




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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September 1, 2020

From: X 
Douglas Ballotti, Director
Superfund & Emergency Management Division
Signed by: DOUGLAS BALLOTTI

To: Kurt Thiede
Regional Administrator

Subject: Recommendation for Approval of the Responsiveness Summary Addressing Public Comments on the Notice of Intent for Partial Deletion of the U.S. Smelter and Lead Refinery Superfund Site from the National Priorities List

Purpose

I recommend you approve the attached Responsiveness Summary that addresses the public comments EPA received on its Notice of Intent for Partial Deletion (NOIPD) of the U.S. Smelter and Lead Refinery Superfund Site (USS Lead Site or Site), East Chicago, Indiana, from the National Priorities List (NPL).

Background

On July 8, 2020, EPA Region 5 published a NOIPD of the Site from the NPL in the *Federal Register* (85 *FR* 40959), which initiated a 30-day public comment period on the proposed partial deletion. The closing date for making a public comment was August 7, 2020. Region 5 has prepared this Responsiveness Summary to provide responses to the public comments received and to support the partial deletion of the USS Lead Site in EPA Headquarters' upcoming multi-site NPL Deletions Update that HQ plans to publish in the *FR* in September 2020.

Scope of Partial Deletion

EPA has proposed to delete 671 mostly-residential properties that are located in Zones 2 and 3 of Operable Unit 1 (OU1) of the Site from the NPL because EPA and the State of Indiana, through the Indiana Department of Environmental Management (IDEM), have determined that the soil at these 671 properties either has been cleaned up or has been sampled and cleared for unlimited use/unrestricted exposure (UU/UE). At many of these properties EPA completed a required soil cleanup action in accordance with the November 2012 USS Lead OU1 Record of Decision (ROD), as modified by the April 2018 Explanation of Significant Differences (ESD), leaving no soil contaminants behind above cleanup standards to depth (below 24 inches), which does not require the recording of institutional controls (i.e., land use restrictions). At some of these properties EPA sampled the soil and found it to be below the soil cleanup standards to depth,

which meant no soil cleanup was needed nor recording of institutional controls. EPA has determined that the response actions taken for the soil at the 671 properties meet the completion requirements as specified in EPA's OSWER Directive 9320.2-22, *Close Out Procedures for National Priorities List Sites* and are protective of public health and the environment and, therefore, taking additional remedial measures pertaining to the soil at these properties is not appropriate. (A list of the 671 properties included in this partial deletion is provided in Appendix B of Attachment 1 of the Responsiveness Summary.)

Disposition of Remainder of Site

The partial deletion action pertains only to the designated 671 properties in Zone 2 and Zone 3 of OU1 at which EPA has either cleaned up the soil or sampled and cleared it for residential use. The partial deletion action does not apply to OU1 Zone 1, which is awaiting cleanup; to the remaining properties in Zone 2 and Zone 3, which EPA is currently addressing; or to OU2, which consists of the USS Lead facility property and the groundwater beneath the entire Site and at which EPA is currently investigating the nature and extent of contamination.

Comments

The East Chicago Calumet Coalition (ECCC) community group, two Site residents, and another individual submitted written comments during the 30-day public comment period to EPA indicating their disagreement with the proposed partial deletion. (An anonymous commenter also disagreed with the delisting, but the comment was only a general criticism of the Trump Administration and did not provide any Site-specific information to support its opposition to the proposed partial deletion.)

Conclusion

Upon review of the comments received, I believe that while they may be adverse to the partial deletion of the Site, they do not rise to the level that would cause EPA to withdraw the proposed partial deletion.

Please indicate your approval or disapproval of the Responsiveness Summary below and feel free to contact me if you have any questions. Upon your approval, the Responsiveness Summary will be placed into the Deletion Docket and EPA's Site records and sent to IDEM, the City of East Chicago, the ECCC, and the people who submitted written and verbal comments on the partial deletion (if contact information was provided).

Attachment:

1. Responsiveness Summary Addressing Public Comments on the Notice of Intent for Partial Deletion of the U.S. Smelter and Lead Refinery Superfund Site from the National Priorities List, September 2020.

Approval of the Responsiveness Summary Addressing Public Comments on the Notice of Intent for Partial Deletion of the U.S. Smelter and Lead Refinery Superfund Site from the National Priorities List:

Approve:	<div>Digitally signed by KURT THIEDE Date: 2020.09.02 10:47:28 -05'00'</div> <div>KURT THIEDE</div> <div>_____</div> <div>Kurt Thiede</div> <div>Regional Administrator</div>	<div>_____</div> <div>Date</div>
	<div>_____</div> <div>Kurt Thiede</div> <div>Regional Administrator</div>	<div>_____</div> <div>Date</div>
Disapprove:	<div>_____</div> <div>Kurt Thiede</div> <div>Regional Administrator</div>	<div>_____</div> <div>Date</div>

**RESPONSIVENESS SUMMARY
ADDRESSING PUBLIC COMMENTS ON THE
NOTICE OF INTENT FOR PARTIAL DELETION OF THE
U.S. SMELTER AND LEAD REFINERY SUPERFUND SITE
EAST CHICAGO, INDIANA
FROM THE NATIONAL PRIORITIES LIST
September 2020**

INTRODUCTION

On July 8, 2020, the United States Environmental Protection Agency (EPA) published a Notice of Intent for Partial Deletion of the U.S. Smelter and Lead Refinery Superfund Site (USS Lead Site or Site) located in East Chicago, Indiana, from the National Priorities List (NPL) in the *Federal Register* (85 FR 40959). EPA's publication of this notice was intended to inform the public that EPA planned to delete from the NPL 671 mostly residential properties located in Zones 2 and 3 of Operable Unit 1 (OU1) of the Site that have been cleaned up and/or cleared for residential use for soil while the investigation and cleanup of the other portions of the Site, including the groundwater below the residential area, remained ongoing and to initiate a 30-day public comment period on the proposed partial deletion.

EPA proposed to delete these 671 properties from the NPL because EPA and the State of Indiana, through the Indiana Department of Environmental Management (IDEM), have determined that the soil at these properties has been cleaned up and/or sampled and cleared for unlimited use/unrestricted exposure (UU/UE). In accordance with the November 2012 USS Lead OU1 Record of Decision (ROD), as modified by the April 2018 Explanation of Significant Differences (ESD), the 671 properties meet the completion requirements as specified in EPA's OSWER Directive 9320.2-22, *Close Out Procedures for National Priorities List Sites* (see Attachment 1). EPA has determined that the response actions taken for soil at the 671 properties are protective of public health and the environment and, therefore, taking additional remedial measures pertaining to the soil at these properties is not appropriate.

This partial deletion pertains only to the 671 properties in Zone 2 and Zone 3 of OU1 at which EPA either (1) has completed a soil cleanup action leaving no soil contamination remaining above the cleanup standards to depth (below 24 inches) in accordance with the ROD, as amended by the ESD, and therefore do not require recording of institutional controls (i.e., land use restrictions) for soil or (2) has sampled and found to be below the soil cleanup standards and therefore do not require any further action for soil (i.e., do not require a soil cleanup or land use restrictions). A list of the 671 properties included in this partial deletion is provided in Appendix B of Attachment 1 (*Site-Specific Justification Report for the Deletion of 671 Properties in Neighborhood Zones 2 and 3 of Operable Unit 1 of the U.S. Smelter and Lead Refinery, Inc. Superfund Site, East Chicago, Indiana from the National Priorities List*, June 2020).

This partial deletion does not include the few remaining OU1 Zone 2 or 3 properties that EPA plans to address in 2020 after receiving access permission for required soil cleanups or those Zone 2 or 3 properties that have had soil cleanups but still require completion reports and/or that may require institutional controls to limit future land use. This partial deletion also does not apply to any property in neighborhood Zone 1 of OU1 or to the groundwater beneath the residential neighborhoods. Zone 1 soil has yet to be cleaned up and the groundwater portion of the USS Lead Site, including the groundwater beneath the residential properties in OU1, is being addressed as part of Operable Unit 2 (OU2), which also includes the nearby former USS Lead facility and its surrounding property.

The OU2 investigation is required by an October 4, 2017 Administrative Settlement Agreement and Order on Consent agreement between EPA and USS Lead. This investigation is ongoing. Updates about the OU2 investigation are available on EPA's USS Lead website (<https://www.epa.gov/uss-lead-superfund-site>) and in the newsletter that EPA sent to residents and other community members in April 2020. At this time, EPA anticipates that additional sample collection and data evaluation will be required for OU2 and plans that the groundwater (including the groundwater below the OU1 residential areas), soil, and sediment at the former USS Lead facility will be adequately characterized by late 2021.

COMMUNITY ENGAGEMENT

The delisting process is an important milestone for the East Chicago community and, as such, EPA conducted extensive community outreach and engagement efforts as part of the delisting process. These efforts included:

- At the start of the delisting public comment period, EPA mailed detailed fact sheets to everyone residing within the USS Lead Site and on the Site mailing list that contained a clear explanation as to why EPA was proposing to delete the 671 properties from the NPL and an explanation of what the deletion of these properties from the NPL meant. These fact sheets are also available in Spanish upon request.
- EPA sent individual letters to all 671 property owners, along with the delisting fact sheet, to notify them that EPA was proposing to delete their property from the USS Lead Site and to clearly explain what delisting meant.
- EPA posted an announcement of the public comment period for proposed partial deletion on its USS Lead website (<https://www.epa.gov/uss-lead-superfund-site>) with detailed instructions on how to comment, along with links to the fact sheet (in English and Spanish) and the deletion docket containing Site information supporting the proposed partial deletion.
- EPA issued a press release to announce the proposed deletion and the start of the public comment period on July 8, 2020. This release resulted in articles about the Site in the two local newspapers and some radio stations, along with a short spot on WGN-TV (Chicago). A July 10, 2020 article in the *Chicago Tribune* newspaper stated that the mayor of East Chicago and other East Chicago city officials supported EPA's proposal. *See*

<https://www.chicagotribune.com/suburbs/post-tribune/ct-ptb-east-chicago-lead-response-st-0713-20200710-23uj4pbvf5dpjadbqpnd266b7m-story.html>.

- On July 10, 2020, EPA placed an ad in a major local newspaper, the *Northwest Indiana Times*, in English and Spanish, announcing the proposed deletion, the 30-day public comment period, and the means by which one could comment.
- EPA placed telephone calls to the two law clinics that have been assisting area residents in Site matters, to congressional staff, and to the City of East Chicago to notify them of the start of the delisting public comment period.
- EPA emailed area citizen groups East Chicago Calumet Coalition (ECCC), Calumet Lives Matter, and Community Strategy Group Leaders, plus the District Councilman of the delisting public comment period and outlined the delisting process.
- EPA emailed the fact sheet to the community leaders and stakeholders to notify them of the start of the public comment period.
- EPA set up a special phone line to accept oral comments for those who may not have internet access in their homes since libraries and public internet spaces were temporarily closed and EPA's office was not able to accept mailed comments due to restricted office access associated with the coronavirus pandemic (COVID 19/Novel Coronavirus SARS-CoV-2).
- EPA informed the public that they could submit comments through the USS Lead Site webpage, by email to EPA Region 5's Deletions Coordinator, via Regulations.gov, or by telephone both in English and in Spanish.
- EPA sent a letter to representatives of the ECCC and the legal clinic directors on August 4, 2020 in response to and declining ECCC's July 27, 2020 request to extend the public comment period and to hold a virtual public hearing concerning the proposed delisting (see Attachment 8).

RESPONSIVENESS SUMMARY

EPA has prepared this Responsiveness Summary to respond to comments submitted to EPA during the 30-day comment period regarding the Notice of Intent for Partial Deletion (NOIPD) of the USS Lead Site from the NPL. The public comment period began on July 8, 2020 with publication of the NOIPD in the *FR* and closed on August 7, 2020.

Summary of Comments Received

EPA received written or verbal public comments from the ECCC and from three individuals during the comment period, and an anonymous person left a comment via Regulations.gov. EPA also received telephone calls during the comment period from four area residents requesting additional information about the partial deletion and their specific properties. The comments are summarized and addressed below. The original comments are attached to this Responsiveness Summary, which is available with other documents that support the partial deletion at <https://www.regulations.gov>, Docket ID EPA-HQ-SFUND-2008-0577 and on EPA's webpage for the Site at <https://www.epa.gov/uss-lead-superfund-site>. EPA will send a final copy of this

Responsiveness Summary to IDEM, the City of East Chicago, the ECCC, and the people who submitted written comments on the partial deletion (if contact information was provided).

In general, the comments received from the ECCC and the three individuals showed that they opposed the proposed deletion of the 671 properties in OU1 (see EPA's responses to these comments in the next section). However, the commenters' opposition to EPA's proposed partial deletion is primarily due to their stated concerns about potential effects of area groundwater contamination and the other portions of the Site that EPA is still evaluating as part of the ongoing OU2 investigation and not with the OU1 soil cleanup itself.

The anonymous commenter also opposed deletion, but the comment was merely a criticism of the Trump administration and did not include any Site-specific information to support the commenter's opposition of the proposed partial deletion.

The four callers were mainly requesting additional information from EPA about the partial deletion and their specific properties; however, three of the callers verbally expressed support for EPA's proposal to delete their properties from the NPL.

As presented below, EPA, in consultation with IDEM, has reviewed and carefully considered the public comments on the proposed delisting and has decided to move forward with deleting the 671 residential properties in Zones 2 and 3 of OU1 of the USS Lead Site (listed in Appendix B of Attachment 1) from the NPL.

Response to Specific Comments

Comment Issue 1: The ECCC and three others commented that (summarized below, for full texts see Attachments 2 to 5, which include other comments addressed separately below):

The 671 residential properties should not be deleted from the NPL because groundwater, basement seeps, sediment and surface water still pose a threat.

Residents should be given the opportunity to "opt-out" of the delisting.

The January 2020 draft OU2 Remedial Investigation (RI) Report indicates that arsenic in groundwater poses an unacceptable noncancer risk to current and future adult and older children residents, primarily from contact with groundwater as a result of basement flooding, sump operations, and groundwater seepage in basements.

OU2 surface water also poses an unacceptable health risk to trespassers. EPA disapproved the 2020 draft OU2 RI Report stating that the sampling was "inadequate to characterize the extent and source(s) of contamination, contaminant fate and transport, and threats to human health and the environment".

EPA found that the draft OU2 RI Report did not assess risks for young children who may come into contact with flooded basements or children who may wander onto the former USS Lead facility.

The RI Report did not assess whether groundwater leaves behind residual contaminants that could harm residents, even after they clean their basements (e.g., from dust).

EPA Response:

EPA is deleting the 671 residential properties in Zones 2 and 3 of OU1 from the NPL because the OU1 soil cleanup remedy selected and implemented for these properties in accordance with the 2012 OU1 ROD, as modified by the 2018 ESD, is complete and meets the Site completion requirements as specified in EPA's OSWER Directive 9320.2-22, *Close Out Procedures for National Priorities List Sites* (see Attachment 1).

Additionally, interior dust sampling for lead and arsenic was conducted at the remediated properties in Zones 2 and 3 and cleanup was performed as necessary under EPA's removal authority (see March 2020 Interim 2018 *Interior Sampling and Dust Cleaning Close Out Report*, which is available online in the deletion docket). EPA and IDEM have determined that the response actions taken for soil at these properties are protective of public health and the environment and, therefore, taking additional remedial measures pertaining to the soil at these properties is not appropriate.

EPA has no efficient mechanism to offer an "opt-out" of the proposed deletion to each of the 671 property owners in Zones 2 and 3 of OU1 whose soil was cleaned up or tested clean and required no cleanup. However, it should be noted that despite the deletion, EPA and IDEM are still present at the USS Lead Site and will be until the remaining properties in OU1 and all of OU2 is fully addressed in accordance with current and future Records of Decision. Moreover, as explained in EPA's *Site-Specific Justification Report for the Deletion of 671 Properties in Neighborhood Zones 2 and 3 of Operable Unit 1 of the U.S. Smelter and Lead Refinery, Inc. Superfund Site, East Chicago, Indiana from the National Priorities List* (June 2020) and EPA's July 8, 2020 *Federal Register* notice:

"Section 300.425(e)(3) of the NCP [National Oil and Hazardous Substances Pollution Contingency Plan] states that the deletion of a site or a portion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions."

The remainder of the above comments do not pertain to OU1 but concern OU2 media – the groundwater beneath the Site (including the groundwater below OU1) and the soil, surface water, and sediment on the USS Lead facility property. The investigation of the nature and extent of contamination at OU2 is ongoing and EPA is evaluating current results as well as planning future sampling rounds.

EPA is currently evaluating the potential for groundwater and seepage in basements to introduce Site-related contaminants into residential and other structures, which is known as subsurface intrusion. EPA notes that the sump water and indoor dust samples collected to date have not shown Site-related arsenic dust accumulation in basements that can be attributed to groundwater seepage, and shallow groundwater in Zones 2 and 3 generally has chemical concentrations below drinking water limits.¹ However, EPA has observed localized elevated contaminant concentrations and additional samples are needed to determine whether seepage-related exposure to Site contaminants is a potential risk as part of the ongoing OU2 investigation.

It is very important to note, however, although the OU2 investigation is ongoing, the unapproved, draft Remedial Investigation Report for OU2 (January 2020) does not indicate that arsenic in groundwater poses an unacceptable noncancer risk to current and future adult and older children residents from contact with groundwater as a result of basement flooding, sump operations, and groundwater seepage in basements. The noncancer hazard indices calculated for adults and older children residents in the draft RI Report were 0.14 for adults and 0.2 for older children, which do not exceed EPA's target threshold of 1, and therefore indicate that these exposures do not pose any noncancer risks (see page 18 and Tables 7.16 and 7.17 of the Human Health Risk Assessment included as Appendix M of the draft January 2020 RI Report). EPA will evaluate whether contact with groundwater and its residuals on surfaces in basements poses a risk to young children (ages 0-6) in the revised OU2 risk assessment once that document is complete.

Comment Issue 2: The ECCC and three others (Attachments 2 to 4 and Attachment 6) commented that the 671 Zone 2 and 3 properties should not be deleted from the NPL because these properties can be re-contaminated by arsenic and lead from unremediated properties during flood events. The commenters stated that significant surface and groundwater flooding occurred in May 2020 and residents are concerned that contamination from unremediated areas will continue to flow onto their properties and into their homes, even after EPA delists the properties. Additionally, the commenters indicate that potential impacts from other contaminants including polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), dioxins, other metals, and pesticides should be evaluated.

EPA Response:

The recontamination of OU1 soil at the properties that have been cleaned up from unremediated areas is extremely unlikely. To date, over ninety-nine percent (595 out of 597 total properties) of the properties in Zone 2 and over 97 percent (469 out of 481 total properties) of the Zone 3 properties have been remediated and/or sampled and cleared for residential use.

¹ See *EPA Responses to Community's Concerns Regarding Potentially Unaddressed Contamination at the U.S. Smelter and Lead Refinery Superfund Site, East Chicago, Indiana* (September 1, 2020) for additional information concerning these issues (Attachment 9).

Based on the chemical properties of lead and arsenic, any remaining concentrations of these contaminants in OU1 soil are also expected to remain bound to soil particles and not be readily mobile. Any mobility of contaminated soil remaining in OU1 is further restricted by lawns, gravel, and other vegetation covering the unremediated properties, including the property in Zone 1, as well as streets and storm sewer intakes. (See Section 6.4, Expected Fate and Transport, in the 2012 *RI Report*, which is available online in the deletion docket.)

Any impacts to OU1 from any OU2 contamination are being evaluated as part of the OU2 investigation. However, any substantial threats from OU2 via flooding would be expected to be limited by the relative immobility of lead and arsenic in soils as well as the many streets and storm sewers located between OU1 and OU2 that would capture the overland flow and any associated contamination.

Also, based on EPA's Human Health Risk Assessment for OU1, the OU1 chemicals of concern are arsenic and lead (see Section 7.1, Data Evaluation and Selection of Chemicals of Potential Concern, in the 2012 *RI Report*). Although other chemicals may be present in OU1 soil, EPA determined that these chemicals were either detected below screening levels or were due to natural or other manmade sources (e.g., PAHs) and were not Site-related.

Comment Issue 3: The ECCC (Attachment 2) commented that the 671 residential properties should not be deleted from the NPL because EPA's fact sheet does not provide residents with adequate information about (1) continuing potential harms to public health from groundwater due to basement flooding and seepage, as outlined in the draft RI Report, (2) additional problems identified by EPA's rejection of the initial RI Report, (3) any duties residents may have to disclose the existence of OU2 if they would like to sell or develop their property, (4) the extent to which soil contamination on listed properties and properties with institutional controls may pose a threat to residents on delisted properties, (5) whether the five-year review will analyze properties with institutional controls differently than properties without institutional controls, (6) whether property owners would still qualify for lead testing services in the event of delisting, and (7) the specific governmental grants residents may be able to receive in the event of delisting (so that they can weigh those benefits against the risks of delisting).

EPA Response:

See EPA responses to Comment Issues 1 and 2 concerning groundwater, basement flooding and seepage, the draft OU2 *RI Report*, and threats to remediated properties from unremediated properties and properties that have been remediated but still require institutional controls. Although EPA has not approved the draft OU2 *RI Report*, the document does not indicate that basement flooding and seepage pose an unacceptable risk to adult or older children residents. Because the groundwater investigation is ongoing, additional evaluation could address the issue of subsurface intrusion and residuals (if any) left by flood events. Also, EPA is deleting the 671 Zone 2 and 3 OU1 properties from the NPL because these properties have been cleaned up and/or sampled and cleared for

unrestricted use for soil and meet the deletion criteria. The OU2 portions of the Site, including the groundwater below OU1 (and any associated groundwater-impacts), are not included in this partial deletion and will remain on the NPL.

For questions concerning real estate disclosures, EPA understands that the State of Indiana has property disclosure laws. OU1 property owners selling or redeveloping their property should consult with a legal or real estate professional concerning these specific requirements. Also, the City of East Chicago or other local governments may have additional regulations.

EPA is not clear what “lead testing services” the ECCC’s comment is referring to. If ECCC’s comment is referring to additional soil or dust sampling, as indicated in EPA’s response to Comment Issue 1, Superfund law states that sites or portions of sites that have been deleted from the NPL remain eligible for future response actions (which includes sampling) if future conditions warrant such actions (see Section 300.425(e)(3) of the NCP). If the ECCC’s comment concerns blood level testing, this program is administered by the East Chicago Health Department, which should be contacted for additional information. Similarly, questions concerning government grants for delisted properties should also be directed to the City of East Chicago, as EPA does not administer this program.

Statutory five-year reviews are required for sites or portions of sites where hazardous substances, pollutants, or contaminants remain above levels that allow for UU/UE. Since the soil at the 671 OU1 properties being deleted from the NPL has been remediated to levels that allow for UU/UE and/or cleared for unrestricted use, five-year reviews are not required for the OU1 soil component of these properties. EPA will, however, continue to evaluate the OU2 groundwater portion of the Site underlying these deleted OU1 properties and any other OU2 impacts to the properties that do not allow for UU/UE as required (e.g., if the OU2 remedy requires institutional controls restricting groundwater use at the property).

EPA’s five-year reviews for any OU1 properties that will require land use restrictions because soil contamination will remain at depth at the property after the soil cleanup (i.e., deeper than 2 feet) would evaluate whether the required institutional controls are in place and effective. Also, all five-year reviews are required to answer the following three questions:

- A. Is the remedy functioning as intended by the decision documents?
- B. Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives used at the time of the remedy selection still valid?
- C. Has any other information come to light that could call into question the protectiveness of the remedy?

Comment Issue 4: One individual commented (Attachment 3) that large volumes of contaminated soil remain in many properties slated for NPL delisting because some material could not be removed due to potential damage to foundations and building

structures. Also, soil was not removed under trees and some shrubs or under any hardscaping such as sidewalks, driveways, patios, etc. The commenter also contends that EPA and IDEM continue to disregard reports that industrial waste such as slag from the USS Lead blast furnace was used as construction backfill throughout the area and states that soil samples were not collected deep enough.

EPA Response:

The complete details and documentation of the soil removal activities for the remediated properties being deleted is provided in the *Interim Zone 2 2018 Remedial Action Construction Report*, the *2017 Remedial Action Report Zone 3*, and the *2018 Remedial Action Completion Report Zone 3*. These reports are available for review online in the deletion docket. As indicated in these reports, the soil was excavated by hand in areas where heavy equipment could potentially damage structures and within the drip lines of trees or shrubs that remained in place to minimize damage to roots. Some trees and existing stumps were also removed prior to excavation. Soil was not removed under hardscaping such as sidewalks, driveways, and patios since these hardscapes already provide a barrier to potential exposure to underlying contaminants, if any.

Also, EPA and IDEM are fully aware that slag was used as backfill throughout the area. See, for example, page 7 of the 2012 ROD which states:

“The residential area that comprises OUI has been contaminated by aerial deposition of windblown contaminants from the USS Lead facility and other local industrial facilities and by direct deposition of contaminated fill materials.”

Finally, most OU1 soil samples were collected down to depths of two feet below ground surface mostly into the (clean) native sand during the RI and as part of post-excavation confirmation soil sampling because this is the maximum depth of soil that residents are expected to contact. A visual barrier such as orange construction fencing is installed at all properties where the soil contamination remains above the cleanup standards at depths greater than two feet below ground surface. However, visual barriers were not needed at any of the 671 residential properties that are included in this partial deletion (i.e., soil deeper than two feet below ground surface is not contaminated above the cleanup levels).

Comment Issue 5: One individual commented (Attachment 3) that the 671 residential properties should not be deleted from the NPL until EPA has proof that the residential cleanup has reduced children’s blood lead levels (BLL) to an acceptable concentration. The commenter also notes that EPA Region 7 is re-evaluating the cleanup standards for lead at the Omaha Lead Site due to changes in ATSDR’s assessment of lead blood levels from 10 micrograms per deciliter (µg/dL) to 5 µg/dL.

EPA Response:

Children can be exposed to lead from many sources such as flaking or peeling lead-based paint in the home, soil, dust, air, water, foods, and consumer products. Contact with these

sources and their effect on BLLs can vary from individual to individual and connecting any BLL to a specific source is difficult (see the August 2018 Fact Sheet, *History of Child Blood Lead Levels in East Chicago* issued by the U.S. Department of Health's Agency for Toxic Substances and Disease Registry, which is available online in the deletion docket). Because of this, EPA does not agree that it is necessary to confirm that children's BLL in OU1 have been reduced, since the OU1 soil removals and dust cleanups will prevent children from being exposed to unacceptable concentrations of Site-related lead.

Also, as indicated in EPA's response to Comment Issue 3, EPA will be evaluating whether the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives used at the time of the remedy selection are still valid and whether any other information has come to light that could call into question the protectiveness of the remedy as part of the upcoming five-year review for the Site, which will be completed in October 2021. If, in the future, any of the criteria used to derive the lead cleanup level are changed (e.g. exposure assumptions, toxicity criteria) all lead-impacted sites may be reevaluated regardless of whether or not a FYR is required. If at such time the Integrated Exposure Uptake Biokinetic (IEUBK) model for evaluating lead exposures changes, as referenced in the comment, EPA could reevaluate a cleanup that is completed regardless of the UU/UE designation and outside of the FYR process.

Comment Issue 6: One resident commented (see Attachment 4) that EPA should not delete the residential properties from the NPL just so the City of East Chicago can redevelop its vacant lots.

EPA Response:

EPA is deleting the 671 residential properties in Zones 2 and 3 of OU1 from the NPL because the OU1 soil cleanup remedy selected and implemented for these properties in accordance with the 2012 OU1 ROD, as modified by the 2018 ESD, is complete and meets the Site completion and deletion requirements as specified in EPA's OSWER Directive 9320.2-22, *Close Out Procedures for National Priorities List Sites* (see Attachment 1). EPA is not deleting the 671 properties from the NPL so that the City of East Chicago can now redevelop its vacant lots. EPA is deleting these properties because the OU1 soil cleanup at all these properties is complete.

Comment Issue 7: One individual and one resident commented (see Attachments 3 and 4) that EPA should not delete these 671 properties from the NPL because the homes in this area are serviced by combined sewers that periodically back up into peoples' homes. The residents stated that the sewers receive contaminated groundwater pumped from the USS Lead facility's Corrective Action Management Unit, backup flow from the highly contaminated Grand Calumet River, and other industrial wastewater, and can contaminate the residents' basements.

EPA Response:

EPA and the City of East Chicago are aware of residents' concerns with sewers backing up into basements. This is not a Superfund site-related issue. The City of East Chicago's Sanitary District administers a check valve installation program where devices called check valves can be installed to prevent sewage from backing up into basements due to storms that cause heavy rain falls. EPA has indicated to residents several times that issues with sewer backups should be directed to the City of East Chicago at (219) 391-8466 for assistance.

Comment Issue 8: One resident called EPA during the public comment period and wanted to know if her property would be resampled for contamination prior to being deleted because of the recent flooding. The resident also said that she was dissatisfied with the sod that was installed at her property after it was remediated and requested that it be inspected (see Attachment 6).

EPA Response:

As stated in the response to Comment Issue 2, above, EPA will not be resampling properties at the Site following recent flooding events because it is highly unlikely that any Site-related contamination from unremediated OU1 or OU2 property (which is mostly covered by grass and other vegetation) was transported across streets and storm sewers to the properties that have been cleaned up. EPA did call the resident and left her a message asking her to call back to discuss her concerns about flooding.

EPA requested that the cleanup contractors inspect the commenter's sod; however, it should be noted that the commenter had previously signed a completion document for the cleanup work at her property. In any event, the contractor inspected the resident's sod on July 29, 2020. The contractor reported that the grass with more sun exposure has not been getting enough water lately and that sections of the lawn located in more shaded areas are faring much better. The contractor also noted that it looked like the resident's lawn 'is being mowed too short.'

The contractor suggested to the resident that she be more aggressive with watering, to water in the evening or early in the morning, and to have her lawn mower blade raised up a few inches. The contractor said they will check up on the lawn a few times during the summer to see how it is doing.

Comment Issue 9: The ECCC (Attachment 2) commented that EPA should consider allowing written comments submitted by mail for the Site in the future, as requiring residents to submit all comments electronically may disadvantage elderly residents, many of whom are not comfortable using email or submitting a comment online.

EPA Response:

As noted in the Community Engagement Section above, EPA was not able to accept mailed comments during the public comment period due to restricted office access associated with the coronavirus pandemic. Because of this, EPA set up a special phone line for the USS Lead Site to accept oral comments for those who may not have internet access in their homes or may not be comfortable using email or submitting comments online. EPA announced the availability of this phone line in its press release, newspaper ad, fact sheet, and the *Federal Register* notice.

Comment Issue 10: One resident requested additional explanation about OU1, OU2 and the deletion of his property and wanted to know what grants his property would be eligible for (see Attachment 5).

EPA Response:

As indicated in EPA's *Federal Register* notice and Justification, as well as the resident's comments, EPA's NPL is designed primarily for informational purposes and to assist EPA management in prioritizing cleanup site work. By separating out the residential area on the NPL as a residential soil cleanup site (i.e., OU1 of the USS Lead Site), EPA was able to get the authority and ability to focus its efforts on addressing the highest risks posed to residents from the Site as expeditiously as possible – the soil contamination on the residential properties. Now that EPA has completed the cleanup and/or cleared 671 residential properties for unrestricted use for soil (again, the OU1 portion of the Site that is listed on the NPL), EPA is deleting these properties from the NPL because the OU1 soil cleanup is complete on these properties.

As the resident points out, EPA is still investigating the OU2 portion of the Site, which includes groundwater (including the groundwater below the residential area) and the USS Lead facility and surrounding property. These OU2 portions of the Site are not included in this partial deletion and will remain on the NPL. EPA notes, however, that all of the residents in OU1 are connected to the municipal water supply and are not drinking the groundwater below their properties.

Questions concerning government grants for delisted properties should be directed to the City of East Chicago, as EPA does not administer these programs.

Anonymous Commenter: This commenter simply stated that he/she opposed the partial deletion and provided a criticism of the Trump administration to support his/her position (see Attachment 7).

EPA Response:

Upon review, EPA finds that although this comment might be adverse to the proposed deletion of the Site, the commenter did not provide any Site-specific technical or

administrative details to support his/her position. It is merely a criticism of the Trump administration and, therefore, it is not substantive.

Conclusion

Upon careful consideration of the above comments, EPA has decided to move forward with finalizing the partial deletion of the USS Lead Site in EPA's September 2020 NPL Deletions Update.

ATTACHMENTS

1. *Site-Specific Justification Report for the Deletion of 671 Properties in Neighborhood Zones 2 and 3 of Operable Unit 1 of the U.S. Smelter and Lead Refinery, Inc. Superfund Site, East Chicago, Indiana from the National Priorities List, June 2020*
2. ECCC Comment Letter
3. Comment Letter - Davis
4. Resident Comment Letter - Lopez
5. Transcript of Resident's Telephone Comments
6. Summary of Resident's Telephone Call
7. Anonymous Comment via Regulations.gov
8. EPA Reply Letter to ECCC (August 4, 2020)
9. *EPA Responses to Community's Concerns Regarding Potentially Unaddressed Contamination at the U.S. Smelter and Lead Refinery Superfund Site, East Chicago, Indiana (September 1, 2020)*

ATTACHMENT 1

**Site-Specific Justification Report for the Deletion of 671
Properties in Neighborhood Zones 2 and 3 of Operable Unit
1 of the U.S. Smelter and Lead Refinery, Inc. Superfund
Site, East Chicago, Indiana from the National Priorities List
June 2020**

**Site-Specific Justification for the
Deletion of 671 Properties in Neighborhood Zones 2 and 3 of Operable Unit 1 of the
U.S. Smelter and Lead Refinery, Inc. Superfund Site
East Chicago, Indiana from the National Priorities List**

Purpose

The U.S. Environmental Protection Agency (EPA) is proposing to delete 671 properties located in Neighborhood Zones 2 and 3 (Z2 and Z3) of Operable Unit 1 (OU1) of the U.S. Smelter and Lead Refinery, Inc. Superfund Site (USS Lead or Site) from the National Priorities List (NPL). Because not all properties in Z2 and Z3 have been cleaned up, this is a partial deletion action. This document provides EPA's justification for the proposed partial deletion action. The 671 properties that EPA is proposing to delete are listed in Appendix B by tax property identification number (PIN). The general locations of the 671 properties proposed for deletion are shown in the map in Appendix B.

EPA plans to publish a Notice of Intent to Partially Delete (NOIPD) (the proposed rulemaking) in the *Federal Register* and will open a 30-day public comment period on this proposed action. EPA has placed pertinent Site documents into the USS Lead Site Deletion Docket that provide support for this partial deletion action. Copies of the documents in the docket are available online at <https://www.regulations.gov>, Docket ID No. EPA-HQ-SFUND-2008-0577 and at <https://www.epa.gov/uss-lead-superfund-site>. An index of the documents included in the Site deletion docket is provided in Appendix C. The documents have been redacted to prevent the release of personally identifiable information (PII).

Partial deletion of a source area or an operable unit (OU) from the NPL does not create, alter, or revoke any individual's rights or obligations. Partial deletion of all or part of an OU from the NPL does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the National Contingency Plan (NCP) states that a partial deletion of an OU from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions. As Z2 and Z3 are a portion of OU1 of the USS Lead Superfund Site, Section 300.425(e)(3) is applicable to this proposed action.

Determination that the Site Meets the Criteria for Deletion

EPA consulted with the Indiana Department of Environmental Management (IDEM) and the City of East Chicago about the proposed partial deletion of the designated residential properties in OU1 of the Site from the NPL. Because EPA has recently taken actions to clean up the soil in each of the designated properties in Z2 and Z3 of OU1 to meet the cleanup levels in the USS Lead November 2012 OU1 Record of Decision (ROD), as modified by the April 2018 Explanation of Significant Differences (ESD), EPA has determined that the response actions taken are protective of public health and the environment and, therefore, taking additional remedial measures pertaining to the soil at these properties is not appropriate.

All selected removal and remedial action objectives and associated cleanup goals for the soil at the designated properties in Z2 and Z3 of OU1 are consistent with Agency policy and guidance. The proposed partial deletion of the designated properties in Z2 and Z3 meets the completion requirements as specified in OSWER Directive 9320.2-22, Close Out Procedures for National Priorities List Sites.

All response activities for the soil at the designated properties in Z2 and Z3 of OU1 are complete and the soil at these properties poses no unacceptable risks to human health and the environment. Therefore, EPA and IDEM have determined that no further response is necessary for the soil at these designated properties.

Agency Concurrence

EPA requested concurrence from IDEM to partially delete certain designated properties in Z2 and Z3 of OU1 of the Site from the NPL on June 3, 2020. IDEM issued a concurrence letter on June 10, 2020. EPA Headquarters concurred with the Notice of Intent for Partial Deletion of the designated properties in Z2 and Z3 of OU1 of the Site on June 18, 2020.

Community Involvement

EPA and IDEM satisfied public participation activities for the Site as required in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 113(k), 42 U.S.C. § 9613(k), and CERCLA Section 117, 42 U.S.C. § 9617. EPA offered comment periods during the development and implementation of the OU1 remedy, its proposed cleanup plan, and the ESD. Additionally, during each construction season EPA conducted periodic public meetings and/or information sessions to discuss Site progress and mailed newsletters to residents with Site updates. EPA established two local information repositories at East Chicago libraries where residents could review Site information (redacted for PII, if necessary). (See 2012 ROD, 2018 ESD, and Site newsletters in the docket.)

The documents EPA relied on for the partial deletion from the NPL of designated properties in Z2 and Z3 of OU1 of the Site are in the Site deletion docket and are available to the public online at <https://www.regulations.gov>, Docket ID No. EPA-HQ-SFUND-2008-0577 and at <https://www.epa.gov/uss-lead-superfund-site>. EPA will publish a notice of availability of the NOIPD and the 30-day public comment period in the *Northwest Indiana Times* concurrent with the publication of the NOIPD in the *Federal Register* to satisfy public participation procedures required by Section 300.425(e)(4) of the NCP.

Site Background and History

a. Location/Project Organization

The USS Lead Superfund Site (CERCLIS ID No. IND047030226) is located in the City of East Chicago, Indiana (see map in Attachment A). The Site is broken into two OUs that include the former USS Lead facility property along with nearby commercial, municipal and residential areas. OU1 is bounded by East Chicago Avenue on the north, East 151st Street on the south, the

Indiana Harbor Canal on the west, and Parrish Avenue on the east. It is a predominantly residential area located in the southern portion of the city, north of the former USS Lead facility and is further divided into three neighborhood zones (Z1, Z2, and Z3). These three neighborhood zones contain mostly residential properties including a (former) public housing complex and an elementary school property and city parks. (See 2012 ROD, 2018 ESD).

OU2 includes the former USS Lead facility property located at 5300 Kennedy Avenue in East Chicago and the groundwater beneath both that facility and OU1. (See 2012 ROD.)

OU1 is primarily a residential soil cleanup site and the contaminants of concern (COC) are lead and arsenic. Because lead is a COC, EPA followed the guidelines in its 2003 *Superfund Lead-Contaminated Residential Sites Handbook* (Lead Handbook) in developing its approach to the investigation and cleanup of the soil at OU1 as well as addressing sensitive populations (young children, expectant mothers) on an expedited basis (see 2012 ROD, Site newsletters).

EPA is the lead agency for the USS Lead Site and IDEM serves as the support agency. EPA conducted a Remedial Investigation and Feasibility Study (RI/FS) at OU1 using federal funding and currently is overseeing a potentially responsible party (PRP)-lead RI/FS at OU2. Additionally, EPA reached settlement agreements with Site PRPs to undertake and/or fund the remedial design and remedial action work at OU1 (see Consent Decrees and Unilateral Administrative Orders in the deletion docket).

b. NPL Listing

EPA proposed the Site for inclusion on the NPL in September 2008 (73 FR 51393) and formally added the Site to the NPL on April 9, 2009 (74 FR 16126). (See *Federal Register* notices in the docket.)

c. History of Contamination

Contamination in OU1 is largely derived from historic operations at three nearby facilities: (1) the USS Lead facility; (2) a facility formerly located in Zone 1 owned and operated by subsidiaries of the Anaconda Copper and Mining Company (the “Anaconda facility”); and (3) the E. I. Du Pont de Nemours facility located just southeast of OU1 (the “DuPont facility”). Fill materials (including slag) have also contributed to Site contamination.

The USS Lead facility on OU2 was first constructed in the early 1900s to produce copper. After 1920, USS Lead purchased the property and operated a primary lead smelter using an electrolytic process to refine lead ore into high-purity lead, potentially releasing lead to the environment as a fugitive emission. Between 1972 and 1973, the USS Lead facility was converted into a secondary smelter that recovered lead from scrap metal and automotive batteries. All operations ceased in 1985.

USS Lead smelting operations generated two primary waste materials: (1) blast-furnace slag and (2) lead-containing dust from the blast-furnace stack. Blast-furnace slag was stockpiled south of the plant building and spread once per year over the adjoining 21-acre wetland. The blast-furnace

baghouse collected flue dust, some of which escaped the baghouse capture system and was deposited by the wind within the boundaries of OU1.

The Anaconda Copper Company and other smelter facilities that refined lead and other metals were located in neighborhood Z1 of OU1 where the Carrie Gosch Elementary School and the former East Chicago public housing residential complex were located. A former DuPont facility is located east of the USS Lead facility and south of Z3. DuPont manufactured a lead arsenate pesticide at this location. Each facility may have released lead or arsenic into the environment. (See 2012 ROD, 2018 ESD, 2020 ROD Amendment.)

d. Initial Investigations

EPA initially proposed to address the Site under its Superfund program in 1992 (57 FR 4827). However, in 1993, USS Lead petitioned EPA to allow it to investigate and clean up its property under the Resource Conservation and Recovery Act (RCRA). By 1993, USS Lead began a cleanup at its facility (OU2) pursuant to a November 18, 1993 Administrative Order on Consent Agreement with EPA under RCRA. USS Lead addressed the majority of the soil contamination in OU2 by excavating contaminated soils and consolidating those soils within a corrective action management unit (CAMU) located within OU2. As part of the OU2 RCRA activity, EPA directed that soil sampling be conducted in the OU1 residential areas to investigate if soil there was contaminated with lead. Modeling of air deposition of lead in the residential area was also performed. (See 2012 ROD, enforcement documents, RCRA Report.)

In 2007, EPA transitioned responsibility for further investigation of conditions at OU1 and OU2 from its RCRA program to its Superfund program after the OU1 sample results showed that residential soil was contaminated with lead and because USS Lead indicated it could not pay for any more cleanup work under RCRA. (See 2012 ROD, enforcement documents, RCRA Report.)

During this transition, the EPA Superfund program conducted additional limited sampling of the residential area in 2007. EPA used the results to support proposing the Site to the NPL in 2008, to conduct a limited Superfund removal action at 13 properties in OU1 in 2008, and to help scope a fund-lead remedial investigation (RI) for OU1. During the RI, EPA sampled surface soil at approximately 7% of the properties in OU1 and found that 14 of these properties contained lead concentrations greater than 1,200 parts per million, which is EPA's removal action level for lead. In response, in 2011 the Superfund emergency response program conducted another removal action and cleaned up 16 additional properties (a total of 29 properties were cleaned up under these removal actions during 2008 and 2011). Two properties EPA remediated in 2011 were properties that EPA could not remediate in 2008 due to access issues. (See 2012 ROD, enforcement documents, RCRA Report, removal reports, RI/FS reports.)

e. Current Status of OU2

In 2017, EPA issued an Administrative Order on Consent to a PRP to conduct a RI/FS at OU2, including the investigation of the groundwater beneath the entire Site and the further investigation of the former source areas on the USS Lead facility property. This work is ongoing.

OU1 Pathway to Partial Deletion

a. Remedial Investigation and Feasibility Study (RI/FS)

EPA concluded the RI/FS for OU1 by issuing the 2012 ROD, which stated that the residential area in OU1 had been contaminated by aerial deposition of windblown contaminants (lead and/or arsenic) from the USS Lead facility and other local industrial facilities and by direct deposition of contaminated fill material. EPA also stated that the levels of lead and arsenic in OU1 surface soil presented unacceptable risks to human health. The RI/FS estimated that approximately 723 out of 1,271 OU1 properties in Z1, Z2 and Z3 would require remediation. (See 2012 ROD, RI/FS Report).

The Feasibility Study (FS) report screened five alternatives to address the soil contaminants in OU1:

- 1 - No Action
- 2 - Institutional Controls (ICs) only
- 3 - On-site Soil Cover + ICs
- 4A - Excavation of Soil + Off-site Disposal + Ex-situ Treatment Option
- 4B - Excavation to Native Sand + Off-site Disposal + Ex-situ Treatment Option
- 5 - In-situ Treatment by Chemical Stabilization

EPA screened out Alternatives 2 and 5 and evaluated the remainder for selection. (See 2012 ROD, FS Report).

b. 2012 ROD

In November 2012, EPA issued a ROD for OU1 that selected Alternative 4A as the protective, cost-effective measure to address the contaminated surface soil in OU1. The remedy called for excavation of up to 2 feet of soil if contaminated above remedial action levels (RALs); visual barriers and ICs to address soil contamination above RALs at depths greater than 2 feet below ground surface; off-site disposal of excavated soil with treatment of the soil if necessary, before disposal; and restoration of the excavated properties.

The 2012 ROD cost estimate for Alternative 4A was \$29.9 million net present worth, based on the RI sampling rate of 7 percent of the OU1 properties which indicated that approximately 57 percent of all OU1 properties (approximately 723 out of approximately 1,271 properties in Z1, Z2 and Z3) would require remediation. This cost estimate has since been raised significantly, both by the 2018 ESD and the March 2020 ROD Amendment for Z1 of OU1, as more properties were found to exceed clean up levels than estimated. (See 2012 ROD, 2018 ESD, 2020 ROD Amendment.)

Table 10 of the 2012 ROD established the (RALs) for OU1 soil (see next page):

Table 10: Soil Remedial Action Levels (RALs) for OU1 of the USS Lead Site milligrams/kilogram (mg/kg)		
Analyte Group	Analyte Name	OU1 Soil RAL
Metals	Arsenic	26 mg/kg
	Lead	400 mg/kg (Residential) 800 mg/kg (Industrial/Commercial)

EPA stated in the 2012 ROD that prior to remedy implementation, pre-remedial design sampling must be conducted at the remainder of the untested properties in OU1 to determine which yards require cleanup. Moreover, the sampling would determine the approximate excavation depth required in each yard. The maximum excavation depth would be 24 inches and confirmation samples would be collected during excavation to determine the final excavation depth. If contaminated soil is identified at a depth greater than 24 inches below ground surface, a visual barrier such as orange construction fencing or landscape fabric would be placed above the contaminated soil and beneath the clean backfill soil and ICs would be implemented to protect the visual barrier and to ensure that users of the property are not exposed to contaminated soil remaining at depth.

c. Remedial Design (RD)

In 2014, EPA entered into a consent decree with several PRPs to conduct the remedial design and remedial action at Z1 and Z3 of OU1, but not for Z2 as agreement could not be reached as to who was responsible for soil contamination in that area. In January 2018, EPA issued a Unilateral Administrative Order (UAO) to the PRPs to conduct the RD in Z2 as well. In 2015, upon receipt of a signed access agreement, soil sampling at properties in Z3 began to determine lead and arsenic levels in the top 24 inches of soil. Certain representative areas of Z1 were also sampled.

In 2016, outside of the 2014 Consent Decree, EPA began conducting soil sampling at properties in Z2, upon receipt of a signed access agreement, to determine lead and arsenic levels in the top 24 inches of soil. A number of property owners did not immediately grant access for sampling, so the RD was conducted at the designated properties in Z2 and Z3 over a several year span and concluded in 2019. (See 2014 Consent Decree, 2015-2019 Sampling Results reports, Design Plans, Consent Decree, UAOs, and supporting plans such as Field Sampling Plans, etc. available in the deletion docket.)

The sampling results from the RD indicated that in Z2, 508 out of 597 properties required remediation. In Z3, the RD indicated that 297 out of 481 properties needed to be cleaned up.

d. Remedial Action (RA)

EPA began cleanup actions under the 2014 Consent Decree at Z3 priority properties in October 2016, completing 38 excavations and property restorations during that construction season. In September 2016, EPA also began addressing priority properties in Z2 that qualified for removal actions in accordance with the 2008, 2011, 2016 and 2017 Action Memoranda due to the lack of coverage by the Z1 and Z3 consent decree. Work continued in both Z2 and Z3 over the next 3

years as access agreements were received for sampling and/or cleanup. At the end of the 2019 construction season, 95% of all properties requiring remediation in Z2 (480 out of 508 properties requiring remediation) and Z3 (285 out of 297 properties requiring remediation) have been remediated.

In Z2, 164 properties have been remediated to unrestricted use/unlimited exposure (UU/UE) and 58 properties have been sampled and cleared for residential use. None of these properties require visual barriers or ICs. EPA is proposing to delete these 222 Z2 properties from the Site as part of this action (See Attachment B). Three-hundred forty-seven properties in Z2 have been cleaned up but still require completion reports and/or may require institutional controls (ICs) to prevent remaining, deeper soil contamination (e.g., greater than 2 feet below ground surface) from being disturbed. Also, 28 properties in Z2 remain to be remediated. These 375 Z2 properties will remain on the NPL until the cleanup is complete. (See Interim Zone 2 2018 Remedial Action Construction Report).

In Z3, the soil excavation is complete at all residential properties. Two-hundred and seventy-one properties that required remediation have been remediated to UU/UE and 178 properties were sampled and cleared for residential use. None of these properties require visual barriers or ICs. EPA is proposing to delete these 449 Z3 properties from the Site as part of this action (see Attachment B). Twenty Z3 properties have been cleaned up but still require completion reports and/or may require ICs to prevent remaining soil contamination greater than 2 feet below ground surface from being disturbed and 12 non-residential properties remain to be remediated. These 32 Z3 properties will remain on the NPL until the cleanup is complete. (See 2017 Remedial Action Report – Zone 3, 2018 Remedial Action Completion Report – Zone 3).

EPA plans to complete the soil excavation for the remaining 40 properties in Z2 and Z3 that require remediation during the 2020 construction season and to begin working with property owners to implement any required ICs in 2020.

e. 2018 ESD

EPA issued an ESD in 2018 to address the discrepancy between the estimated number of properties to be cleaned up as presented in the 2012 ROD as well as the estimated cleanup cost. The 2012 ROD assumed that about 723 properties required remediation in OU1, based on the 7 percent of total properties sampled during the RI, because 53 percent (about 672) exceeded the lead cleanup level and 4 percent (about 51) exceeded only the arsenic cleanup level. Also, the cost to address each property was much higher on a per property basis than calculated in the 2012 ROD based on actual cost numbers tallied after the 2016 and 2017 construction seasons.

The ESD estimated that 74% of the properties required remediation (494 properties in Z2 and 291 properties in Z3). Therefore, EPA estimated in the 2018 ESD that the cost to cleanup Z2 and Z3 would total \$81M, without Z1 costs included. Based on actual sampling results, 85 percent (508 of 597) of properties in Z2 and 62 percent (297 of 481) of properties in Z3 need to be cleaned up, which is a total of 75 percent (805 of 1,078) of all Z2 and Z3 properties.

Attainment of Soil Cleanup Levels

From 2008 to the present, EPA and the PRPs completed excavations and site restorations at over 95 percent of properties in Z2 and Z3 needing remediation. Because some completion reports are not yet approved and some properties may require ICs because soil above the lead cleanup level remains at depth (below 24 inches), only the properties in Z2 and Z3 that have been cleaned up for UU/UE or sampled and cleared for residential use are proposed for deletion in this action. EPA is proposing to delete 671 (out of a total of 1,078 properties) properties in Z2 and Z3 from the NPL. (See Appendix B for a map of the general locations of the designated properties in Z2 and Z3 proposed for deletion and a list of the properties proposed for deletion.)

The criteria for deletion are as follows:

Neighborhood Zone 2 - 222 properties

- Properties remediated by EPA's Removal Program in 2008-2011 during the RI (no ICs needed; only properties with completion reports approved – 5 properties)
- Properties that tested clean (no RA needed; sampling reports approved - 58 properties)
- Properties cleaned up during the 2016-2019 remedial action (no ICs needed; properties cleaned with completion reports approved – 159 properties)

Neighborhood Zone 3 – 449 properties

- Properties that tested clean (no RA needed; sampling reports approved – 178 properties)
- Properties cleaned up during the 2016-2019 remedial action (no ICs needed; properties cleaned with completion reports approved – 271 properties)

The deletion docket contains all of the information supporting the proposed deletion of the Z2 and Z3 properties indicated above and listed in Appendix B. (See Appendix B and list of documents in Appendix C.)

OU1 Operation and Maintenance (O&M)/Institutional Controls (ICs)

No O&M activities or ICs are required for the designated properties identified for partial deletion. All remedial actions are complete and UU/UE is acceptable at these properties.

OU1 Current Status of Property/Opportunities for Redevelopment

Many of the designated properties for partial deletion have houses that are rented or owner-occupied. The City of East Chicago has been proactively demolishing abandoned dwellings in Z2 and Z3 and plans to make the properties available for redevelopment for housing.

Five-Year Reviews (FYR)

EPA will complete the first FYR at the Site by October 2021.

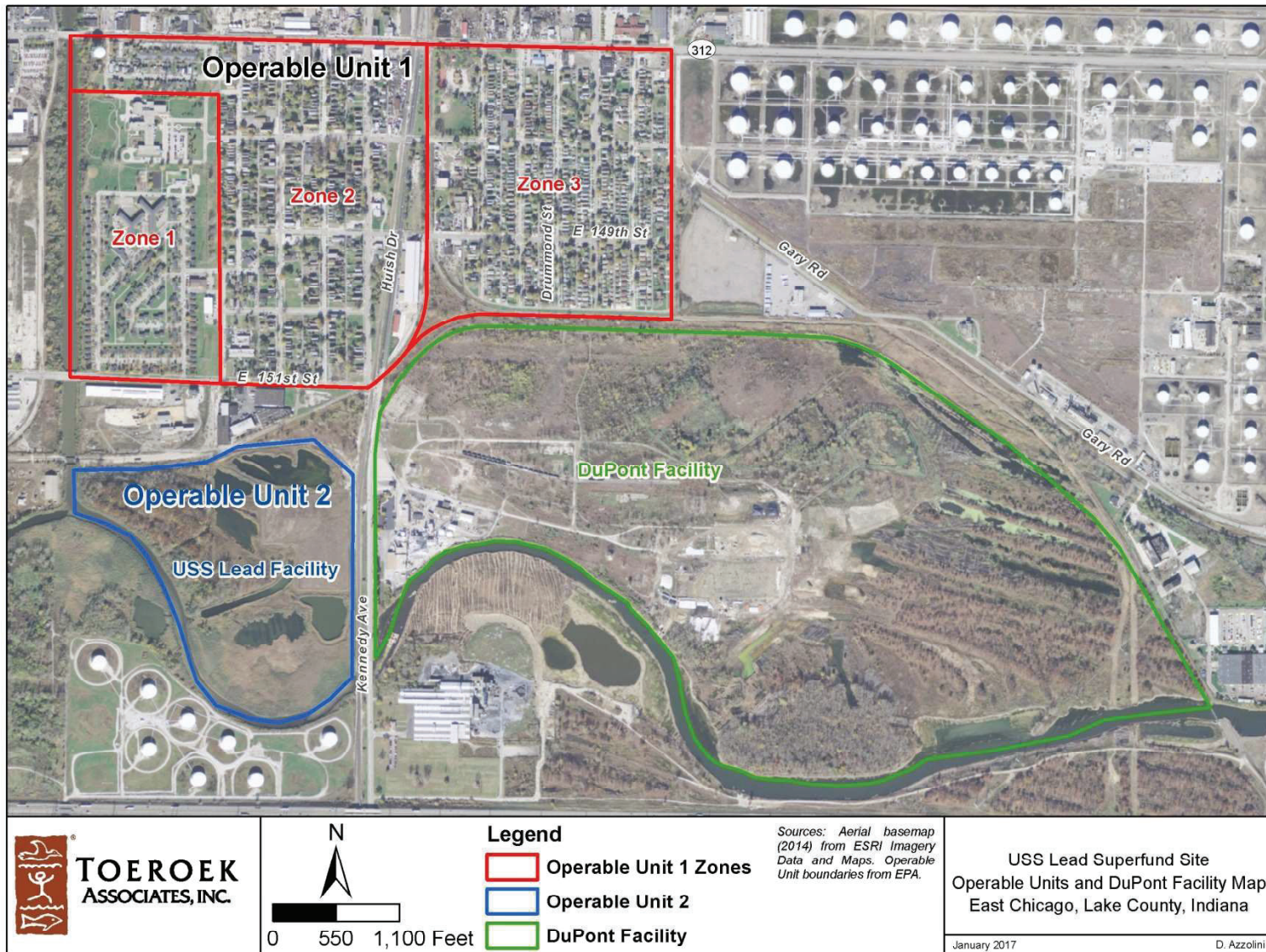
Appendix A
Site Location Map

Appendix B
Map - General Locations of Designated Properties for Partial Deletion
List of Properties Included in Partial Deletion (Identified by Tax Property Identification Number)

Appendix C
Docket Reports Index

APPENDIX A

MAP OF USS LEAD SUPERFUND SITE

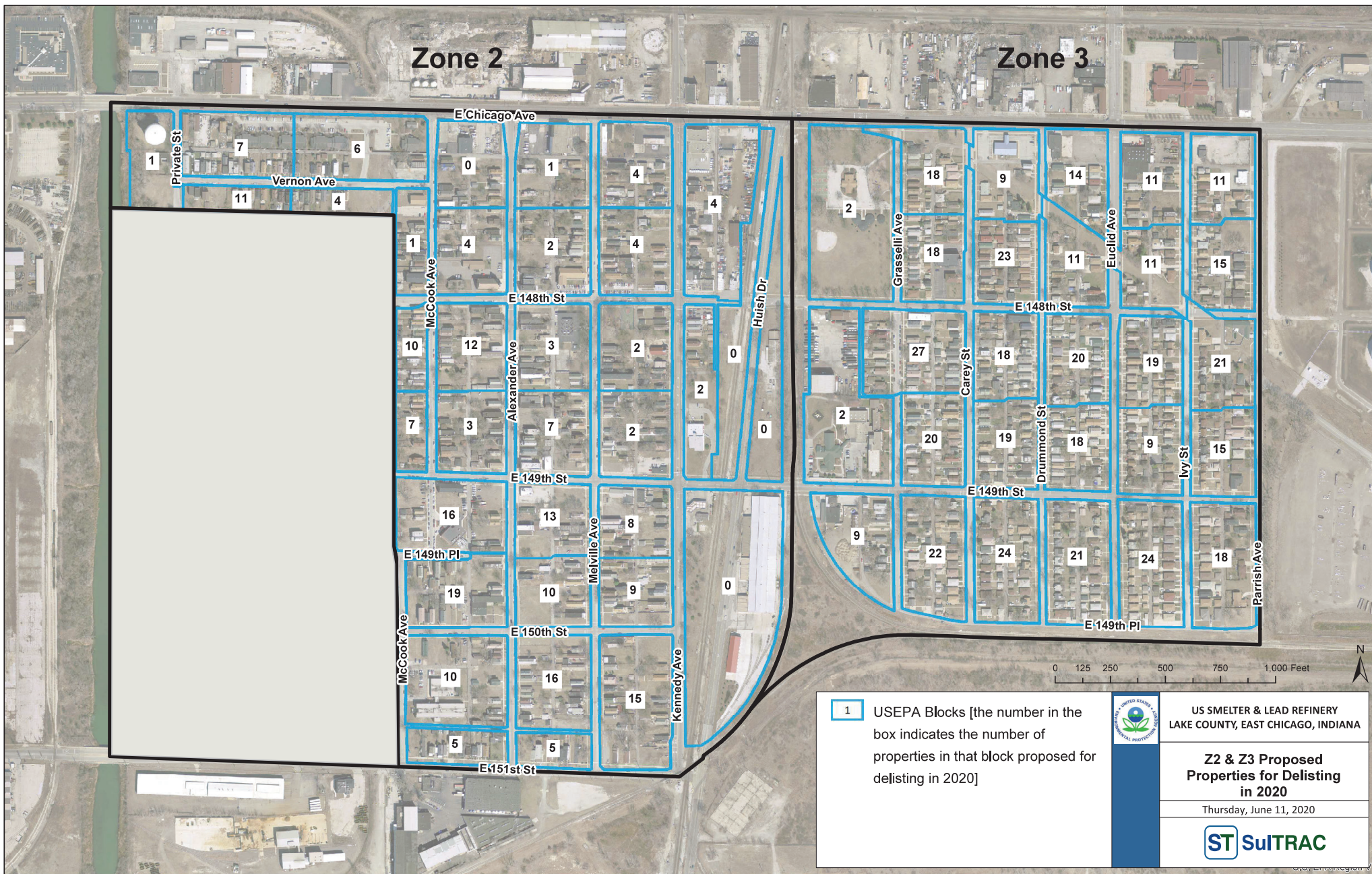


APPENDIX A: USS Lead Superfund Site Operable Units, Zones, and DuPont Facility

Appendix B

Map Showing General Locations of Properties Included in Partial Deletion

List of Properties Included in Partial Deletion (Identified by Tax Property Identification Numbers)



List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 2

USS Lead Site

Street	Tax PIN	Property Status
Vernon Ave		No Remediation
Vernon Ave		No Remediation
Vernon Ave		No Remediation
E Chicago Ave		No Remediation
Vernon Ave		No Remediation
Vernon Ave		No Remediation
Vernon Ave		No Remediation
Vernon Ave		No Remediation
E Chicago Ave		No Remediation
Vernon Ave		No Remediation
E Chicago Ave		No Remediation
E Chicago Ave		No Remediation
Vernon Ave		No Remediation
Alexander Ave		No Remediation
Melville Ave		No Remediation
Kennedy Ave		No Remediation
Kennedy Ave		No Remediation
Alexander Ave		No Remediation
McCook Ave		No Remediation
Alexander Ave		No Remediation
Alexander Ave		No Remediation
Alexander Ave		No Remediation
Melville Ave		No Remediation
McCook Ave		No Remediation
McCook Ave		No Remediation
McCook Ave		No Remediation
Alexander Ave		No Remediation
Kennedy Ave		No Remediation
Alexander Ave		No Remediation
Kennedy Ave		No Remediation
McCook Ave		No Remediation
McCook Ave		No Remediation
Alexander Ave		No Remediation
Alexander Ave		No Remediation
Melville Ave		No Remediation
Kennedy Ave		No Remediation
Alexander Ave		No Remediation
Melville Ave		No Remediation
Melville Ave		No Remediation
Melville Ave		No Remediation
Alexander Ave		No Remediation
Melville Ave		No Remediation
Melville Ave		No Remediation
Alexander Ave		No Remediation
Alexander Ave		No Remediation

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 2

USS Lead Site

Street	Tax PIN	Property Status
Alexander Ave		No Remediation
Melville Ave		No Remediation
E Chicago Ave		No Remediation
Kennedy Ave		No Remediation
Alexander Ave		No Remediation
Alexander Ave		No Remediation
E Chicago Ave		No Remediation
Alexander Ave W		No Remediation
E 150th St		No Remediation
E Chicago Ave		No Remediation
E 151st St		No Remediation
E Chicago Ave		No Remediation
S W Cor Of Pri & Chgo Ave		No Remediation
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated RI
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated 2018
Vernon Ave		Remediated RI
Melville Ave		Remediated 2018
Kennedy Ave		Remediated 2018
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Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Kennedy Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
Alexander Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated RI
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 2

USS Lead Site

Street	Tax PIN	Property Status
McCook Ave		Remediated 2018
Alexander Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated RI
Alexander Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
Melville Ave		Remediated 2018
McCook Ave		Remediated 2018
Alexander Ave		Remediated 2018
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McCook Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
McCook Ave		Remediated 2018
McCook Ave		Remediated 2018
Alexander Ave		Remediated 2018
McCook Ave		Remediated 2018
Alexander Ave		Remediated 2018
McCook Ave		Remediated 2018
Alexander Ave		Remediated 2018
Alexander Ave		Remediated 2018

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 2

USS Lead Site

Street	Tax PIN	Property Status
Kennedy Ave		Remediated 2018
McCook Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
McCook Ave		Remediated 2018
Alexander Ave		Remediated 2018
McCook Ave		Remediated 2018
Alexander Ave		Remediated 2018
Kennedy Ave		Remediated 2018
Alexander Ave N		Remediated 2018
Alexander Ave S		Remediated 2018
Alexander Ave		Remediated 2018
Alexander Ave		Remediated 2018
Alexander Ave		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Kennedy Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
Kennedy Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
E 149th Pl		Remediated 2018
E 150th St		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
Kennedy Ave		Remediated 2018
Alexander Ave		Remediated 2018
Alexander Ave		Remediated 2018

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 2

USS Lead Site

Street	Tax PIN	Property Status
E 150th St		Remediated 2018
Kennedy Ave		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
Alexander Ave		Remediated 2018
Alexander Ave		Remediated 2018
Alexander Ave		Remediated 2018
E 149th Pl		Remediated 2018
Alexander Ave E		Remediated 2018
Alexander Ave		Remediated 2018
Melville Ave		Remediated 2018
Melville Ave		Remediated 2018
E 150th St		Remediated 2018
Kennedy Ave		Remediated RI
E 151st St		Remediated 2018
E 149th Pl		Remediated 2018
E 151st St		Remediated 2018
E 149th Pl		Remediated 2018
E 150th St		Remediated 2018
E 151st St		Remediated 2018
E 150th St		Remediated 2018
E 149th Pl		Remediated 2018
E 150th St		Remediated 2018
E 149th Pl		Remediated 2018
E 150th St		Remediated 2018
E 150th St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E 151st St		Remediated 2018
E Chicago Ave		Remediated 2018
E 151st St		Remediated 2018

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Riley Park North		Remediated 2016
Riley Park South		No Remediation
Pipeline - 5		No Remediation
Pipeline - 4		No Remediation
Pipeline - 3		No Remediation
Pipeline - 2		Remediated 2018
Pipeline - 1		Remediated 2018
Ivy St		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2018
Carey St		Remediated 2017
Parrish Ave		Remediated 2018
Euclid Ave		Remediated 2017
Ivy St		Remediated 2017
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2017
Parrish Ave		Remediated 2018
Ivy St		No Remediation
Euclid Ave		No Remediation
Carey St		No Remediation
Grasselli Ave		No Remediation
Euclid Ave		Remediated 2017
Ivy St		Remediated 2017
Euclid Ave		Remediated 2017
Ivy St		No Remediation
Euclid Ave		No Remediation
Carey St		No Remediation
Ivy St		Remediated 2017
Grasselli Ave		Remediated 2017
Euclid Ave		Remediated 2016
Carey St		No Remediation
Drummond St		Remediated 2018
Carey St		No Remediation
Grasselli Ave		Remediated 2017
Ivy St		Remediated 2016
Euclid Ave		Remediated 2017
Drummond St		No Remediation
Carey St		Remediated 2018
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2016
Carey St		Remediated 2018
Grasselli Adj Ave		Remediated 2017
Drummond St		No Remediation
Ivy St		No Remediation
Ivy St		Remediated 2016

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Grasselli Ave		No Remediation
Euclid Ave		Remediated 2017
Drummond St		Remediated 2017
Parrish Ave		Remediated 2018
Ivy St		No Remediation
Drummond St		No Remediation
Carey St		No Remediation
Ivy St		Remediated 2016
Euclid Ave		Remediated 2017
Drummond St		No Remediation
Carey St		No Remediation
Grasselli Ave		Remediated 2018
Drummond St		Remediated 2018
Carey St		No Remediation
Grasselli Ave		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2016
Ivy St		No Remediation
Euclid Ave		Remediated 2017
Drummond St		No Remediation
Carey St		Remediated 2017
Ivy St		Remediated 2016
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2017
Drummond St		Remediated 2016
Carey St		No Remediation
Parrish Ave		No Remediation
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2016
Drummond St		No Remediation
Drummond St		No Remediation
Carey St		No Remediation
Euclid Ave		No Remediation
Drummond St		Remediated 2017
Carey St		No Remediation
Ivy St		Remediated 2016
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2017
Drummond St		No Remediation
Ivy St		Remediated 2017
Euclid Ave		Remediated 2017
Carey St		Remediated 2018

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Euclid Ave		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2018
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Carey St		Remediated 2018
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2016
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Parrish Ave		Remediated 2016
Drummond St		No Remediation
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Carey St		Remediated 2018
Ivy St		No Remediation
Drummond St		Remediated 2017
Carey St		Remediated 2017
Euclid Ave		No Remediation
Ivy St		No Remediation
Euclid Ave		Remediated 2016
Drummond St		Remediated 2016
Grasselli Ave		Remediated 2017
Parrish Ave		Remediated 2018
Euclid Ave		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2018
Grasselli Ave		Remediated 2018
Ivy St		No Remediation
Euclid Ave		Remediated 2017
Drummond St		No Remediation
Carey St		Remediated 2018
Ivy St		Remediated 2018
Carey St		Remediated 2018
Ivy St		Remediated 2017
Euclid Ave		No Remediation
Parrish Ave		Remediated 2017
Ivy St		No Remediation
Euclid Ave		No Remediation
Grasselli Ave		Remediated 2018
Euclid Ave		No Remediation
Drummond St		Remediated 2017

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Carey St		Remediated 2018
Drummond St		Remediated 2017
Carey St		Remediated 2018
Euclid Ave		Remediated 2017
Ivy St		Remediated 2016
Drummond St		Remediated 2017
Ivy St		Remediated 2017
Euclid Ave		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2016
Ivy St		Remediated 2016
Grasselli Ave		Remediated 2018
Drummond St		Remediated 2017
Carey St		No Remediation
Parrish Ave		No Remediation
Drummond St		No Remediation
Grasselli Ave		Remediated 2018
Euclid Ave		No Remediation
Drummond St		Remediated 2017
Carey St		Remediated 2018
Drummond St		Remediated 2018
Carey St		Remediated 2018
Ivy St		Remediated 2018
Grasselli Ave		Remediated 2018
Euclid Ave		No Remediation
Carey St		Remediated 2018
Parrish Ave		No Remediation
Euclid Ave		No Remediation
Carey St		Remediated 2018
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Carey St		Remediated 2018
Ivy St		No Remediation
Drummond St		Remediated 2016
Ivy St		Remediated 2018
Euclid Ave		No Remediation
Drummond St		No Remediation
Parrish Ave		Remediated 2017
Ivy St		No Remediation
Euclid Ave		Remediated 2017
Drummond St		Remediated 2017
Carey St		Remediated 2017
Ivy St		No Remediation
Euclid Ave		No Remediation
Carey St		Remediated 2018

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Grasselli Ave		Remediated 2018
Drummond St		Remediated 2017
Parrish Ave		No Remediation
Drummond St		Remediated 2017
Carey St		Remediated 2016
Ivy St		Remediated 2017
Grasselli Ave		Remediated 2018
Drummond St		Remediated 2017
Ivy St		No Remediation
Euclid Ave		Remediated 2017
Drummond St		Remediated 2017
Ivy St		No Remediation
Grasselli Ave		Remediated 2016
Euclid Ave		Remediated 2017
Carey St		Remediated 2017
Carey St		Remediated 2018
Ivy St		Remediated 2018
Euclid Ave		Remediated 2017
Euclid Ave		Remediated 2017
Drummond St		Remediated 2017
Carey St		Remediated 2017
Drummond St		Remediated 2018
Carey St		Remediated 2018
Grasselli Ave		Remediated 2016
Ivy St		Remediated 2018
Euclid Ave		Remediated 2017
Drummond St		Remediated 2017
Ivy St		No Remediation
Drummond St		Remediated 2017
Carey St		Remediated 2017
Parrish Ave		No Remediation
Euclid Ave		Remediated 2017
Carey St		Remediated 2018
Ivy St		Remediated 2017
Grasselli Ave		Remediated 2016
Euclid Ave		No Remediation
Drummond St		No Remediation
Parrish Ave		No Remediation
Ivy St		No Remediation
Drummond St		Remediated 2017
Carey St		Remediated 2018
Carey St		Remediated 2017
Ivy St		No Remediation
Grasselli Ave		Remediated 2016
Drummond St		Remediated 2017

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Ivy St		No Remediation
Grasselli Ave		Remediated 2016
Euclid Ave		Remediated 2017
Drummond St		Remediated 2017
Carey St		Remediated 2018
Carey St		Remediated 2017
Ivy St		No Remediation
Euclid Ave		Remediated 2017
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Euclid Ave		No Remediation
Parrish Ave		Remediated 2018
Grasselli Ave		Remediated 2018
Drummond St		Remediated 2018
Carey St		Remediated 2016
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2017
Carey St		Remediated 2018
Parrish Ave		Remediated 2017
Ivy St		Remediated 2017
Euclid Ave		Remediated 2017
Carey St		Remediated 2018
Grasselli Ave		Remediated 2018
Drummond St		Remediated 2018
Grasselli Ave		Remediated 2017
Euclid Ave		Remediated 2018
Drummond St		Remediated 2017
Carey St		Remediated 2017
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2017
Parrish Ave		Remediated 2017
Ivy St		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2017
Euclid Ave		No Remediation
Drummond St		No Remediation
Ivy St		Remediated 2017
Grasselli Ave		No Remediation
Euclid Ave		Remediated 2017
Drummond St		No Remediation
Carey St		Remediated 2018
Ivy St		No Remediation
Euclid Ave		Remediated 2017
Drummond St		No Remediation

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Carey St		Remediated 2017
Euclid Ave		Remediated 2017
Carey St		Remediated 2018
Grasselli Ave		No Remediation
Drummond St		Remediated 2016
Ivy St		No Remediation
Grasselli Ave		Remediated 2016
Ivy St		No Remediation
Grasselli Ave		Remediated 2017
Euclid Ave		Remediated 2017
Drummond St		No Remediation
Carey St		No Remediation
Grasselli Ave		Remediated 2018
Carey St		Remediated 2018
Grasselli Ave		Remediated 2017
Drummond St		Remediated 2017
Euclid Ave		Remediated 2017
Carey St		Remediated 2018
Grasselli Ave		Remediated 2018
Euclid Ave		No Remediation
Drummond St		Remediated 2018
Ivy St		No Remediation
Grasselli Adj Ave		Remediated 2018
Euclid Ave		Remediated 2017
Drummond St		Remediated 2017
Drummond St		No Remediation
Carey St		Remediated 2018
Carey St		Remediated 2018
Ivy St		No Remediation
Euclid Ave		Remediated 2017
Ivy St		No Remediation
Ivy St		No Remediation
Parrish Ave		No Remediation
Grasselli Ave		No Remediation
Drummond St		Remediated 2018
Grasselli Ave		Remediated 2017
Euclid Ave		No Remediation
Drummond St		No Remediation
Carey St		No Remediation
Parrish Ave		No Remediation
Ivy #Rear St		Remediated 2018
Drummond St		Remediated 2017
Ivy St		No Remediation
Euclid Ave		No Remediation
Drummond St		Remediated 2018

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Carey St		No Remediation
Parrish Ave		No Remediation
Euclid Ave		Remediated 2018
Drummond St		Remediated 2017
Ivy St		Remediated 2017
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Carey St		Remediated 2016
Parrish Ave		No Remediation
Drummond St		Remediated 2017
Grasselli Ave		Remediated 2018
Euclid Ave		No Remediation
Drummond St		Remediated 2018
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Carey St		Remediated 2017
Drummond St		Remediated 2017
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Carey St		Remediated 2017
Parrish Ave		Remediated 2018
Ivy St		No Remediation
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Parrish Ave		No Remediation
Ivy St		No Remediation
Euclid Ave		No Remediation
Drummond St		Remediated 2018
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Carey St		Remediated 2016
Euclid Ave		No Remediation
Drummond St		Remediated 2017
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Carey St		Remediated 2017
Parrish Ave		Remediated 2017
Ivy St		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2018
Carey St		Remediated 2018
Parrish Ave		No Remediation

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Drummond St		Remediated 2018
Grasselli Ave		Remediated 2018
Drummond St		No Remediation
Carey St		Remediated 2018
Ivy St		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2017
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2018
Carey St		No Remediation
Carey St		No Remediation
Ivy St		No Remediation
Grasselli Ave		Remediated 2018
Euclid Ave		Remediated 2018
Ivy St		No Remediation
Drummond St		Remediated 2017
Carey St		Remediated 2018
Euclid Ave		No Remediation
Carey St		Remediated 2018
Drummond St		Remediated 2017
Carey St		Remediated 2018
Ivy St		No Remediation
Grasselli Ave		No Remediation
Euclid Ave		Remediated 2017
Carey St		No Remediation
Ivy St		Remediated 2017
Euclid Ave		No Remediation
Drummond St		No Remediation
Carey St		No Remediation
Grasselli Ave		No Remediation
Parrish Ave		Remediated 2017
Ivy St		No Remediation
Drummond St		No Remediation
Carey St		No Remediation
Ivy St		No Remediation
Grasselli Ave		Remediated 2017
Carey St		Remediated 2018
Euclid Ave		No Remediation
Carey St		Remediated 2018
Ivy St		Remediated 2018
Grasselli Ave		Remediated 2018
Parrish Ave		No Remediation
Euclid Ave		No Remediation
Grasselli Ave		Remediated 2018
Carey St		Remediated 2018

List of Designated Properties for Partial Deletion by Tax ID Property Identification Number (PIN)

Zone 3

USS Lead Site

Street	Tax PIN	Property Status
Euclid Ave		Remediated 2017
Ivy St		Remediated 2017
Grasselli Ave		Remediated 2017
Carey St		No Remediation
Parrish Ave		No Remediation
Euclid Ave		No Remediation
Carey St		No Remediation
Ivy St		Remediated 2018
Drummond St		Remediated 2017
Ivy St S		Remediated 2017
Ivy St N		Remediated 2018
Carey St		No Remediation
Grasselli Ave		Remediated 2017
Euclid Ave		No Remediation
Drummond St		No Remediation
Euclid Ave		No Remediation
Drummond St		No Remediation
Carey St		Remediated 2017
Ivy St		Remediated 2017
Ivy St		No Remediation
Euclid Ave		Remediated 2016
Carey St		No Remediation
Ivy St		Remediated 2016
Drummond St		No Remediation
Ivy St		Remediated 2017
Euclid Ave		Remediated 2016
Drummond St		No Remediation
Carey St		Remediated 2016
Ivy St		Remediated 2017
Grasselli Ave		Remediated 2017
Drummond St		No Remediation
Carey St		Remediated 2018
Grasselli Ave		Remediated 2017
Grasselli Ave		Remediated 2017
Euclid Ave		Remediated 2018
Grasselli Ave		No Remediation
E Chicago Ave		Remediated 2018
E Chicago Ave		Remediated 2018
E Chicago Ave		Remediated 2018
E Chicago Ave		Remediated 2016
E Chicago Ave		No Remediation
E 148th St		No Remediation
E 148th St		No Remediation
Parrish Ave		No Remediation

Appendix C

NPL PARTIAL DELETION DOCKET REPORTS INDEX

**U.S. Smelter and Lead Refinery Superfund Site - Operable Unit 1
Zones 2 and 3 Properties Remediated/Cleared for Residential Use**

June 2020

NPL PARTIAL DELETION DOCKET REPORTS INDEX
U.S. SMELTER AND LEAD REFINERY SITE - OPERABLE UNIT 1
ZONES 2 AND 3 PROPERTIES REMEDIATED/CLEARED FOR RESIDENTIAL USE

Docket ID	Phase Name	Sequence	Document ID	Document Status	Document Title	Document Type
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0012	QA_Ready	05-286115 - January 22, 2008 Administrative Record Site Index - U.S. Smelter and Lead Site - Removal Action - Original	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0013	QA_Ready	05-299819 - August 13, 2008 Administrative Record Site Index - U.S. Smelter and Lead Site - Removal Action - Update #1	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0014	QA_Ready	05-405474 - September 12, 2011 Administrative Record Site Index - U.S. Smelter and Lead Site - Removal Action - Original Through Update #2	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0015	QA_Ready	05-424396 - December 1, 2009 Fact Sheet: EPA to Begin Testing for Lead Contamination in Yards	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0016	QA_Ready	05-424404 - December 1, 2009 Fact Sheet: EPA A Comenzar Las Pruebas De Contaminacion De Plomo In Patios	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0017	QA_Ready	05-424433 - June 1, 2012 Feasibility Study Report (Final) (Redacted)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0018	QA_Ready	05-441205 - September 24, 2012 Administrative Record Site Index - U.S. Smelter and Lead Site - OU 1 - Remedial Action - Update 1	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0019	QA_Ready	05-441206 - November 30, 2012 Administrative Record Site Index - U.S. Smelter and Lead Site - OU 1 - Remedial Action - Update #2	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0020	QA_Ready	05-446987 - November 30, 2012 Record of Decision (ROD) (Signed) - U.S. Smelter and Lead	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0021	QA_Ready	05-466640 - May 28, 1991 Consent Decree (Signed) - Civil Action NO. H 85-469	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0022	QA_Ready	05-522259 - July 1, 2016 EPA Fact Sheet - EPA Takes Action To Reduce Exposure To Lead In Soil	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0023	QA_Ready	05-541640 - January 12, 2018 Unilateral Administrative Order for Interior Removal Actions In Zone 2 and Zone 3 of Operable Unit 1 of the U.S. Smelter and Lead Refinery (Signed) - DO V-W-18-C-006	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0024	QA_Ready	05-549611 - November 1, 2018 EPA Fact Sheet - Excavations End for Winter; Community Activities Continue	SUPPORTING & RELATED MATERIALS

EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0025	QA_Ready	05-549612 - November 1, 2018 EPA Fact Sheet - Fin Da La Excavacion Para El Invierno; Continuan Las Actividades Comunitarias	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0026	QA_Ready	05-567441 - October 17, 2019 EPA Newsletter - Mark Your Calendars! (Bilingual ENG/SP) (2019 Community Meetings)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0027	QA_Ready	05-919701 - September 3, 2014 Consent Decree Relating to Response Actions & Response Costs in Zones 1 & 3 of Operable Unit 1 - Civil Action NO. 2:14-CV-312 (With Appendices A-E)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0028	QA_Ready	05-919975 - December 1, 2012 EPA Fact Sheet - EPA Proposes Cleanup Plan For Residential Area	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0029	QA_Ready	05-919976 - November 1, 2014 EPA Fact Sheet - Agreement Helps Start Project To Clean Up Contaminated Soil	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0030	QA_Ready	05-925317 - July 10, 2012 Administrative Record Site Index - U.S. Smelter and Lead Site - OU 1 - Remedial Action - Original (Redacted)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0031	QA_Ready	05-925318 - June 1, 2012 Redacted Remedial Investigation Report (Final) (Redacted)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0032	QA_Ready	05-927942 - July 6, 2016 Administrative Record Site Index - U.S. Smelter and Lead Site - OU 1 - Removal Action - Update 3	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0033	QA_Ready	05-928964 - July 1, 2016 SULTRAC - Data Evaluation Report for Sampling Conducted During 2014-2015 - USS Lead Residential Area (Text, Figures, and Tables)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0034	QA_Ready	05-930010 - October 28, 2016 Administrative Record Site Index - US Smelter and Lead Site - Removal Action - Update 4	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0035	QA_Ready	05-930194 - October 28, 2014 Consent Decree (Signed) - NO. 2:14-CV-312 PS - US V. Atlantic Richfield CO	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0036	QA_Ready	05-930699 - December 1, 2016 EPA Fact Sheet - Excavation To End For Winter; Community Activities Continue	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0037	QA_Ready	05-930700 - December 1, 2016 EPA Fact Sheet (Spanish Version) - Excavation To End For Winter; Community Activities Continue (Acaba Excavacion Por El Invierno; Continua Actividad Comunitaria)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0038	QA_Ready	05-932486 - August 26, 2016 EPA Fact Sheet - Drinking Water Safety - Information For East Chicago Residents (English & Spanish Versions)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0039	QA_Ready	05-932487 - September 1, 2016 EPA Fact Sheet - EPA To Begin Cleaning Up Lead-Contaminated Yards (English & Spanish Versions)	SUPPORTING & RELATED MATERIALS

EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0040	QA_Ready	05-932488 - July 1, 2016 EPA Fact Sheet - Don't Let Kids Play In Dirt (English & Spanish Versions)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0041	QA_Ready	05-933034 - March 14, 2017 Administrative Record Site Index - U.S. Smelter And Lead Refinery Site - Removal Action - Update 5	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0042	QA_Ready	05-936384 - July 1, 2017 EPA Fact Sheet - USS Lead Dust Sampling - Frequently Asked Questions	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0043	QA_Ready	05-936385 - March 13, 2017 TETRA TECH - Final Sampling & Analysis Plan For Zones 2 & 3 - Residential Inspection	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0044	QA_Ready	05-937057 - May 31, 2017 TETRA TECH, INC. - Final Sampling And Analysis Plan USS Lead Operable Unit 1 Zone 2 Removal Site - Revision 1.1	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0045	Metadata_Ready	05-958210 - July 21, 2017 [REDACTED] SULTRAC - DATA EVALUATION REPORT - SAMPLING CONDUCTED FROM AUGUST TO DECEMBER 2016 (ATTACHED W/COVER LETTER) [WITH APPENDICES A THROUGH D ONLY] Comments: REDACTION OF 05-937064	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0046	QA_Ready	05-937445 - December 14, 2017 Unilateral Administrative Order For Remedial Action in Zone 2 Of Operable Unit 1 - Docket NO. V-W-18-C-001	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0047	QA_Ready	05-937446 - December 14, 2017 Unilateral Administrative Order (UAO) For Interior Removal Actions In Zone 2 & Zone 3 Of Operable Unit 1 - Docket NO. V-W-18-C-002	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0048	QA_Ready	05-937743 - January 12, 2018 Unilateral Administrative Order (UAO) For Interior Removal Actions in Zone 2 & Zone 3 of Operable Unit 1 - DOCKET NO. V-W-18-C-006	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0049	QA_Ready	05-937744 - January 12, 2018 Unilateral Administrative Order (UAO) For Interior Remedial Actions In Zone 2 Of Operable Unit 1 - Docket NO. V-W-18-C-005	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0050	QA_Ready	05-938037 - December 19, 2017 Administrative Record Site Index - U.S. Smelter And Lead Refinery Site - Update 6	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0065	QA_Ready	05-948884 - May 1, 2019 (Redacted) Parsons - 2019 USS Lead Zones 1 and 3, Defined Properties - Addendum to the Quality Assurance Project Plan For Zones 2 and 3	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0066	QA_Ready	05-948886 - July 1, 2019 (Redacted) Parsons - 2019 USS Lead Zone 1 and 3 Defined Properties - Excavation, Backfill, and Transportation Plan - Residential Soil Remediation	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0067	QA_Ready	05-949394 - July 3, 2019 USS Lead Superfund Site Notice of Cleanup Activities Around Former Carrie Gosch Elementary School	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0068	QA_Ready	05-950948 - October 1, 2019 EPA Newsletter: Welcome to Another Edition of the USS Lead Newsletter (Issue 03)	SUPPORTING & RELATED MATERIALS

EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0069	QA_Ready	05-952000 - November 20, 2019 US EPA Letter RE: Certification and Inspection of Temporary Soil Storage Areas for Zones 2 and 3, Located at the Former Dupont/Chemours Facility	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0070	QA_Ready	05-952001 - December 20, 2018 US EPA Letter RE: Certification and Inspection of Temporary Soil Storage Areas for Zones 2 and 3, Located at the Former Dupont/Chemours Facility	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0071	QA_Ready	05-952009 - November 14, 2019 US EPA Letter RE: Review of the 2017 Zone 2 Soil Disposal Completion Report	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0072	QA_Ready	05-952010 - November 14, 2019 US EPA Letter RE: Review of the 2017 Zone 3 Soil Disposal Completion Report	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0073	QA_Ready	05-953055 - January 22, 2020 US EPA Letter RE: Concerns Related to Potential Subsurface Intrusion of Contaminates to Residential Properties	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0074	QA_Ready	05-953254 - March 11, 2019 Addendum to Initial LCEA Letter to EPA - Project Redevelopment Benefits	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0075	QA_Ready	05-953282 - December 23, 2019 Mayor Copeland Letter Regarding Commercial and Industrial Use	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0076	QA_Ready	05-953283 - December 17, 2019 Mayor Copeland - Letter Regarding Commercial and Industrial Use	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0077	QA_Ready	05-953618 - February 11, 2020 US EPA Letter RE: USEPA Approval of April 25, 2019 Final Remedial Designs for 96 Zone 3 Properties Addendum 2	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0078	QA_Ready	05-953743 - August 1, 2019 Map - Summer 2019 Excavation Areas Near Former Carrie Gosch School	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0079	QA_Ready	05-954457 - March 6, 2020 LCEA Email Regarding Zone 1 East Chicago Housing Sign Off Agreement With IDA Development	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0080	QA_Ready	05-954460 - March 11, 2020 LCEA EMAIL Response to U.S. EPA Regarding Conference Call With Mayor Copeland and LCEA to Discuss Subsidy for the Rebuilding of Calumet	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0081	QA_Ready	05-955078 - January 29, 2020 ERM - Remedial Investigation Report	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0082	QA_Ready	05-955458 - March 24, 2020 Final Record of Decision (ROD) Amendment (Signed) for the USS Lead Superfund Site Zone 1	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0083	QA_Ready	05-955692 - April 1, 2020 EPA Newsletter: Welcome to Another Edition of the USS Lead Neighborhood Newsletter (Issue 04)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0084	QA_Ready	05-955730 - April 1, 2017 (Redacted) Parsons - Soil Disposal Completion Report	SUPPORTING & RELATED MATERIALS

EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0085	QA_Ready	05-955732 - May 1, 2019 (Redacted) US EPA 2017 Remedial Action Report - Zone 3 (All Appendices)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0086	QA_Ready	05-955733 - September 23, 2019 (Redacted) USS Lead Zone 3 2018 Remedial Action Completion Report	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0087	QA_Ready	05-955734 - June 28, 2019 (Redacted) Sultrac - Data Evaluation Report - Sampling Conducted From April to December 2018 2017 - Residential Area - OU1 Remedial Design (Zip File Attached)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0088	Metadata_Ready	05-955735 - September 1, 2019 (Redacted) Parsons - Interim Zone 2 2018 Remedial Action Construction Report	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0089	QA_Ready	11-100002090 - May 9, 2019 Superfund Job Training Initiative: Making a Difference at the USS Lead Superfund Site	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0095	Metadata_Ready	05-939056 - February 14, 2018 ADMINISTRATIVE RECORD SITE INDEX - U.S. SMELTER AND LEAD REFINERY SITE - UPDATE 7	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0096	Metadata_Ready	05-939855 - February 15, 2018 PUBLIC MEETING TRANSCRIPT - ESTIMATED INCREASED CLEANUP COSTS - EXPLANATION OF SIGNIFICANT DIFFERENCES MEETING	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0097	Metadata_Ready	05-940558 - April 20, 2018 EPA - EXPLANATION OF SIGNIFICANT DIFFERENCES (ESD) - U.S. SMELTER AND LEAD REFINERY, INC. - FINAL	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0098	Metadata_Ready	05-943693 - November 1, 2018 EPA - PROPOSED RECORD OF DECISION AMENDMENT	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0099	Metadata_Ready	05-943696 - November 1, 2018 ADMINISTRATIVE RECORD SITE INDEX - U.S. SMELTER AND LEAD REFINERY SITE - UPDATE 8	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0100	Metadata_Ready	05-944393 - July 1, 2012 EPA FACT SHEET (SPANISH) - LA EPA PROPONE PLAN DE LIMPIEZA PARA AREA RESIDENCIAL	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0101	Metadata_Ready	05-945623 - February 1, 2019 TABLE - BACKFILL QUALITY REQUIREMENTS FOR USS LEAD OPERABLE UNIT 1	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0102	Metadata_Ready	05-945980 - December 20, 2018 EPA LETTER RE: CERTIFICATION AND INSPECTION OF TEMPORARY SOIL STORAGE AREAS FOR ZONES 2 AND 3	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0103	Metadata_Ready	05-946508 - March 13, 2019 EPA POSTCARD - YOU ARE INVITED TO AN OPEN HOUSE - 2019 CONSTRUCTION SEASON [ENGLISH & SPANISH]	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0104	QA_Ready	05-946629 - March 27, 2019 Unilateral Administrative Order for Remedial Action for Defined Properties in Operable Unit 1 - Docket NO. V-W-19-C-006	SUPPORTING & RELATED MATERIALS

EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0105	QA_Ready	05-946745 - April 1, 2019 EPA Newsletter: Welcome to the First USS Lead Neighborhood Newsletter (Issue 01)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0106	QA_Ready	05-947958 - February 15, 2018 Public Meeting Presentation - Public Hearing For Explanation of Significant Differences	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0107	QA_Ready	05-948368 - July 2, 2019 First Modification to Unilateral Administrative Order (UAO) for Interior Remedial Actions in Zone 2 of Operable Unit 1 - Docket NO. V-W-18-C-005	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0108	QA_Ready	05-948803 - July 1, 2019 EPA Newsletter: Welcome to Another Edition of the USS Lead Neighborhood Newsletter (Issue 2)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0109	Metadata_Ready	05-955731 - February 22, 2018 SulTRAC Data Evaluation Report - Sampling Conducted from January 2017 to November 2017 [REDACTED TO REMOVE PII]	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0114	Metadata_Ready	05-143517 - March 19, 1993 ANDREWS & KURTH LETTER RE: NPL FOR UNCONTROLLED HAZARDOUS WASTE SITES; PROPOSED RULE NO 12; COMMENTS ON EPAS 02/07/92 PROPOSED LISTING OF SITE ON NPL - USS LEAD REFINERY INC (REFERENCE 109)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0115	Metadata_Ready	05-308202 - March 1, 2004 GEOCHEMICAL SOLUTIONS - DRAFT FINAL MODIFIED RCRA FACILITY INVESTIGATION (MRFI) REPORT (REFERENCE 38)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0116	Metadata_Ready	05-308231 - November 18, 1993 ADMINISTRATIVE ORDER ON CONSENT (AOC) (SIGNED) - V-W-001-84 (REFERENCE 68)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0117	Metadata_Ready	05-314396 - September 3, 2008 FEDERAL REGISTER VOL 73 NO 171 - NATIONAL PRIORITIES LIST, PROPOSED RULE NO 49	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0118	Metadata_Ready	05-633098 - April 1, 2009 NPL Site Listing Narrative	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0119	Metadata_Ready	11-182061 - April 9, 2009 FEDERAL REGISTER NATIONAL PRIORITIES LIST, PROPOSED RULE NO. 50 - MULTIPLE SITES - 74 FR 16162	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0120	Metadata_Ready	05-956211 - May 19, 2020 ADMINISTRATIVE RECORD SITE INDEX - U.S. SMELTER AND LEAD REFINERY SITE - UPDATE 9	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0121	Metadata_Ready	0-286112 - January 22, 2008 EPA ACTION MEMO RE: REQUEST TO CONDUCT A TIME-CRITICAL REMOVAL ACTION AT RESIDENTIAL PORTION OF USS LEAD SITE (REDACTED)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0122	Metadata_Ready	05-299818 - August 13, 2008 EPA ACTION MEMO RE: REQUEST FOR A CEILING INCREASE TO COMPLETE TIME-CRITICAL REMOVAL ACTION (REDACTED)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0123	Metadata_Ready	05-958281 - June 17, 2008 POLLUTION REPORT (POLREP) - #1, INITIAL (REDACTED)	SUPPORTING & RELATED MATERIALS

EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0124	Metadata_Ready	05-958282 - August 29, 2008 POLLUTION REPORT (POLREP) - #2 (REDACTED)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0125	Metadata_Ready	05-405473 - September 12, 2011 ACTION MEMORANDUM: REQUEST FOR APPROVAL AND FUNDING FOR A TIME CRITICAL REMOVAL ACTION (REDACTED)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0126	Metadata_Ready	05-413853 - November 1, 2011 POLLUTION REPORT (POLREP) - # 1 INITIAL	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0127	Metadata_Ready	05-418177 - November 16, 2011 POLLUTION REPORT (POLREP) - # 2 USS LEAD	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0128	Metadata_Ready	05-418526 - December 15, 2011 POLLUTION REPORT (POLREP) - # 3 - USS LEAD 2	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0129	Metadata_Ready	05-925308 - November 18, 2008 REDACTED POLLUTION REPORT (POLREP) - #3 FINAL	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0130	Metadata_Ready	05-929998 - October 28, 2016 US EPA ACTION MEMORANDUM RE: FOURTH 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 (REDACTED VERSION)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0131	Metadata_Ready	05-933033 - March 14, 2017 US EPA ACTION MEMORANDUM RE: 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 (REDACTED VERSION)	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0132	Metadata_Ready	05-933589 - April 28, 2017 POLLUTION REPORT (POLREP) #1 - ZONE 2	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0133	Metadata_Ready	05-933590 - May 8, 2017 POLLUTION REPORT (POLREP) #2 - ZONE 2	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0134	Metadata_Ready	05-2002802 - June 10, 2020 - IDEM Letter RE: Partial Deletion of Operable Unit 1, USS Lead Superfund Site, EPA-HQ-SFUND-2008-0577, East Chicago, IN	SUPPORTING & RELATED MATERIALS
EPA-HQ-SFUND-2008-0577	Proposed Rule	2	EPA-HQ-SFUND-2008-0577-DRAFT-0135	Metadata_Ready	05-2002805 - June 18, 2020 US EPA LETTER RE: Headquarters Concurrence on the U.S. Smelter and Lead Refinery Inc. Superfund Site Notice of Intent to Partially Delete Residential Properties and Partial Deletion Checklist (Attached)	SUPPORTING & RELATED MATERIALS

ADD:
FINAL PARTIAL DELETION JUSTIFICATION REPORT
NEWSPAPER AD

ATTACHMENT 2

ECCC Comment Letter

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Submitted by E-mail: cibulskis.karen@epa.gov**Comment regarding EPA's proposed delisting of 671 properties in Zones 2 and 3 of the Operable Unit 1 of the USS Lead Site, East Chicago, IN (EPA-HQ-SFUND-2008-0577)**

The East Chicago Calumet Coalition Community Advisory Group (ECCC-CAG), the EPA-recognized community advisory group for the USS Lead Site in East Chicago, IN, writes today to comment on the proposed delisting of 671 properties in Zones 2 and 3 of Operable Unit 1 of the USS Lead Site, East Chicago, IN (EPA-HQ-SFUND-2008-0577).

The ECCC-CAG is concerned that continuing groundwater and surface water contamination at the USS Lead site pose ongoing threats to public health and the environment and that EPA and the Responsible Parties have not yet dealt sufficiently with these problems. Moreover, the fact sheet that EPA provided to residents about the proposed delisting is insufficient because it does not include sufficient information about (1) the threat that contaminated groundwater from OU2 continues to pose to residents, (2) what the five-year review process will entail, including whether it will affect properties with institutional controls differently than properties without institutional controls, (3) whether EPA will continue to spot-test properties and homes for lead, arsenic, and other contamination after delisting, and (4) any duties residents may have to disclose the existence of potential groundwater contamination from OU2 at an individual property should a property owner sell their property.

As a result, the ECCC-CAG requests that EPA modify its proposal so that each property owner could "opt out" of delisting, rather than EPA delisting all 671 properties now. A property owner would indicate that the owner does not want EPA to delist the property by submitting a form to EPA by a specified date. Then EPA would delist all properties except those whose owners opted out. An "opt-out" system is better than the current approach because (1) it would empower residents to make informed decisions about the future of their properties and of their health and (2) it would allow EPA to continue to test and treat the non-delisted properties, protecting those residents from contamination from ground water and surface water.

On-going concerns that caution against a broad delisting

The January 2020 initial Remedial Investigation (RI) Report for Operable Unit 2 (OU2) made it clear that groundwater still poses a threat to residents.¹ Consultants for the responsible parties produced a Human Health Risk Assessment (HHRA), which describes carcinogenic and non-carcinogenic health risks to (1) future utility workers on the OU2 site, (2) future and current operation and maintenance (O&M) workers,² (3) current and future adult trespassers, (4) current and future adolescent trespassers, (5) current and future adult residents of OU1, and (6) current and future older child residents of OU1. While the Remedial Investigation Report (RI Report) found no “unacceptable” carcinogenic risks to any of these groups, it did find *unacceptable non-carcinogenic health risks to every group except current and future O&M workers, including current and future adult and older children residents*. Arsenic is the primary driver of these unacceptable health risks. The largest driver of risk for residents is contact with groundwater as a result of basement flooding, sump operations, and groundwater seepage in basements.³

Moreover, EPA staff criticized the report for not investigating sufficiently the potential health effects groundwater residuals may pose to residents, even after the groundwater flooding has receded or been removed.⁴ On April 29, 2020, Leslie Patterson of EPA sent comments to the responsible parties’ consultants on the RI Report. EPA disapproved the responsible parties’ study, finding that the investigators’ sampling was “inadequate to characterize the extent and source(s) of contamination, contaminant fate and transport, and threats to human health and the environment.”⁵ Further, EPA found that the RI Report did not include risk assessments for young children who may come into contact with flooded basements or children who may wander onto the former USS Lead Site. The Report also failed to assess whether groundwater leaves behind residual contaminants that could harm residents, even after they clean their basements.

Surface water may also present a threat to residents’ health. The RI Report found that dermal contact with OU2 surface water poses an unacceptable health risk to trespassers.⁶

¹ Environmental Resources Management, *Remedial Investigation Report: USS Lead Superfund Site, Operable Unit 2* 363 (January 2020) [<https://semspub.epa.gov/src/collection/05/SC30313>].

² “O&M activities include periodic inspections of security, sand cover, vegetation, drainage, subsidence, extraction system monitoring and maintenance, site photographs, and CAMU groundwater elevations.” *Remedial Investigation Report* at 348.

³ “For OU1, potential human health exposure pathways include only the potential dermal contact to groundwater because of basement flooding, sump operations, and groundwater seepage in basements.” *Remedial Investigation Report* at 350.

⁴ Leslie J. Patterson, “Comments on the January 2020 *Remedial Investigation Report*” 21 (April 29, 2020) [<https://semspub.epa.gov/src/document/05/958211>].

⁵ Leslie J. Patterson, “Comments on the January 2020 *Remedial Investigation Report*” (April 29, 2019). <https://semspub.epa.gov/work/05/958211.pdf>

⁶ *Remedial Investigation Report* at 353 and 362.

Non-trespassing residents, however, are also concerned about dermal contact with contaminated surface water after significant surface and groundwater flooding occurred on their properties in May, resulting in devastating flooding.⁷ Residents are rightfully concerned that unremediated contamination will continue to flow onto their properties and into their homes, even after EPA delists the properties. Furthermore, while the RI Report found that “[b]ased on the results of the human health and ecological risk assessments, surface water at the Site does not present a potential risk to human health and the environment, and the surface water data do not require additional consideration under the RI/FS ASAOC,” EPA disagreed, reminding investigators that “[a]rsenic concentrations in surface water are as high as 610ug/L collected from west of the CAMU,” and instructing investigators to consider how surface water concentrations may migrate to affect other media, including groundwater.⁸ EPA also instructed investigators to “[c]onsider collecting more recent surface water samples to evaluate current risk.”⁹

As a result, we believe that it is irresponsible for EPA not to explain clearly to residents that, though their properties will no longer appear on the National Priorities List, they may still encounter contamination through groundwater seepage and residuals in their basements. EPA needs to share this information broadly so that residents can protect themselves and their loved ones and make informed decisions, including whether to support delisting of the properties.

The current fact sheet provides insufficient information and inadequate notice to the residents. The current fact sheet contains only one page of substantive information and does not adequately address the nuances of delisting. The fact sheet does not provide residents with adequate information about (1) continuing potential harms to public health from groundwater due to basement flooding and seepage, as outlined in the RI Report, (2) additional problems identified by EPA’s rejection of the initial RI Report, (3) any duties residents may have to disclose the existence of OU2 if they would like to sell or develop their property, (4) the extent to which soil contamination on listed properties and properties with institutional controls may pose a threat to residents on delisted properties, (5) whether the five-year review will analyze properties with institutional controls differently than properties without institutional controls, (6) whether property owners would still qualify for lead testing services in the event of delisting, and (7) the

⁷ See East Chicago Common Council (2020) ‘Item 1: Communication from the Mayor’. *Minutes of East Chicago Common Council regular meeting 26 May 2020*, Zoom https://portal.sbsportals.com/modules/file_viewer.php?token=nZyh8aajq/LR0Mk=. See also *Wettest May on record taking its toll on Region*, NWI Times, May 24, 2020 https://www.nwitimes.com/news/local/lake/watch-now-wettest-may-on-record-taking-its-toll-on-region/article_bdd9990d-6e3d-57c8-8636-109aae06be93.html.

⁸ Leslie J. Patterson at 14.

⁹ *Id.*

specific governmental grants residents may be able to receive in the event of delisting (so that they can weigh those benefits against the risks of delisting).

In an updated fact sheet, EPA should include an explicit statement that delisting does not necessarily mean a property has ceased being hazardous to human health and that flooding and groundwater seepage from OU2 still pose a health risk to residents. EPA should also address all of the concerns outlined above, allowing residents to understand better delisting, the future of their properties, and the potential impacts on their health. EPA should provide all of this information in Spanish as well as English; a significant portion of East Chicago residents require communications in Spanish. EPA should also consider allowing written comments submitted by mail in the future. Requiring residents to submit all comments electronically disadvantages elderly residents, many of whom are not comfortable using email or submitting a comment online.

Proposed “Opt-Out” Process

To effectuate an opt-out approach, EPA should

- Provide all residents and 671 property owners with an improved fact sheet, as described above;
- Hold a public-availability session to address any questions that residents and property owners may have;
- Provide a form to all 671 property owners on which an owner would indicate that the owner does not want EPA to delist the property;
- Publish a new Federal Register notice with a revised list of properties to be delisted.

For those residents who choose to opt-out, EPA will keep their properties on the National Priorities List until all of the properties in Zones 2 and 3 have been remediated and until surface water flooding and groundwater from OU2 no longer pose a threat to residents’ health.

If EPA does not want to provide an opt-out approach for all 671 properties, it could do so for the 435 properties in Zones 2 and 3 that required remediation. Because of the ongoing risks described above, however, we do not believe this is the preferred option.

We support an opt-out system because groundwater and surface flooding still pose a threat to human health. Moreover, individual property owners should have a say in whether their properties are delisted. Therefore, EPA should not delist these properties *en masse* without an opportunity for an individual property owner to decide not to have the property delisted.

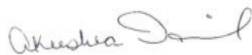
Conclusion

In conclusion, the ECCC-CAG urges EPA to adopt an opt-out approach to delisting. Significant concerns remain regarding contaminated surface water and ground water at the site. Delisting is a complicated, nuanced process that intimately affects the health and well-being of East Chicago residents. As such, EPA needs to inform residents fully about the consequences of delisting and give them the opportunity to make decisions about their future health and financial wellbeing, including whether their individual properties should be delisted.

Submitted by



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ATTACHMENT 3

Comment Letter from Individual

Cibulskis, Karen

From: Larry Davis <lad@netnitco.net>
Sent: Friday, August 07, 2020 4:08 PM
To: Cibulskis, Karen; Pope, Janet; Rodriguez, Charles
Cc: lad@netnitco.net; Idasteelworker@gmail.com
Subject: RE: Docket ID No. EPA-HQ-SFUND-2008-0577 - Proposed Removal of 671 Properties at the USS Lead Superfund Site from the National Priorities List (NPL) by U.S. Environmental Protection Agency (U.S.EPA).

August 7, 2020

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RE: Docket ID No. EPA-HQ-SFUND-2008-0577 – Proposed Removal of 671 Properties at the USS Lead Superfund Site from the National Priorities List (NPL) by U.S. Environmental Protection Agency (U.S.EPA).

Hello, the U.S. EPA and Indiana Department of Environmental Management (IDEM) have disregarded East Chicago, Indiana residents' repeated statements concerning chronic flooding events and subsurface intrusion of toxic substances in homes located upon the USS Lead Superfund Site for years...

U.S. EPA has ignored evidence that demonstrates the ongoing transport of toxic sediment through the flow of groundwater and has made no effort to investigate these recognized routes of toxic contaminant exposure since sampling and analysis results were provided to U.S. EPA on September 27, 2019.

This is true even though U.S. EPA and IDEM know that the remaining in homes located upon the USS Lead Superfund Site are serviced by combined sewers that:

- 1) periodically flood people's homes and property;
- 2) overflow into and/or back up from the highly contaminated Grand Calumet River;
- 3) have been known to be contaminated with Arsenic and Zinc since the late 1970s and early 1980s;
- 4) receive contaminated groundwater pumped from within the USS Lead Superfund Site's Corrective Action Management Unit (CAMU) designated as part of OU2 which contains high concentrations of untreated listed Hazardous wastes banned from land disposal and is unlined without any leachate collection system or pretreatment system;
- 5) are in various states of disrepair or stages of failure and have received industrial discharges from sites of known contamination for decades along with ongoing contaminated groundwater and sediment infiltration throughout the system...

The USS Lead Superfund Site has exhibited elevated water chemistries and demonstrated Subsurface Intrusion of Toxic Particles as compared to average background levels for Metals in Northwest Indiana's Calumet Aquifer and Quartz Tolleston Dune Sand Soils!

In 2009 U.S. EPA's On-Scene Coordinator at the USS Lead Superfund Site wrote:

"... As a part of their activities, companies in the Site area generated Lead products or wastes in a Particulate form."

"The potential Emission Sources at these facilities include furnace stacks, waste piles, and spills of Lead products..."

"Also, it is believed that Soil impacted with Lead and waste products from Smelting operations may have been given to local residents for use as backfill material."

– 'Federal On-Scene Coordinator's Report, Rev. 1' Weston Solutions, Inc. for U.S. EPA Region V, Emergency Response Branch, August 2009

These sand soils have little or no capacity to adsorb or attenuate toxic pollutants and act as a sieve allowing fine-grained sediments to readily pass through them via the flow of groundwater which is hydraulically connected to Lake Michigan and the Grand Calumet River that also discharges into Lake Michigan.

U.S. EPA and IDEM continue to disregard known pathways of toxic contaminant exposure that were recognized by U.S. EPA early on but never thoroughly investigated since the initial Hazard Ranking Score (HRS) process was completed.

U.S. EPA and IDEM have not sampled at soil depths known to have existed naturally in the Dune and Swale topography or exposed because of historic construction activities or waste/debris disposal within the USS Lead Superfund Site.

U.S. EPA and IDEM continue to ignore information documenting buried wastes and debris within the USS Lead Superfund Site when they could be using ground penetrating radar or other methods of identifying buried sources of contamination and undertaking remedial actions to address the known ongoing subsurface release of contaminants onsite as proven in recent sampling and analysis reports done in OU1.

“Buried Debris” is a euphemism for the toxic contaminated remains of plant sites including contaminated process equipment, buildings, and wastes deliberately disposed of in the Calumet Community underground...

The Administrative Record for the USS Lead Superfund Site references contaminated soils and industrial wastes such as Slag from the Lead Blast Furnace being sold for construction backfill.

I personally witnessed and have photo documented slag deposits that were left in place in Riley Park within the USS Lead Superfund Site during remediation activities. In fact when one of the federal on-scene coordinators was asked why that was being left in place and not cleaned up their response was: “Yea, what is that we are finding that in everyone’s yard...”

Large volumes of contaminated soil remain in many properties slated for NPL delisting because of incomplete removals, not because of the level of contamination found, but because of restrictions on removals versus potential damage to foundations and building structures. Also, removals were not done under trees and some shrubs or any hardscaping such as sidewalks, driveways, patios, etc.

U.S. EPA’s statement that: “These properties have no contamination at-depth and are cleared for residential use” is arbitrary and capricious given:

- 1) the realities on the ground in the Calumet Community that is living on top of the USS Lead Superfund Site;
- 2) the evidence provided in the Administrative Record; and
- 3) information provided by the public since 2016.

Since 2009, there has been an Epic Failure to take action and protect people’s health from serious contamination of Groundwater in the Calumet Aquifer and Subsurface Intrusion of Toxic Particles into homes in the Calumet Community by both the U.S. Government and State of Indiana...!

The Exposure Pathways for:

- 1) Toxic Particles in Groundwater;

2) Respirable Dust in contaminated Groundwater Sediments; and

3) Fate of Toxic Particles moving through the Groundwater has not been recognized, thoroughly investigated, or evaluated by U.S. EPA and IDEM in over 30 years!

Why does U.S. EPA refuse to take samples of these toxic contaminated sediments infiltrating people's homes?

Why isn't U.S. EPA sampling these toxic contaminated sediments in their ongoing groundwater monitoring program?

Why hasn't U.S. EPA responded to recent flooding events, at least three or more within the last two years, in the USS Lead Superfund Site?

Why hasn't U.S. EPA sampled flood impacted homes and properties to evaluate the extent of any contamination spread by the flood including all U.S. EPA Priority Pollutants and all contaminants known to be present including: PAHs, PCBs, Dioxin, Metals, Pesticides, etc.?

To delist these properties from the NPL now without full and complete investigation of these routes of exposure and to leave large quantities of contaminated soil, toxic wastes, and contaminated debris in place within the USS Lead Superfund Site is not only negligent concerning public health threats but serves only to continue the crime against humanity that has taken place in East Chicago, Indiana where people of color were knowingly put upon contaminated land without their knowledge for decades.

Relying on five-year reviews to revisit this cleanup is unacceptable given all the evidence provided to U.S. EPA by the public since 2016.

The inadequacy for the protection of public health using the cleanup levels selected for the USS Lead Superfund Site is proven by the following...

At one of the Superfund Sites listed and used as a basis of comparison by U.S. EPA USS Lead Superfund Site Zone 1 Remedial Project Manager Thomas Alcamo – Omaha Lead Superfund Site – the site's Second Five Year Review by U.S. EPA states that: "The cleanup level selected for residential yards may not protect children to current CDC-acceptable reference value blood-lead concentrations. The EPA will reexamine blood-lead levels and determine whether additional action is warranted."

"The EPA is aware of information that could call into question the protectiveness of the remedy. Based on findings in the data review and site inspection sections, site conditions are changing at properties. A change in site conditions could affect the protectiveness of the remedy."

"Since the last FYR, the city has inspected 259 properties where the remedy was implemented. For these 259 properties inspected, it was determined that, for 23%, the remedy has not been disturbed; and for 77%, the remedy has been disturbed to some extent. The disturbances range anywhere from having mostly weeds present instead of grass, to having large bare areas, to the structure being demolished since remediation and the remedy not likely remaining intact due to the demolition."

See: [<https://htv-prod-media.s3.amazonaws.com/files/epa-report-1573530651.pdf>]
See Video and Story here: [<https://www.ketv.com/article/the-epa-cleaned-up-lead-in-her-neighborhood-years-ago-she-got-poisoned-this-summer/29763386>]

Given the historic blood levels in children as documented by the most recent Centers for Disease Control (CDC) study [https://www.atsdr.cdc.gov/HAC/pha/USSmelterandLeadRefinery/Blood_Level_Factsheet_English-508.pdf] within the USS Lead Superfund Site and no proof that remedial actions taken so far are adequate to reduce these historically high blood Lead levels in children within the Calumet Community how can U.S. EPA justify its desire to delist these properties from the NLP at this time?

“Children under 6 years old living in the East Calumet neighborhood had the same chance of having a BLL greater than the 5 µg/dL, but a higher chance of a BLL greater than 10 µg/dL, compared to a child living in other locations in East Chicago.” – CDC

Certainly it is premature to propose delisting properties now without any proof of the cleanup’s efficacy in reducing children’s blood Lead levels and to completely ignore the continuing chronic exposures resulting from unaddressed routes of toxic contaminant pollution impacting these properties and their residents...

The Residential area of the USS Lead Superfund Site was a single Zone until the 2012 Consent Decree divided that single Zone into three zones and completely left Zone 2 out of the cleanup under the agreement between the “Responsible Parties” and U.S. EPA. This division of OU1 follows historic divisions within the Calumet Community based on Class and Race.

This occurred even though high levels of toxic contamination were well known to U.S. EPA and a small number of emergency removals (Lead concentrations above 1,200 ppm) had already taken place previously at properties in the Superfund Site which later became Zone 2 under the Consent Decree.

A Zone 2 resident requesting the U.S. EPA Region V’s help and repeatedly requesting testing of his basement has experienced literally over a year long delay in U.S. EPA Region V investigating a gross Subsurface Intrusion of contaminated groundwater laden with toxic sediment containing Arsenic as high as 203 ppm within his home located on the USS Lead Superfund Site. As far as I am aware no sampling has yet to be done.

This is a basement that U.S. EPA Region V Remedial Project managers have stated they visited on at least two occasions as documented in video tape of a U.S. EPA Region V USS Lead Superfund Site meeting November 17, 2018 when Mr. Devin Crymes said that he was asking for the third time for EPA to test his basement or put in writing why they were refusing to test it.

There was no cleanup planned for Zone 2 until national attention was focused first on Flint, Michigan and then East Chicago, Indiana concerning toxic Lead contamination. That attention and embarrassment over the fact that there was no cleanup plan for Zone 2 lead to Emergency Administrative Orders by U.S. EPA to the “Responsible Parties” to finally conduct removal activities in Zone 2 in starting in 2019.

East Chicago, Indiana, has a polluted environment that with an established cancer risk of 310 in 1,000,000 when 1 in 1,000,000 is considered an acceptable risk by U.S. EPA.

East Chicago, Indiana, is a recognized Environmental Justice (EJ) community. U.S. EPA "...Region 5 considers this site a high-priority potential EJ area of concern."

The USS Lead Superfund Site was: "...the highest ranking in Region 5 under the National Corrective Action Prioritization System and it was proposed for the National Priority List (NPL) in 1987." "EPA listed the USS Lead site to the National Priorities List (NPL) in 2009."

How does all that square with the demographic facts that Zone 2 created under the Consent Decree by U.S. EPA and the "Responsible Parties" is the poorest and highest percent minority population within the USS Lead Superfund Site?

This is not Environmental Justice this is clear bias by the "Responsible Parties" and U.S. EPA Region V and looks a lot more like Environmental Racism in my opinion.

U.S. EPA must thoroughly investigate the flooding events and sub-surface intrusion impacts to public health before delisting these properties from the NPL.

U.S. EPA needs to take adequate remedial actions at those properties found to be contaminated by flooding events and ongoing sub-surface intrusion of contaminated groundwater and the toxic sediments transported by it before any delisting of properties takes place. To do so otherwise is not protective of public health...

Why is U.S. EPA Region V not seriously investigating what concerns the residents are communicate to them including but not limited to: Buried Wastes, Basement Flooding, Recontamination, and Subsurface Intrusion of toxic contaminated groundwater?

Why are actions not being taken by U.S. EPA to protect public health concerning:

- 1) known off-site sales of Slag and smelter wastes from the Lead smelting Blast Furnace at the USS Lead Refiner;
- 2) known use of contaminated soil and smelter waste for construction backfill in the area of the Superfund Site;
- 3) known incidents of buried Subsurface Wastes and Plant Debris underground within the Superfund Site and/or Calumet Aquifer;
- 4) known frequent and/or seasonal Basement Flooding within the Superfund Site;
- 5) known Subsurface Intrusion of contaminated groundwater and toxic sediment into residents' homes, especially those located on Alexander and Melville Avenues, in the USS Lead Superfund Site?

Some Established Facts:

The State of Indiana and U.S. EPA have known about the toxic contamination in the Calumet community of East Chicago, Indiana since 1985.

There is evidence that DuPont was investigating their 105-year-old, 444-acre site, (the largest chemical and pesticide plant in the world) as early as 1968 and that gross groundwater contamination with Arsenic and Zinc was known as early as 1979...

The City of East Chicago, Indiana investigated high groundwater and Arsenic contamination in the groundwater in 2007 on Ivy Street in what would become Zone 3 of the USS Lead Superfund Site and the results indicated homes with contaminated groundwater in a basement sump above the U.S. EPA's MCL for Arsenic at 39 ppb, 48 ppb and 120 ppb Arsenic dissolved into the groundwater at three homes. (Note: no sediment samples were taken).

The investigation recommendations included: "Coordinate with US EPA on the best way to inform residents on Ivy Street of the arsenic identified in the groundwater. The information provided should incorporate possible health effects from exposure to arsenic (particularly through dermal contact and inhalation) and way to minimize exposure."

Contaminated groundwater is being discharged by sump pumps in residents' basements to the surface where recontamination can and does occur. The Superfund Site area is serviced by a combined sewer system...

Basement flooding by contaminated groundwater and/or the combined sewer system frequently occurs within the Superfund Site and the area is currently experiencing a record high groundwater level (1 to 4 feet below the surface on the south side of the Superfund Site) which is also compounded by the near record levels of nearby Lake Michigan which is hydraulically connected to the Calumet Aquifer beneath the Superfund Site.

U.S. EPA has confirmed toxic contaminated Dust in several homes within the Superfund Site but refuses to test adjacent homes that were not part of the current contaminated soil removal actions.

U.S. EPA has confirmed a Drinking Water Quality issue for Lead in drinking Water is several homes within the Superfund Site due to Lead Service Lines and home plumbing containing Lead.

Communities adjacent to the USS Lead Superfund Site that are shown as impacted by the Superfund Site in documents contained within the site's Administrative Record have never been contacted by U.S. EPA – let alone any communication of any risks potential contamination could present to their health.

Where sampling has been done south of the Superfund Site high levels (above 400 ppm Lead) of contamination have been found over the years by the State of Indiana and U.S. EPA but nothing has been done to properly investigate or inform the residents of the communities of Gibson Woods and Hessville in Hammond, Indiana one mile away.

The community has not been involved in the current groundwater investigation by U.S. EPA for the Superfund Site and the monitoring wells are all located either on the City of East Chicago, Indiana or "Responsible Party" properties and sampling and testing does not include any sediment sampling within the Calumet Aquifer.

In fact, the U.S. EPA methodology being used for sampling and testing filters out sediment to determine only what is dissolved within the ground water not what is being transported by it (e.g. Toxic Sediments).

U.S. EPA has methodologies for sampling and testing sediment within a groundwater aquifer they are not being deployed in East Chicago, Indiana in the Calumet Aquifer that flows beneath the Superfund Site. To get a complete picture of the contamination and risks involved including its transport and fate these sediments must be properly sampled and analyzed also.

Conclusion:

Perhaps the best way to determine what residents are being exposed to from the groundwater is to sample what's already in their homes –the dust; the groundwater and the sediment it carries through imperfections in foundations and draining into basement sumps; and the potentially toxic residues left when basement flood waters recede or the sediment becomes dry in the winter heating season when humidity drops and forced-air furnaces or heating boilers located in residents basement are in constant operation...?

Perhaps ignoring toxic contaminated sediment within groundwater and having a groundwater monitoring system located on properties who owners who's priorities are fixated on the potential of quick redevelopment instead of having a first priority to ensure a proper and permanent cleanup (as required under the law) might not be protective of people's health living within the USS Lead Superfund Site?

In Total U.S. EPA's current actions and historical record in East Chicago, Indiana is ripe for investigation and oversight with respect to proper conduct and violations of the laws, regulation, and rules of the United States of America and State of Indiana and unfortunately this is just one example of what has taken place in Northwest Indiana and especially in East Chicago, Indiana where what many people consider a toxic crime against humanity has occurred right here in our nation.

Newspaper Article: [<https://www.chicagotribune.com/suburbs/post-tribune/ct-ptb-ec-crymes-st-1115-20191114-euhsjm3nsbcwxnupqwt7jomiay-story.html>] 'East Chicago man says EPA has been slow to test the rust-colored sludge in his basement for toxins' by Meredith Colias-Pete, Post-Tribune / Chicago Tribune, November 14, 2019

This story was published on November 14, 2019 and the very next day this story was broadcast about the same block of Alexander Street in East Chicago, Indiana: 'Workforce Houses In East Chicago To Be Built On EPA Superfund Site'...! See: [<https://www.wfyi.org/news/articles/workforce-houses-in-east-chicago-to-be-built-on-epa-superfund-site>]

'East Chicago man says EPA has been slow to test the rust-colored sludge in his basement for toxins' by Meredith Colias-Pete, Post-Tribune, November 14, 2019

Photograph: 'East Chicago resident [REDACTED] asks a question during a public meeting about the U.S.S. Superfund site on Nov. 17, 2018, at the former Carrie Gosch elementary school. (Kyle Telechan/Post-Tribune)'

“Crymes told the EPA at a November 2018 [<https://www.chicagotribune.com/suburbs/post-tribune/ct-ptb-east-chicago-epa-update-st-1118-story.html>] meeting he wanted the water that seeps into his basement tested, knowing that the soil outside his home is contaminated.

Katherine Thomas, an EPA remedial project manager, said then most of the basement testing was in Zone 3, where about half tested showed high levels of lead. Thomas added that she’d get Crymes’ information to see if they extend the sampling and can test his basement.

Months later, when Davis again told the EPA about Crymes’ basement, in Zone 2, the EPA asked for the lab’s results and methodology.

“EPA shares your concerns,” Remedial Response Branch Chief Timothy Fischer wrote to Davis on Sept. 27. Fischer told him to have Crymes call them so they could “further assess the conditions in the basement.”

From: Larry Davis <lad@netnitco.net>
Sent: Friday, September 27, 2019 5:28 PM
To: Fischer, Timothy <Fischer.Timothy@epa.gov>
Cc: Dodds, Jennifer <dodds.jennifer@epa.gov>; Rolfes, Sarah <Rolfes.Sarah@epa.gov>
Subject: RE: USS Lead Response September 27, 2019
Importance: High

Timothy J. Fischer, Chief
Remedial Response Branch #2
Superfund & Emergency Management Division
United States Environmental Protection Agency, Region V
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Chicago, Illinois 60604-3590
Telephone: (312) 886-5787
Email: <Fischer.Timothy@epa.gov >

Re: Subsurface Intrusion Hazard in Private Homes within the U.S. Smelter and Lead Refinery, Inc.
Superfund Site in East Chicago, Indiana

Hello Mr. Fischer,

I am attaching the laboratory reports for the Grab samples taken on August 9, 2019. The Metals by ICP results are Coded: UE for the Groundwater samples and Coded: SE for the Sediment samples respectively... The Particle Analysis was conducted by a separate laboratory specializing in Particle Size & Shape characterization and a Dust Monitor test was also included for the 4915 sample location.

I am offering to present a PowerPoint presentation documenting Subsurface Intrusion Hazards in Private Homes within the U.S. Smelter and Lead Refinery, Inc. Superfund Site in East Chicago, Indiana in person to interested U.S. EPA Region V staff at the earliest possible time to provide findings of sampling, illustrate scientific points in context, and give proper narration of the data results and background studies used for comparison.

At that time I will also answer any questions as to sample methodology (which is documented in the presentation), Quality Control & Quality Assurance with Chain of Custody procedures, provide copies of Laboratory Results & documentation, and also provide a copy of the PowerPoint presentation on a memory stick with the supporting Reference Documents used in the presentation.

I have received permission to disclose the sample locations from the homeowners and to share the results with U.S. EPA and would like to do so at the soonest available time.

I am concerned about the potential Respirable Dust hazards in homes from dried Toxic sediment residue and the upcoming heating season in homes with forced air heating systems distributing the dust throughout the homes...

You should know that one homeowner in Zone 2 of the USS Lead Superfund Site requested U.S EPA sample their basement on at least three occasions and that no sampling was ever done by U.S. EPA. It has been documented that U.S. EPA visited this individual's basement at least twice and failed to recognize the ongoing obvious and gross Subsurface Intrusion Hazard (see attached photograph: 'Sediment Sample 4915 8-9-2109') and also failed to take any type of sample whatsoever.

You should also know that of the sampling conducted on August 9, 2019, sediment found in the above referenced homeowner's basement showed the highest levels of contamination found in the samples taken.

This basement is currently partially covered with Toxic sediment transported by the infiltration of large amounts of contaminated Groundwater through defects in the foundation and basement floor of the home and this phenomenon has been ongoing all spring and summer due to record high Groundwater levels in the Calumet Community of East Chicago, Indiana...

Toxic Metal levels as high as 49.5 ppm of Antimony (Sb), 203.1 ppm of Arsenic (As) and 21,394 ppm Manganese (Mg) among others were found in the sediment grab sample at this location.

A particle analysis was done on a duplicate sediment sample for particle size & shape as well as a dust monitor test that showed a significant fraction of the sample particle size to be 10 micron (um) in size or smaller as potential Respirable Dust and that of the dust produced from the sample 42 cumulative % of the dust was characterized as below 10 microns in size by the laboratory...

Please contact me as soon as possible to provide a date and location for presentation of the information you requested.

Sincerely;

Larry Davis, 268 S 600 W, Hebron, Indiana 46341 (219) 488-6052, < lad@netnitco.net >]

ATTACHMENT 4

Resident Comment Letter

Cibulskis, Karen

From: [REDACTED] >
Sent: Saturday, August 08, 2020 12:06 AM
To: Cibulskis, Karen
Cc: Maritza Lopez
Subject: Comment: Delisting of Property
Attachments: 20200603_125027.jpg

Re: Delisting my property remediated 2017 with tax number 450333227021000024

Dear EPA,

I'm submitting my comments / concerns regarding the delisting of my Property and those of other property owners.

I begin with first stating EPA has manipulated the system by siding with the Responsible Party's and the City of East Chicago. EPA failed to Protect and Prioritize the Health and Safety of Residents / Property Owners first.

I have lived in the Superfund Site since I was 6 months old and I'm now 57. The house I live in my parents purchased in 1974. My mom had to refinance the mortgage in 2009 when a major storm hit us and damaged our downstairs apartment, family room, roof, laundry room and Boiler room. The apartment and family room needed to be gutted out due to water damage. Upon my mother's passing, I purchased the home in June of 2012. On July of 2012, I received a EPA postcard for a meeting at the main library which I attended. Micheal Bercouf was the Program Manager for the USS LEAD SUPERFUND SITE (it wasn't broken up into zones). In that meeting, I raised concerns of our health and safety. We were just informed to change our shoes in the doorway before entering the house. They (EPA) informed us it will take a while to Cleanup our properties because they had to work with the Responsible Parties. I then attended the next EPA meeting in November of 2014 and it basically was a repeat of 2012 meeting. Between 2014 and 2016, EPA REGION 5 had made a financial deal with the Responsible Parties braking up the Superfund Site into 3 zones. EPA caused a problem in the Community by doing this because they failed to explain to the residents / Property owners in Zone 2 that the Responsible Parties did not want to commit legal financial responsibility for Cleanup costs there. EPA was ONLY DOING INDOOR TESTING AND CLEANING IN ZONE 1 AND HAD NO INTENTIONS TO DO THEM IN ZONES 2 AND 3. This we found out at the EPA September 2016 Community Meeting at Rikey Park. The Residents / Property Owners rose up in an uproar on how we get saturated soil when it rain a lot, we get flooded and seepage in our basements. Tom Alcano stated he will try to get authorization to do indoor Testing beginning with Zone 3 since they (EPA) was going to do the soil Cleanup. Once Testing indoors in Zone 3, EPA found high levels of lead and arsenic. The same happened with Zone 2 once the Executive Order was issued for their Cleanup. I write this past because it ties us to EPA'S PRESENT NEGLIGENCE AND DUE DILIGENCE FOR US RESIDENTS / PROPERTY OWNERS.

- Responsible Parties offered a buyout for Property Owners and Michael Burcouf went and spoke with the Mayor on the matter. The Mayor made the Decision of NO. Michael Burcouf (EPA'S Program Manager) should have called a community meeting so we decide.
- SOIL CLEANUP: We all complained to EPA at their meetings on how they were cleaning our soil. You cannot cut off the Cleanup area like it's a block of cheese. We know how our soil gets saturated so it flows. It doesn't stop at that destination.
- OU2 (GROUNDWATER): It flows into our homes as seepage and leaves sediments. We had a week of rain beginning on May 15th saturating our soil. It even caused the canal to overflow into West Calumet (Zone 1) bring in fish that were spawning. We then got hit with a major rain storm on May 23rd, 2020. I

have the same black sediment that came in and settled by my drain with the 3" of flooding and seepage. This same sediment was tested by EPA before and it was high levels of lead. See picture of drain.

- I don't appreciate EPA making a deal with the City to delist us so they can develop their vacant lots.

ATTACHMENT 5

Transcript of Resident's Telephone Comments

**USS Lead Superfund Site
Transcript of Comments**

Contract Number: EP-W-13-016
Task Order Number: 007

Comment #1

Commenter Name: [REDACTED]

Commenter Phone Number: [REDACTED]

Message Received: Friday, August 7, 2020 at 3:08 PM EDT

Message Length: 5 minutes, 15 seconds

1 My name is [REDACTED] I live at [REDACTED] in Zone 3. I have read your newsletter
2 and had a conversation with a Karen Cibuliski and this is what I understand. My property is
3 clean therefore I am being... my property soil is cleaned, therefore I am being removed, uh, uh,
4 removed from the National Priority List. That my property will still be, that my property will still
5 be considered contaminated until the groundwater study is finished, and I should be kept on the
6 NPL list until the groundwater study is finished. And I would also like to know, what is, what is
7 the difference from being listed on the NPL and as a Superfund site. Why don't you wait until all
8 the properties in Zone 2 and 3 are clean before removing them from the NPL list? I'd also like to
9 comment on a paragraph listed in your newsletter, which is on page one, paragraph three. You
10 state, "Once a property is removed from the Superfund site, it will be easier to receive funding
11 from East Chicago Residential Repair program" as stated before, even though I am off the NPL,
12 I believe I am still in the Superfund site. I'd also like to know are there any other reasons you
13 want to do this besides informational purposes and to assist EPA management, and what are the
14 benefits to the Superfund residents. I also have the following questions:

- 15 • What is an NPL list?
- 16 • Why are you put on it?
- 17 • How does the EPA use it?
- 18 • What is the Federal Registry?

**USS Lead Superfund Site
Transcript of Comments**

- 1 • How is it used by the EPA?
- 2 • Does the removal of the properties from the NPL list affect anything else like the consent
- 3 decree, EPA grants, or anything else, or use of the CAG lawyers?
- 4 • Have you contacted the CAG lawyers about this removal of the property from the NPL
- 5 list? What was their response?

6 I also have a comment on a statement you made on page three, paragraph one, which
7 states: "EPA deletes sites or parts from the NPL when no further cleanup is required to protect
8 human health or the environment." I believe this is not true as well as did a groundwater study,
9 the results of the groundwater study going on which may involve damage seepage, I believe it
10 also affects the environment as well as the groundwaters, uh, must be tested to be cleaned.

11 Let me start from the beginning, one more time, real quick, uh, again, my property soil is
12 clean therefore I am being removed from the NPL list but I am still a Superfund site because of
13 the groundwater study. Would that make my property still considered contaminated until the
14 groundwater study is finished, and should I be kept on the NPL list because of this? Why don't
15 you wait until all properties from Zone 2 and 3 are cleaned before removal from the NPL list?
16 Again, if you look at the, uh, page one, paragraph three, "Once a property is removed from the
17 Superfund site, it will be easier to receive funding from East Chicago's Residential Repair
18 program." I believe even though I am off the NPL list, I am still on a Superfund site.

19 Then again, what is the NPL list, what do you put on it, how does the EPA use it? What
20 is the Federal Registry, how is it used by the EPA? Does the removal of the property from the
21 NPL list affect consent decree, EPA grants, or use of CAG lawyers or anything else? Have you
22 contacted the CAG lawyers about the removal of the property from the NPL, what was their
23 response?

**USS Lead Superfund Site
Transcript of Comments**

1 I would also like to know are there any other reasons you want to do this besides
2 informational purposes and to assist EPA management, and what are the benefits to the
3 Superfund residents? And comment on page three, paragraph one, EPA deletes sites or parts of
4 the NPL no further cleanup is required to protect human health and the environment. I believe
5 this is not, uh, this is not true as well of the groundwater study which may involve damage
6 seepage, and one final comment... [Message cut off by voicemail service]

**USS Lead Superfund Site
Transcript of Comments**

Comment #2

Commenter Name: [REDACTED]

Commenter Phone Number: [REDACTED]

Message Received: Friday, August 7, 2020 at 3:39 PM EDT

Message Length: 1 minutes, 52 seconds

1 Again, this is additional to my previous comments. My name is [REDACTED]
2 [REDACTED] Zone 3. This a couple additional comments to my previous comments. What I want to
3 know, what is the different, what is the difference from being on the NPL list and being in a
4 Superfund site. What is the difference between being on an NPL list, a National Priority List, and
5 a Superfund site. I want to know about, and then you mention something about a Hazard
6 Ranking System. It says in the paper, it says in the pamphlet, restore to, to the, um... the exact
7 phrase is "the site or portion may be restored to the NPL without application of the Hazardous
8 Ranking system." Uh, I need clarification on that statement, uh, what is the Hazardous Ranking
9 System and what is the relationship between the NPL and the Hazardous Ranking System, how
10 do they work together?
11 And last one is, I believe you are creating confusion by not waiting for all of the
12 properties in Zone 2 or 3 are cleaned and not stating clearly that even though you are off the NPL
13 list, you are still a Superfund site. Again, even though you are off the NPL site list, you are still a
14 Superfund site. Those are only additional comments. Again, Joe Dragovich, 4722 Euclid, East
15 Chicago, IN, Zone 3.

**USS Lead Superfund Site
Transcript of Comments**

I, Catherine Johnson, EMS, hereby certify that the voicemail message was transcribed to the best of my ability and that the transcription is in all respects a full, true, correct and complete transcription of the comment provided. I also followed the Quality Assurance Project Plan under the quality assurance and quality control measures for this task order to ensure technical accuracy of the transcription.

A handwritten signature in black ink that reads "Catherine Johnson". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Catherine Johnson
August 12, 2020

ATTACHMENT 6

Summary of Resident's Telephone Call

Cibulskis, Karen

From: Pope, Janet
Sent: Friday, July 24, 2020 11:21 AM
To: Adler, Kevin; Rolfes, Sarah; Rodriguez, Charles; Cannon, Phillippa; Fischer, Timothy; Alcamo, Thomas
Cc: Cibulskis, Karen
Subject: Resample property before delisting

Just received a call from [REDACTED] a resident at [REDACTED], East Chicago.

- 1) Wanted to know if we are going to retest/resample soil before we take her home off the NPL and
- 2) How do we know if her property has not recontaminated due to the recent flooding in the area

2 [REDACTED]

She also added that she is really disappointed in the sod that was laid at her property. Wants someone to come out and look at it.

ATTACHMENT 7

Anonymous Comment



PUBLIC SUBMISSION

Anonymous public comment

Posted by the **Environmental Protection Agency** on Aug 11, 2020[View More Comments](#) (2) (</document/EPA-HQ-SFUND-2008-0577-0011/comment>)[Share](#) ▼

Comment

Regarding docket number EPA-HQ-SFUND-2008-0577, the decision on deleting 671 properties from the superfund site should be postponed until after January 20, 2021. This is necessary because given the current administration's pattern of politicizing federal agencies in order to assist President Trump's reelection campaign and attack "blue" states and cities, the public cannot have confidence that decisions made by the EPA are free from political interference.

Here are a few examples of federal agencies which have been politicized to do President Trump's bidding:

1. Department of Justice (DOJ). Attorney General Bill Barr has lied about the contents of the Mueller report, intervened to drop the felony case against Michael Flynn, objected to Roger Stone's sentence, dismissed the U.S. attorney in the Southern District of New York, claimed the the Obama administration spied on President Trump's campaign, and agreed to accept information from Rudy Giuliani about the Biden family's alleged "crimes" in Ukraine.
2. Department of Homeland Security (DHS). To promote President Trump's "law and order" campaign DHS "Senior Official Performing the Duties of the Deputy Secretary" of DHS Ken Cuccinelli has deployed Immigration and Customs Enforcement and Customs and Border Protection law enforcement officers to Portland. Allegedly this was to protect a federal building, but in practice these officers attacked protesters and incited violence. President Trump made it crystal clear that this was politically motivated in saying that federal law enforcement would be sent to cities "all run by very liberal Democrats."
3. Census Bureau (CB). President Trump has repeatedly tried to interfere with the 2020 census in order to undercount immigrants and persons of color. These actions include attempting to add a citizenship question to the census survey, issuing an executive action to exclude undocumented immigrants from the apportionment base and shortening the data collection time by one month.
4. Centers for Disease Control and Prevention (CDC). Under pressure from President Trump the CDC recently weakened its guidelines for safely reopening schools, risking the health of children, teachers, staff and family members in order to further Trump's goal of boosting the economy before election day.

This is a very incomplete list. At the EPA career scientists have been sidelined and muzzled, information on climate change has been expunged, enforcement has been slashed, and political appointees and industry "scientists" have been empowered to promote business growth by gutting environmental regulations. So it is fair for the public to question EPA decisions until such time as America has an ethical administration, as I hope that it will on January 20, 2021. Thanks and have a great day.

Comment ID

EPA-HQ-SFUND-2008-0577-0115

**Tracking Number**

1k4-9i91-mnb2

Comment Details**Document Subtype**

Public Comment

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ATTACHMENT 7

**EPA Reply Letter to ECCC
August 4, 2020**



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

August 4, 2020

Maritza Lopez
Akeeshea Daniels
Lori Locklear
East Chicago Calumet Coalition

Mark N. Templeton Clinical Professor of Law and Director, Abrams Environmental Law Clinic
Gwendolyn Lemley, J.D. Candidate June 2022
University of Chicago Law School
Counsel to East Chicago Calumet Coalition

Nancy C. Loeb
Clinical Professor Law and Director, Environmental Advocacy Clinic
Northwestern Pritzker School of Law
Counsel to East Chicago Calumet Coalition

Re: Request for Extension of Comment Period and for a Public Meeting with regard to EPA's proposed delisting of 671 properties in Zones 2 and 3 of Operable Unit 1 of the U.S. Smelter and Lead Refinery, Inc. Superfund Site in East Chicago, Indiana

Dear Ms. Lopez, Ms. Daniels, Ms. Locklear, Ms. Loeb, Ms. Lemley and Mr. Templeton:

Thank you for your letter dated July 27, 2020 on behalf of the East Chicago Calumet Coalition (ECCC) related to EPA's proposed delisting of 671 residential properties in Zones 2 and 3 of Operable Unit (OU) 1 of the U.S. Smelter and Lead Refinery, Inc. Superfund Site (Site) in East Chicago, Indiana from the National Priorities List (NPL) of Superfund Sites requesting that (1) EPA extend the public comment period an additional 30 days to September 6 and (2) EPA hold a virtual public hearing on this proposal.

Over the years of EPA's involvement at the Site, EPA has committed to cleaning up the Site while keeping the community informed. From 2008 to the present, EPA and the potentially responsible parties completed excavations and Site restorations at over 95 percent of properties in Zones 2 and 3 needing cleanup. This work included the cleanup of the former Carrie Gosch elementary school and public parks throughout the Site. Only 40 properties remain to be completed in Zones 2 and 3 and EPA expects that work to be completed by the end of the 2020 construction season.

EPA's extensive community outreach at this Site includes frequent mailing of newsletters and fact sheets to residents to update them on construction progress, holding near monthly meetings throughout 2017 and several additional meetings into 2019, conducting numerous door-to-door canvassing events; and establishing a dedicated phone line for the Site. A timeline of EPA's community involvement activities can be viewed at: <https://www.epa.gov/uss-lead-superfund-site/uss-lead-superfund-site-community-involvement-activities>.

The proposed partial deletion of 671 properties from the NPL only applies to properties in OU1 Zones 2 and 3 and indicates only that the soil remediation for those properties is completed. An NPL deletion, if finalized, will not in any way prevent EPA from taking future response action should future conditions warrant such action. EPA will maintain a continued presence at the Site for the remaining cleanup activities in OU1 Zones 1, 2 and 3 and the OU2 groundwater investigation.

EPA has considered ECCC's requests, as well as the substance of your letter related to OU2 groundwater. As noted in letters sent to residents earlier this month notifying them of the proposed delisting, as well as EPA's July 2020 fact sheet on the proposed partial delisting of residential properties in OU1 Zone 2 and Zone 3, the proposed action does not apply to the OU2 groundwater. The OU2 investigation is ongoing. EPA will address your comments related to OU2 in the responsiveness summary after the close of the public comment period.

In addition to being committed to the residents in East Chicago, we are also committed to the community. The Superfund delisting process is an important milestone in the community and for its residents. We do not feel that delaying this process, especially after all of the community engagement, extensive outreach, and work in East Chicago is warranted.

Therefore, with regard to your request to extend the public comment period for the proposed partial deletion of the 671 properties at the Site, please be advised that, based in part on the extensive community outreach EPA has already conducted, EPA is not extending the public comment period that concludes August 7, 2020. This community outreach effort includes:


- At the start of the public comment period, EPA mailed detailed fact sheets to everyone within, the Superfund site and on the mailing list for the USS Lead site explaining why EPA is proposing to delete the 671 properties from the NPL and explaining what deletion of these properties means. These fact sheets are also available in Spanish upon request.
- EPA sent individual letters to all 671 property owners, along with the fact sheet, to notify them that EPA was proposing to delete their property from the USS Lead site and explaining what that means.
- EPA posted an announcement of the public comment period on the USS Lead website (www.epa.gov/uss-lead-superfundsite) with detailed instructions on how to comment, along with links to the fact sheet (in English and Spanish) and the deletion docket containing site information supporting deletion.

- EPA issued a press release to announce the proposed deletion and the start of the public comment period. This release resulted in stories in the two local newspapers and some radio stations, along with a short spot on WGN-TV.
- EPA placed an ad in the local newspaper, in English and Spanish, announcing the proposed deletion and the public comment period.
- EPA placed calls to the law clinics, congressional staff and the City of East Chicago to notify them of the start of the public comment period.
- EPA also notified the East Chicago Calumet Coalition, Calumet Lives Matter, the Community Strategy Group Leaders, and the District Councilman of the comment period and the delisting process.
- EPA emailed the fact sheet to the community leaders and stakeholders to notify them of the start of the public comment period.
- A special phone line was set up to accept oral comments for those who may not have internet access in their homes, since libraries and public internet spaces are closed.
- The public was informed they can submit comments through the USS Lead site webpage, by email or by phone in English or Spanish.

Additionally, please be advised that EPA does not plan to hold a virtual public hearing, but refers you to the July 2020 fact sheet for information that provides background on the Site and explains the delisting process, the meaning of delisting, the number of properties proposed for delisting in Zones 2 and 3 and why EPA is proposing this partial delisting. Copies of the fact sheet and a letter to a property owner are attached. Again, it is time to move forward for the benefit of the citizens of East Chicago. We've accomplished much, there is more to do, and we feel taking this next important step, and not delaying beyond the August 7 comment deadline is the prudent decision.

We appreciate your continued interest in the USS Lead Superfund site.

Sincerely,

 Digitally signed by
DOUGLAS BALLOTTI
Date: 2020.08.04
14:47:14 -05'00'

Douglas Ballotti, Director
Superfund & Emergency Management Division

Attachments



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

July 8, 2020

REPLY TO THE ATTENTION OF:
SR-6J

City of East Chicago
4527 Indianapolis Blvd
East Chicago, IN 46312

RE: EPA Proposes Removing East Chicago Residential Properties from National List of Superfund Sites, U.S. Smelter and Lead Refinery, Inc. Superfund Site
401 Vernon Ave

Dear City of East Chicago,

The U.S. Environmental Protection Agency (EPA) is proposing to remove 671 residential properties in Zones 2 and 3 of the U.S. Smelter and Lead Refinery, Inc. (USS Lead) Superfund site from the National Priorities List, or NPL. The NPL is a roster of contaminated areas that are eligible for cleanup under EPA's Superfund program. EPA's proposed action is a partial deletion action and means that all cleanup activities for soil at these 671 properties have been completed and meet EPA standards for protecting human health and the environment.

Your property is included in the list of 671 properties included in the partial delisting. This proposed action only applies to designated properties in Zones 2 and 3 of Operable Unit (OU) 1 and does not apply to the groundwater (OU2). That investigation is still ongoing and updates are available on the USS Lead website (www.epa.gov/uss-lead-superfund-site) and also in the newsletter sent in April 2020. Cleanup of remaining properties in Zones 2 and 3 will continue during the 2020 construction season, pending signed access from property owners.

All response activities for the soil at the designated 671 properties in Zone 2 and Zone 3 are complete and the soil at these properties poses no unacceptable risks to human health and the environment. Therefore, EPA and IDEM have determined that no further response is necessary for the soil at these designated properties. As **your property** was either cleaned or sampled and found to not require cleaning, **your property** was included in the list of 671 properties to be removed from the Superfund site.

Partial deletion of **your property** from the NPL does not create, alter, or revoke any individual's rights or obligations. Partial deletion of all or part of an OU from the NPL does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Partial deletion of an OU from the NPL also does not preclude eligibility for future response actions, should future conditions warrant such actions.

Si usted prefiere recibir esta carta en español, comuníquese con Charles Rodriguez al 312-886-7472, o por email a rodriguez.charles@epa.gov

EPA has included a factsheet that details the proposed partial delisting action with this letter. EPA is holding a public comment period to obtain your input on the proposed partial delisting. EPA's full proposal, with other important information about the site, is available for review at the information repositories (*see enclosed factsheet*) and on the USS Lead website (www.epa.gov/uss-lead-superfund-site). Public comments will be accepted through **August 7, 2020**.

If you have questions about the USS Lead site, please contact me (contact information included below) or Janet Pope, EPA Community Involvement Coordinator, 312-353-0628 or pope.janet@epa.gov.

Thanks,

A handwritten signature in dark ink, appearing to read 'S. Rolfes', with a stylized flourish at the end.

Sarah Rolfes
Remedial Project Manager
312-886-6551
Rolfes.sarah@epa.gov

Share your opinions

EPA invites your comments on proposed partial delisting for the residential areas in Zones 2 and 3 from **July 8 to August 7, 2020**.

See *How to make comments* section on Page 2 for the ways to submit comments.

Contact information

Janet Pope

Community Involvement
Coordinator
312-353-0628
pope.janet@epa.gov

Sarah Rolfes

Remedial Project Manager
312-886-6551
rolfes.sarah@epa.gov

You may call the EPA toll-free at 800-621-8431, 8:30 a.m. – 4:30 p.m., weekdays

Information repository

Site documents, including EPA's full proposal for partial delisting is available for review at the following locations:

East Chicago Public Library

2401 E. Columbus Drive

Robert A. Pastrick Branch

1008 W. Chicago Ave.
East Chicago

EPA Region 5 Office

77 W. Jackson Blvd.
Chicago

**Due to COVID-19, the libraries and EPA office may not be open to the public.*

All documents are also available online at:
www.epa.gov/uss-lead-superfund-site

EPA Proposes Removing East Chicago Residential Properties from National List of Superfund Sites

U.S. Smelter and Lead Refinery Superfund Site

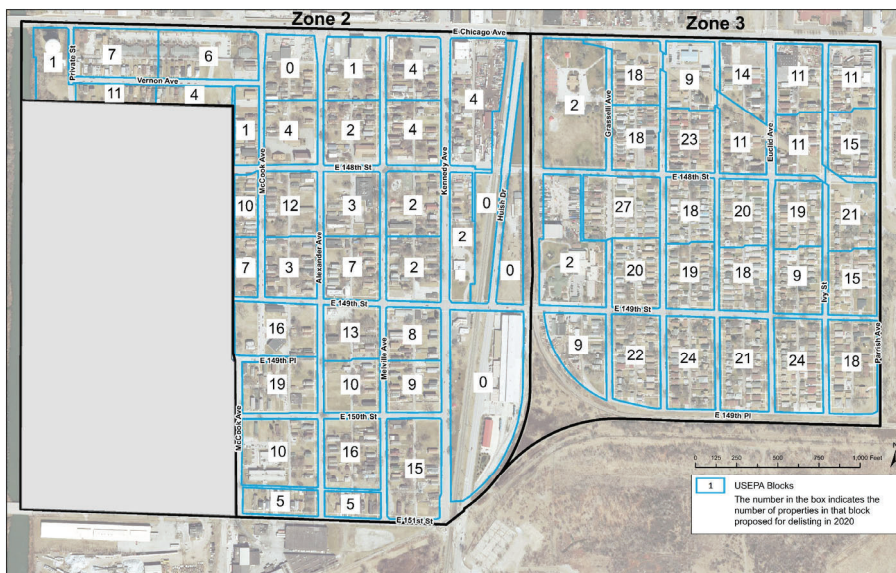
East Chicago, Indiana

July 2020

The U.S. Environmental Protection Agency (EPA) is proposing to remove 671 residential properties in Zones 2 and 3 of the U.S. Smelter and Lead Refinery, Inc. (USS Lead) Superfund site from the National Priorities List, or NPL. The NPL is a roster of contaminated areas that are eligible for cleanup under EPA's Superfund program. EPA's proposed action is a partial deletion action and means that all cleanup activities for soil at these 671 properties have been completed and meet EPA standards for protecting health and the environment. EPA has prepared this fact sheet to address common questions that the community may have concerning this proposal. EPA has informed affected property owners directly about this proposed action and comment period.

This proposed action only applies to Operable Unit (OU) 1 and does not apply to the groundwater (OU2). That investigation is still ongoing and updates are available on the USS Lead website (www.epa.gov/uss-lead-superfund-site) and also in the newsletter sent in April 2020. Cleanup of remaining properties in Zones 2 and 3 will continue during the 2020 construction season, pending signed access from property owners.

Partial deletion of these properties from the NPL does not create, alter, or revoke any individual's rights or obligations. Partial deletion of all or part of an OU from the NPL does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Partial deletion of an OU from the NPL also does not preclude eligibility for future response actions, should future conditions warrant such actions. Once a property is removed from the Superfund site, it will be easier for owners to qualify to receive funding through the city of East Chicago's Residential Repair program as well as making it easier to redevelop vacant lots.



Map showing Zone 2 and Zone 3 of OU 1. The number in the box indicates the number of properties in that block proposed for delisting in 2020.

How to make comments

EPA is holding a public comment period to obtain the community's input on the proposed partial delisting. EPA's full proposal, with other important information about the site, is available for review at the information repositories (*see box on Page 1*). Public comments will be accepted through **August 7, 2020**. The partial deletion will be effective in September 2020, unless EPA receives comments opposing the partial deletion by **August 7, 2020**. If that happens, EPA will reconsider its proposal in light of those comments.

The full proposal and a link to other information about the site are also in the **July 8, 2020** issue of the *Federal Register* at www.federalregister.gov.

Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-2008-0577, by one of the following methods:

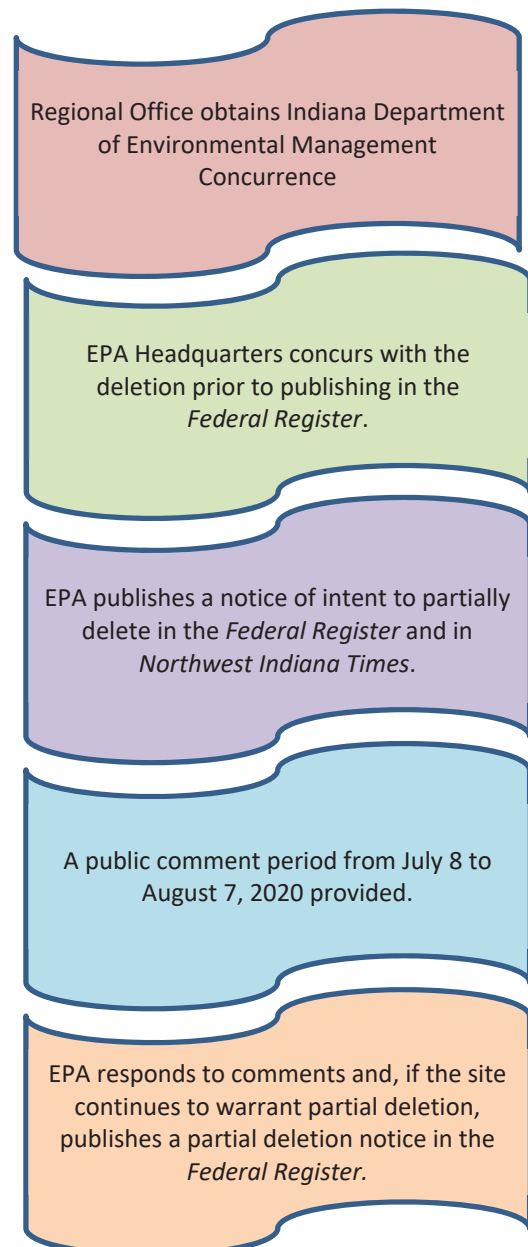
- **www.regulations.gov.** Follow on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.
- **Email.** Submit your comments via email to Karen Cibulskis, NPL Deletion Coordinator at cibulskis.karen@epa.gov.
- Written comments submitted by mail are temporarily suspended and no hand deliveries will be accepted. We encourage the public to submit comments via email or at www.regulations.gov.

- **Phone.** You may also leave an oral comment by calling 312-353-6284. Only comments regarding the proposed delisting will be considered.

If you have questions about the USS Lead site, contact Janet Pope, EPA Community Involvement Coordinator, 312-353-0628 or pope.janet@epa.gov. You may also call EPA toll-free at 800-621-8431, 8:30 a.m. – 4:30 p.m., weekdays.

Process for partial deletion

Since 1986, EPA has followed this procedure for delisting or partially delisting a site from the NPL.



What does partial delisting mean?

EPA deletes sites or parts of sites from the NPL when no further cleanup is required to protect human health or the environment. This important milestone indicates to communities that cleanup is complete and that sites are protective of human health and the environment. Partial deletion of an OU from the NPL also does not prevent a future response action from occurring, should future conditions warrant such actions.

Deleted portions of the site remain eligible for further Fund-financed cleanup actions should future conditions warrant such actions. Whenever a significant release occurs from a site or portion of a site deleted from the NPL, the site or portion may be restored to the NPL without application of the Hazardous Ranking system.

Why is EPA proposing this partial delisting?

EPA has recently taken actions to clean up the soil at each of the designated properties in Zone 2 and Zone 3 to meet the cleanup levels in the USS Lead November 2012 OU1 Record of Decision (ROD), as modified by the April 2018 Explanation of Significant Differences (ESD). EPA has determined that the response actions taken are protective of public health and the environment and, therefore, taking additional measures to cleanup soil at these properties are not needed.

All response activities for the soil at the designated properties in Zone 2 and Zone 3 are complete and the soil at these properties poses no unacceptable risks to human health and the environment. Therefore, EPA and IDEM have determined that no further response is necessary for the soil at these designated properties.

All selected removal and remedial action objectives and associated cleanup goals for the soil at the designated properties in Zone 2 and Zone 3 are consistent with Agency policy and guidance. The proposed partial deletion of the designated properties in Zone 2 and Zone 3 meets the completion requirements as specified in OSWER Directive 9320.2-22, Close Out Procedures for National Priorities List Sites (www.epa.gov/superfund/close-out-procedures-national-priorities-list-superfund-sites).

Why aren't all properties in Zones 2 and 3 included in the partial delisting?

From 2008 to the present, EPA and the potentially responsible parties completed excavations and site restorations at over 95 percent of properties in Zones 2 and 3 needing cleanup.

Because some completion reports are not yet approved and some properties may require institutional controls, or ICs, because soil above the lead cleanup level remains at depth (below 24 inches), only the properties in Zone 2 and Zone 3 that have been cleaned up with no contamination at depth or sampled and cleared for residential use are proposed for deletion in this action. ICs are special restrictions often placed on environmental sites so the cleanup work or remaining contamination won't be disturbed.

The criteria for deletion are as follows:

Neighborhood Zone 2 - 222 properties

- Properties cleaned up by EPA's Removal Program in 2008-2011, no ICs needed and with approved completion reports – **5 properties**
- Properties that tested clean, no remedial action needed and sampling reports approved - **58 properties**
- Properties cleaned up during 2016-2019, no ICs needed and with approved completion reports – **159 properties**

Neighborhood Zone 3 – 449 properties

- Properties that tested clean, no cleanup needed and sampling reports approved - **178 properties**
- Properties cleaned up during 2016-2019, no ICs needed and with approved completion reports – **271 properties**

How can I determine if my property is included in the partial delisting?

If your property is among those included in the proposed partial delisting, you will have been notified by a letter from EPA.

2020 Construction Season Update

Contractors working on behalf of the Potentially Responsible Parties will begin construction for the 2020 season the week of July 6. Contractors will be working on the remaining 28 properties in Zone 2 and the remaining 12 properties in Zone 3. EPA anticipates that all properties requiring remediation will be cleaned by the end of this construction season, weather and access permitting. Contractors will also be implementing protocols to ensure compliance with the State of Indiana Public Health Protocols related to COVID-19. If you have any questions related to the construction work, please reach out to EPA directly.

Background

The USS Lead Superfund site is located in the city of East Chicago, Indiana. The site has been divided into two cleanup areas that EPA refers to as operable units, or OUs. OU1 is a 322-acre residential area bounded by East Chicago Avenue on the north, East 151st Street on the south, the Indiana Harbor Canal on the west and Parrish Avenue on the east. OU1 has been further subdivided in Zones 1, 2 and 3. OU2 includes the former USS Lead facility as well as the groundwater beneath the entire site.

Zone 1 includes the area encompassed by the former West Calumet Housing Complex, Goodman Park, the former Carrie Gosch School, and a utility corridor located in the western portion of OU1.

Zone 2 is the residential area of the Calumet neighborhood located between the former West Calumet Housing Complete on the west (Zone 1), the Elgin, Joliet & Eastern Railway on the east, E. 151st Street to the south and E. Chicago Avenue to the north. There are 597 properties in Zone 2, of which 508 properties required cleanup.

Zone 3 is the residential area located between the Elgin, Joliet & Eastern Railway line on the west, Parrish Avenue on the east, East 149th Place to the south and E. Chicago Avenue to the north. There are 481 properties in Zone 3, of which 297 properties required cleanup.

Contamination in OU1 is largely derived from historic operations at three nearby facilities: (1) the USS Lead facility; (2) a facility formerly located in Zone 1 and owned and operated by subsidiaries of the Anaconda Copper and Mining Co.; and (3) the E.I. Du Pont de Nemours facility located just southeast of OU1.

This partial deletion action only applies to 671 properties in Zones 2 and 3. It does not include Zone 1 or any portion of OU2.

La versión en español de esta hoja informativa está disponible en www.epa.gov/uss-lead-superfund-site.

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EPA Proposes Partial Deregulation of USS Lead Site from National Priorities List

United States
Environmental Protection
Agency
Region 5
Community Involvement and
Outreach Section (RE-19J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590



ATTACHMENT 9

EPA Responses to Community's Concerns Regarding Potentially Unaddressed Contamination at the U.S. Smelter and Lead Refinery Superfund Site, East Chicago, Indiana September 1, 2020



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

Date: September 1, 2020

Subject: EPA Responses to Community's Concerns Regarding Potentially Unaddressed Contamination at the U.S. Smelter and Lead Refinery Superfund Site, East Chicago, Indiana

From:

9/1/2020

X Sarah Rolfes

Sarah Rolfes
Remedial Project Manager
Signed by: Adler, Kevin

9/1/2020

X Kevin Adler

Kevin Adler, Chief
Remedial Response Section #3
Signed by: Adler, Kevin

To: File

Purpose

This memorandum summarizes many of the efforts Region 5 has made over the past several years to address the community's concerns about the U.S. Smelter and Lead Refinery, Inc. (USS Lead) Superfund Site in East Chicago, Indiana. As discussed below, the USS Lead Project Team (Team), consisting of staff and management from Region 5's Superfund & Emergency Management Division, Office of Regional Counsel, and Office of Public Affairs, have been fully engaged with the community in addressing its concerns and complaints. This memorandum summarizes these questions and, concerns along with agency responses.

Background

Region 5 divided the USS Lead site into two operable units (OUs) so that it could address the areas presenting the highest actual or potential health risks first. OU1 consists of the three

neighborhood zones targeted for cleanup due to high levels of lead and/or arsenic found in surface soil. OU2 is the former USS Lead refinery parcel that is adjacent to the neighborhoods and it includes the groundwater beneath both operable units. EPA has concentrated much of our current cleanup efforts in OU1 because no one is drinking groundwater at the site and the refinery parcel was previously addressed by Region 5's Resource Conservation and Recovery Act (RCRA) staff in the 1990s.

OU1

In 2009, EPA began soil cleanup work in Zones 2 and 3 initially under its Removal authority, addressing a limited number of residential properties that had been sampled and results showed lead present at levels above its removal action limit. After EPA issued the OU1 ROD in 2012, a Consent Decree was entered in 2014 to conduct soil cleanup work and EPA issued a unilateral order in 2016 to also provide for soil cleanup. As a result, all 1,078 Zone 2 and Zone 3 properties have been sampled and those exceeding the lead and/or arsenic cleanup levels were addressed beginning in 2016. Properties were prioritized for cleanup based on whether young children and/or expectant mothers were living at the residence. To date, nearly 99% of all Zone 2 and Zone 3 properties that needed to be cleaned up have been addressed, with the remainder to be cleaned by the end of this year (except for three commercial properties that will be completed in 2021).

Soil cleanups addressed lead and/or arsenic in the top 24 inches of soil, per the ROD; excavated soil was hauled off-site for disposal and replaced with clean soil, topsoil, and sod.

OU2

In 2018, EPA initiated an investigation into the nature and extent of contamination in soil and sediment at the USS Lead refinery parcel and in the site groundwater beneath the entire Site that is planned to be complete by 2022. Part of this work includes a study of water in basement sump pits to determine if health risks are present due to Site contaminants in the groundwater.

Discussion of Concerns and Complaints

During the OU1 cleanup, several community members had informed us of concerns that they had about the possibility of contaminated groundwater infiltrating into residents' basements. The Team has been investigating these residents' concerns and is working directly with the residents to address their concerns about their health and safety as they relate to potential exposure to site contaminants.

For example, on November 20, 2019, several members of the Team met with the owner of a home in an East Chicago neighborhood that a member of the public had brought to our attention under the premise that we were slow to respond to his complaint. This was not the first time that we had spoken to this homeowner about his concerns. Previously, we had contact with the homeowner at a pre-construction meeting at his residence (held on June 14, 2018 before we began removing contaminated soil from his property), during a subsequent appointment to take interior dust samples at the residence (held on August 6, 2018), during and after a public

meeting that EPA held in East Chicago in November 2018, and at an informal open house event held at the Site in October 2019. Each time the homeowner requested that we sample the dust in his basement, and each time we indicated we would sample when the basement was dry but could not yet do so as his basement was still wet.

On each of the previous occasions noted above the project team told the homeowner that they would gladly return to collect interior dust samples from his basement once the water in his basement had receded. The project team requested the homeowner to contact EPA as soon as this occurred, but he has yet to do so. At no time between November 2018 and November 2019, did the homeowner contact EPA to let EPA know that the water in his basement had receded and that he would like EPA to sample dry residues that had formed in his basement. At the October 2019 open house event, the homeowner spoke to a project team member and indicated his basement was still flooded but wanted to discuss sample results collected by a citizen and reiterated his desire for EPA to collect samples in his basement. Because the basement at this home was still flooded at the time of EPA's meeting with the homeowner on November 20, 2019, EPA recommended that as a first step the homeowner contact the City of East Chicago to address the backup of sump discharge and resultant flooding into his basement. We indicated that the standing water is an unlikely pathway to exposure, rather, the concern is that once the water recedes, remaining residue may dry out and become capable of migration as dust, which creates the risk of potential exposure through inhalation.

While conditions in the basement have not permitted EPA to collect dust samples from that space, we have collected interior dust samples from the living spaces of this residence. Samples collected from the living spaces were sent to a laboratory for analysis. Laboratory analysis determined that the concentrations of lead and arsenic in all samples were below EPA's site-specific health-based screening levels. In January 2020, EPA sent a letter to the homeowner that described the visit in November 2019, the general findings of a seepage study performed in a limited number of homes in Zone 3 (described in the response to question 2.a below), and the results to date of the site-wide groundwater investigation currently being overseen by EPA. The letter also reiterated the recommendation that EPA had made in person that the homeowner contact the City of East Chicago to discuss how to mitigate flooding and sump issues within his basement. The letter closed by inviting the homeowner to call EPA once the flood water recedes and it becomes possible to collect interior dust samples from this basement.

A second example involves EPA's oversight of a Site-wide remedial investigation (RI) of groundwater. The RI includes an investigation of whether subsurface intrusion from seepage is an exposure pathway of concern for Site-related contamination (lead and arsenic). EPA is evaluating potential site-related subsurface intrusion at residences and, if appropriate, will refine the human health exposure pathways in the conceptual site model and address any unacceptable risks to human-health and the environment from site-specific contamination. Currently, EPA is not aware of any residences within the Site where seepage is posing an unacceptable exposure risk.

However, in September 2019, a member of the public contacted EPA in person and told EPA that he had collected samples of seepage from residences within the Site. In a letter dated September 27, 2019, EPA asked the member of the public to provide his sample results,

information relating to his sampling methods, and sample locations. In response, the member of the public sent EPA a limited amount of information related to the sampling effort but did not identify the properties at which he had collected samples nor the names of the property owners.

As noted above, during an open house meeting in East Chicago in October 2019, EPA was approached by the owner of the aforementioned home located in the East Chicago neighborhood. Since October 2019, EPA has been communicating directly with that homeowner about his seepage-related concerns and not with the member of the public.

On January 22, 2020, EPA sent the above-mentioned member of the public a letter informing him that EPA was communicating directly with the homeowner. The letter also described EPA's efforts through the RI to investigate subsurface intrusion and groundwater contamination more generally. EPA also informed him that samples from living spaces were collected within all residential units at this residence and EPA did not find evidence that residue, which might form on the basement floor when the standing water recedes, had migrated into the finished living spaces in such quantities or concentrations that it would pose a threat to human health and require an EPA response action.

Questions/Comments received from the community

1. *A member of the public stated that a homeowner living in East Chicago had requested that EPA Region 5 test the "sludge" in his basement. According to an EPA hotline complaint and as reported in the local news media, at a November 17, 2018 public meeting, the homeowner asked again that the EPA test his basement seepage. However, according to the complaint, the EPA did not act, and the individual sought independent testing.*

EPA was sent the test results from the homeowner's basement, which showed that the arsenic level was 203 parts per million, which is above the EPA's cleanup level of 26 parts per million for arsenic in soil at the USS Lead Superfund Site. However, according to the complaint, it took a month before the EPA responded. The complaint further stated that young children live with the homeowner and may be more sensitive to contamination.

- 1.a. *How has EPA addressed the independent lab sampling results provided by the resident?*

EPA has reviewed the sampling results for the material collected from the homeowner's basement. It has considered these results in the context of other environmental data collected from his property and elsewhere at the Site, and observations from a visual inspection of his basement. Based on this information, EPA cannot conclude that the sampling results from the homeowner's basement are either representative of a medium to which persons are exposed or of site-related contamination.

After reviewing sample results and in response to the homeowner's requests that EPA collect samples from his basement, EPA visited the homeowner at his home on November 20, 2019 to observe the basement and evaluate whether samples could be collected to determine if site-

related contamination is present. EPA determined that concentrations of lead or arsenic that might be found in samples of solids or standing water from the homeowner's basement cannot be confidently attributed to releases from facilities associated with contamination at the Site. EPA reached this conclusion for the following reasons:

- EPA observed a large number of potential household sources of metals in the standing water, including rusty metallic items in various stages of degradation, a computer monitor, various electrical devices, pieces of wood and cardboard that may have been treated with chemicals, and dark stains with petroleum sheen in two areas of the floor;
- Much of the floor surface was not observable due to suspended material in up to a few inches of standing water, preventing an assessment of other potential household sources of metals such as rodent poison (which often contains arsenic), and preventing an assessment of whether groundwater or soil could enter the basement through cracks in the floor; and
- There were no observable open cracks in the walls through which soil or significant groundwater could enter the basement.

On January 22, 2020, EPA sent a letter to the homeowner, a copy of which is in the Site record. The letter described all the sample results collected on his property to date and explained why concentrations of lead or arsenic in the solids and standing water in his basement cannot be confidently attributed to releases from facilities associated with contamination at the Site. Regardless of the accuracy or source of the 203-ppm arsenic result, the 203-ppm concentration of arsenic does not appear to be representative of dust to which residents in this building are routinely exposed. The interior dust samples from all three of the residential units at the homeowner's property that EPA collected in August 2018 were below EPA's interior dust screening levels, indicating that the predominant pathway for exposure in the building (inhalation) does not pose a risk to human health.

As described in EPA's guidance regarding the Subsurface Intrusion (SsI) pathway,¹ the main potential exposure concern for contaminants in groundwater is related to any residue that may remain once the water recedes and evaporates. While the standing water in the basement is a health concern because it may foster the growth of mold, it does not have the potential to create arsenic or lead contaminated dust or residue which may contain site-related contamination and become an exposure risk until it recedes. As EPA has repeatedly communicated to the homeowner, once the flood water does recede, EPA will collect dust samples from his basement. As with other on-site homes within the Site, such sampling would provide a basis for determining whether an interior cleaning of the homeowner's basement is appropriate. EPA also directs residents who have concerns with standing water and/or the backup of water into a home to contact the City of East Chicago Water Department for follow-up. EPA has also provided residents with information related to the risks posed by and abatement strategies for mold in homes.

¹ Hazard Ranking System Subsurface Intrusion Component Frequently Asked Questions. Available at: <https://semspub.epa.gov/work/HQ/100001771.pdf>

- 1.b. If the sampling results are accurate and there is a high level of arsenic or other harmful contaminants present, what action is the EPA taking to address the basement seepage?*

As described in the response to question 1.a, EPA is prepared to collect a sample of dust or residue from the basement when the water recedes, and, after reviewing the sample results, determine whether interior cleaning of the basement is necessary.

EPA must consider several factors in addition to the accuracy of samples when determining appropriate response actions. In order to address the basement seepage of any residence, EPA must establish a complete exposure pathway that poses an unacceptable risk to human health and is caused by releases of hazardous substances from facilities that contaminated soil and groundwater at the Site. This means:

1. EPA must be able to collect samples that are representative of groundwater entering the basement before the groundwater comes into contact with any household sources of lead and arsenic, so that contaminant concentrations can be attributed to lead or arsenic released by nearby facilities onto soils at the Site; and
2. An unacceptable risk to human health must be associated with the concentrations of lead or arsenic in the samples collected, consistent with the amount of exposure to the medium in question.

- 1.c. Has the EPA considered the presence of young children living in this home in its response to concerns raised regarding the homeowner's basement, and how?*

Yes. EPA has considered in its response the presence of small children at this residence. The homeowner told EPA several times including most recently during the November 20, 2019 walkthrough, that persons living in the residence do not enter the basement except to do laundry or collect items from storage. Small children do not usually do laundry or collect items from storage. Consequently, small children are not likely to have direct contact with contaminants in the basement. Small children may be exposed by inhaling contaminated indoor dust while occupying finished living areas. As described in the response to question 1.a, to evaluate this inhalation exposure pathway, EPA has collected interior dust samples from the living spaces of all three residences at this address. All of the interior dust samples collected from the residences were analyzed in a laboratory and found to contain concentrations of lead or arsenic below EPA's interior dust screening levels. As a result, EPA concluded that it was not necessary to clean the interior living spaces.

- 2. Members of the community informed EPA Region 5 of their concerns related to subsurface intrusion of toxic contaminated ground water and basement flooding within the USS Lead Superfund site on multiple occasions, including at EPA public meetings and by email, but the above-mentioned member of the public indicated that the EPA is not investigating those concerns.*

- 2.a. Has the EPA sampled sediment in the ground water for contamination, including sediment in the Calumet Aquifer?*

Non-dissolved solid material in groundwater is known as “suspended solids.” The quarterly groundwater sampling data for metals being collected under EPA oversight as part of the RI for OU2 are reported as total metals and dissolved metals. The difference between these two values – total metals and dissolved metals - for a given sample would be associated with the suspended solids for all but the smallest particulates.

- 2.b. *How is the EPA addressing residential properties within the USS Lead Superfund site that are known to experience basement flooding or subsurface intrusion of contaminated ground water and toxic sediments, or both?*

EPA defines subsurface intrusion (SsI) as the migration of hazardous substances from the subsurface environment – more specifically, the unsaturated zone or surficial ground water – into overlying structures. (40 CFR 300 Appendix A, Section 1.1)

In 2018, in response to concerns that groundwater seepage into basements is leaving a residue that poses a health risk, EPA collected samples to evaluate the SsI pathway at a limited number of homes in the 4900 block of Zone 3. This area was selected due to its proximity to the former DuPont facility and the expectation that the homes may have the highest potential for SsI. Water samples from sumps were collected after running the sump until the sump crock was dry, then turning off the sump and allowing new water to refill the sump, to ensure that the water sample is representative of groundwater entering the sump and minimize potential interferences from indoor, non-site-specific sources. One interior dust sample was also collected from a low point on the basement floor from each residence, and residents were asked to complete a survey to determine potential exposures.

At this time, EPA has not found any residence where the concentrations of lead or arsenic in samples collected indicate that site-related SsI is causing an unacceptable threat to human health. EPA continues to evaluate the potential for site-related SsI and, if appropriate, will refine the human health exposure pathways in the conceptual site model for the Site and address any unacceptable risks posed to human health and the environment from lead or arsenic released by facilities associated with contamination at the Site.

- 2.c. *Summarize the content and communication methods used to disseminate information to the public regarding basement seepage.*

The analytic results of residence-specific samples collected of sump water, basement dust, and soil at the sump discharge are protected as personally identifiable information. EPA communicated the results by letter to the appropriate residents and/or property owners. Sample results that are not specific to individual residential properties, such as groundwater data, are documented in reports that are available to the public on EPA’s website devoted to the Site. EPA has reported on the progress of the groundwater (OU2) investigation (including the seepage study) in the newsletters that are distributed by mail to every household within the Site or on the USS Lead mailing list. The newsletter is also available on EPA’s USS Lead website and copies were also available at EPA’s open houses and public meetings. EPA staff and technical contractors have also been present at EPA’s open houses and public meetings to answer any questions related to the groundwater results or OU2 in general.

- 2.d. *Does the EPA know whether its remedial and removal activities had any impact on the ground water flow and hydrologic patterns in and around the USS Lead Superfund site? If so, what was the impact?*

EPA is confident that the remedial and removal activities within the USS Lead Superfund Site have not had an impact on groundwater flow or hydrologic patterns. EPA's excavation areas are limited to the top two feet of soil, which is above the water table in these areas. In some instances, EPA has dug to a slightly deeper depth to remove additional contamination, but at no time has our excavations been deep enough to be in the water table and require active dewatering efforts. During remedial and removal efforts, EPA is not removing impermeable surfaces at the USS Lead Site and therefore not adding any additional surface water infiltration to the water table. All excavation work is restored to pre-excavation conditions.

The groundwater in Northwest Indiana is hydraulically connected to Lake Michigan. According to the Army Corps of Engineers, the water level in Lake Michigan/Huron is currently 16 inches above the average water level for February². The high lake level and the associated high groundwater level is causing flooding in basements in many communities surrounding Lake Michigan³.

- 2.e. *If addressing concerns related to the subsurface intrusion of toxic contaminated ground water and basement flooding is outside the EPA's scope of activities and authorities at the USS Lead Superfund site, are there any additional actions that the EPA can take at this site to protect human health and the environment?*

If site-related SsI is found to be causing an unacceptable risk to human health, addressing this risk is within EPA's authorities under CERCLA. Investigating SsI to the extent necessary to characterize the magnitude and extent of contamination and determine the potential risk to human health is also within EPA's authorities under CERCLA. Health concerns related to mold and potential indoor sources of contaminants are not within EPA's CERCLA authorities. EPA has directed residents with flood concerns to contact the City of East Chicago and the local health department.

- 2.f. *Based on its multiyear presence in the East Chicago community, what resources and information can the EPA share with community members to assist them in responding to and better addressing basement flooding and other related issues?*

EPA directs residents with flood concerns to contact the City of East Chicago. EPA has provided the phone numbers for the City of East Chicago's Water Department in the USS Lead Newsletter, the USS Lead Superfund Site Information Sources handout, and individually to residents as requested. EPA has also provided residents with information related to the City of East Chicago's flood prevention program and check-valve replacement program as well as EPA's brochure about mold described in the response to question 1.a. These flyers have been

² <https://www.lre.usace.army.mil/Missions/Great-Lakes-Information/Great-Lakes-Water-Levels/Water-Level-Forecast/Weekly-Great-Lakes-Water-Levels/>

³ <https://www.mlive.com/news/muskegon/2019/08/high-great-lakes-water-levels-cause-havoc-across-michigan.html>

made available at public meetings, open houses, and at in-person meetings with residents. The City of East Chicago's water department has also been actively involved in the Site. Staff from the Water Department have attended EPA's public meetings and open houses to answer questions in person. The City is also in the process of replacing residential lead water service lines and is actively in contact with residents throughout that process.

3. *The above-mentioned member of the public indicated that the State of Indiana and the EPA found lead contamination at levels above 400 parts per million in the soil in the Gibson Woods and Hessville communities near the USS Lead Superfund site but nothing has been done to properly investigate or inform the residents of the Gibson Woods and Hessville communities.*

3.a. *Has the EPA or Indiana tested soils in the area south of the USS Lead Superfund site that borders or includes Gibson Woods and Hessville?*

Hessville and Gibson Woods are both neighborhoods of Hammond, Indiana and are located approximately two miles south of the boundary of the USS Lead Superfund Site. With the exception of one sample that was not on residential property, EPA is not aware of soil samples from these areas in which lead exceeded 400 mg/kg.

- In 2007, EPA, IDEM, and the City of East Chicago performed an Expanded Site Inspection (ESI)⁴. Seven of the 38 samples collected were from the Hessville and Gibson Woods area. All 38 samples were below EPA's residential cleanup value of 400 mg/kg for lead and 26 mg/kg for arsenic.
 - In 2007, as part of the Remedial Investigation for OU1 of the Site, soil samples were collected from several locations in Hammond. Three of the locations (Saint Joseph/Saint John Cemetery, Saint Michael Cemetery, and Elmwood Cemetery) are located approximately two miles to the west of the Hessville and Gibson Woods neighborhoods. All samples collected in Hammond were below EPA's residential cleanup value of 400 mg/kg for lead and 26 mg/kg for arsenic, with the highest concentration of lead at 170 mg/kg.
 - In 2018, the state of Indiana performed an investigation in Hessville under a cooperative agreement with EPA. Soil samples were collected from the public right-of-way throughout the neighborhood. The highest sample result for lead was 450 mg/kg.
- 3.b. *If soil sampling occurred, what are the dates and results of the soil samples, and has the EPA or Indiana made this information publicly available?*

See the response to question 3a for a summary of dates and results of the soil samples. Both the *Expanded Site Investigation Report* (IDEM, 2008) and the *Remedial Investigation Report* (EPA, 2012) document the soil sample results and are publicly available on the USS Lead website. All

⁴ Indiana Department of Environmental Management Expanded Site Inspection Report for U.S. Smelter and Lead Refinery, Inc. (April, 2008). [SEMs ID 925307 <https://semspub.epa.gov/work/05/925307.pdf>]

sample results collected under the state of Indiana are available from the State and are on their website.

EPA understands that the report on the 2018 soil sample results collected in Hessville by the state of Indiana is currently in final review and soon will be available for public .

- 3.c. *If soil sampling occurred, have any nearby residents been notified of the results of the soil sampling?*

It is EPA's policy to notify all residents of sample results collected from their property. If sample results are collected from City right-of-way (i.e., public property), the results are shared with the City. EPA has a cooperative agreement with the State of Indiana that requires Indiana to share sampling results with property owners.

No residential samples were collected in 2018 by IDEM. Because the samples were from city-owned right of way locations, the results were communicated to the Hammond Department of Environmental Management by letter on October 15, 2018. EPA understands that the report is currently in final review and will be available for public release in the near future.

- 3.d. *Has the EPA communicated whether and at what level there may be human health or environmental risks to nearby residents?*

EPA has received questions from the public regarding off-site sampling in the vicinity of the USS Lead Superfund Site. EPA has directed all of those questions to the State of Indiana, as Indiana has conducted sampling in the immediate vicinity of the USS Lead Superfund Site.

4. *The has above-mentioned member of the public indicated that several homes throughout the USS Lead Superfund site have been confirmed as having toxic contaminated dust.*

- 4.a. *Has the EPA confirmed whether toxic contaminated dust continues to exist in homes within the USS Lead Superfund site?*

As part of the soil cleanup action, EPA has offered interior dust sampling to residences that have had exterior remediation. If the resident grants EPA access for interior sampling, the samples are collected upon completion of the exterior work. EPA conducts a limited lead-based paint screening during the initial dust sampling collection appointment. Lead-based paint screening is also conducted during the initial dust sampling collection appointment to assist in determining if lead in dust is attributable to site-related contamination.

EPA has established site-specific health-based screening levels for interior dust, in consultation with the Agency for Toxic Substances and Disease Registry, to determine if a response action (i.e., interior cleaning) is needed at a property. If the interior dust samples are above EPA's site-specific health-based screening levels, EPA cleans the residence, if the owner/tenant grants EPA access to conduct the work. After the cleaning, EPA collects additional dust samples to verify that the cleaning was effective in removing lead and arsenic. If post-cleaning screening levels are exceeded and no evidence of lead-based paint is found, EPA offers to re-clean the property as the lead in dust likely came from contaminated soil tracked into the home. If lead-based paint was

detected in a home, it is possible that the lead in the paint is an ongoing source of lead in dust. Consequently, if post-screening levels are exceeded and evidence of lead-based paint has been found, EPA does not offer to re-clean the property as the source of lead is more likely attributable to lead-based paint.

Of the 765 properties remediated, 444 residences have been sampled. EPA determined that 259 residences required cleaning and has cleaned 215 residences (some refused cleaning). Additional interior sampling and cleaning, if necessary, will be conducted during the upcoming 2020 construction season. EPA has also implemented numerous measures during the active excavation work, including air monitoring and dust suppression, to ensure that dust generated during work is properly controlled.

4.b. What determination has the EPA made about testing homes adjacent to, but not part of, the areas with current soil removal or remedial actions?

EPA has developed its workplans at the Site to maximize the cleanup of site-related contaminants. Interior dust samples are collected to determine if site-related contamination was tracked into the home prior to exterior remediation. EPA is not sampling adjacent residences who do not have high concentrations in their yards.

EPA's cleaning methods are similar to cleaning methods utilized by residents when they clean (or deep-clean, depending on the residents cleaning preferences) their homes. EPA utilizes wet-wipe methods, using standard cleaning products, followed by vacuuming. EPA has answered questions related to the interior cleaning practices at public meetings, open houses, one-on-one meetings with residents, phone calls, and emails. EPA has also provided a presentation related to the interior dust sampling and cleaning program during the September 2017 public meeting and attended the East Chicago/Calumet Coalition Community Advisory Group on April 1, 2017 to discuss the program in detail with community members.

Lead-based paint continues to be an ongoing source of lead in dust. EPA has and continues to provide all residents within the Site with resources to address lead-based paint. EPA has provided residents with flyers and applications for state and city programs to address lead-based paint (EPA has also created a hand-out that addresses dust sampling at the Site, which includes lead-based paint resources for residents. The information, which includes hand-outs, flyers, and applications, has been available at public meetings, open houses, and included with the Site newsletter. Interior dust sampling results letters have also included information on lead-based paint resources for residents. As EPA's lead-based paint screening is a limited screening, all results letters include information on lead-based paint resources.. Copies of the hand-outs, flyers, and applications have also been provided to the East Chicago/Calumet Coalition Community Advisory Group and Calumet Lives Matter for distribution at their meetings.