



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 24 2006

REPLY TO THE ATTENTION OF:

GENERAL NOTICE LETTER
URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

EPA Region 5 Records Ctr.



372360

Anaconda Lead Products
nka Atlantic Richfield Company
c/o Stephen A. K. Palmer, Esq.
Managing Attorney
BP America Inc.
6 Centerpointe Dr.
La Palma, CA 90623

Re: General Notice Letter for the residential portion of the USS Lead Site, 5300 Kennedy Avenue (the area bounded by Chicago Avenue to the north, Parrish Avenue to the east, USS Lead to the south and Aster Avenue to the west), East Chicago, Indiana

Dear Mr. Palmer:

The U.S. Environmental Protection Agency ("EPA") has received and reviewed your November 2, 2005 and November 10, 2005 responses to its August 15, 2005 Information Request, which was sent to Atlantic Richfield Company in connection with the USS Lead Site ("the Site"), 5300 Kennedy Avenue (the area bounded by Chicago Avenue to the north, Parrish Avenue to the east, USS Lead to the south and Aster Avenue to the west), East Chicago, Indiana. Based on your response and other available information, EPA has determined that Atlantic Richfield may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), commonly known as the federal "Superfund" law, for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect human health or the environment. PRPs may also be required to reimburse EPA for costs it incurred performing response actions at the Site, unless the PRP can show that it is not a liable party. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted

hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that Atlantic Richfield Company may be liable under Section 107(a) of CERCLA with respect to the USS Lead Site, as an: (1) arranger, who by contract or agreement, arranged for the disposal, treatment or transportation of hazardous substances that came to be located at the Site; (2) current or previous owner and/or operator. Specifically, EPA has reason to believe that Anaconda Lead Products contributed lead to the Site as an owner/operator and/or arranged for the disposal, treatment, or transportation of lead that came to be located at the Site.

To date, EPA has not performed response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions that EPA will take at the Site:

- Performance of a Site Evaluation in order to gain a better understanding of any risks posed to human health and/or the environment by releases or threatened releases to the residential portion of the Site;
- The sampling for the Site Evaluation will occur in two phases. Sampling in the first phase will occur at a subset of those properties sampled during the EPA Resource Conservation and Recovery Act (RCRA) corrective action activities at the USS Lead facility. In the second phase, sampling will occur at those properties with yards that are immediately adjacent to those sampled in phase one;
- After performance of this Site Evaluation, EPA will determine if an immediate removal action is required;
- Performance of a Remedial Investigation and Feasibility Study (RI/FS) will follow any removal actions. The RI/FS will involve extensive sampling at the residential areas within the USS Lead Superfund Site;

EPA will begin the first phase of the Site Evaluation in late April 2006. If EPA determines that immediate removal actions are required, it may commence removal actions or issue an order for the performance of removal actions in June or July 2006. Before the end of May 2006, EPA would like to meet with you and the other PRPs to talk about conditions at the Site, your status as PRPs, and your willingness to perform additional removal or remedial actions at the Site. Toward that end, I urge you to contact Associate Regional Counsel, Steven P. Kaiser, to schedule a meeting. Mr. Kaiser may be reached at (312) 353-3804.

De Minimis Settlements

Under CERCLA § 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements to parties whose waste contribution to a site is minimal in volume and toxicity, that is, *de minimis* parties. Individuals or businesses resolving their Superfund liability as *de minimis* parties are not typically required to perform site cleanup.

Instead, EPA requires *de minimis* settlers to pay their fair share of cleanup costs incurred, plus a “premium” that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, *de minimis* settlers receive: (1) a covenant not to sue, which is a promise that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) contribution protection, which provides a settling party with protection from being sued by other responsible parties for the specific matters addressed in the settlement. Participation in a *de minimis* settlement means that you are settling directly with EPA as soon as it is possible to do so.

If you or Atlantic Richfield Company believe that it may be eligible for a *de minimis* settlement at this Site, please contact Steven P. Kaiser, Associate Regional Counsel, at (312) 353-3804, for additional information on “*De Minimis* Settlements.”

Financial Concerns/Ability to Pay Settlements

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within that category, please contact Steven P. Kaiser, Associate Regional Counsel, at (312) 353-3804, for information on “Ability to Pay Settlements.” In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that Atlantic Richfield Company has a legitimate inability to pay the full amount of EPA’s costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because EPA has a potential claim against you, you must include EPA as a creditor if you file for bankruptcy.

Information to Assist You

EPA would like to encourage communication between you, other PRPs, and EPA at the Site. EPA recommends that all PRPs meet to select a “steering committee” that will be responsible for representing the group’s interests. Establishing a manageable group is critical to successful negotiations with EPA. If this is not possible, EPA encourages each PRP to select one person from its company or organization to represent its interests to EPA.

To assist you in your efforts to communicate, please find the following attached information:

1. A list of names and addresses of PRPs to whom this letter is being sent.
2. A fact sheet that describes the Site.

EPA will establish an Administrative Record that contains documents that serve as the basis for EPA’s selection of a cleanup action for the Site. The Administrative Record will be

located at East Chicago Public Library, 2401 East Columbus Drive, East Chicago, Indiana, and will be available to you and the public for inspection and comment. The Administrative Record will also be available for inspection and comment at the Superfund Records Center, EPA Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

In addition, if you are a "service station dealer" who accepts used oil for recycling, you may qualify for an exemption from liability under Section 114(c) of CERCLA. EPA guidance regarding this exemption can be found on the Internet at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>. If you believe you may qualify for the exemption, please contact Steven P. Kaiser, Associate Regional Counsel, at (312) 353-3804, to request an application/information request specifically designed for service station dealers.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consider consulting with an attorney. If you have any questions regarding this letter, please contact Steven P. Kaiser, Associate Regional Counsel, at (312) 353-3804. Thank you for your prompt attention to this matter.

Sincerely,



Wendy L. Carney, Chief
Remedial Response Branch I

Enclosures

cc: Indiana Department of Environmental Quality

**USS Lead Site
Potentially Responsible Parties
General Notice Recipients
April 2006**

Anaconda Lead Products
nka Atlantic Richfield Company
c/o Stephen A. K. Palmer, Esq.
Managing Attorney
BP America Inc.
6 Centerpointe Dr.
La Palma, CA 90623

E.I. du Pont de Nemours and Company
c/o Bernard J. Reilly, Corporate Counsel
Legal Environment Group, D-7082-A
1007 Market Street
Wilmington, Delaware 19898

USS Lead Refinery, Inc.
c/o Norman Johnson, Vice President
1400 Beltline Road #14
Redding, CA 96003



EPA to begin testing for lead contamination in yards

USS Lead
East Chicago, Indiana

March 2006

Informational meetings

EPA will hold two informational meetings to explain the residential testing process and answer your questions. Please plan to attend.

Wednesday, March 22

3:00 –6:00 p.m.

**Washington Elementary School
Community Center Library
1401 E. 144th Street
East Chicago, Ind.**

- and -

Thursday, March 23

3:00 –6:00 p.m.

**Carrie Gosch School
445 W. 148th Street
East Chicago, Ind.**

If you need special accommodations to attend this meeting, contact Joe Munoz at least one week before the meeting at (312) 886-7935

Your help is needed

This fact sheet also includes an access agreement and a stamped envelope for you to sign and send it back so EPA can test your yard for lead contamination at no cost to you.

EPA will also accept signed access agreement at the informational meetings.

It is important to return the access agreement as soon as you get it. The access agreement allows your yard to be sampled for lead contamination.

Soil at some East Chicago homes could be contaminated with lead. U.S. Environmental Protection Agency (EPA) plans to find out more information this spring by taking test samples from residential yards in neighborhoods near the former USS Lead plant.

Samples will be taken from yards in an area between East Chicago Avenue and 151st Street, and between Aster Street and Parrish Avenue. EPA will hold two meetings to explain this process to area residents (see box, left).

Permission needed for samples

If you live in the area described, EPA needs your permission to take soil samples from your yard. An agreement form is included with this fact sheet for your convenience. Please complete the form, sign it and return it to EPA in the stamped envelope provided. EPA representatives will also be going door-to-door seeking permission from property owners.

EPA technicians will take samples from both the front and back yards to find out if there is any danger to you from lead in the soil. These tests are done at no cost to you, and all the work is done outside your home.

USS Lead background

If there is lead contamination in your neighborhood, it may have come from U.S. Smelter and Lead Refinery Inc., commonly known as USS Lead, or other industries that have operated in the area. The company operated on a 79-acre site at 5300 Kennedy Ave. from 1906 until December 1985. They recovered lead from scrap metal and automobile batteries.

USS Lead produced lead waste as part of their smelting process. Some of this waste was emitted into the air, while some built up in large piles on the ground of the facility. The former plant area has already been cleaned up. Now EPA is trying to determine other areas that may need to be cleaned up.

What is lead?

Lead is a naturally occurring heavy metal. It is commonly found at low levels in soil. Low levels of lead can be found in the air, water, food and dust in cities because of the widespread use of lead in man-made products. The federal government regulates the amount of lead in the air, water and soil.

Lead is highly toxic and can cause a range of health effects, from behavioral problems and learning disabilities to seizures and death. Children 6 years old and younger are most at-risk because their bodies are growing quickly and the effects of the lead can cause problems. Children often have higher levels of exposure because they play in dirt and may put dirty hands in their mouths. Also, children who lack proper nutrition may absorb more lead and suffer more harmful effects.

What should I do to reduce exposure to lead?

You should take steps to protect children from lead-contaminated soil. Pregnant women should seek prenatal care to protect their developing infants. You can limit children's exposure to dirt in the following ways:

- cover areas of exposed dirt with grass, flowers, mulch or concrete.
- wash down very dusty areas with a hose.
- discourage children from playing in the dirt, gravel or ground covers (like sidewalks and driveways).
- supervise young children to prevent them from eating dirt.
- wash children's hands often, especially before they eat and before nap time and bed time.
- clean or remove your shoes before entering your home to avoid tracking in lead from soil.
- make sure children eat nutritious, low-fat meals high in iron and calcium, such as spinach and dairy products. Children with good diets absorb less lead.

To prevent ingestion of lead-contaminated dust, you should:

- place a door mat at the door.
- vacuum carpets and drapes.
- dust with an oiled cloth.
- mop floors often.
- wipe your feet before entering your home.
- keep windows closed as much as possible to reduce dirt in the home.
- replace furnace filters often.

Call the National Lead Information Center (800) 424-LEAD (5323) to learn more about how to protect children from lead poisoning and for other information on lead hazards, or visit www.epa.gov/lead

These EPA representatives are available to discuss the residential yard sampling with you:

Michael Berkoff
Remedial Project Manager
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 353-8983
(800) 621-8431 Ext. 38983
berkoff.michael@epa.gov

Joe Munoz
Community Involvement Coordinator
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 886-7935
(800) 621-8431 Ext. 67935
munoz.joe@epa.gov



Technicians taking soil samples for lead



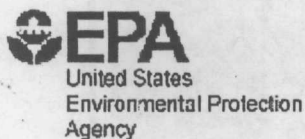
**Want
to learn more?**

USS LEAD RESIDENTIAL SUPERFUND SITE



Important Community Meeting Scheduled for March 22 and 23, 2006

Details on page 1



Region 5
Office of Public Affairs (P-19J)
77 W. Jackson Blvd.
Chicago, IL 60604

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USS Lead: EPA to begin testing for lead contamination in yards



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Programs
<http://www.epa.gov/ttn/sbap>

Compliance Assistance Home Page
<http://www.epa.gov/oeca/oc>

Office of Site Remediation Enforcement
<http://www.epa.gov/oeca/osre>

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman
(800) 368-5888

**Hazardous Waste/Underground Tanks/
Superfund**
(800) 424-9346

National Response Center
(to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

**Stratospheric Ozone and Refrigerants
Information**
(800) 296-1996

Clean Air Technical Center
(919) 541-0800

Wetlands Hotline
(800) 832-7828

Continued on back



Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFC or www.nmfc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/oeca/ag)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

[smbusi.html](http://www.epa.gov/oeca/smbusi.html)). These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

CONSENT FOR ACCESS TO PROPERTY FORM
REMOVED FROM PACKAGE