

From: [Pope, Janet](#)
To: [Zander, Rachel](#); [Alcamo, Thomas](#)
Subject: FW: Form submission from: USS Lead Superfund Site Comment on a Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) form
Date: Wednesday, February 27, 2019 11:10:23 AM

This one?

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

-----Original Message-----

From: drupal_admin@epa.gov <drupal_admin@epa.gov> On Behalf Of EPA
Sent: Monday, November 12, 2018 10:40 AM
To: Pope, Janet <Pope.Janet@epa.gov>
Subject: Form submission from: USS Lead Superfund Site Comment on a Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) form

Submitted on 11/12/2018 11:40AM
Submitted values are:

Comment: I am definitely in support of cleaning up the site, but I would like to know at which superfund site the contaminated soil would be contained.

The clean up of this is very important to me as I work at the nearby Purdue campus. Also, I would like to know what could be done to find the source of the contaminants and prevent the site and other areas around it from being contaminated again. Thanks!

Name: [REDACTED]

Email: [REDACTED]

CALUMET LIVES MATTER Public Comments

EPA Proposed Cleanup Plan for Residential Area, Zone 1 (USS Lead Superfund Site)

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ADDITIONAL COMMENTS:

It's not repeat mistakes of past! — Use Plan D (No Deba, ALAKA!)

EC = Twin city — Same glory/modernity/ pride on the site of EC

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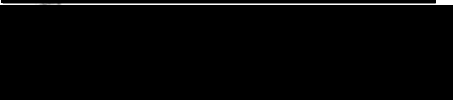


Affiliation:

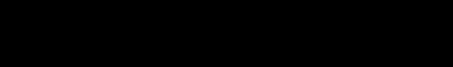
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The desire of the community is that the area be returned to residential use. If the owners designate the use for commercial/industrial, then the EPA should still apply residential remediation standards - at least in the areas not covered by permanent structures. Regardless of the determined use of Zone 1, the area is in such close proximity to Zone 2 & 3, ~~that~~ that it presents an unacceptable risk to the residents of those zones unless it is remediated to residential standards.

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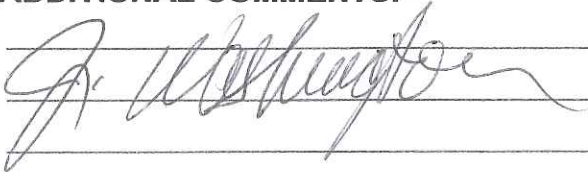
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ADDITIONAL COMMENTS:

In favor of a full clean-up and Residential use
Would like to know, if the use will be
residential will the housing be affordable to the
East Chicago community

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CALISE COSET

WE Want Zone 1 Completely Cleaned & Excavated
for Residential Area Use
Removing all US Lead and other Lead Companies
That were There to Be Removed

The Calumet AREA Zone 1, 2 & 3
Should be A Concern for the Entire City of E. C.
Public Mtgs are Needed w/ more E.C. City Officials
and School City of E.C. Officials

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CALUMET LIVES MATTER Public Comments

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It is the position of Calumet Lives Matter and the undersigned that the EPA fully cleanup the land in Zone 1 of the USS Lead Superfund Site to **RESIDENTIAL STANDARDS** according to **Alternative 4D - Residential excavation to native sand, disposal and no institutional controls... with the added condition that native sand qualifies as clean sand (natural background levels for lead, arsenic and other co-contaminants or < 400ppm Lead and < 26ppm Arsenic)**. Calumet Lives Matter is demanding that the EPA Cleanup Plan accommodate bringing back affordable **HOMES** with community focused development to revitalize and stabilize the Calumet neighborhood. It is the goal of Calumet Lives Matter and the Calumet community to bring our **FAMILIES** home and repopulate Calumet and strengthen the community.

The reason Calumet Lives Matter agreed to the Demolition of the West Calumet Complex was that the Mayor of East Chicago and HUD committed the future use of Zone 1 to a Residential use. This commitment was made in Mayor Copeland's letter to HUD.

Alternative 4D is the only alternative compatible with all adjacent uses, Housing to the East and North, School to the North, the Grand Calumet River to the south, and the canal to the East. The city has existing plans including neighborhood and comprehensive plans to use both waterways for recreation. For Environmental Justice purposes anything less than a full cleanup that limits and excludes higher and better uses without institutional controls devalues the land and is a taking of value from the residents of the Calumet community and future generations.

ADDITIONAL COMMENTS:

Full clean-up, please.
We do not want to repeat the contamination mistakes of the past.
Let's bring stability to the Calumet neighborhood by fully cleaning up Zone 1 and bringing families back to the property without worrying about their health & the remnants of contaminants.

Name:

Affiliation:

Address:

City:

State/Zip:

CALUMET LIVES MATTER Public Comments

EPA Proposed Cleanup Plan for Residential Area, Zone 1 (USS Lead Superfund Site)

It is the position of Calumet Lives Matter and the undersigned that the EPA fully cleanup the land in Zone 1 of the USS Lead Superfund Site to **RESIDENTIAL STANDARDS** according to **Alternative 4D - Residential excavation to native sand, disposal and no institutional controls... with the added condition that native sand qualifies as clean sand (natural background levels for lead, arsenic and other co-contaminants or < 400ppm Lead and < 26ppm Arsenic)**. Calumet Lives Matter is demanding that the EPA Cleanup Plan accommodate bringing back affordable **HOMES** with community focused development to revitalize and stabilize the Calumet neighborhood. It is the goal of Calumet Lives Matter and the Calumet community to bring our **FAMILIES** home and repopulate Calumet and strengthen the community.

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ADDITIONAL COMMENTS:

IMPLEMENTED

I AGREE ABSOLUTELY WITH
THE POSITION OF CALUMET LIVES MATTER.

I PARTICULARLY AGREE THAT THE
COMMITMENT TO "RESIDENTIAL USE".
THEY CANNOT CHANGE IT TO
COMMERCIAL!

END SACRIFICE ZONES!
IN EAST CHICAGO..

Y/Cat

Name:

Affiliation:

Address:

City:

State/Zip:

CALUMET LIVES MATTER Public Comments

EPA Proposed Cleanup Plan for Residential Area, Zone 1 (USS Lead Superfund Site)

It is the position of Calumet Lives Matter and the undersigned that the EPA fully cleanup the land in Zone 1 of the USS Lead Superfund Site to **RESIDENTIAL STANDARDS** according to **Alternative 4D - Residential excavation to native sand, disposal and no institutional controls... with the added condition that native sand qualifies as clean sand (natural background levels for lead, arsenic and other co-contaminants or < 400ppm Lead and < 26ppm Arsenic)**. Calumet Lives Matter is demanding that the EPA Cleanup Plan accommodate bringing back affordable **HOMES** with community focused development to revitalize and stabilize the Calumet neighborhood. It is the goal of Calumet Lives Matter and the Calumet community to bring our **FAMILIES** home and repopulate Calumet and strengthen the community.

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ADDITIONAL COMMENTS:

The EPA should be responsive 1st, 2nd, & 3rd to the people of East Chicago. Simply leaving it to the decision of the owners is totally insufficient.

Name:

Affiliation:

Address:

City:

State/Zip:

From: [Rodriguez, Charles](#)
To: [Alcamo, Thomas](#); [Zander, Rachel](#)
Cc: [Pope, Janet](#); [Cannon, Phillippa](#); [Rolfes, Sarah](#); [Thomas, Katherine](#)
Subject: USS Lead: Formal Comment - [REDACTED]
Date: Monday, December 03, 2018 8:22:29 AM

All,

I'm forwarding the comment below submitted to EPA via the comment form on the USS Lead Website.

- Charles Rodriguez

-----Original Message-----

From: drupal_admin@epa.gov <drupal_admin@epa.gov> On Behalf Of EPA
Sent: Friday, November 30, 2018 7:40 PM
To: Rodriguez, Charles <rodriguez.charles@epa.gov>
Subject: Form submission from: USS Lead Superfund Site Comment on a Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) form

Submitted on 11/30/2018 8:40PM

Submitted values are:

Comment: Tear that whole community down in that area and rebuild again and bring back the families that suffered along with other families provide them a safe enviroment. This shouldnt be taken likely there are homes in that area that are effect by it as well amd businesses. Re build east chicago and get the community back together to trust you guys and resure its a safe area to live in once again start from ground up remove all pipes install new ones through out east chicago new dirt and soil new grass mew foundation new land and make them pay for these costly repairs untill then help these families relocate and expenses to gain back they trust espeically make sure new schools play grounds and safe for everyone

Name: [REDACTED]

Email: [REDACTED]

From: [Rodriguez, Charles](#)
To: [Alcamo, Thomas](#); [Zander, Rachel](#)
Cc: [Pope, Janet](#); [Cannon, Phillippa](#); [Rolfes, Sarah](#); [Thomas, Katherine](#)
Subject: USS Lead: Formal Comment - [REDACTED]
Date: Monday, December 03, 2018 8:25:23 AM

All,

Please see comment below submitted to EPA via the comment form on the USS Lead Website.

- Charles Rodriguez

-

-----Original Message-----

From: drupal_admin@epa.gov <drupal_admin@epa.gov> On Behalf Of EPA

Sent: Saturday, December 01, 2018 5:57 PM

To: Rodriguez, Charles <rodriguez.charles@epa.gov>

Subject: Form submission from: USS Lead Superfund Site Comment on a Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) form

Submitted on 12/01/2018 6:57PM

Submitted values are:

Comment: Even though I wasn't able to attend this meeting on Nov 29th what about rehabbing the west Calumet area. I called to signed up for the rehab program and I was told we would have to wait on the report from the EPA results regarding the lead and before I can signed up for the program. I'm not in agreement with that because the city allow the Cross Church to rent portion of Carrie gosch school to have their service there. Please explain why I can't be on the list to get my house renovated.

Name: [REDACTED]

Email: [REDACTED]

??

As a resident of the USS Lead Superfund Site who was not allowed to make a public comment on the November 29, 2018 public hearing because time ran out, EPA failed to allot us due diligence in accordance to your own guidelines. There was insufficient information supplied by EPA prior to the Community and this is why there too needs to be a 2nd Public Hearing before submitting comments of any kind. We need our questions addressed factually and actually without passing blame to other

agencies. IF EPA CHOOSES TO HOLD OTHER AGENCIES ACCOUNTABLE AS THEY DID ON 11/29/2018, I THEN EXPECT EPA TO SCHEDULE & MANDATE A PUBLIC HEARING WITH ALL ACCOUNTABLE SHAREHOLDERS (AGENCIES: CITY, COUNTY, H.U.D., ALL P.R.P.'S, EAST CHICAGO SCHOOL ADMINISTRATORS, FEDERAL & STATE LEGISLATURES)

We now again have acquired the 2nd Public Hearing so we all can publicly make our statements and submit our questions which is scheduled for January 10, 2018 which now is cancelled. Our livelihoods and voices should not be denied nor ignored. EPA is supposed to be protecting us.

[REDACTED]
[REDACTED]

On Mon, Dec 31, 2018, 10:58 AM Cannon, Phillippa <Cannon.Phillippa@epa.gov> wrote:

Due to the government shutdown, EPA has canceled the additional public hearing scheduled for Thursday, Jan. 10., on the proposed cleanup plan for zone 1 of the USS Lead Superfund site. EPA will accept comments on the proposal until Jan. 14. To submit comments:

<link to <https://www.epa.gov/uss-lead-superfund-site/comment-period-and-public-meeting-proposed-amendment-cleanup-plan>>

From: [Pope, Janet](#)
To: [Zander, Rachel](#); [Alcamo, Thomas](#)
Subject: FW: Form submission from: USS Lead Superfund Site Comment on a Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) form
Date: Wednesday, February 27, 2019 11:05:41 AM

Did you get this one?

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

-----Original Message-----

From: drupal_admin@epa.gov <drupal_admin@epa.gov> On Behalf Of EPA
Sent: Monday, January 07, 2019 7:17 PM
To: Pope, Janet <Pope.Janet@epa.gov>
Subject: Form submission from: USS Lead Superfund Site Comment on a Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) form

Submitted on 01/07/2019 8:16PM
Submitted values are:

Comment:

The project in East Chicago is important. Please do everything necessary to remediate this acreage to original condition.

Also, please use every resource to ensure future proposals conform to your most stringent safeguards to protect air, soil, and water from environmental damage.

I'm a retired man and consider environmental protections my absolute priority.

Thank you!

Name:

[REDACTED]

From: [Pope, Janet](#)
To: [Zander, Rachel](#); [Alcamo, Thomas](#)
Subject: FW: East Chicago - West Calumet Cleanup Plan
Date: Wednesday, February 27, 2019 11:06:42 AM

Did you get this one?

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

From: [REDACTED]
Sent: Monday, January 07, 2019 6:30 PM
To: Pope, Janet <Pope.Janet@epa.gov>
Subject: East Chicago - West Calumet Cleanup Plan

Janet Pope (pope.janet@epa.gov)
EPA - Community Involvement Coordinator
77 West Jackson Blvd., SI-6J
Chicago, IL 60604

January 7, 2019

Ms. Pope,

RE: East Chicago - West Calumet Cleanup Plan

The West Calumet Property in East Chicago should be cleaned up to Residential Standards to the native sand to eliminate any further contamination issues in the future.

The EPA should select the more stringent cleanup plan for West Calumet to eliminate the risk of further contamination and health issues to future generations in the community. The \$48.8 million cleanup plan removes soil and debris left over from the lead smelter demolished and buried there years ago to depths reaching clean native sand, disposes of it at an off-site location and treats the most

contaminated soil using chemical stabilization.

The City of East Chicago, HUD, IDEM and EPA have all been negligent in the past since the 1970's by allowing a housing project to be built on land formerly used for lead processing and it is time to do the proper cleanup to the subject property to eliminate future health risks from contamination with a proper cleanup plan.

The City of East Chicago, HUD, IDEM and EPA have all been a party to children being subject to lead poisoning in West Calumet since the 1970's and they need to realize the human cost to generations of children being contaminated by lead and impairing their neurological development for a life time.

Please select the more stringent Residential Standard Cleanup Plan to Native Sand to do the job the right way for the future.

Respectfully submitted by,

[REDACTED]

[REDACTED]

[REDACTED]

Public comments:

Residents can make public comments until Jan. 14. Residents have several options to weigh in:

- Submit comments to:
- Send a fax to Janet Pope, 312-385-5311
- Use the form at epa.gov/uss-lead-superfund-site/forms/comment-proposed-amendment-cleanup-plan-residential-area-zone-1-0
- Mail comments to:
[Janet Pope \(pope.janet@epa.gov\)](mailto:pope.janet@epa.gov)
Community Involvement Coordinator
77 W Jackson Blvd, SI-6J
Chicago, IL 60604

From: [Pope, Janet](#)
To: [Alcamo, Thomas](#); [Rodriguez, Charles](#)
Subject: FW: Form submission from: USS Lead Superfund Site Comment on a Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) form
Date: Monday, January 28, 2019 8:28:58 AM

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

-----Original Message-----

From: drupal_admin@epa.gov <drupal_admin@epa.gov> On Behalf Of EPA
Sent: Monday, January 07, 2019 8:51 PM
To: Pope, Janet <Pope.Janet@epa.gov>
Subject: Form submission from: USS Lead Superfund Site Comment on a Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) form

Submitted on 01/07/2019 9:50PM
Submitted values are:

Comment:

Hi there, Having monitoring stations throughout area are important for NOx n other toxic substances and allocating them to continuously monitor in areas around Fisk, The South Branch of the Chicago River, Bridgeport and Pilsen are as important as having one which runs part time. The data should be shared in a transparent way continuously, perhaps through an app, so we can all monitor and make daily life choices according to the best information we the people, can make available.. This is necessary for keeping risk reduced of ill effect upon human/nature alike. This is part and parcel of the duties of the EPA. There are high pollution days and it has been explained that this is the time the turbines at Fisk will be used which could exacerbate the ill effect of an already at risk population in the center of the city. If business' want to run a business they should be held accountable for all the cost to maintain a safe and healthy environment associated with the actions of their company. If they make our shared space unhealthy they should be held accountable for their mess, our created ill-health and be made to maintain a practice whereby they do the least harm possible and be made to prove it under their own burden for us, the people, to allow them to continue to run their company. Thank you!

Name: [REDACTED]

Email: [REDACTED]

Delivered Via E-mail pope.janet@epa.gov

January 9, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Re: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that Conor Mullady - JLL, strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

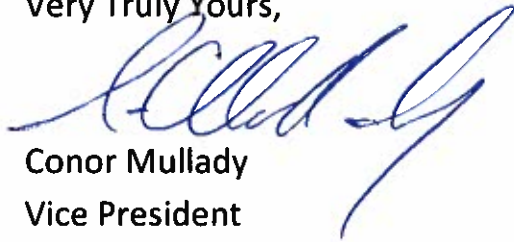
We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Conor Mullady', is written over the typed name.

Conor Mullady

Vice President

Jones Lang LaSalle

8755 West Higgins, Suite 750

Chicago, IL 60631

Tel: +1 312 228 3122

Mobile: +1 847 308 9912



Delivered Via E-mail pope.janet@epa.gov

January 9, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Re: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that FCL Builders, strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial-logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

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Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Randy K. Lindenberg', is written over a large, faint, stylized 'F' watermark.

Randy K. Lindenberg
Principal / VP Project Development
FCL Builders

CHICAGO
1150 SPRING LAKE DRIVE
ITASCA, IL 60143
PH 630.773.0050
FAX 630.773.4030

DALLAS
2401 EAST RANDOL MILL ROAD
SUITE 150
ARLINGTON, TX 76011
PH 214.819.9445

ATLANTA
1325 SATELLITE BOULEVARD
SUITE 104
SUWANEE, GA 30024
PH 470.514.2705

BALTIMORE
1131 BENFIELD BOULEVARD
SUITE H
MILLERSVILLE, MD 21108
PH 443.685.3982



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Oakbrook Terrace IL 60181
tel 630 693 0694
fax 630 932 7258
www.hiffman.com
cgary@hiffman.com

Delivered Via E-mail pope.janet@epa.gov

January 9, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Re: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that NAI Hiffman strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Chris Gary". The signature is written in a cursive, flowing style.

Chris Gary
Executive Vice President

January 9, 2019

Ms. Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd., SI-6J
Chicago, IL 60604

RE: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope:

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that Ed Wabick strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Sincerely,

PW
COMMERCIAL REAL ESTATE



Ed Wabick, SIOR
Principal

January 9, 2019

Ms. Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd., SI-6J
Chicago, IL 60604

RE: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope:

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that Marc Hale strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Sincerely,

PW
COMMERICAL REAL ESTATE



Marc Hale
Associate

Delivered Via E-mail pope.janet@epa.gov

January 9, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Re: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that Scott Duerkop - JLL, strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

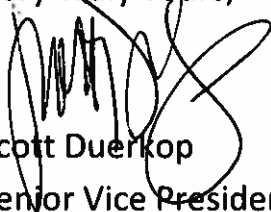
We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Scott Duerkop', written over a circular stamp.

Scott Duerkop

Senior Vice President

Jones Lang LaSalle

8755 W. Higgins Road Ste. 750

Chicago, IL 60631

+1 312 952 0260

January 9, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Re: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that The Lakota Group supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Scott A. Freres". The signature is stylized with large, flowing loops and a cursive script.

Scott A. Freres, PLA, ASLA
President
The Lakota Group Inc.



January 9, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

RE: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that V3, strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Very Truly Yours,
V3 Companies

Patrick Kennedy
Executive Vice President

Delivered Via E-mail pope.janet@epa.gov

January 9, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Re: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that Webster McGrath and Ahlberg, LTD strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Very Truly Yours,



LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE

GARY AHLBERG

President
Professional Land Surveyor
Illinois • Indiana • Wisconsin

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E-mail: wmaltd@wmaltd.com • Web: www.wmaltd.com

From: [Pope, Janet](#)
To: [Alcamo, Thomas](#); [Rodriguez, Charles](#)
Subject: FW: Zone 1 of the US Lead Superfund Site
Date: Monday, January 28, 2019 8:33:45 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

From: Patrick Lee <pmlee@pmlee.com>
Sent: Thursday, January 10, 2019 8:53 PM
To: Pope, Janet <Pope.Janet@epa.gov>
Subject: Zone 1 of the US Lead Superfund Site

Dear Ms. Pope,

We appreciate the diligent work done by USEPA Region 5 in managing the remediation of Zone 1 of the US Lead Superfund site. LEE Companies (www.leecompanies.net) is a regional Project Manager/Developer in Northwest Indiana and has managed many projects at the Gary Chicago International Airport, a very close neighbor to the east of the Superfund site. Our most recent project at GCIA is the development of a Customs & Border Patrol facility to process international arrivals. Our most notable project is the Gary Jet Center Hangar III, a state-of-the-art, LEED Gold, 40,000 SF Corporate Aircraft Hangar, the first LEED certified building in the City of Gary and one of only 4 LEED Gold certified private hangars in the world.

The City of Gary, the Regional Development Association, the State of Indiana, the FAA, and the USEPA have invested heavily in the Gary Chicago International Airport making it the premier regional airport in the Chicago airspace. A major impediment to further economic development and growth at the airport is the lack of available surrounding land zoned commercial for supporting businesses and services. I'm writing to encourage cleanup standards that will produce economical land for commercial/industrial use consistent with the needs of the Gary Chicago International Airport and the local and regional economy in general.

Thank you for the opportunity to comment!

Patrick M. Lee
President, LEED AP, BD+C

LEECOMPANIES
563 South Lake Street Gary, IN 46403

219 938-8829
219 938-6582 Fax
www.leecompanies.net

lothan van hook destefano
ARCHITECTURE LLC

10 January 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 W. Jackson Blvd. SI-6J
Chicago, Illinois 60604

Re; USS Lead Superfund Site redevelopment in East Chicago, Indiana Dear

Ms. Pope:

I'd like to take the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in east Chicago, Indiana. This letter is to communicate to your office that Lothan VanHook DeStefano Architecture supports an integrated clean-up plan that coordinates proposed cleanup activities with site redevelopment and construction for commercial / industrial land use. This approach will streamline the cleanup process and provide immediate benefits to the local and regional economy. The approach will further catalyze replacement housing in Zone 2 and revitalize the entire area.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in Superfund Site clean-up and redevelopment of environmentally challenged properties. Impact has submitted a proposal to LCEA in response to the RFP. They have proposed re-uses for the USS Lead site that include a mix of light industrial – Logistics, distribution, storage, office and training facilities. This is just the type of redevelopment that is market forward and easily constructed over the proposed site in a cost effective and sustainable manner.

The proposed plan will create hundreds of permanent, full time and multiplier jobs. The economic benefits to the area include significantly increasing annual economic output while also increasing property tax revenue. We are particularly excited about the proposal's inclusion of a number of green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with additional studies to incorporate these amenities in the adjacent residential neighborhood. In addition, the high-tech training facility in the redevelopment plan will facilitate training services for the new 3.5 million sf. modern distribution facility.

Again, we strongly support a redevelopment plan that expedites the site's clean-up while improving the schedule for economic benefit and community revitalization. Please do not hesitate to contact me If you have further questions or require additional information.

Warmest Regards,

Avram Lothan FAIA
Principal



January 11, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Re: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that Colliers International strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental who is understood to have 30 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

The economic benefit of the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact my office if you have further questions or need additional information.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "B. Zurawski", with a stylized flourish at the end.

Brian Zurawski, SIOR
Executive Vice President & Co-Market Leader, Indianapolis

Public CommentSheet

Use this space to write your comments

EPA is interested in your comments on the proposed cleanup plan for contaminated soil in the residential area (Zone I) for the USS Lead site. You may use the space below to write your comments. Submit them at the Nov. 29, 2018 public meeting, or fold, stamp and mail to EPA Community Involvement Coordinator Janet Pope. You may also fax this sheet to Janet at 353-385-5311. Comments must be P.OS!marked by Jan. 14, 2019. If you have questions, contact Janet at 312-353-0628, or toll-free at 800-621-8431, Ext. 30628, 9 a.m. -4:30 p.m., weekdays.

██████████ is submitting these comments regarding the November 2018 Proposed Record of Decision Amendment ("PRODA") for the USS Lead Superfund Site in East Chicago, Indiana. I feel Zone 1 should be cleaned to a level that is protecting the public health.

I would like the USEAP to clean Zone 1 using the 4D cleanup plan, excavation of contaminated soil to native sands, removes all the contaminated soil. The City of East Chicago's Mayor has written a letter to the USEPA stated that he plans on putting residential homes back on the Zone 1 property. No matter which type of foundation is used to build these new residential homes (slab, crawlspace or basement) the footing must be placed below the frost line which is 60" in Northwest Indiana. The sewer line must be placed below the frost line or they can freeze. Some of the existing infrastructure is dated and will require replacement or adaptation to the new construction. The water service lines are almost certainly made of lead. If Alternative 4B is elected, residential construction in Zone 1 will be dangerous, expensive, and ultimately unlikely. The responsible parties should bear the costs of cleaning up the soil to native sands and doing it right not the housing developers, small contractors, future home owners, utilities and the City of East Chicago.

I was not allowed to make an oral public comment regarding the cleanup plan of zone 1 at the November 29, 2018 public meeting.

The USEPA's didn't allow enough time for us to make our oral comments during the public meeting that was held on November 29, 2018. The USEPA stopped the meeting even though several residences were asking when they are going to have a turn to state how they are feeling about the cleanup plan including myself.

Name: [REDACTED] _____

Affiliation: CAG Board Member and Residence of
Zone 3 _____

Address: [REDACTED] _____

City: [REDACTED] _____

State: IN Zip: [REDACTED]

January 14, 2019

SENT VIA FEDEX AND EMAIL

Janet Pope
Community Involvement Coordinator
77 W Jackson Blvd, SI-6J
Chicago, IL 60604
Email: pope.janet@epa.gov

Re: Atlantic Richfield's Comments on the Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1), U.S. Smelter and Lead Refinery Superfund Site

Dear Ms. Pope,

Atlantic Richfield Company hereby respectfully submits Comments regarding the Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1) of the U.S. Smelter and Lead Refinery Superfund Site in East Chicago, Indiana, enclosed as Attachment A. These Comments have also been submitted in pdf form by email.

Please do not hesitate to contact me with any questions about these Comments or any other matter.

Sincerely,

Barnes & Thornburg LLP



Michael H. Elam

MHE/jmr
Enclosure

cc: Doug Reinhart
Steve Kaiser
Annette Lang
Lisa McCoy

BARNES & THORNBURG_{LLP}

ATTACHMENT A

To: Janet Pope, Community Involvement Coordinator, Region 5, U.S. EPA
From: Atlantic Richfield Company
Date: January 14, 2019
Re: Comments on the Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1), U.S. Smelter and Lead Refinery Superfund Site

These comments are respectfully submitted on behalf of Atlantic Richfield Company ("ARC") regarding the United States Environmental Protection Agency ("EPA") Proposed Record of Decision Amendment ("Proposed ROD Amendment") for parts of the U.S. Smelter and Lead Refinery Superfund Site (the "Site") - Operable Unit 1 in East Chicago, Indiana. We understand that the demolition of structures and removal of all hardscapes (roads, driveways, slabs, and parking lots) has prompted the EPA to issue the Proposed ROD Amendment for the former West Calumet Housing Complex ("WCHC") and Goodman Park in Zone 1 of the Site. With that said, ARC understands that the current potential exposures to contaminated soil have been eliminated by the relocation of residents, placement of mulch as a cover and fencing around the site. Therefore, evaluating the appropriate remedy for this area should take into consideration that the condition of the WCHC and Goodman Park is likely to change again as redevelopment occurs. ARC understands and appreciates the complexity of preparing a remedial plan which satisfactorily evaluates the technical, legal and community issues for an area with a long industrial and urban history. ARC is a proponent of using sound science and risk-based corrective measures and as such would like to address several substantive and significant issues consistent with applicable law and in support of good public policy.

Comment 1: It is inconsistent with EPA guidance and prior Site documents to state that 12 inches of clean soil is not protective of human health under a residential use.

The removal of 12 inches of soil that exposes clean soil beneath, or the use of a 12-inch cap of clean soil, is generally protective of human health under a residential land use scenario, under EPA policy. Nevertheless, on page 5 of the public notice document titled "EPA Proposes Cleanup Plan for Residential Area, Zone 1" (November 2018) ("Public Notice"), the EPA states that "Alternative 4A would not protect human health because only 1-foot of soil would be removed." This unqualified statement is inconsistent with the 2012 Record of Decision ("2012 ROD") and the Superfund Lead-Contaminated Residential Sites Handbook (August 2003) ("Lead Handbook").

The Proposed ROD Amendment (page 17) states that "Alternative 4A would not be protective of human health if the use of Zone 1 remains consistent with its past residential use, since only one-foot of soil would be excavated and gardening activities may extend below 12 inches." The soil that would be removed under Alternative 4A is soil that exceeds industrial/commercial Remedial Action Levels (RALs). See pages 14-15 of the Proposed ROD Amendment and page 4-9 of the Feasibility Study Report for USS Lead OUI Zone 1 Site (August 2018) ("2018 FS"). Alternative 4A does not include removal of all soil that exceeds residential RALs within 12

BARNES & THORNBURG^{LLP}

inches of the surface. The Public Notice is incomplete and potentially misleading because it omits the critical fact that industrial/commercial RALs, not residential RALs, are the basis for removing up to 12 inches of soil under Alternative 4A.

The Lead Handbook and the 2012 ROD would support the removal of 12 inches of soil that exceeds residential RALs (or the placement of a 12-inch cap of clean soil) as a Site remedy that is protective of human health. The 2012 ROD states that a 12-inch soil cover (which is Alternative 3 in the 2012 ROD), in conjunction with institutional controls, would be protective of human health (Section 2.10.1 at page 42). The Lead Handbook (Section 6.1 at page 37) states:

Based on Agency experience, it is strongly recommended that a minimum of twelve (12) inches of clean soil be used to establish an adequate barrier from contaminated soil in a residential yard for the protection of human health.... Thus, placement of a barrier of at least 12 inches of clean soil will generally prevent direct human contact and exposure to contaminated soil at depth.

EPA's prior determination at the Site and application of the Lead Handbook is consistent with numerous other residential lead sites across the country where excavation and/or placement of a 12 to 18-inch barrier of clean soil is deemed protective of human health under a residential use scenario, including, but not limited to:

- Jacobsville, 18-inches
- Herculaneum, 12-inches
- Tar Creek Site, 12-inches (changed from 18-inches via an Explanation of Significant Differences)
- Southwest Jefferson County Mining Site, 12-inches
- Oronogo-Duening Mine, 12-inches

Based on the Administrative Record for the Site, it is inaccurate for EPA to make an unqualified statement that 12-inches of soil is not protective of human health under a residential use scenario. The Proposed ROD Amendment documents should acknowledge that 12 inches of soil meeting residential RALs is protective of human health and environment under a residential use scenario if supported with appropriate Institutional Controls.

Comment 2: EPA's determination that all soil in the top 24-inches of the WCHC, Goodman Park and the Utility Corridor should be removed is not supported by the data.

The Proposed ROD Amendment states that "EPA's preferred remedial alternative will require all soils in the top 24 inches of the WCHC, Goodman Park, and the utility corridor to be excavated" (Section VII at Page 22). This conclusion is not supported by the data. In December 2017, prior to the demolition of the WCHC, 36 asphalt and concrete subbase samples were collected from beneath asphalt and concrete hardscapes and were analyzed for arsenic and lead, on behalf of the East Chicago Housing Authority ("ECHA"). Of the 36 samples, 20 samples (55.6%) did not exceed the residential RALs for the Site.

BARNES & THORNBURG_{LLP}

Based on this data a substantial portion of the soil formerly beneath the hardscapes in the WCHC meets the residential RALs. Excavation of all the formerly-covered areas would likely lead to the removal of a significant volume of additional soil without appropriate data to support it. In order to more accurately determine which soil conditions in fact require remediation, additional remedial design sampling is appropriate in the areas formerly covered by barriers.

Comment 3: While ARC supports EPA's efforts to facilitate redevelopment, until more details are known about a potential redevelopment, a ROD Amendment is premature.

Regardless of whether redevelopment is commercial/industrial or residential, addressing remediation goals during redevelopment of the Site is the most economically and environmentally beneficial method. One of the key recommendations in the Superfund Task Force Recommendation Report is to foster partnerships with local government and developers, and to integrate reuse needs into cleanup activities. The most economically beneficial way to remediate and redevelop the Site is to plan both activities at the same time.

Redevelopment of the former WCHC will include building foundations and hardscapes which will act as barriers to the contamination and protect human health, as acknowledged by EPA at this Site and countless others across the country. The former barriers were anticipated to be protective and prevent contact to potentially contaminated soil, and the existence of future barriers should be considered when designing the appropriate remediation plan for the Site. In addition, redevelopment will involve many other considerations such as grading and stormwater management, which should be considered in any remedy modification. Proposing a ROD Amendment that does not fully consider these factors, may increase redevelopment cost, result in rework and make redevelopment uneconomical. While EPA's proposed contingency remedy is helpful, a better approach would be to successfully integrate redevelopment into any necessary remedy modification. After redevelopment plans are known, EPA has flexibility in how best to address any modifications to the remedy.

Comment 4: Removal or addition of hardscapes do not require a ROD Amendment.

A ROD amendment is only required when there is a fundamental change in the scope or performance of a remedy.¹ Under the selected remedy in the Proposed ROD Amendment, the changes to the 2012 ROD are not fundamental.

It was documented at the time of the 2012 ROD that redevelopment and demolition activities were anticipated throughout OU1, and EPA acknowledged then that the selected remedy does not prevent construction or redevelopment within any property within OU1. The mere fact that hardscapes have been removed does not require a ROD Amendment. Increases to the volume of soil being removed and the expected costs can be documented in an Explanation of Significant Differences ("ESD"), as was done for Zones 2 and 3 in April 2018.

¹ EPA, A Guide to Preparing Superfund Proposed Plans, Records of Decision and Other Remedy Selection Decision Documents, November 27, 2012.

BARNES & THORNBURG^{LLP}

Comment 5: If EPA proceeds with the ROD Amendment, then it should reevaluate the entire former WCHC for an appropriate remedy.

The WCHC is now vacant, with no buildings and no hardscape, which makes a more flexible remedy possible. Rather than excavating soil, just to transport and place it somewhere else, and backfilling with clean soil, it is now possible to import clean soil or install new hardscapes through redevelopment to prevent exposure to contaminated soil. A remedy that places 12 inches of clean soil on top of contaminated soil and/or installs engineered barriers is just as effective in preventing exposure as excavating 24 inches of soil and disposing it off-site. As described in the Proposed ROD Amendment, this approach (Alternative 3A) can be performed at less cost and in less time, and without significant truck traffic carrying contaminated soil through the neighborhood.

The Lead Handbook and several other sites, as noted in Comment 1, allow for the use of a layer of 12 inches of clean soil to prevent residential exposure to lead-contaminated soil, where gardening is conducted in raised beds. This capping alternative was rejected by EPA in the 2018 FS because "Tying the soil cap into existing grade will result in technical challenges." (2018 FS, Table 3-1). However, the summary dismissal of Alternative 3A failed to give due consideration to this alternative. Because Zone 1 is so large (approximately 50 acres), tying a 12-inch cover system into existing grade at the perimeter of the area would require a transition of only a few hundred feet at a 0.5 to 1.0 percent slope, which would not represent a meaningful technical challenge or impediment to development.

Alternatively, further consideration should be given to excavation depths less than 24 inches. As noted above, EPA has determined that a 12-inch barrier is protective of human health in conjunction with institutional controls that limit gardening. In the event the Site is redeveloped as residential, such restrictions would easily be integrated into the redevelopment plan. As noted on Page 22 of the ROD Amendment, "EPA's preference for excavation down to 24 inches bgs (rather than down to groundwater or native sand) is based on its determination that digging deeper is not meaningfully more protective of potential users of the property and so does not justify the additional \$13 million and \$22 million." Because EPA has concluded that a 12-inch soil cover is protective, a similar evaluation for a 12-inch excavation should be performed to determine if the additional cost of a 24-inch excavation is justified. Therefore, EPA should consider a 12 or 18-inch excavation in its evaluation of alternatives under a residential use scenario, in accordance with the Lead Handbook.

Great progress has been made in remediating Zones 2 and 3 of the Site, and, to allow similar progress in the former WCHC and Goodman Park, ARC suggests that EPA further consider its recommended approach using remedial techniques that ensure a protective remedy while encouraging redevelopment and minimizing disruption to the community. In the event the comment period is extended or reopened, ARC reserves the right to amend and/or provide additional comments. If the EPA believes it is useful, ARC is willing to meet with the EPA to further discuss the basis of these comments and exchange information.

January 14, 2019

By email to pope.janet@epa.gov

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
77 West Jackson Boulevard, SI-6J
Chicago, IL 60604

Re: Comment on USS Lead Superfund Site (EPA ID IND 005 174 354)
Proposed Record of Decision Amendment

Dear Ms. Pope,

The East Chicago Calumet Coalition Community Advisory Group (“CAG”), Northwestern Pritzker Law Environmental Advocacy Clinic, and the Abrams Environmental Law Clinic at the University of Chicago Law School submit these comments regarding the United States Environmental Protection Agency’s (“USEPA”) November 2018 Proposed Record of Decision Amendment (“PRODA”) for the USS Lead Superfund Site in East Chicago, Indiana.

USEPA’s PRODA offers an opportunity to right an environmental injustice by removing all the known lead and arsenic contamination from the soil of Zone 1 of Operable Unit 1 of the USS Lead Site. USEPA should revise this PRODA for Zone 1 in a way that protects the public health of this overly burdened community¹ and reflects the most up-to-date health and environmental assessment data available. Only Alternative 4D, excavation of contaminated soil to native sands, removes all the contaminated soil. USEPA should select Alternative 4D, but it also should expedite the groundwater

¹ The USS Lead Site is an environmental justice community. USEPA, *U.S. Smelter and Lead Refinery Inc. Superfund Site, OUI Record of Decision* (“2012 ROD”), 15 (2012), available at <https://semspub.epa.gov/work/05/446987.pdf>.

remediation at the site (which is part of the Operable Unit 2 remedy); inclusion of the groundwater cleanup at this time would avoid both leaching of contamination into the groundwater and contamination spreading from the groundwater to the clean soil. When the remediation is complete, Zone 1 should be cleaned to the most protective level possible so that residents feel safe in their community. In light of the devastating and permanent health impacts of the contamination caused by the responsible parties, the decades of delay by government, and community preference, the most protective cleanup is the only acceptable approach for Zone 1 of the USS Lead Site.

These comments will explain that, based on its own analysis, USEPA should have selected Alternative 4D over Alternative 4B for at least three reasons. First, Alternative 4B does not protect public health or the environment. Alternative B leaves a tremendous amount of contamination in the ground and restricts activities below 24,” which makes future home building virtually impossible. Alternative 4B also does not address the contamination of groundwater. Second, the required balancing criteria favor Alternative 4D because it comes closest to providing a permanent cleanup. Third, Alternative 4D is the only plan with widespread community acceptance.

USEPA’s PRODA also relies on a flawed understanding of the site, and inadequate community participation in the decision-making of the future use of the site. These comments will draw attention to several substantial gaps in the PRODA. Despite the known errors of the original 2012 Remedial Investigation, 2012 Human Health Risk and 2011 Agency for Toxics Substances Report at the USS Lead Site, USEPA did not consider more up-to-date, site-specific information such as the 2017 Amereco Phase II Environmental Site Assessment and the 2018 Agency for Toxic Substances and Disease Registry report. In addition, the public process for the PRODA has failed to afford all

residents an opportunity to present oral comments. Moreover, the PRODA's unusual contingency plan allows USEPA to circumvent further public input by allowing USEPA to switch plans after the comment deadline.

I. Background

A. History of Contamination at the West Calumet Housing Project.

For generations, thousands of residents lived on the USS Lead Site, unaware that extremely high levels of lead and arsenic posed grave risks to their health. Historically, several lead smelters and a lead arsenate pesticide facility operated in the area surrounding the residential community known as Operable Unit 1 of the USS Lead Site. Government officials knew about the contamination even before 1972, when the East Chicago Housing Authority intentionally built public housing on top of the former Anaconda lead smelter.² At many points over the last 40 years, government officials failed to take action when faced with new information about the contamination—at great cost to the well-being of the impacted community.

Before the summer of 2016, the West Calumet Housing Complex (“WCHC”) housed more than 1,000 people, including almost 700 children.³ Goodman Park offered the community a playground, a pool, a sledding hill. Many children walked the short distance to the Carrie Gosch Elementary School, also in Zone 1. What residents did not know was that they were being exposed to extremely high levels of arsenic, lead, and other contaminants.

² The director of the agency would later be indicted for taking bribes from developers. *See, Lead Crisis in Housing Project was Actually No Surprise*, ASSOCIATED PRESS (Sep. 23, 2016), available at <https://apnews.com/0d508d2021bb45319a41708973ef7650>.

³ *Id.*

The public health crisis of the WCHC and the USS Lead Site became a national news story when, in July 2016, East Chicago Mayor Anthony Copeland ordered the relocation of WCHC residents and announced a plan to demolish the WCHC. He based his decision on newly revealed data collected by USEPA. Some soil samples at the WCHC showed lead as high as 91,000 parts per million (“ppm”)—more than 200 times the action level of 400 ppm. An indoor sample revealed 32,000 ppm of lead. Considering that no amount of lead is safe, the level of contamination at this site is unconscionable. Arsenic levels also dramatically exceeded the 26 ppm action level and were as high as 3,530 ppm, or more than 130 times above the standard.⁴

The contaminants at this site cause acute and chronic physical and mental health problems. Lead poisoning causes irreversible neurological harm and results in numerous and severe morbidities, such as significant biological and neurological damage affecting cognition, behavior, bodily functions, growth, and development.⁵ It is unsurprising that the Agency for Toxic Substances and Disease Registry’s (“ATSDR”) 2018 report about the USS Lead Site demonstrated that children in Zones 1 and 2 were up to three times more likely to have elevated blood lead levels than children in other parts of industrialized East Chicago.⁶ Arsenic, which is also present at the site, is a known carcinogen that can cause liver, bladder, and lung cancer.⁷

⁴ USEPA, *Results of Lead and Arsenic Testing in the West Calumet Housing Complex* (2016), available at <https://www.epa.gov/uss-lead-superfund-site/west-calumet-housing-complex-east-chicago-ind>.

⁵ Elise Gould, *Childhood Lead Poisoning: Conservative Estimates of the Social and Economic Benefits of Lead Hazard Control*, 117 ENV. HEALTH PERSP. 1162, 1162 (2009).

⁶ ATSDR, *Health Consultation*, 3 (Aug. 8, 2018), available at https://www.atsdr.cdc.gov/HAC/pha/USSmelterandLeadRefinery/US_Smelter_Lead_Refinery_HC_2018-508.pdf

⁷ USEPA, *Action Memorandum-Fifth Amendment: Request for a Change in Scope and Ceiling Increase for the Time-Critical Removal Action at the U.S. Smelter and Lead Refinery Site, East*

In September 2016, the Mayor announced the WCHC would be demolished, and USEPA put on hold its remediation of Zone 1. Without the hardscapes and buildings on the site, a new remediation plan would be necessary. By June 2017, the last few residents of Zone 1 had been forced to leave, and in 2018 the WCHC was demolished. The Carrie Gosch School building on the site had already been closed, and its students relocated to another school building off-site.

Testing of the soil under the former WCHC, required as part of the environmental assessment required before the WCHC demolition, revealed even more startling news about the depth and severity of the contamination. Lead and arsenic are present in massive concentrations “throughout the site,” in both the deep soil and groundwater.⁸ Samples taken four feet below ground level show lead at levels as high as 23,000 ppm and arsenic levels as high as 5,200 ppm, well above the 400 ppm and 26 ppm action levels, respectively.⁹ Arsenic exceeded the groundwater screening levels in 13 samples, in some cases by as much as 50 times the standard. Lead in the groundwater exceeded the screening levels in 16 wells, in some cases by as much as 100 times. While the contractors did not test below six feet, they reported that parts of the former Anaconda plant are buried as deep as 11 feet below ground.¹⁰ The environmental assessment report concluded: “Additional investigation is recommended to identify the source area and delineate the contamination vertically and horizontally.”¹¹

Chicago, Lake County, Indiana (Site ID # 053J), at 10 (March 2017), available at <https://semspub.epa.gov/work/05/933033.pdf>

⁸ Amereco, *Phase II Environmental Site Assessment* (Feb. 17, 2017), available at <https://semspub.epa.gov/work/05/941443.pdf>

⁹ *Id.* at 11.

¹⁰ *Id.* at Appendix B.

¹¹ *Id.* at 15.

B. USEPA's Proposed Amended Remedy for Zone 1

In response to the changed site conditions, USEPA was forced to adopt a new plan to remediate Zone 1. This new plan is the subject of the PRODA, which lays out the alternatives for the new course of action. This comment focuses on the remedial alternatives that include excavation, especially Alternative 4B and Alternative 4D.¹² These alternatives recognize the need to remove the contamination from the residential area of the USS Lead Site. Alternative 4B, which is USEPA's preferred remedy, removes the top 24" of soil.¹³ Alternative 4D removes all soil, fill, and slag down to the native sand.¹⁴ Each alternative replaces the excavated soil with clean fill, and USEPA has stated that either remedy would allow the site of the former WCHC to be used for residential purposes after remediation.¹⁵

While USEPA prefers Alternative 4B, the PRODA also includes a contingency to switch from Alternative 4B to Alternative 4A if "a sufficient level of certainty exists that an actual change in future land use to industrial/commercial is more probable than not to occur."¹⁶ While the preferred Alternative 4B would remove 24" of soil and designate the area residential, Alternative 4A is the remedy for future industrial or commercial use; it removes the WCHC and the Goodman Park soil to a depth of 12." Notably, the PRODA

¹² We agree that certain remedial alternatives were appropriately discarded without further consideration: Alternative 2 – Institutional Controls; Alternatives 3A and 3B – that leave the pollution in place and cover the site with either soil or asphalt.

¹³ U.S. Environmental Protection Agency Region 5, *Proposed Record of Decision Amendment, U.S. Smelter and Lead Refinery, Inc. Superfund Site East Chicago, Lake County, Indiana* ("PRODA") 2-3 (Nov. 2018), available at <https://semspub.epa.gov/work/05/943693.pdf>.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 2–3.

¹⁶ *Id.* at 4.

relegates Carrie Gosch School, also located in Zone 1, to a footnote where it indicates that Carrie Gosch will be cleaned in a manner consistent with the 2012 ROD.¹⁷

II. USEPA Should Learn from the Past and Select the Most Protective Remedy.

Even though generations of families have been permanently harmed by the past and ongoing exposure to lead and arsenic at the USS Lead Site, USEPA still has not selected the most protective cleanup plan. The preferred Alternative 4B would leave a tremendous amount of contaminated material—100,000 cubic yards—in the ground. We rejects this proposal. Instead, USEPA should adopt the “most protective remedy”—Alternative 4D, excavation down to native sand.¹⁸

Applying the nine criteria for analyzing remedial alternatives at CERCLA sites that are set forth in Section 121 of CERCLA¹⁹ and applicable regulations,²⁰ USEPA should reject Alternative 4B and select Alternative 4D. USEPA has interpreted these regulations as dividing the nine criteria into threshold criteria, balancing criteria, and modifying criteria.²¹ First, USEPA’s preferred remedy does not meet the threshold criteria of adequately protecting human health and the environment. Second, the balancing criteria are best met here by the most protective remedy—Alternative 4D. Third, USEPA’s preferred remedy, Alternative 4B, lacks community acceptance.

¹⁷ *Id.* at note 8.

¹⁸ USEPA itself calls this the most protective remedy. *PRODA*, *supra* note 13, at 17.

¹⁹ 42 U.S.C. § 9621 (2018).

²⁰ 40 C.F.R. § 300.430(e)(9)(iii) (2018).

²¹ *PRODA*, *supra* note 13, at 17.

A. The Preferred Remedy Does Not Meet the Threshold Criteria of Protecting Human Health and the Environment and Complying with Applicable or Relevant and Appropriate Requirements.

A selected remedial alternative must meet the threshold criteria of “adequately protect[ing] human health and the environment”²² and “complying with applicable or relevant and appropriate requirements.”²³

1. Alternative B does not adequately protect human health or the environment.

The cleanup under Alternative 4B is not sufficient to address health and environmental concerns that will arise should homes be built in Zone 1. Critically, Alternative 4B also does not address the health and environmental concerns associated with groundwater.

a. Remedial Alternative 4B Would Not Make Zone 1 Safe for Houses.

USEPA has selected Alternative 4B as the preferred remedy based on the flawed assumption that contamination below 24” causes no danger to human health. This assertion is based on “agency experience.”²⁴ USEPA provides no scientific evidence in support of this statement. Zone 1 is meaningfully different than most cleanup sites because no existing housing is in place; the building of new housing stock on the site is highly likely to disturb soil below 24.”

The 24” rule is almost certainly derived from the cleanup of Superfund sites with *existing housing*. Indeed, the original 2012 remedy for Zone 1, when the WCHC still stood, required a 24” excavation on impacted soil.²⁵ When USEPA considers the benefits of 24” excavation, it imagines a world in which development is complete and residents

²² 40 C.F.R. § 300.430(e)(9)(iii)(A) (2018).

²³ 40 C.F.R. § 300.430(e)(9)(iii)(B) (2018).

²⁴ *PRODA*, *supra* note 13, at 2.

²⁵ *2012 ROD*, *supra* note 1, at 4-5.

rarely dig below two feet.²⁶ Here, however, Zone 1 is awaiting redevelopment. Any residential building in Zone 1 will require significant excavation below 24,” particularly if the houses will be built with basements, which is common in this community.²⁷ Future contractors would need to excavate a significant amount of additional earth for this kind of construction, which raises concerns over whether building contractors will have the financial capacity and expertise needed to handle properly the contaminated material and protect nearby residents and workers.²⁸

Utilities pose an additional problem, which is relevant no matter what type of construction occurs at the site. The houses will need to be hooked up to gas, water, and electric. Many of these utilities are buried deeper than 24.” Indeed, some of the existing infrastructure is dated and will require replacement or adaptation to the new construction. The water service lines are almost certainly made of lead. If Alternative 4B is selected, residential construction in Zone 1 will be dangerous, expensive, and ultimately unlikely. The responsible parties should bear the costs of properly cleaning up the soil to native sands—not the housing developers, small contractors, future homeowners, utilities or the City of East Chicago.

Even if some of these issues are addressed, future residents may not have the knowledge of the contamination or the wherewithal to modify their activities to avoid the

²⁶ USEPA states that “gardening is the only activity that goes below 12.” *PRODA*, *supra* note 13, at 2.

²⁷ The Indiana Residential Code, 675 Indiana Administrative Code 14-4.3, requires all one or two family dwellings in Lake County to place footings at least 36” below ground for protection from frost heave. This virtually guarantees any new construction in Zone 1 will impact the contaminated soil left in the ground.

²⁸ Even if the future contractors could remove the sub-24” soil in a safe manner for this kind of construction, the remaining soil surrounding the basements would remain contaminated by lead and arsenic. It is precisely this problem that afflicts the residents of Zones 2 and 3, where basement flooding transports contaminants from subsurface soil into their homes and sumps.

contamination. Over time, there will be less and less awareness of the institutional controls at the site.²⁹ Certain individuals may want to build an addition to their home or a large shed that requires footings. They may not be aware of or capable of addressing the contamination, thereby exposing themselves and others to toxics when they proceed with construction.

In addition to the challenges of construction at this site, there are other significant risks of future exposure to the sub-24" contamination. Zone 1 sits in a dynamic ecosystem prone to flooding and erosion.³⁰ Unusual weather events such as major storms are expected to increase in the coming years.³¹ The impact of more extreme weather on the fragile ecosystem under Zone 1 threatens to overwhelm the 24" barrier, exposing contaminated soil and mobilizing contaminants.³² The PRODA does not consider potential flooding or threats associated with climate change.

²⁹ This "atrophy of vigilance" is common at Superfund sites. The case of Midvale, Utah is instructive. There, USEPA remediated a mixed residential/industrial site with a mix of excavation and institutional controls. These institutional controls required permits and testing prior to any digging. EPA even reimbursed the municipality for compliance costs. Yet no one ever followed this process. Within a few years, city workers would inadvertently find private and state excavations of contaminated soil, including a state road project. Env'tl. Law Inst., *Protecting Public Health At Superfund Sites: Can Institutional Controls Meet The Challenge?*, 37, 45-48, 58. (1999), available at <https://www.eli.org/sites/default/files/eli-pubs/d10.01.pdf>. See also, Sara Fox, *CERCLA, Institutional Control, and the Legacy of Urban Land Use*, 42 Env'tl. L. 1211 (2012).

³⁰ The Indiana Harbor Shipping Canal is located immediately adjacent on the western boundary of Zone 1. The entire area is considered within the fluvial erosion area of the canal. Indiana Department of Natural Resources, Fluvial Erosion Hazards in Indiana, <https://indnr.maps.arcgis.com/apps/webappviewer/index.html?id=43e7b307a0184c7c851b5068941e2e23>. Further, at least a portion of Zone 1 sits in a flood zone. See Indiana Department of Natural Resources Indiana Floodplain Mapping (searchable by address), <https://indnr.maps.arcgis.com/apps/MapSeries/index.html?appid=48665e0948b04b398fbc07b8ea1cf232>.

³¹ Chelsea Harvey, "Extreme Weather Will Occur More Frequently Worldwide E&E News (February 15, 2018), available at <https://www.scientificamerican.com/article/extreme-weather-will-occur-more-frequently-worldwide/>

³² EPA, "Superfund Climate Change Adaptation," (last visited on 1/14/19), <https://www.epa.gov/superfund/superfund-climate-change-adaptation>

In short, Alternative 4B is wholly insufficient to restore Zone 1 for actual homebuilding and does not adequately protect human health and the environment.

b. Remedial Alternative 4B Does Not Address the Health and Environmental Concerns Associated with Groundwater.

USEPA has stated repeatedly that it will consider the groundwater under Zone 1 as part of the ongoing Operable Unit 2 remedy,³³ but USEPA must also consider groundwater in the PRODA because it is part of the environment, as defined by CERCLA.³⁴ Under Alternative 4B, USEPA would leave behind contaminated soil that would leach arsenic and lead into the groundwater. In turn, the contaminated groundwater, which sometimes flows near the surface, also may contaminate the clean fill.

Because the groundwater investigation is in its earliest phase,³⁵ USEPA does not yet fully understand the nature and movement of the site's groundwater contamination. At the public meeting, USEPA characterized the present groundwater contamination below Zone 1 as "limited,"³⁶ but the available reports show otherwise. The Phase II Site Assessment reveals that arsenic levels exceed safe limits in 14 of 34 groundwater samples in Zone 1.³⁷ Seventeen wells contained lead in excess of Indiana Department Environmental Management ("IDEM") standards.³⁸

³³ 2012 ROD, *supra* note 1, 9; see also USEPA, *Operable Unit 2 – Update Oct. 2018*, <https://www.epa.gov/uss-lead-superfund-site/operable-unit-2-uss-lead-superfund-site>

³⁴ CERCLA regulations define "environment" as "the navigable waters [...] and any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States." 40 C.F.R. § 300.5 (2018).

³⁵ USEPA, *EPA Oversees Installation of Groundwater Monitoring Wells at the USS Lead Superfund site, East Chicago, Ind.*, available at <https://www.epa.gov/newsreleases/epa-oversees-installation-groundwater-monitoring-wells-uss-lead-superfund-site-east>

³⁶ The transcript of this meeting remains unavailable because of the federal shutdown.

³⁷ *Phase II Site Assessment*, *supra* note 8, at 12.

³⁸ *Id.*

Groundwater contamination may negatively impact the health of community members throughout the USS Lead Site. Although East Chicago pulls its drinking water from Lake Michigan, the groundwater contamination may reach residents in other ways, particularly considering the shallow depth of the region's groundwater.³⁹ For example, floodwaters containing contaminated groundwater may re-contaminate Zone 1 soil or enter residents' basements, further contaminating their homes and possessions.⁴⁰ Without a thorough study of the risks posed by groundwater contamination, USEPA cannot predict the ultimate health consequences of ignoring groundwater in the PRODA. Without more certainty, the PRODA has failed to meet the threshold standard of protecting human health.

By refusing to address the groundwater concerns, Alternative 4B does not protect the environment. In addition, Zone 1 is hydraulically connected to the Indiana Harbor Shipping Canal, the Grand Calumet River, and the Lake Michigan watershed.⁴¹

³⁹ The water table in East Chicago runs from 0 to approximately 5 feet deep. The water table level is primarily set by the level of Lake Michigan, which is presently high. *U.S. Geological Survey Water-Resources Investigations Report 92-4115*, 2 (1993); <https://pubs.usgs.gov/wri/1992/4115/report.pdf>; Northwest Indiana Times, "Lake Michigan water levels at the highest point in 20 years causing headaches for some who call the beach home," (June 11, 2018), https://www.nwitimes.com/news/local/lake/lake-michigan-water-levels-at-highest-point-in-years-causing/article_241032cc-4135-5f39-b8b3-2d8c8fce4224.html. Also, residents in the Zone 2 and Zone 3 regularly report groundwater seepage in their basements. USEPA should have considered this issue more rigorously before deciding to leave the contamination in the ground.

⁴⁰ At the public meeting, USEPA said that if the sub-24" contamination proves to be a source for groundwater problems, USEPA will initiate a pump and treat option. Yet in the RCRA remediation at the neighboring DuPont site, USEPA rejected pump-and-treat because it does not meet "green remediation practices." USEPA, *DuPont Statement of Basis*, 20 (2017), available at https://www.epa.gov/sites/production/files/2017-11/documents/final_dupont_east_chicago_western_portion_statement_of_basis_-_11-2-17_2.pdf. As is discussed below under II.B., the most effective treatment option is to remove the contamination now.

⁴¹ Joseph M. Fenelon And Lee R. Watson, *Geohydrology and Water Quality of the Calumet Aquifer, in the Vicinity of the Grand Calumet River/Indiana Harbor Canal, Northwestern Indiana* *U.S. Geological Survey Water-Resources Investigations Report 92-4115*, 2 (1993) (noting that the study would support efforts to understand whether contaminated groundwater was degrading Lake Michigan water quality), available at

Groundwater from the site may contribute to the contamination of these various bodies of water. It is in the best interests of the community and the environment for USEPA to address groundwater contamination during the course of this remediation.

In addition to omitting groundwater and waterways, the PRODA also leaves out any consideration of wildlife found at the USS Lead site. When USEPA prepared the 2012 ROD, it summarily concluded that no ecological risk assessment was needed.⁴² USEPA has not considered whether the documented presence of a bald eagle nest in nearby Operable Unit 2 of the USS Lead Site alters that conclusion.

Thus, USEPA should revisit its analysis of the public health and the environment criterion for each alternative.

2. Alternative B Does Not Comply with Applicable Indiana Law

USEPA must assess a second threshold criterion—whether each alternative complies with “applicable or relevant and appropriate requirements” (“ARARs”).⁴³ But that has not happened here. USEPA merely included a table of ARARs; it did not evaluate them.

In particular, USEPA did not evaluate Alternative B’s compliance with Indiana code that relates to leaching of contaminants from soil to groundwater. The Indiana Remediation Closure Guide provides

[r]esidential migration to ground water screening levels apply to chemicals present in vadose zone soils. Exceedance of residential migration to ground water screening levels suggests the potential for chemicals in the soil to leach to ground water at concentrations that exceed residential ground water direct contact screening levels.⁴⁴

<https://pubs.usgs.gov/wri/1992/4115/report.pdf>.

⁴²2012 ROD, *supra* note 1, at 15 (2012).

⁴³ 40 C.F.R. § 300.430(e)(9)(iii)(B) (2018).

⁴⁴ Indiana Department of Environmental Management (“IDEM”), *Indiana Remediation Closure Guide*, 163, Appendix A, available at https://www.in.gov/idem/cleanups/files/remediation_closure_guide.pdf. Although the Guide

The Feasibility Study (“FS”) lists the Indiana Voluntary Remediation act as an ARAR.⁴⁵

It also acknowledges that the Phase II Site Assessment found samples that greatly exceeded the Indiana Closure screening levels. Nonetheless, neither the FS nor the PRODA analyze the threat to groundwater at all and do not demonstrate that Alternative 4B meets this ARAR.

USEPA should undertake a proper analysis of all ARARs before finalizing its remediation plan here.

B. The Two Most Important Balancing Criteria—Permanence and Reduction of Toxicity—Support Alternative 4D.

Although Alternative 4B does not meet the threshold criteria for the reasons stated above, for plans that do meet the threshold criteria, USEPA must weigh the five balancing criteria: long-term effectiveness, reduction of toxicity and mobility through treatment, short-term effectiveness, implementability, and cost.⁴⁶ These criteria are not equal: “Long-term effectiveness and permanence” and “reduction through treatment” are the two most important.⁴⁷ Indeed, “permanence is a major theme of CERCLA Section 121” and “is often decisive where the alternatives vary significantly” in the amount of toxic materials left onsite.⁴⁸ In addition, “those criteria that distinguish the alternatives the most will be the most decisive factors in the balancing.”⁴⁹ Alternative 4D is the only

states that site-specific levels may be set higher than screening levels, it requires a risk characterization in those cases. *Id.* at 16.

⁴⁵ USEPA, *Feasibility Study Report for USS Lead OUI Zone 1 Site East Chicago, Indiana* (2018) at Table 4-2.

⁴⁶ PRODA, *supra* note 13, at 17.

⁴⁷ 40 C.F.R. § 300.430 (2018). (“The balancing shall emphasize long-term effectiveness and reduction of toxicity, mobility, or volume through treatment”). *See also* USEPA, OSWER 9355.0-27FS, *A Guide to Selecting Superfund Remedial Actions* (“Guide”), 3–4, <https://www.epa.gov/superfund/key-principles-superfund-remedy-selection>

⁴⁸ *Guide*, *supra* note 47, at 4.

⁴⁹ *Id.* at 5.

remedy that is permanent and effective over the long term, and it results in the greatest reduction of toxicity. The only criteria that cut against Alternative 4D are less important under CERCLA. There is little difference among the remedies along the dimensions of implementability and cost. It appears USEPA has chosen Alternative 4B principally based on the balancing factor of cost, which is contrary to regulation and guidance.

1. EPA Should Select Alternative 4D Because It Is the Remedy that is Permanent and Effective Over the Long-Term and that Reduces Toxicity to the Maximum Extent Practicable.

“Long-term effectiveness and permanence” is one of the “two most important” balancing factors,⁵⁰ and USEPA notes that Alternative 4D “provides the greatest degree” of long-term effectiveness, requiring no operation and maintenance or institutional controls.⁵¹ It is not a matter of degree, it is a matter of kind; Alternative 4D is permanent and effective over the long-term, while the other alternatives are not. Alternative 4D does not depend on good luck or the future goodwill of anyone. It neither depends on USEPA’s attention nor residents or developers adhering to the underground warning barriers or deed restrictions for decades in the future. Unlike any other plan, Alternative 4D completely removes the contamination from the soil.

The other most important balancing factor is “reduction through treatment,”⁵² and Alternative 4D achieves the greatest reduction of toxicity and mobility of contaminants.⁵³ USEPA estimates Alternative 4D will remove and treat more than 1.5 times the volume of contaminated soil as Alternative 4B.⁵⁴ The amount of toxic metals removed may be

⁵⁰ *Id.* at 3-4.

⁵¹ *PRODA*, *supra* note 13, at 19.

⁵² *Guide*, *supra* note 47, 3-4.

⁵³ *PRODA*, *supra* note 13, at 19.

⁵⁴ *Id.* at 14-15.

even higher than USEPA's estimate because the soils below 24" are more contaminated than those above 24." USEPA tested down to 30" in Zone 1 and found the highest arsenic concentrations between 24" and 30."⁵⁵ The Phase II Site Assessment tested down to six feet and found even very high levels of lead and arsenic below 30." USEPA also recognizes the existence of plant debris down to eight feet. Alternative 4D also does more to protect the groundwater than all the other remedies by removing the contaminated soil as a source of pollution.⁵⁶ If USEPA selects an alternative other than Alternative 4D, contamination will continue to leach into the groundwater, a principal concern in mobility reduction.⁵⁷

2. Implementability and Short-Term Effectiveness Are Not Determinative.

Because the criteria of implementability and short-term effectiveness do not distinguish significantly between Alternative 4D and Alternative 4B, USEPA should accord those criteria little weight when it considers them as balancing factors.⁵⁸ As USEPA notes, both Alternative 4B and Alternative 4D are "readily implementable" and have been "used successfully at other environmental cleanup projects."⁵⁹ Alternative 4D takes five months longer, which makes it marginally less safe in the short term for workers and residents.⁶⁰ Likewise, Alternative 4D is slightly more difficult to implement "due to the challenges associated with excavating below the groundwater table,"⁶¹ requiring "[s]ide slope stability, dewatering of the excavation, and possibly treatment of

⁵⁵ *Id.* at 11-12, Table 1.

⁵⁶ See *supra* section I.A.1.b. As discussed above, though, USEPA should coordinate the Zone 1 remedy with the ongoing groundwater investigation.

⁵⁷ *PRODA*, *supra* note 13, at 19.

⁵⁸ *Guide*, *supra* note 47, 5 ("[T]hose criteria that distinguish the alternatives the most will be the most decisive factors in the balancing").

⁵⁹ *PRODA*, *supra* note 13, at 21.

⁶⁰ *Id.* at 20.

⁶¹ *Id.* at 21.

the contaminated groundwater.”⁶² However, the modest increase in time and difficulty pale in comparison to the profound difference in permanence and reduction of toxicity achieved by Alternative 4D.

3. EPA’s Consideration of Cost Is Flawed.

While “cost effectiveness” is a balancing factor,⁶³ it is not considered in a vacuum, and USEPA should not have given it the determinative weight that it did here.

It appears that USEPA chose Alternative 4B as the preferred remedy primarily based on cost. The selection of Alternative 4B as the preferred remedy hinges on a single sentence: “[D]igging deeper is not meaningfully more protective of potential users of the property and so does not justify the additional . . . \$22 million in estimated costs.”⁶⁴ USEPA’s conclusion lacks support.

First, this statement discounts the stated value—permanence—of fully removing the soil contamination. USEPA states that Alternative 4D is statutorily more protective: “Alternative 4D would be the *most protective* since all materials, including debris, would be excavated down to native sand and disposed of off-site.”⁶⁵ USEPA also noted that Alternative 4D “would eliminate potential exposure.”⁶⁶ In practical terms, the removal of thousands of tons of contamination sitting on top of the groundwater is “meaningfully more protective” of neighboring property owners who are in the path of that groundwater. The removal of the contamination is “meaningfully more protective” of people and wildlife that use the Calumet River, the Indiana Harbor Canal, and Lake Michigan. It is,

⁶² *Id.*

⁶³ 42 U.S.C § 9621 (2018).

⁶⁴ *PRODA*, *supra* note 13, at 22.

⁶⁵ *Id.* at 18 (emphasis added).

⁶⁶ *Id.*

simply put, “meaningfully more protective” not to live above a buried lead smelter, even if the top layer of that contamination has been scraped off. USEPA erred when it discarded Alternative 4D, without any scientific basis, on the grounds that the difference in protection is not “meaningful.”

USEPA’s analysis of cost is also flawed. USEPA relies on the cost differential of \$22 million—the maximum difference— to support its selection of Alternative 4B. This figure is improperly enlarged by two flawed assumptions. First, USEPA incorporates larger *construction* contingencies into their cost estimates for Alternative 4D (30%, or almost \$12m) than into Alternative 4B (10%, or \$2.4m). Had USEPA assumed a 10% contingency for Alternative 4D, then the differential would have been \$16m. Second, the analysis ignores *future* contingencies. Alternative 4D, as USEPA has stated, will not create future costs because it leaves no soil contamination behind.⁶⁷

USEPA guidance explains the circumstances in which cost can serve as a deciding factor: “Cost may play a significant role in selecting between options that appear comparable with respect to the other criteria, particularly long-term effectiveness and permanence.”⁶⁸ However, as discussed above, Alternative 4D and Alternative 4B are not comparable with respect to long-term effectiveness and permanence; Alternative 4D is permanent and effective over the long-term, but Alternative 4B is not. USEPA is supposed to start with the alternative that meets the statutory goals of permanence and treatment and then determine whether the cost is proportional to the effectiveness of the remedy;⁶⁹ it is not allowed to ignore permanence and, in response to cost, decide a lesser

⁶⁷ *PRODA*, *supra* note 13, at 16.

⁶⁸ *Guide*, *supra* note 47, at 4.

⁶⁹ USEPA, OSWER 9200.3–23FS, *The Role of Cost in the Superfund Remedy Selection Process*, 5 (1996), available at <https://semspub.epa.gov/work/HQ/174446.pdf>.

remedy is good enough. As discussed above, the implementability and short-term effectiveness factors do not contradict Alternative 4D. Instead, it seems USEPA impermissibly used cost as the deciding factor between two incomparable remedies.

As applied here, the Superfund remedy selection analysis also neglects the long-term, saved costs associated with a more protective plan.⁷⁰ Who wins if USEPA selects the less protective option? The companies, who profited off the land for decades, will pay less to address their pollution. Meanwhile, families whose lives have been permanently altered, at great economic and emotional cost, will remain in harm's way.

USEPA should adhere to its mission and protect people over profits by selecting Alternative 4D, which removes the most contamination and offers permanence.

C. The Community Does Not Accept USEPA's Preferred Remedial Alternative.

After hearing from residents during the comment period, USEPA must consider “community acceptance” as a modifying criterion.⁷¹ Public participation is a key principle of both Superfund⁷² and environmental justice,⁷³ and “community acceptance” is the criterion that effectuates this public participation in the remedy selection phase. USEPA guidance defines this criterion as “whether the local community agrees with the USEPA’s analyses and preferred alternative.”⁷⁴

⁷⁰ USEPA’s approach to cost comparison is incomplete because it looks only at the immediate costs of the particular cleanup and does not include the long-term costs that others would have to bear to bring the site back into actual productive use.

⁷¹ 40 C.F.R. § 300.430(e)(9)(iii)(I) (2018).

⁷² 42 U.S.C. § 9617 (2018).

⁷³ See *infra* note 84 and accompanying text.

⁷⁴ USEPA, EPA 540-R-98-031, OSWER 9200.1-23(P), PB98-963241, *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents*, A-8 (1999), available at https://www.epa.gov/sites/production/files/2015-02/documents/rod_guidance.pdf.

To date, the most protective alternative, i.e. Alternative 4D, has received overwhelming popular support from the residents impacted by the contamination. The CAG is comprised of long time and life-long residents of the USS Lead Site, including former residents of Zone 1. Other community stakeholders have also stated that the contamination in Zone 1 should be removed, not buried as a potential problem for the future. These are the highly impacted residents that guidance suggests must be heeded in analyzing the community acceptance criterion.⁷⁵ At the public meeting on November 29, 2018, oral comments universally favored removing the contamination fully.⁷⁶ Moreover, the Mayor of East Chicago has also expressed support for Alternative 4D.⁷⁷

The CAG is aware of no one in the local community who accepts USEPA's preferred alternative, Alternative 4B. No one spoke at the public meeting in support of Alternative 4B. By contrast, many in the community—including the CAG—have vocally objected to the preferred Alternative 4B.

If USEPA selects remedy Alternative 4B, it will categorically ignore the voice of the community and fail to consider meaningfully the community acceptance criterion. As former Administrator Scott Pruitt said about East Chicago: “[I]t’s time to assess and make decisions and put the community first.”⁷⁸ The story of the USS Lead Site is a story about severe harm done to a community without the residents’ knowledge. Lead smelting companies contaminated this community throughout the twentieth century; housing

⁷⁵ *Id.* at 3-9.

⁷⁶ See *infra* section III.A. Several meeting participants were holding numbers when the meeting ended because of venue constraints. To properly analyze this criterion, USEPA must hold a second public meeting.

⁷⁷ Letter from Anthony Copeland, Mayor of East Chicago, IN, to USEPA (Dec. 4, 2018).

⁷⁸ Katie Mettler, *Escaping one of the nation's worst environmental disaster zones*, WASHINGTON POST (Aug. 20, 2017), https://www.washingtonpost.com/national/health-science/escaping-one-of-the-nations-worst-environmental-disaster-zones/2017/08/20/c0020fa8-77a7-11e7-8839-ec48ec4cae25_story.html?utm_term=.5ad6a260b0bd.

agencies built public housing on top of the known contamination; and multiple levels of government failed in their task of averting the health disaster at WCHC. USEPA now must choose between honoring the input of the impacted community or perpetuating more than 40 years of environmental injustice.

D. EPA Should Incorporate Carrie Gosch into the PRODA.

The Carrie Gosch School is part of Zone 1, but USEPA has omitted it—without explanation—from this PRODA and instead indicates only that the school will “remain covered by the remedy in the 2012 ROD.”⁷⁹

The lack of attention to the plans at Carrie Gosch belies the substantial and important uncertainty that remains about that portion of the site. Based on the 2012 ROD, USEPA presumably plans to treat “impacted soil” down to 24” on the school grounds.⁸⁰ In the meantime, though, USEPA has not explained whether it has conducted testing recently on the grounds of the school, and it has not shared results of any testing done after 2010.⁸¹

The lack of information about recent soil sampling at Carrie Gosch is concerning for two reasons. First, it is possible that nearby demolition activities led to increased deposition of contaminated soil or dust at the school. Second, Amereco’s Phase II Environmental Site Assessment calls for more investigation to characterize the boundaries of the contamination under the WCHC; this contamination may well extend under Carrie Gosch, but USEPA will not find out if it fails to investigate further. Further, at the public meeting, USEPA did not say when it would complete soil remediation on

⁷⁹ *PRODA*, *supra* note 13, at note 8.

⁸⁰ *2012 ROD*, *supra* note 1, at 48.

⁸¹ See *Sampling Data Viewer*, USS Lead Superfund Site Website, <https://epa.maps.arcgis.com/apps/MapSeries/index.html?appid=d45c8610b7364b8f931fdbb748d607c1>.

the grounds of the school—under the flawed 2012 plan—despite the fact that Carrie Gosch is already being used as a church and a day care facility.

Rather than relegating the Carrie Gosch portion of the site to secondary status, USEPA needs to do more to investigate and to address the needs at school site to ensure the safety of both adults and children who regularly visit the site. The PRODA must be amended to provide a more thorough analysis of the soil and groundwater at Carrie Gosch. A proper remediation there is overdue.

III. USEPA’s Approach to the PRODA Process Has Failed to Involve Impacted Residents Meaningfully.

A. Not All Residents Were Given the Opportunity to Speak at the Public Meeting.

We object to USEPA’s process for completing the PRODA. USEPA regulations explicitly state that the public should be afforded an opportunity to submit oral and written comments on the selection of a proposed remedy, including a proposed ROD amendment.⁸² The regulations also require USEPA to hold a public meeting for the plan.⁸³ In addition, USEPA’s obligation to promote environmental justice necessitates that residents have an opportunity for “meaningful input” in the decisionmaking process.⁸⁴

⁸² 40 C.F.R. § 300.430 (f)(3)(C).

⁸³ 40 C.F.R. § 300.430 (f)(3)(D).

⁸⁴ See Executive Order 12,898, “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations,” 59 Fed. Reg. 7629 (Feb. 11, 1994). USEPA defines “meaningful involvement” so that “1) potentially affected populations have an appropriate opportunity to participate in decisions about a proposed activity [i.e., rulemaking] that will affect their environment and/or health; 2) the population’s contribution can influence [the USEPA’s] rulemaking decisions; 3) the concerns of all participants involved will be considered in the decision-making process; and 4) [the USEPA will] seek out and facilitate the involvement of population’s potentially affected by USEPA’s rulemaking process” Technical Guidance for Incorporating Environmental Justice into Regulatory Analysis, 9 (2016) (citing 2015 EJ Process Guidance), https://www.epa.gov/sites/production/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf.

Here, USEPA has literally silenced resident voices. Several residents were not given an opportunity to provide oral comment at USEPA’s November 29, 2018 public meeting. The CAG submitted a letter requesting a second public comment meeting, and USEPA agreed to schedule a January 10 meeting; USEPA then cancelled the meeting due to the government shutdown.

The need for a second public meeting stands, and USEPA should have postponed the comment deadline and allowed for a public meeting after the shutdown ends.⁸⁵ Given that the USEPA has not met its burden of community involvement, community preferences—as expressed in this comment and others submitted by residents in the community—should be afforded extra weight at the very least.

B. A Contingency Plan Amendment Introduces Unacceptable and Unnecessary Uncertainty

USEPA’s proposed amended cleanup plan includes the possibility of selecting a contingency plan amendment.⁸⁶ As outlined by USEPA, this contingency plan amendment would contain conditions that, if triggered, would change cleanup standards from entirely residential to industrial/commercial in some areas and residential in others.⁸⁷ We strongly object to such an inclusion because it strips the community of its agency and because USEPA’s own criteria for inclusion of such a contingency have not been met.⁸⁸

⁸⁵ In contrast, in matters involving the United States as a party, the Department of Justice sought and received two-week extensions. *See, e.g.*, “General Order Holding In Abeyance Civil Matters involving the United States as a Party,” General Order 18-0028 (N.D. IL 12/26/31).

⁸⁶ PRODA, *supra* note 13, at 3.

⁸⁷ *Id.*

⁸⁸ We also reject Alternative 4A—even for commercial/industrial. No matter the use, it will not be entirely covered with hardscape. Different industrial/commercial uses involve differing levels of exposure to contamination. Furthermore, in the PRODA, USEPA acknowledges the difficulty of maintaining perimeter grading and stormwater management with an asphalt cap that is

USEPA has offered no limiting factor on when a change in land use pursuant to a contingency could occur. This means that in the future the land use could change without community concerns being taken into account.⁸⁹

This divestiture of power of the impacted residents is particularly troubling given the environmental justice concerns in East Chicago. The contingency plan leaves the residents “disenfranchised from the local land use planning and development process,”⁹⁰ which is “an especially important issue where there are concerns regarding environmental justice in the neighborhood around the NPL site.”⁹¹ In this context, USEPA guidance requires that “[c]onsistent with the principle of fairness, USEPA should make an extra effort to reach out to the local community to establish appropriate future land use assumptions as such sites.”⁹² The contingency plan option makes no extra effort to ensure its land use assumption, if changed, will meet the community’s needs at that time.

USEPA has stated that including a contingency “would be appropriate only if, at the time of the ROD amendment, a sufficient level of certainty exists that an actual change in future land use to industrial/commercial is more probable than not to occur.”⁹³ There is now high certainty that the future land use of Zone 1 will be residential, and thus inclusion of such a contingency would be inappropriate and unnecessary under USEPA’s own standard.

expressly designed for environmental cleanup. Such operations would be much more difficult on an operating industrial/commercial site.

⁸⁹ It is unclear whether USEPA has committed to making a decision about the use and clean up levels before it submits the revised ROD and revised consent decree to the court. If USEPA does not need to make that choice before, then there could be effectively no review by anyone of USEPA’s decision.

⁹⁰ USEPA, OSWER Directive No. 9355.7-04, *Land Use in the CERCLA Remedy Selection Process* (“*Land Use*”), 6 (May 25, 1995).

⁹¹ *Id.*

⁹² *Id.*

⁹³ *PRODA*, *supra* note 13, at 4.

USEPA guidance states that USEPA's assumptions about future land use should come from discussions with the public, as well as local land use planning authorities and local officials.⁹⁴ Additionally, USEPA has enumerated a variety of factors that it should consider when determining reasonably anticipated future land use, of which several are key here: current land use, zoning, and environmental justice issues.⁹⁵

Direction from officials and residents, as well as consideration of factors that USEPA has articulated for its determinations in this context, unequivocally indicates that the current desired and appropriate land use for Zone 1 is residential. First, the West Calumet Housing Complex parcel was residential until the 2016 evacuation and demolition of the West Calumet Housing Complex and will remain zoned as residential.⁹⁶ Had the severity of lead exposure not forced this departure, the site likely would have remained a housing complex. Importantly, environmental justice issues are particularly acute in East Chicago, and accordingly the concerns of residents should be weighted heavily. The CAG members do not want any contingencies regarding land use included in the cleanup plan because this community desperately needs certainty and assurance. Finally, Mayor Copeland recently wrote a letter to USEPA where he articulated his plans for residential development in Zone 1:

My vision for the Calumet Neighborhood is that there will be new residential development there...[t]he City...intends to do residential in-fill development within the existing neighborhood once these areas have been remediated...[m]y preference for the land use in Calumet, including West Calumet has always been,

⁹⁴ "In order to ensure use of realistic assumptions regarding future land uses at a site, USEPA should discuss reasonably anticipated future uses of the site with local land use planning authorities, local officials, and the public, as appropriate, as early as possible during the scoping phase of the RI/FS." See *Land Use*, *supra* note 90, at 4.

⁹⁵ *Id.* at 5.

⁹⁶ USEPA, "Potential for Reuse: East Chicago, IN," <https://semspub.epa.gov/work/HQ/100001469.pdf>

and will continue to be new and revitalized residential development.⁹⁷

In sum, the relevant parties and factors support a residential land use designation for Zone 1. Now that any uncertainty has been eliminated USEPA should amend the PRODA to eliminate the contingency option.⁹⁸ Otherwise, USEPA makes a mockery of CERCLA's requirement for public participation.

C. USEPA Has Failed to Engage Residents in the Redevelopment Process

In its 2010 guidance on considering reasonable anticipated land use at Superfund sites, USEPA states that Regions should “solicit broad, diverse community input as part of the Superfund cleanup process;” it recommended that USEPA “consult with the site’s stakeholder community (i.e., local governments, community groups, the site’s owners, individuals, states, tribes, etc.) to obtain input on future use options and to discuss how particular remedies may affect a site’s future use options.”⁹⁹ The guidance document encourages USEPA to solicit input from the community because “early community involvement, with a particular focus on the community’s desired future uses of property associated with the CERCLA site, should result in a more democratic decision-making process”¹⁰⁰ and because “[i]mportant information about reasonably anticipated future land uses can be learned from community members.”¹⁰¹

⁹⁷ Letter from Mayor Anthony Copeland to USEPA, Dec. 4, 2018. While the letter mentions that developers have expressed interest in the site, the speculative interest of this nature has no place in USEPA consideration of land use when unsupported by any of the relevant factors.

⁹⁸ Nothing would stop USEPA from amending the ROD again if conditions change. Moreover, nothing would prevent the use of the site for commercial or industrial purposes if it is cleaned to a residential standard.

⁹⁹ USEPA, OSWER Directive 9355.7-19, *Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites* 3 (2010).

¹⁰⁰ *Id.* (citing USEPA, *Land Use in the CERCLA Remedy Selection Process* 1 (1995)).

¹⁰¹ *Id.* at 6.

USEPA's 2017 Superfund Redevelopment Task Force Report recommended that Regions take an even more active role in facilitating redevelopment plans for Superfund sites. This active role includes facilitating relationships between local stakeholders, PRPs, and communities,¹⁰² and "connect[ing] each [Superfund] community with a similarly situated community that has had revitalization success."¹⁰³ It also asks that USEPA provide information and/or training for community members and local government about the process of redeveloping a site including "envisioning and developing an economically feasible redevelopment plan for the site,"¹⁰⁴ and financing redevelopment.¹⁰⁵ Finally, it recommends that USEPA provide technical information about the site to parties interested in redevelopment including local government, community members, and potential developers.¹⁰⁶

¹⁰² USEPA, *Superfund Task Force Recommendations* 24 (2017) (Recommendation 39: "Facilitate interactions for local stakeholders/PRPs/communities to work together. Actively encourage PRPs to engage and be supportive of the process, demonstrating that an engaged community looking to the future can speed up cleanups, have realistic expectations, act as stewards, and promote successful reuse.").

¹⁰³ *Id.* at 24.

¹⁰⁴ *Id.* at 23. *See also* Recommendation 36: USEPA should "[p]rovide training/fact sheets/on-line information on . . . [h]ow the redevelopment of the site fits with a broader vision for the economic revitalization for the community" and on "[c]ommunity partners and other resources available to Superfund communities that can provide design charrettes, and other reuse visioning support."

¹⁰⁵ *Id.* at 22 (Recommendation 39: USEPA should "[f]acilitate and take a proactive approach in involving additional funding institutions/organizations."); *see also* Recommendation 36: USEPA should "[p]rovide training/fact sheets/on-line information on. . .[t]ools/approaches necessary for local governments . . . to encourage investment" and on "[f]unding/financing mechanisms . . . available to local communities."

¹⁰⁶ *Id.* at 20 (Goal 4, Strategy 1: "Reuse is further promoted when the community, including developers, has access to more information about an individual site and the sites around it. This includes determining which types of sites businesses/industries/developers are interested in potentially redeveloping and sharing information with them to promote Superfund site redevelopment."). USEPA listed the USS Lead Site as priority for redevelopment and it went to the trouble to produce a redevelopment fact sheet for businesses, which references the planned residential zoning for much of Zone 1, but did not seek input from residents and has not produced a thorough remediate plan that will facilitate residential development at the site. *See* <https://www.epa.gov/superfund-redevelopment-initiative/superfund-redevelopment-focus-list>.

Despite this official agency direction, USEPA has failed to solicit and incorporate community input regarding community members' preferred future use of Zone 1 sufficiently when it devised the proposed cleanup plan for Zone 1. Community members have expressed frustration about the lack of redevelopment planning for Zone 1.¹⁰⁷ Earlier action by the USEPA to facilitate discussion about the redevelopment of Zone 1 may have helped to achieve a shared vision for Zone 1's future use before the issuance of the PRODA. USEPA's more complete engagement may have eliminated its perceived need for USEPA's contingency plan in the Amended Plan, which has fostered greater uncertainty about the site's future.

Moving forward, although USEPA cannot dictate the future use of Zone 1, it should go further to meet the obligations and recommendations laid out in the 2010 guidance and the 2017 report. For example, USEPA should facilitate a visioning process for the future use of Zone 1. USEPA should also provide technical information or training to community members regarding working with potential developers and financing redevelopment so that community members are able to participate more fully in the city's decision-making process for the redevelopment of Zone 1.

D. USEPA Ignored the Most Up-to-Date Data on Zone 1's Site-Specific Conditions

Even though the understanding of the USS Lead Site contamination and health impacts has dramatically changed since 2016, the PRODA ignores new information. The Feasibility Study ("FS")—the more detailed study that underlies the PRODA—relies exclusively on the 2012 Remedial Investigation ("RI") as support for its analysis of the

¹⁰⁷ Craig Lyons, *East Chicago Residents Urge EPA for Better Cleanup Plan for West Calumet Site*, CHICAGO TRIBUNE (Nov. 30, 2018) (quoting a founder of Calumet Lives Matter regarding the redevelopment of Zone 1, "Why is nothing being done in Zone 1?")

Zone 1 contamination. The FS and the PRODA fail to consider how the information gained in Amereco's 2017 Phase II Environmental Site Assessment of the WCHC should impact its analysis. This is a substantial omission considering that the Phase II report details extreme contamination at great depth and raises the need for further study to understand fully the scope of contamination. How could USEPA make a decision about the plan for the site without conducting the recommended additional investigation?

Not only does the PRODA neglect new information about the soil contamination, it also relies on the defective 2012 Human Health Risk Assessment ("HHRA") in the FS; HHRA did not incorporate representative soil samples from Zone 1 and evaluated exposure pathways based on a future use where existing residential structures would remain in place. Moreover, the PRODA or FS should have acknowledged that the Agency for Toxic Substances and Disease Registry's ("ATSDR") 2018 report *corrected* its 2011 report that included the erroneous conclusion that "[b]reathing the air, drinking tap water or playing in soil in neighborhoods near the USS Lead Site is not expected to harm people's health."¹⁰⁸ The 2018 ATSDR report concluded, instead, that children living on the USS Lead Site were up to three times as likely to have elevated blood lead levels as the rest of East Chicago.

This up-to-date and site specific information should have been considered when developing a new plan for Zone 1.

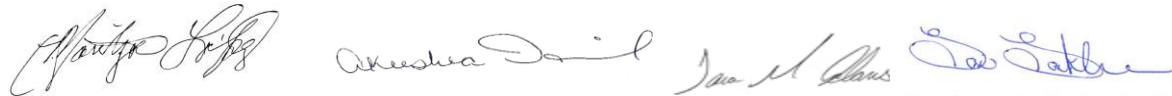
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¹⁰⁸ ATSDR 2018 Health Consultation, *supra* note 6, at 16-17.

For the foregoing reasons, we urge USEPA to adopt Alternative 4D and finally promote environmental justice in this community.

Thank for you considering and responding to these comments. We welcome the opportunity to discuss them further.

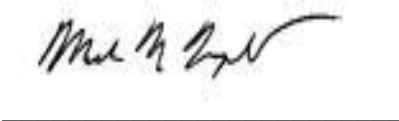
Respectfully submitted,



Maritza Lopez Akeeshea Daniels Tara Adams Lori Locklear
East Chicago Calumet Coalition Community Advisory Group
P.O. Box
East Chicago, IN



Debbie M. Chizewer
Montgomery Foundation Environmental Law Fellow
Joshua Poertner, Clinic Student
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Mark Templeton, Clinical Professor of Law
Maia Dunlap, Law Clinic Student
Emma Sperry, Law Clinic Student
Abrams Environmental Law Clinic
The University of Chicago – The Law School

From: [Pope, Janet](#)
To: [Alcamo, Thomas](#); [Rodriguez, Charles](#)
Subject: FW: EPA ID IND 005-174-354 USS Lead Superfund Comment Letter
Date: Monday, January 28, 2019 8:44:07 AM

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

From: [REDACTED]
Sent: Monday, January 14, 2019 4:57 PM
To: Pope, Janet <Pope.Janet@epa.gov>
Subject: EPA ID IND 005-174-354 USS Lead Superfund Comment Letter

January 14, 2019

Ms. Janet Pope
Community Involvement Coordinator
77 West Jackson Boulevard, SI-6J
Chicago, Illinois 60604
Email: pope.janet@epa.gov

RE: Comment on USS Lead Superfund Site (EPA ID IND 005 174 354)
Proposed Record of Decision Amendment

Dear Ms. Pope:

Of all the proposed remedies the USEPA proposes for clean up of the site, Alternative 4D is the one that would protect the environment better than others would. However, since the West Calumet community has been divided into many clean up phases, units, zones, plans and projects, my concern is that Zone 1 will be re-contaminated with lead, arsenic, heavy metals and other elements from nearby landfills and groundwater.

The condition of the groundwater is a major concern since water levels change and can flow into Zone 1. How can USEPA guarantee that Zone 1 will not be re-contaminated by the canal that is adjacent to the former housing complex? That is assuming that the Grand Calumet River, which flows into the adjacent canal is currently polluted. Do Not Eat the Fish warnings and no human contacts are still active warnings on the river and canals.

I'm also concerned about the Bald Eagle pair nesting on USS Lead wetland property in

cottonwood trees. I discovered that the nest was active in March 2017 and was informed by USEPA that one eaglet was born and fledged. I had previously asked USEPA to get permission for the CAG to see the nest and eagles on the USS Lead property as an educational experience and the USEPA denied the CAG and me, an experienced eagle monitor, that request. Were contractors working on the USS Lead wetland in 2016 when the eagle nest was built and was present in 2017? Why was the nesting progress withheld from the CAG? How will the clean up affect the 2019 nesting cycle, which I am volunteered to monitor?

It is obvious to anyone traveling down Railroad and Kennedy Avenues that the area is a overburdened with industries that threaten the health of humans and animals. The area is one of the most toxic in the US EPA Region 5 Area of Concern except for the Indiana Harbor Ship Canal and George Lake Branches of the Canal. The Remedial Action Plan is not making the progress expected to get delisted as an AOC. What is your timeline for delisting?

Taxpayers should not be expected to continually pay to clean up land that cannot be guaranteed cleaned to a safe level for workers and residents. Residents are suffering tremendous health problems and property loss without compensation.

I believe Zone 1 should be cleaned to native soil and then left vacant until all properties are cleaned around it to avoid air and groundwater re-contamination. Government that doesn't protect its people and environment must realize there are consequences when the land is destroyed to an unlivable condition, as is the former public housing land. The brownfield should be vacant until it can heal itself by planting trees and other vegetation for a green zone for future redevelopment.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [Pope, Janet](#)
To: [Alcama, Thomas](#); [Rodriguez, Charles](#)
Subject: FW: Zone 1 USS Lead Comments
Date: Monday, January 28, 2019 8:46:22 AM

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

From: Daniel Vicari <dan@garysan.com>
Sent: Monday, January 14, 2019 7:13 PM
To: Pope, Janet <Pope.Janet@epa.gov>
Subject: Zone 1 USS Lead Comments

Dear Ms. Pope,

As Executive Director of the Gary Sanitary District (GSD) and former Director of the Gary/Chicago International Airport (GCIA), I've worked directly with the United States Environmental Protection Agency, Region 5 (EPA) in safeguarding the human health and environment of our community and the return of legacy contaminated industrial sites to productive use.

Zone 1 of the USS Lead Superfund Site is a close neighbor to both the GSD and the GCIA and would continue the progress we've made in remediating this region. This site's remediation would complement the progress being made towards economic redevelopment of our vicinity.

We recognize the extensive review and consideration that went into development of the proposed cleanup plan, and trust that EPA's experts are best suited to determine the most appropriate plan to cleanup and restore the site.

Consequently, we support the remediation of the site as outlined in the Proposed Cleanup Plan and strongly encourage the EPA to move forward quickly toward restoration and redevelopment.

Regards,

Daniel F. Vicari, P.E., BCEE
Executive Director
Gary Sanitary District
219-682-8801

USS Lead Site Amendment Response(November 2018)

January 14, 2019

Janet Pope
Community Involvement Coordinator
77 W Jackson Boulevard, SI-6J
Chicago, IL 60604-3590
e-mail: <pope.janet@epa.gov>

Thomas Alcarno,
Remedial Project manager
77W Jackson Boulevard, SR-6J
Chicago, IL 60604-3590
e-mail: <alcarno.thomas@epa.gov>

from: [REDACTED]
[REDACTED]

Alternate Proposal

Having been involved in a plethora of interactions with EPA and others for over a year now, concerning the atrocious contamination in north west Indiana, I am undertaking yet another attempt at introducing erudition into these proceedings. I am a member of the CAG and other organizations trying to promote a reasonable cleanup of what is undeniably a toxic waste dump, that has been allowed to fester and ferment since its formation by the endless number of PRP's (principle responsible parties) many of whom have declared bankruptcy and fled. EPA's involvement only spans some 49 years, but has the dubious distinction of having expended more energy to protect the PRP's than in trying to force them to accept the outrageous responsibility for the environmental damage, human suffering and economic catastrophe that their criminal negligence has caused.

There is a never ending debate about the environmental damage that has been caused. This debate could have been ended about 30 years ago. EPA has either missed or ignored a method of analysis which would have answered the question of how much damage and where with a long term but seemingly simple method. That of biological analysis. By not attempting this in any cogent and concerted manner EPA ignores the elephant under the rug. Any competent biologist, would point out that all biota, plant, animal or, microbial are dynamic systems, not static ones, in equilibrium with their ecology. Damaging changes affect biota in predicable ways. Invertebrate biota are mostly single season life spans. So that the turnover of populations is much quicker than for vertebrates (i.e. humans). Allowing for much quicker development of aberrant (mutational)morphologies (2,4)which would be recognized by a competent entomologist(1). Who, then could compute the relevant statistics; gather large enough syntopic collections, contract or perform the appropriate chemical analysis, or other analyses to estimate the cause. Then as part of a team that could have, in a period of 49 years, done some experimental biology to undeniably fix the causes for the mutations.

Arthropods (3)represent approximately 80 % of all terrestrial metazoan biota. Even in the urban death traps, we call cities, huge numbers of arthropods exist. Even in East Chicago.

This could be added to readily obtained collections of birds, rodents, and fish which will also show mutational drift but more slowly than Arthropods. Were these collections available today, genetic analysis would be possible to prove the existence and locations of these mutations. While this could still be done today, the important intermediate stages are no longer available to highlight the biological progression which has been in progress for 49 years. Furthermore, this would emphasize the danger to the human populations, and the crying need for meaningful timely, complete, cleanup. Not your current proposed, same old dig up and rebury which this amendment presents as something new. It isn't Another benefit from this sort of work, would have been the invaluable data which could be gained from the study of the successful mutations to determine what biological answers there might be for fighting the toxic effects of the pollutants thereby giving medicine more weapons with which to correct the deleterious effects on the resident human population. Also, the mutagens(5) can lead to cancer in the affected organisms. Time dependent studies of the development of such cancers could give valuable information to the study of cancer, a serious need in first world nations. This is of course of little interest to the PRP's.

References:

1)R.E. Snodgrass-the Morphology of Insects

- 2)Early Geneticists- Sturtevant, Morgan, Muller
- 3)Arthropods- Wikipedia
- 4)Ames test- Wikipedia
- 5)Mutagenicity of Arsenic- EPA Hero Id # 1173144 doi:10.1021/tx 700198a

Point by Point Critique

Table 1 p.11 Why are there no examples of concentrations at 4', 8', 10', 50' and 100' Are you afraid to show these ?

List of Remedial Alternatives p.12 The false assumption that a cap of any sort will work is based on the erroneous assumption from western models that the primary diffusion will be from wind blown particulates and that these can be avoided with a cap. WHEN IN FACT YOU AGAIN IGNORE THE CALUMET AQUIFER , THE RESOLUBLEIZATION, RECONTAMINATION OF THE SURFACE BY WATER DIFFUSION, DRY DOWN AND THEN WIND DISTRIBUTION . No cap will stop this!

p.12 PRA's Dig it up , rebury; dig it up rebury etc..... only point 6 is viable but too little information was included

p. 17Evaluation Criteria for Superfund Remedial Alternatives

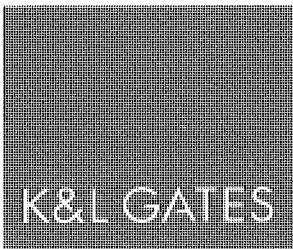
p.17 Threshold False statement,since your assumed safe levels are incorrect from many scientifically published reports, even some of your own.

ARAR's since the PRP's dictated what they wanted for acceptable limits, these are pure fantasy

Long-term E&P Evaluations based on fantasy limits with methods that won't work- Pure balderdash!

Long term Toxicity..Volume.. through Treatment Since the primary contaminants you are addressing are immutable elements, there is nothing you can do to reduce the toxicity! Dilution is not a solution to pollution

The state will role over like an old dog, and WE are the community! And WE don't agree!



January 14, 2019

David L Rieser
David.rieser@klgates.com

By E-mail and Post
Pope.janet@epa.gov

T +1 312 807 4359
F +1 312 827 8000

Ms. Janet Pope
Community Involvement Coordinator
U.S. EPA Region 5
77 West Jackson Boulevard (SR-6J)
Chicago, IL 60604

Re: US Smelter and Refinery Superfund Site, East Chicago, IN
Comments on EPA's Proposed Record of Decision Amendment

Dear Ms. Pope:

I am writing on behalf of The Chemours Company, FC. ("Chemours") We appreciate this opportunity to comment on the proposed Remedial Action Plan and Amendment for the Record of Decision ("ROD") published by EPA. We have reviewed the comments submitted by the Atlantic Richfield Company ("ARC"). Chemours agrees with ARC in their Comment 2 that the data do not support EPA's determination that all soil in the top 24 inches of the West Calumet Housing Complex and Goodman Park must be removed. The sampling did not include many areas which were below impervious surfaces and there is no showing that all of those soils exceed the Remediation Action Levels ("RALs"). Additional sampling may be warranted during the remedial design phase to define the volume of soils that would exceed the Remedial Action Levels (RALs).

Please advise if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David L Rieser". The signature is fluid and stylized, with a long horizontal line extending to the right.

David L Rieser

cc: Todd Coomes
Michael Elam



440 W. 84th Drive | Merrillville, IN 46410 | 219.756.4317 | www.lcea.us

January 14, 2019

Janet Pope

pope.janet@epa.gov

Community Involvement Coordinator, USEPA Region 5

77 West Jackson Blvd, SI-6J

Chicago, IL 60604

Dear Ms. Pope,

Thank you for the opportunity to provide comments to the proposed cleanup plan for Zone 1 of the USS Lead Superfund site. This letter is to advise your office that the Lake County IN Economic Alliance (LCEA), the county-wide economic development organization for the 19 municipalities and unincorporated areas of Lake County, Indiana, strongly supports a cleanup plan that provides flexibility to allow cleanup standards consistent with commercial/industrial use. Redeveloping Zone 1 for commercial/industrial use will have a significant economic impact on the local and regional economy and has the ability to catalyze replacement housing in Zone 2, revitalizing the entire neighborhood.

LCEA is facilitating a Request for Proposals (RFP) process to identify experienced, financially sound, and capable development teams or end users for the acquisition and redevelopment of approximately 55 acres in Zone 1. LCEA recently received four proposals from highly competent development teams that are interested in redeveloping the site. Proposed reuses include a mix of light industrial uses such as logistics center, distribution and storage as well as retail, office and training facilities.

The economic impact of the proposed development plans will be dramatic to the region creating hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The redevelopment of Zone 1 will strengthen the demand for new housing in Zone 2 spurring investments to replace the lost housing options with affordable and market-rate housing. In fact, several of the development teams have included additional amenities in their Zone 1 proposals specifically targeted at Zone 2, including integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and even funding a Master Housing Plan or other studies to incorporate these amenities in the adjacent residential neighborhood.

The inclusion of a high-tech training facility in the development plans is a unique opportunity to create synergies by providing much needed training services for the new 3.5 million square foot, modern distribution and manufacturing facility being developed on the adjacent former DuPont site - the soon to be East Chicago Logistics Center. The redevelopment of Zone 1 coupled with the new Logistics Center on Kennedy Avenue will have a significant positive economic impact in Lake County and the Northwest Indiana region.

LCEA is working to evaluate the proposals and determine next steps for the RFP process. As such, LCEA strongly supports a cleanup plan that provides flexibility, if the City decides to move forward with commercial/industrial uses for Zone 1.

Please do not hesitate to contact my office if you have further questions or need additional information.

Sincerely,

A handwritten signature in black ink, reading "Karen M. Lauerman". The signature is fluid and cursive, with the first name "Karen" being more prominent and the last name "Lauerman" following in a similar style.

Karen M. Lauerman, President & CEO
Lake County IN Economic Alliance

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

From: [REDACTED]
Sent: Monday, January 14, 2019 3:26 AM
To: Pope, Janet <Pope.Janet@epa.gov>; Alcamo, Thomas <alcamo.thomas@epa.gov>; bpigott@idem.in.gov
Cc: [REDACTED]
Subject: RE: Proposed Record Of Decision Amendment for the U.S. Smelter and Lead Refinery, Inc. Superfund Site
Importance: High

United States Environmental protection Agency – Region V
C/O [Janet Pope](#), Community Involvement Coordinator
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Chicago, IL 60604
Telephone: 312-353-0628
Fax: 312-385-5311
Email: < pope.janet@epa.gov >

United States Environmental protection Agency – Region V
C/O Thomas Alcamo, Remedial Project Manager
77 West Jackson Boulevard (SR-6J)
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Indiana Department of Environmental Management
C/O Bruno Pigott, Commissioner
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Telephone: 317-232-8611
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RE: Proposed Record Of Decision (ROD) Amendment for the U.S. Smelter and Lead Refinery, Inc. Superfund Site in East Chicago, Lake County, Indiana – EPA ID: IND047030226

Hello Janet, Please find attached my Written Comments on the Proposed Record Of Decision (ROD) Amendment for the U.S. Smelter and Lead Refinery, Inc. Superfund Site in East Chicago, Lake County, Indiana – EPA ID: IND047030226 (USS Lead Superfund site).

The U.S. Smelter and Lead Refinery, Inc. Superfund Site in East Chicago, Lake County, Indiana is situated in a recognized Environmental Justice Community, the Calumet neighborhood of East Chicago, Indiana, that is impacted by an ambient polluted environment that has an established cancer risk of 300 in 1,000,000 when 1 in 1,000,000 is considered an acceptable risk by U.S. EPA.

The West Calumet Housing Complex in the Calumet neighborhood is part of what U.S. EPA calls Zone 1 – there are 3 zones for the residential part of one Superfund site: the USS Lead Superfund site... The West Calumet Housing Complex is the site where a toxic crime against humanity took place for 44 years – a community where people of color were knowingly and deliberately located upon land

known to be contaminated without their knowledge until forced evacuations by the city of East Chicago in 2016.

Why are there divided zones for the residential part of one Superfund site and when will this question finally be answered and an honest explanation be given as to why Zone 2 was completely left out of the USS Lead Superfund site's Consent Decree and had to be addressed through Unilateral Administrative Orders (UAOs) finally issued in 2018?

"...observations across almost 20 years demonstrate a consistent pattern of elevated blood lead levels in young children" living in the Calumet neighborhood of East Chicago, Indiana.

This ROD Amendment should treat all of the residential area of the USS Lead Superfund site equally and comprehensively as one Superfund site!

This ROD Amendment should prefer Remedial Action Alternative 4D "Residential excavation to native sand and disposal. This alternative consists of removing approximately 262,350 cubic yards of contaminated material, including debris, at the site down to the depth of native sand. Excavated soil would be disposed of at an approved landfill and, as necessary, soil with the highest lead concentrations would be treated using chemical stabilization." – U.S. EPA

Why should the residents of the Calumet neighborhood and other parts of East Chicago, Indiana and nearby communities of Gary and Hammond, Indiana settle for any less than what the Responsible Party agreed to do back in 1989 in an Agreed Order with the Indiana Department of Environmental Management (IDEM) (Cause No. N-296) which required identification of the full extent of contamination from the USS Lead Superfund site and to clean it all up...?

"Said plan shall include a sampling and analysis plan for all contaminated areas to determine the extent, area and depth of contamination and a cleanup plan that addresses what remedial action will be preformed to ensure the removal of all contamination." – Cause No. N-296 Indiana Department of Environmental Management versus U.S.S. Lead Refinery, Inc. signed on December 7, 1989 by U.S.S. Lead Refinery, Incorporated.

Note the Agreed Order's requirement for a full investigation of the extent of contamination, including area and depth, – something still not completed by U.S. EPA and IDEM three decades later...!

Also note the Agreed Order's requirement to "remove all contamination" something similar to what Alternative 4D, the "most protective" cleanup alternative, would provide "...since all material, including debris would be excavated down to native sand and disposed of off-site."

In its November 2018 Proposed Record Of Decision Amendment for the USS Lead Superfund site U.S. EPA states that; "Because of the uncertainty in the future land use, EPA has included and evaluated an alternative that would be protective of human health and the environment under commercial or industrial use scenarios. Alternative 4A requires excavation of contaminated soils and other material exceeding industrial/commercial standards in the top 12", off-site disposal, ex-situ treatment options, and ICs."

Given the extreme proximity of residences, schools, parks, churches, businesses, etc., any selected cleanup remedy must require cleanup to residential standards or better!

This ROD Amendment should prefer a permanent solution using alternative treatment technologies "to the maximum extent practicable" with "reductions in volumes, mobility, and toxicity" of toxic & hazardous wastes instead of land disposal of toxic and contaminated remedial wastes – U.S. Congress

A permanent cleanup is economically and technically possible utilizing existing and proven technologies in a combined system of treatment technologies to separate, reclaim & recycle, decontaminate, and restore both soils and groundwater. However this will take both leadership and commitment on an industrial scale equal to the one that created the massive amounts of toxic contamination in the first place... U.S. EPA does not want to make such a commitment to the Calumet neighborhood of East Chicago, Indiana but rather would like to do the quickest and cheapest thing possible – grab a shovel and get a dump truck!

For example: East Chicago, Indiana is located upon the Calumet Sand Aquifer that is made up of 75% Quartz Sand by weight, is 40% permeable, and has horizontal hydraulic conductivity of an average 60 feet/day.

The Quartz Sand in the Calumet Sand Aquifer has a very low capability to absorb or “naturally attenuate” contaminants such as heavy metals and also has low resistance to the flow and spread of contamination throughout the aquifer once groundwater contamination occurs since Quartz (Silicon dioxide) is chemically inert...

However, this chemically inert Quartz Sand can be separated from its Toxic contaminants by using a cascading system of a common industrial sand separation technology known as: Hydrocyclone Separators.

Bethlehem Steel Corp. patented a cascading Hydrocyclone system for the separation of Lead and Zinc from Blast Furnace sludge in July of 1995.

Using Hydrocyclone inlet pressures two to three times normally used in mining and petroleum industries resulted in the removal of 80 to 90% of the Lead and Zinc in just a two stage cascading Hydrocyclone system...

After separation of clean chemically inert Quartz sand a 25% concentrate of Toxic contaminants remains to be dealt with...

Resource Recovery, Recycling, and Sale of valuable Strategic Minerals & Metals is possible utilizing various separation and recovery technologies.

One new Metals separation & recovery technology example is provided by a company called: Metals U.S. that has a patented solid phase separation technology for removal of Metals in pure form – at their highest economic value!

So valuable and strategic resources can be recovered and sold at their highest value to offset cleanup costs and for use in improving our nation's economy, strategic defense, and as rare earth minerals for manufacturing advanced technologies – instead of being persistent environmental poisons found in our communities...

The blank slate created with the demolition of the West Calumet Housing Complex and its 50 acre cleanup presents an opportunity for US EPA and IDEM to meet the requirements of the “Superfund Amendments and Reauthorization Act of 1986 (SARA) which stresses the importance of and requires preference of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites. U.S. EPA has not chosen to do that with this ROD Amendment.

This ROD Amendment is an arbitrary, capricious, deficient, and discriminatory decision because of the following facts:

The selected Remedial Action, Alternative 4B, fails to eliminate the environmental and human health threats posed by all the known contaminants present within the USS Lead Superfund site by:

- 1) leaving vast quantities of toxic wastes, known sub-surface contamination & contaminated debris, and contaminated groundwater in place in the Calumet neighborhood of East Chicago, Indiana;

“Based on the findings of the subsurface investigation, exposure pathways were identified onsite. Specific hazards identified include subsurface soils, groundwater and soil vapors.” – ‘Phase II Environmental Site Assessment for the West Calumet Housing Complex’ Amereco Engineering, February 15, 2017

- 2) further spreading 4,000 truckloads of toxic contamination to another community for land disposal – what community will be the recipient of these toxic and contaminated wastes? – will this land disposal site be a future Superfund site?;
- 3) squandering millions of Responsible Party and U.S. Taxpayer dollars on an impermanent Cleanup that fails to achieve a permanent solution using alternative treatment technologies “to the maximum extent practicable” with “reductions in volumes, mobility, and toxicity” of toxic & hazardous wastes;
- 4) spending millions of dollars to throw away valuable and strategic resources including: antimony, arsenic, cadmium, chromium, copper, gold, iron, lead, manganese, selenium, silver, tin, zinc, beryllium, dysprosium, erbium, europium, gallium, gadolinium, hafnium, neodymium, platinum, praseodymium, and tellurium present in the contaminated wastes, soils, and groundwater...

“Tellurium is among the rarest elements with crustal abundance levels at 0.001 mg/kg. However, it was found at levels ranging between 113 to 58,400 times that level in the off-site and on-site samples. The element clearly appears to have an anthropogenic source in the study area.” – ‘Characterization of the Lead and Other Metals in Soil in the vicinity of the USS Lead Site, East Chicago, Indiana’ TechLaw, Inc., September 8, 2004

U.S. EPA and IDEM have approved the use mixing and diluting other materials with the toxic and contaminated wastes in a treatment scheme that will also make it more difficult to recover these resources in the future. This being done in order to ensure passage of the Toxicity Characteristic Leaching Procedure (TCLP) test required for land disposal. Otherwise most of these toxic wastes are banned from land disposal under current federal and state standards.

The mixed waste is declared no longer hazardous and land disposal takes place without any proof of the long-term effectiveness in preventing migration of persistent toxic contaminants from the landfill. Toxic Metals by their very nature are Elements that do not breakdown over time. This practice violates Land Disposal Restrictions (LDRs) for Listed Hazardous Wastes and persistent organic pollutants.

U.S. EPA’s Mixture Rule makes it illegal to mix Listed Hazardous Wastes to avoid regulation under federal law. And Listed Hazardous Wastes are known to have been present in the USS Lead Superfund site...

- 5) not achieving a permanent solution to the threats from toxic contamination in the USS Lead Superfund site including leaving out entire communities (Gary, Hammond, and other parts of East Chicago, Indiana) located outside the current boundaries of the USS Lead Superfund site that have been shown to be impacted by the toxic contamination;

The size of the USS Lead Superfund site should not be modified by a decrease in area by this ROD Amendment – which excludes the former Carrie Gosh School that is still used by adults and children. This ROD Amendment should instead expand the USS Lead Superfund site to

include all known areas impacted by its toxic contamination including other parts of East Chicago, Hammond, and Gary, Indiana as illustrated by numerous documents already in the Administrative Record including the studies of Air Dispersion Modeling and Historical Aerial Photography Review of the USS Lead Superfund site. The potential exposure routes and sources of contamination include: contaminated soils, contaminated groundwater, buried sub-surface waste, toxic vapor intrusion, and contaminated dust within homes, schools, churches, businesses, etc.

- 6) ruling out other known Metal contaminants and entire classes of pollutants such as Polynuclear Aromatic Hydrocarbons (PAHs), Furans, and Dioxin known to be produced from the industrial processes such as Blast Furnaces, Smelters, and Metals Refining, etc. that historically occupied the USS Lead Superfund site as sampling results have found contaminants at elevated levels in soils and groundwater within and adjacent to the USS Lead Superfund site

“The ten elements identified at levels generally exceeding average crustal abundances and that are plotted on Figures 6-1 through 6-20 are antimony, arsenic, cadmium, copper, iron, lead, manganese, selenium, tin, and zinc.” “In addition to lead, the metals antimony, arsenic and cadmium were found to be present at levels that exceed human health screening values such as the U.S. EPA Region 9 Preliminary Remediation Goals (PRGs) and relevant State criteria.” – ‘Characterization of the Lead and Other Metals in Soil in the vicinity of the USS Lead Site, East Chicago, Indiana’ TechLaw, Inc., September 8, 2004

U.S. EPA concluded that; “PAH contamination in OU1 does not appear to be site-related; rather. It seems to be indicative of a highly industrial urban residential area. For that reason, PAHs are not considered a COC for OU1.” – Joan Tanka, Chief, Remedial Response Branch 1 Superfund Division, U.S. EPA Region V, May 9, 2012

Amereco Engineering prepared a Phase II Environmental Site Assessment for the West Calumet Housing Complex dated February 15, 2017 which states that; “...multiple Polynuclear Aromatic Hydrocarbons were identified in exceedance of Indiana Department of Environmental Management (IDEM) Remediation Closure Guide (RCG) Residential Direct Contact (RDC) Screening Levels (SLs) and Soil Migration to Groundwater (MTG) SLs in subsurface soils. Please be advised that metals were also identified in subsurface soils in exceedance of IDEM RCG SLs for MTG, Residential and Industrial direct contact. Additionally, Lead and Arsenic were identified in exceedance of IDEM RCG Excavation Worker Direct Contact SLs in subsurface soils. Concentrations as high as 45,000 mg/Kg and 5,200 mg/Kg, respectively were identified” and

“...benz(a)anthracene was identified in groundwater sample WCG-014 in exceedance of the IDEM RCG SLs. Both samples were collected from soil boring SB-14 advanced in the location of the historic oil pump room. The historic oil pump room was identified on the historic Sanborn Maps to the southeast portion of the site. A release has been confirmed onsite and is suspected to be associated with the historic oil pump room and operations.” (continues...)

U.S. EPA’s own studies show that secondary Lead smelters using Blast Furnaces had the highest Toxic Equivalency (TEQ) values for Dioxin and Dioxin-like compounds when compared to reverberatory and rotary furnaces...

- 7) using biased calculations to establish health risk and cleanup levels for the USS Lead Superfund site – for example: this ROD Amendment is based upon risk calculations and an established cleanup level for Arsenic calculated using an original background level of 14.1 mg/kg (ppm) that was subsequently revised to 26 mg/kg (ppm) in 2016;

the arithmetic mean concentration in 106 soil samples collected within 500 kilometers of Chicago for Arsenic is 6.56 mg/kg (ppm) or background level according to the United States Geological Survey – USGS Water-Resources Investigations Report 03-4105 ‘Concentrations of Polynuclear Aromatic Hydrocarbons and Inorganic Constituents in Ambient Surface Soils, Chicago, Illinois: 2001-02’;

“The site specific background concentration for arsenic in soils at the USS Lead site has been determined to be 26 milligrams of arsenic per kilogram of soil (mg/kg).” – ‘Justification for Using Site-Specific Arsenic Background Concentration in Soil for Indoor Dust Screening Concentration for the USS Lead Site’ by Keith Fusinski, PhD Toxicologist, US EPA Superfund Division, Remedial Response Branch #1, Science and Quality Assurance Section, U.S. EPA Region V, December 13, 2016;

- 8) using suspect screening and cleanup levels measured with XRF Technology to screen soil samples and bare excavated soils... The Work Plans for this ROD Amendment, as has been done elsewhere throughout the USS Lead Superfund site, utilize XRF Technology contaminate screening levels of 400 mg/kg Lead not the more protective recommended cutoff level of 235 mg/kg Lead;

“The lowest XRF sample results sent for laboratory confirmatory analysis were samples X36/S12 and X66/S20, with XRF values of 549 ppm and 586 ppm, respectively. The laboratory results for those samples (see Table 2) were 31.5% and 59.5% higher than those values. It is therefore recommended that XRF results as low as 235 mg/kg for lead be viewed with caution as possibly being over the 400 ppm screening level.” – Final Report on X-Ray Fluorescence Field Study of Selected Properties in Vicinity of Former USS Lead Refinery Facility, East Chicago, Indiana’ by Michael J. Mikulka, P.E. Field Project Manager and Mirtha Capiro, Project Manager, U.S. Environmental Protection Agency Region 5

This ROD Amendment is deficient and fails to evaluate numerous environmental and human exposure pathways including:

- 1) intrusion of toxic vapors from toxic sub-surface contaminated sources left in place in the highly permeable Quartz sand soils and Calumet Aquifer;
- 2) the contaminated surface water threat posed by the storm water and sewer systems for infiltrating contaminated surface water and/or groundwater – due to the deteriorated condition of these systems both infiltration and discharge of contaminated water can occur at various points in these systems;
- 3) the contaminated ground water migration pathway through the highly permeable Quartz sand soils of the Calumet Aquifer;
- 4) the windblown contaminated soil and transportation spillage exposure pathways;
- 5) the drinking water threat – the Calumet Aquifer discharges into the Grand Calumet River, Indiana Harbor Canal, or the city of East Chicago’s storm water or sewer systems (there are three) all which eventually winds up directly or indirectly in Lake Michigan a source of drinking water for the region;

the Calumet Aquifer is a Quartz sand water table aquifer that’s hydraulically coupled to Lake Michigan and rises and falls with changes in Lake Michigan levels and is influenced by major precipitation events which directly infiltrate soils and recharge the saturated portion of the aquifer – seasonal high water table levels and floods are historically known to occur in the USS Lead Superfund site;

- 6) both the environmental and human food chain threat (^{e.g.} fish, waterfowl, vegetable & fruit grown within or adjacent to the USS Lead Superfund site) of the surface water pathway – a bald eagle has been known to nest on-site; and
- 7) the migration, uptake, and fate of toxic contaminants in plants, shrubs, trees, insects, wildlife, or additional living populations found within or adjacent to the USS Lead Superfund site.

U.S. EPA's failures to comprehensively investigate all exposure pathways and determine the full extent of contamination lead to a Flawed Conceptual Site Model.

By only taking shallow samples, U.S. EPA has not confirmed the true extent of contamination beneath OU1, the residential section of the USS Lead Superfund Site.

U.S. EPA's assumption that native sand has been reached when sand is encountered during cleanups without any comprehensive deeper sampling for contamination is naive at best given the industrial nature of the surrounding area and its historical use of waste for infill for development and known solid waste disposal practices in the area over time – including U.S. Smelter and Lead Refinery, Inc. records of off-site slag sales!

One only has to examine soil boring logs taken right across Kennedy Avenue at the grossly contaminated DuPont Site that indicate a historic layer-cake of solid waste disposal practices and locations of interspersed layers of sand-waste-sand-waste-sand (dumps built upon dumps) descending underground...

U.S. EPA needs to comprehensively investigate and map the full extent, breath & depth, of the Hazardous & Toxic contamination within the USS Lead Superfund Site from all sources of contaminants and then reevaluate whether or not the current removal actions and selected remedial activities are effective over the long-term in protecting human health and the environment and meet the requirements of the Superfund Amendments and Reauthorization Act to achieve a permanent remedy.

U.S. EPA and IDEM have not adequately tested the USS Lead Superfund Site and adjacent areas for Dioxin and Dioxin-like Compounds.

This ROD Amendment is deficient and fails to evaluate whether the demolition and removal of "...barriers to resident's exposure to the lead and arsenic soil contamination" has changed exposure risks or increased migration of contaminants due to the exposure of more contaminated land surface area which increases surface water infiltration into sub-surface contaminated soils and debris.

In its November 2018 Fact Sheet concerning the Proposed Cleanup Plan for Residential Area, Zone 1 U.S. EPA states; "One consideration in selecting the 2012 plan was that EPA anticipated the houses and apartment buildings, along with the sidewalks and parking lots of the West Calumet Housing Complex, would act as barriers to resident's exposure to the lead and arsenic soil contamination. However, the closing and demolition of the WCHC removed all these barriers and the risk to human health and the environment that was originally calculated in the 2012 ROD has not changed."

If these "barriers to resident's exposure" have been removed how is it that the "...risk to human health and the environment" has not changed...?

This ROD Amendment is deficient and fails to evaluate whether a public health emergency exists due to the high level of multiple and chronic exposures to contaminants known to be present within and adjacent to the USS Lead Superfund site for adults and children living within the Superfund site and whether such exposures justify the voluntary evacuation of the residents living on top of the Superfund site – any such action should provide full compensation to relocate to clean uncontaminated

businesses, churches, schools, and residences of equal or better condition and provide first return rights once their property is fully and permanently cleaned up.

This ROD Amendment is deficient and fails to give preference to and use permanent solutions and alternative treatment technologies “to the maximum extent practicable” with “reductions in volumes, mobility, and toxicity” of toxic & hazardous wastes – in fact, in its public meeting on this ROD Amendment, the U.S. EPA admitted that the selected Remedial Action Alternative 4B would increase the volume of toxic and contaminated remedial wastes.

Alternative 4B also fails to reduce the overall toxicity of the metals (elements – that never breakdown into non-toxic substances) which will be dumped via 4,000 truck loads into another community for land disposal – you can’t get more mobile than that when you are a toxic or contaminated waste...

Was this ROD Amendment and its selected Remedial Action Alternative 4B based upon what is “most protective” or chosen because of its lower cost and expediency?

In addition, this ROD Amendment does nothing to adequately or comprehensively address these conditions within and adjacent to the USS Lead Superfund site:

- 1) the ongoing contamination of the groundwater;
- 2) the identification and removal of deeper buried toxic wastes and contaminated debris – some below the groundwater surface buried in the Calumet Aquifer’s saturated zone – approximately 8 feet below the surface;
- 3) the identification and removal of sub-surface anthropogenic (man-made) sources of contamination for ongoing releases of toxic pollutants as evidenced by the known buried contaminated debris found 11 feet below the ground surface, leaking underground tanks, and high levels or “hot spots” for toxic Metals, PCBs and PAHs found in surface sediment samples (*i.e.* recently deposited) in the Indiana Harbor Canal directly adjacent to the former West Calumet Housing Complex, Goodman Park, and Carrie Gosh School (Zone 1). For example: what happened to the large transformers (potential sources of PCBs) used by several of the former smelter and metals refining operations on this Superfund site?
- 4) ignoring other known to be present anthropogenic (man-made) contamination by toxic pollutants such as PAHs and other persistent toxic organic pollutants in soil and groundwater within and adjacent to the USS Lead Superfund site.

U.S. EPA further states that: “Based on an assumption that the modified Zone 1 will remain residential, EPA’s recommended alternative is Alternative 4B. This alternative calls for removing up to 2 feet of contaminated soil, laying down a barrier, and replacing the contaminated soil with clean soil. This alternative would protect residential redevelopment. EPA would place controls on the property to ensure the barrier stays in place. This alternative protects people and the environment, meets the applicable regulations, is cost-effective and will be effective in the long term.”

Given that local building codes require foundation excavations to much greater than two feet and that utilities may be installed at similar or even greater depths than foundations how is it possible for Cleanup Plan Alternative 4B to “...protect residential redevelopment” when any kind of redevelopment will require digging deeper than two feet, disturb the installed “barrier,” and expose un-remediated and uncontrolled deeper sub-surface contamination...?

In its November 2018 Proposed Record Of Decision Amendment for the USS Lead Superfund site U.S. EPA states; “...based on prior sampling that indicates widespread contamination below 24 inches

below ground surface ("bgs"), see id., institutional controls will be required across the entire area of the proposed amendment."

Institutional Controls are inconsistent with any type of Permanent Cleanup required under SARA as the threat from toxic contamination left in place remains in the community forever.

"...certain kinds of action are inconsistent with permanence, including any form of land disposal or containment, and any use of engineering or institutional controls, including long term monitoring for releases. All of these mean:

Site hazardous material remains hazardous;

There is uncertainty about releases of hazardous material and, therefore, risks to health and environment; and

There are a host of uncontrollable possible future events which might compromise the effectiveness of the protection."

"...OTA disagrees with the notion that land disposal or engineering or institutional controls provide a "degree of permanence." What varies is the level of protection provided by different cleanup technologies and methods, not the degree of permanence." – U.S. Congress, Office of Technology Assessment

"In the FEDERAL REGISTER Feb. 5, 1981, the EPA first stated its opinion that all landfills will eventually leak:

"There is good theoretical and empirical evidence that the hazardous constituents that are placed in land disposal facilities very likely will migrate from the facility into the broader environment. This may occur several years, even many decades, after placement of the waste in the facility, but data and scientific prediction indicate that, in most cases, even with the application of best available land disposal technology, it will occur eventually." [pg. 11128]

"Manmade permeable materials that might be used for liners or covers (e.g., membrane liners or other materials) are subject to eventual deterioration, and although this might not occur for 10, 20 or more years, it eventually occurs and, when it does, leachate will migrate out of the facility." [pg. 11128]

"Unfortunately, at the present time, it is not technologically and institutionally possible to contain wastes and constituents forever or for the long time periods that may be necessary to allow adequate degradation to be achieved." [pg. 11129]

"Consequently, the regulation of hazardous waste land disposal facilities must proceed from the assumption that migration of hazardous wastes and their constituents and by-products from a land disposal facility will inevitably occur." [pg. 11129]

This ROD Amendment is falsely based upon the assumption that that no ecological habitat exists in Zone 1 when wildlife and waterfowl can be regularly observed nesting in the area and feeding upon its contaminated land and/or occupying the adjacent areas of the heavily contaminated Calumet River and Indiana Harbor Canal.

One of the ROD Amendment decision balancing criteria justification given by U.S. EPA of the selected Remedial Action 4B is the short time to implement the Remedial Action which is a 24 inch Removal Action for contaminated soil. This justification would hold water if it was the year 1987, instead of 2019, since IDEM and U.S. EPA have known about the high levels of contamination since 1985.

Attempts to justify an impermanent and incomplete cleanup of toxic contamination balanced on its quickness, lower costs, and administrative convenience rather than its permanence and reduction of toxicity, volume and mobility violates the intent of the National Contingency Plan (NCP) as well as federal and state requirements under RCRA, CERCLA (Superfund), SARA and internal U.S. EPA Guidance – including the planed hauling and dumping of 4,000 truckloads of toxic and/or contaminated soil into another community...

The U.S. EPA has the authority and ability to fund a permanent cleanup for the USS Lead Superfund site as there are numerous additional Potential Responsible Parties (PRPs) that could fund such an endeavor but U.S. EPA has chosen not to pursue additional PRPs to fund the cleanup while perpetually negotiating behind closed doors with the current recalcitrant PRPs that have been dragging their feet for 40 years...

The Calumet neighborhood deserves better! The people of East Chicago, Indiana and the rest of Northwest Indiana deserve a U.S. EPA that is “most protective” of people’s lives and their environment – not a U.S. EPA that caters to and defends the corrupt never-ending removal and containment desires of the toxic merry-go-round of cleanup contractors, land disposal companies, and unenlightened PRPs taken along for a ride!

Given the total expenditures on the USS Lead Superfund site, well in excess of 50 million dollars – including incidental costs, to U.S. EPA and IDEM this ROD Amendment should not be exempt from the National Remedy Review Board’s (NRRB) oversight and evaluation of the cleanup process at the USS Lead Superfund site. The current NRRB exemption should no longer apply given the history of large increases in contractor expenditures over time at the USS Lead Superfund site.

The most protective and lowest long-term cost cleanup is the most permanent cleanup – one that permanently eliminates the toxic health threats and financial liabilities for both the PRPs and contaminated communities by using innovative technologies to remove the sources of contamination from the community forever...

This can be accomplished through the reclaiming and recycling of valuable resources and full decontamination of the soils and groundwater in the USS Lead Superfund site.

Such a permanent solution requires U.S. EPA selection of Remedial Action Alternative 4D followed by a combined system of treatment technologies to separate, reclaim & recycle, decontaminate, and restore both soils and groundwater – one that actually reduces the volumes, mobility, and toxicity of toxic & hazardous contamination in our environment.

U.S. EPA cannot continue to ignore community input into the cleanup process and it is clear that the local community wants the most protective Remedial Action Alternative 4D selected by U.S. EPA as the remedy for this ROD Amendment.

Sincerely;

A large black rectangular redaction box covering the signature and name of the sender.

ADDITIONAL REFERENCES

See: [<https://patents.google.com/patent/EP0687309B1/en>] 'Method and plant for removing and recycling of materials' Elmer D. li Anderson, John D. Lynn, Thomas H. Weidner, Bethlehem Steel Corp., January 6, 1994

See: [<https://patents.google.com/patent/US4425228A/en>] 'Wet-classifying method for recovery of carbon and iron-bearing particles' John D. Lynn, R. Donald Bartusiak, Bethlehem Steel Corp., March 2, 1982

See: [<https://worldwidescience.org/topicpages/h/hydrocyclone+separation+efficiency.html>] 'Sample records for hydrocyclone separation efficiency'

See: [<http://www.metalsus.com/>] Metals U.S. – Total Metals Recovery™ Solid Phase Extraction (SPE) technology

See: [<https://semspub.epa.gov/work/05/633063.pdf>] 'HRS Documentation Record – Review Cover Sheet' U.S. EPA, September 2008

See: [<https://semspub.epa.gov/work/HQ/189159.pdf>] 'The Hazard Ranking System Guidance Manual' U.S. EPA, EPA 540-R-92-026, November 1992

See: [https://www.epa.gov/sites/production/files/2015-02/documents/rod_guidance.pdf] 'A GUIDE TO PREPARING SUPERFUND PROPOSED PLANS, RECORDS OF DECISION, AND OTHER REMEDY SELECTION DECISION DOCUMENTS' U.S. EPA, EPA 540-R-98-031, July 1999

See: [<https://semspub.epa.gov/work/HQ/100000349.pdf>] 'Superfund Remedy Report 15th Edition' U.S. EPA, EPA-542-R-17-001 July 2017

See: [https://www.epa.gov/sites/production/files/2015-06/documents/leadcontam_sites.pdf] 'Superfund Engineering Issue – Treatment of Lead-Contaminated Soils' U.S. EPA, EPA 540-2-91-009, April 1991

See: [https://clu-in.org/download/remed/542r02004/arsenic_report.pdf] 'Arsenic Treatment Technologies for Soil, Waste, and Water' U.S. EPA, EPA 542-R-02-004, September 2002

See: [https://www.epa.gov/sites/production/files/2016-03/documents/subparte_0.pdf] 'Chapter 5 Subpart E – Ground-Water Monitoring and Corrective Action' U.S EPA, 2016.

See: [<https://scholarworks.iu.edu/dspace/bitstream/handle/2022/241/SR11.pdf.txt;jsessionid=156CD21380DE1821526CC03D2F254189?sequence=3>] 'Environmental Geology of Lake and Porter Counties, Indiana – An Aid to Planning ' by EDWIN J. HARTKE, JOHN R. HILL, and MARK RESHKIN, ENVIRONMENTAL STUDY 8, DEPARTMENT OF NATURAL RESOURCES GEOLOGICAL SURVEY SPECIAL REPORT 11

See: [http://www.quartzpage.de/gen_chem.html] 'The Quartz Page – Chemical Properties'

See: [<https://pubs.usgs.gov/wri/1992/4115/report.pdf>] 'Geohydrology and Water Quality of the Calumet Aquifer, in the Vicinity of the Grand Calumet River/Indiana Harbor Canal, Northwestern Indiana' by JOSEPH M. FENELON and LEE R. WATSON, INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT and U.S. GEOLOGICAL SURVEY, Water-Resources Investigations Report 92-4115, 1993

See: [<https://igws.indiana.edu/LakeRim/GrandCalGroundwaterInjuryReport.pdf>] 'Surface-Water and Ground-Water Hydrology and Contaminant Detections in Ground Water for a Natural Resource

Damage Assessment of the Indiana Harbor Canal and Nearshore Lake Michigan Watersheds, Northwestern Indiana' by David A. Cohen, Theodore K. Greeman and Paul M. Buszka, Administrative Report Prepared for the U.S. Department of the Interior, U.S. Geological Survey, U.S. Fish and Wildlife Service, Region 3, June 2002

See: [<https://pubs.usgs.gov/wri/1995/4253/report.pdf>] 'Geohydrology, Water Levels and Directions of Flow, and Occurrence of Light-Nonaqueous-Phase Liquids on Ground Water in Northwestern Indiana and the Lake Calumet Area of Northeastern Illinois' by Robert T. Kay, Richard F. Duwelius, Timothy A. Brown, Frederick A. Micke, and Carol A. Witt-Smith, U.S. GEOLOGICAL SURVEY Water-Resources Investigations Report 95-4253, 1996

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See Also: [<http://ota.fas.org/reports/8104.pdf>] 'Assessment of Technologies for Determining Cancer Risks From the Environment, NTIS order #PB81-235400 – U.S. Congress, Office of Technology' Assessment, Washington, DC: U.S. Government Printing Office, June 1981, Library of Congress Catalog Card Number 81-600081'

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See: [<http://lib3.dss.go.th/fulltext/Journal/Environ%20Sci.%20Technology1998-2001/1998/no.16/16,1998%20vol.32,no.16,p2371-2376.pdf>] 'Lead Isotopes in Tree Rings: Chronology of Pollution in Bayou Trepagnier, Louisiana' by FRANCO MARCANTONIO, GEORGE FLOWERS, LEONARD THIEN, AND ERIK ELLGAARD, Department of Geology and Department of Cell and Molecular Biology, Tulane University, New Orleans, Louisiana

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From:



January 14, 2019

CO: Janet Pope

EPA Community Involvement Coordinator Region V

77 West Jackson Boulevard, SI -6J

Chicago, IL. 60604

pope.janet@epa.gov

Re: **Comment on USS Lead Superfund Site (EPA ID IND 005 174 354)**
Proposed Record of Decision Amendment

At USEPA's November 29, 2018 Public Hearing Meeting specifically regarding Zone 1 Clean-up at the East Chicago Public Library [Pastrick Branch] at 1008 W. Chicago Ave., East Chicago, IN. 46312 at 6:00pm, **USEPA REGION V LITERALLY SILENCED RESIDENT VOICES. SEVERAL OF US WERE NOT ALLOWED TO SUBMIT OUR COMMENTS DURING THE PUBLIC HEARING WITH I BEING ONE OF THEM.** USEPA regulations are very clear and concise in stating, “the public should be afforded an opportunity to submit oral and written comments on the selection of a proposed remedy, including a proposed ROD amendment. The regulations also require USEPA to hold a public hearing meeting for the plan. In addition, USEPA's obligation to promote environmental justice necessitates that residents have an opportunity for “meaningful input” in the decision making process.

NOTE: I STILL DEMAND A SECOND PUBLIC MEETING AND REQUEST AN EXTENSION ON THE COMMENT PERIOD TO BE SUBMITTED SINCE GOVERNMENT IS SHUTDOWN. DEADLINES CANNOT BE MET IF STAFF IS NOT ABLE TO WORK AND MEET THE DEADLINES. WERE NOT ACCOUNTABLE. EXTENSIONS ARE REQUIRED.

At this November 29, 2018 Public Hearing Meeting, the Residents and Community Supporters present petitioned openly on the floor to Region V EPA Staffers / Employees that we needed a 2nd Public Hearing because they failed to inform us prior, we had too many unanswered questions and they failed to allow residents and supporters to submit

their public comment because they ended the meeting. We also petitioned to have the comment period extended due to all the unknowns and unanswered questions to EPA Region V Presentation to their proposed clean-up plan on leaving part of lead refinery still buried and only removing 24" of soil.

In attendance in the meeting, I can say Region V EPA concern was being to negotiate with the Responsible Parties the most cost minimal efficient funding required for the clean-up plan [4B] rather than the BEST HEALTH PROTECTIVE AND ENVIRONMENTAL CLEAN-UP PLAN FOR THE RESIDENTS IN THE USS LEAD SUPERFUND SITE [4D].

EPA Region V proposed Plan 4B does not address the contaminated groundwater, they are only removing 24" of soil, EPA is ignoring Ameico's Demolition Report where they have concerns on the spreading of the contaminated groundwater/underground petroleum tanker/lead company debris buried underground. The Other Contaminants other than lead and Arsenic which Americo mentioned, we know there too is cadmium and Pah's in the Soil and groundwater which can spread a 10' – 15' Radius pending in the high water table and flood plains the USS LEAD Superfund Site.

As a Concerned Active Verbal Resident in the Superfund Site, The Medical Short Term and Long Term Report, ATSDR has developed does not PROTECTED ALL US RESIDENTS AT ALL MEDICALLY.. IT ONLY READ FOR LEAD FOR CHILDREN AND YES IT WAS ACCURATE BUT IT USED OLD DATA. ON THE AUGUST 18, 2018 ATSDR MEETING, MARK JOHNJONSON WAS SUPPOSED TO RELEASE AN UPDATED REPORT WHICH INCLUDED RESIDENTS WHO HAVE LIVED HERE LONG TERM AND HAVE BEEN CONTAMINATED WITH THE COMBINED EFFECTS OF LEAD, ARSENIC, CADMIUM AND PAH'S. A KEY FACTOR IS THE AGE OF OUR HOMES AND THE SEAPAGE WHICH WITH CONTAMINATED WATER, AIRBORNE CONTAMINATION, SOIL CONTAMINATION AND DRINKING WATER CONTAMINATION, Vapor Intrusion by air and Water hasn't been tested for all contaminants in the Superfund Site,

I'm utterly Livid with EPA because they are putting the interests of the Responsible Parties as priorities over ours. They are ignoring their own sworn guidelines to protect us and the Environment along with instituting the necessary agencies to assist the needs of the affected residents.

I feel REGION V EPA HAS Violated our Rights.



Anthony Copeland
MAYOR



City of East Chicago
4527 INDIANAPOLIS BLVD.
EAST CHICAGO, INDIANA 46312
219-391-8200 • 219-391-8397 FAX

To: Janet Pope **From:** Carla Morgan

Fax: (312) 385-5311 **Pages:** 12

Phone: (312) 353-0628 **Date:** January 14, 2019

Re: Public Comments re USS Lead Superfund
Zone 1 Residential Areas **CC:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

Dear Ms. Pope

Please accept the attached as the Public Comments from Mayor Anthony Copeland.

Thank You,

Carla Morgan

Anthony Copeland
MAYOR



City of East Chicago
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January 14, 2019

Janet Pope
US Environmental Protection Agency
Community Involvement Coordinator
77 W Jackson Blvd, SI-6J
Chicago, IL 60604

VIA FAX, EMAIL and FIRST CLASS MAIL

RE: Public Comments regarding the Proposed Amendment to the Cleanup Plan for
USS Lead Superfund Zone 1 Residential Area

Dear Ms. Pope:

Please accept the foregoing as my public comments on the Proposed Amendment to the Cleanup Plan for the Residential Area (Zone 1). As you are aware, from the beginning, I have fought for the best possible clean up of the USS Lead Superfund for the protection of our residents. In 2012, at a series of Public Meetings, I stated my preference that the EPA remediate all zones of the USS Lead Superfund site by removing all contaminated materials and cleaning to native soils.

After I was notified in 2016 of the actual levels of lead and arsenic contamination in West Calumet, I searched for the best possible way to protect residents of my City from the perils of lead and arsenic poisoning. After much research and consideration, I made the very difficult decision to recommend in July 2016 that families of West Calumet move out of their neighborhood. This move enabled HUD to demolish the structures in the West Calumet neighborhood. These structures had been built on slabs. It is important to note that the City and the EPA have become aware that construction debris remains below ground level within West Calumet from the demolition decades ago of the lead manufacturing operations that caused the site to be heavily contaminated.

I have requested since 2012 that the EPA clean the soils throughout the residential areas in the USS Lead Superfund down to native sands. This is Clean up Alternative 4D, which the EPA estimates would cost \$48.8 million to complete. **I am requesting that the EPA choose Clean Up Alternative 4D for Zone 1.** The clean up to native soil will protect the health of current residents of the USS Lead Superfund and

ensure that future residents of Zone 1 are not exposed to the dangers of lead and arsenic.

In previous discussions and communications, I have communicated to the EPA that the minimum that the City would accept is that the EPA clean up of every inch of West Calumet and Goodman Park according to Clean Up Alternative 4B, which is excavation to two feet, and replacement with clean soil. By this letter, I am clarifying my position by expressing my strong preference for Alternative 4D.

The reasons that I am asking the EPA to implement clean up plan 4D include the fact that alternative 4D best meets the criteria that the EPA must follow in selecting remediation plans.

EPA's nine criteria to evaluate clean up alternatives are as follows:

1. **Overall protection of human health and the environment** addresses whether an alternative adequately protects both human health and the environment. The cleanup plan can meet this criterion by reducing or eliminating contaminants or by reducing exposure to them.
2. **Compliance with applicable or relevant and appropriate requirements** assures that each alternative complies with federal, tribal and state laws and regulations.
3. **Long-term effectiveness and permanence** evaluates how well an alternative will work in the long term, including how safely remaining contaminants can be managed.
4. **Reduction of toxicity, mobility or volume through treatment** addresses how well the alternative reduces the toxicity (the chemical makeup of a contaminant that makes it dangerous), movement and amount of contaminants.
5. **Short-term effectiveness** is how quickly the alternative achieves protection, as well as its potential to be harmful to human health and the environment while it's being constructed.
6. **Implementability** evaluates the technical feasibility of the alternative, and whether materials and services are available to carry out the alternative.
7. **Cost** includes estimated capital or startup costs, such as the cost of buildings, treatment systems and monitoring wells. The criterion also considers costs to implement the alternative, and operate and maintain it over time. Examples include laboratory analysis and personnel to operate equipment.

8. **State acceptance** is whether the state environmental agency, in this case the Indiana Department of Environmental Management, agrees or disagrees with EPA's recommended alternative.
9. **Community acceptance** evaluates how well the community near the site accepts the alternative. EPA evaluates community acceptance after it receives and evaluates public comments on its recommended alternative.

Alternative 4D will best protect human health and the environment by removing contaminated soil and other materials down to native soil, thus satisfying criteria 1. This alternative will best comply with Federal and State of Indiana requirements, satisfying criteria 2. Alternative 4D is also the best long-term solution in that institutional controls and continued testing of the area for substances which threaten human health will not be necessary moving forward, and the toxicity, mobility and volume of contamination will be reduced to near zero, satisfying criteria 3 and 4.

Alternative 4D can be implemented through methods that the EPA is already using in Zones 2 and 3, which are the removal of contaminated soil; "chasing" contamination to depth and removing any and all contaminated materials that are found through XRF and other testing, and the replacement of excavated soils with clean fill to grade. Thus, Alternative 4D meets criteria 6.

When evaluating criteria 7, cost, I believe that evaluation of the long term cost of Alternative 4D must factor in how the estimated costs of clean up have evolved over time. The 2012 estimate under the EPA's then-preferred clean up alternative 4A (from document "EPA Proposes Cleanup Plan for Residential Area", U.S. Smelter and Lead Refinery Superfund Site East Chicago, Indiana, dated July 2012) put forth an estimate of \$28.9 million for residential areas in the entire site, with approximately \$10 million estimated clean up costs for West Calumet. After the ROD was finalized, which did not include Zone 2, the estimated clean up cost for just Zones 1 and 3 grew \$26 million, which was the City's understanding of the clean up costs through 2016, when the actual contamination levels were made known to the City. Now the EPA's preferred alternative 4B estimates a clean up cost of 26.5 million for just Zone 1. While the estimated cost of Alternative 4B is more expensive in the short term, I strongly believe that Alternative 4D will be cheaper in the long term, in that Alternative 4D provides the best protection of human health; it removes the need for institutional controls and future testing and it removes barriers to development.

Other cost factors that should be considered include: The EPA five year reviews to ensure that people continue to be protected from exposure to contamination; costs to maintain visual barriers and other barriers left to prevent excavation below 24 inches and the cost of other institutional controls; the costs of notices required for property title transfers, which our residents would have to bear; the risk of exposure that can result from common residential activities, such as planting trees or maintaining residential gardens, and the greatly increased cost of development.

The Indiana Residential Building Code, at Indiana Code 22-13-2-2; IC 22-13-2-13 and 675 IAC 14-4.3-6 Table R301.2(1) requires a minimum 36 inch foundation depth to the bottom of footing from the top of the finished grade. Thus a clean up to only 24 inches, as proposed under the EPA's preferred clean up Alternative 4B would virtually preclude any future residential development in Zone 1. I believe that any alternative which would preclude residential development could hardly be called a clean up to residential standards.

Regarding Community Acceptance, criteria 9, the community firmly rejected the EPA's preferred alternative 4B at the public meeting held November 29, 2018. At this meeting, the overwhelming preference of those community members who got an opportunity to speak was for clean up Alternative 4D.

When selecting the best clean up alternative for Zone 1, it is very important the EPA not dismiss the danger to human health posted by the presence of construction debris remaining below ground level on the footprint of the West Calumet Complex and possibly Goodman Park from the decades old demolition of the lead manufacturing operations which were the cause of the contamination at the site. It is highly likely that this construction debris is highly contaminated with lead and arsenic. Since the West Calumet Complex has been demolished, allowing the EPA to work far more efficiently than it has in Zones 2 and 3 because of the lack of buildings and other barriers to excavation, it is my hope that the EPA will focus its efforts on a more complete and thorough clean up that will include the removal of all contaminated materials.

I expressed many of these same sentiments in the 2012 public meetings held by the EPA and subsequent follow up meetings held both at my office and at Region 5 EPA headquarters on Jackson Street in Chicago. Please see the attached from 2012, which reflects my public comments given at the July 2012 EPA public meeting held at the East Chicago Public Library, Main Branch.

Anthony Copeland
MAYOR



City of East Chicago
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My hope for the Calumet Neighborhood, Goodman Park and the footprint of the West Calumet Complex is that there will be new residential development in addition to nearby jobs to help this community thrive. The City has acquired ownership of hundreds of dilapidated and abandoned properties within the USS Lead Superfund site, and intends to do residential in-fill development within the existing neighborhoods in Zones 2 and Zone 3 once these areas have been remediated. There is a strong demand for affordable housing in our City, limited available buildable lots to redevelop and virtually no available green field land. As a result Zone 1 should continue to be residential, and should be redeveloped as a residential area after the clean up is complete.

My preference for the land uses in Calumet, specifically Zone 1, Goodman Park, and West Calumet is that present uses will continue. The West Calumet Complex's footprint should continue as residential. Goodman Park should continue as parkland or residential, and that the entire residential neighborhood is revitalized through the removal of environmental contamination, which has posed a risk to human health and a barrier to development for far too long.

Sincerely,

Anthony Copeland
Mayor

Enclosure

CC: State of Indiana
IDEM

Public Comments/Response to
EPA's Proposed
"Cleanup Plan for Residential Area" dated July 2012
From City of East Chicago
Mayor Anthony Copeland

Public Comment Statement

I have reviewed EPA's recommended alternative 4A, Excavation of soil exceeding RAL's and off-site disposal, plus ex-situ treatment option, and DISAGREE with EPA's recommendation. The City of East Chicago recommends EPA remediate the site via alternative 4B, Excavate to native sand, off-site disposal and ex-situ treatment.

This letter covers various rationale, comparisons, and questions that support the City's position for disagreement with EPA's recommendation.

For your convenience, I have also attached a copy of the City's Public Comment statement that was read by Fernando M. Trevino, of FMT Consulting, Inc, at EPA's Public Meeting held on July 25, 2012 (attachment A).

The following summarizes my rationale for not supporting EPA's proposed recommendation:

- Alternative 4A, which is EPA's choice, leaves contamination behind where it exists below 2 feet, and will burden the City from future development opportunities due to costly "institutional controls" that EPA will impose.
- Alternative 4B, which is the City's recommendation, provides the highest degree of long-term effectiveness and permanence because all highly contaminated soil would be removed. Removal of all highly contaminated soil is recommended because:
 - It provides the highest degree of protection of human health and environment,
 - It would reduce or avoid the costs of maintaining the soil cover,
 - It would reduce or avoid the placement of subsurface barriers/markers,
 - It would reduce or avoid the need to obtain environmental easements,
 - It would reduce or avoid the restrictions of digging in the area,
 - It would reduce or avoid notifications tied to building permit applications,
 - It would reduce or avoid notifications tied to property title transfers,
 - It is consistent with EPA's preferences, per EPA's, Superfund Lead-Contaminated Residential Sites Handbook, page 37, "Full removal of the contaminated soil satisfies EPA's preference for permanent remedies and normally allows the remediated yard to return to unrestricted use."
 - The City has identified plans for this area that have a high probability of excavation activities going beyond 2 feet in the City's 5 year strategic plan, a copy which was provided to the EPA, at a March 8, 2012, meeting. These potential activities include:
 - Community gardens,
 - Demolition,
 - New Construction, and
 - Mixed use Development for this area.

Any new construction in our area will require going beyond the frost level, which is beyond 2 feet and would result in costly and burdensome provisions.

- The City already faces challenging development opportunities in this area, and establishment of institutional controls on properties will certainly destroy any hope of future development whether residential or commercial because of the costly and burdensome task of excavating beyond 2 feet.
- It may also complicate City utility/public works projects in the area because of the costly and burdensome task of excavating beyond 2 feet.
- The major difference between the two alternatives (4A and 4B) is the excavation depth of the top soil to be removed.
 - Option 4A, states a maximum of 2' of soil will be removed, and
 - Option 4B states the top soil will be removed to native sand,
 - Per EPA, soil sample results indicate native sand is at 2 feet; and native sand is “clean”, therefore, the depth of excavation in many cases may be the same under both alternatives.
- One of EPA’s selection criteria is to protect human health and environment. However, not taking into consideration future land use in remedy selection undermines this objective. Utility maintenance and new construction may compromise the integrity of the remediation with utility work and new construction constantly pierces the protective cap. An added concern is that workers will be exposed to the contamination left behind.
- Alternative 4B, is consistent with EPA’s Environmental Justice 2014 Plan. Specifically, to reference a couple of its initiatives, alternative 4B assures:
 - The development of remedies in enforcement actions to benefit overburdened communities, and
 - Will maximize benefits and minimize adverse impacts from land use.
- Per EPA memorandum, dated March 17, 2010, by James E. Woolford, Director of Superfund Remediation and Technology Innovation (copy attached), it is the City’s belief that EPA did not adequately take into consideration Reasonably Anticipated Future Land Use and Reduce Barriers to Reuse. Some items worth noting include:
 - EPA should allow sites to be reused safely and productively.
 - Appropriate use of the site is important, so the site is properly reused and discourages such activity as illegal dumping, which could undermine the remedy’s functioning and protectiveness.
 - Remediating a site for maximum opportunity for reuse will benefit a community by maintaining or increasing property value, plus improve the quality of life through amenities such as parks and providing significant local economic benefits.
 - EPA should solicit future land use early in their process.
 - EPA should make an extra effort to reach out to the local community to establish appropriate future land use assumptions.
 - EPA should solicit desired future uses of the site from community individuals, community organizations, local governments, developers, owners, renters, etc...
 - Information from the community should be documented in the Community Involvement Plan.

- Many of the above items were not done in East Chicago, nor were they documented in the Community Involvement Plan.
- EPA's Proposed Plan, Page 7, Remedial Action Objectives, states: Reduce to acceptable levels the human health risk from exposure to COC's in surface and subsurface soils through ingestion, direct contact, or inhalation exposure pathways, **assuming reasonably anticipated future land-use scenarios**. EPA also states it in the Feasibility Study Report, page 12 states: "The objectives of the risk assessment using the HHRA (which include the results from the IEUBK model) (1)... and (2) **to provide information to support decisions concerning the need for future evaluation or action, based upon current and reasonably anticipated future land use.**"

City Response:

At our March 8, 2012, meeting, between the City's team and the EPA, the City made it clear that it has future development plans for this area that would require excavation activities beyond 2 feet; therefore, EPA did not effectively take into consideration the City's future land-use objectives in their criteria; therefore, it does not meet EPA's Remedial Action Objectives.

- EPA's Proposed Plan, Page 11, item 1, top page, states: "Alternative 4A would leave contaminated soils in place at the few properties where soils below 2 feet may be contaminated. At those properties where contaminated soil remains at depth, EPA would rely on institutional controls (such as prohibiting excavation of contaminated soils) to prevent exposure."

City Response:

Again, at our March 8, 2012, meeting, between the City's team and the EPA, the City made it clear that it has future development plans for this area that would require excavation activities beyond 2 feet; therefore, EPA did not effectively take into consideration the City's future land-use objectives in their criteria. EPA's Proposed Plan never mentioned any specific community future-land use plans or intentions.

- EPA's Proposed Plan, page 4, Geological and Hydrogeologic Setting, states, "Native sand was typically located 18 to 24 inches bgs", and also states on page 5, "EPA compared soil types (top soil, fill, sand, ect.) with concentrations of Constituents of Concern (COCs) and concluded that the native sands underlying the fill material are typically free from elevated metals concentrations."

City Response:

If native sand is clean and it is located 18 to 24 inches below ground and the maximum depth EPA will chase contaminated soil is 24 inches, then removing all the contaminated soil to native sand in many cases may be the same under both alternatives?

- EPA's Proposed Plan, page 13, Community Acceptance, This criterion considers the community's preferences or concerns about the alternatives.

City Response:

As the elected Mayor of the City of East Chicago and therefore the community's spokesman, I have given EPA's recommendation a fair review, and do not support EPA's recommendation. Option 4A, leaves contamination behind and will burden the City from future development opportunities due to costly "institutional controls" that EPA will impose. As a supplement to my position, the City coordinated a petition from residents that reside within the Superfund site. Please see attachment of signatures we were able to collect from residents stating they do not support EPA's option 4A, and recommend 4B.

In addition to responding the EPA's remediation recommendation, the City has questions on noted differences that we came across when comparing similar EPA Superfund Projects to East Chicago's Superfund Project:

East Helena Site – Lewis and Clark County, Montana

- All properties with resident children were cleaned up first. Why hasn't this initiative been proposed in East Chicago?
- EPA hosted a community planning charrette and open house to develop a vision for future redevelopment. A charrette, a day-long planning workshop, provided a venue for community representatives and other key stakeholders to develop a preliminary vision, goals and priorities that can help shape and coordinate remediation, local planning and development at the East Helena Superfund Site. Why wasn't such a plan or similar initiatives proposed in East Chicago?
- In East Helena, EPA cleaned portions of railroad right-of-way that is adjacent to residential areas. Why wasn't this proposed in East Chicago? There are railroad right-of-ways that exist within the Superfund Site.
- In East Helena, EPA conducted a blood level study in children. In East Chicago, EPA has not conducted any blood level study to-date and it appears there is no intent to do any study in the future. If there has been testing, EPA has never communicated the results. Adults who have lived within the East Chicago Superfund site should be tested as well.
- East Helena has a comprehensive Lead Education and Abatement Program. Why wasn't such a plan or similar initiatives proposed in East Chicago?

Vasquez Boulevard & I-70 – Denver, Colorado

- This site had a comprehensive lead paint abatement program and community based Community Health Program. The Community Health Program was intended to raise awareness in the community about lead and arsenic hazards and was designed to complement the soil cleanups. The program also provided opportunities for parents to have urinary and blood testing in their children for lead or arsenic exposure. Why wasn't such a plan or similar initiatives proposed in East Chicago?

- At this site, 3,000 of 4,000 residents' soil were sampled or approximately 75 %. In East Chicago, a total of 88 properties were sampled with the average of 3 residential properties per block? Will this result in potential data gaps and leave contaminated yards behind?
- EPA's Environmental Justice was recognized in literature of the project. Why hasn't Environmental Justice been recognized in any literature in East Chicago?
- There was a Working Group formed by the EPA for this project that met monthly to get community and stakeholder input. Why wasn't this initiative formed in East Chicago?
- There was analysis of exterior and interior paint, collection of indoor household dust along with garden vegetables and soils. We haven't seen any documentation that this was done in East Chicago. Was any of this done in East Chicago? If not, what's the rationale for not conducting this?
- Implementation of a sampling program to sample yards which have not been previously sampled to determine if a clean up is required. Why hasn't this been proposed in East Chicago?

Omaha Lead Site – Omaha, Nebraska

- At the Omaha site, all soils were removed/replaced at residential properties exceeding 400 ppm considered high child-impact areas or with a residing child exhibiting an elevated blood lead level. Why hasn't this priority been considered for residents with children in East Chicago?
- A Community Advisory Group (CAG) was formed for the site to engage the community. Why wasn't a CAG formed for the project in East Chicago?
- There were 24,000 of 26,000 residents' soil sampled in Omaha, or approximately 92 %. In East Chicago, a total of 88 properties were sampled with the average of 3 residential properties per block? Will this result in potential data gaps and leave contaminated yards behind?
- There was stabilization of exterior lead-based paint that threatens the long-term protectiveness achieved through excavation and replacement of lead contaminated surface soils. Why wasn't this done or proposed in East Chicago?
- Removal of interior dust in instances where contaminated soils contribute to interior lead dust loading. Why wasn't this done or proposed in East Chicago?
- In Omaha, they implemented a Health Education Program that included in-home assessments, blood-lead screening programs, and diagnosis, treatment, and surveillance programs. Why wasn't such a program or similar initiatives proposed in East Chicago?

Testing of groundwater – The City is concerned that EPA didn't test the groundwater as part of the remedial investigation for OU1 which is a residential area, but EPA plans on doing groundwater testing in OU2 which is the location of the USS Lead Facility? Why wouldn't the conservative approach be taken and test groundwater in OU1 where the residents live? As a support for concern to test groundwater, page 12 of EPA's Proposed Plan states – “These soils are considered principal threat waste due to their toxicity **and potential to leach to groundwater**. This provides further support to test the groundwater in OU1.”

Risk Assessment – The City has concerns that lead was not included in the calculations of the Human Health Risk Assessment (see Feasibility Study, section 1.3.5, page 12).

The City would like to also point out poor communication efforts on behalf of EPA on this project, some examples include:

- Neither the City nor its consultant was notified in advance that EPA was in the field remediating residential properties in winter of 2011. The City found out through phone calls from City Department heads enquiring about the work/activity.
- The City wasn't aware there was a Community Involvement Plan until the City's consultant inquired about a communication plan. Also, it would have been good practice to send the Community Involvement Plan to key stakeholders such as my office for review and input before finalizing.
- EPA never solicited future land use intentions by the City, community, or other stakeholders. The City initiated this information at the March 8, 2012, meeting.
- As a more recent example, the City was not aware of EPA's proposed remediation plan 4B, until City Hall received a mailer summarizing EPA's recommendation and announcing EPA's July 25, 2012, public meeting.

To summarize, the City does not support EPA recommendation of option 4A. The City recommends option 4B, because it provides the highest degree of long-term effectiveness and permanence because all highly contaminated soil would be removed. The City will also support any modifications to the existing offered alternatives so long as the end result maximizes protection of human health and environment and the properties are returned to unrestricted use so the City may freely redevelop the area without burdensome and costly institutional controls.

The City's goal is to remediate this site as quickly, safely, and cost effectively as possible, and employ as many East Chicago residents and businesses as possible, with the added goal that the final remediated site will meet the City's objective to protect human health and environment and optimize the land use for the City's future.

To that point, the City would like to again remind the EPA that the City has asked the EPA to pursue a bidding strategy that may include the demolition of dilapidated and abandoned homes when remediating the site.

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
				Digital Fax		
Jan 14,	7:50PM	Fax Sent	13123855311	0:00 N/A	0	No answer



January 14, 2019

By email to pope.janet@epa.gov

Janet Pope
Community Involvement Coordinator
77 West Jackson Boulevard, SI-6J
Chicago, IL 60604

Re: Comment on USS Lead Superfund Site (EPA ID IND 005 174 354)
Proposed Record of Decision Amendment

Dear Janet,

As a former resident of the West Calumet Housing Complex (WCHC), I submit the following comments. I also support the East Chicago Calumet Coalition Community Advisory Group (CAG) comments, which were also submitted today and which I helped prepare.

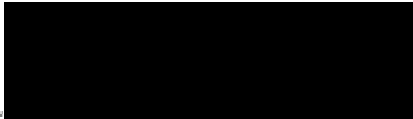
You can only imagine the fear I felt in 2016, when I received a letter from Mayor Copeland indicating that I needed to relocate my family as soon as possible because we had unwittingly been living for approximately ten years on severely contaminated land. I began to wonder if the lead contamination explained why my daughter had not done well on standardized tests. I wondered if any of us would get cancer as a result of this long-term exposure; indeed, many of our former neighbors and friends have cancer or have died of cancer. Some of these community members have lived on the USS Lead Site for as many as six decades.

Yet, in the midst of all my fears, I also had to focus my attention on finding us safe housing and move as quickly as possible. I then watched as my home was demolished because it was deemed too dangerous for anyone to ever occupy again. Although I have relocated out of East Chicago because I was not able to find Section 8 housing in East Chicago, I still return to East Chicago almost every day to teach at East Chicago Lighthouse Charter School and to participate in CAG meetings. I have watched, listened, and read with interest as USEPA has developed a new plan to remediate the WCHC and Goodman Park.

My most important comment on the proposed plan is that USEPA must do everything possible to make sure that in another 40 years, the future residents and regular visitors to this site will not suffer another crisis. USEPA must stop merely doing what is required—checking the boxes—and conduct a full cleanup of the site. I urge you to select Alternative 4D and remove all contamination from the soil. I urge you to go further, though, and also eliminate the groundwater contamination.

For our community to heal, we need to know that if residents want to return to West Calumet, they can return to a community where they can live safely—free of the legacy of arsenic and lead contamination that has harmed generations of people over the last 40 years.

Sincerely,

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering a line of text.



Delivered Via E-mail pope.janet@epa.gov

January 14, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

RE: Comment – USS Lead Superfund Site Redevelopment, East Chicago, IN

Dear Ms. Pope:

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that Woolpert supports a cleanup plan that integrates with the proposed redevelopment for a commercial/industrial land use. It is our understanding that the plan will support the cleanup and should provide benefits to the local and regional economy.

We have been in contact with Impact Environmental who per our understanding has over 25 years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Our understanding is that Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial, logistics, distribution, storage, office and training facilities.

The economic benefit of the proposed plan should create employment, as well as, increase regional economic revenue. We support a plan that allows for the proposed cleanup and provides economic benefit and community revitalization.

If you have any questions or need additional information, please contact my office.

Sincerely,

Woolpert, Inc.

Christopher C. Perry, PE
Sr. Vice President

Woolpert, Inc.
1815 South Meyers Road, Suite 950
Oakbrook Terrace, IL 60181-5226
630.424.9080

January 15, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Re: USS Lead Superfund Site, Zone 1

Dear Ms. Pope,

Thank you for the opportunity to provide comments regarding the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that W. R. Grace supports a cleanup plan to clean up the site to the appropriate standards outlined by the U.S. EPA on the EPA web site. This will permit the re-development measures for a commercial/industrial land use.

The economic benefit of the proposed plans will create permanent full-time and supporting jobs which will increase the annual economic output for the area. From what W. R. Grace understands, the proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and looking to incorporate these amenities into the adjacent residential neighborhood. The high-tech training facility in the re-development plan will create training services for the new 3.5 million square foot distribution center.

Impact Environmental is our current landlord for our facility and has been working to remediate and construct on the former Dupont site. Impact has 30 years of experience in cleaning and redeveloping environmentally challenged properties

and that has submitted a response to the Request for Proposal to the LCEA. This type of project would be a good fit for the USS Lead, Zone 1 property.

Please do not hesitate to contact my office if you have further questions.

Sincerely,

Chad Starr
Plant Manager
W. R. Grace & Co.
5215 Kennedy Avenue
East Chicago, IN 46312

Telephone (219) 391-4601

From: [Pope, Janet](#)
To: [Alcamo, Thomas](#); [Rodriguez, Charles](#)
Subject: FW: USS Lead Superfund Site
Date: Monday, January 28, 2019 8:52:02 AM

Janet L. Pope
Community Involvement Coordinator
US EPA, Region 5
312-353-0628

-----Original Message-----

From: DIJ Editor <editor@dailyindependentjournal.com>
Sent: Friday, January 18, 2019 1:07 AM
To: Pope, Janet <Pope.Janet@epa.gov>
Subject: USS Lead Superfund Site

Hi,

I believe that a deed restriction should be placed on Zone 1 for Operable Unit 1 to prevent future residential dwellings, which would then justify remediating the site to commercial/industrial standards and would prevent future exposure in that zone.

Thank you,
Matthew Berdyck

Publisher: Daily Independent Journal
Founder: SuperfundResearch.org



Royer Cooper
Cohen Braunfeld LLC

Dustin Covello
Partner
dcovello@rccbllaw.com
484-362-2322

January 18, 2019

Janet Pope
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd, SI-6J
Chicago, IL 60604

Via email to pope.janet@epa.gov

Re: Comment – USS Lead Superfund Site Redevelopment

Dear Ms. Pope,

I am writing to comment on the proposed cleanup of Zone 1 of the USS Lead Superfund site located in East Chicago, Indiana. This letter is to advise your office that my law firm, Royer Cooper Cohen Braunfeld LLC, strongly supports a cleanup plan that integrates with redevelopment measures for a commercial/industrial land use. Such a plan will expedite the cleanup and provide immediate benefits to the local and regional economy. This will catalyze replacement housing in Zone 2 and revitalize the entire neighborhood.

We have been in touch with Impact Environmental, which has thirty years of experience in cleaning and redeveloping environmentally challenged properties and that has submitted a response to the Request for Proposal to the LCEA. Impact Environmental has proposed reuses for the USS Lead site that include a mix of light industrial- logistics center, distribution, storage, office and training facilities. This is just the kind of redevelopment that is necessary, market-forward and sustainable.

We believe that the proposed plans will create hundreds of permanent full-time and multiplier jobs, significantly increasing the annual economic output while increasing property tax revenue. The proposal includes integrating green transportation strategies (e.g., creation of walking and bike paths) between the two zones, new park space, and helping with other studies to incorporate these amenities in the adjacent residential neighborhood. Moreover, the high-tech training facility in the redevelopment plan will create training services for the new 3.5 million square foot, modern distribution center,

Janet Pope
January 18, 2019
Page 2

Again, we strongly support a cleanup plan that expedites cleanup and optimizes a schedule for economic benefit and community revitalization.

Please do not hesitate to contact me if you have further questions or need additional information.

Very Truly Yours,

/s Dustin Covello