

**OLS
CAG**

Omaha Lead Site
Community Advisory Group
P.O. Box 12282
Omaha, NE 68112

RECEIVED
OCT 24 2005
SUPERFUND DIVISION

October 19, 2005

Mr. Bob Feild
U.S. EPA, Region VII
901 North 5th Street
Kansas City, Kansas 66101-2907

RE: Omaha Lead Site Community Advisory Group Minutes from 09/14/05 and 09/28/05

Dear Mr. Feild,

Attached are the minutes from the Omaha Lead Site Community Advisory Group meetings that took place on September 14, 2005 and September 28, 2005. The Community Advisory Group approved the minutes on October 19, 2005. Please enter the minutes into the Administrative Record for the Omaha Lead Site.

If you have any questions, please contact me at (402) 344-7797.

Sincerely,

Brenda Council /mc

Brenda Council
Facilitator

Community Advisory Group (CAG)
for the
Omaha Lead Site

Minutes for Meeting Held
Wednesday, September 14, 2005, 9:30 a.m.
North Omaha Boys and Girls Club
2610 Hamilton Street

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OLS CAG Members Present:

Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jonah Deppe—*League of Women Voters*
Jim Dowding (proxy for Councilmen Gernandt and Brown)—*City of Omaha*
Bob Feild—*Environmental Protection Agency*
Nick Flattery—*OneWorld Community Health Center*
Joe Gudenrath—*City of Omaha Mayor's Office*
Jeff McDermott—*Union Pacific Railroad*
Dr. Donna Polk-Prim—*Nebraska Urban Indian Health Coalition*
Dr. Adi Pour—*Douglas County Health Department*
Marian Todd—*City of Omaha Planning Department*
José Villegas—*Chicano Awareness Center*
Vernon Waldren—*Douglas/Sarpy County Extension Office*
Cammy Watkins—*Sierra Club*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Lelia Coyne—*Citizen*
Todd Crawford—*Senator Hagel's Office*
Connie Determan—*MFG, Inc.*
Felisa Dillon—*ASW*
Monica Espenosa—*Environmental Protection Agency*
Mike Felix—*Nebraska Department of Environmental Quality*
Jennifer Gates—*MFG, Inc.*
Lisa Giambattista—*Citizen*
Debbie Kring—*Environmental Protection Agency*
Althea Moses—*Environmental Protection Agency*
Claudia Preddy—*Marc Enviro Services*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Reid Steinkraus—*Douglas County Health Department*

1. Discussion of Minutes from the August 10, 2005 Meeting

Mr. Waldren stated that Ms. Council would be late and that at the request of Ms. Council, he would facilitate in her absence.

Mr. Waldren asked for corrections or additions to the minutes from the August 9, 2005 CAG meeting. Ms. Weston stated that in the first paragraph on page seven, she did not say that she would agree to a Potentially Responsible Party representative on the governing board. Ms. Weston motioned to approve the minutes with the removal of the above referenced statement. Ms. Deppe seconded the motion. The motion was unanimously approved (12-0).

Ms. Deppe introduced Ms. Giambattista, a local resident who wished to speak to the CAG about her experiences in having her yard replaced. Ms. Giambattista stated that it took three years for her soil to be replaced. She explained that there was an issue with drainage on her property, which complicated the situation and required coordination between the City and EPA. Ms. Giambattista stated that she was vigilant in making phone calls and following up on the situation to assure her issues were addressed. Ms. Giambattista stated that EPA was helpful; however, she expressed concern that a less persistent individual would have had more problems.

Ms. Giambattista asked EPA what the normal turnaround time for a yard replacement is. Mr. Feild replied that because yards are prioritized, some yards that may have been sampled in 1999 would not be completed until the end of the project. Mr. Feild stated that, conversely, residences with children might be quickly completed.

Ms. Weston asked that Ms. Giambattista be acknowledged as a CAG member, if she so desires. Mr. Waldren stated that participation in the CAG is open.

2. EPA Update

Mr. Feild provided an update on EPA activities. Mr. Feild stated that an additional 12 properties were assigned to Environmental Chemical Corp (ECC) under their current contract with the U.S. Army Corps of Engineers. Mr. Feild stated that the U.S. Army Corps of Engineers also entered into a new interagency agreement with ECC for an additional 350 properties in zones one and two, to be completed by the end of this year. Mr. Feild stated that EPA is currently negotiating an additional contract for zone five. Mr. Feild stated that an agreement, separate from soil replacement, has been made with Hydro GeoLogic Inc (HGL) to provide quality assurance monitoring to EPA.

Mr. Feild stated that EPA is currently arranging for the opening of two information offices in the Omaha Lead Site. Mr. Feild stated that EPA's contractor, Black and Veatch, is responsible for hiring local staff for the offices. Mr. Feild stated that federal, state, and local officials might also spend time in the offices. Dr. Pour asked if EPA would advertise the opening of the offices to inform the community of their existence. Mr. Feild stated that Black and Veatch would be doing the hiring and that EPA is not

directly involved in the hiring of staff. Dr. Pour asked if EPA would advertise the office once the offices are established. Mr. Feild stated that there would be a press release.

Ms. Preddy asked if there is a plan for interior residential work. Mr. Feild stated that Black and Veatch has been tasked with performing assessments of the exterior condition of paint at 1,700 properties. Mr. Feild stated that EPA is exploring entering into a cooperative agreement with the City to provide interior cleaning, clearance testing, and exterior paint stabilization. Mr. Feild stated that another option is to hire a contractor to perform the work. Mr. Feild stated that because the City already has a program, it would be more efficient to enter into a cooperative agreement with the City. Ms. Deppe asked if funds could be allotted to the Douglas County Health Department to fund inspectors. Mr. Feild stated that funding inspectors is a possibility, but would require a different type of agreement.

Ms. Weston asked if ECC has begun replacing soil under the new task order. Mr. Feild stated that ECC has begun the new work, which includes zones one and two. Ms. Weston asked if there are incentives for ECC to complete the work by the end of this year and asked if those incentives would carry over to the next year if work remained incomplete. Mr. Feild replied that Environmental Restoration (ER) is required to finish this construction season in order to qualify for incentives. Mr. Feild stated that ECC's contract is slightly different, with incentives dependent upon EPA satisfaction.

Ms. Weston asked if the CAG could be provided with a copy of HGL's quality assurance responsibilities. Mr. Feild stated that HGL is generally assisting EPA in assuring that work is carried out in accordance with contracts and the Interim Record of Decision. Mr. Feild stated that he would provide the statement of work, but added that the work falls under a time and materials contract that does not have a defined set of responsibilities.

Ms. Weston asked if all homes would receive a paint assessment. Mr. Feild stated that eventually all homes would receive a paint assessment. Mr. Feild stated that at this time, the 1,700 homes to be evaluated by the end of this year are scheduled to be assessed.

Ms. Weston asked why ER is allowed to pay laborers lower wages than what has been paid for the same work under all other contracts. Mr. Feild stated that Davis-Bacon wages are required under EPA's contract with ER. Mr. Feild stated that EPA does not specify the use of a certain labor category, and, in this case, ER has selected a different labor category. Mr. Feild stated that it is the Department of Labor's responsibility to determine the appropriate category. Ms. Weston motioned to send a written request to the Department of Labor asking for an investigation and a written request to the congressional delegation asking for the delegation to request an inquiry. Ms. Deppe seconded the motion. The motion unanimously passed (13-0).

Ms. Preddy stated that several residents have been asking how to get the interior of their homes tested. Ms. Preddy asked who she can refer the residents to, so that their questions will be answered. Mr. Feild stated that EPA does not have a mechanism to test interior dust at this time. Mr. Feild asked that residents be referred to him for all questions. Ms.

Weston stated that the Douglas County Health Department could provide interior testing. Mr. Steinkraus stated that families with children less than 7 years old could contact the Douglas County Health Department for a courtesy inspection. Mr. Feild stated that the EPA would collect additional data to use in support of a final cleanup number. Mr. Feild stated that the EPA will be collecting samples from media other than soil and is in the process of designing a data collection process.

Ms. Weston asked for an update on EPA's phosphate study. Mr. Feild stated that EPA is still discussing how to perform the phosphate study and is considering moving impacted soil to a secured location to perform the study.

Ms. Weston stated that she has received several phone calls from neighborhood association representatives expressing appreciation for a Lead Safe Omaha Coalition meeting at which EPA spoke to neighborhood association representatives.

Ms. Weston asked if EPA would be cleaning up interior dust or only sampling. Mr. Feild stated that homes would be cleaned where lead concentrations in dust exceed standards.

Ms. Dillon stated that she appreciates knowing to where to refer residents. Mr. Feild asked if she would like EPA to create a fact sheet to be distributed to residents with referral phone numbers. Mr. Steinkraus stated that the first point of contact should be the Douglas County Health Department. Mr. Steinkraus stated that if the issue cannot be handled by the Douglas County Health Department, the residents would be referred onto EPA. Ms. Council stated that it would be helpful to have a one page fact sheet with reference phone numbers for the contractors to distribute and suggested that the education subcommittee take on the task of creating the fact sheet. Mr. Waldren stated that the education subcommittee would assume responsibility for creating a fact sheet. Ms. Weston suggested that the fact sheet be no more than one-half page.

Ms. Weston asked Mr. Feild to clarify if the EPA local offices to be opened will be staffed by Black and Veatch employees. Mr. Feild stated that Black and Veatch would hire local representatives to staff the offices as subcontractors under EPA's contract with Black and Veatch. Ms. Council asked if EPA would be developing qualifications for the staff. Mr. Feild stated that Black and Veatch is responsible for the hiring procedure. Ms. Deppe requested that EPA notify the CAG when hiring is to begin so that the CAG may assist in referring individuals to apply. Mr. Feild stated that he was unsure how far along Black and Veatch is in the process.

Dr. Polk-Primm asked who Black and Veatch is and if they could attend a CAG meeting to explain what they are doing. Mr. Feild stated that EPA generally does not allow contractors to speak for EPA. Dr. Polk-Primm suggested that Black and Veatch could hold a separate meeting if necessary. Dr. Polk-Primm stated that the community is interested in know how to apply for the jobs and what the job descriptions entail.

Ms. Council asked how Black and Veatch representatives would be able to speak on behalf of EPA at the local offices, if they cannot speak at CAG meetings. Mr. Feild

stated that there would be limitations to what the office staff could say and that inherently governmental questions would be passed onto EPA. Ms. Council asked why EPA is not contracting employees to work at the offices that would be able to speak on behalf of EPA. Mr. Sanders stated that it is a resource issue and would require overseeing additional contracts. Mr. Feild stated that the purpose of the offices is to get information out about EPA's work. Ms. Council expressed concern that residents will assume that EPA is staffing the EPA office. Ms. Council stated that if that is not the case, EPA needs to make it clear to the public that the offices will be information centers, not local EPA offices. Ms. Council stated that the CAG could assist in notifying the community. Ms. Weston agreed that the type and purpose of the offices should be made clear to the public. Dr. Polk-Primm reiterated that the community needs to know the job description and where to apply. Mr. Feild stated that it is probably too late, but that the offices would be an ongoing process with the potential for future hiring. Ms. Council stated that an update on the information centers would be added to the next meeting's agenda.

3. NDEQ Update

Mr. Felix stated that Mr. Davis might be able to periodically help staff the information centers.

Mr. Felix provided an update on the State's Superfund cost share. Mr. Felix stated that the State is unable to receive credit for the Douglas/Sarpy County Extension grant because that particular grant is already being used as a match for another program. Mr. Felix stated that the State has transferred \$300,000 to the City to temporarily fund the City's lead hazard control program. Mr. Felix stated that the \$300,000 is being used as a match on the City's HUD grant application; and therefore, also cannot be utilized as credit for the Superfund cost share.

Mr. Felix stated that the 10% match could be used to fund the dust and exterior paint work and that the funding would be provided to the City. Mr. Feild stated that if EPA enters into an agreement with the City, EPA could provide funding for the City to perform the exterior paint stabilization and interior cleaning. Mr. Felix stated that the State would be required to pay for 10% of the cost.

Mr. Davis stated that an issue with contractor obtaining proper City permits for staging areas has been rectified. Mr. Feild stated that EPA does not have a role in identifying staging areas. Mr. Feild stated that that is a City issue. Ms. Council asked if ER is continuing to utilize the Missouri River Water Treatment Plant as a staging area. Mr. Feild replied that ER is currently not using a staging area. Ms. Council suggested that the contractors' community liaisons hold community meetings regarding the staging areas, as previously requested by community members.

4. Education Subcommittee Update

Mr. Waldren provided an update on the Education Subcommittee. Mr. Waldren stated that the Education Subcommittee would continue to meet the day before CAG meetings

at 1:30 p.m. at the Douglas/Sarpy County Extension Office. Mr. Waldren asked individuals interested in volunteering at Health Fairs or assisting with National Lead Poisoning Prevention Week to contact him.

Mr. Waldren stated that Dr. Pour had spoken with Mr. Felix regarding the State's required cost share. Mr. Waldren stated that he, Dr. Pour, and Ms. Council, in an effort to be proactive, met to draft a scope of work for the State's match. Mr. Waldren reported that the draft was presented to the Education Subcommittee and that the Subcommittee's response was positive. Mr. Waldren stated that the draft scope of work targets education program activities, which are included in the Interim Record of Decision.

Mr. Waldren provided an overview of the draft scope of work. Dr. Polk-Primm asked why funding for translation for the Sudanese population had been excluded from the proposal. Dr. Pour stated that there are many languages used within the Sudanese population. Dr. Polk-Primm stated that the Sudanese primarily speak two languages. Dr. Pour stated that funding for additional languages could be added.

Mr. Waldren stated that the purpose of drafting the scope of work was to be proactive in raising dollars. Dr. Pour stated that the draft scope of work provides an opportunity for the community to do some really good work that compliments EPA's activities. Dr. Pour stated that if the CAG does not take this opportunity, the State would send a check to EPA for the 10% match. Dr. Pour added that the draft scope of work includes methods for accountability and that detailed work plans would be expected from groups before funding would be provided.

Dr. Polk-Primm stated that she was concerned about use of a database. Dr. Polk-Primm asked if the database would allow for the tracking of tested kids. Dr. Pour stated that she did not expect the proposed database to include health information. Dr. Pour stated that children are tracked through the Douglas County Health Department's stellar database. Ms. Council stated that a database would be needed to measure and demonstrate results. Ms. Council stated that the database would not be a health database, but rather a controlled database for the program.

Mr. Waldren stated that the draft scope of work excludes some items that are included in the CAG's education plan because those items are already funded by other means.

Ms. Weston thanked Mr. Waldren, Dr. Pour, and Ms. Council for being proactive. Ms. Weston stated that the CAG should look beyond the University of Nebraska, Omaha for the demographic survey and database. Ms. Deppe asked if the estimated costs included the University's 40% additional cost. Mr. Waldren stated that UNO may not have the same 40% additional cost as UNL. Ms. Council suggested changing the implementing agency from the University of Nebraska-Omaha to "to be determined."

Mr. Felix stated that the draft scope of work could be funded through EPA, instead of funded entirely through the State's cost share. Mr. Felix stated that it would be more practical and efficient in terms of administration for EPA to fund the draft scope of work.

Mr. Felix stated that an entity would have to be identified to sign an agreement with the EPA, perhaps the 501(c)(3), which would have the responsibility of ensuring accountability. Ms. Deppe stated that the Douglas County Health Department could be the entity.

Dr. Polk-Primm asked what the anticipated start-up time for initiating the draft scope of work is. Mr. Felix stated that \$1.2 million is expected from the State in 2005 and that if activities are performed and all agreements are in place, the State will have the money to provide. Ms. Council stated that any amount not spent in 2005 would be carried over to 2006 and that the State would receive periodic bills from EPA. Mr. Felix stated that the State would receive annual bills. Ms. Council stated that it is highly unlikely that the \$1.2 million would be spent in 2005. Mr. Sanders stated that the \$1.2 million might be spent in 2005. Ms. Council stated that the amount that is not spent would carry over to the next year and that the time during which the bulk of the amount would be spent would likely be between November 2005 and November 2006. Mr. Felix suggested that the timeframe be presented as the time during which the plan could be implemented. Dr. Polk-Primm stated that many of the local groups and agencies could have plans in place tomorrow.

Mr. Feild stated that the State is bound to pay 10% of remedial action costs. Mr. Feild stated that the State could pay for the scope of work and receive credit if EPA agrees to the scope. Mr. Feild stated that the draft scope of work is worth pursuing. Mr. Feild stated that EPA had anticipated a health education budget of \$100,000 per year and that the draft scope of work estimates a much higher cost. Mr. Feild stated that EPA might not pay for the entire cost. Mr. Feild stated that other groups and parties that may be interested in participating should not be excluded. Dr. Polk-Primm stated that a real effort has been made to be inclusive and asked who could be added that has not already been identified.

Dr. Polk-Primm stated that she did not know that there was a \$100,000 budgetary limit. Mr. Feild stated that the \$100,000 is not a limit—just an estimate. Mr. Feild stated that a health education program might cost more than \$100,000 per year. Mr. Feild stated that EPA would listen and discuss the issue with the State.

Mr. Felix stated that it would not make a difference whether the State paid for the program through the cost share or whether EPA paid for the program through an agreement because either way the State is required to pay 10% of EPA's costs. Mr. Sanders stated that the State is required to pay 10% of EPA's total costs and that if EPA agrees that \$1.2 million should be spent on health education, then that is what would be spent. Dr. Pour stated that she would like to see State dollars being used by the community and in the community.

Dr. Polk-Primm motioned to present the draft scope of work to NDEQ and EPA for consideration as a concept. Ms. Watkins seconded the motion. Ms. Kring stated that more detail regarding the estimated costs would be needed. Ms. Council stated that additional detail could be found in the CAG's education matrix. Mr. Crawford stated that

it would have been helpful to have seen the draft scope of work in advance. Ms. Council stated the draft scope of work is just a starting point. Ms. Council stated that a copy of the education matrix and a sample grantee proposal would be sent along with the draft scope of work to EPA and NDEQ. The motion was unanimously approved (12-0).

Mr. Feild stated that he understood that a lot of work went into the draft scope of work, but added that a mechanism is needed to assure that any other voices that want to be included are in the plan. Dr. Polk-Primm stated that participation has been very open and that the only secrecy she has seen has been with Black and Veatch. Ms. Council stated that the Education Subcommittee has worked diligently to identify parties and NDEQ has done the same. Ms. Council stated that efforts would continue to invite members of the Sudanese community to participate. Ms. Deppe stated that the International House serves Sudanese and Somali children. Ms. Kring asked if EPA could provide support in getting the school district involved. Ms. Council stated that the CAG includes a school board representative, who could not attend this meeting because she was out-of-town.

5. Comprehensive Plan Subcommittee Update

Ms. Deppe stated distributed a draft letter regarding suggested changes to the City Property Maintenance Code to incorporate language regarding lead-based paint. Ms. Deppe motioned to email the letter for the CAG review, for comments to be provided by CAG members by September 19, 2005, for MFG to make the revisions according to the comments, and for the letter to subsequently be sent to the Mayor. Ms. Weston seconded the motion. The motion was unanimously approved (13-0).

Ms. Council stated that discussion regarding the governing board for the 501(c)(3) would be moved to the next meeting to allow for philanthropic community representatives to attend. Ms. Deppe asked if the discussion could be moved to the Comprehensive Plan Subcommittee meeting. Ms. Deppe stated that the next Comprehensive Plan Subcommittee is tentatively scheduled for Thursday, October 6, 2005 at 10:30 a.m. at the Urban League Family Resource Center.

Ms. Council stated that the next CAG meeting would be held on October 12, 2005 at 9:30 a.m. Mr. Davis offered to hold the meeting at the NDEQ Omaha Office, located at Wehrspann Lake/Chalco Recreation Area. Ms. Council stated that a survey would be emailed to CAG members to determine the location of the meeting.

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

Draft Minutes from 08/10/05 (Provided by MFG, Inc.)

Approved Minutes from 07/13/05 (Provided by MFG, Inc.)

Superfund State Contract Between the Nebraska Department of Environmental Quality and the United States Environmental Protection Agency for Interim Remedial Action at the Omaha Lead Site (Provided by NDEQ)

Comprehensive Plan Subcommittee Recommendations

Letter from Senator Ben Nelson dated August 15, 2005

Letter to EPA Administrator Johnson from the Nebraska Congressional Delegation dated August 1, 2005

Union Pacific Opposes EPA on Unfair Omaha Lead Site Order (Provided by Union Pacific)

Bankruptcy of ASARCO could Affect Yard Cleanup (Provided by MFG, Inc.)

Grant Opportunity (Provided by MFG, Inc.)

Education Subcommittee Summary Notes from August 9, 2005

Comprehensive Plan Subcommittee Summary Notes from August 9, 2005

Draft Scope of Work for the State of Nebraska Cost Share for the Omaha Lead Site

Attachments to Minutes:

Sign-In Sheet (hardcopy to be delivered)

PLEASE PRINT

OLS CAG
Sign-In Sheet 09-14-05

Name	Address	Phone Number	Fax Number	Email Address
Jennifer Rawley	9910 N 48 St	933-1345		jenniferrawley@mtgenv.com
Connie Determan	"	"		
Jonah Ospe	2324 S 125 Av	441-3063		
Steve Sanders	961 N. 5th	913-551-7578		
DEBBIE KRING	EPA-904 N. 5TH ST, KS	(913)551-7735		Kring,debbie@epa.gov
BOB FEILD	" "	(913)551-7697		feild,robert@epa.gov
Todd Davis	NDEQ 2901 S. 154 St St. 5 68138	595-1767		todd.davis@ndeq.state.ne.us
Vernon Walden		402-444-7804		
Lisa Giambattista	1314 N. 35th St.	561-6805		lgiambattista@gmail.com
Jim Dowdley		444-6298		
JOE GUDENRATH	1819 Farnam St	444-6274		
Jose Villagor	4821 South 24th St.	733-2770		
Jeff McDermott	1400 Douglas St. Stop 1030	544-3675		jmcdermo@up.com
Charles Precidy	4429 Dodge St	442-8035		
Marian Todd	1819 Farnam St. Suite 1111	444-5217		
Todd Gouffard	11301 Devonport #2	758-8881		
Donna Bell	2240 Landon Ct	346-0902		
Mike Fox	NDEQ			
Nick Flattery	5155 S. 36th St. 68106	MF 334-4110		

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Sign-In Sheet 09-14-05

[illegible]

Community Advisory Group (CAG)
for the
Omaha Lead Site

Minutes for Meeting Held
Wednesday, September 28, 2005, 9:30 a.m.
North Omaha Boys and Girls Club
2610 Hamilton Street

OLS CAG Members Present:

Tanya Cook—*Governor's Omaha Advisory Council on Lead Safe Neighborhoods*
Brenda Council—*Facilitator*
Todd Davis—*Nebraska Department of Environmental Quality*
Jim Dowding (proxy for Councilmen Gernandt and Brown)—*City of Omaha*
Bob Feild—*Environmental Protection Agency*
Nick Flattery—*OneWorld Community Health Centers*
Lisa Giambattista—*Citizen and Large*
Joe Gudenrath—*City of Omaha Mayor's Office*
Clifton Jones—*U.S. Department of Housing and Urban Development*
Jeff McDermott—*Union Pacific Railroad*
Marilyn McGary—*Urban League of Nebraska*
Edna Brooks Pittman (Designee for Tommie Wilson)—*NAACP*
Dr. Donna Polk-Prim—*Nebraska Urban Indian Health Coalition*
Dr. Adi Pour—*Douglas County Health Department*
Marian Todd—*City of Omaha Planning Department*
Vernon Waldren—*Douglas/Sarpy County Extension Office*
Cammy Watkins—*Sierra Club*
Cheryl Weston—*Lead Safe Omaha Coalition*

Others Present:

Lelia Coyne—*Citizen*
Todd Crawford—*Senator Hagel's Office*
Connie Determan—*MFG, Inc.*
Felisa Dillon—*ASW*
Mike Felix—*Nebraska Department of Environmental Quality*
Jennifer Gates—*MFG, Inc.*
Gary Gotsdiner—*McGill, Gotsdiner, Workman, and Lepp*
Tom Janssen—*Senator Hagel's Office*
Kathy Leinenkugel—*Douglas County Health Department*
Doug Parrett—*Union Pacific Railroad*
Jennifer Rawley—*MFG, Inc.*
Steve Sanders—*Environmental Protection Agency*
Eva Serenil—*Senator Ben Nelson's Office*
Reid Steinkraus—*Douglas County Health Department*
Joyce Stevens—*City of Omaha*

Ms. Council thanked everyone for attending. Ms. Council stated that she had called the meeting to address questions raised by CAG members regarding the press conference at which Mayor Fahey announced the establishment of a 501(c)(3) to comprehensively address lead in Omaha. Ms. Council stated that representatives from the Mayor's office and Union Pacific were present to provide information and answer questions.

Ms. Council introduced Mr. Bateman, representative for Union Pacific. Mr. Bateman apologized for the timing of the 501(c)(3) announcement. Mr. Bateman stated that everyone had wanted to make the announcement at the last CAG meeting, but the Mayor was out of town. Mr. Bateman stated that Union Pacific and the Mayor held the press conference to start the comprehensive program on a positive note.

Mr. Bateman stated that the CAG had wanted a 501(c)(3) for a long time, but no one had stepped up to finance the initial cost. Mr. Bateman stated that Union Pacific decided to provide funding to get the program up and running. Mr. Bateman stated that his role was to gain the support of the congressional delegation. Mr. Bateman stated that the congressional delegation was very supportive.

Mr. Bateman stated that Union Pacific envisions creating a self-perpetuating board of directors, including community and business representatives, that would be able to work with HUD and congress to obtain funds and pursue grant opportunities. Mr. Bateman presented the following list of potential board of directors positions:

- Mayor of Omaha or Representative
- Douglas County Health Department Director or Representative
- Lieutenant Governor or Representative
- Congressional Delegation Representative(s)
- Contributing Business Representative
- Omaha Foundation Member
- Medical Community Member
- Business Community Member
- Philanthropic Community Member
- Community-Based Organization Representative
- Citizen at Large (resident of the Omaha Lead Site)
- Citizen at Large (parent of young child residing in the Omaha Lead Site)

Mr. Bateman stated that the Lieutenant Governor has agreed to serve on the board per his discussion with the Governor. Mr. Bateman stated that the contributing business member is in place of a potentially responsible party member and would be a position contingent on a large donation to the program.

Mr. Bateman stated that Union Pacific is interested in having as much diversity and grassroots involvement as possible. Mr. Bateman stated that the work of the CAG has been exemplary and that work should not be lost when transitioning to the 501(c)(3). Mr. Bateman stated that Union Pacific needs input from the CAG and would like to have several CAG members serving on the board. Mr. Bateman stated that Union Pacific

envisions maintaining the four CAG subcommittees (Comprehensive Plan Subcommittee, Education Subcommittee, Contracting Subcommittee, and Grants Subcommittee) and having the subcommittees report to the Board of Directors.

Mr. Gudenrath stated that the 501(c)(3) is something the CAG and the Mayor have wanted for some time. Mr. Gudenrath stated that it is fortunate to be able to start the comprehensive program and that he is looking forward to seeing what will happen next. Mr. Gudenrath stated that he anticipates that the CAG subcommittees will have substantial input into the 501(c)(3).

Dr. Polk-Primm asked if the CAG would cease. Mr. Bateman stated that a transitional period is needed. Mr. Bateman stated that it is Union Pacific's suggestion to continue the subcommittees. Ms. Council stated that she has suggested continuing the CAG in addition to the subcommittees. Ms. Council stated that not everyone serves on the subcommittees and that the CAG is helpful in terms of providing information. Ms. Weston asked if financial support for the CAG would continue. Mr. Bateman stated that as long as the community wants the CAG to continue, Union Pacific would continue to financially assist the CAG.

Ms. Weston asked who would select the board members. Mr. Bateman stated that the Mayor's office would select board members. Ms. Weston asked if only two community members would be on the board. Mr. Bateman stated that the size of the board needs to be manageable. Ms. Council stated that she suggested having two community-based organizations represented on the board—one from North Omaha and one from South Omaha. Mr. Bateman stated that the board membership is not set in stone.

Ms. Weston asked who would handle the administration of the program—an individual or an entity? Mr. Bateman stated that decisions about the administration have not been made and that the current focus is on establishing a board of directors.

Dr. Donna Polk-Primm asked if the focus of the 501(c)(3) would be children's health. Mr. Bateman stated that the focus of the 501(c)(3) is on reducing elevated blood lead levels of children. Mr. Bateman stated that measurable goals will be set for the program and the focus will be on children's health.

Mr. Davis stated that at least five 501(c)(3) organizations exist as part of the CAG. Mr. Davis asked why a new 501(c)(3) is needed. Mr. Davis stated that the CAG has been meeting for over a year and a half and has a lot of knowledge. Mr. Bateman stated that it is not the intent of the 501(c)(3) to set aside the work of the CAG. Mr. Bateman stated that the intent of the 501(c)(3) is to continue the work of the CAG.

Mr. Felix stated that, at the last CAG meeting, a discussion had occurred regarding use of the State cost share. Mr. Felix stated that NDEQ has internally discussed the CAG's draft scope of work for the State cost share. Mr. Felix stated that two options exist for funding the scope of work: either by NDEQ directly funding activities and receiving credit through an agreement with EPA or by EPA funding activities through an

agreement with the 501(c)(3). Mr. Felix stated that NDEQ is concerned about directly funding the 501(c)(3) and then trying to receive credit from EPA. Mr. Felix stated that NDEQ is concerned that funding could be used for ineligible activities. Mr. Felix stated that NDEQ would prefer for activities to be funded by EPA as part of the Superfund agreement. Ms. Council stated that the scope of work was drafted to ensure that activities are eligible for EPA credit. Mr. Felix stated that NDEQ does not want the responsibility of determining if activities are eligible and tracking activities. Mr. Felix stated that NDEQ would prefer that EPA track activities and NDEQ pay for 10 percent of all costs. Ms. Council stated that EPA would approve a cooperative agreement specifying eligible activities. Mr. Felix stated that even if an agreement were in place specifying activities that NDEQ would receive credit for, NDEQ would still have an administration burden. Mr. Felix stated that NDEQ would prefer that EPA have a cooperative agreement with the 501(c)(3), rather than with NDEQ.

Ms. Council asked if EPA could enter into an agreement with the 501(c)(3) to receive State funding. Mr. Field stated that the State is responsible for 10 percent of what is spent by EPA. Mr. Field stated that EPA could enter into an agreement with the 501(c)(3) for the 501(c)(3) to receive State funding. Mr. Field stated that whether EPA provides the funding to the 501(c)(3) or the State, the State would be paying for 10 percent of all costs. Mr. Field stated that EPA could only provide credit to the State for out-of-pocket expenses. Mr. Felix stated that NDEQ does not want to seek credit because NDEQ would have to have a cooperative agreement with EPA in order to receive credit.

Dr. Pour stated that she was surprised to hear that NDEQ is uninterested in in-kind services, noting that this position was different than what NDEQ had previously stated to the CAG. Dr. Pour stated that at one time, Mr. Davis had been trying to identify in-kind services. Dr. Pour asked if the \$500,000 being provided by Union Pacific for the 501(c)(3) could be counted as in-kind dollars. Mr. Field stated that credit could only be given for State money spent, not private dollars.

Mr. Felix stated that if the CAG would like a written response from NDEQ regarding the cost share, the CAG should send a letter to Mr. Mike Linder.

Mr. Field stated that, in order to get credit, EPA and NDEQ would have to enter into a State Superfund contract and have an additional cooperative agreement. Mr. Field stated that EPA and the State would have to agree on a scope of work. Ms. Council stated asked if there is anything that would prevent EPA from entering into an agreement with the 501(c)(3) for the State cost share to be used for funding activities, relieving NDEQ of administration costs. Mr. Field stated that it is possible for EPA to enter into an agreement with the 501(c)(3), but such an agreement would not offset that State's cost share.

Mr. Felix stated that NDEQ is interested in providing funding for activities other than yard replacement. Dr. Pour asked how NDEQ would like to fund other activities. Dr. Pour asked if NDEQ could provide funding to the Douglas County Health Department. Mr. Felix replied that if the Douglas County Health Department used the funding for

ineligible activities, the County would be required to pay NDEQ back. Dr. Pour stated that it would be the same for the 501(c)(3), and the board of directors would be responsible for overseeing activities. Dr. Pour stated that to ensure activities are eligible for credit, a work plan would be written and a contractual agreement would be signed.

Dr. Polk-Primm stated that community-based organizations have an opportunity to administer activities. Dr. Polk-Primm stated that she hoped those who have participated on the CAG would not be overlooked. Dr. Polk-Primm stated that she was happy to see the diversity represented around the table. Dr. Polk-Primm stated that MFG has provided leadership, research, and assistance to the CAG and hope that MFG would continue to be involved with the 501(c)(3). Mr. Bateman stated that MFG would be involved.

Ms. Council stated that she is concerned that the State seems to prefer to pay 10 percent of EPA's spending, rather than directing funds towards community initiatives. Ms. Weston stated that if NDEQ does not want to administer funds to the 501(c)(3), EPA could fund the 501(c)(3). Mr. Bateman stated that the intent of the 501(c)(3) is to make sure that as much of the State's match is put towards the comprehensive program as possible. Mr. Bateman stated that the purpose of the CAG has always been to have a comprehensive program.

Ms. Council asked if the CAG would like to provide input into the composition of the 501(c)(3) board of directors. Ms. Council asked if the CAG would like to have a nomination process and submit nominees for consideration. Dr. Polk-Primm stated that a nomination process is unnecessary and that individuals interested in serving should make it known. Dr. Polk-Primm stated that she is concerned that Central Omaha is underrepresented.

Ms. Weston, referring back to Mr. Davis's comment that an existing 501(c)(3) could receive funding rather than creating a new entity, stated that existing 501(c)(3)s do not want to take on the additional responsibility.

Ms. Council stated that anyone interested in nominating himself/herself or someone else for the board of directors should email her, and she would pass it on to the Mayor's office. Ms. Weston stated that Mr. Bateman is probably well aware of who has been involved with the CAG.

Mr. Felix stated that NDEQ had a dual purpose in identifying in-kind services: to identify existing eligible funds and eligible future activities. Mr. Felix stated that in-kind services do not exist that would qualify for credit because the services are already being used as matches for other programs. Mr. Felix stated that NDEQ has been in a situation where NDEQ had to pay back grant money. Mr. Felix stated that NDEQ is interested in a comprehensive approach, but would prefer that EPA fund the program.

Mr. Felix stated that if the CAG would like NDEQ to reevaluate their position on the matter he could talk it over with his supervisors again. Ms. Council stated that a motion

would be needed to send a letter requesting the NDEQ reevaluate using the State's cost share to fund activities outlined in the draft scope of work. No such motion was made.

Ms. Watkins stated that when the CAG had previously discussed the formation of a board of directors, a separate alliance was envisioned. Ms. Watkins asked if there would still be an alliance. Ms. Council stated that existing subcommittees would fulfill the purpose of the alliance providing a way to continue the work of the CAG and include anyone interested in participating. Ms. Council stated that membership on the subcommittees would remain open.

Ms. Watkins asked if there would always be one contributing business member on the board and if a business making a larger contribution would take the place of a member with a smaller contribution. Mr. Bateman stated that the board would decide how to handle the contributing business position. Mr. Bateman stated that if multiple businesses were willing to make a substantial donation, it would be wise to allow for multiple contributing business board members. Ms. Council stated that many boards are set up to have a range of member (e.g. no less than 11 members and no more than 15 members).

Ms. Council stated that she met with the City grant coordinator, Ms. Gail Braun, to discuss funding opportunities. Ms. Council stated that she was very encouraged by the meeting. Ms. Council stated that many funding opportunities exist and that the 501(c)(3) is in a good position to leverage funding. Ms. Determan stated that Ms. Braun suggested foundations to contact. Ms. Determan added that Ms. Braun is interested in participating on the CAG.

Mr. Field asked if the comprehensive program would have a geographical boundary. Mr. Bateman stated that a boundary has not been discussed at this time.

Ms. Weston asked if funds provided by EPA could only be distributed within the Omaha Lead Site boundaries. Mr. Field stated that funding could only be spent on the Omaha Lead Site, but added that the Superfund site does not have a finite boundary. Ms. Council stated that EPA's Interim Record of Decision identifies the site boundaries. Mr. Field stated that the Interim Record of Decision defines the Superfund site as properties with yard lead concentrations over 800 ppm. Mr. Sanders stated that, although only those properties with yard lead concentrations over 800 ppm are included in the site, funding for health education would not be restricted to those homes.

Ms. Weston asked if EPA would be on the board of directors. Mr. Bateman stated that EPA should be involved as much as possible. Ms. Council stated that, hopefully, EPA would continue to participate on the subcommittees. Mr. Field stated that the Interim Record of Decision requires EPA's participation in a comprehensive program.

Mr. Field asked how the \$500,000 earmark for the City would be used. Mr. Bateman stated that the appropriation earmarked for the City is to be used for a study. Mr. Field stated that the appropriation was only a line item in an EPA appropriation that did not specify how the funds would be used. Mr. Crawford stated that the \$500,000 was a

Department of the Interior appropriation and is to be used to develop and test a model to coordinate EPA soil remediation with HUD lead-based paint remediation to prevent recontamination of soils. Mr. Field stated that he could not locate that language in the appropriation. Mr. Crawford stated that he would provide the CAG with the language.

Mr. Jones thanked the congressional delegation for their efforts in securing a HUD grant for Omaha and congratulated the CAG on keeping lead issues in the limelight. Ms. Council stated that it is because of the CAG's work that a 501(c)(3) has been established.

Ms. Council suggested rescheduling the next CAG meeting. The CAG agreed to move the next meeting to Wednesday, October 19, 2005 at 9:30 a.m. Mr. Davis stated that he would be out-of-town, but the CAG could still meet at NDEQ's office. Ms. Council stated that an email would be sent out to ask CAG members if they would still like to meet at NDEQ.

Handouts Provided for the Meeting (September 28, 2005):
Draft Omaha's Healthy Kids Alliance 501(c)(3) Information

Press Release: Omaha's Healthy Kids Alliance Formed to Address Comprehensive Lead Clean Up

U.P. Puts \$500,000 Into Lead Abatement

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

PLEASE PRINT

OLS CAG
Sign-In Sheet 09-28-05

Name	Address	Phone Number	Fax Number	Email Address
Jennifer Rowley	9910 N 48th St	933-1345		jennifer.rowley@mtgenv.com
Connie Determan	"	"		
Jennifer Gates	"	"		
C. How Jones	10909 Mill Valley Rd. 68154	492-3134	492-3184	C.How-Jones@hwl.gov
Tom Janssen	11301 DAVENPORT ST 2 68154	758-6481	758-9165	Tom-janssen@WGL-SENATE.GOV
Todd Crawford	—	—	—	todd-crawford@hgwol.senate.gov
Mike Ellis	NDEQ			
Jim Dowding		444-6298		
Marian Todd	1819 Farnam	444-5217		
Joyce Steen	"	444-5167	444-6140	
Kathy Lerner Kugel	"	444-1551		on record
Delia Mc Coyne	Lincoln 7146 South ⁶⁸⁵⁰⁶ St	(402) 489-7082		
Eva Savemil	7602 Pacific St	391-3411		
Greg Carroll	1313 Farnam Mall	555-1427		—
Verna Wadwa		444-7804		
Ad. Pan-	1819 Farnam	444-7471		apow@co.douglas-ne.us
Reid Steinkrans	"	444-7489		
Cammy Watkins	Sierra Club	551-9480		camellia.watkins@sierracub.org
Stere Smiderz	901 W. 5th	413-551-7578		

Joe G. ENRATH
Jeff McDermott

Mayor's Office
Union Pacific

Gary Gotsdiner

McGill Gotsdiner Warkentin & Lepp

Doug Purcell

Gay Haverman

Edie Brooks Pittman

OMAHA NIMAP BRMCK

Marilyn McGary Urban League of Nebraska 453-9730
mmcgary@urbanleagueneb.org

Felisa Dillon ASW Associates DillonDairsoilwater.com 871-7513

Lisa Giambattini - parent of children in lead site cleanup