



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 3rd 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 7th 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 5th 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 1×10^{-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 µg/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

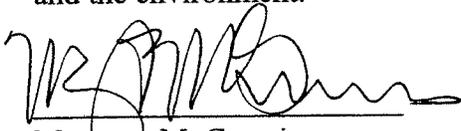
The Administrative Record for the site is available for review at the following locations: EPA's Record Center located on the 7th floor of the EPA Region 5 offices at 77 West Jackson Boulevard, Chicago, Illinois 60604; and the Gary Public Library, 220 West 5th Avenue, Gary, Indiana. Attachment 2 is an 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.

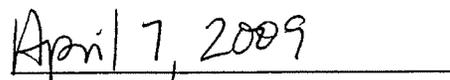
Future Actions

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

ATTACHMENT 1

EPA RESPONSE TO COMMENTS ON EPA'S PROPOSED PLAN FOR THE RALSTON STREET LAGOON SITE, GARY, INDIANA

March 2009

Overview

The EPA Proposed Plan for the Ralston Street Lagoon owned and operated by the City of Gary and the Gary Sanitary District (GSD) was made available for public review and comment from November 3 through December 5, 2008. Upon request, the comment period was extended through December 19, 2008.

This Response to Comments documents EPA's response to public comments and their effects, if any, on the selection of the remedy. All comments received by EPA during the public comment period were reviewed by EPA and are contained in the administrative record.

Comments Received

Comments were received from the following parties:

Jayson Reeves, Gary, IN
Lin Kaatz Chary, Indiana Toxics Action, Gary, IN
Luci L. Horton, Gary Sanitary District, Gary, IN
Scott Pruitt, U.S. Fish & Wildlife Service, Bloomington, IN
Charlotte J. Read, Chesterton, IN
Thomas R. Anderson, Save the Dunes Council, Michigan City, IN
Lori Bult, NG Land

Response to Comments

EPA has summarized the comments received on EPA's Proposed Plan for the Ralston Street Lagoon (RSL or lagoon) below. Some comments were made by more than one party, and some comments are similar to other comments made such that only one response is needed. The comment summaries are set forth in italics. EPA's response to the comments follows the individual comment(s) and appear in a regular font.

Comment: Request an extension to the public comment period and a meeting with EPA.

The public comment period was extended through December 19, 2008, and a meeting with interested property owners was held on December 11, 2008.

Comment: The Ralston Street Lagoon may consist of environmental contaminants but the water and water table elevation seems to be at a controlled level.

The water level in the lagoon appears to be directly influenced by the water levels in the adjacent Grand Calumet River, clearly documenting the hydraulic interconnection of the lagoon and the River. EPA's proposed plan is needed to prevent further releases of contaminants from the lagoon into the Grand Calumet River, to prevent inundation of the lagoon by the Grand Calumet River, and to finally resolve the current RSL PCB contamination consistent with the requirements of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601, *et. seq.*

Comment: The Grand Calumet River has potential of rising in elevation and is contaminated, but is of only minor concern.

EPA's Proposed Plan will ensure, by raising the berm of the lagoon, that the Grand Calumet River will not inundate the RSL. The remainder of the project will ensure the Grand Calumet River will be protected from the contents of the RSL.

Comment: The Little Calumet River and the containment of flooding is out of control during most of the year with severe hazards of all kinds.

The RSL is adjacent to the Grand Calumet River, not the Little Calumet River. The flooding problems of the Little Calumet River are outside the scope of EPA's Proposed Plan for the RSL.

Comment: It is incorrect to say that the surface water in the RSL has no PCBs because detection limits for testing are too high.

The most recent testing that was done on the waters in the lagoon for PCBs has results documenting that the PCBs in the surface waters (approximately the top 6 to 9 feet) of the lagoon were below the detection levels of the EPA Method 608 test for PCBs at the time(s) the most recent testing was done. The testing conducted in 2005 had a detection limit of .4 micrograms of PCBs per liter of water. While there could be PCBs in the surface water of the lagoon, the concentration of such PCBs would be below the .4

micrograms per liter detection limit.

Comment: Based on waterfowl use of the RSL, and harvesting of these waterfowl for human consumption, clean up of the RSL should be accelerated.

EPA has worked with the GSD and its consultants to develop a schedule for clean-up which is aggressive in light of the work to be done to implement the plan. This schedule was presented to the public and is part of the administrative record for the site. EPA is interested in completing this project as quickly as possible, and will continue to work with the GSD to reduce time frames for implementation where possible.

Comment: The RSL is an unsuitable disposal location for GCR sediment.

EPA is not proposing as part of its proposed plan that the RSL be used for sediment disposal from the Grand Calumet River. EPA is aware there is a parallel process ongoing with the Indiana Department of Environmental Management (IDEM), the Indiana Department of Natural Resources (IDNR) and the U.S. Army Corps of Engineers to evaluate remedies and disposal sites for the sediments in the Grand Calumet River. However, that process has not yet been completed. There are a significant number of issues associated with using the RSL as a sediment disposal site which were not evaluated as part of EPA's proposed planning process. Hence, at this time, EPA will not incorporate sediment disposal from the Grand Calumet River into the RSL as a part of the proposed remedy for the site. If using the lagoon as a sediment disposal site were later shown to be feasible, EPA would prepare a remedy amendment document and hold another public comment period before making a decision to amend the remedy.

Comment: Off-site disposal is the best option for the site, using remediation technologies such as those used for the Winston-Thomas municipal treatment plant in Bloomington, Indiana.

Off-site disposal was considered for the site, and developed in detail. EPA has determined that the proposed plan is the best alternative for the lagoon based on the required criteria in the Modified Consent Decree and Judgment – 2002, and the administrative record. The pathways to ecological risk discussed in the comments will be severed once the proposed plan is implemented, just as it would be with the off-site disposal alternative. At a similar site with PCB contamination of lagoon-contained sewage sludge in Madison, Wisconsin, EPA's selected remedy for 12 acres of PCB-contaminated sludge in excess of 50 mg/kg was an in-place vegetative/soil cover, plus institutional controls. At the Winston-Thomas site, EPA cleaned-up two small former sludge storage lagoons as well as a 17 acre tertiary treatment pond. The character of the sludge storage lagoons was substantially different than the character of the Ralston Street Lagoon, in that the sludge there had much higher percent solids with little or no overlying water, and hence volatilization could more readily occur. Removal was able to occur with standard excavation equipment directly to transport vehicles. The 17 acre tertiary treatment pond, while containing water, had less than 2 feet of overlying water and generally less than 6 feet of sludge, also with much higher PCB concentrations. Hence removal of the waste materials was technically simpler at Winston-Thomas.

Comment: It is obvious that the PCBs have leached through the sand and contaminated the Grand Calumet River and groundwater. PCBs have also migrated into the environment through volatilization.

There is no recent data showing that PCBs have leached through the sand and contaminated the Grand Calumet River. The recent monitoring data from the wells installed in the lagoon dikes does not show detectable levels of PCBs in the groundwater within the dike. This is not unexpected because PCBs are hydrophobic (that is, repel water) and have an affinity for solid particles which have high carbon content, such as sewage sludge but not the sand or other coarse grained materials in the dike. PCB contamination in the Grand Calumet River in the vicinity of the RSL is more likely predominantly from historical lagoon overflows into the Grand Calumet River. With regard to the assertion that PCBs have also migrated into the environment through volatilization, this is possible. However, due to the affinity of PCBs for solid particles, this seems an insignificant pathway for exposure. During design, the potential for volatilization of PCBs during treatment will be evaluated further.

Comment: The proposed plan is not acceptable because no liner or leachate collection system is part of the remedy.

The proposed remedy for the site will isolate the materials in place with a barrier wall, drain off and treat the surface water in the lagoon, solidify the materials in place using additives to form a solid mass, and then cap the solidified materials with a low permeability cap contoured to route surface drainage off-site. As noted in Section 2.4 of the RSL Technical and Cost Assessment (TCA), the RSL is underlain by the Wadsworth Till of the Wedron Formation, which is an impervious gray clay till unit approximately 70 to 80 feet thick. The perimeter barrier wall will be keyed into this low-permeability till to provide vertical and horizontal containment of the sludge. Under this scenario, a liner is not needed. The proposed remedy meets the technical requirements for soils for chemical waste landfills found at 40 C.F. R. §761.75.

With regard to a leachate collection system, some means to drain water from under the cap and prevent an excessive build-up of hydrostatic pressure against the barrier wall will be needed. The details of such a system will be determined during the design phase for the project. The cost for a leachate collection system was included as a cost item in the engineer's cost estimate found at Section 7 of the TCA, and will be included as part of the selected remedy.

Comment: The cap proposals are inadequate.

The cap is required to be designed to meet the specifications for hazardous waste landfill closure specified at 40 C.F.R. § 264.310(a). In addition, the soils in the cap must meet the soil specifications for chemical waste landfills found at 40 C.F.R. §§ 761.75(b)(1)(ii) through (v), or a synthetic membrane liner must be constructed pursuant to 40 C.F.R. § 761.75(b)(2). The proposed cap will be designed to these specifications.

Comment: It is not clear what material will be used to solidify the sludge.

Initially, the RSL sludge would be mixed with bulking materials to increase the solids content of the sludge. The characteristics of the bulking materials to be used include physical and chemical characteristics capable of being mixed with the RSL sludge; materials which are capable of densification and/or solidification such that the final volume is less than the capacity of the RSL; and material having a solids content of at least 85%. Materials which are available locally and meet these criteria include sands and crushed slag. Once bulking materials are added, approximately 15% cement would be added and mixed into the bulked sludge, which based on the water content of the RSL contents, would then form into a strong, slow-hardening mass. Additive and bulking tests have already been performed during the planning phase and the results were presented in the Supplemental Alternatives Evaluation Study, which is part of the administrative record. Further evaluation of the best method to solidify and stabilize the RSL sludge, including which materials to use, will be evaluated in detail during the design phase.

Comment: It is not clear how water will be transported to the wastewater treatment plant.

There is an existing sewer line which was used in the past to transport water from the RSL to the GSD WWTP. This line is plugged. As part of the design investigation, the ability to use this line as part of the project will need to be assessed, because part of the proposed plan is to pipe the water from the lagoon to the GSD WWTP for final treatment prior to discharge to the Grand Calumet River.

Comment: It is not clear that the wastewater treatment plant can properly treat PCBs.

The proposed plan is that the water be pre-treated adjacent to the RSL prior to final transport to the GSD WWTP for final treatment. PCBs would be removed as part of the pre-treatment process, not at the GSD. The details of the pre-treatment will be established during the design phase.

Comment: A waste-oil facility in Westville, Indiana was the subject of an emergency removal action in the late 1980s. Why have the lagoon and the residents of Gary been treated differently?

The facility in question was the Cam-Or facility located in Westville, Indiana. The facility was under an order which required that it take action to abate imminent threats. Rather than implement the order, the facility was shut down and the company declared bankruptcy. At the time, there were eight lagoons on-site and environmental releases to surface water were ongoing. Rather than allow the releases to go on, EPA stepped in to abate the threat and implemented a removal action. The lagoons were consolidated and closed and materials properly disposed. In the case of the RSL, GSD has implemented interim actions to increase the width and height of the berm, and closed and plugged both the lagoon overflow to the Grand Calumet River as well as the sewer line back to the GSD WWTP. Monitoring wells were also installed to assess off-site impacts.

Comment: EPA should review all federal programs to see if the remediation of the RSL would qualify for federal money.

Several programs were mentioned as a source of federal or state funds to assist GSD in implementing various aspects of the RSL clean-up project. EPA had previously consulted with the IDEM and was advised that GSD could potentially qualify for assistance with the project under the Clean Water Act revolving loan program. GSD may be eligible to apply through IDEM for such loans.

Other possible sources of funds mentioned included a Superfund Innovative Technology Evaluation (SITE) grant; a Great Lakes restoration or Legacy Act grant; and funding under brownfield, economic revitalization, clean-up, restoration and environmental justice programs. EPA's SITE program ended about 3 years ago; hence funding under that program is not possible. More recently, EPA has partnered with the Department of Energy and the Department of Defense (DoD) to conduct research on environmental technologies. The next opportunity to apply for funding for fiscal year 2010 is in March 2009, through DoD's Environmental Security Technology Certification Program. A copy of the announcement was added to the administrative record.

Funding under EPA's brownfields program is also not possible because the lagoon is not a "brownfields site" and because of the Potentially Responsible Party (PRP) status of the City of Gary and the GSD.

EPA's project manager has forwarded GSD's comments on to the EPA program manager for EPA's Great Lakes Legacy Act for possible consideration.

Comment: The City of Gary should not be solely responsible for the financial burden of cleaning the Site.

Comment: The citizens of Gary are not responsible for the PCBs contained in the RSL. EPA should identify the PRPs that are responsible for the PCBs in the RSL so that they may be held accountable.

U.S. EPA long ago identified the City of Gary and the GSD as liable parties and is holding those parties accountable for disposing PCB-contaminated sludge at the RSL. The RSL was formed in the 1950s as fill material was removed in order to construct the Indiana Toll Road. The GSD, which continues to operate the wastewater treatment plant on behalf of the City of Gary, used the RSL as a storage facility for sewage sludge from the wastewater treatment plant from 1962 to 1988. Approximately 100,000,000 gallons of PCB-contaminated sludge are contained in the RSL, with PCB concentrations reaching as high as 1,300 parts per million. The City of Gary and the GSD are responsible for the decision to dispose of the PCB-contaminated sludge in the RSL, for the transportation of the PCB-contaminated sludge to the RSL, and for the operation of the RSL. Through settlement agreements dating back to 1987, the City of Gary and the GSD are jointly and severally liable for remediation of the RSL.

Comment: EPA should facilitate discussions with IDEM and USACE to explore the suitability of the RSL for placement of Grand Calumet River sediment.

Discussions have taken place between the City of Gary, the GSD, EPA, the U.S. Army Corps of Engineers and the IDEM about using the RSL as a disposal facility for sediment. Of the comments EPA received regarding the use of the RSL as a disposal facility for Grand Calumet River sediment, more were against the possibility than in favor. EPA is not proposing as part of its proposed plan that the RSL be used for sediment disposal from the Grand Calumet River. EPA is aware there is a parallel process ongoing with the IDEM, the IDNR and the U.S. Army Corps of Engineers to evaluate remedies and disposal sites for the sediments in the Grand Calumet River. However, that process has not yet been completed. There are a significant number of issues associated with using the RSL as a sediment disposal site which were not evaluated as part of EPA's proposed planning process. Hence, at this time, EPA will not incorporate sediment disposal from the Grand Calumet River into the RSL as a part of the proposed remedy for the site. If using the lagoon as a sediment disposal site were later shown to be feasible, EPA would prepare a remedy amendment document and hold another public comment period before making a decision to amend the remedy.

Comment: The source(s) of the PCBs must be found.

The source(s) of the PCBs need not be discovered in order for the RSL to be remediated.

Comment: Northern Indiana Public Service Company is the source of the PCBs.

No evidence was presented along with this comment such that EPA could evaluate the claim. However, as stated above, the source(s) of the PCBs need not be discovered in order for the RSL to be remediated.

Comment: The Site should have been remediated through the CERCLA process, meaning PRPs were not otherwise identified, the source of the material was not identified, and the public was not adequately consulted.

The reality is that the Site was not remediated through the CERCLA process. The decision to file a lawsuit against the City of Gary and the GSD pursuant to the Toxic Substances Control Act is over twenty years old. Furthermore, the lawsuit was settled over twenty years ago. Nothing can or will change that. The two parties with culpability for the presence of PCBs in the Ralston Street Lagoon were identified, were sued, and agreed to remediate the lagoon under the Consent Decree. EPA expects those parties to comply with the Consent Decree.

However, EPA is willing to discuss with interested individuals and groups the role of the public in the ongoing remediation process.

Comment: Inadequate input was allowed for during the negotiation of the consent decrees.

As recently as March 8, 2006, the EPA Office for Enforcement and Compliance Assurance has endorsed earlier guidance documents restricting communications with outside parties regarding enforcement.¹ EPA enforcement staff are instructed not to discuss settlement negotiations with outside parties (which includes members of the general public) whether or not a confidentiality agreement exists between the negotiating parties. Barring a change in the guidance, the public will continue to have little input during the negotiation of consent decrees.

The public is, however, accorded the opportunity to comment on proposed settlements in actions to enjoin the discharge of pollutants into the environment. The U.S Department of Justice policy found at 28 C.F.R. § 50.7 provides for not less than a 30 day public comment period before such settlements can be signed by a federal judge. Notices of a 30 day comment period for both the Second Modified Consent Decree and Judgment (1992) and the Modified Consent Decree and Judgment - 2002, were published in the *Federal Register* on November 14, 1991 (56 Fed. Reg. 57901) and June 18, 2002 (67 Fed. Reg. 41448), respectively. Future settlements will also be offered for public comment before being made final.

Comment: Did the Ralston Street Lagoon score high enough to be placed on the National Priorities List?

This question was posed at the public meeting on November 18, 2008, at the GSD. At that meeting, an EPA representative stated in response that a Hazardous Ranking System package was prepared for the RSL, but that to his recollection, the RSL did not have a high enough score to be considered for the National Priorities List of contaminated sites. After the public meeting, a review of documentation shows that the response provided at the public meeting was in error. A draft Hazardous Ranking System package was prepared in 1993. Contrary to what was stated at the public meeting, the RSL did score high enough to be considered for listing on the National Priorities List. Despite the score, EPA did not propose that the Ralston Street Lagoon be placed on the National Priorities List. It should be noted that inclusion of a site or release on the National Priorities List does not imply that Superfund money will be expended to remedy the site or releases from the site.

¹ <http://www.epa.gov/compliance/resources/policies/civil/io/commrestrictions-nakayamamemo030806.pdf>

Attachment 2
 EPA Administrative Record Index
 Gary Sanitary District
 Ralston Street Sludge Lagoon
 IND 077 001 808

AR #	CY	CY #	Date	Document Type	Author	To	Subject	Pages
1	1984	1	06/04/84	Memorandum	Dan Strahl, IN Board of Health	Earl Bohner, IN Board of Health	GSD	28
2	1984	2	11/09/84	Letter	IN Board of Health	Aravind Muzumdar, GSD	Prehearing Conference	3
3	1985	1	07/08/85	Letter	Ramamury Talluri, I A E, Consulting Engineers, Inc.	Sheldon Simon, EPA	Request to meet	4
4	1985	2	07/29/85	Letter	Ramamury Talluri, I A E, Consulting Engineers, Inc.	Steve Wolfe, IN Board of Health	Conceptual Alternate for Review and Comment Sludge Disposal Over the Next 20 Years into RSL, GSD, Gary, IN	3
5	1986	3	08/20/85	Letter	Canonie Engineers	Joseph C. Stallsmith, IN Board of Health	Addendum Proposed Technical Program, Preliminary Field Studies, RSL, GSD, Gary, IN	8
6	1989	1	08/29/86	Report	I A E, Inc. Consulting Engineers	GSD	Report on Content Sampling & Geologic Structural Sampling RSL August 29, 1986	60
7	1989	2	09/30/86	Letter	Motinyo Keambiroro, GSD	Eric Cohen, EPA	Consent Decree 1/10/86 Interim and Long Term Stabilization at RSL	1
8	1989	1	03/28/89	Letter	Lincoln Donaldson, Director, GSD,	Donald Shregardus, EPA	RSL Study	9
9	1989	2	05/12/89	Letter	Deirdre Tanaka, EPA	Jackie Shropshire, Esq. GSD	Summary of Commitments	3
10	1989	3	07/28/89	Report	James Alleman, Ernest Blatchley, Jean-Lou Chameau, Purdue University	GSD	Final Report on the Ralston St. Lagoon Remediation Project for GSD	154
11	1989	4	08/01/89	Letter	Lincoln Donaldson, GSD	Donald Shregardus, EPA	RSL Study	1
12	1989	5	08/25/89	Memorandum	Jerrri-Anne Garl, EPA	Anne Weinert, EPA	RSL Study	1
13	1989	6	10/16/89	Letter	GSD	Indiana DNR	Improvements at RSL	1
14	1989	7	10/24/89	Letter	Anne Weinert, EPA	Lincoln Donaldson, GSD	File Copy RSL Study	2
15	1989	8	11/28/89	Letter + Fax Cover	Lincoln Donaldson, GSD	Donald Shregardus, EPA	Acceptance of RSL Master Closure Plan	5
16	1989	9	12/22/89	Letter	Arthur Smith, ORC, EPA	Lincoln Donaldson, GSD	Civil Actions Nos. H78-29 and H86-540	1
17	1989	10	12/26/89	Letter	Lincoln Donaldson, GSD	Donald Shregardus, EPA	RSL Groundwater Sampling	7
18	1990	1	01/05/90	Letter	Lincoln Donaldson, GSD	Martha Anne Weinert, EPA	RSL Study Meeting of 12/01/89	12
19	1990	2	01/09/90	Memorandum	Jerrri-Anne Garl, EPA	Anne Weinert, EPA	RSL Study Meeting of 12/01/89	1
20	1990	3	08/08/90	Letter	Stephen Johnson, EPA	Lincoln Donaldson, GSD	Comments on RSL remediation Project.	8
21	1991	1	07/01/91	Report	Roy F. Weston, Inc.	North-West Engineering Company, Inc.	Proposal for Alternative Disposal Method Selection, RSL Gary IN	19
22	1991	2	12/30/91	Letter	Fluor Daniel, Inc.	Eugene Kezy, GSD	RSL	1
23	1991	3	12/30/91	Report	Fluor Daniel, Inc.	GSD	RSL Report	130
24	1992	1	01/28/92	Memorandum	Stephen Johnson, EPA	John Connell, EPA	Comments on Fluor Daniel, Inc. Report on RSL, GSD dated December 1991	11
25	1992	2	02/20/92	Memorandum	Stephen Johnson, EPA	Howard Duckman, EPA	Fluor Daniel, Inc. Meeting RSL Project Tracing and Electronic Worksheets for PCB Exposure Calculations	3
26	1992	3	03/26/92	Letter	Fluor Daniel, Inc.	Howard Duckman, EPA	GSD 2/20/92 Meeting Notes	5
27	1992	4	04/10/92	Letter	Fluor Daniel, Inc.	Lincoln Donaldson, GSD	RSL Response to USEPA Comments 100-Year Floodplain	8

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28		5	04/27/92	Memorandum	Stephen Johnson, EPA	Howard Duckman, EPA	Response to April 10, 1992 Communication by Fluor Daniel, Inc., Inc. to GSD	1
29		6	04/30/92	Telephone Record	Stephen Johnson, EPA	File	Discussion of grid sampling of lagoon Tim Maley, Fluor Dan./H Duckman EPA	4
30		7	04/30/92	Telephone Record	Stephen Johnson, EPA	File	Discussion of vertical elevations, berms, datums etc. Donna Urbikas	2
31		8	05/06/92	Memorandum	Fluor Daniel, Inc.	Fluor Daniel, Inc.	Interoffice Memorandum - Meeting Notes from April 24, 1992 GSD, EPA, and Fluor Daniel, Inc. ESD	3
32		9	06/26/92	Facsimile	Fluor Daniel, Inc.	Stephen Johnson, EPA	RSL	5
33		10	06/30/92	Letter	Fluor Daniel, Inc.	Howard Duckman, EPA	Meeting Minutes	6
34		11	06/30/92	Memorandum	Stephen Johnson, EPA	John Connell, EPA	Notes from Meeting	2
35		12	07/01/92	Workplan	Fluor Daniel, Inc.	EPA	Gary Sanitary Dist. Ralston St. Lagoon	10
36		13	07/09/92	Memorandum	Stephen Johnson, EPA	Howard Duckman, EPA	Review and corrections from Fluor Daniel, Inc. letter dated June 30, 1992 concerning meeting of 6/29/92 with outline for TSCA application	5
37		14	10/01/92	Report	Fluor Daniel Environmental Services, Inc.	EPA	Final Report RSL GSD 100-Year Floodplain, Sludge Characterization and Electromagnetic Survey Report	92
38		15	12/21/92	Letter	Donna Urbikas & Tim Maley, Fluor Daniel, Inc.	Washington C. Alston, GSD	Analytical PCB Results of July 1992 Sludge Samples and 100-Year Flood Data Amendment, RSL, Gary, Indiana	15
39	1993	1	01/04/93	Calculations, notes, to figures draft	Stephen Johnson, EPA	File	Report of Oct. 1992	12
40		2	01/07/93	(Draft) Memorandum printout out of electronic file, "berm, 1-07-93"	Stephen Johnson, EPA	John Connell, EPA	GSD Berm Design, summary of Jan. 4, 1993 meeting	2
41		3	05/04/93	Chart	Stephen Johnson, EPA	File	RSL PCB concentrations, based on 1983 data	2
42		4	05/04/93	Chart	Stephen Johnson, EPA	File	PCB concentrations, 1983, RSL	1
43		5	07/28/93	Letter	Washington C. Alston, GSD	Howard Duckman, EPA	Consent Decree, Section VI, F.24, pg 38 - Conceptual Design for Short-Term Stabilization of RSL	8
44		6	09/14/93	Memorandum	Stephen Johnson, EPA	Howard Duckman, EPA	Consent Decree, Section VI, F.24, pg 38, Remedial Measures, Lagoon Sampling for Possible TSCA Declassification Purposes	4
45		7	09/22/93	Letter	Fluor Daniel, Inc. Inc.	Howard Duckman, EPA	GSD RSL PCB Sampling Approach	15
46		8	10/09/93	Letter	Fluor Daniel, Inc.	G. Schupp, Chief G.A. Sec. EPA	Cover letter for draft GAPP on PCB sampling at RSL	2
47		9	10/27/93	Letter	Fluor Daniel, Inc. Inc.	Howard Duckman, EPA	RSL, GSD Meeting Minutes of October 21, 1993 EPA/GSD/Fluor Daniel, Inc.	4

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49		2	02/02/94	Letter	Fluor Daniel, Inc. Inc.	Howard Duckman, EPA	RSL GSD Sampling Approach Update	4
50		3	11/09/94	Graph	Howard Duckman, EPA	File	Lagoon Sampling Methodology	2
51	1995	1	02/10/95	Memorandum	Stephen Johnson, EPA	Howard Duckman, EPA	GSD Short-Term Measures	1
52		2	02/10/95	Letter	Bary DeGraff, EPA	Thomas Barnes, Mayor, Gary and Washington Alston, Director, GSD	File copy Civil Action # H78-29, H 86-540	
53		3	03/01/95	Document	Stephen Johnson, EPA	File	Chronology EPA/GSD	2
54		4	03/02/95	Draft Chart	Howard Duckman, Stephen Johnson, EPA	File	Proposed Lagoon sampling methodology.	3
55		5	03/16/95	Letter	Washington C. Alston, GSD	Brian Barwick, ORC, EPA	Proposed Sampling Approach RSL	1
56		6	03/24/95	Cost Estimate	Aravind Muzumdar, P.E. Pres. NW Engineering Co. Inc.	Gilbert King, Esq., Washington Alston, GSD	Preliminary itemization pre construction bid (Exhibit A)	5
57		7	04/03/95	Memorandum	Ed Karecki, USFWS	Jan Pels, EPA	Preliminary Ecological Assessment GSD-Lake Station Sewage Treatment Plant, South Bend, Indiana	1
58		8	07/12/95	Report	Indiana Department of Health	EPA	Health Consultation, RSL, CERCLIS NO. IND 077001808, Gary, Lake Co. Indiana	4
59	1996	9	07/20/95	Letter	Michael Mikulka, EPA	Washington C. Alston, GSD	Letter of Concurrence w/GSD Sampling	12
60		1	03/08/96	Report	Southwest Laboratory of Oklahoma	OSD	Letter of Concurrence w/GSD Sampling	2
61		2	03/14/96	Letter	Donna Urbikas, Fluor Daniel, Inc.	David Payne, EPA	PCB Analyses GSD RSL Examples of Laboratory Data Package for QAPP Purposes	87
62		3	03/28/96	Memorandum	David Payne, EPA	Donna Urbikas, et al, Fluor Daniel, Inc.	Data Package (Example), Initial Calibration and Quantitation of Aroclor 1248, GSD	1
63		4	03/29/96	Facsimile	Donna Urbikas, Fluor Daniel, Inc.	Brian Barwick, ORC, EPA	Outline for Preliminary Risk Assessment	10
64		5	04/01/96	Facsimile with copy of published article	David Payne, EPA	Richard Rowen, Swok, Environmental Standards, Inc.	The generation of calibration curves for multi-point standardizations displaying high relative standard deviations	2
65		6	04/24/96	Letter + cover email	Donna Urbikas, Fluor Daniel, Inc.	David Payne, EPA	Gary Sanitary District, Ralston Street Lagoon Draft QAPP Submittal	9
66		7	05/31/96	Report	Fluor Daniel, Inc. GTI	GSD	Lagoon Draft QAPP Submittal	2
67		8	06/01/96	Report	Fluor Daniel, Inc. GTI	GSD, Wastewater Treatment Plant	Preliminary Risk Analysis for GSD RSL	23
68		9	07/02/96	Letter	Jose Cisneros, EPA	Dr. Donald Love, GSD	Final Quality Assurance Project Plan RSL at the GSD, Gary, Indiana Revision 1	500
69		10	07/30/96	Letter	Donna Urbikas, Fluor Daniel GTI	Howard Duckman, EPA	Clarification of Sampling Approach for the RSL	2
70	1997	11	08/07/96	Letter	David A. Payne, EPA	Dr. Donald Love, GSD	Revised Page 3 for QAPP Returning 4 approval pgs. signed by appropriate	2
71		1	01/01/97	Report	Fluor Daniel GTI, Chicago, IL	GSD	Sludge and Surface Water PCB Sampling RSL, GSD, Gary, Indiana January 1997	450
72		2	01/27/97	Letter	Daniel A. Gmitro, Fluor Daniel, Inc., Inc.	Howard Duckman, EPA	Revised Data Sheets for Samples	36
73		3	08/20/97	Report	Stephen Johnson, EPA	GSD	GSD Lagoon Compliance Schedule Technical Discussion	20
74	1999	4	11/03/97	Letter	Stephen Johnson, EPA	Scott Ireland, IDEM	Re: Preferred dewatering methods.	22
75		1	10/05/99	Letter	Donna Urbikas, Quality Environmental, Inc.	Thomas A. Mariani, DOJ	Record of Decision	42

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78		1	06/18/01	E-Mail	Monesh Chabria, EPA	Stephen Johnson, et al EPA	City of Gary, Notice published in Federal Register	3
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79		1	05/12/03	Consent Decree	US District Court for the Northern District of Indiana Hammond Division	U.S. IDEM v. City of Gary and GSD	Modified Consent Decree and Judgment	66
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81		3	10/16/03	Letter + Document	Charles G. Peller, GSD	Monesh Chabria, EPA	GSD/City of Gary, IN RSL Revised Workplan for the Technical and Cost Assessment	22
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83		2	02/26/04	Letter	Mark J. Koller, EPA	Meyer & Wyatt	GSD/City of Gary, Indiana Draft Technical and Cost Assessment (TCA) Work Plan	3
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99		4	03/01/06	Letter	Spike Peller, GSD	Mark Koller, EPA	Supplemental Alternatives Evaluation Study Scope of Work, RSL, Gary, Indiana	11
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104		9	05/16/06	Letter	Daniel Vicari, CDM	Wayne Ault, DOJ	RSL Submittals and Schedule	4
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110		15	12/21/2006	Letter	Mark Koller, EPA	Stephen Henshaw, EnviroForensics	EPA Comments Draft TCA	4
111	2007	1	03/26/07	Letter	Hamilton Carmouche, Esq. City of Gary	Mark Koller, EPA	EPA Final comments to TCA	4
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133		2	02/28/08	Report	Luci Horton, GSD	Mark Koller, EPA et al.	GSD Modified Consent Decree 2nd Semi-Annual Report of 2007	65
134		3	03/24/08	Letter	Luci Horton, GSD	Mark Koller, EPA et al.	Revised Cover Letter for GSD Modified Consent Decree 2nd Semi-Annual Report of 2007	3
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136		5	07/14/08	Conference Call w/CDM	Stephen Johnson	File	Notes	2
137		6	07/18/08	E-Mail	Michael Mikulka, EPA	Luci Horton, GSD	Request GSD Input on Schedule	1
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140		9	07/28/08	E-Mail	Michael Mikulka, EPA	Luci Horton, GSD	Gary RSL Project	1
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142		11	08/04/08	Conversation Record	Michael Mikulka, EPA	Terry Lyons, ORD	RSL	1
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144		13	08/11/08	Letter	Luci Horton, GSD	Michael Mikulka, EPA	Gary RSL Project - Schedule Request	8
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146		15	08/19/08	E-Mail	Luci Horton, GSD	Michael Mikulka, EPA	RSL - Remediation Alternatives	2
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152		21	10/10/08	E-Mail	Luci Horton, GSD	Michael Mikulka, EPA	RSL presentation graphics: existing conditions, Alts 7 and 8	8
153		22	10/20/08	E-Mail	Michael Mikulka, EPA	Luci Horton, GSD	Request for Conference Call with GSD	2
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156		25	10/28/08	Letter	Margaret M. Guerniero, EPA	Rudolph Clay & Luci Horton	EPA's Selection of Proposed Remedy Under Modified Consent Decree and Judgment - 2002 Gary RSL Project	2
157		26	09/18/08	E-mail	Daniel Vicari, CDM	Michael Mikulka, EPA	RSL Flood Damage	1
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162		31	11/03/08	Public Meeting Notice	EPA	File	Public Meeting Notice Gary Post-Tribune; 11/3 & 11/13 2008	1
163		32	11/13/08	Proof of Publication	State of Indiana County of Lake SS	EPA	Publisher's Affidavit Proof of Publication	1
164		33	11/17/08	Radio Announcement	EPA	File	Radio Announcement Aired 11/17-18/08 on WJOB, 1230 AM Radio, Hammond, IN	1
165		34	11/18/08	Agenda	EPA	File	EPA Public Meeting RSL, Gary, IN	1
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170		39	12/01/08	Letter	Luci L. Horton, Director, GSD	Rafael Gonzalez, EPA	Comments on EPA's Proposed Plan - RSL, Gary, Indiana	3
171		40	12/01/08	E-mail	Joe Callahan, L&L Cartage	Rafael Gonzalez, EPA	Public Comment Period	1
172		41	12/02/08	E-mail	Robert Built, Lori Built, Joseph Callahan, NG Land	Rafael Gonzalez, EPA	Extension to Comment Period on EPA's Proposed Plan - RSL, Gary, Indiana	1
173		42	12/02/08	Letter	Scott E. Pruitt, Field Supervisor, US DOI	Michael Mikulka, EPA	Comments to EPA Proposed Remediation GSD RSL, Gary, Lake County, Indiana	4
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178		47	12/05/08	E-mail	Luci L. Horton, Director, GSD	Michael Mikulka, EPA	Extension of Public Comment Deadline	1
179		48	12/05/08	E-mail	Luci L. Horton, Director, GSD	Michael Mikulka, EPA	RSL Information re: Property Acquisition	7
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182		51	12/11/08	Document	Luci L. Horton, Director, GSD	Property Owners	RSL Land Acquisition and Relocation Project GSD Project No. SD-08-09	4
183		52	11/17/08	E-mail	Lin Kaatz Chary, Indiana Toxics Action	EPA	Comments on RSL Proposed Plan	1
184	2009	53	01/08/09	Letter	Dr. Jeffrey Marqusee, Director, ESTCP	Non-DOD Federal Organizations	Call for FY 2010 ESTCP Proposals Cam-Or Site, Westville, IN	1
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188		57	03/31/97	Document	William E. Munro, Director, SFD, R5	Administrative Record	Record of Decision for Madison, WI Sewage District Lagoon	43
189		58	05/05/98	Document	OHM Remediation Services Corp.	CBS (f/k/a Westinghouse Electric Corporation), Pittsburgh, PA	Excerpt from Remediation Work Plan Abandoned Lagoon Winston Thomas WWTP, Bloomington, IN	5
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EPA Proposes Fill and Cover to Clean Up Lagoon

Ralston Street Lagoon

Gary, Indiana

October 2008

We want your opinions

The public is encouraged to comment on this proposed cleanup plan for the Ralston Street Lagoon. EPA will be accepting comments on the proposal from **November 3 to December 5**. A comment sheet is enclosed for your convenience. You can also fax your comments to Michael Mikulka at 312-353-4342 or E-mail mikulka.michael@epa.gov.

EPA also encourages the public to attend and participate in a public meeting, **6:30 p.m. to 8:00 p.m. on November 18, at the Gary Sanitary District offices at 3600 West 3rd Avenue in Gary**. EPA representatives will present the cleanup proposals, answer questions and take written and oral comments at the meeting. The Agency could alter its proposed plan or choose a different alternative based on public comments so your input is important.

Contact EPA

For questions: technical questions
Michael Mikulka, Project Manager
 EPA Region 5 Chicago Office
 312- 886-6760; **Rafael P. Gonzalez**
 Public Affairs, 312-886-0269
gonzalez.rafaelp@epa.gov

Region 5 toll-free:

800-621-8431, 8:30 a.m. – 4:30 p.m., weekdays

Repository Location, official site records can be examined at the Gary Public Library, 220 West 5th Ave. Gary, Indiana, or in the 7th floor records center at EPA's office at 77 West Jackson Boulevard, Chicago, IL.

U.S. Environmental Protection Agency is proposing a plan to clean up and contain hazardous materials at the Ralston Street Lagoon by encasing the site with a special underground wall, draining lagoon water, mixing in dry fill material with the sludge, solidifying it, and then capping the facility. The proposed cleanup plan also calls for buying 6 acres of adjacent residential parcels to be used as a staging area, raising the current berm to protect from 100-year floods, fencing the site and monitoring underground water supplies (called ground water) to ensure the cleanup plan is working.

This set of cleanup steps is among eight options or alternatives considered by EPA. This preferred option is estimated to cost more than \$66 million. The public can participate in the decision-making process through a comment period and public meeting (*see left-hand box*). Based on public comments, EPA could modify the preferred option or select another alternative.

The lagoon was used for municipal sewage sludge disposal beginning in 1962. It is now filled with about 553,000 cubic yards of sludge. Studies document the sludge is contaminated with hazardous polychlorinated biphenyls (PCBs). The federal Toxic Substances Control Act regulates the handling of all materials containing PCBs in concentrations higher than 50 mg/kg.

History of Ralston Street Lagoon

The lagoon covers 19 acres and is owned and operated by the Gary Sanitary District, a unit of the City of Gary. The lagoon is located in a fenced area along the Grand Calumet River in Gary, just north of the Indiana Toll Road and south of the Gary/Chicago International Airport. Residential and commercial parcels lie to the east of the lagoon, and additional residential and commercial sections sit south of the toll road. The figure on Page 2 shows an aerial view of the Ralston Street Lagoon and vicinity.

Studies and investigations of the lagoon dating back more than 20 years have documented problems with the facility. In 1997, a consultant's study described the nature and extent of PCBs in the sludge and surface water of the lagoon. More than 96 percent of the sludge was found to be contaminated with PCBs (in the form of a chemical known as Aroclor 1248) in excess of the 50 mg/kg level. A little more than 10 percent of the sludge exceeded 500 mg/kg. The average PCB concentration in the sludge was more than 180 mg/kg, with a range of 19 to 1,300 mg/kg. The measurement of 1 mg/kg is a tiny amount, equal to one second in 12 days, but even small amounts of hazardous materials can cause health problems. Fortunately, PCB levels in the surface water were found to be minimal.

A legal document called a consent decree requires the City of Gary and Gary Sanitary District to clean up and contain the lagoon contamination.

Several investigations since 2003 have looked at the soil, underground water and geology of the area. Technicians and scientists have also examined various cleanup techniques to give environmental regulators such as EPA and state partner Indiana Department of Environmental Management some options to consider.

Ground-water monitoring wells were installed in and around the lagoon and Grand Calumet River to judge the extent of pollution, if any, escaping from the facility.

After several years of studies and discussions between the responsible parties and EPA over cleanup options, the Agency approved a document called a "technical and cost assessment" last February. The consent decree requires that any cleanup alternative be evaluated against seven criteria: 1) effectiveness; 2) overall protection of public health and the environment; 3) long-term effectiveness and permanence; 4) technical feasibility; 5) administrative feasibility; 6) availability of services and materials; and 7) costs.

Risks to people and the environment

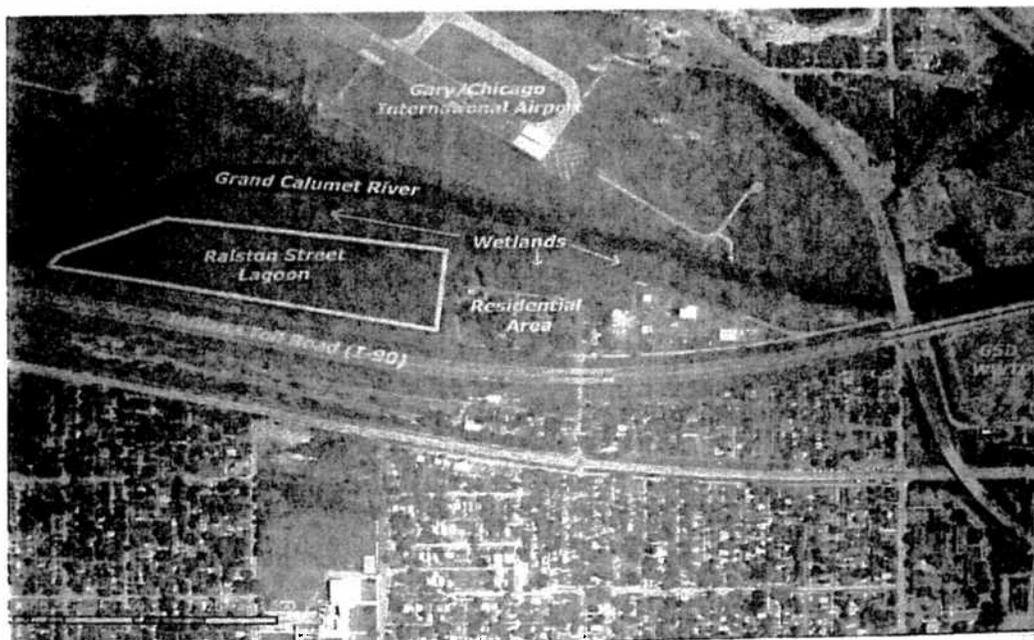
Existing health risks from PCB exposures were examined by Gary Sanitary District in the technical and cost assessment approved by EPA. The district used recently collected ground water, soil, sludge and surface water data, supplemented by older figures. The site is fenced and access by the public is restricted so immediate exposure to the pollutants is not the problem. The PCBs in the sludge could pose a health threat if they "leached"

out of the lagoon into ground water or surface water such as the Grand Calumet River. The current berm could also fail or overflow in flooding, causing health risks. The lagoon contains an estimated 42 million gallons of water lying over the sludge at a depth of about 7 feet.

Fortunately, no PCBs were detected in any of the monitoring wells, so the compound does not appear to be moving out of the lagoon and contaminating ground water. Testing also revealed no PCBs in the lagoon's surface water.

Assessment of both cancer and non-cancer hazards associated with various exposure possibilities showed the following:

- Exposure to the maximum level of PCBs is unlikely (highest concentration found at 20 feet below the surface).
- Non-cancer risks from exposure to both the maximum and average concentrations of PCBs were also small.
- Cancer risks through breathing air particles tainted with PCBs was measurable but not at high levels.
- Trespassers who gain access to the site and accidentally swallow or have skin contact with the sludge could face slightly elevated cancer risks.
- On-site or construction workers would have slightly less cancer risk than trespassers because presumably workers would use personal protective equipment such as gloves and coveralls.



Ralston Street Lagoon and Vicinity

To summarize, the health risk study found cancer risks for trespassers, sanitary district workers and contractors are all above the acceptable risk range if they are regularly exposed over long periods to the maximum PCB concentrations found at the site. These situations are unlikely to happen, experts concluded. Still, officials decided the lagoon needs to be cleaned up and contained because the PCBs were improperly disposed and do represent a health threat.

Cleanup goals

The Gary Sanitary District's technical and cost assessment report suggested several cleanup goals for the lagoon. The goals include preventing swallowing, breathing or direct skin contact with sludge or surface soil that contain PCBs, permanently and significantly reducing the movement of the PCB-tainted sludge, and preventing lagoon surface water from releasing PCBs into the Grand Calumet River.

EPA agreed with these goals but is adding one more objective -- preventing lagoon water containing other contaminants from discharging to the Grand Calumet River through the ground water.

Cleanup options considered by EPA

The consent decree specified that at a minimum, disposal/clean-up alternatives to be considered should include: (a) disposal at an off-site location; (b) disposal on-site (on property at or near the wastewater treatment plant); (c) any one or more of a combination of the following -- (i) in-place solidification/stabilization; (ii) in-place bioremediation; (iii) in-place vegetation/soil cover; and (d) any other option of choice to Gary and the sanitary district.

The above options were incorporated into the technical and cost assessment report and screened in Section 6 of the report if you wish to read it. This screening process resulted in a detailed analysis of eight alternatives against the seven criteria specified in the consent decree and described earlier in this fact sheet. The sanitary district assigned points for each of the criteria, with technical feasibility weighted most heavily (90 points). The weightings are based on the district's interpretation of the relative importance of the factors required to be considered. The highest possible score for any option is 200 points. The

Read the documents

The public is encouraged to review the official documents associated with the site. These are records EPA considered in support of the proposed plan.

They are contained in public repositories at the Gary Public Library, 220 West 5th Avenue, Gary, and also at EPA's offices at 77 W. Jackson Blvd., 7th floor Records Center, in Chicago, IL.

final alternatives developed in the report for EPA consideration are as follows:

Alternative 1: No action: No action options are always included for comparison purposes. This alternative requires only semi-annual ground-water sampling. Total cost -- \$287,000; Points -- 96/200.

Alternative 2: On-site containment. This alternative includes land acquisition of adjacent residential parcels, site preparation, installing lagoon water surface controls, raising the perimeter berm with fill, stabilizing the north portion of the perimeter berm with permanent sheeting, a special "slurry" wall composed of a soil-bentonite mixture, and site grading and fencing. In addition, annual ground-water monitoring and berm maintenance are required. Total cost - \$18 million; Points -- 120/200.

Alternative 3: Off-site disposal. This option includes land acquisition of adjacent residential parcels, site preparation, installing lagoon water surface controls, raising the perimeter berm with fill, stabilizing the north portion of the perimeter berm with temporary sheeting, dredging the sludge and water and pumping the water to an adjacent dewatering system, treating the water at the wastewater treatment plant, stabilizing/solidifying the dewatered sludge, off-site removal to a chemical waste landfill, site grading and fencing and annual ground-water monitoring. Total cost -- \$108 million; Points -- 97/200.

Alternative 4: On-site disposal (confined disposal facility at or near the wastewater treatment plant). This alternative includes land acquisition of adjacent residential and commercial parcels, site preparation, stabilizing the north portion of the perimeter berm with temporary sheeting, dredging the sludge and pumping to an adjacent dewatering system, treating the separated water at the wastewater treatment plant, stabilizing/solidifying the dewatered sludge, construction of a 6-acre confined disposal facility on-site, placing the dewatered sludge

into the confined disposal facility and capping it, and site grading and fencing. Deed restrictions and signage would also be included along with annual ground-water monitoring and cap maintenance. Cost -- \$67 million; Points – 114/200.

Alternative 5: In-place solidification/stabilization with in-place vegetation/soil cover. This alternative includes land acquisition of adjacent residential parcels, site preparation, installing lagoon water surface controls, raising the perimeter berm with fill for 100-year flood protection, stabilizing the north portion of the perimeter berm with permanent sheeting, installing a soil-bentonite slurry wall, dewatering the interior of the lagoon, bulking up the sludge with fill material, solidifying/stabilizing the bulked sludge in-place to reduce the mobility of PCBs, covering the lagoon with an impermeable cap, site grading and fencing, deed restrictions, signage, and ground-water monitoring and berm maintenance. Cost - \$79.3 million; Points – 134/200.

Alternative 6: On-site dry cell containment. This alternative includes land acquisition of adjacent residential parcels, site preparation, raising the perimeter berm with fill for 100-year flood protection, installing a cement-bentonite barrier wall, dredging the sludge and pumping the mixture to an adjacent dewatering area. The sludge would be dewatered in geotubes followed by treating the water and the dewatered sludge at the wastewater treatment plant. The option also includes solidifying the dewatered sludge, preparing the lagoon bottom, including installing cross-berms, installing underdrains and dewatering to maintain a dry working area, consolidation of treated sludge into a dry cell, capping the dry cell with an impermeable cap, and site grading and fencing, deed restrictions, signage, annual ground-water monitoring, berm maintenance and ground-water treatment. Cost -- \$66.2 million; Points – 117/200.

Alternative 7: Compression cap. This alternative includes land acquisition of adjacent residential parcels, site preparation, raising the perimeter berm with fill for 100-year flood protection, installing a cement-bentonite barrier wall, dewatering the surface water and treating the water at the wastewater treatment plant, construction of a compression cap, treatment of water separated from the sludge, loading the cap with imported fill for a period of up to four years, construction of an impermeable cap, and site grading and fencing, deed restriction, signage, management of the imported fill for four years, annual ground-water monitoring and cap maintenance. Cost -- \$43.7 million; Points – 112/200.

Alternative 8: Filling the lagoon (*this is EPA's preferred alternative*). This option includes land acquisition of adjacent residential parcels, site preparation, raising the perimeter berm with fill for 100-year flood protection, stabilizing the north portion of the perimeter berm with permanent sheeting, installing a soil-bentonite slurry wall, pumping out lagoon water and treating it at the wastewater treatment plant, importing dry fill material and bulking up the material with the sludge in the lagoon, installing cross-berms, mixing the bulking material with the sludge, capping the bulked material with a nonpenetrating cap, and site grading and fencing. Deed restrictions and signage would also be included. Annual ground-water monitoring and berm maintenance would be added. Cost -- \$66.5 million; Points – 152/200.

Alternative 9: Deferring Final Decision Until Further Design and Pilot Studies are Completed. Recently, GSD submitted additional information which recommended that EPA defer a final decision on selection of an alternative until pilot testing could be completed for both Alternatives 7, compression cap and 8, filling the lagoon. This recognized that there were certain common elements to both Alternatives 7 and 8 and those could proceed concurrently with the pilot testing for the sludge remedy. After pilot testing, the results would be evaluated and the stabilization method for the sludge selected. Cost -- \$43.7 to \$66.5 million; No points assigned.

Discussion of alternatives

The various options were evaluated against the seven criteria listed on Page 2, and EPA selected its preferred alternative for presentation to the public, after consultation with IDEM.

Alternative 1 (no action) was not selected as it does not meet the cleanup goals or the terms of the consent decree because it does not protect human health and the environment.

Alternative 2 (on-site containment) also fails to meet cleanup goals or terms of the legal agreement.

Alternative 3 (off-site disposal) does meet goals and legal terms but was not selected because among other problems it would require transporting 8,000 truckloads of hazardous materials more than 235 miles, and its \$103 million price tag is not cost-effective.

Alternative 4 (on-site disposal) meets the goals but requires building a new waste disposal facility, which could complicate operations at the nearby Gary/Chicago International Airport. Additional land acquisition would also be required, and the lagoon containing residuals would still remain.

Text continued on Page 7

Ralston Street Lagoon Comment Sheet

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Comparison of Cleanup Alternatives

Evaluation Criteria	1	2	3	4	5	6	7	8*
Effectiveness	□	□	■	■	■	■	■	■
Overall protection of public health & the environment	□	□	■	■	■	■	■	■
Long-term effectiveness and permanence	□	□	■	■	■	■	■	■
Technical Feasibility	□	■	■	■	■	■	▣	■
Administrative Feasibility	□	■	□	▣	■	■	■	■
Availability of Services & Materials	□	■	■	■	■	■	■	■
Costs, millions	\$0.3	\$18	\$108	\$67	\$79.3	\$66.2	\$43.7	\$66.5

■ - Meet Criteria

▣ - Partially Meets Criteria

□ - Does Not Meet Criteria

* EPA's Preferred Alternative

Alternative 5 (in-place solidification/stabilization with vegetation cover) meets the goals but was not selected due to cost and other considerations.

Alternative 6 (on-site dry cell containment) meets the goals but was not selected because among other reasons all dredged and dewatered material would have to be stored next to the lagoon for up to two years while the dry cell is prepared, and this option may contain unforeseen costs.

Alternative 7 (compression cap) meets the goals but was not recommended because while it reduces the risk, it is less effective than other alternatives considered because this is a new technology untested on a similar site, and takes several years longer to construct than other alternatives.

Alternative 9 (defer decision until after pilot testing) was not selected for the same reasons Alternative 7 was not selected.

Alternative 8 (filling the lagoon) is EPA's selected alternative for the following reasons: The sludge does not need to be transported, dredged or dewatered in order for this alternative to be implemented; the alternative is effective, protects human health and the environment; it reduces risk by limiting movement of the contaminants; it is reliable over the long term and is technically and administratively feasible; it is a proven technology which can be implemented at a cost-effective price.

Even though EPA is selecting Alternative 8, EPA is leaving GSD the option to conduct the design and pilot studies with regard to Alternative 9 as well. If the studies show that Alternative 7 is technically feasible and cost-effective, GSD can request at that time that EPA modify the selected plan, after further public notice.

Next steps

EPA will review comments received during the public comment period before making a decision on the cleanup plan. Based on new information in the public comments, EPA may change its proposed option and select another alternative presented in this plan.

EPA will respond to comments in a document called a "responsiveness summary" and announce its decision to the public in the local newspaper with copies placed in the administrative record.

After the decision, the Gary Sanitary District will submit a design work plan to EPA that identifies the detailed studies that will be needed to implement the selected plan. After approval by EPA, the detailed design and construction needed to implement the plan will occur over a period of years. The consent decree requires the selected plan be implemented within five years after EPA's decision.

**EPA Picks Recommended
Cleanup Option for
Ralston Street Lagoon
Gary, Indiana**

Fill and Cover Alternative Preferred

(details inside)

RALSTON STREET LAGOON: EPA Proposes Cleanup Plan

United States
Environmental Protection
Agency
Region 5
Office of Public Affairs (P-19J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590



Attachment 4

Ralston Street Lagoon EPA-Approved Remediation Schedule

Remedy: Filling the Lagoon

A. General Items

1. The Defendants shall submit a Design Work Plan to the Plaintiffs by March 9, 2009 (submitted).
2. The Defendants shall acquire all necessary adjacent land to implement the project by December 31, 2009.
3. The Defendants shall apply for all necessary permits for each remedial action phase (berm stabilization, containment wall, sludge remedy) within 3 months of construction start-up; the Contractor will also be required to acquire certain permits prior to construction.
4. The Defendants shall prepare the site for construction by September 30, 2010.

B. Berm Stabilization and Barrier Wall

1. Within 15 months of EPA approval of the Pre-Design Investigation Work Plan, the Defendants shall provide to the Plaintiffs a Detailed Design of the Berm Stabilization and Barrier Wall construction.
2. Within 10 months of EPA approval of the Detailed Design, the Defendants shall complete Berm Stabilization.
3. Within 18 months of EPA approval of the Detailed Design, the Defendants shall complete Barrier Wall Construction.

C. Sludge Dewatering, Bulking/Solidifying, and Capping

1. Within 10 months of EPA approval of the Remedial Design Work Plan, the Defendants shall provide to Plaintiffs a Preliminary Design Report (for the entire site) and a Pilot Test Work Plan.
2. Within 19 months of EPA approval of the Remedial Design Work Plan, the Defendants shall conduct Field-scale Pilot Testing at the Ralston Street Lagoon and submit to the Plaintiffs the Preliminary Design (for the sludge remedy).
3. Within 28 months of EPA approval of the Remedial Design Work Plan, the Defendants shall submit to the Plaintiffs a Detailed Design of the Sludge Dewatering, Bulking/Solidifying, and Capping.
4. Within 6 months of EPA approval of the Detailed Design, the Defendants shall initiate construction of the final remedy for Sludge Dewatering, Bulking/Solidifying, and Capping.
5. Within 42 months of EPA approval of the Detailed Design, the Defendants shall complete Sludge Dewatering and Bulking/Solidifying.
6. Within 54 months of EPA approval of the Detailed Design, the Defendants shall complete the Capping which shall complete construction of the remedy.

