

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

25 JUN 19 AM 10: 29

In the Matter of:)

OMAHA LEAD SUPERFUND SITE)
OMAHA, NEBRASKA)

)
) ADMINISTRATIVE ORDER DIRECTING
) COMPLIANCE WITH REQUEST FOR
) ACCESS

John D. Einung)
4411 North 142nd Street)
Omaha, Nebraska 68164)

)
) Docket No. CERCLA-07-2012-0049

RESPONDENT)
)
)

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

_____)
ADMINISTRATIVE ORDER DIRECTING COMPLIANCE
WITH REQUEST FOR ACCESS

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I. JURISDICTION

1. This Administrative Order (“Order”) is issued to John D. Einung (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 multi-residential property at 4930 California Street, Omaha, Nebraska;
 - b. a multi-residential property at 556 South 35th Street, Omaha, Nebraska;
 - c. a multi-residential property at 2303 North 48th Street, Omaha, Nebraska;
 - d. a multi-residential property at 4704 Cass Street, Omaha, Nebraska;
 - e. a multi-residential property at 1020 North 41st Street, Omaha, Nebraska;
 - f. a multi-residential property at 4804 Davenport Street, Omaha, Nebraska; and
 - g. a residential property at 804 Hickory Street, Omaha, Nebraska.

5. Respondent acquired current interest in the property described in Paragraph 4a on February 12, 1995, the property described in Paragraph 4b on June 10, 1991, the property described in Paragraph 4c on September 28, 2001, the property described in Paragraph 4d on July 10, 2007, the property described in Paragraph 4e on September 25, 2003, the property described in Paragraph 4f on December 9, 2003, and the property described in Paragraph 4g on

May 16, 2001. 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
 - i. for the property listed in Paragraph 4a:
 - October 13, 2010.
 - ii. for the property listed in Paragraph 4b:
 - August 1, 2003, April 23, 2004, April 11, 2005, October 31, 2007 and October 13, 2010.
 - iii. for the property listed in Paragraph 4c:
 - August 1, 2008, and October 13, 2010.
 - iv. for the property listed in Paragraph 4d:
 - November 28, 2007, 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.
 - v. for the property listed in Paragraph 4e:

- March 10, 2003, August 27, 2003, April 23, 2004, April 11, 2005, October 31, 2007, and October 13, 2010.
- vi. or the property listed in Paragraph 4f:
- October 31, 2007, and October 13, 2010.
- vii. for the property listed in Paragraph 4g:
- March 10, 2003, April 30, 2004, April 11, 2005, August 24, 2007, October 31, 2007, October 13, 2010, and June 23, 2011.
- b. Personal or telephone contacts were made (as documented on the Omaha Lead Application Database) on the following dates:
- i. for the property listed in Paragraph 4a:
- October 10, 2005.
- ii. for the property listed in Paragraph 4b:
- February 10, 2009.
- iii. for the property listed in Paragraph 4d:
- May 2, 2008.
- iv. for the properties listed in Paragraphs 4c and 4e through 4h, representatives of EPA attempted to contact the Respondent on multiple occasions but all of these attempts were unsuccessful because Respondent was not home or would not respond to messages left at the properties.
- c. Most recently representatives of the EPA contacted the Respondent by telephone on April 11, 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 15th 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) 551-9578, by electronic mail at sanders.steven@epa.gov or by regular mail at U.S. Environmental Protection Agency, Region 7, 901 North 5th 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 5th Street
Kansas City, Kansas 66101
Telephone (913) 551-7578
Facsimile (913) 551-9578.

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.

6/11/12
Date of Issuance

Gene Gunn
Gene Gunn
Chief
Special Emphasis Remedial Branch
Superfund Division

40
Einung
3020 N. 24th St.
Omaha 68134



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT I or WE, Nathan Kraft and Ruth Marie Kraft, husband and wife, as joint tenants, herein called the grantor whether one or more, in consideration of One Dollar and other valuable consideration received from grantee, do hereby grant, bargain, sell, convey and confirm unto John D. Einung, a single person, herein called the grantee whether one or more, the following described real property in Douglas County, Nebraska:

The South 82 feet of Lot 13, Block 111, Dundee Place, an Addition to the City of Omaha, in Douglas County, Nebraska.

01610 #
FEE 550 R 2-1 FB 39-09840
DEL C/O COHP
LEGAL PG SCAN #121V

NEBR DOC STAMP
140.00 DATE 2/21/95
BY BH

RECEIVED
FEB 21 1 28 PM '95
GEORGE J. ENGELBROZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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 seized of said premises; that they are free from encumbrance except covenants, easements and restrictions of record; all regular taxes and special assessments, except those levied or assessed subsequent to date hereof; 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.

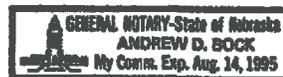
Dated: 2-12, 95

Nathan Kraft
Nathan Kraft
Ruth Marie Kraft
Ruth Marie Kraft

STATE OF NEBRASKA
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 12 day of Feb, 19 95 by Nathan Kraft and Ruth Marie Kraft, husband and wife, as joint tenants.

Andrew D. Bock
NOTARY PUBLIC
My Commission Expires: _____



NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS



BK 1900 PG 130



DEED 1991 06432

THIS PAGE INCLUDED FOR
INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT



BK 2193 PG 654-654



DEED 2001 14075

Nebr Doc
Stamp Tax

10-12-01
Date

\$ 194.00

By *CP*

RECEIVED
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

01 OCT 12 PM 2:45

RECEIVED

(THE SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY)

JOINT TENANCY WARRANTY DEED KNOW ALL MEN BY THESE PRESENTS, THAT

Joseph P. Hybner and Michele L. Hybner, husband and wife

IN CONSIDERATION OF 1.00 DOLLARS IN HAND PAID, DO HEREBY GRANT, BARGAIN, SELL AND CONFIRM UNTO

John D. Einung

AS JOINT TENANTS, AND NOT AS TENANTS IN COMMON; THE FOLLOWING DESCRIBED REAL ESTATE, SITUATED IN THE COUNTY OF SARPY AND THE STATE OF NEBRASKA, TO-WIT:

The South Half (1/2) of Lots 13 and 14, Block 2, Baker Place, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

TOGETHER WITH ALL THE TENEMENTS, HEREDITMENTS AND APPURTENANCES TO THE SAME BELONGING, AND ALL THE ESTATE, TITLE, DOWER, RIGHT AND HOMESTEAD, CLAIM AND DEMAND WHATSOEVER OF SAID GRANTOR(S), IN OR TO THE SAME, OR ANY PART THEREOF SUBJECT TO:

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 SAID GRANTEEES 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 THE GRANTOR(S) NAMED HEREIN, THEIR HEIRS, EXECUTORS AND ADMINISTRATORS, DO COVENANT WITH THE GRANTEEES NAMED HEREIN AND WITH THEIR ASSIGNS AND WITH THEIR HEIRS AND ASSIGNS OF THE SURVIVOR OF THEM THAT THEY ARE LAWFULLY SEIZED OF SAID PREMISES; THAT THEY ARE FREE FROM ENCUMBRANCE EXCEPT AS STATED HEREIN, AND THAT THEY, THE SAID GRANTOR(S) HAVE GOOD AND RIGHT AND LAWFUL AUTHORITY TO SELL SAME, AND THAT THEY WILL AND THEIR HEIRS, EXECUTORS AND ADMINSTRATORS SHALL WARRANT AND DEFEND SAME UNTO THE GRANTEEES NAMED HEREIN AND UNTO THEIR ASSIGNS AND UNTO THE HEIRS OF THE SURVIVOR OF THEM, FOREVER AGAINST THE LAWFUL CLAIMS OF ALL PERSONS WHOMSOEVER, EXCLUDING THE EXCEPTIONS NAMED HEREIN.

IN WITNESS WHEREOF JOAN L KLING HAVE HEREUNTO SET THEIR HAND(S) THIS _____ DAY OF _____, 2001 A.D.

[Signature]
Joseph P. Hybner

[Signature]
Michele L. Hybner

FEE _____ FB _____
BKP _____ C/O _____ COMP _____
DEL _____ SCAN *CR* _____ FV _____

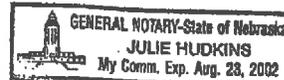
Deed 1/2

STATE OF NEBRASKA,

COUNTY OF *Douglas*,
ON THIS *28th* DAY OF *September*, 2001, A.D. BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME THE ABOVE NAMED Joseph P. Hybner and Michele L. Hybner, husband and wife WHO IS/ARE PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON(S) WHOSE NAME(S) AFFIXED TO THE ABOVE INSTRUMENT A GRANTOR(S), AND HE/SHE/THEY ACKNOWLEDGED SAID INSTRUMENT TO BE HIS/HER/THEIR VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DATE LAST AFORESAID.

[Signature] NOTARY PUBLIC



MY COMMISSION EXPIRES ON THE *28th* DAY OF *August*, 2002 A.D.

(62) ✓ 23768 RECORDED BY TOWER TITLE & ESCROW CO.
✓ 23769

PARC 2665 0000 16

FB 10 STATUS 2 CLASS M
EXEMPT 0 EXEMPT TYPE X TAX DISTRICT 0100 SID F-
PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 04704 CASS ST OMA 68132

-----OWNER OR TAXPAYER INFORMATION-----
NAME JOHN D*EINUNG DATE OF LAST CHANGE 07-17-2007
+ 4411 N 142 ST BK/PG OR DOC# 2007 77993 QCD
ADDR HOMESTEAD DELETE 2007021901 QCD
CITY OMAHA ST NE ZIP 68164 NON NUMERIC ZIP CODE 2170-253 QCD

-----CURRENT VALUE-----
YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE
2005 03-19-2005 19500 333500 353000 RA 2040445 wd
2040-446 QCD

ADDITION NO. 22580 LOT 14 HALF BLOCK 2 HALF
LINCOLN PLACE SECT TOWN RANGE PLAT 0324
-----LEGAL DESCRIPTION-----

1 LTS 13 & 2 50 X 130 EACH
3 4
5 6
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

BVID
#52361



Deed

Notr Doc
 Stamp Tax \$ 6.00 10-27580
 Date 7-10-07
 By LV

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 714 N. 17th St., Omaha, NE 68102

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that SEC Accommodator LXVIII, LLC, a Nebraska limited liability company, 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 John D. Einung, herein called the GRANTEE whether one or more, the following described real property in Douglas County, Nebraska:

Lots 13 and 14, Block 2, Lincoln Place, an Addition to the City of Omaha, in Douglas County, Nebraska.

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 GRANTOR does hereby covenant with the GRANTEE and with GRANTEE'S heirs and assigns that GRANTOR is lawfully seized of said premises; that they are free from encumbrance, except those easements, restrictions and covenants of record.

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 this 10th day of July, 2007

SEC Accommodator LXVIII, LLC, a
Nebraska limited liability company

By: John D. Einung
John D. Einung, sole member

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

On this 10th day of July, 2007, before me, the undersigned, a Notary Public, duly commissioned and qualified in said County, personally came John D. Einung, sole member of SEC Accommodator LXVIII, LLC, a Nebraska limited liability company, known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed on behalf of said company.

Witness my hand and notarial seal the day and year last above written.



Debra J. Saxton
NOTARY PUBLIC

My commission expires the 30 day of Jan 2008.

35 *Bnd # 52361*



DEED 2003190987



SEP 30 2003 14:07 P 1

Nebr Doc
Stamp Tax

9-30-03
Date

\$ 250.05

By *JDR*

RICHARD W. BAKEDL
REGISTER OF DEEDS
1001 N. 17th St
LINCOLN, NE 68502

RECEIVED

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS THAT, S & B Properties, LLC, herein called the Grantor whether one or more, in consideration of One Dollar and other valuable consideration received from Grantee, do hereby grant, bargain, sell, convey and confirm unto John D. Einnung, a married person, herein called the Grantee whether one or more, the following described real property:

The North 95 feet of Lots One (1) and Two (2), Block Twelve (12), Walnut Hill, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska

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 seized of said premises; that they are free from encumbrances except covenants, easements and restrictions of record; that all regular taxes and special assessments, except those levied or assessed subsequent to date hereof have been paid in full; that Grantor has 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.

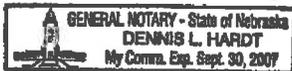
Dated: 9/25/2003

M. Sidwell
Mark Sidwell,
Managing Member

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 25th day of September, 2003 by Mark Sidwell, Managing Member of S & B Properties, Inc.

D. L. Hardt
Notary Public



My Commission expires: 9-30-07

Warranty Deed 20035185

(34) #20035185
\$6.00

Deed *D*

FEE	6.00	FB	10-40580
BKP		C/O	COMP <i>ly</i>
DEL		SCAN	FV

1/2



DEED 2004027258



MAR 02 2004 14:24 P 2

Nebr Doc Stamp Tax
3204
Date
\$ 9185
By LL

Received - RICHARD TAKECHI
 Registrar of Deeds, Douglas County, NE
 3/2/2004 2:24:24 PM

 2004027258

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT I or WE, Jack H. Miller, Attorney-in-Fact for Jeffrey L. Miller and Suzan M. Miller, wife to Jeffrey L. Miller, herein called the grantor whether one or more, in consideration of Ten Dollars and other valuable consideration received from grantee, do hereby grant, bargain, sell, convey and confirm unto John D. Einung, herein called the grantee whether one or more, the following described real property in Douglas County, Nebraska: A Married Person

The South 49 feet of Lots 1 and 2 and the South 49 feet of the East 2 feet of Lot 3 and the East 39.5 feet of Lot 20, all of Lots 21 and 22, Block 119, Dundee Place, an Addition to the City of Omaha, Douglas County, Nebraska.

Deed. 13.02. 39-091840
 PER 13.02. FB 39-091840
 BHP _____ C/O _____ COMP 72
 DEL _____ SCAN _____ FV _____
 L 2/6

To have and to hold the above described premises together with all tenements, hereditaments, appurtenances and reservations 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 seized of said premises; that they are free from encumbrance except covenants, easements and restrictions of record; all regular taxes and special assessments, except those levied or assessed subsequent to date hereof; 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.

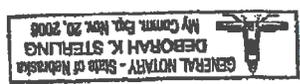
Dated: Dec 9, 2003

Jack H. Miller
 Jack H. Miller, Attorney-in-Fact
 for Jeffrey L. Miller
Suzan M. Miller
 Suzan M. Miller

STATE OF NEBRASKA
 COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me this 9th day of Dec, 2003 by Suzan M. Miller, wife to Jeffrey L. Miller.

Deborah K. Sterling
 Notary Public

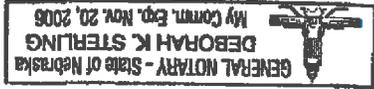


v10 315
 v10 316
 Box 19

STATE OF NEBRASKA
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me this 11th day of December, 2003 by Jack H. Miller, Attorney-in-Fact for Jeffrey L. Miller.

Deborah K. Sterling
Notary Public





BK 2181 PG 172-172



DEED 2001 06156

Nebr Doc
Stamp Tax

5-22-01
Date

\$ 18.68

By: Pro

REGISTER OF DEEDS
DOUGLAS COUNTY, NE

01 MAY 22 PM 12:14
RECEIVED

FEE 50 FB _____

BKP _____ C/O _____ COMP _____

DEL _____ SCAN dc FV _____

(THE SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY)

CORPORATION WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT

PRO CONSULTING INC., TRUSTEE

A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF NEBRASKA, IN CONSIDERATION OF 1.00 DOLLARS IN HAND PAID, DO HEREBY GRANT, BARGAIN, SELL AND CONFIRM UNTO
JOHN D EINUNG, A MARRIED PERSON

THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN THE COUNTY OF DOUGLAS AND THE STATE OF NEBRASKA, TO-WIT:

LOT 1, KOUNTZE'S 2ND ADDITION, EXCEPT THE NORTH 17 FEET OF EAST 1.5 FEET OF THE WEST 50 FEET, AN ADDITION TO THE CITY OF OMAHA, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA.

TOGETHER WITH ALL THE TENEMENTS, HEREDITMENTS AND APPURTENANCES TO THE SAME BELONGING, AND ALL THE ESTATE, TITLE, DOWER, RIGHT AND HOMESTEAD, CLAIM AND DEMAND WHATSOEVER OF SAID GRANTOR(S), IN OR TO THE SAME, OR ANY PART THEREOF SUBJECT TO: EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD IF ANY.

GRANTOR COVENANTS WITH THE GRANTEE THAT GRANTOR:

GRANTOR IS LAWFULLY SEIZED OF SAID PREMISES; THAT THEY ARE FREE FROM ENCUMBRANCE EXCEPT AS STATED HEREIN, AND THAT GRANTOR HAS GOOD AND RIGHT AND LAWFUL AUTHORITY TO SELL SAME, AND THAT GRANTOR WARRANTS AND WILL DEFEND SAME UNTO THE GRANTEES NAMED HEREIN AND UNTO THEIR ASSIGNS AND UNTO THE HEIRS OF THE SURVIVOR OF THEM, FOREVER AGAINST THE LAWFUL CLAIMS OF ALL PERSONS WHOMSOEVER, EXCLUDING THE EXCEPTIONS NAMED HEREIN.

IN WITNESS WHEREOF, GRANTOR HAS HEREUNTO CAUSED ITS CORPORATE SEAL TO BE AFFIXED AND THESE PRESENTS SIGNED BY ITS _____ /PRESIDENT.
EXECUTED May 16, 192001 A.D.

John D. Einung
JOHN D EINUNG
PRESIDENT

President, Pro Consulting Inc.
PRO CONSULTING INC, TRUSTEE

STATE OF NEBRASKA,

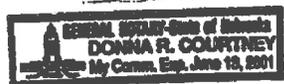
COUNTY OF Douglas, 2001 A.D. THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
5-16-01 A.D. BY John D. Einung President
(NAME AND OFFICE)
OF Pro Consulting Inc., A NEBRASKA CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL THE DATE LAST AFORESAID.

Donna R. Courtney NOTARY PUBLIC

MY COMMISSION EXPIRES ON THE 13 DAY OF June 2001 A.D.

RECORDED BY TOWER TITLE & ESCROW CO.



TTA-010 (62) - 16032



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

30199606



Superfund

Enclosures

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





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

August 27, 2003

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 black ink that reads "Don Bahake".

**Donald Bahake,
Project Manager**

Enclosure

Para mas información en español, 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 23, 2004

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 black ink that reads "Don Bahnke".

Donald Bahnke,
Project Manager

Enclosure

Para mas información en español, 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,

A handwritten signature in black ink that reads "Don Bahnke".

**Donald Bahnke,
Project Manager**

Enclosure

Para mas información en español, 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 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.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

August 24, 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.



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.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

November 28, 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.



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.



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

DAN WELCH
PRESIDENT
GARRY GERMANDT
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,

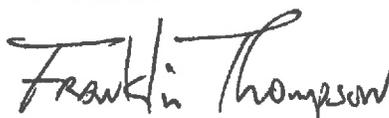

Dan Welch
President


Garry Germandt
Vice President


Frank Brown
Councilmember


Chuck Sigerson
Councilmember


Jim Suttle
Councilmember


Franklin Thompson
Councilmember


Jim Vokal
Councilmember

/Enclosure



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.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

June 23, 2011

Re: 804 Hickory St – SAID 19560
Omaha Lead Site Required Soil Testing

Dear Property Owner:

As discussed in your June 23, 2011 telephone conversation with Mary Castaneda, 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 is conducting this testing effort with the assistance of our Contractor, Black & Veatch and a number of local subcontractors. Please be assured that soil sampling and any necessary cleanup at your property will be performed by EPA 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. As requested, an access agreement is enclosed to provide this permission. Please sign and complete this agreement and return it to Black & Veatch in the enclosed postage paid envelope so that your property can be sampled at no cost to you. Once the access agreement is returned, Black & Veatch will contact you to perform the sampling. If you have any questions or concerns in regards to the soil sampling process, please contact the EPA Public Information Center at (402) 731-3045.

Sincerely,

A handwritten signature in black ink that reads "Pauletta R. France-Isetts".

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





51695



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: 4930 CALIFORNIA ST OMAHA NE 68132
(CITY) (STATE) (ZIP)

Property Owner's Name: EINUNG JOHN D

Resident's Name (If not Owner): _____

Owner's Mailing Address: 4411 N 142 ST, OMAHA, NE 68164

Owner's Telephone Number - Home: _____ 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."





51695



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: _____

owner renter

Residence Address: 4930 CALIFORNIA ST

OMAHA NE 68132
(CITY) (STATE) (ZIP)

Property owned by JOHN D EINUNG

Owner's mailing address: 4411 N 142 ST, OMAHA, NE 68164

Owner's telephone number - Home: 445-0380 Work: 991-3100
445-0469

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 or more hours per week: _____

Comments: John Einung does not want to sign Decline said no to busy to deal with this

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

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Access Attempts: Letter Sent:

First: 10/10/05 3:48 Second: _____ Third: _____



MES

ACCESS INFORMATION TRACKING SHEET

BVID: 516 95 PROPERTY ADDRESS: 4930 California St.

Property Owned By: EINUNGA John W
(If new property owner) 4411 W. 142 St.
Ompah

Owners Phone No's: Home: 445-0380 Work: _____
 Cell: _____ Fax: _____

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

DATE	TIME	Accessor	CONTACT DETAIL
<u>1/4</u>	<u>2:00</u>	<u>JB</u>	<u>4930 California St. left doortag</u>
<u>1/12</u>	<u>4:30</u>	<u>JB</u>	<u>4411 W. 142nd St left doortag</u>
<u>1-30</u>	<u>5:00</u>	<u>JB</u>	<u>Talked to Renton gave me landlord's</u>
			<u>Name + Number Called left</u>
			<u>Messages will not return call</u>

Comments: Renton says she pays rent to
SARA, phone number 445-0380

Please write legibly!

ACCESS INFORMATION TRACKING SHEET

BVID: 51695 PROPERTY ADDRESS: 4930 California St

Property Owned By: _____
(if new property owner)

Owner Contact No: Home: 991-3100 Work: _____
 Cell: _____ Fax: _____

Access Contractor: LSOC

DATE	TIME	Accessor	CONTACT DETAIL
1/9		CW	We have spoken to property
3/23		CW	owner several times over the
6/9		OJ	telephone. He always advise
3/31		OJ	LSOC to fax the forms to him
10/22		LH	and he would sign the access
11/3		LH	agreements and fax them

Comments: back. The last time I spoke with property owner he did confirm receiving the access agreements. He said he would fax them back when he got around to them. I offered to bring them to him he refused the offer.

Please write legibly!



22592



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

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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: 556 S 35 ST OMAHA NE 68105
(CITY) (STATE) (ZIP)

Property Owner's Name: EINUNG JOHN D

Resident's Name (If not Owner): _____

Owner's Mailing Address: 4411 N 142 ST, OMAHA, NE 68164

Owner's Telephone Number - Home: _____ 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."



ACCESS INFORMATION TRACKING SHEET

BVID: 22592 PROPERTY ADDRESS: 556 S. 35 St.

Property Owned By: _____
(If new property owner)

Owner Contact No: Home: 991-3100 Work: _____
 Cell: _____ Fax: _____

Access Contractor: _____

DATE	TIME	Accessor	CONTACT DETAIL
4/10	1337	EC	PO will call back. Follow up on Monday
6/25	3:25	ED	no answer @ the door (best filter)
6/25	4:00	ED.	lenders. (don't write down the name)
1/28/09	3:10	Nick	talk to John/havent decided yet
2/9/09	11:40	Nick	'' '' he said he's got the forms he'll send them back when he is ready

Comments: _____
2/10/09 no progress spoke with P/O ^{John} said same story he'll send the forms when ready

Please write legibly!



57952



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)*

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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: 2303 N 48 ST OMAHA NE 68104
(CITY) (STATE) (ZIP)

Property Owner's Name: JOHN D EINUNG

Resident's Name (If not Owner): _____

Owner's Mailing Address: 4411 N 142 ST, OMAHA, NE 68164

Owner's Telephone Number - Home: (402) 445-0469 Alternate: 491-3100

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

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ACCESS INFORMATION TRACKING SHEET

BVID: _____ PROPERTY ADDRESS: _____

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
2-12-09	1700	GQ	Found Phone # in white pages, contacted owner he will call back with decision, ^{do not go to} his place
2-14-09	1000	GQ	Spoke with Mr Einung, he has not made a decision yet. will call next week
2-18-09	1100	GQ	Mr Einung has not call, nor will he return my messages
2-21-09	1400	GQ	No Contact From Mr Einung, will not return my calls. returning file.

Comments: _____

Please write legibly!



52361



U.S. Environmental Protection Agency

Region VII
901 North 5th Street
Kansas City, Kansas 66101Omaha Lead Site
Omaha, NEAccess Agreement to Perform
Soil Sampling and Lead-Based
Paint Assessments**PROPERTY ACCESS** *(To be completed by property owner)*

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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: 4704 CASS ST

OMAHA

NE

68132

*(CITY)**(STATE)**(ZIP)*

Property Owner's Name: EINUNG JOHN D

Resident's Name (If not Owner): _____

Owner's Mailing Address: 4411 N 142 ST, OMAHA, NE 68164

Owner's Telephone Number - Home: _____

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**

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52361



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: 4704 CASS ST

OMAHA NE 68132
(CITY) (STATE) (ZIP)

Property owned by J BERNARD CONWAY

Owner's mailing address: 9706 ASCOT DR, OMAHA, NE 68114

Owner's telephone number - Home: 402-391-1198

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 or more hours per week: _____

Comments: 16 unit U-shaped apartment building

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: Second field sheet printed 6-1-2006

First: 01-05-07 8:40 Second: 01-06-07 12:20 Third: 01-08-07 4:20 pm
ASW RS ASW RS ASW RS

Omaha Lead Site



Black & Veatch Special Projects Corp.

46130.0103

EXHIBIT 3

ACCESS INFORMATION TRACKING SHEET

BVID: 52361 **PROPERTY ADDRESS:** 4704 Cass St

Property Owned By: John D Einung
(if new property owner)
4411 N 142 St
Omaha Ne 68164

Owner Contact No: Home: _____ Work: 402 - 991 - 3100
 Cell: _____ Fax: _____

Access Contractor: Prudent Technologies Inc

DATE	TIME	Accessor	CONTACT DETAIL
4/05	11:05	Pamela	search a phone number at whitepages.ca appears 991-3100. left a message.
5/02	17:00	Pamela	received a call from owner refused etc they are not interested

Comments:

Please write legibly!



24805



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

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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: 1020 N 41 ST OMAHA NE 68131
(CITY) (STATE) (ZIP)

Property Owner's Name: EINUNG JOHN D

Resident's Name (If not Owner): _____

Owner's Mailing Address: 4411 N 142 ST, OMAHA, NE 68164

Owner's Telephone Number - Home: _____ 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."





24805



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: 1020 N 41 ST

OMAHA
(CITY)

NE
(STATE)

68131
(ZIP)

Property owned by ~~SAND B PROPERTIES LLC~~ JOHN D EINHUNG

Owner's mailing address: ~~PO BOX 4128~~ 4411 N 142 ST
OMAHA NE 68164

Owner's telephone number - Home: 402-445-0469

Work: _____

Age of home? 79 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: 4 UNIT BRICK APT BLDG

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

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Access Attempts: Letter sent:

First: 8-6-05 11:10 TH Second: 8-10-05 7:43 TH Third: 8-11-05 7:19 TH

Omaha Lead Site

L.125



Black & Veatch Special Projects Corp.

46130.0103

EXHIBIT 3

ACCESS INFORMATION TRACKING SHEET

BVID: 24805 PROPERTY ADDRESS: 1020 N 41st 68131

Property Owned By: John D. Cuning
(If new property owner)

Owners Phone No's: Home: (402) 445-0469 Work: _____
 Cell: _____ Fax: _____

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

DATE	TIME	Accessor	CONTACT DETAIL
3/20	9:42AM	Jr	Left message on phone
3/21	4:15	Jr	hanger is still a property
3/23	4:00	Jr	no response from owner
			left hanger at both houses

Comments: Attempted

Please write legibly!

ACCESS INFORMATION TRACKING SHEET

EVID: 24805 **PROPERTY ADDRESS:** 1020 N. 41st

Property Owned By: John O. # Dorsey EIMUNG
(if new property owner)
4411 N. 142ND ST.
Omaha, NE 68164

Owner Contact No: Home: (402) 445-0469 Work: (402) 492-9600
Cell: Fax:

Access Contractor: Prudent Technologies

	DATE	TIME	Accessor	CONTACT DETAIL
Fri	5/30/08	3:15pm	J.M.H.	Visitors P.O.'s address, No 1 home, left hngr.
Sat	5/31/08	6pm	J.M.H.	Door hanger gone; Left 2 nd hanger
Sat	6/6/08	10:30am	J.M.H.	Visited and spoke w/ P.O. - didn't want to sign but ask for info to consider later - Attempted
	6/9/08	9:15am	J.M.H.	Called P.O.'s # left voicemail message

Comments: Property address is a 4-plex apartment bldg.
-- Searched white pages - com - obtained contact #

Please write legibly!



52348



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

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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: 4804 DAVENPORT ST OMAHA NE 68132
(CITY) (STATE) (ZIP)

Property Owner's Name: EINUNG JOHN D

Resident's Name (If not Owner): _____

Owner's Mailing Address: 4411 N 142 ST, OMAHA, NE 68164

Owner's Telephone Number - Home: 402-445-0469 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 Owner



52348



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: _____

owner renter

Residence Address: 4804 DAVENPORT ST

OMAHA
(CITY)

NE
(STATE)

68132
(ZIP)

Property owned by JEFFREY L MILLER

John D Einung

Owner's mailing address: 4411 N 132nd St
220 HEAVENLY DR, OMAHA, NE 68164

Owner's telephone number - Home: 402-445-0469

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 or more hours per week: _____

Comments: 9 unit apartment complex - at least 3 buildings

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

4/4/06 Create new access field sheet for site sampling (EPA)

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: 01/17/06 11:00 AM

Second: 02/21/06 10:15 AM

Third: 02/25/06 3:05 PM

Omaha Lead Site

ED. PMA



Black & Veatch Special Projects Corp.

ED. PMA

8/21/06

46130.0103

EXHIBIT 3

ACCESS INFORMATION TRACKING SHEET

BVID: 50348 PROPERTY ADDRESS: 4804 Davenport

Property Owned By: _____
 (If new property owner) _____

Owners Phone No's: Home: 445-0469 Work: _____
 Cell: _____ Fax: _____

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

DATE	TIME	Accessor	CONTACT DETAIL
1-27-09	1700	GQ	Spoke with tl/owner, he is still thinking it over
1-31-09	1600	GQ	went to owners address, No Answer, left door hanger. No Answer at phone #
2-3-09	1000	GQ	Went to Owners address, No Answer, door hanger is gone, left another one
			No answer at phone #

Comments: _____

Please write legibly!

ACCESS INFORMATION TRACKING SHEET

BVID: 52348 PROPERTY ADDRESS: 4804 Davenport St

Property Owned By: _____
(if new property owner)

Owner Contact No: Home: 991-3100 Work: _____
 Cell: _____ Fax: _____

Access Contractor: LSOC

DATE	TIME	Accessor	CONTACT DETAIL
1/9		CW	We have spoken to property
3/23		CW	owner several times over the
6/9		OJ	telephone. He always advise
3/31		OJ	LSOC to fax the forms to him
10/22		LH	and he would sign the access
11/3		LH	agreements and fax them

Comments: back. The last time I spoke with property owner he did confirm receive the access agreements. He said he would fax them back when he got around to them I offered to bring them to him he refuse the offer.

Please write legibly!



19560



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: 804 HICKORY ST OMAHA NE 68108
(CITY) (STATE) (ZIP)

Property Owner's Name: EINUNG JOHN D

Resident's Name (If not Owner): _____

Owner's Mailing Address: 4411 N 142 ST, OMAHA, NE 68164

Owner's Telephone Number - Home: _____ 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."



ACCESS INFORMATION TRACKING SHEET

Property

BVID: 19560 Address: 804 Hickory 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
4/1/2008	1022a	Jason	Not home-left door hanger
4/18/2008	2p	Jason	Door hanger gone-left second door hanger
4/24/2008	6p	Jaosn	Not home
4/25/2008	1230p	Jason	no phone number available

Comments: *Verified owner with Douglas County Accessor

*Searched google.com, yahoo.com, 411.com for vaild phone number to no avail

Attempted

Please Write Legibly!

17004



91516



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: 806 HICKORY ST OMAHA NE 68108
(CITY) (STATE) (ZIP)

Property Owner's Name: EINUNG JOHN D

Resident's Name (If not Owner): _____

Owner's Mailing Address: 4411 N 142 ST, OMAHA, NE 68164

Owner's Telephone Number - Home: _____ 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."



ACCESS INFORMATION TRACKING SHEET

BVID: 91516 PROPERTY ADDRESS: 806 Hickory St.

Property Owned By: _____
(if new property owner)

Owner Contact No: Home: _____ Work: _____
 Cell: _____ Fax: _____

Access Contractor: _____

DATE	TIME	Accessor	CONTACT DETAIL
2/25/08	9 ⁰⁰ AM	OJ	Phone contact - fax papers with Sign.
2/10/08	5 ⁰⁰ PM		Mailed forms -
10/11/08	10 ³⁰ AM		Mailed forms again
10/27/08			Final attempt - tried faxing again

Comments: _____

Please write legibly!

ACCESS INFORMATION TRACKING SHEET

BVID: 91516

PROPERTY ADDRESS:

Property Owned By:
(if new property owner)

Owner Contact No:

Home: _____ **Work:** _____
Cell: _____ **Fax:** _____

Access Contractor:

FDA

DATE	TIME	Accessor	CONTACT DETAIL
2/20/09	11:57	SL	phone search - 445-0469; Do. Co. March
			state of at 904 Hickory St for P.O. info.
2/26/09	11:30	DDB	called # no answer

Comments:

Please write legibly!