

Anthony Copeland
MAYOR



City of East Chicago
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June 16, 2016

Robert A. Kaplan
EPA Region 5 Acting Regional Administrator
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604-3590

RE: USS Lead Superfund / West Calumet Housing Complex

Dear Regional Administrator, Kaplan:

In light of the alarming data the City of East Chicago and the East Chicago Housing Authority recently received from your office regarding the extraordinarily high levels of lead in soils at the West Calumet Housing Complex, which is located within Operable Unit 1 of the USS Lead Superfund Site, I feel that it is my duty to take immediate action to protect the public safety, health and welfare of the residents I serve. In this regard, I am requesting that the United States Environmental Protection Agency (EPA) do the following: (1) immediate relocation of all residents currently living in the West Calumet Housing Complex into safe living conditions free of lead exposure risks; and (2) implementation of emergency soil removal actions to immediately address, contain and remove soils now known to contain hazardous levels of lead in the shallow surfaces across the approximate 40-acre housing complex. We are an environmental justice community whose interests have been underserved for years and we are in dire need of EPA's swift and comprehensive response to this immediate and substantial threat to our resident's health and safety. We propose to meet with you and Congressman Peter Visclosky in the City of East Chicago as soon as possible to discuss this matter. This matter is of such grave importance that I will clear my schedule in order to meet with you on the first possible date you are available.

The West Calumet Housing Complex is a HUD-funded public housing complex, which was built on the footprint of the old Anaconca Lead Products facility. It currently houses over 1,000 residents, including many young children in its 346 occupied units. On May 24, 2016, the EPA first shared data with the City of East Chicago and the East Chicago Housing Authority regarding the results of sampling the EPA performed to test the soil for lead and arsenic in this neighborhood, which is considered to be part of Zone 1 of OUI of the USS Lead Superfund site. Before May 24, 2016, the data had not even been shared with the East Chicago Housing Authority, despite their request, and despite the fact that they are the property owner of record. This data revealed that hundreds of the samples exceeded the removal action level of 1200 ppm of lead, and approximately 50 samples exceeded the 1200 ppm action level in the top 0-6 inches of soil. The data also revealed lead levels in the soil of up to 91,100 ppm, which is over eighteen times (over 1800%) higher than the amount of lead contained in lead paint. HUD's standard for lead paint is 5,000 ppm, and HUD's regulations set the tolerance for lead in its residential developments at zero. HUD's standard for environmental remediation is "dig to clean". The EPA's current remedy for the West Calumet Complex falls far short of this standard.

Previously, in 2008 and again in 2011, EPA conducted Time Critical Removal Actions at numerous properties within OUI to address soils containing lead above the regulatory removal action level of 1,200 ppm in the top six inches of soil. Many of the lots involved were located within Zone 1, the West

Calumet Housing Complex. The EPA data provided to the City on May 24, 2016 proves that these prior removal actions were incomplete and ineffective at protecting residents and the public from continuing lead exposures.

The EPA's September 12, 2011 Action Memo states that with lead levels as high as 5,993 ppm, "**Adults and children may be exposed to high levels of lead from normal foot traffic, yard work, and play.**" As a result, as described above, EPA took emergency action to remediate such parcels. Yet, despite finding alarmingly high levels of lead after performing very limited sampling, the EPA did not immediately expand sampling to other parcels in the neighborhood. It continued to employ a sampling model which apparently erroneously presumed that the source of lead was airborne, despite having knowledge since at least 1985 that the West Calumet Housing Authority Complex sat on the footprint of the old Anaconda facility. Despite knowledge of these facts, the EPA apparently took until 2015 or 2016 to complete sampling of other parcels in this residential area; took until May 24, 2016 to reveal the results to the City; and despite finding lead levels up to **seventy-five times higher** than the action level of 1200 ppm, the EPA continues to refuse to relocate residents and commence emergency removal actions that knowledge of these facts demand.

The 2012 ROD and First Revised Consent Decree, which is set to be lodged and entered this summer, proposes to clean up the lawn areas to the EPA's residential standard of 400 ppm merely to a depth of 24 inches, allowing contaminants to remain below this level; a visual barrier, in the form of an orange plastic perforated barrier will be left; to our understanding, not remove lead contaminated soils around trees; and institutional controls will be put in place. The proposed clean up will leave lead and arsenic below 24 inches, will not clean up around trees or beneath the concrete surfaces including the sidewalks, streets, or under the foundations of these homes, and will not immediately remediate the groundwater despite the proximity to the shipping canal, the high water table and likely presence of groundwater at shallow depths in the affected area. The ROD also does not account for the fact that the housing in the West Calumet Complex is at the end of its useful life; the utilities are collapsing and require the City to perform dig out repairs below the 24 inch barrier many times per year.

Utility maintenance work in this area done prior to the City being made aware of the toxic levels of lead in the soil revealed the presence of construction debris in the ground which would tend to indicate that the Anaconda Lead Products facility may have simply been bulldozed, and that the West Calumet Housing Complex was then built on top of the demolition debris. The infrastructure in this area is over 45 years old such that water and sewer pipes collapse regularly requiring repair and replacement. These repairs require the City's Utilities Operations department and other providers to dig 42 inches and deeper into soil that we now know is hazardous and unsafe. These repairs also require intensive de-watering. The presence of demolition debris raises the additional concern that other contaminants such as cleaning solvents may also be present beneath and around these houses and may pose an additional threat to residents if volatilizing into residences.

Consistent with comments made to EPA in public hearings preceding EPA remedy selection, the City of East Chicago, the East Chicago Health Department and the East Chicago Housing Authority continue to believe that the EPA's selected remedy does not adequately protect human health. While our concern is for all the residents of the USS Lead Superfund site, we have particular concern for those who live where we now know the contamination is by far worse, which is on the footprint of the Anaconda facility, in the West Calumet Housing Complex. We feel that these families are placed at risk every day that they are

left in place. EPA's current plan to remediate while residents continue to live in West Calumet ignores the fact that testing has already revealed that a high number of children in this neighborhood demonstrate excessive blood levels of lead, above 10 micrograms per deciliter ($\mu\text{g}/\text{dL}$). While CDC's standard for children has fallen to 5 $\mu\text{g}/\text{dL}$, the coverage of Flint lead crisis demonstrates that the medical community believes that zero $\mu\text{g}/\text{dL}$ is the only safe level for children.

The effect of the EPA's proposed Remedial Action will be that the lead which remains under concrete surfaces and around trees, which is likely leachable, will immediately begin or continue to leach, transported by groundwater through the perforated visual barrier and contaminate the "clean" fill dirt. We fear that the blood lead levels of residents will continue to be excessive, and may be aggravated. The City will also be left with drastically increased costs of maintaining utilities in this older neighborhood and maintenance costs were already high as a result. The cost of just the environmental compliance involved in maintaining the utilities in the presence of lead and arsenic is estimated to be in excess of \$12.3 million. Additionally, the proposed cleanup violates HUD guidelines which require that when lead is discovered, it be remediated to zero in developments it funds. More importantly, we feel that it is impossible for the EPA to provide assurances that human health will not be harmed as it performs this cleanup with residents remaining in place. It is unconscionable that the EPA intends to allow American families and children to continue to live and play in yards where the concentration of lead in the dirt far exceeds the concentration of lead in lead paint, while it digs up such soil throughout the neighborhood, with insufficient protection provided to these residents.

The bottom line is that all residents of the West Calumet Complex must be immediately relocated to protect their health and safety. EPA needs to develop a plan and locate funds, with the assistance of HUD or otherwise, to do so. Additionally, EPA must immediately commence emergency removal activities of the shallow hazardous waste which residents and children are exposed to and likely ingesting every day. As indicated above, the City and the East Chicago Housing Authority propose to meet with you and Congressman Visclosky so that EPA can address our demands.

I am extremely concerned that the environmental threats to the health and safety of the families and children who continue to live in this hazardous and dangerous environment will not be resolved by the EPA's current approach. Absent an immediate plan on the part of EPA to protect our residents and community, I will have no choice but to immediately notify the residents of the danger and to relocate the residents for their own protection. In such case, I intend to communicate to residents through any and all means, including media sources, and use all means at my disposal to move these residents to safe housing and this will be done as quickly as it is in my power to do.

Sincerely,

A large, bold, handwritten signature in black ink, appearing to read 'A. Copeland', is written over the typed name and title.

Anthony Copeland
Mayor

Cc: Hon. Rep Peter Visclosky, Hon. Sen. Joe Donnelly