

Anthony Copeland
MAYOR



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January 14, 2019

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

VIA FAX, EMAIL and FIRST CLASS MAIL

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

Dear Ms. Pope:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

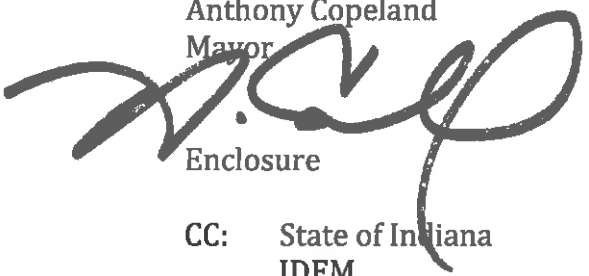
I expressed many of these same sentiments in the 2012 public meetings held by the EPA and subsequent follow up meetings held both at my office and at Region 5 EPA headquarters on Jackson Street in Chicago. Please see the attached from 2012, which reflects my public comments given at the July 2012 EPA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

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

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

Sincerely,

Anthony Copeland
Mayor

A large, stylized handwritten signature in black ink, appearing to read 'A. Copeland', is written over the typed name and extends downwards into the 'Enclosure' and 'CC' fields.

Enclosure

CC: State of Indiana
IDEM