



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

**APR 07 2009**

REPLY TO THE ATTENTION OF:  
**L-8J**

**Certified Mail: 7001 0320 0006 1453 9797**  
**Return Receipt Requested**

**Honorable Rudolph Clay**  
**Mayor of Gary**  
**401 Broadway Street**  
**Gary, Indiana 46402**

**Certified Mail: 7001 0320 0006 1453 9803**  
**Return Receipt Requested**

**Ms. Luci Horton**  
**Director**  
**Gary Sanitary District**  
**3600 West 3<sup>rd</sup> Avenue**  
**Gary, Indiana 46406**

**Subject: EPA's Final Decision for Proposed Remedy Under**  
**Modified Consent Decree and Judgment – 2002**  
**Gary Ralston Street Lagoon Project**

**Dear Mayor Clay and Ms. Horton:**

**This is to advise you that under the terms of the 2002 Modified Consent Decree and Judgment, EPA has made a Final Decision regarding the disposal/clean-up alternative for the Ralston Street Lagoon (RSL). EPA has made this selection based on the Administrative Record and public comments received for the project.**

**A copy of the Final Decision is enclosed. The Final Decision incorporates EPA's Response to Comments, the Administrative Record Index, the EPA Proposed Plan document, and an EPA-approved Implementation Schedule. The final remedy selected by EPA is Alternative 8, Filling the Lagoon. This alternative is the same as that specified in the EPA Proposed Plan sent to you on October 28, 2008. EPA has made the determination that Alternative 8 best meets the evaluation criteria described within the Modified Consent Decree and Judgment.**

A copy of the Administrative Record is maintained at our offices located at 77 West Jackson Boulevard, Chicago, Illinois, on the 7<sup>th</sup> floor, and may be viewed during the hours of 8:00 AM to 4:00 PM, Monday through Friday. In addition, a copy is available for public viewing at the Gary Public Library located at 220 West 5<sup>th</sup> Avenue, in Gary, Indiana.

The disposal/clean-up remedy selected for the RSL, along with all related schedules and other specifications adopted by the EPA in selecting that remedy, shall be treated as part of the Decree and shall be enforceable by the United States under the Decree.

We look forward to working with you to complete this important project. If you have any questions, please contact me, or your staff may feel free to contact Michael Mikulka, of my staff, at 312-886-6760.

Sincerely,



Margaret M. Guerriero  
Director  
Land and Chemicals Division

Enclosure

cc: Mr. Hamilton Carmouche, Esquire  
Legal Counsel for GSD and City of Gary Corporation Counsel

Mr. Richard Comer  
President  
Gary Sanitary District Board of Commissioners

Ms. Beth Admire, Esquire  
Indiana Department of Environmental Management

Mr. Wayne Ault, Esquire  
Assistant United States Attorney

Mr. Mark Koller, Esquire  
Associate Regional Counsel

## **FINAL DECISION**

Ralston Street Lagoon  
Gary Sanitary District  
Gary, Indiana  
IND 077 001 808

### **Introduction**

This Final Decision is presented by the U.S. Environmental Protection Agency (EPA) for the Ralston Street Lagoon (RSL) site owned and operated by the City of Gary and the Gary Sanitary District (GSD), Gary, Indiana. This Final Decision incorporates EPA's Response to Comments (Attachment 1), Administrative Record Index (Attachment 2), Proposed Plan (Attachment 3) and Implementation Schedule (Attachment 4).

The Final Decision selects the remedy to be implemented by the City of Gary and GSD to address sludge and water contaminated with polychlorinated biphenyls (PCBs) at GSD's Ralston Street Lagoon site consistent with the requirements of the Toxic Substances Control Act (TSCA), its implementing regulations found at 40 C.F.R. Part 761, and the terms of the Modified Consent Decree and Judgment – 2002, entered into in civil actions H78-29 and H86-540. The Final Decision is based on the Administrative Record and public comments received.

### **Assessment of the Facility**

The actions documented in this Final Decision are needed to protect human health and the environment.

### **Final Remedy**

EPA selects the following remedial components as the final remedy to address contaminated sludge and water contained within the Ralston Street Lagoon. The remedy selected was described in the EPA Proposed Plan (Attachment 3) as Alternative 8, Filling the Lagoon. In short, the remedy components are draining off and treating the lagoon surface water, bulking the sludge with solid bulking materials, then solidification/stabilization via mixture with cement until the mixture solidifies and achieves sufficient bearing capacity, then capping with an impermeable cap. Such remedy is hereby approved as a risk-based disposal for PCB remediation wastes found at 40 C.F.R. § 761.61(c). The selected remedy includes the following remedial components:

- Purchase of the adjacent 6 acres of residential property to be converted to use as a contractor's staging area, and for other necessary project activities including water pre-treatment;
- Relocating existing residents;
- Preparation of the access road for remedy construction;
- Demolition of existing homes, and site clearing for construction of the remedy;

- Removal of existing utilities and installation or refurbishment of a sewer line to the GSD wastewater treatment plant (WWTP);
- Stabilizing a portion of the northern berm by installing a permanent sheet pile wall for approximately 2,200 lineal feet;
- Raising and widening the perimeter berm with imported fill to an elevation two feet above the 100 year floodwater elevation which in this case is to elevation 589.4, consistent with the requirement for flood protection found at 40 C.F.R. § 761.75(b)(4);
- Installation of a low permeability soil-bentonite or cement-bentonite barrier wall around the perimeter of the RSL, with a permeability equal to or less than  $1 \times 10^{-6}$  cm/sec, and demonstrated to be chemically compatible with the site soils and groundwater;
- Installation of an augmented clay cover over the slurry wall;
- Decanting and pre-treatment of lagoon surface water in the vicinity of the RSL for PCB removal to less than 3  $\mu\text{g/L}$  consistent with 40 C.F.R. §761.79(b)(1)(ii), with final treatment of decanted water for all pollutants at the GSD WWTP;
- Importing and storing bulk material (solids content of 85 percent) and cement on-site;
- Installation of cross-berms (if necessary) for equipment access;
- Mixing of bulk material with RSL sludges to increase solids content to 50 percent (final solids content to be determined during design);
- Addition of approximately 15 percent cement (final mix to be determined during design) to the bulked sludges to solidify/stabilize the bulked material in place (to a target of 50 psi unconfined compressive strength);
- Installation of a leachate collection system consistent with the requirements found at 40 C.F.R 761.75(b)(3) and (7);
- Installation of a low permeability cap meeting the requirements for caps found at 40 C.F.R. § 761.61(a)(7), to prevent infiltration of precipitation and surface water into the solidified/stabilized mass, including a sand venting layer, gas vents (1 per acre); a 60 mil HDPE liner, a drainage layer, a common fill layer, topsoil and installation of a vegetative cover;
- Repair/replacement of existing fencing to prevent access by the public to the site consistent with 40 C.F.R. § 761.61(a)(4)(B)(2);
- Seeding and grading outside the lagoon to promote surface runoff off-site consistent with the requirements found at 40 C.F.R. § 761.75(b)(4)(ii);

- Submission of a plan for an upgraded monitoring well network at least 180 days prior to completion of construction (can be submitted with final plans and specifications) and installation of the EPA-approved monitoring well network upon completion of construction consistent with the requirements for monitoring systems at 40 C.F.R § 761.75(b)(6);
- Engineering design of the above components, including pilot testing of the selected remedy (a separate work plan is required to be submitted for pilot testing (including air monitoring) after completion of the pre-design investigation);
- Sampling and analysis must be performed in accordance with the approved Quality Assurance Project Plan previously approved by EPA, and in accordance with an addendum submitted within 60 days of the effective date of this decision and subsequently approved by EPA;
- Engineering services during construction;
- Installation of signage within 60 days of the effective date of this decision to identify the site as a PCB disposal site and to restrict access consistent with 40 C.F.R. §§ 761.61(a)(4)(B)(2) and 761.45(a);
- Within 90 days after completion of the remedy, submit a completion report to EPA along with a copy of the as-built plans;
- Within 60 days after completion of construction, record deed restrictions for the site to prevent its use for other than as a PCB disposal site consistent with the requirements for deed restrictions found at 40 C.F.R § 761.61(a)(8);
- Implement annual monitoring of the installed well network to evaluate remedy success consistent with the requirements found at 40 C.F.R § 761.75(b)(6);
- Perform cap, fence and sign maintenance in perpetuity as required to ensure cap, fence and sign integrity consistent with the requirements found at 40 C.F.R § 761.61(a)(8); and
- Preparation and submission of an Operation and Maintenance Plan for the site 180 days prior to completion of construction, and implementation thereafter in perpetuity after approval by EPA.

The EPA-approved schedule for implementation is found in Attachment 4 to this Final Decision.

At GSD's request, EPA is allowing some parallel work to further evaluate the feasibility of Alternative 7, Compression Cap, to occur while design of the selected plan, Alternative 8, proceeds. If later shown to be feasible, EPA may be requested to revise the selected remedy at a future date. This would only occur after further public notice and comment.

In the interim, EPA anticipates design of the selected remedy to proceed, with the next step being submission of detailed design work plans for EPA approval.

**Public Participation Activities and Comments**

The Proposed Plan provided EPA’s proposed remedy which was available for public review and comment from November 3, 2008, through December 19, 2008. A public meeting regarding the remedy was held at the administrative offices of the Gary Sanitary District in Gary, Indiana, on November 18, 2008. During that meeting, the proposed remedy was presented, questions were answered, and oral comments were received. Subsequently, several written comments on the Proposed Plan were received from a number of parties, including the Gary Sanitary District. EPA’s Response to Comments (Attachment 1) provides the comments received during the comment period, and EPA’s responses. Copies of the comments received are contained in the Administrative Record for the site.

**Administrative Record**

The Administrative Record for the site is available for review at the following locations: EPA’s Record Center located on the 7<sup>th</sup> floor of the EPA Region 5 offices at 77 West Jackson Boulevard, Chicago, Illinois 60604; and the Gary Public Library, 220 West 5<sup>th</sup> Avenue, Gary, Indiana. Attachment 2 is an index which identifies the documents relied upon by EPA in making the final remedy selection. A copy of each document is contained at each location identified above.

**Future Actions**

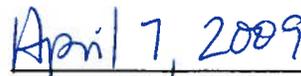
The Modified Consent Decree and Judgment – 2002, requires that GSD implement the final remedy selected by EPA in the manner and on the schedule established by EPA in this Final Decision. Attachment 4 provides the schedule established by EPA for implementation of this project. EPA will update the Administrative Record with new information (correspondence, plans, reports, etc.) as it becomes available during the design and subsequent implementation phase of the project.

**Declarations**

Based on the Administrative record compiled for this site, EPA has determined that the final remedy selected for the Ralston Street Lagoon site is appropriate and protective of human health and the environment.



Margaret M. Guerriero  
Director  
Land and Chemicals Division



Effective Date