



EPA Seeks Comments on Agreements on Zone 1

U.S. Smelter and Lead Refinery Superfund Site
East Chicago, Indiana

May 2022

Share your opinions

EPA invites your comments on both proposed settlements and the Explanation of Significant Differences from **May 4, 2022, to June 3, 2022**. Comments will be accepted anytime during the comment period but, if mailed, must be postmarked by June 3, 2022. See “How to submit comments” on the next page.

Public meeting and hearing

May 21, 2022, 10 a.m. – 1 p.m.
Old Carrie Gosch School Auditorium

After a brief presentation, EPA will hold an official public hearing to accept comments on the proposed settlements. A court reporter will record the meeting and all comments.

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You may call EPA toll-free at 800-621-8431, 9 a.m. – 4:30 p.m., weekdays

Information repository

Site documents can be viewed on the web page at www.epa.gov/uss-lead-superfund-site or at the East Chicago Public Library locations: 2401 E. Columbus Drive or 1008 W. Chicago Ave., East Chicago, Indiana.

U.S. Environmental Protection Agency is accepting public comment on two proposed administrative settlements and a draft explanation of significant differences, or ESD. Together, the three documents will enable a commercial/industrial cleanup to move forward in Modified Zone 1 of the U.S. Smelter and Lead Refinery, Inc., Superfund site in East Chicago. Modified Zone 1 includes the former West Calumet Housing Complex, Goodman Park, and a utility corridor. The proposed prospective purchaser agreement and proposed administrative settlement agreement and order on consent are described below. The state of Indiana joins EPA as a party to both agreements. A description of the ESD is below as well.

Proposed administrative settlements

1. Prospective Purchaser Agreement

EPA proposes to enter a prospective purchaser agreement, or PPA, with Industrial Development Advantage of East Chicago, LLC, or IDA, as purchaser of Modified Zone 1. The PPA requires IDA to clean up the approximately 50-acre area known as Modified Zone 1. The cleanup includes the removal of contaminated soil up to 12 inches below ground surface and disposal of contaminated soil at an off-site facility. The excavated areas will be backfilled with clean soil and covered. IDA will implement institutional controls and support EPA in its five-year remedy reviews.

2. Administrative Settlement Agreement and Order on Consent

EPA proposes to enter into an Administrative Settlement Agreement and Order on Consent, or ASAOC, with Atlantic Richfield Company, The Chemours Company FC, LLC, E.I. du Pont de Nemours and Company, U.S. Smelter and Lead Refinery, Inc., and United States Metals Refining Company as respondents and with Arava Natural Resources Company, Inc., Mining Remedial Recovery Company, and Mueller Industries, Inc., as additional covered parties. The ASAOC requires the respondents to provide financial assurance for the cleanup of Modified Zone 1 to be performed by IDA, as described above. The ASAOC also requires the respondents to pay \$18 million in past response and cleanup costs and certain future response costs associated with Operable Unit 1 (OU1) of the site.

3. Explanation of Significant Differences

EPA is planning to issue an ESD after IDA obtains title to Modified Zone 1. The ESD will confirm that the conditions established in the 2020 Record of Decision, or ROD, Amendment have been met and that the selected remedy for Modified Zone 1 is a commercial/industrial remedy.

How to submit comments

The comment period is open from **May 4, 2022, to June 3, 2022**. There are several ways to submit comments on both proposed administrative settlements and the draft ESD:

Via the web: *Federal eRulemaking Portal* www.regulations.gov

EPA Online Comment Form www.epa.gov/uss-lead-superfund-site

Via Email: rodriguez.charles@epa.gov

By Mail: Charles Rodriguez
U.S. EPA, Region 5, Mail Code RE-19J
77 W. Jackson Blvd., Chicago, IL 60604

By Phone: (312) 353-6284 (Leave a voice message after the prompt)

Public Meeting and Hearing

EPA will host an in-person public meeting and hearing on May 21, 2022, where EPA will answer questions regarding the proposed administrative settlements and the ESD and provide the public with an additional opportunity to provide comments.

Date: May 21, 2022

Time: 10 a.m. – 1 p.m.

Venue: Old Carrie Gosch School, Auditorium
455 E. 148th St., East Chicago

Background for site and settlement

The USS Lead site was placed on the National Priorities List, or NPL, in April 2009. EPA divided the site into two operable units, or OUs. OU1 is a predominantly residential neighborhood and has been further subdivided into Zones 1, 2, and 3. OU2 includes the surface and subsurface of the 79-acre former USS Lead facility as well as groundwater beneath the entire site.

On November 30, 2012, EPA issued a ROD in which the Agency identified the remedy for soils contaminated with lead and arsenic and located within OU1. Since 2012, the remedy has been implemented in Zone 2 and Zone 3 of OU1, and in a small portion of Zone 1 of OU1 that included the Carrie Gosch School. The last part of OU1 awaiting remedy implementation is the former West Calumet Housing Complex, Goodman Park, and a utility corridor in Zone 1. The administrative settlement agreement and order on consent refers to these three areas, which comprise approximately 50 acres, as “Modified Zone 1.”

In 2019, the City of East Chicago accepted a proposal from IDA to purchase and perform commercial development in Modified Zone 1. IDA has informed EPA that, after acquiring title, it intends to simultaneously clean up Modified Zone 1 and install the necessary infrastructure to construct an approximately 500,000 square-foot warehouse and logistics center.

On March 24, 2020, EPA amended the 2012 ROD. The ROD Amendment sets forth a contingent remedy for Modified Zone 1, allowing the implementation of commercial cleanup standards if the city changes the zoning to industrial/commercial and the property is purchased by a developer for commercial use.

On May 26, 2020, the East Chicago Common Council changed the zoning designation of Modified Zone 1 from residential use to light industrial use. IDA is expected to take title to Modified Zone 1 in the summer of 2022. After that, EPA will issue the ESD confirming that the two conditions have been met and selecting the commercial/industrial remedy as described in the 2020 ROD Amendment.