

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

2012 MAY 16 AM 11:02

In the Matter of:)
)
OMAHA LEAD SUPERFUND SITE)
OMAHA, NEBRASKA)
)
)
)
)
Miguel C. Nuno)
1228 Park Wild Avenue)
Omaha, Nebraska 68108)
)
)
RESPONDENT)
)
)
)
_____)

ADMINISTRATIVE ORDER DIRECTING
COMPLIANCE WITH REQUEST FOR
ACCESS

Docket No. CERCLA-07-2012-0046

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

II. STATEMENT OF PURPOSE

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

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

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

III. FINDINGS OF FACT

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

- a. a residential property at 1228 Park Wild Avenue, Omaha, Nebraska;
- b. a residential property at 2710 South 18th Street, Omaha, Nebraska; and
- c. a residential property at 410 Woolworth Avenue, Omaha, Nebraska.

5. Respondent acquired current interest in the property described in Paragraph 4a on September 24, 2002, the property described in Paragraph 4b on April 15, 2002, and the property described in Paragraph 4c on December 2, 2002. A copy of the Deed for each property is attached as Exhibit 1. The property described in Paragraph 4 is 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 properties listed in Paragraphs 4a and 4b:
 - March 10, 2003, April 30, 2004, April 11, 2005, August 21, 2008 (this letter is dated August 1, 2008 but was sent on August 21, 2008 along with an August 7, 2008 letter from the Omaha City Council), and October 10, 2010.
 - ii. for the property listed in Paragraph 4c:
 - March 10, 2003, August 27, 2003, April 23, 2004, April 11, 2005, August 21, 2008 (this letter is dated August 1, 2008 but was sent on August 21, 2008 along with an August 7, 2008 letter from the Omaha City Council), and October 10, 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:
 - August 16, 2004 and February 29, 2008.
 - ii. for the property listed in Paragraph 4b:
 - August 4, 2004, and February 29, 2008.
 - iii. For the property listed in Paragraph 4c:
 - August 27, 2004 and February 29, 2008.

- c. Most recently representatives of the EPA contacted a representative of the Respondent in person on April 30, 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.

5/15/12
Date of Issuance

Gene Gunn
Gene Gunn
Chief
Special Emphasis Remedial Branch
Superfund Division

PARC 1508 0000 15

FB 25 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 01228 PARK WILD AV OMA 68108

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

NAME MIGUEL C*NUNO ETAL

DATE OF LAST CHANGE 01-17-2003

+ 1228 PARK WILD AVE

BK/PG OR DOC# 2230/579

ADDR

HOMESTEAD DELETE

CITY OMAHA

ST NE ZIP 68108

NON NUMERIC ZIP CODE

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

-----HOMESTEAD-----

YEAR ---DATE--- ---LAND--- ---IMPR--- ---TOTAL--- PAR RSN NUMBER TY CD PCT VALUE
2008 03-10-2008 5300 126100 131400 RA

ADDITION NO. 20940

LOT 22

HALF

BLOCK 0

HALF

KOUNTZE -A- ADD

SECT

TOWN

RANGE

PLAT 0065

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

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

1 50 X 154

2

3

4

5

6

7

8

PF1-ADFB

PF5-PNFB

PF6-PAFB

BVID 20085

Nebr Doe
Stamp Tax
1303
Date
EXUS
by C.P.

RICHARD H. TAYLOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEB.

2003 JAN -3 PM 12:39

RECEIVED

QUITCLAIM DEED

THE GRANTOR, Miguel C. Nuno and Tracy L. Nuno, husband and wife, and William J. Nuno and Lena D. Nuno, husband and wife whether one or more, in consideration of One Dollar and other valuable consideration receipt of which is hereby acknowledged, quitclaims and conveys to Miguel C. Nuno and Tracy L. Nuno, husband and wife, as joint tenants with right of survivorship, and not as tenants in common, Grantor, whether one or more, the following described real estate (as defined in Neb. Stat. 76-201) in Douglas County, Nebraska:

Lot 28, Kountze's 'A' Addition, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

Da

Executed: Sept 24, 02

[Signature]
Miguel C. Nuno
[Signature]
Tracy L. Nuno
William J. Nuno
William J. Nuno
Lena D. Nuno
Lena D. Nuno

STATE OF NEBRASKA
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me this 24 day of Sept., 02 by Miguel C. Nuno and Tracy L. Nuno, husband and wife, and William J. Nuno and Lena D. Nuno, husband and wife.

Michelle Johnson Reeder
Notary Public

GENERAL NOTARY - State of Nebraska
MICHELLE JOHNSON REEDER
My Comm. Exp. April 6, 2005

*Deed
F*

25-20940
FEB 5 2003
BKP C/D COMP MB
DEL SCAV KS FV

PARC 0726 0000 19

FB 27 STATUS 2 CLASS R

EXEMPT 0 EXEMPT TYPE TAX DISTRICT 0100 SID F-
PROP HOUSE HALF DIR -----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 02710 S 018 ST OMA 68108

-----OWNER OR TAXPAYER INFORMATION-----
NAME MIGUEL C*NUNO DATE OF LAST CHANGE 06-04-2002
+ 1228 PARK WILD AVE BK/PG OR DOC# 2211/015
ADDR HOMESTEAD DELETE
CITY OMAHA ST NE ZIP 68108 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----
YEAR ---DATE--- ---LAND--- ---IMPR--- --TOTAL-- PAR RSN NUMBER TY CD PCT VALUE
2006 03-14-2006 4600 40300 44900 RA

ADDITION NO. 28360 LOT 3 HALF BLOCK 1 HALF
OKAHOMA PARK SECT TOWN RANGE PLAT 0110
-----LEGAL DESCRIPTION-----
1 50 X 119 2
3 4
5 6
7 8

PF1-ADFB

PF5-PNFB

PF6-PAFB

BVID 16034

Nebr Doc
Stamp Tax

5-20-02

Date
\$ 87.⁰⁰

By *[Signature]*

RICHARD H. TAKEICH
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

2002 MAY 20 AM 11:46

RECEIVED

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT I or WE, Jeffrey K. Rothlisberger and Donna Rothlisberger, 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 Miguel C. Nuno, as a single person, herein called the grantee whether one or more, the following described real property in Douglas County, Nebraska:

Lot 3, Block 1, Oklahoma Park, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

[Handwritten initials]
FEE 5 FR 21-28-20
IMP _____ C/U ✓ COMP ✓
DEL _____ SCAN dk PV _____

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: 4-13, 2002

[Signature]
Donna Rothlisberger
Donna Rothlisberger

STATE OF NEBRASKA
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me this 15th day of April 2002 by Jeffrey K. Rothlisberger and Donna Rothlisberger, husband and wife as joint tenants.

[Signature]
Notary Public



MLTA
L4094 -62187
#9

PARC 0168 0000 09

FB 25 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 00410 WOOLWORTH AV OMA 68108

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

NAME MIGUEL C*NUNO ETAL DATE OF LAST CHANGE 04-01-2003
+ 1228 PARK WILD BK/PG OR DOC# 2235/047
ADDR HOMESTEAD DELETE
CITY OMAHA ST NE ZIP 68108 NON NUMERIC ZIP CODE

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

-----HOMESTEAD-----

YEAR ---DATE--- ---LAND--- ---IMPR--- ---TOTAL--- PAR RSN NUMBER TY CD PCT VALUE
2008 03-10-2008 5900 61100 67000 RA

ADDITION NO. 08180

CREDIT FONCIER

LOT 7

HALF

BLOCK 16

HALF

SECT

TOWN

RANGE

PLAT 0065

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

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

1 15 FT STRIP ADJ ON S &

2 66 X 147

3

4

5

6

7

8

PF1-ADFB

PF5-PNFB

PF6-PAFB

BVIO 20255

RICHARD M. TAKECHI
REGISTER OF DEEDS
NOVEMBER COUNTY, NC

03 FEB 27 AM 9:12

RECEIVED

Notar	Stamp
2/27/03	
Date	
s. 22/02	
By <i>Wj</i>	

DEED 2003 02635

RUSH

OUR 1-67791
OMC 19397

Deed. 4 / 1

25-08180

FEE	20.50	FB	
BKP		G/O	<input checked="" type="checkbox"/>
DEL		SCAN	<input checked="" type="checkbox"/>
		RV	

SPECIAL WARRANTY DEED

This Deed is made and entered into this 2 day of December 2002 by and between

FEDERAL HOME LOAN MORTGAGE CORPORATION
of the County of Fairfax, State of Virginia, hereinafter collectively referred to as "Grantor", and

*Miguel C. Nuno and Tracy Nuno, husband and wife,
as JOINT TENANTS with rights of survivorship*

of the County of California State of Orange, hereinafter referred to as "Grantee". The mailing address of the Grantee is _____.

WITNESSETH, that the Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations paid to the Grantor, the receipt of

(LEGAL DESCRIPTION ON PAGE 2)

70843 ✓

12-27-02
4 NLTA
19397

which is hereby acknowledged, does by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the Grantee, the following described lots, tracts or parcels of land lying, being and situated in the County of Douglas and State of Nebraska to-wit:

PLEASE SEE ATTACHED EXHIBIT "A"

Subject to easements, conditions, restrictions and limitations of record.

To have and to hold the same; together with all rights and appurtenances to the same belonging, unto the said Grantees, and to His/Her successors and assigns. The said Grantor hereby covenanting that it and the successors and assigns of such Grantor shall and will WARRANT AND DEFEND the title to the premises unto the said Grantees, and to the successors and assigns of such Grantor forever, against the lawful claims of all persons claiming by, through or under Grantor but none other, excepting, however, the general taxes for the calendar year _____ and thereafter, and special taxes becoming a lien after the date of this deed.

IN WITNESS WHEREOF, the said Grantor has hereunto caused this instrument to be signed on the day and year first above written.

Grantor:

FEDERAL HOME LOAN MORTGAGE CORPORATION BY BURROW CLOSING MANAGEMENT CORPORATION, ITS ATTORNEY IN FACT


Title: Closing Coordinator

Julio Gonzalez, closing Coordinator of Federal Home Loan Mortgage Corporation

Attest: 

Title: Closing Coordinator

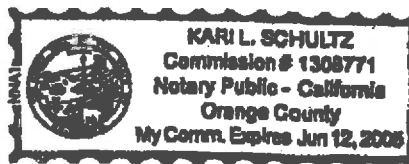
STATE OF California)
) SS
COUNTY OF Orange)

On this 2nd day of December, 2002, before me Kari L. Schultz, a Notary Public in and for said state, personally appeared Julio Gonzalez, the Closing Coordinator of Federal Home Loan Mortgage Corporation, BY BURROW CLOSING MANAGEMENT CORPORATION, ITS ATTORNEY IN FACT, known to me to be the person who executed the Special Warranty Deed in behalf of said principal, and acknowledged to me that he executed the same for the purposes therein stated.


Notary Public

My Commission Expires: June 12, 2005

(Notary seal)



Lot 7, in Block 16, Credit Foncier, an Addition to the City of Omaha, Douglas County, Nebraska, as surveyed, platted and recorded and the following described parcel of land immediately South of said Lot, described as follows: beginning at a point at the Southeast corner of Lot 7, Block 16, Credit Foncier Addition, thence West 65 feet, thence South 15 feet, thence East 65 feet, thence North 15 feet to the point of beginning.



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 licenced 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 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,

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 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 cursive script that reads "Don Bahnke".

Donald Bahnke,
Project Manager

Enclosure

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



EXHIBIT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

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,

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.



EXHIBIT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

August 1, 2008

Re: Omaha Lead Site Required Soil Testing

Dear Property Owner:

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

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

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

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

Sincerely,

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

Bob Feild,
Project Manager

Enclosure

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

EXHIBIT 2



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

DAN WELCH
PRESIDENT
GARRY 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

20885



U.S. Environmental Protection Agency Region VII

Omaha Lead Site
Omaha, NE

Residential Yard Soils
Remedial Investigation/
Feasibility Study

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

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

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

Property Access Granted By _____

(Please Print Name)

(property Owner Signature)

(date)

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

PROPERTY INFORMATION

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

Resident Name: TENANTS

owner renter

Residence Address: 1228 PARK WILD AV

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

Property owned by MIGUEL C NUNO

Owner's mailing address: 1228^{1/2} PARK WILD AVE, OMAHA, NE 68108

Owner's telephone number - Home: 402-933-0909

Work: _____

Age of home? 116 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: Duplex

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: 8-16-01 12:51pm Second: _____ Third: _____

Denied



Black & Veatch Special Projects Corp.

Omaha Lead Site

46130.0103

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: NUNO MIGUEL C
 1228 PARK WILD AVE
 OMAHA, NE 68108

Property ID	Access Granted	Access Denied	Non Residential	Vacant Lot	Not Owner	Property Address	City	State	Zip
14822 ✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3054 S 17 ST	OMAHA	NE	68108
16034	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2710 S 18 ST	OMAHA	NE	68108
18621	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1455 S 14 ST	OMAHA	NE	68108
20255	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	410 WOOLWORTH AV	OMAHA	NE	68108
20704	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1314 S 5 ST	OMAHA	NE	68108
20885	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1228 PARK WILD AV	OMAHA	NE	68108

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. 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 Person Granting Access:

 (Property Owner's Printed Name)

 (Owner's Signature)

 (Date)

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

14822 20704
 16034 20885
 19621
 BVID: 20255 PROPERTY ADDRESS: MULTIPLE PROPERTIES

Property Owned By: Miguel Nuno
(if new property owner)

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

Access Contractor: ESG

DATE	TIME	Accessor	CONTACT DETAIL
2/29	1705	CHRIS	DENIED (HARD)

Comments: PO SAID THAT NO BECAUSE ITS A WASTE OF GOVERNMENT MONEY, AND OUT OF HIS TAXED DOLLARS.

Please write legibly!

16034



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: 2710 S 18 ST

OMAHA
(CITY)

NE
(STATE)

68108
(ZIP)

Property owned by MIGUEL C NUNO

Owner's mailing address: 1228 PARK WILD AVE, OMAHA, NE 68108

Owner's telephone number - Home: _____

Work: _____

Age of home? 114 years

How long have you lived here? _____ years

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

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

Total number of occupants: _____ List Ages: _____

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

Comments: _____

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

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

Access Attempts: Letter sent:

First: 8-2-04 4:42pm Second: _____ Third: _____

Serial

Omaha Lead Site



Black & Veatch Special Projects Corp.

46130.0103

MES

EXHIBIT 3

ACCESS INFORMATION TRACKING SHEET

14822 20704
 16034 20885
 19621
 BVID: 20255

PROPERTY ADDRESS: MULTIPLE PROPERTIES

Property Owned By: Miguel Nuno
(if now property owner)

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

Access Contractor: ESG

DATE	TIME	Accessor	CONTACT DETAIL
2/29	1705	CITRIS	DENIED (HARD)

Comments: PO SAID THAT NO BECAUSE ITS A WASTE OF GOVERNMENT MONEY, AND OUT OF HIS TAXED DOLLARS.

Please write legibly!



U.S. Environmental Protection Agency Region VII

Omaha Lead Site
Omaha, NE

Residential Yard Soils
Remedial Investigation/
Feasibility Study

PROPERTY ACCESS (to be completed by property owner)

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

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

Property Access Granted By _____

(Please Print Name)

(property Owner Signature)

(date)

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

PROPERTY INFORMATION

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

Resident Name: TENANTS

owner renter

Residence Address: 410 WOOLWORTH AV

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

Property owned b MIGUEL C NUNO

Owner's mailing address: 1228 PARK WILD, OMAHA, NE 68108

Owner's telephone number - Home: _____ Work: _____

Age of home? 114 years How long have you lived here? _____ years

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

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

Total number of occupants: _____ List Ages: _____

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

Comments: _____

AUTHORITY FOR ENVIRONMENTAL RESPONSE ACTIONS

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

Access Attempts: Letter sent:

First: 8-27-04 11:00am Second: _____ Third: _____

Omaha Lead Site

denied
MES



Black & Veatch Special Projects Corp.

46130.0103



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: NUNO MIGUEL C
 1228 PARK WILD AVE
 OMAHA, NE 68108

Property ID	Access Granted	Access Denied	Non Residential	Vacant Lot	Not Owner	Property Address	City	State	Zip
14822 ✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3054 S 17 ST	OMAHA	NE	68108
16034	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2710 S 18 ST	OMAHA	NE	68108
19621	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1455 S 14 ST	OMAHA	NE	68108
20255	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	410 WOOLWORTH AV	OMAHA	NE	68108
20704	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1314 S 5 ST	OMAHA	NE	68108
20895	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1228 PARK WILD AV	OMAHA	NE	68108

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. 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 Person Granting Access:

 (Owner's Signature)

 (Property Owner's Printed Name)

 (Date)

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

14822 20704
 16034 20885
 19621
 BVID: 20255 PROPERTY ADDRESS: MULTIPLE PROPERTIES

Property Owned By: Miguel Nuno
(if new property owner)

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

Access Contractor: ESG

DATE	TIME	Accessor	CONTACT DETAIL
2/29	1705	CHRIS	DENIED (Hard)

Comments: PO SAID THAT NO BECAUSE ITS A WASTE OF GOVERNMENT MONEY, AND OUT OF HIS TAXED DOLLARS.

Please write legibly!