

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

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2012 JAN 19 AM 7:57

In the Matter of:)

OMAHA LEAD SUPERFUND SITE)
OMAHA, NEBRASKA)

ADMINISTRATIVE ORDER DIRECTING
COMPLIANCE WITH REQUEST FOR
ACCESS

Paul A. Barrett)
5912 South 17th Street)
Omaha, Nebraska 68107)

Docket No. CERCLA-07-2012-0012

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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LIST OF EXHIBITS

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

I. JURISDICTION

1. This Administrative Order (“Order”) is issued to Paul A. Barrett (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, re delegated this authority to the Superfund Division Director, EPA Region 7, by Regional Delegation No. R7-14-006, dated June 30, 1997, and the authority was further delegated to the Superfund Branch Chiefs by Regional Delegation No. R7-DIV-14-006, dated July 25, 1997.

II. STATEMENT OF PURPOSE

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

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

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

III. FINDINGS OF FACT

4. Respondent is the owner(s) of certain property described as:
- a. a residential property at 5912 South 17th Street, Omaha, Nebraska;
 - b. a residential property at 6012 South 17th Street, Omaha, Nebraska;
 - c. a residential property at 6014 South 17th Street, Omaha, Nebraska;
 - d. a vacant lot at 1905 Drexel Street, Omaha, Nebraska; and
 - e. a vacant lot at 2051 Drexel Street, Omaha, Nebraska.

5. Respondent acquired current interest in the property described in Paragraph 4a on September 2, 1969, the property described in Paragraph 4b on May 13, 2002, the property described in Paragraph 4c on April 25, 1988, the property described in Paragraph 4d on June 2, 1988, and the property described in Paragraph 4e on June 7, 1988. 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 39,000 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:
 - August 27, 2003, April 30, 2004, 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.
 - ii. for the property listed in Paragraph 4b:
 - August 27, 2003, April 30, 2004, and October 13, 2010.
 - iii. for the properties listed in Paragraphs 4c, 4d and 4e:
 - August 27, 2003, April 30, 2004, August 21, 2008 (this letter is dated August 1, 2008 but was sent on August 21, 2008 along with an August 7, 2008 letter from the Omaha City Council), and October 13, 2010.
- b. Personal or telephone contacts were made (as documented on the Access Forms attached as Exhibit 3) on the following dates:
 - i. for the property listed in Paragraph 4a:
 - April 24, 2008.
 - ii. for the property listed in Paragraph 4b:
 - November 16, 2004 and March 14, 2009.

- iii. for the property listed in Paragraph 4c:
 - November 3, 2004 and May 22, 2008
 - iv. for the properties listed in Paragraphs 4d and 4e:
 - September 2, 2005 and May 22, 2008.
- c. Most recently the EPA contacted the Respondent by telephone on September 15, 2011, 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.

11/18/12
Date of Issuance

Gene Gunn
Gene Gunn
Chief
Special Emphasis Remedial Branch
Superfund Division

PARC 2496 0002 20

FB 37 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE

TAX DISTRICT 0100 SID F-

PROP HOUSE HALF DIR -----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 05912 S 017 ST OMA 68107

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

NAME PAUL A*BARRETT DATE OF LAST CHANGE 07-27-1989
+ 5912 S 17 STREET BK/PG OR DOC#
ADDR HOMESTEAD DELETE 1393-103
CITY OMAHA ST NE ZIP 68107 NON NUMERIC ZIP CODE

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

YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE
2008 03-10-2008 10600 89400 100000 RA

ADDITION NO. 31120
POTTER & COBBS ADD

LOT 12 HALF BLOCK 6 HALF
SECT TOWN RANGE PLAT 0092

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

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

1 SW 585 SQ FT LT 9 & ALL LTS 10-11 & 2
3 40/47 4
5 6
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

Bnd
46479

1298 160
103

KNOW ALL MEN BY THESE PRESENTS:

THAT I, W, Milas F. Volejnik and Barbara C. Volejnik, husband & wife,
and Alice M. Sopcich and Edward F. Sopcich, Jr., wife & husband, here-
inafter referred to as the grantors.

of the County of Douglas, State of Nebraska for and in consideration of the
sum of Two Dollars (\$2.00) and other valuable consideration DOLLARS,
do hereby grant, bargain, sell, convey and confirm unto Paul A. Barrett, hereinafter
referred to as the grantee.

of the County of Douglas, State of Nebraska, the following described real estate
situated in Omaha, in Douglas County, State of Nebraska, to-wit:

Lots Ten (10), Eleven (11) and Twelve (12), and that part of Lot Nine (9), more particularly described as follows: Beginning at the South-west corner of said Lot Nine (9), thence North nine (9) Feet, thence Southeasterly to the Southeast corner of said lot nine (9), thence west along south line of said Lot nine (9) to place of beginning, all in Block Six (6), Potter and Cobbe Addition to South Omaha, now part of the City of Omaha, Douglas County, Nebraska, as surveyed, platted and recorded.

Subject to the 1968 County and State Taxes and the 1969 City of Omaha Taxes pro-rated as of the date of closing and all subsequent taxes and assessments.



NEBRASKA DOCUMENTARY
STAMP TAX
SEP 5 1969
\$17.60 BY ml

TO HAVE AND TO HOLD the premises above described, together with all the Tenements, Hereditaments and appurtenances therunto belonging, unto the said Paul A. Barrett

and to his heirs and assigns forever.
And I or W hereby covenant with the said Grantee or grantees and with his, her or their heirs and assigns, that I am or W are lawfully seised of said premises; that they are free from encumbrance except above.

that I or W have good right and lawful authority to sell the same; and I or W hereby covenant to warrant and defend the title to said premises against the lawful claims of all persons whomsoever.

And the said Milas F. Volejnik and Barbara C. Volejnik, hereby relinquishes all their rights and interests in and to the above described premises.

Signed this 2nd day of September 1969

In Presence of

Milas F. Volejnik
Barbara C. Volejnik
Alice M. Sopcich
Edward F. Sopcich Jr.

RECORDED: 46419

Book # 46479

W. J. ...
Notary Public

TO

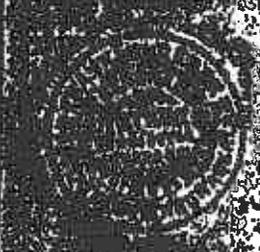
STATE OF _____
County of _____
Entered in Numerical Index and filed for record in the office of the Register of Deeds of said County, the _____ day of _____ 19____
at _____ minutes _____ M., and duly recorded in Book _____ of _____
Deeds on page _____
Register of Deeds.
Deputy.

The Within Stated Book, Pages, Maps, Etc.

RECEIVED
1969 SEP 5 PM 2 39
HAROLD OSTROM
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

1353 of 103
C. J. ...
Clerk

By _____ Deputy
MAILED - 21 -
Computed 45-76 Fee \$2.25
77 Tax 1760



On the 2nd day of September 1969 before me, the undersigned a Notary Public, duly commissioned and qualified for said County, personally came Miss F. Volainik & Barbara C. Volainik, husband & wife,

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

Witness my hand and Notarial Seal the day and year last above written.
Frank J. Ryck Notary Public
My commission expires the 9th day of July 1972

On the 3rd day of September 1969 before me, the undersigned a Notary Public, duly commissioned and qualified for said County, personally came Alice M. Sopsich and Edward F. Sopsich, Jr., wife & husband,

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

Witness my hand and Notarial Seal the day and year last above written.
Edward F. Sopsich, Jr. Notary Public
My commission expires the 2nd day of MAY 1972



BK 2211 PG 059-059



DEED 2002 06693

Nebr Doc
Stamp Tax
5800
Date
5/26
By
TJP

RICHARD N. TANECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE
02 MAY 20 PM 4: 16
RECEIVED

FEE 58 FB 28-00400
BKP C/O COMPY
DTI SCAR FV

PAUL A. BARRETT, 5912 SOUTH 17th STREET, OMAHA, NE 68107
Sheriff's Deed—Under Foreclosure of TAX LIEN Docket 233 Page 2694 Tr 12
Know All Men by These Presents, That, Whereas, in an action in the District Court of the Fourth Judicial

District of the State of Nebraska, within and for the County of Douglas, wherein
 COUNTY OF DOUGLAS plaintiff and
 DANIEL A. CHRISTENSEN, ET AL. are defendants
 at the JANUARY Term, A.D., 2000 of said court, a decree was rendered finding that there is due and owing to
 COUNTY OF DOUGLAS: THE SUM OF: Sixteen Thousand Five Hundred Fifty Six and 11/100ths
 (\$16,556.11) Dollars.

and costs of suit taxed at \$1,530.05 and the accruing costs and, whereas, it was then and there further ordered in the said
 action that in default of the payment of the sum so found due by the said Defendant that TIMOTHY F. DUNNING
 Sheriff of said County of Douglas, should cause the lands and tenements hereinafter described to be advertised and sold according to law
 to pay the same, and, whereas, default having been made therein, the said TIMOTHY F. DUNNING, Sheriff of
 said county, under and by virtue of the said decree and the order of sale to him duly directed, did on March 29, 2000
 at the jury assembly room of the County Court House in the City of Omaha in said County of Douglas, having first given due and legal
 notice of the time and place of said sale for more than thirty days prior thereto in the Daily Record, a newspaper printed and in general
 circulation in said County of Douglas, sell said premises at public auction to PAUL A. BARRETT

for the sum of \$328.42 dollars, which sale was afterward at the January Term of said court,
 A.D., 2000 examined and confirmed and the said TIMOTHY F. DUNNING as such Sheriff, ordered
 to convey the said premises in fee simple to the said PAUL A. BARRETT

Now Therefore, I, the said TIMOTHY F. DUNNING, Sheriff of the County of
 Douglas as aforesaid, in consideration of the premises and by virtue of the powers vested in me by law and the decree of said court, do
 hereby Give, Grant and Convey to the said PAUL A. BARRETT

his heirs and assigns, the premises so as aforesaid sold, to wit:
 Lot Six (6), Block One (1), Albright Sub B 30 Albright Choice, Addition to South Omaha
 now a part of Omaha, Douglas County, Nebraska

To Have and to Hold the Same, unto the said PAUL A. BARRETT

his heirs and assigns, and to them and their use and behoof forever.
In Testimony Whereof, I have, as such Sheriff, hereunto set my hand this 13th day of May
 A.D., 2002.

Executed and delivered in the presence of
 Trisha A. Knight Sheriff of Douglas County, Nebraska

STATE OF NEBRASKA)
 County of Douglas) ss.

On this 13th day of May 2002, before me, the undersigned
 Trisha A. Knight in and for said county, personally
 appeared the said TIMOTHY F. DUNNING Sheriff
 of said County, to me personally known to be the identical person who signed the foregoing instrument as
 grantor, and be acknowledged the same to be his voluntary act and deed, as such sheriff, for the uses and
 purposes therein set forth.

SEAL

Witness my hand and official seal the day and year above written.
 General Notary - State of Nebraska Trisha A. Knight

GENERAL NOTARY-STATE OF NEBRASKA
 TRISHA A. KNIGHT
 My Comm. Exp. June 19, 2004

EXHIBIT 1

PARC 0963 0000 05

FB 38 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE

TAX DISTRICT 0100 SID F-

PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 06014 S 017 ST OMA 68107

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

NAME PAUL*BARRETT DATE OF LAST CHANGE 06-13-1988
+ 1221 DREXEL ST BK/PG OR DOC# 1824/554
ADDR HOMESTEAD DELETE
CITY OMAHA ST NE ZIP 68107 NON NUMERIC ZIP CODE

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

YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE
2008 03-10-2008 2700 0 2700 RA

ADDITION NO. 00400 LOT 7 HALF BLOCK 1 HALF
ALBRIGHT SUB B 30 ALBRIGHT CHOICE SECT TOWN RANGE PLAT 0090

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

1 30 X 100 2
3 4
5 6
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

Bnd
#46236

THIS INDENTURE, Made this 25th day of April, in the year one thousand nine hundred and eighty-eight

The Land Reutilization Authority of the County of Douglas, a public corporation acting in a governmental capacity and a political subdivision of the State of Nebraska

of the first part, and Paul Barrett



WITNESSETH, that the said part of the first part, in consideration of the sum of \$500 DOLLARS, to it duly paid, the receipt whereof is hereby acknowledged HAS remised, released, and quit-claimed, and by these presents do remise, release and forever quit-claim unto the said part of the second part, and to his, her or their heirs and assigns forever, all his, her or their right, title and interest, in and to all

Lot Seven (7), Block One (1), Albright Subdivision of Block Thirty (30), Albright Choice an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County Nebraska

Handwritten vertical notes: 3972, 617-6880, 4470, May 1980



Handwritten notes: 1824, 554, 12:01-220m, 4/26/88, 5.00, 3H, We, 32-460

The selling price of the above-described property represents a consideration equal to or in excess of two-thirds of the appraised value of said property.

Together with all and singular the hereditaments thereunto belonging.

TO HAVE AND TO HOLD the above described premises unto the said grantee and to grantee's heirs and assigns forever so that neither the said grantor nor any person in his, her or their name and behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

Signature of George Buglewicz, Secretary

Signature of Sam Howell, Treasurer

STATE OF NEBRASKA, County of Douglas

Before me, a notary public qualified for said county, personally came George Buglewicz of the Land Reutilization Authority of the County of Douglas known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed. as such officer and the voluntary act and deed of the Land Reutilization Authority of the County of Douglas by its authority.

My commission expires: March 14, 1990, Notary Public.

STATE OF NEBRASKA, County of Douglas, Entered on numerical index and filed for record in the Register of Deeds Office of said County the 25th day of April, 1988, at 12 o'clock and 00 minutes P.M., and recorded in Book of at page.

Reg. of Deeds By Deputy

Handwritten note: Bid # 460236

PARC 2138 0000 14

FB 38 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE

TAX DISTRICT 0100 SID F-

PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 01905 DREXEL ST OMA 68107

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

NAME PAUL*BARRETT DATE OF LAST CHANGE 06-13-1988
+ 1221 DREXEL ST BK/PG OR DOC# 1827/308
ADDR HOMESTEAD DELETE
CITY OMAHA ST NE ZIP 68107 NON NUMERIC ZIP CODE

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

YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE
2005 03-25-2005 100 0 100 IR

ADDITION NO. 18620
JEFFERIS-REPLAT-

LOT 10 HALF BLOCK 3 HALF
SECT TOWN RANGE PLAT 0088

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

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

1 45 X 77.3 2
3 4
5 6
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

Bnd
44480

225-33

78-A—QUIT CLAIM DEED

BOOK 1827 PAGE 308

Huffman and Feltner & Well, Watton, No. 68461

the year one thousand

THIS INDENTURE, Made this 2nd day of June nine hundred and eighty-eight between

The Land Reutilization Authority of the County of Douglas, a public corporation acting in a governmental capacity and a political subdivision of the State of Nebraska of the first part, and Paul Barrett of the second part,

NEBRASKA DOCUMENTARY STAMP TAX 2-06 Date 6-3-88

WITNESSETH, that the said part of the first part, in consideration of the sum of one hundred and no/100 DOLLARS, to it duly paid, the receipt whereof is hereby acknowledged remised, released, and quit-claimed, and by these presents do remise, release and forever quit-claim unto the second part of the second part, and to his, her or their heirs and assigns forever, all his, her or their right, title and interest, in and to all

Lot Ten (10), Block Three (3), Jefferis Replat, and addition to the City of Omaha as surveyed, platted and recorded, in Douglas County, Nebraska

RECEIVED

1908 JUN -3 AM 11:44

GEORGE J. AUGLEWICZ REGISTER OF DEEDS DOUGLAS COUNTY, NEBR.

Handwritten notes: BK 1827 N 30-198 LT C/O FEE 5.50 PG 308 N 30-189 DEL 1/11 MC/WK 38-186

The selling price of the above-described property represents a consideration equal to or in excess of two-thirds of the appraised value of said property. Together with all and singular the hereditaments thereto...

TO HAVE AND TO HOLD the above described premises unto the said grantee and to grantee's heirs and assigns forever so that neither the said grantor nor any person in his, her or their name and behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

WITNESS: George J. Auglewicz, Secretary

Frank Bemis, Chairman

STATE OF NEBRASKA, County of Douglas

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

Frank N. Bemis, Chairman of the

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

My commission expires: 12/31, 1991. Notary Public

STATE OF _____ County _____

Entered on minutes in the Register of Deeds Office of this County on

day of _____, 19____, at _____ o'clock and _____ minutes _____ M., and recorded in Book _____ of _____ at page _____

By _____ Reg. of Deeds Deputy

Handwritten: Bnd # 444180

PARC 2144 0000 14

FB 38 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE

TAX DISTRICT 0100 SID F-

PROP HOUSE HALF DIR ----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 02051 DREXEL ST OMA 68107

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

NAME PAUL*BARRETT DATE OF LAST CHANGE 06-13-1988
+ 1221 DREXEL ST BK/PG OR DOC# 1827/544
ADDR HOMESTEAD DELETE
CITY OMAHA ST NE ZIP 68107 NON NUMERIC ZIP CODE

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

YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE
2005 03-25-2005 100 0 100 IR

ADDITION NO. 18620 LOT 16 HALF BLOCK 3 HALF
JEFFERIS-REPLAT- SECT TOWN RANGE PLAT 0088
-----LEGAL DESCRIPTION-----

1 45 X 77.3 2
3 4
5 6
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

Bnd
44461

30200272



Superfund

78-A—QUIT CLAIM DEED

BOOK 1827 PAGE 544

Huffman and Felton & Wolf, Writers, No. 68481

THIS INDENTURE, Made this 07 day of June, in the year one thousand nine hundred and eighty-eight, between

eighty-eight

The Land Reutilization Authority of the County of Douglas, a public corporation acting in a governmental capacity and a political subdivision of the State of Nebraska

of the first part, and Paul Barrett

NEBRASKA DOCUMENTARY STATE TAX 286 Date 6-9-88

1221 Dupl Sh. 68107

WITNESSETH, that the said part of the first part, in consideration of the sum of One Hundred and No/100 DOLLARS, to duly paid, the receipt whereof is hereby acknowledged has remised, released, and quit-claimed, and by these presents do remise, release and forever quit-claim unto the said part of the second part, and to his, her or their heirs and assigns forever, all his, her or their right, title and interest, in and to all

L 16, B 3, Jefferies Replat of S 99.8' of L 2, Albright's Choice Addition to South Omaha, now a part of the City of Omaha, as apr

RECEIVED 1988 JUN -8 AM 11:07 GEORGE J. BUGLEWICZ REGISTER OF DEEDS DOUGLAS COUNTY, NEBR.

6079 F Deed

BK 1827 N 30-200 LT CJO FEE 5.50 PG 544 N 30-189 DEL 14 MC (2) OF Deed COMP F/B 38-18620

The selling price of the above-described property represents a consideration equal to or in excess of two-thirds of the appraised value of said property.

Together with all and singular the hereditaments therunto belonging. TO HAVE AND TO HOLD the above described premises unto the said grantee and to grantee's heirs and assigns forever so that neither the said grantor, nor any person in his, her or their name and behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

ATTEST George J. Buglewicz, Secretary

Frank W. Bemis, Chairman

STATE OF NEBRASKA, County of Douglas

Before me, a notary public qualified for said county, personally came Frank W. Bemis, Chairman of the

Land Reutilization Authority of the County of Douglas known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be true and correct, as such officer and the voluntary act and deed of the Land Reutilization Authority of the County of Douglas, by its authority.

My commission expires 3, 1989 Notary Public

STATE OF County Entered on numerical index and filed for record in the Register of Deeds Office of said County the day of 19 at o'clock and minutes M., and recorded in Book of at page

By Reg. of Deeds Deputy

Bud 44461



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 Babnke".

**Donald Babnke,
Project Manager**

Enclosure

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

April 30, 2004

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 Behnke".

**Donald Behnke,
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**

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 that reads "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

EXHIBIT 2

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).

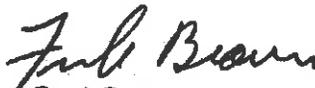
It is in the best interest of all property owners within the impacted area to cooperate with EPA and allow access for soil sampling. If voluntary access is granted, EPA will work with property owners to arrange a convenient time to perform the soil sampling and take into consideration other owner concerns, 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,

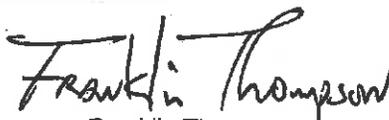

Dan Welch
President


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.

EXHIBIT 2



46479



U.S. Environmental Protection Agency

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

Omaha Lead Site
Omaha, NE

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

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

Para recibir esta forma en español, por favor llamar al Centro De Informacion Publica 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: 5912 S 17 ST OMAHA NE 68107
(CITY) (STATE) (ZIP)

Property Owner's Name: BARRETT PAUL A

Resident's Name (if not Owner): _____

Owner's Mailing Address: 5912 S 17 STREET, OMAHA, NE 68107

Owner's Telephone Number - Home: 402-733-3110 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: 46479 PROPERTY ADDRESS: 5912 S 17 St

Property Owned By: Barrett Paul A
(if new property owner)

Owner Contact No: Home: 733-3110 Work: _____
 Cell: _____ Fax: _____

Access Contractor: _____

DATE	TIME	Accessor	CONTACT DETAIL
4/24	1345	RB	Hard no

Comments: _____

Please write legibly!



46257



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)

For more information, contact your local EPA office or call EPA's Information Policy Center at (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: 6012 S 17 ST OMAHA NE 68107
(CITY) (STATE) (ZIP)

Property Owner's Name: BARRETT PAUL A

Resident's Name (if not Owner): _____

Owner's Mailing Address: 5912 S 17 ST, OMAHA, NE 68107

Owner's Telephone Number - Home: ⁴⁰²⁻ 733-3110 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(a) of CERCLA, 42 U.S.C. 9604(a) 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."





46257



U.S. Environmental Protection Agency Region VII

Omaha Lead Site
Omaha, NE

Residential Yard Soils
Remedial Investigation/
Feasibility Study

PROPERTY ACCESS (to be completed by property owner)

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

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

Property Access Granted By _____

(Please Print Name)

(property Owner Signature)

(date)

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

PROPERTY INFORMATION

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

Resident Name: _____

owner renter

Residence Address: 6012 S 17 ST

OMAHA
(city)

NE
(STATE)

68107
(ZIP)

Property owned by PAUL A BARRETT

Owner's mailing address: 5912 S 17 ST, OMAHA, NE 68107

Owner's telephone number - Home: _____

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: vacant lot

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

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

Access Attempts: Letter sent.

First: 10/25/04 2:18pm Second: 11/6-04 2:50pm Third: _____



Black & Veatch Special Projects Corp.

Denied

MES

ACCESS INFORMATION TRACKING SHEET

BVID: 46257 PROPERTY ADDRESS: 6012 S. 17th St.

Property Owned By: Paul Barrett
(If new property owner)

Owners Phone No's: Home: 733-3110 e Work: 731-4466
 Cell: _____ Fax: Rhonda Barrett

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

DATE	TIME	Accessor	CONTACT DETAIL
2/23	132	OP	
3/11	9 ³⁰ A	PS	empty lot @ #2 - No ars @ #1
3/14	12 ³⁵	PS	Denied access* to #2

Comments: 3/8 ²⁰⁰⁹ parents out of town? Called @ 7⁰⁰ pm
 * OWNER Does not want anything to do with EPA. @ #2 son +
 father own several property sites.

Please write legibly!



46236



U.S. Environmental Protection Agency Region VII

Omaha Lead Site
Omaha, NE

Residential Yard Soils
Remedial Investigation/
Feasibility Study

PROPERTY ACCESS

Para recibir esta forma en español, por favor llame a 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 or property owner - Please Print)

Resident Name: _____

owner renter

Residence Address: 6014 S 17 ST

OMAHA
(CITY)

NE
(STATE)

68107
(ZIP)

Property owned by PAUL BARRETT

Owner's mailing address: 1221 DREXEL ST, OMAHA, NE 68107

Owner's telephone number - Home: _____

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: vacant lot

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

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

Access Attempts: Letter sent.

First: 10/22/04 12:52 PM Second: 11/03/04 4:18 PM Third: _____

denied

MES





U.S. Environmental Protection Agency
 Region VII
 901 North 5th Street
 Kansas City, Kansas 66101

Omaha Lead Site
 Omaha, NE
 Residential Yard Soils
 Remedial Investigation / Feasibility Study

Owner: BARRETT PAUL
 1221 DREXEL ST
 OMAHA, NE 68107

Property ID	Access Granted	Access Denied	Non Residential	Vacant Lot	Not Owner	Property Address	City	State	Zip
-44461	<input type="checkbox"/>	2051 DREXEL ST	OMAHA	NE	68107				
-44480	<input type="checkbox"/>	1905 DREXEL ST	OMAHA	NE	68107				
-44499	<input type="checkbox"/>	1221 DREXEL ST	OMAHA	NE	68107				
-44718	<input type="checkbox"/>	1210 DREXEL ST	OMAHA	NE	68107				
-46236	<input type="checkbox"/>	6014 S 17 ST	OMAHA	NE	68107				

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Printed Name of Person Granting Access:

 (Property Owner's Printed Name)

 (Owner's Signature)

 (Date)

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ACCESS INFORMATION TRACKING SHEET

BVID: ^{44461; 44480;} 44499; 44718;
 46234

PROPERTY ADDRESS: 1221 Drexel St.

Property Owned By: _____
 (if new property owner)

Owner Contact No: Home: ⁴⁰² 731-3925 Work: _____
 Cell: _____ Fax: _____

Access Contractor: Latino Center of the Midlands

DATE	TIME	Accessor	CONTACT DETAIL
04-26	3:30	Emilio	I could not find property.
5/29/08	2:47	Emilio	Contacted owner and as I began to explain project the individual said "why do you have to call" and hanged up.

Comments: _____

Please write legibly!

67003

LOT



44480



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)

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Property Access Granted By _____

(Please Print Name)

(property Owner Signature)

(date)

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

PROPERTY INFORMATION

(to be completed by resident at 101 property, owner - Please Print)

Resident Name: VACANT LOT owner renter

Residence Address: 1905 DREXEL ST OMAHA NE 68107
(CITY) (STATE) (ZIP)

Property owned by PAUL BARRETT

Owner's mailing address: 4224 DREXEL ST OMAHA, NE 68107 5912 S 175th 68107

Owner's telephone number - Home: 402-731-3925 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: LOT VALUE \$100 Declines Commercial Property do not sample Industrial

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

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Access Attempts: Letter sent

First: 9/2/05 LOT Second: _____ Third: _____

MSW

Omaha Lead Site



Black & Veatch Special Projects Corp.

46130.0103

FB121

ASA

700
S

LOT



44461



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)

For more information, contact Don Bahnke, EPA Project Manager at 1-813-551-7003 or Debbie Kring at 1-800-223-0425.

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Property Access Granted By _____

(Please see Print Name)

(property Owner Signature)

(date)

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

PROPERTY INFORMATION (to be completed by resident/landlord or property owner - Please Print)

Resident Name: VACANT LOT owner renter

Residence Address: 2051 DREXEL ST OMAHA NE 68107
(CITY) (STATE) (ZIP)

Property owned by PAUL BARRETT

Owner's mailing address: 4221 DREXEL ST, OMAHA, NE 68107 5912 S 17th 68107

Owner's telephone number - Home: 402-731-3925 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: LOT VALUE \$100 Declines Commercial Property do not sample Industrial

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

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

Access Attempts: Letter sent

First: 9/2/05 127 Second: _____ Third: _____

MSW De

Omaha Lead Site



Black & Veatch Special Projects Corp.

EXHIBIT 3 46130.0101

CRINI