

2012 MAY 16 AM 9:27

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101

In the Matter of: )

OMAHA LEAD SUPERFUND SITE )  
OMAHA, NEBRASKA )

) ADMINISTRATIVE ORDER DIRECTING  
) COMPLIANCE WITH REQUEST FOR  
) ACCESS

Victor E. Ho )  
5912 N Street )  
Omaha, Nebraska 68117 )

) Docket No. CERCLA-07-2011-0045

RESPONDENT )

) Proceeding Under Section 104(e) of the  
) Comprehensive Environmental Response,  
) Compensation and Liability Act,  
) as amended, 42 U.S.C. § 9604(e)

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ADMINISTRATIVE ORDER DIRECTING COMPLIANCE  
WITH REQUEST FOR ACCESS

**TABLE OF CONTENTS**

**I. JURISDICTION..... 1**

**II. STATEMENT OF PURPOSE ..... 1**

**III. FINDINGS OF FACT..... 2**

**IV. CONCLUSIONS OF LAW AND DETERMINATIONS..... 7**

**V. ORDER ..... 8**

**VI. ENFORCEMENT..... 10**

**VII. ADMINISTRATIVE RECORD ..... 11**

**VIII. OPPORTUNITY TO CONFER..... 11**

**IX. EFFECTIVE DATE: COMPUTATION OF TIME..... 12**

**X. NOTICE OF INTENT TO COMPLY ..... 13**

**XI. TERMINATION..... 14**

**LIST OF EXHIBITS**

- 1. Warranty Deeds
- 2. Access Request Letter
- 3. Access Forms

## **I. JURISDICTION**

1. This Administrative Order (“Order”) is issued to Victor E. Ho (hereinafter “Respondent”), pursuant to the authority vested in the President of the United States by Section 104(e)(5) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (“CERCLA”), 42 U.S.C. § 9604(e)(5), and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300.400(d)(4). This authority was delegated to the Administrator of the United States Environmental Protection Agency (“EPA”) on January 23, 1987, by Executive Order 12580, 52 Fed. Reg. 2923, and further delegated to the Regional Administrators of EPA on May 11, 1994 by EPA Delegation No.14-6. The Regional Administrator, EPA Region 7, redelegated this authority to the Superfund Division Director, EPA Region 7, by Regional Delegation No. R7-14-006, dated June 30, 1997, and the authority was further delegated to the Superfund Branch Chiefs by Regional Delegation No. R7-DIV-14-006, dated July 25, 1997.

## **II. STATEMENT OF PURPOSE**

2. This Order requires Respondent to grant EPA and its authorized representatives entry and access to the property described in Paragraph 4 below (“the Property”) located in Omaha, Nebraska for the purposes of determining the need for response actions or otherwise enforcing the provisions of CERCLA by collecting environmental samples at the Omaha Lead Superfund Site (the “Site”). This Order further requires Respondent to refrain from interfering with access to the Property by EPA and its authorized representatives for the purposes set forth herein. The Property is located within the Site. Hazardous substances have been released at the

Site and the EPA is investigating the nature and extent of the release in order to evaluate the need to conduct additional response actions to remove the hazardous substances. The access is necessary at the Property to determine if hazardous substances are present and evaluate if the hazardous substances present a threat to human health or the environment.

3. This Administrative Order establishes that Respondent has denied EPA access to his property, sets forth the relief EPA is seeking, and provides Respondent with an opportunity to confer with EPA regarding access.

### **III. FINDINGS OF FACT**

4. Respondent is the owner(s) of certain property described as:

- a. A residential property at 4402 South 38<sup>th</sup> Street, Omaha, Nebraska;
- b. A residential property at 3905 South 14<sup>th</sup> Street, Omaha, Nebraska;
- c. A residential property at 3001 South 30<sup>th</sup> Street, Omaha, Nebraska;
- d. A residential property at 1105 South 28<sup>th</sup> Street, Omaha, Nebraska;
- e. A residential property at 3642 Hascall Street, Omaha, Nebraska; and
- f. A residential property at 1615 Elm Street, Omaha, Nebraska.

5. Respondent acquired current interest in the property described in Paragraph 4a on June 9, 1976, the property described in Paragraph 4b on March 16, 1979, the property described in Paragraph 4c on July 24, 1978, the property described in Paragraph 4d on November 24, 1978, the property described in Paragraph 4e on February 2, 1976, and the property described in Paragraph 4f on August 7, 1981. A copy of a Deed for each property is attached as Exhibit 1. The properties described in Paragraph 4 are herein referred to as the "Property."

6. The Site is listed on the CERCLA National Priorities List, 40 C.F.R. Part 300, App. B, pursuant to Section 105(a)(8)(B) of CERCLA, 42 U.S.C. § 9605(a)(8)(B).

7. The Site includes contaminated surface soils present at thousands of residential properties, child care facilities, and other residential-type properties in the city of Omaha, Nebraska, that have been contaminated as a result of historic air emissions from lead smelting/refining operations. The total area of the Site is approximately 27 square miles and encompasses the eastern portion of the greater metropolitan area in Omaha, Nebraska. The Site is centered around downtown Omaha, Nebraska, where two former lead processing facilities operated.

8. American Smelting and Refining Company, Inc., (ASARCO) operated a lead refinery at 500 Douglas Street in Omaha, Nebraska, for over 125 years. The Gould Electronics Inc. (Gould) lead battery recycling plant was located at 555 Farnam Street and operated for approximately 30 years. Both facilities released lead-containing particulates to the atmosphere from their smokestacks as a routine part of their operation. The ASARCO facility was much larger and emitted most of the airborne lead contaminants. Past smelting/refining operations have resulted in the emissions of over a hundred thousand tons of lead into the air at the Site. These lead emissions migrated through airborne pathways and settled onto the ground surface in the areas of the Site, including the residential properties.

9. The Site has an extensive history of investigations and response activities to address threats to human health and the environment presented by lead contaminated soils. The EPA began sampling residential yards in March 1999. The EPA has collected soil samples from over 35,000 residential properties in the Omaha area. The EPA has had the soil samples

analyzed and the results from the sampling activities have been verified. The results of this soil sampling show widespread soil lead contamination in the residential yards at the Site.

10. To address the release of the hazardous substances at the residential properties at the Site, the EPA is conducting certain response actions. These actions included the performance of an emergency removal action to cleanup contaminated soils at priority properties. In addition a Remedial Investigation/Feasibility Study (RI/FS) was performed to identify the locations of contaminated residential soils, evaluate their impact on human health and the environment, and propose remediation alternatives to address the risks posed by the contaminated residential soils. A final Record of Decision was signed in May 2009 outlining the steps to be taken to address the lead contamination in the residential soils at the Site and additional cleanup work is being implemented. These actions require the sampling of the soil at the Property to determine if these soils are contaminated.

11. To perform the response actions described above, it will be necessary for employees, agents, contractors, and other representatives of EPA to enter the Property. The activities for which entry is required include the collection of soil samples from the Property and, if necessary, the collection of lead paint data through non-intrusive testing of the exterior painted surfaces of the structures at the Property.

12. Soil sampling activities at the Property will require approximately one hour to complete and will consist of the collection of several spoonfuls of soil at each sample location. The EPA will enter Respondent's yard and collect small soil samples for analysis. The samples are taken beneath the top layer of grass and organic matter. This is done by making a small divot in the grass, removing a few spoons full of soil, and replacing the divot. The EPA does not need

to enter Respondent's home or any other outside buildings. Approximately, five to six composite samples will be taken from the front, back and side yards. Also, EPA may sample near outside play equipment or in garden areas. Generally, samples are collected away from buildings to avoid interference from any lead-based paint chips that may have fallen off buildings, but at least one sample will be taken in the area close to the foundation of the building. The small volume of soil will be removed from Respondent's Property and placed in a small container or plastic bag for analytical testing at a laboratory or field analysis at an EPA field office location, and retained for subsequent analytical verification.

13. In addition, if the results of the soil sampling at the Property indicate that the soil at the property is contaminated above levels of concern, the EPA will return to perform a lead-based paint assessment on the exterior painted surfaces of the structures at the property. The purpose of this assessment is to evaluate the severity of any lead-based paint problem that may exist. The paint data collection activities will take a few hours to complete. EPA will collect data on each of the similarly painted exterior surfaces for all structures at the Property, including the exterior of the house, garage, and other structures, if any are present. No painted surfaces will be disturbed by this assessment. The data will be collected using an instrument placed against the painted surface that records the lead content of the painted surface. In addition, EPA will visually inspect the painted surfaces. The EPA will not enter the house or any other structure.

14. The EPA will enter the Property at reasonable times to perform the sampling. EPA will provide the sample results to the Respondent. Respondent may observe EPA sampling procedures but may not interfere with sampling activities.

15. Considerable efforts have been made by EPA to obtain permission to access the Property, but such efforts have been unsuccessful. The following contact attempts have been made:

A. Access request letters, copies of which are attached as Exhibit 2, were sent on the following dates:

a. for the Property listed in Paragraph 4a:

- August 1, 2003, April 11, 2005, August 21, 2008 (this letter is dated August 1, 2008 but was sent on August 21, 2008 along with an August 7, 2008 letter from the Omaha City Council), and October 13, 2010;

b. for the Property listed in Paragraph 4b:

- August 1, 2003, April 11, 2005, and October 13, 2010

c. for the Property listed in Paragraph 4c:

- March 10, 2003, April 30, 2004, April 11, 2005, October 31, 2007, and October 13, 2010.

d. for the Properties listed in Paragraphs 4d, 4e, and 4f:

- August 1, 2003, April 11, 2005, October 31, 2007, and October 13, 2010.

B. Personal or telephone contacts were made (as documented on the Access Forms attached as Exhibit 3) on the following dates:

a. for the Property listed in Paragraph 4a:

- October 20, 2005, and April 3, 2008.

b. for the Property listed in Paragraph 4b:



- October 20, 2005 and April 4, 2009.
- c. for the Property listed in Paragraph 4d:
- February 18, 2009.
- d. for the Property listed in Paragraph 4f:
- October 20, 2005.

C. Most recently representatives of the EPA contacted the Respondent by telephone on March 31, 2012 and again Respondent refused to allow access to the Property.

Respondent has had many opportunities to enter into an access agreement with EPA. However, Respondent has rejected all attempts by EPA to obtain access for sampling the Property.

#### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

16. The Site is a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

17. Respondent is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

18. Lead is a hazardous substance within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

19. The past and/or present disposal and migration of a hazardous substance at or from the Site constitutes an actual “release” or a threat of such a release into the “environment” within the meaning of Sections 101(8) and 101(22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22), and thus there is a reasonable basis to believe that there may be a release or threat of release of

hazardous substances on the Property within the meaning of Section 104(e)(1) of CERCLA, 42 U.S.C. § 9604(e)(1).

20. The Property owned or controlled by Respondent referred to in Paragraph 4 above is a property:

- a. to which a hazardous substance has been or may have been released; and
- b. where entry is needed to determine the need for a response action, within the meaning of Section 104(e)(3) of CERCLA, 42 U.S.C. § 9604(e)(3).

21. Entry to property owned or controlled by Respondent by the agents, contractors, or other representatives of the United States is needed for the purposes of determining the need for a response action, within the meaning of Section 104(e)(3) of CERCLA, 42 U.S.C. § 9604(e)(3).

22. EPA's request for access to the Property has not been granted or Respondent's attempts to condition its grant of access amounts to a denial of access within the meaning of Section 104(e)(5)(a) of CERCLA, 42 U.S.C. § 9604(e)(5)(a), and 40 C.F.R. 300.400(d)(4)(i).

#### **V. ORDER**

23. Based upon the foregoing Findings of Fact, Conclusions of Law and Determinations, and the Administrative Record, Respondent is hereby ordered to provide EPA and its officers, employees, agents, contractors, and other representatives, full and unrestricted access at all reasonable times to the Property for the purpose of conducting sampling activities that EPA deems necessary to evaluate the threat to public health, welfare or the environment posed by the release or threatened release of hazardous substances at the Property.

24. Respondent shall not interfere with EPA's exercise of its access authorities pursuant to 42 U.S.C. § 9604(e) and 40 C.F.R. 300.400(d), and shall not interfere with or otherwise limit any activity conducted at the Property pursuant to this Order by EPA, its officers, employees, agents, contractors, or other representatives. Any such interference shall be deemed a violation of this Order.

25. Nothing herein limits or otherwise affects any right of entry held by the United States pursuant to applicable laws, regulations, or permits.

26. This Order shall apply to and be binding upon Respondent and its successors, heirs and assigns, and each and every agent of Respondent and upon all other persons and entities who are under the direct or indirect control of Respondent, including any and all lessees of Respondent.

27. In the event of any conveyance by Respondent or Respondent's agents, heirs, successors and assigns of an interest in the Property, Respondent or Respondent's agents, heirs, successors and assigns shall convey the interest in a manner which insures continued access to the Property by EPA and its representatives for the purpose of carrying out the activities pursuant to this Order. Any such conveyance shall restrict the use of the Property so that the use will not interfere with activities undertaken or to be undertaken by EPA and its representatives. Respondent or Respondent's agents, heirs, successors and assigns shall notify EPA in writing at least thirty (30) days prior to the conveyance of any interest in the Property, and shall, prior to the transfer, notify the other parties involved in the conveyance of the provisions of this Order.

## **VI. ENFORCEMENT**

28. Compliance with this Order shall be enforceable pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). A court may impose a civil penalty on Respondent of up to \$37,500 for each day that Respondent unreasonably fails to comply with this Order, as provided in Section 104(e)(5) of CERCLA, 42, U.S.C. § 9604(e)(5), and the Civil Monetary Penalty Inflation Adjustment Rule, 69 Fed. Reg. 7121, 40 C.F.R. Part 19.4. In addition, any person who is liable for a release or threat of release of a hazardous substance or pollutant or contaminant and who fails to comply with this Order may be liable for punitive damages in an amount up to three times the amount of any costs incurred by the United States as a result of such failure, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Nothing herein shall preclude EPA from taking any additional enforcement actions, and/or other actions it may deem necessary for any purpose, including the prevention or abatement of a threat to the public health, welfare, or the environment arising from conditions at the Property, and recovery of the costs thereof.

29. Nothing in this Order constitutes a waiver, bar, release, or satisfaction of or a defense to any cause of action which EPA has now or may have in the future against Respondent, or against any entity which is not a party to this Order.

30. Nothing in this Order shall affect in any manner the right of EPA to issue any other orders or to take any other administrative or civil action against Respondent or any other parties under CERCLA which relate to this Property or any other site.

31. Nothing in this Order constitutes a decision on preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

**VII. ADMINISTRATIVE RECORD**

32. EPA has established an Administrative Record which contains the documents that form the basis for the issuance of this Order. The Administrative Record is available for review at three branches of the Omaha Public Library in Omaha, Nebraska and by appointment at the EPA Regional Office in Kansas City, Kansas. The Administrative Record is located at the main branch (W. Dale Clarke Branch) of the Omaha Public Library at 215 South 15<sup>th</sup> Street (402-444-4800), the Washington Branch at 2816 Ames Avenue (402-444-4849), and at the South Omaha Branch at 2202 M Street (402-444-4850). A paper and electronic copy is available at the main branch with only electronic copies available at the Washington Branch and South Omaha Branch. An appointment to review the Administrative Record at the EPA Regional Office can be made by contacting Steven L. Sanders, Senior Counsel, at (913) 551-7578. The record can also be reviewed by contacting the Omaha Public Library at the numbers identified above.

**VIII. OPPORTUNITY TO CONFER**

33. Within seven (7) calendar days after receipt of this Order by Respondent, Respondent may request a conference with EPA, to be held no later than three (3) business days after Respondent's request, on any matter pertinent to this Order, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondent is ordered to take, or any other relevant and material issues or contentions which Respondent may have regarding this Order. Respondent may appear in person and/or be represented by an attorney or other representative at the conference. Respondent may also submit written comments or statements of position on any matter pertinent to this Order no later than the time of the conference, or at least two business days before the effective date of this

Order if Respondent does not request a conference. EPA will deem Respondent to have waived its right to the conference or to submit written comments if it fails to request the conference or submit comments within the specified time period(s). Any request for a conference or written comments or statement should be submitted to Steven L. Sanders, Senior Counsel, at telephone number (913) 551-7578, by facsimile number (913) 551-7925, by electronic mail at sanders.steven@epa.gov or by regular mail at U.S. Environmental Protection Agency, Region 7, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101. The Respondents can also reach EPA toll free at 1-800-223-0425.

**IX. EFFECTIVE DATE: COMPUTATION OF TIME**

34. This Order shall be effective seven (7) business days after its receipt by Respondent or Respondent's designated representative unless a conference is timely requested as provided above. If a conference is timely requested, then at the conclusion of the conference or after the conference, if EPA determines that no modification to the Order is necessary, the Order shall become effective immediately upon notification by EPA of such determination. If modification of the Order is determined by EPA to be necessary, the Order shall become effective upon notification by EPA of such modification. Any EPA notification under this paragraph may, at EPA's discretion, be provided to Respondent by facsimile, electronic mail, or oral communication; provided that if EPA does use such a form of notification, it will also confirm such notification by first class, certified or express mail to Respondent or its legal counsel. Any amendment or modification of this Order by EPA shall be made or confirmed in writing.

35. For purposes of this Order, the term "day" shall mean a calendar day unless expressly stated to be a business day. "Business day" shall mean a day other than a Saturday, Sunday or federal legal holiday. When computing any period of time under this Order, if the last day would fall on a Saturday, Sunday, or federal legal holiday, the period shall run until the next business day.

**X. NOTICE OF INTENT TO COMPLY**

36. On or before the effective date of this Order, Respondent shall notify EPA in writing whether Respondent will comply with the terms of this Order. Respondent's failure to notify EPA of its unconditional intent to fully comply with this Order by the time the Order becomes effective shall be (1) construed as a denial of EPA's request for access, and (2) as of the effective date of the Order, treated as a violation of the Order. Such written notice shall be sent to:

Steven L. Sanders  
Senior Counsel  
U.S. Environmental Protection Agency, Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101  
Telephone (913) 551-7578  
Facsimile (913) 551-7925.

**XI. TERMINATION**

37. This Order shall remain in effect for 180 days after the effective date of the Order or until Gene Gunn, Branch Chief or his designee notifies Respondent in writing that access to the Property is no longer needed, whichever comes first.

**SO ORDERED.**

5/15/12  
Date of Issuance

Gene Gunn  
Gene Gunn  
Chief  
Special Emphasis Remedial Branch  
Superfund Division



PARC 2902 0000 04

FB 35 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE

TAX DISTRICT 0100 SID F-

PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE  
ADDRESS 04402 S 038 ST OMA 68107

-----OWNER OR TAXPAYER INFORMATION-----

NAME VICTOR E\*HO ETAL

DATE OF LAST CHANGE 03-28-2006

+ 5912 N ST

BK/PG OR DOC# 1546-218

ADDR

HOMESTEAD DELETE

CITY OMAHA

ST NE ZIP 68117

NON NUMERIC ZIP CODE

-----CURRENT VALUE-----

-----HOMESTEAD-----

YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE  
2008 03-10-2008 5900 25300 31200 RA

ADDITION NO. 81000  
SOUTH OMAHA CITY LOTS

LOT 1 HALF BLOCK 328 HALF  
SECT TOWN RANGE PLAT 0295

-----LEGAL DESCRIPTION-----

-----LEGAL DESCRIPTION-----

1 E 1/2  
3  
5 2/1  
7

2 50 X 67.3  
4  
6  
8

PF1-ADFB

PF5-PNFB

PF6-PAFB

BVID  
#10753



502-179

SURVIVORSHIP WARRANTY DEED

Eugenia C. Kalina, husband and wife, Edward S. Kalina and  
, herein called the grantor whether one or more,  
in consideration of One Dollar (\$1.00) and other valuable considerations-----  
received from grantees, does grant, bargain, sell convey and confirm unto Victor E. Ho and Janice G. Ho,  
husband and wife,  
as joint tenants with right of survivorship, and not as tenants in common, the following described real  
property in Douglas County, Nebraska: The East 67 feet of Lot One  
(1), Block Three Hundred Twenty Eight (328), in South Omaha, now City of Omaha, in  
Douglas County, Nebraska.

NEBRASKA DOCUMENTARY  
STAMP TAX  
JUN 14 1976  
\$ 25 BY M. M.

To have and to hold the above described premises together with all tenements, hereditaments  
and appurtenances thereto belonging unto the grantees and to their assigns, or to the heirs and assigns  
of the survivor of them forever.

And grantor does hereby covenant with the grantees and with their assigns and with the heirs  
and assigns of the survivor of them that grantor is lawfully seized of said premises; that they are free from  
encumbrances subject to the 1975 County and 1976 City taxes to be pro-rated as of  
June 9, 1976.

that grantor has good right and lawful authority to convey the same; and that grantor warrants and will  
defend the title to said premises against the lawful claims of all persons whomsoever.

It is the intention of all parties hereto that in the event of the death of either of the grantees,  
the entire fee simple title to the real estate shall vest in the surviving grantee.

Dated June 9 1976

*Edward S. Kalina*  
EDWARD S. KALINA

*Eugenia C. Kalina*  
EUGENIA C. KALINA

<sup>15</sup> ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
14 DAY OF June 1976 10:03A. S. HAROLD OSTLER, REGISTER OF DEEDS

STATE OF Nebraska, County of Douglas

Before me, a notary public qualified for said county, personally came Edward S. Kalina and  
Eugenia C. Kalina, husband and wife,

 JEROME J. SICUNAS  
NOTARY PUBLIC - State of Neb.  
My Commission Expires  
April 30, 1977

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged  
the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on June 9th 1976  
*Jerome J. Sicunas* Notary Public  
My commission expires April 10, 1977

Bvd # 10753

PARC 3655 0000 19

FB 27 STATUS 2 CLASS R  
 EXEMPT 0 EXEMPT TYPE TAX DISTRICT 0100 SID F-  
 PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE  
 ADDRESS 03905 S 014 ST OMA 68107

-----OWNER OR TAXPAYER INFORMATION-----

NAME VICTOR E\*HO ETAL DATE OF LAST CHANGE 04-04-2006  
 + 5912 N ST BK/PG OR DOC#  
 ADDR HOMESTEAD DELETE  
 CITY OMAHA ST NE ZIP 68117-1762 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----HOMESTEAD-----

YEAR	---DATE---	---LAND--	---IMPR--	---TOTAL--	PAR RSN	NUMBER	TY	CD	PCT	VALUE
2011	03-13-2011	4800	16300	21100	RA					

OVER 1 ACRE IND OVERWRITE AMOUNT

ADDITION NO. 29400 LOT 2 HALF BLOCK 4 HALF  
 PARK FOREST SECT TOWN RANGE PLAT 0103

-----LEGAL DESCRIPTION-----

1	50 X 120	2
3		4
5		6
7		8

PF1-ADFB

PF5-PNFB

PF6-PAFB

38-577.

1620-35

3642 Hasselet St.  
105

BOOK 1620 PAGE 35  
EXECUTOR'S DEED

NEBRASKA DOCUMENTARY  
STAMP TAX  
MAR 26 1979  
\$ 3.85 BY *[Signature]*

Kenneth L. Vetter, Personal Representative of the Estate of Walter T. Vetter, also known as Walter Truman Vetter, Deceased, pursuant to authority granted to by the Last Will and Testament of Walter T. Vetter, Deceased, in consideration of One and no/100 Dollar (\$1.00) received from grantee does grant, bargain, sell, convey and confirm unto Victor E. and Janice G. Ho, husband and wife, as joint tenants and not as tenants in common, the following described real property:

Lot 2, Block 4, in Park Forest, an addition to the City of Omaha, in Douglas County, Nebraska, subject to easements and restrictions of record, together with all the estate, right, title, interest, claim or demand whatsoever of said Deceased of, in and to the same, or any part thereof.

To have and to hold the above described real property and all tenements, hereditaments and appurtenances thereto belonging unto the grantees as joint tenants and not as tenants in common, and to grantee's heirs and assigns forever, and the grantor hereby covenants that the real property herein described is free and clear of any lien or encumbrance caused by any claim for taxes levied against the Estate of Walter T. Vetter, Deceased.

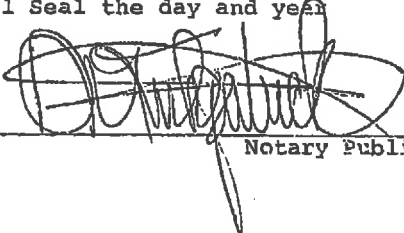
Dated this 16<sup>th</sup> day of March 1979.

*Kenneth L. Vetter*  
KENNETH L. VETTER,  
Personal Representative  
of the Estate of Walter T. Vetter,  
Deceased

STATE OF IOWA )  
COUNTY OF Polk ) SS

On this 16 day of March 1979, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county and state, personally appeared Kenneth L. Vetter, to me known to be the identical person who executed the foregoing Executor's Deed and acknowledged the same to be his voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

  
\_\_\_\_\_  
Notary Public

( Seal )

*29 Deed*

RECEIVED

1979 MAR 26 AM 10:27

C. HAROLD WEBSTER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, IOWA

Book 1620  
Page 35  
of Deed

Fee 6.25  
Index ✓  
Comped 2  
38-585  
38-577

PARC 0079 0000 23

FB 21 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE

TAX DISTRICT 0100 SID F-

PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE  
ADDRESS 03001 S 030 ST OMA 68105

-----OWNER OR TAXPAYER INFORMATION-----

NAME VICTOR E\*HO ETAL DATE OF LAST CHANGE 03-31-2006  
+ 5912 N ST BK/PG OR DOC#  
ADDR HOMESTEAD DELETE  
CITY OMAHA ST NE ZIP 68117 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----HOMESTEAD-----

YEAR ---DATE--- ---LAND-- ---IMPR-- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE  
2010 03-06-2010 6000 37300 43300 RA

OVER 1 ACRE IND OVERRIDE AMOUNT

ADDITION NO. 37340 LOT 11 HALF BLOCK 6 HALF  
SUMMIT ADD SECT TOWN RANGE PLAT 0195

-----LEGAL DESCRIPTION-----

1 N 44.3 FT LTS 10 & 2 44.3 X 126  
3 4  
5 6  
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

47-519.

1745-257

36 N 2 HASCOLL ST. 105

SURVIVORSHIP WARRANTY DEED

Dorothy J. Socha, husband and wife, herein called the grantor whether one or more, in consideration of One Dollar (\$1.00) and other valuable considerations received from grantees, does grant, bargain, sell convey and confirm unto Victor E. Ho and Janice G. Ho, husband and wife, as joint tenants with right of survivorship, and not as tenants in common, the following described real property in Douglas County, Nebraska:

The North Forty-four and One quarter (44 1/4) Feet of Lots Ten (10) and Eleven (11), in Block Six (6), in Summit Addition, an Addition to the City of Omaha, Douglas County, Nebraska.

NEBRASKA DOCUMENTARY STAMP TAX DEC 11 1984 \$ 11.00 BY C.D.

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantees and to their assigns, or to the heirs and assigns of the survivor of them forever.

And grantor does hereby covenant with the grantees and with their assigns and with the heirs and assigns of the survivor of them that grantor is lawfully seized of said premises; that they are free from encumbrances except subject to the 1977 County and 1978 City taxes to be pro-rated as of August 1, 1978,

that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

It is the intention of all parties hereto that in the event of the death of either of the grantees, the entire fee simple title to the real estate shall vest in the surviving grantee.

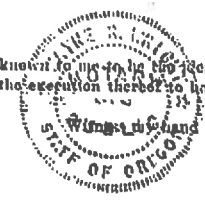
Dated July 24, 1978

Chester Socha
Chester Socha
Dorothy J. Socha

STATE OF OREGON County of Multnomah

Before me, a notary public qualified for said county, personally came Chester Socha and Dorothy J. Socha, husband and wife,

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.



Notary Public
My commission expires 6-15 1979

20 Dec 84

RECEIVED 1984 DEC 11 AM 8 24

Book 1745 Page 257 of Deed

Handwritten notes and signatures including '6.00' and '47-54/519'

PARC 3491 0000 12

FB 19 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE

TAX DISTRICT 0100 SID F-

PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE  
ADDRESS 01105 S 028 ST OMA 68105

-----OWNER OR TAXPAYER INFORMATION-----

NAME VICTOR E\*HO ETAL DATE OF LAST CHANGE 06-17-2009

+ 5912 N ST BK/PG OR DOC#

ADDR HOMESTEAD DELETE

CITY OMAHA ST NE ZIP 68117-1762 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----HOMESTEAD-----

YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL--- PAR RSN NUMBER TY CD PCT VALUE  
2010 03-06-2010 5400 25500 30900 RA

OVER 1 ACRE IND OVERRIDE AMOUNT

ADDITION NO. 14880 LOT 24 HALF BLOCK 1 HALF

HANSCOM PLACE SECT TOWN RANGE PLAT 0203

-----LEGAL DESCRIPTION-----

1 ALL LT 23 & S 5 FT 2 55 X 150  
3 4  
5 6  
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

58-39

1413-196



1105 2028 07  
2.1-WARRANTY DEED

BOOK 1613 PAGE 196  
WARRANTY DEED

19413-4

Rosina Molinaro Pascuzzi, unmarried, herein called the grantor whether one or more,  
in consideration of One dollar and other valuable consideration  
received from grantee, does grant, bargain, sell, convey and confirm unto  
Victor E. Ho

herein called the grantee whether one or more, the following described real property in

Douglas County, Nebraska:

Lots Twenty-three (23) and Twenty-four (24), except the North  
50 feet of said Lot Twenty-four (24), Block One (1), Hanscom  
Place, an Addition to the City of Omaha, as surveyed, platted and  
recorded.

This property is not now, and never was, the homestead of the  
grantor.

36 Deced

RECEIVED  
1978 DEC 14 AM 9:00  
C. HARRIS ESTER  
RECORDER OF DEEDS  
DUBLAS COUNTY, NEBR.

Book 1613 Page 96 of Deced  
Fee 3.50  
Index  
Stamped  
1-58-34-22  
58-29

To have and to hold the above described premises together with all tenements, hereditaments  
and appurtenances thereto belonging unto the grantee and to grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with grantee's heirs and assigns  
that grantor is lawfully seised of said premises; that they are free from encumbrance

that grantor has good right and lawful authority to convey the same; and that grantor warrants and will  
defend the title to said premises against the lawful claims of all persons whomsoever.

Dated November 24th 19 78

NEBRASKA DOCUMENTARY  
STAMP TAX  
DEC 14 1978  
\$ 17.30 BY m. m

Rosina Molinaro Pascuzzi  
by Antonio Pane  
Attorney-in-Fact

NEW YORK  
STATE OF ~~NEW YORK~~ County of Ontario

Before me, a notary public qualified for said county, personally on me

Antonio Pane, Attorney-in-Fact for:

Rosina Molinaro Pascuzzi, unmarried

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged  
the execution thereof to be his, her or their voluntary act and deed, as such Attorney-in-Fact for  
the uses and purposes therein mentioned.

Witness my hand and notarial seal on November 24, 1978

David N. Russell Notary Public.  
DAVID N. RUSSELL  
Notary Public, State of New York  
No. 68-340-915, Reg. in Wayne County  
My Commission Expires March 30, 1979

My commission expires

PARC 3833 0000 17

FB 28 STATUS 2 CLASS R  
 EXEMPT 0 EXEMPT TYPE TAX DISTRICT 0100 SID F-  
 PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE  
 ADDRESS 03642 HASCALL ST OMA 68105

-----OWNER OR TAXPAYER INFORMATION-----  
 NAME VICTOR E\*HO ETAL DATE OF LAST CHANGE 10-28-2008  
 + 5912 N ST BK/PG OR DOC#  
 ADDR HOMESTEAD DELETE  
 CITY OMAHA ST NE ZIP 68117 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----HOMESTEAD-----

YEAR	---DATE---	---LAND---	---IMPR---	---TOTAL---	PAR RSN	NUMBER	TY	CD	PCT	VALUE
2012	03-09-2012	14000	20400	34400	RA					

OVER 1 ACRE IND OVERVERRIDE AMOUNT  
 ADDITION NO. 25160 LOT 12 HALF BLOCK 3 HALF  
 MELROSE HILL SECT TOWN RANGE PLAT 0303

-----LEGAL DESCRIPTION-----	-----LEGAL DESCRIPTION-----
1 50 X 124	2
3	4
5	6
7	8

PF1-ADFB

PF5-PNFB

PF6-PAFB

34-361.

1537-541

SURVIVORSHIP WARRANTY DEED

QUENTIN J. HRUSKA, Single, and ROMAN L. HRUSKA, JR. and MARY ANN HRUSKA, Husband and Wife

, herein called the grantor whether one or more,

in consideration of One and No/100 (\$1.00) Dollars and other valuable consideration

received from grantees, does grant, bargain, sell convey and confirm unto

VICTOR E. HO and JANICE G. HO, Husband and Wife

as joint tenants with right of survivorship, and not as tenants in common, the following described real property in Douglas County, Nebraska:

Lot 12, Block 3, Melrose Hill, an Addition to the City of Omaha, in Douglas County, Nebraska, as surveyed, platted and recorded.

NEBRASKA DOCUMENTARY  
STAMP TAX  
FEB 10 1976  
\$ 93.5 BY MR

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantees and to their assigns, or to the heirs and assigns of the survivor of them forever.

And grantor does hereby covenant with the grantees and with their assigns and with the heirs and assigns of the survivor of them that grantor is lawfully seized of said premises; that they are free from encumbrance except pro rata portion of consolidated 1976 Real Estate Taxes and all future taxes and assessments.

that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

It is the intention of all parties hereto that in the event of the death of either of the grantees, the entire fee simple title to the real estate shall vest in the surviving grantee.

Dated February 2, 1976

Quentin J. Hruska  
Roman L. Hruska Jr.  
Mary Ann Hruska

STATE OF New Jersey, County of Union

Before me, a notary public qualified for said county, personally came

QUENTIN J. HRUSKA, Single

Known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on February 1976

My commission expires FLORENCE A. COSTANZO  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Aug. 6, 1978

STATE OF California, County of Contra Costa

Before me, a notary public qualified for said county, personally came

ROMAN L. HRUSKA, JR. and MARY ANN HRUSKA, Husband and Wife

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on February 2, 1976



Lucy E. Torrez Notary Public
My commission expires 4/19/79, 19...

STATE OF California, County of

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on, 19...

Notary Public
My commission expires, 19...

SURVIVORSHIP WARRANTY DEED

Form 4.1

to

STATE OF NEBRASKA,

County of

Filed for record

19, at

M, and recorded

in Deed Record

page

County Clerk or Register of Deeds

Deputy

HAVE THIS DEED RECORDED

Fisher & Wolf Co., Lincoln, Neb.

RECEIVED 1976 FEB 10 AM 9:32

C. HAROLD COSTLER REGISTER OF DEEDS DOUGLAS COUNTY, NEBR.

9/Deed

THE STATE OF NEBRASKA Douglas County Entered in Numerical Index and for Record in the Office of the Registrar of Deeds of said County and recorded in Book 1537 of Deeds Page 541

80189 C. Harold Costler Registrar of Deeds

By Victor E. Ho Deputy 320 North N 34-374 P.M.P.G. Compared Feb 6 1976 1995

PARC 3994 0000 09

FB 27 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE

TAX DISTRICT 0100 SID F-

PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE  
ADDRESS 01615 ELM ST OMA 68108

-----OWNER OR TAXPAYER INFORMATION-----

NAME VICTOR E\*HO ETAL DATE OF LAST CHANGE 04-04-2006

+ 5912 N ST BK/PG OR DOC#

ADDR HOMESTEAD DELETE

CITY OMAHA ST NE ZIP 68117-1762 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----HOMESTEAD-----

YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE  
2011 03-13-2011 3900 32300 36200 RA

OVER 1 ACRE IND OVERRIDE AMOUNT

ADDITION NO. 09660 LOT 3 HALF BLOCK 2 HALF

DREXELS SUB DIV SECT TOWN RANGE PLAT 0110

-----LEGAL DESCRIPTION-----

1 W 1/2 2 29 X 130  
3 4  
5 6  
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

20-446

27A-675

1674-26

KNOW ALL MEN BY THESE PRESENTS, That

MILDRED M. KREMLA, a single person.

in consideration of Eight Thousand -----DOLLARS

in hand paid, do hereby grant, bargain, sell, convey and confirm unto

VICTOR E. HO and JANICE G. HO, husband and wife, as joint tenants with right of survivorship, and not as tenants in common.

as JOINT TENANTS, and not as tenants in common; the following described real estate, situated in the County of Douglas and State of Nebraska, to-wit:

1615 Elm Street, Omaha, Nebraska.

LEGAL DESCRIPTION:

The West One-Half (1/2) of Lot Three (3), Block Two (2), in Drexel's Subdivision, as platred and recorded in the City of Omaha, Douglas County, State of Nebraska.

NEBRASKA DOCUMENTARY STAMP TAX AUG 10 1981 \$ 8.80 BY VK

together with all the tenements, hereditaments and appurtenances to the same belonging, and all the estate, title, dower, right of homestead, claim or demand whatsoever of the said grantor, of, in or to the same, or any part thereof; subject to NONE

IT BEING THE INTENTION OF ALL PARTIES HERETO, THAT IN THE EVENT OF THE DEATH OF EITHER OF SAID GRANTEEES, THE ENTIRE FEE SIMPLE TITLE TO THE REAL ESTATE DESCRIBED HEREIN SHALL VEST IN THE SURVIVING GRANTEE.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said grantees as JOINT TENANTS, and not as tenants in common, and to their assigns, or to their heirs and assigns of the survivor of them, forever, and by the grantor named herein for her and her heirs, executors, and administrators, do covenant with the grantees named herein and with their assigns and with the heirs and assigns of the survivor of them, that they are lawfully seized of said premises; that they are free from incumbrance except as stated herein, and that she the said grantor has have good right and lawful authority to sell the same, and that she will and her heirs, executors and administrators shall warrant and defend the same unto the grantees named herein and unto their assigns and unto the heirs and assigns of the survivor of them, forever, against the lawful claims of all persons whomsoever, excluding the exceptions named herein.

IN WITNESS WHEREOF I have hereunto set my hand on this 7th day of August, 1981

Mildred M. Kremla

In presence of

3642 Shavell

STATE OF Nebraska } ss.  
Douglas County

On this 7<sup>th</sup> day of August, 1981, before me, the undersigned a Notary Public, duly commissioned and qualified for said County, personally came MILDRED M. KREMEL, a single person



to me known to be the identical person or persons whose name is or names are subscribed to the foregoing instrument, and acknowledged the execution thereof to be, his, her or their voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

Richard J. Schicker Notary Public.

My commission expires the 1 day of August, 1982

STATE OF \_\_\_\_\_ } ss.  
\_\_\_\_\_ County

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned a Notary Public, duly commissioned and qualified for said County, personally came \_\_\_\_\_

to me known to be the identical person or persons whose name is or names are subscribed to the foregoing instrument, and acknowledged the execution thereof to be, his, her or their voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

\_\_\_\_\_  
Notary Public.

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

*10 dead*

RECEIVED  
1981 AUG 10 AM 9:04  
G. HAROLD OSTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

Book 1674  
Page 26  
of Deeds

Fee 6.25  
Index ✓  
Stamped 1674-683

27A-683

HAVE THIS DEED RECORDED  
File No. \_\_\_\_\_  
WARRANTY DEED  
VESTING ENTIRE TITLE IN SURVIVOR

From \_\_\_\_\_  
To \_\_\_\_\_  
STATE OF \_\_\_\_\_ } ss.  
\_\_\_\_\_ County,  
Entered on Numerical Index and filed for  
Record in the Register of Deeds' office of said  
County, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and  
recorded in Book \_\_\_\_\_ of Deeds, Page \_\_\_\_\_

Register of Deeds  
Mail W. Leland C. 260  
3642 Haskell Omaha  
781-68105  
Num. \_\_\_\_\_ Gen'l. \_\_\_\_\_  
Compared by \_\_\_\_\_  
Paged Numerical \_\_\_\_\_ Paged General \_\_\_\_\_  
Time Rec'd \_\_\_\_\_ Fee \_\_\_\_\_

The Hoffman General Supply House, Lincoln, Nebr.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

OFFICE OF  
REGIONAL ADMINISTRATOR

March 10, 2003

Re: Omaha Lead Site  
Soil Testing  
EPA ID No. NESFN0703481

Dear Property Owner:

The U. S. Environmental Protection Agency (EPA) is investigating lead contamination in soil at residences in eastern Omaha, Nebraska. EPA would like to include your property in this investigation because it is located within an area that may have been influenced by historical lead sources located in or near downtown. If you choose to sign the enclosed access agreement and mail it back in the enclosed envelope, consultants hired by EPA will visit your property at a later date to collect samples of soil from your yard.

A total of about two cups of soil will be collected from various locations around your property and tested for contamination by lead and other metals. The results will be mailed to you after a quality control analysis has been performed. In addition, data from your property will be used to develop a map of the Omaha Metropolitan Area showing locations where high lead concentrations have been found. This map will be used as a tool to identify any trends that may lead to parties responsible for the contamination. It will also be used to inform the public about the progress of the investigation.

At a later date, EPA will evaluate the results of all properties it has tested to determine the need for clean-up. If your property needs to be cleaned-up, EPA will perform the work at no cost to the property owner. Properties where a child with an elevated blood lead level lives or those being used to provide licensed child care services will be considered for clean-up before all other properties.

I encourage you to sign and return the access form which will permit EPA to sample your property. Although participation in the soil investigation is voluntary, information gained by testing your soil for metals contamination could be useful as you make future decisions about the use of your property.

If you have any additional questions about this matter, please call 1-913-551-7703 or call Debbie Kring toll-free at 1-800-223-0425.

Sincerely,

Don Bahnke, Project Manager



Enclosures

Para mas informacion en espanol, por favor usen este numero 1-800-223-0425.



EXHIBIT 2





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

August 1, 2003

Dear Property Owner:

Re: Omaha Lead Site  
Soil Testing  
EPA ID No. NESFN0703481



The U. S. Environmental Protection Agency (EPA) is investigating lead contamination in soil at residences in eastern Omaha, Nebraska. The EPA would like to include these properties in this investigation because they are located within an area that may have been influenced by historical lead sources located in or near downtown. If you choose to sign the enclosed access agreement and mail it back in the enclosed envelope, consultants hired by EPA will visit your properties at a later date to collect samples of soil.

A total of about two cups of soil will be collected from various locations around each of your properties and tested for contamination by lead and other metals. The sampling process will only take about one hour for each property and will be at no cost to you. The results will be mailed to you after a quality control analysis has been performed. In addition, data from your properties will be used to develop a map of the Omaha Metropolitan Area showing locations where high lead concentrations have been found. This map will be used as a tool to identify any trends that may lead to parties responsible for the contamination. It will also be used to inform the public about the progress of the investigation.

At a later date, EPA will evaluate the results of all properties it has tested to determine the need for clean-up. If any of your properties need to be cleaned-up, EPA will perform the work at no cost to the property owner. Properties where a child with an elevated blood lead level lives or those being used to provide licensed child care services will be considered for clean-up before all other properties.

I encourage you to sign and return the access form which will permit EPA to sample your properties. Although participation in the soil investigation is voluntary, information gained by testing your soil for metals contamination could be useful as you make future decisions about the use of your property.

If you have any additional questions about this matter, please call 1-913-551-7003 or call Debbie Kring toll-free at 1-800-223-0425.

Sincerely,

Donald Bahnke, Project Manager

Enclosures

Para mas informacion en espanol, por favor usen este numero 1-800-223-0425.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

April 30, 2004

30199609



Superfund

Dear Property Owner:

Re: Omaha Lead Site Required Soil Testing

The U. S. Environmental Protection Agency (EPA) has discovered high levels of lead in soils across eastern Omaha, Nebraska, and is continuing to investigate the areas where this contamination may be found. The EPA is performing this investigation in order to help reduce childhood lead poisoning in the Omaha area. The EPA will need to sample all of the residential properties located within our area of investigation in eastern Omaha which includes your property. The EPA has previously contacted you in order to sample the soils at your property, but either has not heard from you or has not been granted access to perform the necessary sampling. EPA will require soil testing at all residential properties within our area of investigation.

The sampling that EPA needs to perform at your property would be no cost to you. A total of about two cups of soil would be collected from various locations around your property and tested for contamination by lead and other metals. The results of the sampling will be mailed to you.

In order to perform this sampling the EPA would like your permission. An access agreement is enclosed to provide this permission. Please sign this agreement and return it to EPA in the enclosed postage paid envelope so that your property can be sampled at no cost to you. Once the access agreement is returned, the EPA will contact you to perform the sampling. If the EPA does not hear from you, we may be contacting you directly.

If you have any additional questions about this matter, please call me or call Debbie Kring toll-free at 1-800-223-0425.

Sincerely,

Donald Bahnke,  
Project Manager

Enclosure

Para mas información en español, por favor usen este numero 1-800-223-0425.

EXHIBIT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

April 11, 2005

Dear Property Owner:

Re: Omaha Lead Site  
Soil Testing  
EPA ID No. NESFN0703481

The U. S. Environmental Protection Agency (EPA) has discovered high levels of lead in soils across eastern Omaha, Nebraska, and is continuing to investigate the areas where this contamination may be found. The EPA would like to include your property in this investigation because it is located within an area that may have been influenced by historical lead sources located in or near downtown. The EPA is performing this investigation in order to help reduce childhood lead poisoning in the Omaha area.

The EPA would like to sample the soil on your property at no cost to you. A total of about two cups of soil would be collected from various locations around your property and tested for contamination by lead and other metals. The results of the sampling will be mailed to you.

In order to perform this sampling the EPA would like your permission. An access agreement is enclosed to provide this permission. Please sign this agreement and return it to EPA so that your property can be sampled at no cost to you. Once the access agreement is returned the EPA will contact you to perform the sampling.

If you have any additional questions about this matter, please call me at 1-913-551-7003 or call Debbie Kring toll-free at 1-800-223-0425.

Sincerely,

A handwritten signature in cursive script that reads "Don Bahnke".

Donald Bahnke,  
Project Manager

Enclosure

Para mas información en español, por favor usen este numero 1-800-223-0425.



EXHIBIT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

October 31, 2007

Re: Omaha Lead Site Required Soil Testing

Dear Property Owner:

The U.S. Environmental Protection Agency (EPA) has discovered high levels of lead in soils across eastern Omaha, Nebraska, and is continuing to investigate the areas where this contamination may be found. The EPA is performing this investigation in order to help reduce childhood lead poisoning in the Omaha area. The EPA will need to sample all of the residential properties located within our area of investigation in eastern Omaha, which includes your property.

The sampling that EPA needs to perform at your property would be no cost to you. A total of about two cups of soil would be collected from various locations around your property and tested for contamination by lead and other metals. The results of the sampling will be mailed to you. If EPA determines that any lead cleanup work is necessary, that work will also be performed at no cost to you.

EPA is requesting your permission to perform this sampling. An access agreement is enclosed to provide this permission. Please sign this agreement and return it to EPA in the enclosed postage paid envelope so that your property can be sampled at no cost to you. Once the access agreement is returned, the EPA will contact you to perform the sampling. If the EPA does not hear from you, we may be contacting you directly.

If you have any additional questions about this matter, please call the local EPA Public Information Center at 1-402-731-3045.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Feild".

Bob Feild.  
Project Manager

Enclosure

**Para mas información en español, por favor usen este numero 1-402-731-3045.**

**EXHIBIT 2**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

August 1, 2008

Re: Omaha Lead Site Required Soil Testing

Dear Property Owner:

The U.S. Environmental Protection Agency (EPA) has discovered high levels of lead in soils across eastern Omaha, Nebraska, and is continuing to investigate the areas where this contamination may be found. The EPA is performing this investigation in order to help reduce childhood lead poisoning in the Omaha area. The EPA will need to sample all of the residential properties located within our area of investigation in eastern Omaha, which includes your property.

The sampling that EPA needs to perform at your property would be no cost to you. A total of about two cups of soil would be collected from various locations around your property and tested for contamination by lead and other metals. If the soil sampling indicates that the soil contains lead levels sufficiently high for the property to be eligible for cleanup, EPA will also need to perform a lead based paint assessment on the exterior walls of structures located on the property to determine if chipping and peeling paint on homes or other structures has the potential to fall to the ground and re-contaminate the soil. The results of the sampling and the lead based paint assessment, if required, will be mailed to you. If EPA determines that any lead cleanup work is necessary, that work will also be performed at no cost to you.

EPA is requesting your permission to perform this sampling. An access agreement is enclosed to provide this permission. Please sign this agreement and return it to EPA in the enclosed postage paid envelope so that your property can be sampled at no cost to you. Once the access agreement is returned, EPA will perform the soil sampling and will also perform the lead based paint assessment, if necessary. If the EPA does not hear from you, we may be contacting you directly.

If you have any additional questions about this matter, please call the local EPA Public Information Center at 1-402-731-3045.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Feild".

Bob Feild,  
Project Manager

Enclosure

**Para mas información en español, por favor usen este numero 1-402-731-3045.**

**EXHIBIT 2**



**OMAHA CITY COUNCIL**  
OMAHA/DOUGLAS CIVIC CENTER  
OMAHA, NEBRASKA 68183  
Telephone (402) 444-5520  
Telefax (402) 444-5263

DAN WELCH  
PRESIDENT  
GARRY GERNANDT  
VICE PRESIDENT  
FRANK BROWN  
CHUCK SIGERSON  
JIM SUTTLE  
FRANKLIN THOMPSON  
JIM VOKAL

August 7, 2008

Dear Property Owner:

We are writing to encourage you to cooperate with the U.S. Environmental Protection Agency (EPA) in their ongoing investigation of lead-contaminated soils in eastern Omaha. Lead-contaminated soil poses a serious risk to children of our community.

At the request of the City Council, the EPA began investigating lead-contaminated soil in Omaha in 1999. To date, EPA has conducted soil sampling at more than 80% of the 40,000+ residential properties within the impacted area. You have been identified as an owner of a property where EPA has been unable to obtain voluntary access to perform soil sampling. The EPA intends to sample all residential properties within the impacted area. In cases where voluntary access is not provided, EPA has indicated that it intends to perform this sampling using statutory authority granted by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, or the Superfund statute).

It is in the best interest of all property owners within the impacted area to cooperate with EPA and allow access for soil sampling. If voluntary access is granted, EPA will work with property owners to arrange a convenient time to perform the soil sampling and take into consideration other owner concerns, to the extent possible. All cleanup work that is determined to be necessary for protection of public health would be performed by EPA at no cost to the property owner if voluntary access is provided.

Enclosed is an access agreement that can be completed to grant voluntary access to EPA to conduct this important soil sampling. We urge you to complete this form for all properties owned within the impacted area, and return it to EPA in the enclosed postage-paid envelope at your earliest convenience. The EPA public information centers can be contacted for more information about the EPA lead cleanup in Omaha at (402) 731-3045, or you may contact EPA directly by calling the project manager, Robert Feild, at (913) 551-7697, or the site attorney, Steven Sanders, at (913) 551-7578. Thank you for your cooperation.

Sincerely,

  
Dan Welch  
President

  
Garry Gernandt  
Vice President

  
Frank Brown  
Councilmember

  
Chuck Sigerson  
Councilmember

  
Jim Suttle  
Councilmember

  
Franklin Thompson  
Councilmember

  
Jim Vokal  
Councilmember

/Enclosure

**EXHIBIT 2**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

October 13, 2010

Re: Omaha Lead Site Required Soil Testing

Dear Property Owner:

The U.S. Environmental Protection Agency (EPA) has discovered high levels of lead in soils across eastern Omaha, Nebraska, and is continuing to investigate the areas where this contamination may be found. The EPA is performing this investigation in order to help reduce childhood lead poisoning in the Omaha area. The EPA will need to sample all of the residential properties located within our area of investigation in eastern Omaha, which includes your property.

The sampling that EPA needs to perform at your property would be no cost to you. A total of about two cups of soil would be collected from various locations around your property and tested for contamination by lead and other metals. If the soil sampling indicates that the soil contains lead levels sufficiently high for the property to be eligible for cleanup, EPA will also need to perform a lead based paint assessment on the exterior walls of structures located on the property to determine if chipping and peeling paint on homes or other structures has the potential to fall to the ground and re-contaminate the soil. The results of the sampling and the lead based paint assessment, if required, will be mailed to you. If EPA determines that any lead cleanup work is necessary, that work will also be performed at no cost to you.

EPA is requesting your permission to perform this sampling. An access agreement is enclosed to provide this permission. Please sign this agreement and return it to EPA in the enclosed postage paid envelope so that your property can be sampled at no cost to you. Once the access agreement is returned, EPA will perform the soil sampling and will also perform the lead based paint assessment, if necessary. If the EPA does not hear from you, we may be contacting you directly.

If you have any additional questions about this matter, please call the local EPA Public Information Center at 1-402-731-3045.

Sincerely,

A handwritten signature in cursive script that reads "Pauletta R. France-Isetts".

Pauletta R. France-Isetts  
Project Coordinator  
Superfund Division  
Environmental Protection Agency

Enclosure

**Para mas información en español, por favor usen este numero 1-402-731-3045.**

**EXHIBIT 2**



U.S. Environmental Protection Agency

Region VII  
901 North 5th Street  
Kansas City, Kansas 66101

Omaha Lead Site  
Omaha, NE

Access Agreement to Perform  
Soil Sampling and Lead-Based  
Paint Assessments

**PROPERTY ACCESS** *(To be completed by property owner)*

Para recibir esta forma en español, por favor llámé el Centro De Información Público al (402) 731-3045

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska, area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling and analysis in support of this study. If soil sampling indicates that the soil contains lead levels sufficiently high for the property to be eligible for cleanup, property owner grants BVSPC/EPA permission to perform a lead based paint (LBP) assessment on the exterior walls of structures located on the property. Permission to perform sampling and/or LBP assessment must be obtained from the property owner. Contact the local EPA Public Information Center at (402) 731-3045 for further information.

**Printed Name of Property Owner Granting Access:** \_\_\_\_\_  
*(Property Owner's Printed Name)*

\_\_\_\_\_  
*(Property Owner's Signature)* *(Date)*

**NOTE:** Sampling may not be scheduled or conducted immediately upon granting access.

**PROPERTY INFORMATION**

*(To be completed by resident and/or property owner - Please Print)*

Property Address: 4402 S 38 ST OMAHA NE 68107  
*(CITY) (STATE) (ZIP)*

Property Owner's Name: HO VICTOR E

Resident's Name (If not Owner): \_\_\_\_\_

Owner's Mailing Address: 5912 N ST, OMAHA, NE 68117

Owner's Telephone Number - Home: (402) 422-1979 402-315-9812 Alternate: \_\_\_\_\_

Are there children under 7 years old living at this property?  Yes  No  N/A  Unknown

If yes, what is the date of birth of the youngest child? \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property in Section 104(e) of CERCLA, 42 U.S.C. 9604(e) provides entry for "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."



10753



U.S. Environmental Protection Agency Region VII

Omaha Lead Site  
Omaha, NE

Residential Yard Soils  
Remedial Investigation/  
Feasibility Study

**PROPERTY ACCESS** *(to be completed by property owner)*

Para recibir esta forma en español, por favor llame Debbie Kring al 1-800-223-0425

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling analysis in support of this study. For further information contact Don Bahnke, EPA Project Manager, 1-913-551-7003 or Debbie Kring at the Office of External Programs, 1-800-223-0425.

Property Access Granted By \_\_\_\_\_

(Please Print Name)

\_\_\_\_\_  
(property Owner Signature)

\_\_\_\_\_  
(date)

NOTE: Granting permission DOES NOT necessarily imply your property will be sampled at this time.

**PROPERTY INFORMATION**

*(to be completed by resident and/or property owner - Please Print)*

Resident Name: TENANTS

owner  renter

Residence Address: 4402 S 38 ST

OMAHA

NE

68107

(CITY)

(STATE)

(ZIP)

Property owned by VICTOR E HO

Owner's mailing address: 1530 S 29 ST, OMAHA, NE 68105

Owner's telephone number - Home: ~~402-422-1970~~ 657-6590 Work: 391-7118 Ext. 3001

Age of home? 80 years How long have you lived here? \_\_\_\_\_ years

Has the exterior been painted or covered with siding since 1978?  Yes  No

Has the interior been painted or covered since 1978?  Yes  No

Total number of occupants: \_\_\_\_\_ List Ages: \_\_\_\_\_

List ages of occupants under 6 years old who play in the yard for 5 or more hours per week: \_\_\_\_\_

Comments: Victor Ho Declines to remedy other important problems (10-20-05)

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property for in Section 104(e) of CERCLA, 42 U.S.C. 9604(e), which provides entry for, "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."

Access Attempts: Letter sent:

First: 10/20/05 12:46 MSW Second: \_\_\_\_\_ Third: \_\_\_\_\_



## ACCESS INFORMATION TRACKING SHEET

**EVID:** 10753      **PROPERTY ADDRESS:** 4402 S 38 St

**Property Owned By:** Ho Victor E  
(if new property owner)

**Owner Contact No:** Home: \_\_\_\_\_ Work: \_\_\_\_\_  
 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

**Access Contractor:** Prudent Technologies Inc

DATE	TIME	Accessor	CONTACT DETAIL
3/16	12:30	Ranita	Leave the door hanger
3/26	6:pm	Ranita	leave the door hanger
3/29	10:30	Ranita	Owner is out of Country Tiawan. He will be back this week
04/03	4:pm	Ranita	Refused by owner, he did not

**Comments:** he refused last year too

**Please write legibly!**



12719



U.S. Environmental Protection Agency

Region VII  
901 North 5th Street  
Kansas City, Kansas 66101

Omaha Lead Site  
Omaha, NE

Access Agreement to Perform  
Soil Sampling and Lead-Based  
Paint Assessments

**PROPERTY ACCESS** *(To be completed by property owner)*

Para recibir esta forma en español, por favor llámé el Centro De Información Público al (402) 731-3045

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska, area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling and analysis in support of this study. If soil sampling indicates that the soil contains lead levels sufficiently high for the property to be eligible for cleanup, property owner grants BVSPC/EPA permission to perform a lead based paint (LBP) assessment on the exterior walls of structures located on the property. Permission to perform sampling and/or LBP assessment must be obtained from the property owner. Contact the local EPA Public Information Center at (402) 731-3045 for further information.

**Printed Name of Property Owner Granting Access:** \_\_\_\_\_  
*(Property Owner's Printed Name)*

*J* \_\_\_\_\_  
*(Property Owner's Signature)* *(Date)*

NOTE: Sampling may not be scheduled or conducted immediately upon granting access.

**PROPERTY INFORMATION**

*(To be completed by resident and/or property owner - Please Print)*

Property Address: 3905 S 14 ST OMAHA NE 68107  
(CITY) (STATE) (ZIP)

Property Owner's Name: HO VICTOR E

Resident's Name (If not Owner): \_\_\_\_\_

Owner's Mailing Address: 5912 N ST, OMAHA, NE 68117

Owner's Telephone Number - Home: (402) 422-1979 DISC Alternate: 884-1602-P.O.

Are there children under 7 years old living at this property?  Yes  No  N/A  Unknown

If yes, what is the date of birth of the youngest child? \_\_\_\_\_

Comments: \_\_\_\_\_

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property in Section 104(e) of CERCLA, 42 U.S.C. 9604(e) provides entry for "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."





12719



U.S. Environmental Protection Agency Region VII

Omaha Lead Site  
Omaha, NE

Residential Yard Soils  
Remedial Investigation/  
Feasibility Study

**PROPERTY ACCESS** *(to be completed by property owner)*

Para recibir esta forma en español, por favor llámé Debbie Kring al 1-800-223-0425

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling analysis in support of this study. For further information contact Don Bahnke, EPA Project Manager, 1-913-551-7003 or Debbie Kring at the Office of External Programs, 1-800-223-0425.

**Property Access Granted By** \_\_\_\_\_

*(Please Print Name)*

\_\_\_\_\_  
*(property Owner Signature)*

\_\_\_\_\_  
*(date)*

**NOTE:** Granting permission DOES NOT necessarily imply your property will be sampled at this time.

**PROPERTY INFORMATION**

*(to be completed by resident and/or property owner - Please Print)*

Resident Name: TENANTS

owner  renter

Residence Address: 3905 S 14 ST

OMAHA  
(CITY)

NE  
(STATE)

68107  
(ZIP)

Property owned by VICTOR E HO

Owner's mailing address: 1530 S 29 ST, OMAHA, NE 68105

Owner's telephone number - Home: ~~402-422-1979~~ 657-6590 Work: 391-7118 Ext 3001

Age of home? 60 years How long have you lived here? \_\_\_\_\_ years

Has the exterior been painted or covered with siding since 1978?  Yes  No

Has the interior been painted or covered since 1978?  Yes  No

Total number of occupants: \_\_\_\_\_ List Ages: \_\_\_\_\_

List ages of occupants under 6 years old who play in the yard for 5 or more hours per week: \_\_\_\_\_

Comments: Victor Ho Declines to many other important problems (10-20-05)

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property for in Section 104(e) of CERCLA, 42 U.S.C. 9604(e), which provides entry for, "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."

Access Attempts: Letter sent:

First: 10/20/05 12:46 Second: \_\_\_\_\_ Third: \_\_\_\_\_  
*MBW*



## ACCESS INFORMATION TRACKING SHEET

BVID: 12719      PROPERTY ADDRESS: 3905 S 14 ST

Property Owned By: \_\_\_\_\_  
(if new property owner)

\_\_\_\_\_

\_\_\_\_\_

Owners Phone No's: Home: 422-1979      Work: \_\_\_\_\_  
 Cell: \_\_\_\_\_      Fax: \_\_\_\_\_

Access Contractor: ASW      FDA      MES      PE      Other: Prudent  
(Circle One)

DATE	TIME	ACCESSOR	CONTACT DETAIL
3/28	?	PS	LDA w/ occupant @ #1
3/25	8 <sup>15</sup>	PS	Research - see above
4/4	9 <sup>30</sup>	PS	Lm
4/4	3 <sup>00</sup>	PS	Denied - understood - but does not want it done.

Comments: He will give 2 more  
4/3/09

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please write legibly!

# ACCESS INFORMATION TRACKING SHEET

Property

BVID: 12719 Address: 3905 S 14th St

Property Owned By: \_\_\_\_\_

(If new property owner)

Owner Contact No:

Home: \_\_\_\_\_

Work: \_\_\_\_\_

Cell: \_\_\_\_\_

Fax: \_\_\_\_\_

Access Contractor:

Prudent Technologies, Inc.

Date	Time	Accessor	Contact Detail
3/24/2008	10a	Jason	Dropped off copies at owners request
4/28/2008	10a	Jason	Checked on statues of copies
4/29/2008	11a	Jason	Tenant did not leave copies signed

Comments: Attempted

*\*owner travels to and fro from the USA to abroad; has a tenant living at residence.*

*dropped off copies to tenant who said that her would deliver to owner and*

*have signed. Checked back on three occasions; tenant failed to comply and*

*would not hand out contact info or have owner contact us.*

*Please Write Legibly!*



14965



U.S. Environmental Protection Agency

Region VII  
901 North 5th Street  
Kansas City, Kansas 66101

Omaha Lead Site  
Omaha, NE

Access Agreement to Perform  
Soil Sampling and Lead-Based  
Paint Assessments

**PROPERTY ACCESS** *(To be completed by property owner)*

Para recibir esta forma en español, por favor llámé el Centro De Información Público al (402) 731-3045

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**Printed Name of Property Owner Granting Access:** \_\_\_\_\_  
*(Property Owner's Printed Name)*

\_\_\_\_\_  
*(Property Owner's Signature)* \_\_\_\_\_ *(Date)*

*NOTE: Sampling may not be scheduled or conducted immediately upon granting access.*

**PROPERTY INFORMATION**

*(To be completed by resident and/or property owner - Please Print)*

Property Address: 3001 S 30 ST OMAHA NE 68105  
*(CITY) (STATE) (ZIP)*

Property Owner's Name: HO VICTOR E

Resident's Name (If not Owner): \_\_\_\_\_

Owner's Mailing Address: 5912 N ST, OMAHA, NE 68117

Owner's Telephone Number - Home: (402) <sup>477</sup>402-1979 Alternate: \_\_\_\_\_

Are there children under 7 years old living at this property?  Yes  No  N/A  Unknown

If yes, what is the date of birth of the youngest child? \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property in Section 104(e) of CERCLA, 42 U.S.C. 9604(e) provides entry for "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."



SCARY - even w/ 2 AEW



14965



People present

U.S. Environmental Protection Agency Region VII

Omaha Lead Site  
Omaha, NE

Residential Yard Soils  
Remedial Investigation/  
Feasibility Study

PROPERTY ACCESS (to be completed by property owner)

Para recibir esta forma en español, por favor llámé Debbie Kring al 1-800-223-0425

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling analysis in support of this study. For further information contact Don Bahnke, EPA Project Manager, 1-913-551-7003 or Debbie Kring at the Office of External Programs, 1-800-223-0425.

Property Access Granted By:

(Please Print Name)

(Property Owner Signature)

(Date)

NOTE: Granting permission DOES NOT necessarily imply your property will be sampled at this time.

PROPERTY INFORMATION

(to be completed by resident and/or property owner - Please Print)

Resident name: TENANTS  Owner  Renter

Residence address: 3001 S 30 ST OMAHA NE 68105  
(City) (State) (Zip)

Property owned by: VICTOR E HO 5912 N ST

Owner's mailing address: ~~1530 S 29 ST~~ 3001 S 30 ST OMAHA, NE, 68105

Owner's telephone number - Home: (402) 452-1979 Work: ( )

Age of home? \_\_\_\_\_ years. How long have you lived here? \_\_\_\_\_ years.

Has the exterior been painted or covered with siding since 1978?  Yes  No

Has the interior been painted or covered since 1978?  Yes  No

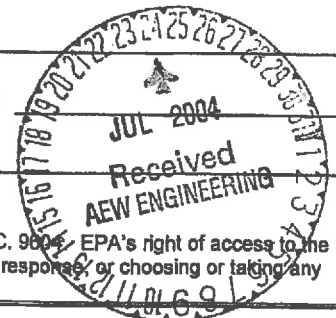
Total number of occupants: \_\_\_\_\_ List ages: \_\_\_\_\_

List ages of occupants under 6 years old who play in the yard for 5 hours or more per week: \_\_\_\_\_

Comments: \_\_\_\_\_

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property for in Section 104(e) of CERCLA, 42 U.S.C. 9604(e), which provides entry for, "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."



Access Attempts: Letter sent 04/23/2004

First: NO ANSWER 6/7/04 2:40 Second: No one home 7/12/04 5:30 4:45 Third: 7/13/ No One home will stop by later 11:35 am



Black & Veatch Special Projects Corp.

7/14/04 NO ONE HOME  
STOP 3:00 pm



## ACCESS INFORMATION TRACKING SHEET

BVID: 14965      PROPERTY ADDRESS: 3001 S 30th St, Omaha, NE 68105

Property Owned By: Victor Ho  
(if new property owner)

---



---

Owner Contact No:      Home: \_\_\_\_\_      Work: \_\_\_\_\_  
    Cell: \_\_\_\_\_      Fax: \_\_\_\_\_

Access Contractor: FDA

DATE	TIME	Accessor	CONTACT DETAIL
<u>2/18/09</u>	<u>4:05</u>	<u>TW</u>	<u>left door hanger</u>
<u>2/18/09</u>	<u>4:15</u>	<u>TW</u>	<u>left dt at HO's residence.</u>
<u>3/17/09</u>	<u>10:05</u>	<u>TW</u>	<u>" "</u>
<u>3/13/09</u>	<u>5:17</u>	<u>SC</u>	<u>no phone# available in phone search</u>

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Please write legibly!*



21094



U.S. Environmental Protection Agency

Region VII  
901 North 5th Street  
Kansas City, Kansas 66101

Omaha Lead Site  
Omaha, NE

Access Agreement to Perform  
Soil Sampling and Lead-Based  
Paint Assessments

**PROPERTY ACCESS** *(To be completed by property owner)*

Para recibir esta forma en español, por favor llámé el Centro De Información Público al (402) 731-3045

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**Printed Name of Property Owner Granting Access:** \_\_\_\_\_  
*(Property Owner's Printed Name)*

\_\_\_\_\_  
*(Property Owner's Signature)* \_\_\_\_\_ *(Date)*

NOTE: Sampling may not be scheduled or conducted immediately upon granting access.

**PROPERTY INFORMATION**

*(To be completed by resident and/or property owner - Please Print)*

Property Address: 1105 S 28 ST OMAHA NE 68105  
(CITY) (STATE) (ZIP)

Property Owner's Name: HO VICTOR E

Resident's Name (If not Owner): \_\_\_\_\_

Owner's Mailing Address: 5912 N ST, OMAHA, NE 68117

Owner's Telephone Number - Home: ~~(402) 402-1070~~ <sup>432</sup> Alternate: \_\_\_\_\_

Are there children under 7 years old living at this property?  Yes  No  N/A  Unknown

If yes, what is the date of birth of the youngest child? \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property in Section 104(e) of CERCLA, 42 U.S.C. 9604(e) provides entry for "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."



*New Address*



21094



U.S. Environmental Protection Agency Region VII

Omaha Lead Site  
Omaha, NE

Residential Yard Soils  
Remedial Investigation/  
Feasibility Study

**PROPERTY ACCESS** *(to be completed by property owner)*

Para recibir esta forma en español, por favor llámé Debbie Kring al 1-800-223-0425

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling analysis in support of this study. For further information contact Don Bahnke, EPA Project Manager, 1-913-551-7003 or Debbie Kring at the Office of External Programs, 1-800-223-0425.

**Property Access Granted By** \_\_\_\_\_

(Please Print Name)

\_\_\_\_\_  
(property Owner Signature)

\_\_\_\_\_  
(date)

NOTE: Granting permission DOES NOT necessarily imply your property will sampled at this time.

**PROPERTY INFORMATION**

*(to be completed by resident and/or property owner - Please Print)*

Resident Name: TENANTS

owner  renter

Residence Address: 1105 S 28 ST

OMAHA  
(CITY)

NE  
(STATE)

68105  
(ZIP)

Property owned by VICTOR E HO

5912 N ST

68117

Owner's mailing address: 4630 S 29 ST, OMAHA, NE 68105

3001 S 30 ST

Owner's telephone number - Home: 402-422-1979

Work: \_\_\_\_\_

Age of home? 105 years

How long have you lived here? \_\_\_\_\_ years

Has the exterior been painted or covered with siding since 1978?  Yes  No

Has the interior been painted or covered since 1978?  Yes  No

Total number of occupants: \_\_\_\_\_

List Ages: \_\_\_\_\_

List ages of occupants under 6 years old who play in the yard for 5 or more hours per week:

Comments:

1530 S 29 ST  
vacant w/ danger sign 4/12/06  
Create new access field  
Start for seg. sampling

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property for in Section 104(e) of CERCLA, 42 U.S.C. 9604(e), which provides entry for, "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."

Access Attempts: Letter sent:

First: 10/22/05 12:55 PM Second: 11/30/05 PMB Third: 1/3/06 PMB

FDA  
1/25/06 PMB  
FB-105

FDA



Black & Veatch Special Projects Corp.

EXHIBIT 3

46130.0103

## ACCESS INFORMATION TRACKING SHEET

BVID: 21094      PROPERTY ADDRESS: 1105 S. 285th.

Property Owned By: \_\_\_\_\_  
(If new property owner)

\_\_\_\_\_

\_\_\_\_\_

Owners Phone No's: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Access Contractor: ASW    FDA    MES    PE    Other: Prudent

(Circle One)

DATE	TIME	Accessor	CONTACT DETAIL
2/5	DP	445	No one home
2/18	DP	654	Victor not interested

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Please write legibly!*

# ACCESS INFORMATION TRACKING SHEET

BVID: 21094                      PROPERTY ADDRESS: 1105 S 28 St.

Property Owned By: \_\_\_\_\_  
(if new property owner)

\_\_\_\_\_

\_\_\_\_\_

Owner Contact No:    Home: \_\_\_\_\_                      Work: \_\_\_\_\_

                                 Cell: \_\_\_\_\_                      Fax: \_\_\_\_\_

Access Contractor: \_\_\_\_\_

DATE	TIME	Accessor	CONTACT DETAIL
4/25	9:00 AM	1.4B	no answer @ the door (left flier ✓)
7/1	EC	12:30	no one home

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please write legibly!**

## ACCESS INFORMATION TRACKING SHEET

BVID: 21094

PROPERTY ADDRESS: 1105 S 28 St.

Property Owned By: \_\_\_\_\_  
(if new property owner)

Owner Contact No: Home: \_\_\_\_\_ Work: \_\_\_\_\_  
 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Access Contractor: \_\_\_\_\_

DATE	TIME	Accessor	CONTACT DETAIL
6/25	EvKa	1:48	no answer @ the door (left Flye V)
7/1	EC	12:30	no one home
<del>2/5/04</del>	<del>DP</del>	<del>4:45</del>	<del>No one home</del>
<del>2/18</del>	<del>DP</del>	<del>6:54</del>	<del>Victor not interested</del>

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Please write legibly!**



13602



U.S. Environmental Protection Agency

Region VII  
901 North 5th Street  
Kansas City, Kansas 66101

Omaha Lead Site  
Omaha, NE

Access Agreement to Perform  
Soil Sampling and Lead-Based  
Paint Assessments

**PROPERTY ACCESS** *(To be completed by property owner)*

Para recibir esta forma en español, por favor llámé el Centro De Información Público al (402) 731-3045

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska, area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling and analysis in support of this study. If soil sampling indicates that the soil contains lead levels sufficiently high for the property to be eligible for cleanup, property owner grants BVSPC/EPA permission to perform a lead based paint (LBP) assessment on the exterior walls of structures located on the property. Permission to perform sampling and/or LBP assessment must be obtained from the property owner. Contact the local EPA Public Information Center at (402) 731-3045 for further information.

**Printed Name of Property Owner Granting Access:** \_\_\_\_\_  
*(Property Owner's Printed Name)*

\_\_\_\_\_  
*(Property Owner's Signature)* *(Date)*

*NOTE: Sampling may not be scheduled or conducted immediately upon granting access.*

**PROPERTY INFORMATION**

*(To be completed by resident and/or property owner - Please Print)*

Property Address: 3642 HASCALL ST OMAHA NE 68105  
(CITY) (STATE) (ZIP)

Property Owner's Name: HO VICTOR E

Resident's Name (If not Owner): \_\_\_\_\_

Owner's Mailing Address: 5912 N ST, OMAHA, NE 68117

Owner's Telephone Number - Home: (402) 422-402-1979 Alternate: \_\_\_\_\_

Are there children under 7 years old living at this property?  Yes  No  N/A  Unknown

If yes, what is the date of birth of the youngest child? \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property in Section 104(e) of CERCLA, 42 U.S.C. 9604(e) provides entry for "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."





13602



U.S. Environmental Protection Agency Region VII

Omaha Lead Site  
Omaha, NE

Residential Yard Soils  
Remedial Investigation/  
Feasibility Study

**PROPERTY ACCESS** (to be completed by property owner)

Para recibir esta forma en español, por favor llámé Debbie Kring al 1-800-223-0425

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling analysis in support of this study. For further information contact Don Bahnke, EPA Project Manager, 1-913-551-7003 or Debbie Kring at the Office of External Programs, 1-800-223-0425.

Property Access Granted By \_\_\_\_\_

(Please Print Name)

\_\_\_\_\_  
(property Owner Signature)

\_\_\_\_\_  
(date)

NOTE: Granting permission DOES NOT necessarily imply your property will sampled at this time.

**PROPERTY INFORMATION**

(to be completed by resident and/or property owner - Please Print)

Resident Name: \_\_\_\_\_

owner  renter

Residence Address: 3642 HASCALL ST

OMAHA

NE

68105

(city)

(STATE)

(ZIP)

Property owned by VICTOR E HO

Owner's mailing address: X 1530 S 29 ST, OMAHA, NE 68105 → *condemned*

Owner's telephone number - Home: \_\_\_\_\_ Work: \_\_\_\_\_

Age of home? 95 years How long have you lived here? \_\_\_\_\_ years

Has the exterior been painted or covered with siding since 1978?  Yes  No

Has the interior been painted or covered since 1978?  Yes  No

Total number of occupants: \_\_\_\_\_ List Ages: \_\_\_\_\_

List ages of occupants under 6 years old who play in the yard for 5 or more hours per week: \_\_\_\_\_

Comments: \_\_\_\_\_

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property for in Section 104(e) of CERCLA, 42 U.S.C. 9604(e), which provides entry for, "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."

Access Attempts: Letter sent:

First: 10/22/05 1:30 *JH* Second: ~~10/25/05~~ 10:32 *JH* Third: 11/4/05 1:18





## ACCESS INFORMATION TRACKING SHEET

BVID: 13602

PROPERTY ADDRESS: 3642 Hazell St. Omaha, NE 68105

Property Owned By:  
(if new property owner)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner Contact No:

Home: \_\_\_\_\_ Work: \_\_\_\_\_

Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Access Contractor:

FDA

DATE	TIME	Accessor	CONTACT DETAIL
<u>2/4/09</u>		<u>TW</u>	<u>left door hanger</u>
<u>2/18/09</u>	<u>4:15</u>	<u>TW</u>	<u>left att at HO's residence</u>
<u>3/7/09</u>	<u>10:25</u>	<u>TW</u>	<u>" "</u>
<u>3/13/09</u>	<u>5:17</u>	<u>SL</u>	<u>no phone # available in phone search</u>

Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please write legibly!



15557



U.S. Environmental Protection Agency

Omaha Lead Site  
Omaha, NE

Region VII  
901 North 5th Street  
Kansas City, Kansas 66101

Access Agreement to Perform  
Soil Sampling and Lead-Based  
Paint Assessments

**PROPERTY ACCESS** *(To be completed by property owner)*

Para recibir esta forma en español, por favor llámé el Centro De Información Público al (402) 731-3045

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska, area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling and analysis in support of this study. If soil sampling indicates that the soil contains lead levels sufficiently high for the property to be eligible for cleanup, property owner grants BVSPC/EPA permission to perform a lead based paint (LBP) assessment on the exterior walls of structures located on the property. Permission to perform sampling and/or LBP assessment must be obtained from the property owner. Contact the local EPA Public Information Center at (402) 731-3045 for further information.

**Printed Name of Property Owner Granting Access:** \_\_\_\_\_  
*(Property Owner's Printed Name)*

\_\_\_\_\_  
*(Property Owner's Signature)* \_\_\_\_\_ *(Date)*

**NOTE:** Sampling may not be scheduled or conducted immediately upon granting access.

**PROPERTY INFORMATION**

*(To be completed by resident and/or property owner - Please Print)*

Property Address: 1615 ELM ST OMAHA NE 68108  
*(CITY) (STATE) (ZIP)*

Property Owner's Name: HO VICTOR E

Resident's Name (If not Owner): \_\_\_\_\_

Owner's Mailing Address: 1530 S 29 ST, OMAHA, NE 68105

Owner's Telephone Number - Home: (402)315-9812 Alternate: \_\_\_\_\_

Are there children under 7 years old living at this property?  Yes  No  N/A  Unknown

If yes, what is the date of birth of the youngest child? \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS**

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property in Section 104(e) of CERCLA, 42 U.S.C. 9604(e) provides entry for "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."





15557



U.S. Environmental Protection Agency Region VII

Omaha Lead Site  
Omaha, NE

Residential Yard Soils  
Remedial Investigation/  
Feasibility Study

**PROPERTY ACCESS** (to be completed by property owner)

Para recibir esta forma en español, por favor llámé Debbie Krings al 1-800-223-0425

Black & Veatch Special Projects Corp. (BVSPC) is under contract with the U.S. Environmental Protection Agency (EPA) to assist in the determination of levels of lead and other metals in surface soils within the Omaha, Nebraska area. Your cooperation is requested in giving BVSPC/EPA permission to access your property for the purpose of surface soil sampling analysis in support of this study. For further information contact Don Bahnke, EPA Project Manager, 1-913-551-7003 or Debbie Krings at the Office of External Programs, 1-800-223-0425.

Property Access Granted By \_\_\_\_\_

(Please Print Name)

\_\_\_\_\_  
(property Owner Signature)

\_\_\_\_\_  
(date)

NOTE: Granting permission DOES NOT necessarily imply your property will sampled at this time.

**PROPERTY INFORMATION**

(to be completed by resident and/or property owner - Please Print)

Resident Name: TENANTS

owner  renter

Residence Address: 1615 ELM ST

OMAHA NE 68108  
(CITY) (STATE) (ZIP)

Property owned by VICTOR E HO

Owner's mailing address: 1530 S 29 ST, OMAHA, NE 68105

402-444-5446 Michael J  
Ext 3001 Zoning

Owner's telephone number - Home: ~~402-422-1970~~ 391-7118

Work: 657-6590

Age of home? 105 years How long have you lived here? \_\_\_\_\_ years

Has the exterior been painted or covered with siding since 1978?  Yes  No

Has the interior been painted or covered since 1978?  Yes  No

Total number of occupants: \_\_\_\_\_ List Ages: \_\_\_\_\_

List ages of occupants under 6 years old who play in the yard for 5 or more hours per week: \_\_\_\_\_

Comments: Victor Ho Declines to many other important problems

**AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS** <this property is condemned> (10-20-05)

The activities to be implemented by EPA under this agreement are pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. EPA's right of access to the property for in Section 104(e) of CERCLA, 42 U.S.C. 9604(e), which provides entry for, "determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title."

Access Attempts: Letter sent:

First: 10/20/05 12:40 Second: \_\_\_\_\_ Third: \_\_\_\_\_  
MSW



# ACCESS INFORMATION TRACKING SHEET

**EVID:** 15557

**PROPERTY ADDRESS:** 1615 Elm St

**Property Owned By:** Ho Victor E  
(if new property owner)

**Owner Contact No:** Home: \_\_\_\_\_ Work: \_\_\_\_\_  
Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

**Access Contractor:** Prudent Technologies Inc.

DATE	TIME	Accessor	CONTACT DETAIL
5/17	12:17	Ranita	I went to Register of Deed
			Property over mailing Address is same
			and I went to <a href="http://whitepages.com">whitepages.com</a> / <a href="http://Searchlyng.com">Searchlyng.com</a>
			it did not appears phone # to contact.
5/17	2:30	Ranita	I went to the 1615 Elm St
			that house is vacant.

5/17 5:02 Ranita I went to 1530 S 29 St, that  
**Comments:** house is also vacant.

The phone # that is in an Access Sheet that set  
is not belongs to the Property Owner when I  
call it is pick up by Hispanic lady.

## ACCESS INFORMATION TRACKING SHEET

BVID: 15557

PROPERTY ADDRESS: 1615 ELM ST.

Property Owned By:  
(If new property owner)

\_\_\_\_\_ *W*  
\_\_\_\_\_  
\_\_\_\_\_

Owners Phone No's: Home:

Work:

Cell:

Fax:

Access Contractor:  
(Circle One)

ASW

FDA

MES

PE

Other:

Prudent

DATE	TIME	Accessor	CONTACT DETAIL
3-25	<del>6:10</del>	CK	CONFIRMED HOMEOWNER ON DC ASSESSOR
3-25	6:25	CK	Found # on ANYWHO.COM 422-1979
3-25	3:15	CK	called (315-9812) NO ANSWER, ALSO CALLED (422-1979) DISCONNECTED.
4-29	6:45	CK	315 9812 RESIDENT'S # HE IS GOING TO PASS INFO ON TO MR. HO

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please write legibly!