because residents do not want a staging area. Ms. Deppe stated that someone should have known not to remove the tarps from the trucks. Mr. Feild stated that EPA regulations do not specify keeping tarps on outside of the staging area. Ms. Weston stated that even in the absence of a protocol for removing tarps, good judgment should have been used to determine that tarps should remain in place. Ms. Council requested that Mr. Bob Sink of the City Public Works department be invited to attend the next CAG meeting. Mr. Feild stated that at the current time, each contractor has a separate staging area. Mr. Feild stated that in the future, the Missouri River Waste Water Treatment Plant will continue to be utilized as a staging area.

Ms. Barrientos-Patlan stated that EPA should make sure that subcontractors have integrity and will not be lax in following procedures, before subcontractors are hired. Mr. Feild stated that the problem with the trucks being uncovered while waiting at the staging area is not a risk issue. Ms. Deppe asked if the soil being removed from yards is not a risk. Mr. Feild stated that the soil is only a risk if children are exposed to it. Mr. Feild stated that the issue with lead contaminated soil entering the sewer is a perception problem, not a risk problem. Mr. Feild stated that EPA has perimeter air monitoring at staging areas and has not observed appreciable off-site migration. Ms. Brooks Pittman asked why EPA could leave soil in the street, when she cannot push snow into the street. Mr. Feild stated that the contractors clean up the soil, and that what residue is not swept up, is washed into the sewer. He reiterated that after this construction season, this staging site would no longer be used.

Ms. Weston stated that EPA should use caution when referring to the soil contamination as a perception issue. She raised a concern that this gives the public the impression that the lead contamination is not a major problem. She noted that if members of the public

hear EPA stating that the soil contamination is not a problem, then additional editorials would be written stating that the cleanup should not have occurred in the first place.

Ms. Weston asked if contractors who have not performed well would be allowed to bid on future EPA work at the Omaha Lead Site. Mr. Feild stated that any company is allowed to bid. Mr. Feild stated that ER has performed well based on customer satisfaction forms. Ms. Weston stated that, as a property owner, she has not been satisfied. Ms. Weston stated that the Lead Safe Omaha Coalition has received complaints. Ms. Weston stated that the state troopers shut down one of the contractors because of the condition of the contractor's trucks.

Ms. Barrientos-Patlan asked if parochial schools were tested. Mr. Feild stated that it is his understanding that all schoolyards were tested. Mr. Feild stated that he would research the issue to confirm that all schoolyards, including schoolyards of parochial schools, were tested. Ms. Determan asked if a list of tested schools could be provided to the CAG. Mr. Feild stated that he would look into obtaining a list.

Ms. Bohm asked if EPA has compiled a list of parks that have been tested. Mr. Feild stated that EPA is working on compiling a list of parks, beginning with small parks. Ms. Barrientos-Patlan asked EPA to provide the CAG with the list of parks that have been tested and the results of those tests. Mr. Feild stated that it is easier to provide results on a property-by-property basis.

Ms. Deppe requested that EPA update reports be attached to the CAG meeting minutes. Ms. Determan stated that the EPA update reports would be attached to the CAG meeting minutes from now on.

Ms. Determan asked Mr. Feild if institutional controls are being implemented at the Omaha Lead Site. Mr. Feild replied that institutional controls are not included in the Interim Record of Decision. Mr. Feild stated that the Final Record of Decision might include institutional controls, but would not be drafted until two or three years from now.

Ms. Deppe asked for an update on EPA negotiations with Potentially Responsible Parties. Mr. Feild stated that the Unilateral Administrative Order was extended to December 16, 2005 and that another extension may or may not be granted. Ms. Weston stated that a public announcement should be made when an extension is granted. Mr. Feild stated that enforcement is not a public process. Ms. Gaarder stated that a press release was previously issued, but the Omaha-World Herald declined to print a story on the extension.

Ms. Weston stated that EPA had previously reported that homeowners would be provided with a letter stating that their soil had been replaced after work was completed. Ms. Weston asked what the status of the letters is. Mr. Feild stated that if a property owner has an urgent need for a letter, EPA could provide a letter. Mr. Feild stated that there is a large number of properties to send letters to, and so, it will take a long time to send out all the letters. Mr. Feild stated that at some properties, certain areas were not excavated

because of pet cemeteries, flower gardens, etc.; therefore, EPA must look at each property to determine to which properties to send a letter.

Ms. Barrientos-Patlan stated that she heard that EPA would be lessening a citizen's right to know, which could make it more difficult to get information from EPA. Mr. Sanders stated that he had not heard this. Ms. Gaarder stated that this pertains to EPA's Toxic Release Inventory. Ms. Gaarder stated that industries would be required to report release information every two or three years, instead of annually. Mr. Feild stated that this would not affect the Omaha Lead Site.

## **5. NDEQ Update**

Mr. Davis stated that a staging area meeting was held in November and that NDEQ is aware of concerns.

## **6. Douglas County Health Department Update**

Mr. Steinkraus reported that an eight-hour Lead Safe Work Practices training session would be held on January 11, 2006 at the Douglas/Sarpy County Extension office.

Mr. Steinkraus reported on lead content in artificial Christmas trees. Mr. Steinkraus stated that he investigated a tree at one residence where a small child was constantly playing with the tree. Mr. Steinkraus stated that lead is present in many trees and that trees that are ten to 20 years old release more lead dust than younger trees. Mr. Steinkraus stated that the Douglas County Health Department's recommendation is to keep children away from trees, and if a tree is ten years or older, purchase a new tree. Ms. Weston asked if new trees contain lead. Mr. Steinkraus stated that lead exposure is a risk with new trees, but a larger risk exists with trees between ten and twenty years old.

## **7. LSOC Update**

Ms. Weston provided an update on Lead Safe Omaha Coalition activities. Ms. Weston stated that OSHA HAZMAT training was provided and that assistance in finding employment is being provided to these individuals. Ms. Weston stated that more of the community is getting involved at the Omaha Lead Site.

Ms. Council stated that she was interviewed on Ms. Weston's local T.V. program, *People to People*. Ms. Council stated that she appreciated the opportunity to provide information to the public.

## **8. HUD Disclosure Rules for Arsenic—Clifton Jones**

Ms. Council stated that Mr. Jones was unavailable to attend the meeting and that Mr. Stan Quay would be contacted and invited to attend the next CAG meeting on Mr. Jones' behalf.

## 9. ATSDR Plan for the OLS—Sue Casteel

Ms. Casteel stated that EPA and ATSDR are continuing to discuss how to evaluate the effectiveness of soil removals. Ms. Casteel stated that this has been done at other sites by comparing average blood lead levels pre- and post-excavation. Ms. Casteel stated that an epidemiologist and statistician at ATSDR are drafting the protocol and will be using surveillance data from the Douglas County Health Department. Ms. Casteel stated that the protocol includes finding children that reside in homes with contaminated soil and comparing their blood lead levels to those of children that reside in homes where soil remediation occurred prior to their birth. Ms. Casteel noted that ATSDR does not yet have a funding mechanism for the study. Ms. Casteel stated that the study will focus on children between the ages of 9 and 35 months and may include as many as 140 to 150 children born into homes that have been remediated. Ms. Casteel stated that the draft protocol would be provided to the CAG to get feedback.

Ms. Weston asked about the status of dust sampling. Ms. Casteel stated that ATSDR would look into including dust sample results in homes in the health assessment protocol.

Mr. Feild stated that EPA is working on identifying data needs for use in the IEUBK model, including tap water, air, and interior dust data, to more accurately determine a final cleanup decision and for use in the ATSDR study. Ms. Council stated that an opportune time to collect data would be during soil remediation. Mr. Feild agreed that this makes sense, but stated that EPA needs to draft a protocol first. Mr. Feild stated that it would take EPA several months to determine the data needs and then develop protocols. Mr. Feild also noted that EPA has not been successful in the past with homeowner cooperation in getting blood draw and dust sampling access. Ms. Weston noted that part of the problem in the past has been the timing of EPA's activities around the holidays. Mr. Feild concurred with Ms. Weston and added that EPA needs to do a better job of communicating EPA's reasons for sampling to homeowners.

Ms. Council asked how ATSDR would account for enhanced education and awareness in determining the impact of soil removals on blood lead levels. Ms. Casteel stated that ATSDR is working on developing a way to separate the various factors. Ms. Council stated that perhaps a questionnaire could be administered to determine a household's knowledge base.

Ms. Council asked if paint data would be collected. Mr. Feild stated that paint data may be collected and an apportionment study made be conducted. Ms. Brooks Pittman asked if blood lead levels pre- and post-excavation are available. Ms. Deppe stated that blood lead levels do not instantaneously change. Ms. Casteel stated that looking at blood lead levels before and after excavation may not be an effective way to examine impacts because a decline in blood lead levels is expected to occur as children get older regardless of whether or not soil replacement occurs.

Ms. Bohm asked if furnaces and ductwork would be tested during dust cleaning at homes. She noted that, if not, dust in the ductwork would be blown back throughout the house.

Mr. Feild stated that the final protocol for interior cleaning has not been developed. Mr. Feild stated that EPA would consider cleaning ductwork. Ms. Weston stated that she believes that many people in the community will be willing to sign-up for the interior cleaning if someone from the community is asking for access. Ms. Weston stated that EPA could improve access for dust sampling by providing the interior cleaning at any residence where remediation occurs, instead of only homes that exceed a certain lead in dust level. Mr. Feild stated that the Interim Record of Decision specifies that the only homes eligible for the cleaning are those above the lead in dust standard.

#### **10. Comprehensive Plan Committee Update—Jonah Deppe**

Ms. Deppe stated that the Comprehensive Plan Committee did not meet. Ms. Deppe stated that the Committee would meet on January 10, 2005 at 10:00 a.m.

#### **11. Education Committee Update**

Ms. Rawley provided an update on the Education Committee. Ms. Rawley distributed a handout describing accomplishments of those participating on the Education Committee. Ms. Rawley reported that the Education Committee selected April 2 – 8, 2006 as Lead Week for the Greater Omaha Metro Area. Ms. Rawley stated that anyone interested in participating in planning for Lead Week should contact Mr. Vernon Waldren.

Ms. Rawley stated that the next Committee meeting would be on January 10, 2006 at 1:30 p.m. at the Douglas/Sarpy County Extension office.

#### **12. OHKA Update**

Mr. McDermott provided an update on Omaha's Healthy Kids Alliance (OHKA) activities. Mr. McDermott stated that Mr. Gary Gotsdiner is filing the paperwork, with the hope of holding the first OHKA board meeting in January. Ms. Weston asked if a group with a member on the board could receive funding from OHKA. Ms. Council stated that Mr. Gotsdiner developed a conflict of interest policy to address that question. Ms. Council stated that the policy defines a process that allows an organization to disclose the conflict and recuse the member from voting on that particular allocation.

#### **13. Grants**

None.

#### **14. Questions and Answers**

Ms. Weston requested that EPA provide a press release to the CAG regarding whether or not another extension on the Unilateral Administrative Order will be issued. Mr. Feild stated that EPA would provide a press release.

Ms. Barrientos-Patlan, referring to page 7 of the November 9, 2005 meeting minutes, stated that she had requested that the two additional mayoral appointees to the OHKA board be from North and South Omaha. Ms. Council stated that Ms. Graves provided her recommendation to the Mayor.

Ms. Council stated that the next CAG meeting would be on January 25, 2006 at 9:30 a.m. The location is to be announced.

Handouts Provided for the Meeting (December 14, 2005):

*Draft Minutes from 11/09/05 (Provided by MFG, Inc.)*

*Approved Minutes from 10/19/05 (Provided by MFG, Inc.)*

*Comprehensive Plan Subcommittee Notes from 11/08/05 (Provided by MFG, Inc.)*

*Education Subcommittee Notes from 11/08/05 (Provided by MFG, Inc.)*

*Letter Regarding Contractor Wages*

*Letter from Senator Nelson*

*Statement of Work for the Omaha Lead Site (Provided by EPA.)*

*Ironite Fertilizer: Arsenic and Old Waste (Provided by MFG, Inc.)*

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

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

*Arsenic in Omaha Presentation (Provided by ATSDR)*

*Health Consultation – Public Comment Release (Provided by ATSDR)*

*Senator Clinton's Press Release (Provided by MFG, Inc.)*

*Bill Would Require Plaintiffs to Prove Cause to Collect Damages (Provided by MFG, Inc.)*

*EPA Awards Muskegon County \$103,418 under New Community Environmental Improvement Program (Provided by MFG, Inc.)*

*Lead Pipes May be Contributing to Higher Lead Levels in Water (Provided by MFG, Inc.)*

*Higher Lead Levels Found: Residents Urged to Check Water Following City Tests (Provided by MFG, Inc.)*

*CPSC, Stravina Operating Co. Announce Recall of Children's Metal Necklaces and Zipper Pulls (Provided by MFG, Inc.)*

*Harold W. Andersen: Federal Agencies Should Team Up to Fight the Biggest Lead Problem*

*U.P.'s Proposed Alliance to Fight Lead is Approved*

*Residents Learn How to Tackle Arsenic in Yards*

Attachments to Minutes:

*Sign-In Sheet (hardcopy to be delivered)*