

**In The Matter Of:**

*UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
RE: ESTIMATED INCREASED CLEANUP COSTS*

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*USS LEAD SUPERFUND SITE  
February 15, 2018*

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**BOSS REPORTERS**

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PUBLIC MEETING

RE: ESTIMATED INCREASED CLEANUP COSTS

USS LEAD SUPERFUND SITE

at

PASTRICK BRANCH LIBRARY

1008 W. Chicago Avenue, East Chicago, Indiana

Thursday, February 15, 2018

5:30 o'clock p.m.

Reported by: Pamela S. Owen, CSR, RPR  
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Notary Public, Lake County, IN

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APPEARANCES

ON BEHALF OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

Janet Pope, Community Involvement Coordinator  
& Hearing Facilitator  
Sarah Rolfes, Remedial Project Manager, Region 5  
Leonardo Chingcuano, Office of Regional Council  
Tim Fischer, U.S. EPA, Region 5  
77 West Jackson Blvd., SI-6J  
Chicago, Illinois 60604  
Pope.janet@epa.gov  
Rolfes.sarah@epa.gov

ALSO PRESENT:

Cheryl Vaccarello, Tetra Tech  
Members of the Public

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Supplements: [Larry Davis Supplement No. 1](#) and [Larry Davis Supplement No. 2](#) attached.

1 MS. POPE: Hello, everybody. Thank you  
2 for coming to the meeting tonight, the hearing.  
3 My name is Janet Pope, and I'm the community  
4 involvement coordinator for the USS Lead Site.

5 Tonight this meeting is about the  
6 Explanation of Significant Difference, and  
7 that's all that the meeting is about. Any  
8 other questions regarding anything else  
9 concerning the site will not be addressed at  
10 this meeting. This is only about the ESD;  
11 okay?

12 Another thing that I would like to remind  
13 people is we are in a Public Comment Period for  
14 the ESD. Tomorrow is actually the last day of  
15 the Public Comment Period. Now, you can stand  
16 up. When we get to the Public Comment Period  
17 in this hearing, you can give it orally. We  
18 have sheets back there. You can write them  
19 down on the sheets in the back. You can also  
20 email them to me. But remember, it ends  
21 tomorrow; okay?

22 When we get to the Public Comment Period,  
23 I'll take back over, I'll let you know what the  
24 rules are at that time; okay?

25 So we have -- Sarah Rolfes is going to



1           come up, and we have Leo here as well. Sarah's  
2           going to come and do the presentation on the  
3           ESD; okay?

4           MS. ROLFES: Okay. So this evening we're  
5           here to discuss the Explanation of Significant  
6           Differences, as Janet said earlier. It was  
7           proposed in December, and it's docu-- it's to  
8           document an estimated cost increase to  
9           implement the remedy in Zones 2 and 3 of the  
10          USS Lead Site.

11          Now, an ESD documents significant but not  
12          fundamental changes to remedial actions after a  
13          Record of Decision has been issued. So ESDs  
14          are used for changes that affect features of a  
15          remedy. So they don't actually change the  
16          cleanup approach itself. So it affects  
17          features like timing and cost. So this ESD  
18          documents an estimated increase in cost.

19          Okay. So in 2012, we did a cost estimate  
20          for the remedy for Zones 2 and 3, and that  
21          estimate was \$22.8 million. The current cost  
22          estimate described in the ESD is 84.9 million.  
23          Again, I want to reiterate that the remedy that  
24          was chosen, the cleanup approach, is not  
25          changing, just the estimated cost to implement

1 that remedy.

2 The original cost estimate completed in  
3 2012 was based on samplings that were conducted  
4 as part of the Remedial Investigation Phase.  
5 Approximately 7 percent of the properties in  
6 Zones 2 and 3 were sampled. Now, this sampling  
7 was designed to provide spacial coverage across  
8 the entire site. We do sampling as parts of an  
9 RIFS to design the remedy, to determine the  
10 remedy, and issue a ROD.

11 So now we're in the Remedial Design Phase  
12 and the Remedial Action Phase. So now we've  
13 sampled over 90 percent of properties in Zone 2  
14 and 3. This sampling is different from RIFS  
15 sampling. This sampling we conduct at each  
16 property to determine if that property needs to  
17 be cleaned up and how much of that property  
18 needs to be cleaned up.

19 So given all this new data, our  
20 assumptions that were used to calculate the  
21 cost have changed. One of those assumptions is  
22 the volume of soil that needs to be cleaned up.  
23 The volume has increased. It went from 47,000  
24 cubic yards in 2012 to over 88,000 cubic yards  
25 now. So why has that number changed? There's

1 three factors. They're all listed here  
2 (indicating).

3 The number of properties increased. We  
4 estimated about 580 were needed to be cleaned  
5 up in 2012. Now that number is over 750.

6 The average size of those yards also has  
7 increased. So with that small sample set, the  
8 properties were smaller. Now we sampled over  
9 90 percent; the yard average size is larger.

10 Also, the extent of contamination has  
11 changed. So for instance, in 2012 we estimated  
12 that 4 percent of properties in Zone 2 would  
13 need to be excavated to 24 inches. Now that  
14 number is 17 percent. So the estimates that we  
15 did in 2012, we underestimated them for each  
16 integral.

17 Some additional factors that have led to  
18 the increased cost include updated construction  
19 management and oversight costs. This is  
20 largely due to a larger volume. Since we have  
21 more soil to take off site, it's going to take  
22 us longer to do it, and we need more people on  
23 site.

24 The cost to complete the excavation has  
25 also increased. One of these is due to more

1 hand digging we've had to do in the yards, as  
2 well as utilities. We didn't anticipate having  
3 to do hand digging. We anticipated we could  
4 use a large excavator and do it very quickly.  
5 Now it's a little bit slower, so that cost has  
6 increased.

7 Additionally, our new cost estimate  
8 includes the 2017 prevailing wage numbers.

9 So all of these factors together have led  
10 to an increased cost estimate, going from  
11 22.8 million to 84.9 million.

12 And I do want to stress that the  
13 actual implementation of the remedy hasn't  
14 changed. We're doing everything the same, just  
15 our estimated cost has increased.

16 Leo?

17 MR. CHINGCUANCO: So you might have heard  
18 me say this at some other public meetings in  
19 the past, but I just want to reiterate that the  
20 ESD is -- clarifies how much the cost of the  
21 remedy will be, but the ESD itself is not a  
22 funding mechanism. It doesn't provide money to  
23 EPA, and there's not a commitment for money  
24 under the ESD to do this work.

25 That said, EPA has other enforcement

1 mechanisms in place. It has a Consent Decree  
2 from 2014, and it has two unilateral orders out  
3 right now that will implement this work. But  
4 since it's a common misconception that, you  
5 know, EPA now says that there's a remedy for  
6 \$80 million, EPA must have a pot of \$80 million  
7 that it must, you know, be able to do whatever  
8 it wants with, I just want to be clear that  
9 that's not the case.

10 Right -- the companies, essentially, for  
11 Zone 3, give us money on a rolling basis for  
12 specifically this work. And under the UAOs,  
13 the companies will be performing the work  
14 themselves. So even though the value of that  
15 work might come out to something like 40 or \$50  
16 million, all of those costs will be paid  
17 directly by the companies when they hire a  
18 contractor to do the work.

19 So just, again, we don't have \$80 million  
20 as a result of this ESD.

21 MS. POPE: Okay. So actually, that really  
22 concludes what we have about -- what we have  
23 about the ESD. So at this time, we'd like to  
24 open the floor for general questions. So if  
25 you have a question, we'd like you to stand up

1 so the -- because this meeting is being  
2 recorded. We have a stenographer here, so  
3 she's going to be recording the whole meeting.

4 Okay. So if you have any questions about  
5 the ESD at this time, if you could stand up and  
6 ask your question, and Sarah and Leo will  
7 answer your questions.

8 Could you stand up?

9 REMONSTRATOR: Yes, I believe the numbers  
10 are -- from 2012 to 2017, the cost to excavate  
11 and replace a cubic yard of soil went from \$115  
12 to \$471. Could you explain why that cost  
13 increased over four fold in five years?

14 MS. ROLFES: Sure. The number -- the  
15 115 cubic yards that was included in the 2012  
16 estimate did not include the prevailing wage.  
17 So these new numbers are much higher due to  
18 that and also the type of excavation that we're  
19 doing. When we estimated the 115 cubic yard,  
20 we estimated we'd be able to use a backhoe.  
21 That goes much quicker. Now we have several  
22 guys that need to hand dig around utilities and  
23 backyards; it's much slower. So both of those  
24 factors together make that cost increase.

25 REMONSTRATOR: Thank you.

1           REMONSTRATOR: Hi, I'm Thomas Frank. I  
2 recognize that this is an adjustment on the  
3 cost of the project and not any -- there is no  
4 change -- no fundamental changes in the  
5 definition or scope. I'm concerned about the  
6 other issues that we're finding, perhaps with  
7 the hydrology of the area and issues like that  
8 as well. Is there an opportunity to have the  
9 EPA readdress those issues in terms of the cost  
10 as well?

11           We've asked the EPA to do a hydrology  
12 study, and we don't know if that is being  
13 encompassed in this.

14           MS. ROLFES: I'm going to have Tim talk  
15 for a second because Tim is actually dealing  
16 more with the groundwater investigation; he  
17 knows more about that than me.

18           MR. FISCHER: Yeah. I know there are a  
19 lot of -- there's a lot of new information you  
20 guys have brought up at other meetings  
21 previously and the information that you were  
22 going to share with the agency. We do have an  
23 ongoing remedial investigation related to  
24 groundwater at the site, and so those issues  
25 will be addressed as part of the groundwater

1 investigation.

2 This relates strictly to the soil.

3 REMONSTRATOR: So this is not reflective  
4 of any of that additional, perhaps, cost coming  
5 forward?

6 MR. FISCHER: Right.

7 REMONSTRATOR: Okay.

8 MS. ROLFES: Yeah, this is only, again,  
9 with the soil for Zone 2 and Zone 3.

10 REMONSTRATOR: Okay.

11 REMONSTRATOR: My question --  
12 Maritza Lopez with the CCCAG, Zone 3, life-long  
13 resident. The reason -- my question is, is  
14 part of this increase due to, also, with the  
15 remedial you're finding in Zones 2 and 3?  
16 Because back in 2012, paperwork assumed it was  
17 airborne, and now you're finding further  
18 contamination. Is part of that including also  
19 the indoor testing that you're including into  
20 this cost?

21 MS. ROLFES: No. This is only for soil.

22 REMONSTRATOR: Okay.

23 MS. ROLFES: Only for soil. And again,  
24 this is largely due to when we did the RI, we  
25 only sampled 7 percent of the properties so we



1 could determine a remedy. Now we've sampled  
2 over 90 percent, so that's why the volume has  
3 increased; we had more properties to sample.

4 MS. POPE: Any more questions?

5 REMONSTRATOR: I know that you were  
6 originally slated to test all the properties at  
7 the early stages before the RAD -- or the ROD  
8 was issued, and then you only investigated 80  
9 properties at first. Have you done the testing  
10 on all the properties at this point, every  
11 single property in Zones 1, 2, and 3?

12 MS. ROLFES: We've only sampled over  
13 90 percent. We're still missing access at some  
14 of those properties, and we're trying to get  
15 access. We've actively been calling them --  
16 calling them, knocking on doors, sending out  
17 mailings. So right now, we're still at over  
18 90 percent.

19 REMONSTRATOR: Okay.

20 REMONSTRATOR: Is the ESD also increasing  
21 the time frame as well as the money, or --

22 MS. ROLFES: No. This is only money.

23 REMONSTRATOR: Could you repeat the  
24 question, please?

25 MS. ROLFES: She asked if this ESD also

1 increased the time frame. And I said, no it's  
2 only an increase in cost.

3 REMONSTRATOR: Thank you.

4 MS. POPE: Any other questions?

5 REMONSTRATOR: What is the average cubic  
6 yard unit taken out of every property?

7 MS. ROLFES: Every property is different.  
8 You mean the depth or how much volume from each  
9 property?

10 REMONSTRATOR: Well, you should have an  
11 average of what -- the number of properties and  
12 how much cubic yards --

13 MS. ROLFES: Well, it really depends. I  
14 mean, because some of the properties are very  
15 small, and some include three or four lots of  
16 them. So, you know, on average, we take about  
17 12 inches from each property. On average.  
18 Some are only 6 and some are 24.

19 REMONSTRATOR: I live in the area, so I  
20 understand that you have smaller lots, bigger  
21 lots. But if you add all the lots and all the  
22 excavation that is done, you should have an  
23 average per lot; right?

24 MS. ROLFES: Correct.

25 REMONSTRATOR: Okay. So what is the

1 amount that you're pulling out, and what does  
2 it cost per the property?

3 MS. ROLFES: I have a cost per cubic yard  
4 in this. I mean, I have an average cost per  
5 property.

6 MR. CHINGCUANCO: About \$65,000.

7 MS. ROLFES: It depends. It's about 60,  
8 65,000. But that's for everything. That's not  
9 just for the excavation. That's for, you know,  
10 restoration and everything. So about 60,  
11 65,000.

12 REMONSTRATOR: The last time you gave us  
13 an estimate of 50,000. Now it's gone up to 65?

14 MS. ROLFES: That's on average. Sixty, 65  
15 is probably the highest. We say it is 60, 65.

16 REMONSTRATOR: Okay.

17 REMONSTRATOR: Hi. Bill Emerson,  
18 Lake County Surveyor. I just had a question on  
19 the location of those properties, the 785, and  
20 how -- if one property may not test -- you  
21 know, may not have a significant amount of lead  
22 in the soil, and then -- although it's an area  
23 you tested, but do you have like a map of -- of  
24 the properties, how they're laid out and what  
25 the 785 -- probably not with you now, but is

1 this available?

2 MS. ROLFES: We have a viewer online, and  
3 you can look at it block by block.

4 REMONSTRATOR: Okay.

5 MS. ROLFES: But we won't give out  
6 anything like property specifics because  
7 that's, you know, identifiable information. We  
8 don't give that out.

9 REMONSTRATOR: Okay. Thank you.

10 REMONSTRATOR: Hi. I'd like to know, are  
11 you guys going to complete the remediation at  
12 all in Zone 2?

13 MS. ROLFES: So this year we have at  
14 least -- we have the PRPs on board to do the  
15 construction and remediation in Zone 2. We  
16 haven't set a schedule yet for how many  
17 properties, but we anticipate that they'll at  
18 least get a hundred because we did over a  
19 hundred last year. That's what we're hoping  
20 for. So we're thinking that it will take two,  
21 maybe three years to complete Zone 2. That's  
22 our schedule.

23 REMONSTRATOR: So how can someone get to  
24 the top of the list?

25 MS. ROLFES: I suppose, you know, we could

1 talk. We would move priority properties to the  
2 front of the list. But other than that, you  
3 know, if there's extenuating circumstances, you  
4 might talk to the construction managers when we  
5 start meetings this spring. But, you know, we  
6 generally only move people to the front of the  
7 list if they've been considered a priority  
8 property.

9 REMONSTRATOR: Yeah, that's what I'm  
10 talking about. If someone is sick, you know  
11 what I mean, and they need their property taken  
12 care of, you know what I mean, before someone  
13 that doesn't have a medical problem or a health  
14 problem.

15 MS. ROLFES: Sure. We can talk.

16 REMONSTRATOR: Okay.

17 MS. ROLFES: That would be great.

18 REMONSTRATOR: When is the comment period  
19 over?

20 MS. ROLFES: It ends tomorrow.

21 REMONSTRATOR: Okay.

22 REMONSTRATOR: Yeah, I was curious.  
23 You're doing dust removal on the interior of  
24 houses. Why wasn't that included as part, and  
25 why aren't the Administrative Orders being

1 included as part of the Estimated Significant  
2 Difference since that is cleanup money or  
3 removal money that's being spent on the  
4 Superfund Site? Why aren't all these other  
5 costs being included?

6 MR. CHINGCUANCO: I think there's two  
7 things to unpack there. Well, I guess, could  
8 you clarify what you mean by the Administrative  
9 Orders? Do you mean that separate from the  
10 UAOs which were just issued or --

11 REMONSTRATOR: My understanding is that  
12 the interior dust removal is being done under  
13 the Administrative Orders; is that correct?

14 MR. CHINGCUANCO: Yes, but so is the soil  
15 cleanup in Zone 2.

16 REMONSTRATOR: Well, that's because Zone 2  
17 was left out of the Consent Decree.

18 MR. CHINGCUANCO: Yes.

19 REMONSTRATOR: Uh-huh.

20 REMONSTRATOR: Yeah, we still are not  
21 happy about that either, but why aren't these  
22 other costs and other actions that weren't  
23 originally proposed that are now undergoing  
24 being included as part of the Explanation of  
25 Significant Difference?

1 MR. CHINGCUANCO: Sure. So the  
2 Explanation of Significant Difference is  
3 essentially a footnote to the Record of  
4 Decision that was issued in 2012. And the  
5 Record of Decision only covered the soil at the  
6 site, where the Record of Decision did not  
7 include a discussion of interior dust. And  
8 that's just a function of the -- the remedial  
9 work that we're doing there.

10 Now, in 2016, as you know, we issued  
11 several action memoranda; and again, in 2017  
12 that expanded EPA's authority to do work at the  
13 site, to the interior work. Now, those other  
14 authorities that are being used have a  
15 different, essentially, decision documentation  
16 process. And since -- essentially, to maintain  
17 consistency with the work that we did in 2016  
18 and 2017 as part -- for the indoor work, it  
19 didn't make sense for us to fold back into the  
20 remedial process that we have now.

21 So the ESD is a function of the process  
22 that we use to decide a cleanup for the soil.  
23 Because we did not go through that same process  
24 for the indoor work, it was through our Removal  
25 Program, and was considered essentially more

1 time critical, the ESD doesn't address that.

2 REMONSTRATOR: Can I follow that up,  
3 please? Yeah. So why didn't you, instead of  
4 issuing an estima-- or Explanation of  
5 Significant Difference, amend the Record of  
6 Decision to include these new actions?

7 MR. CHINGCUANCO: It wasn't necessary.  
8 Essentially, we already have -- because the  
9 soil remedy was selected in the Record of  
10 Decision and there was a cost increase, it  
11 wasn't necessary to issue an ESD that said  
12 because the interior work was covered under our  
13 removal authorities, and there hasn't been any  
14 change to that, again, it was -- there's no  
15 need for us to document the -- you know, well,  
16 the lack of changes that have gone on because  
17 of that. Essentially, it would be redundant  
18 for us to do -- to issue another decision  
19 document for the interior work at this point  
20 because we already have one and nothing has  
21 changed.

22 REMONSTRATOR: Yeah, well, I -- except  
23 that cuts the public out of the process.

24 MR. CHINGCUANCO: I mean, our goal has  
25 been to engage the public as much as possible,



1 and, you know, to solicit your feedback through  
2 as many avenues as possible. That said, you  
3 know, I think a lot of EPA authorities don't  
4 always include the kind of public engagement  
5 that the public always wants; but, you know,  
6 there are other, again, mechanisms and venues  
7 where your input can be brought to our  
8 attention.

9 REMONSTRATOR: Thank you.

10 MS. POPE: Any other questions? Because  
11 what we can do is if there are no other  
12 questions, we can go into our Public Comment  
13 Period, and that's when -- at the Public  
14 Comment Period, you get up, you make a few --  
15 oh, sorry (retrieving microphone). We can go  
16 into our Public Comment Period. At the Public  
17 Comment Period, you get up, and you state your  
18 name, you spell your last name, and you just  
19 make your comment. At that time, EPA does not  
20 respond to your comment. Instead, those  
21 comments are responded to in what we call a  
22 Responsiveness Summary, which is usually  
23 available in four to six weeks.

24 So if there are no more questions and  
25 you'd like to start the Public Comment Period,

1 we can do that at this time. Are there  
2 any more questions?

3 REMONSTRATOR: Zachary Dong. I'd like to  
4 ask -- you mentioned about a two or three  
5 expected -- about two or three years to clean  
6 up Zone 2. What about Zone 3? Do you have an  
7 estimate for time?

8 MS. ROLFES: Zone 3 we anticipate we'll  
9 finish this year. We might have a few  
10 outstanding properties, but we'll finish this  
11 year.

12 REMONSTRATOR: Thank you.

13 REMONSTRATOR: We're in Zone 3. You  
14 haven't got our property yet.

15 MS. ROLFES: We haven't started scheduling  
16 for this year yet. We're going to start that  
17 in March.

18 REMONSTRATOR: Okay.

19 MR. CHINGCUANCO: And just to be clear,  
20 the reason it's taking longer in Zone 2, as  
21 opposed to Zone 3, is that there are more  
22 properties in Zone 2 that need remediation.  
23 We're cleaning about the same number of  
24 properties in each zone each year. There's  
25 only so fast we can go; but, yeah, that's just

1 sort of --

2 REMONSTRATOR: No, you're not.

3 MR. CHINGCUANCO: -- that we face.

4 REMONSTRATOR: You're not doing -- you're  
5 not doing it equally. You're doing more  
6 properties in Zone 3 than you are in Zone 2.

7 MS. POPE: Okay. So thank you for your  
8 comment. So with that, we're going to the  
9 Public -- if there are no more questions, we'll  
10 move to the Public Comment Period. And as I  
11 said, you know, we'll go by number. You've got  
12 numbers when you came in the door, and you'll  
13 stand, and you'll, you know, give your name.  
14 You'll spell your last name, and then you will  
15 give your public comment. And again, at that  
16 time, we won't be responding to those comments.  
17 They'll be responded to in what we call a  
18 Responsiveness Summary, which will probably be  
19 available in four to six weeks; okay?

20 So if there are no more questions, whoever  
21 has number one, if you could stand up, and you  
22 can come up to the podium. If you want the  
23 mic, you can have the mic, and you can give  
24 your comment.

25 REMONSTRATOR: Thank you. Larry Davis,

1 D-A-V-I-S. So there will always be significant  
2 differences so long as the U.S. EPA continues  
3 to make decisions concerning the USS Lead  
4 Superfund Site in a piecemeal manner.

5 Now, this goes clear back to the original  
6 scoring of the site for the NPL. The  
7 groundwater migration pathway, the soil  
8 exposure pathway, and the drinking water  
9 threat, and the human food chain threat, the  
10 surface water pathways were not scored as part  
11 of the hazard ranking system HRS evaluation,  
12 and this set a pattern. So the failure to  
13 comprehensively investigate all exposure  
14 pathways and determine the full extent of  
15 contamination led to a flawed conceptual site  
16 model, and that was only based upon aerial  
17 deposition and surface water migration. So  
18 this ignored probable sources of potential  
19 contamination from fill historically used  
20 throughout the area to develop the Duneland  
21 Swale Landscape and wetland areas adjacent to  
22 the Grand Calumet River following the  
23 establishment of the local lead industries in  
24 East Chicago, Indiana.

25 It also ignores known groundwater

1 contamination in the Calumet Sand Aquifer,  
2 which is a dynamic water table aquifer that is  
3 directly, hydraulically connected to  
4 Lake Michigan, that drinking water threat that  
5 U.S. EPA didn't score and continues to ignore.

6 And it's 75 percent quartz. Now, quartz  
7 is chemically inert. So 75 percent of the  
8 soils in this area basically have zero natural  
9 attenuation to hold or stop contaminants  
10 flowing through.

11 So the Calumet Sand Aquifer has a very low  
12 ability to naturally attenuate contaminants  
13 such as metals pollution, offers little  
14 resistance to the flow and spread of  
15 contamination throughout the aquifer once  
16 groundwater contamination is occurring, and the  
17 average horizontal conductivity is listed at  
18 60 feet per day.

19 As mentioned, only 7 percent of the  
20 properties were sampled during the remedial  
21 investigation, and that directly contributed to  
22 today's Explanation of Significant Differences.

23 U.S. EPA has not determined whether or not  
24 sources of contamination lie buried deeper  
25 within the Superfund Site, and you need look no

1 further than the site next door, which is the  
2 DuPont site, at the soil borings for the well  
3 logs, for the monitoring wells and isometric  
4 wells. Those show a layer cake of sand and  
5 waste disposal; okay? Dumps upon dumps. So  
6 the assumption that EPA has hit native sand  
7 when doing cleanups --

8 MS. POPE: Thirty seconds.

9 REMONSTRATOR: -- is flawed because there  
10 are numerous instances of this type of fill in  
11 the area.

12 So the significant costs have increased to  
13 \$471 a cubic yard. The cost of excavating and  
14 replacing one cubic yard of contaminated soil  
15 at the US Lead Superfund Site has now reached  
16 the level of what a permanent remedy that would  
17 require the removal and reclamation of toxic  
18 metals from the soil would cost per yard. So  
19 we're paying a price that would actually  
20 remedy -- a permanent remedy to remove the  
21 metals from the soil permanently, both here in  
22 this area and the soil being disposed of off  
23 site, and it would eliminate the public health  
24 threat. But instead, we're getting zero  
25 recovery and zero reduction of the toxic

1 threat, even though we're paying now at a rate  
2 of what it would cost to actually create a  
3 permanent remedy.

4 Thank you.

5 MS. POPE: Thank you, Mr. Davis.

6 Number two. Number two?

7 (No response.)

8 MS. VACCARELLO: I guess they pass.

9 MS. POPE: Okay. Number three.

10 REMONSTRATOR: My name is Maritza Lopez  
11 again. I'm a resident -- life-long resident of  
12 Zone 3 and chairing the CCCAG, which is known  
13 as East Chicago Calumet Coalition Commission  
14 that encompasses -- the board is made up from  
15 residents of the complete Superfund Site.

16 The -- my concern having to do with this  
17 ROD and essence of the organization is the fact  
18 that -- and I'm going to read this for you:  
19 The Explanation of Significant Difference must  
20 consider in the context of the history of EPA's  
21 work at the USS Lead Site. EPA's original  
22 Remedial Investigation Feasibility Study  
23 included an incomplete assessment of the site.  
24 That's one of the biggest concerns because  
25 right now, with the cost that you're spending

1 to clean and increasing the cost, you could  
2 have chose a better protective measure for all  
3 of us and ensure the depth and done accurate  
4 testing. Now we're going back. Now we're at  
5 the ground studies going into place.

6 And the indoor testing, that actually took  
7 into place when the residents asked for that on  
8 September 24th of 2016 in a meeting at Riley  
9 Park. 'Cause at that time, Tom O'Connell said  
10 he was going to check into a pilot program.

11 And what's bothersome, if the residents  
12 would have not risen up, this pilot program  
13 would have not taken place in both Zones 2 and  
14 3. It would not have begun the cleanup that --  
15 that they start testing inside. Then they  
16 started realizing that airborne status has  
17 changed, how it was stipulated in the original  
18 Consent Decree.

19 The assumption really hurt us because many  
20 of us are contaminated, our homes, inside, with  
21 led, arsenic, cadmium, and who knows what else.  
22 So we have to be very careful into the plan  
23 that was chosen. And I was one that stated  
24 openly four times the amount isn't sufficient  
25 for me to safeguard as a resident because the



1 health tests haven't been done, the health risk  
2 assessment haven't been done, full cleanup  
3 hasn't been done. If there's seepage coming  
4 into the homes, guess what, you're going to  
5 have to come back and reclean -- did you  
6 account for that -- until that process is taken  
7 care of.

8 These are actual costs that should not be  
9 given to the property owner, the renter, or the  
10 resident. We are not held accountable; the  
11 responsible parties are. And the fact that we  
12 have been waiting these umpteen decades and  
13 being contaminated, really, personally feeling,  
14 I feel you should have requested even more,  
15 because you're covering the soil remediation,  
16 but the rest of the stuff is not truly taken  
17 care of. Groundwater study's just beginning.  
18 We don't know about the seepage contaminants  
19 coming in on that.

20 MS. POPE: Thirty seconds.

21 REMONSTRATOR: So with that being said,  
22 there's going to be additional costs coming,  
23 and we're not going to be fully protected.

24 And with that, I leave you. And I did  
25 leave fliers on the table. Please get it.

1 Indiana Legal Aid is giving assistance to  
2 anybody affected or contaminated with lead in  
3 the Superfund Site. Please grab it. They're  
4 meeting at Friendship Church and at North  
5 Township Trustee's Office. Please pass the  
6 word. Thank you.

7 MS. POPE: Number four.

8 (No response.)

9 MS. POPE: Number four?

10 (No response.)

11 MS. POPE: Number five.

12 (No response.)

13 MS. POPE: Number six.

14 REMONSTRATOR: Thanks. Thomas Frank,  
15 F-R-A-N-K. I just have one comment, very  
16 simple, is: To address the Explanation of  
17 Significant Difference does not address a  
18 fundamental change in the scope of the project,  
19 especially when the characterization of the  
20 Superfund Site had not been completed early in  
21 the process. I think we need to re-scope the  
22 project to include hydrology and the other  
23 impacts that we are discovering through the  
24 public process.

25 And that's really it. Thank you.

1 MS. POPE: Number seven.

2 (No response.)

3 MS. VACCARELLO: No seven. Eight is the  
4 last number.

5 MS. POPE: Number eight.

6 (No response.)

7 MS. VACCARELLO: (Inaudible).

8 MS. POPE: That was it?

9 MS. VACCARELLO: Uh-huh.

10 MS. POPE: Is there anyone who wants to  
11 give a public comment but did not get a number?  
12 You want to do a public -- is there anyone?

13 (No response.)

14 MS. POPE: No one?

15 REMONSTRATOR: Perhaps you should give  
16 more time, since you've got an hour and a half  
17 and you cut people off.

18 REMONSTRATOR: Yeah.

19 MS. POPE: Okay. Again, is there anyone  
20 who did not get a number, and you would like to  
21 do a public comment? Is there anyone?

22 (No response.)

23 MS. POPE: No?

24 (No response.)

25 MS. POPE: Is there anyone here that has a

1 question? Besides Larry.

2 So could you stand up, and we'll go back  
3 to the Q-and-A session briefly, and -- so Sarah  
4 and Leo, could you come back up?

5 REMONSTRATOR: Very briefly, Richard  
6 Morrisroe, M-O-R-R-I-S-R-O-E.

7 Where do we email any comments? I presume  
8 we have till close of business tomorrow to  
9 email them, and what is that email address?

10 MS. POPE: Okay. You can email your  
11 comments to me. Last name Pope, P-O-P-E,  
12 Janet@EPA.gov. We also have public comment  
13 sheets in the back. You can write them and  
14 submit them now. You could also, again, email  
15 them to me or email them to the web page. You  
16 can also do it there. The Public Comment  
17 Period ends tomorrow.

18 Yes, we do have a public comment portal on  
19 our website, so you can go to the USS Lead  
20 website. And on that website you can submit  
21 comments that way as well. Okay?

22 Come on, Larry.

23 REMONSTRATOR: So EPA has said that they  
24 are going to address the DuPont off-site  
25 contaminated groundwater in the residential

1 area under Superfund instead of the RCRA  
2 corrective action process. Is that going to  
3 require another Explanation of Significant  
4 Difference?

5 MR. FISCHER: Well, we actually have an  
6 operable unit associated with the Superfund  
7 Site that is specific to groundwater that we  
8 have not selected a remedy for. That's the  
9 Operable Unit 2, groundwater operable unit. So  
10 once we conduct the investigation, we will  
11 determine if any action is necessary for the  
12 area underneath the neighborhood and the USS  
13 Lead Site, and we will make a remedial decision  
14 at that -- at that point. So it won't be any  
15 ESD or a ROD amendment. It will be a brand-new  
16 ROD for that operable unit.

17 And then, yes, you're right, there's  
18 ongoing work associated with the RCRA program  
19 on the Chemorous facility. And, you know,  
20 there's some coordination that we'll have to do  
21 with respect to what they're doing on that  
22 property and in the neighborhood, and we will  
23 sort that out when the time comes, when we  
24 select the remedy.

25 REMONSTRATOR: So how are you ensuring

1 that the remedy you selected for  
2 Operable Unit 1, the residential area, is not  
3 incompatible with what you're going to have to  
4 do to address the Operable Unit 2, the lead  
5 smelter site and site-wide groundwater?

6 MR. FISCHER: You mean incompatible in  
7 terms of technology or -- 'cause, I mean,  
8 it's --

9 REMONSTRATOR: Its selection. Since  
10 you've only decided to go down 2 feet  
11 maximum --

12 MR. FISCHER: Uh-huh.

13 REMONSTRATOR: -- you know, in most cases,  
14 you have to remove the source of the  
15 groundwater contamination in order to prevent  
16 it from continuing to contaminate the  
17 groundwater.

18 MR. FISCHER: And that is something that  
19 we will assess as part of the Operable Unit 2  
20 investigation.

21 REMONSTRATOR: How are you ensuring that  
22 there's not any incompatibility?

23 MR. FISCHER: I guess I don't completely  
24 understand, but we will look for sources of  
25 groundwater contamination. To the extent that

1           there are sources that we can identify, we will  
2           take actions to remove or treat those sources.

3           REMONSTRATOR: And if those sources happen  
4           to be deeper than 2 feet?

5           MR. FISCHER: Yeah, because the soil  
6           cleanup is designed to protect residents,  
7           prevent exposure to the contaminated soil, it's  
8           a different objective than finding sources of  
9           groundwater contamination and eliminating  
10          those.

11          REMONSTRATOR: It seems inefficient to not  
12          address the entire site in its entirety to  
13          begin with.

14          MR. FISCHER: Yeah, I understand your  
15          comment. We divided the site up into two  
16          different operable units. We don't anticipate,  
17          really, any complication associated with  
18          implementing the OU-2 remedy after the OU-1  
19          remedy or at the same time. So thank you.

20          REMONSTRATOR: Thank you.

21          REMONSTRATOR: If I could follow up on  
22          that.

23          MS. POPE: Excuse me. Excuse me,  
24          everybody. Now, this is supposed to be an ESD  
25          meeting. I understand you have questions

1           regarding other things with the site. You  
2           know, really, I do understand that. But we are  
3           going to have a meeting in the spring that's  
4           going to address those issues as well. So, you  
5           know, we may not have the people that you need  
6           here to answer those questions. So, you know,  
7           bear with us; okay?

8           Okay. Go ahead.

9           REMONSTRATOR: Thank you. I appreciate  
10          that. I appreciate, Larry, your questions,  
11          because now I'm just asking for a  
12          clarification.

13          The -- DuPont is being pushed into a  
14          Superfund program that's going to be connected  
15          to Operative Unit 2? Is that what I'm hearing?  
16          Or is it going to be something completely  
17          separate --

18          REMONSTRATOR: No.

19          REMONSTRATOR: -- from this --

20          MS. ROLFES: The DuPont site is under  
21          RCRA, and it will stay under RCRA.

22          REMONSTRATOR: So there is no marriage  
23          with Operative Unit 2.

24          MS. ROLFES: Correct. There's some  
25          coordination between Superfund and RCRA because



1 we're dealing with the groundwater  
2 contamination outside of the RCRA site.

3 REMONSTRATOR: Right.

4 MS. ROLFES: So there's internal  
5 coordination.

6 REMONSTRATOR: Yeah. Thank you.

7 MS. ROLFES: Yes.

8 REMONSTRATOR: Off-site groundwater.

9 MS. POPE: Anybody else have any  
10 questions?

11 REMONSTRATOR: I do.

12 MS. POPE: Yes. Come on.

13 REMONSTRATOR: My question is: What  
14 prevented EPA from amending this for us?  
15 Really, to allow us to -- the opportunity,  
16 further, by allowing an amendment to this ROD  
17 on the legal basis? What prevented that?

18 MR. CHINGCUANCO: Right. No. We're  
19 halfway through implementing the remedy, and we  
20 think it's the correct remedy, and it hasn't  
21 changed. You know, I understand, obviously,  
22 that there -- you know, some people believe  
23 that the wrong remedy was selected, but EPA has  
24 gone through the process it has of remedy  
25 selection --

1 THE REPORTER: "Gone through the process  
2 of?"

3 MR. CHINGCUANCO: Remedy selection to  
4 produce the remedy that we have now. And that  
5 hasn't changed, and nothing about the fact that  
6 the cost has gone up affects our thinking as to  
7 whether or not we selected the correct remedy.  
8 We still think that we've selected the correct  
9 remedy, even with the cost increase.

10 REMONSTRATOR: Does it still leave a  
11 window of opportunity? I just -- you know, I  
12 hear what residents bring, and those are main  
13 concerns. Does it bring a win-- is EPA open to  
14 a window of opportunity of considering  
15 amendment? Let's put it that way. From this  
16 point forward. And I understand what you have  
17 done, but should --

18 MR. CHINGCUANCO: EPA has a five-year  
19 review process of a Superfund site, which means  
20 that at least once every five years, we will  
21 evaluate the remedies that we've put in place  
22 to see whether or not it's still protected.  
23 Right? So if we get a lot of new information  
24 from the community that says, you know, you dug  
25 up 2 feet out of all these yards, but it turns

1 out that's actually not enough to protect us  
2 from the contamination in the soil, you know,  
3 we might have to revisit the remedy at that  
4 time. And if it were large, fundamental  
5 change, then there would, I guess, be a ROD  
6 amendment process at that time.

7 I don't think we think that's going to  
8 happen; but, you know, in theory, there is a  
9 mechanism. If it really turned out that we had  
10 messed this up and that the remedy we selected  
11 was completely wrong, and we find that out, you  
12 know, we'll come back and fix it.

13 REMONSTRATOR: I just -- as long as  
14 there's a window of opportunity. I mean --

15 MR. CHINGCUANCO: Yeah.

16 MS. POPE: Are there any other questions?  
17 Yes, sir.

18 REMONSTRATOR: Back to the mapping  
19 question, I'm sorry, but are you going to map  
20 each property that tests positive for lead  
21 soil? I mean, my concern is that are there  
22 properties in the middle of a bunch of  
23 properties that were tested, test positive, and  
24 one that didn't in the middle. I guess I'm  
25 just curious that -- you know, make that

1 available or is that available?

2 MS. ROLFES: Again, we don't make  
3 individual maps available. Those are specific  
4 to each property owner. That's private  
5 information. But our -- if you go to our USS  
6 Lead website, we have a link to an external  
7 viewer, and we have all of the data there.  
8 It's just broken down by block.

9 REMONSTRATOR: Okay.

10 MS. ROLFES: So you can see depth of  
11 contamination for that block and, you know,  
12 number of samples collected, highest  
13 concentration, and active status of remediation  
14 on that web viewer. And that's as detailed as  
15 we'll get for the general public.

16 REMONSTRATOR: Okay. But based on your  
17 review, there's no, you know, areas where you'd  
18 imagine there would be lead contamination in  
19 the property, but the test came up negative for  
20 whatever reason, anything like that? It's just  
21 generally grouped into areas that are all  
22 positive?

23 MR. CHINGCUANCO: It's pretty randomly  
24 distributed.

25 MS. ROLFES: We have some houses that have

1 it in front and some houses that have it in  
2 back and some have it in both, and that's just  
3 the nature of the fill. It's just the nature  
4 of it.

5 REMONSTRATOR: Okay. Thanks.

6 MS. POPE: Any other questions?

7 (No response.)

8 MS. POPE: Are there any other questions?

9 (No response.)

10 MS. POPE: Are there any other questions?

11 REMONSTRATOR: I do.

12 MS. VACCARELLO: There's a question here.

13 MS. POPE: Question in back. Okay.

14 REMONSTRATOR: If you turned down to get  
15 your house cleaned inside, could you still get  
16 it done if you change your mind? They did the  
17 yard and -- but they didn't --

18 MS. ROLFES: Yes. If you're interested,  
19 I'd love to talk to you afterwards and get your  
20 address, and we can sign you up. We're  
21 actually trying to actively call everyone that  
22 denied it to see if they'll let us do it again.  
23 So that would be great.

24 REMONSTRATOR: Thank you.

25 MS. POPE: Any other questions?

1 (No response.)

2 MS. POPE: No other questions?

3 (No response.)

4 MS. POPE: Is there anyone that wants to  
5 give a public comment at this time that did not  
6 get a chance to do so the first time? Is there  
7 anyone that would like to give a public comment  
8 at this time?

9 (No response.)

10 MS. POPE: Okay. So what we'll do -- then  
11 we're finished with the hearing. We're  
12 finished.

13 REMONSTRATOR: What if we want to give an  
14 additional comment?

15 MS. POPE: How long you talking about,  
16 Larry?

17 REMONSTRATOR: Half a page?

18 MS. POPE: Can you -- you can actually  
19 submit that page to the court reporter.

20 REMONSTRATOR: I want to submit it too,  
21 but it's for the public here.

22 MS. POPE: Well, it will be in the  
23 Responsiveness Summary. They'll have a chance  
24 to read it.

25 REMONSTRATOR: Yeah, I'd rather have them

1 hear it tonight. I don't understand why people  
2 are being limited when you got an extra hour.

3 MS. POPE: Is there anybody here that did  
4 not get a chance to submit a public comment  
5 that would like to do so now?

6 (No response)

7 MS. POPE: Okay, Larry. 'Cause you know I  
8 was going to stay on you.

9 REMONSTRATOR: Hey, Larry, I didn't  
10 videotape it. Can you go back to the  
11 beginning?

12 MS. POPE: Come on, Larry.

13 REMONSTRATOR: Not long at all.

14 MS. POPE: Okay. Go ahead.

15 REMONSTRATOR: All right. So two points I  
16 want to make: Some of these metals we're  
17 talking about are strategic metals that the  
18 United States is short on; okay? One of them  
19 is antimony, both present at the DuPont site  
20 and the USS Lead Site. And we're doing nothing  
21 to recover these metals, even though they are  
22 strategic metals that we're going to be  
23 short -- 26,187 short tons of; okay? These  
24 metals have economic value.

25 So if we were -- at this price --

1 actually, at half of the price we're paying, we  
2 could be recovering these valuable metals, we  
3 could have a marketable -- which would reduce  
4 the cost further, which means you could  
5 actually clean it all up, not just 2 feet. You  
6 could remove the sources of the groundwater  
7 contamination without being incompatible with  
8 the remedies you've selected. You're paying  
9 for that; okay? So that's the first point.

10 The second point is a list of questions  
11 that EPA needs to answer to the public; okay?  
12 So how much contamination, both volume and  
13 concentration, of hazardous and toxic  
14 contaminants are being left behind in the  
15 community in total?

16 How much contamination, both volume and  
17 concentration, of hazardous and toxic  
18 contaminants are being disposed of in the  
19 off-site community in total?

20 How many people currently live on the US  
21 Superfund Site -- USS Lead Superfund Site?

22 How many children currently live on the  
23 USS Lead Superfund Site?

24 How many elderly persons currently live  
25 within the USS Lead Superfund Site?



1           How many people are tenants, renters,  
2           within the USS Lead Superfund Site?

3           And how many property owners are there  
4           within the USS Lead Superfund Site?

5           How many businesses and institutions are  
6           within the USS Lead Superfund Site?

7           And what are the historical and current  
8           trends in those demographics just cited  
9           concerning the community affected by the USS  
10          Superfund Site?

11          And most importantly, how does the U.S.  
12          EPA plan to prevent the next generation of  
13          children from being impacted by the remaining  
14          hazardous and toxic contamination within the  
15          community?

16          U.S. EPA needs to comprehensively  
17          investigate and map the full extent, breadth  
18          and depth, of hazardous and toxic contamination  
19          within the USS Lead Superfund Site from all  
20          sources of contaminants and then reevaluate any  
21          significant differences in determining whether  
22          or not the current removal actions and selected  
23          remedial activities are effective over the long  
24          term in protecting human health and environment  
25          and meet the requirements of the Superfund

1 Amendments and Reauthorization Act to achieve a  
2 permanent remedy.

3 Thank you.

4 REMONSTRATOR: All right. That sounds  
5 good to me.

6 MS. POPE: Is there -- is there anyone  
7 else?

8 REMONSTRATOR: No. I just wanted to  
9 comment what he just said made a whole lot of  
10 sense to me. Because there's no sense in half  
11 doing something and you're not cleaning up the  
12 problem.

13 And like he said, we might not be here,  
14 but do we expect our kids to be here? Do we  
15 expect to still have a city called East Chicago  
16 in 25 years, in 50 years? What will it look  
17 like? Will it be any people in this Superfund  
18 Site area, or will we all be, I mean, gone?

19 REMONSTRATOR: Dead and gone.

20 REMONSTRATOR: And our kids' -- our kids'  
21 kids are gone. Our kids are gone. Nobody's  
22 here.

23 So what are we looking for? What is our  
24 goal? And so we have to look deeper than what  
25 we're looking. We have to do more than what

1 we're doing in order to just make sure that the  
2 lead is gone, not just put a bandage on a  
3 gaping wound.

4 I agree with him.

5 MS. POPE: Thank you for your comment.

6 Is there anyone else that would like to  
7 give a public comment?

8 (No response.)

9 REMONSTRATOR: Cookies and coffee?

10 MS. POPE: (Indicating).

11 REMONSTRATOR: Me? You don't want to hear  
12 what I got to say.

13 MS. POPE: Yes, I do. We really would  
14 like to hear what you have to say. This is  
15 your chance to say it. Sure.

16 REMONSTRATOR: Yep, considering it ain't  
17 gonna do no good anyway.

18 REMONSTRATOR: We'd like to hear it. I'd  
19 like to hear it.

20 REMONSTRATOR: My only main concern is  
21 Zone 2. Like we get nothing over there. I  
22 mean, seeing as how Zone 2 -- 1 and 2 was the  
23 one that bust this all wide open. You know  
24 what I'm saying? If it wasn't for us, nobody  
25 would know about what they have. But we're on

1 the back burner. You're focusing over there on  
2 Zone 3. Brings back memories of how, back in  
3 my day, we couldn't even go over there; okay?  
4 So now you put all your focus over there, and  
5 none in Zone 2.

6 So it bothers me, and it bothers the  
7 residents. Why we always on the back burner?  
8 We have more lead and contamination over there  
9 in Zone 2 than they do over there.

10 REMONSTRATOR: Huh-uh.

11 REMONSTRATOR: We have more children over  
12 there in Zone 2 than they do over there.

13 I'm glad I got to vent.

14 MS. POPE: Thank you for your comments.

15 REMONSTRATOR: To cherry-pick on that, can  
16 we get a commitment from the EPA to hold their  
17 meetings in Zone 2 at the Martin Luther King  
18 Center now that Carrie Gosch is no longer  
19 available to you?

20 MS. POPE: Oftentimes, because that's city  
21 property, they denied us access to it. But we  
22 can try again. But I have tried to get there.

23 REMONSTRATOR: There's also churches we  
24 could supply you with that we have meetings --

25 MS. POPE: Yeah, Sherry shared that with

1 me earlier this week, so we'll be looking into  
2 that as well.

3 REMONSTRATOR: Thanks.

4 MS. POPE: Is there any other questions?  
5 Just trying, because, you know, it's till 7:30,  
6 and I want people to, you know, get the  
7 questions answered. I want you to be sure to  
8 make your comments because they are going to be  
9 going in a record here. So, you know, this is  
10 the chance to do it.

11 (No response.)

12 MS. POPE: Going once.

13 (No response.)

14 MS. POPE: Going twice.

15 (No response.)

16 REMONSTRATOR: Bingo.

17 MS. POPE: Okay. Gone. We'll be -- we'll  
18 stick around till 7:30. We'll stick around  
19 till 7:30. If you have any individual  
20 questions that you'd like to ask, like on a  
21 one-on-one, we'll stay till 7:30.

22 Okay. Thank you all for coming, so much.  
23 Public Comment Period ends tomorrow. Get your  
24 comments in. Thank you.

25 (Public hearing concluded at

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6:26 p.m.)

--oo0oo--

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
PUBLIC MEETING

RE: ESTIMATED INCREASED CLEANUP COSTS  
USS LEAD SUPERFUND SITE

at

PASTRICK BRANCH LIBRARY

1008 W. Chicago Avenue, East Chicago, Indiana  
Thursday, February 15, 2018

5:30 o'clock p.m.

REPORTER'S CERTIFICATE

I, PAMELA S. OWEN, CSR, RPR, and Notary Public for the County of Lake, State of Indiana, do hereby certify that I reported in machine shorthand the foregoing proceedings had in the above-entitled matter, at the time and place herein before set forth; and I do further certify that the foregoing transcript, consisting of forty-nine (49) typewritten pages, is a true and correct transcript of my said stenographic notes.

Signed this 19th day of February, 2018.



---

PAMELA S. OWEN, CSR, RPR  
IL Lic. No. 084-002294  
Notary Public, Lake County, IN  
My Commission Expires: 8/1/24

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