Message

From: Winna Guzman [WGuzman@eastchicago.com]
Sent: 8/27/2014 9:06:19 PM
To: Berkoff, Michael [berkoff.michael@epa.gov]
Subject: RE: USS Lead Superfund Site - EPA meeting with Goldfarb August 13, 2014

It could be at the Mayor's office, if that's okay? City officials to attend:

1. Mayor Copeland
2. Winna Guzman
3. Maria Becerra, Redevelopment
4. Fernando Trevino (as Project Manager for Hardest Hit Fund)
5. Attorney Joseph Allegretti
6. Val Gomez, Controller

Thank you, as always…

Winna G. Guzman, Building Commissioner
East Chicago Building Department
4444 Railroad Avenue
East Chicago, IN 46312
(219) 391-8294~Fax: 391-7013

From: Berkoff, Michael [mailto:berkoff.michael@epa.gov]
Sent: Wednesday, August 27, 2014 2:04 PM
To: Winna Guzman
Cc: Clements, Mindy; Kaiser, Steven
Subject: RE: USS Lead Superfund Site - EPA meeting with Goldfarb August 13, 2014

Winna,
I am still anticipating that we will meet with you. Please remind me. We never established as to whether it would be a meeting in Chicago or East Chicago. What were you anticipating? Who would be attending this meeting from the city and on behalf of the city?
Thanks,
Michael

From: Winna Guzman [mailto:WGuzman@eastchicago.com]
Sent: Wednesday, August 27, 2014 10:36 AM
To: Berkoff, Michael
Subject: RE: USS Lead Superfund Site - EPA meeting with Goldfarb August 13, 2014

Hi Michael,

Just following up on whether we can meet on September 4th? Thank you…

Winna G. Guzman, Building Commissioner
East Chicago Building Department
4444 Railroad Avenue
East Chicago, IN 46312

(219) 391-8294~Fax: 391-7013

From: Berkoff, Michael [mailto:berkoff.michael@epa.gov]
Sent: Thursday, August 14, 2014 1:06 PM
To: Winna Guzman; Carla Morgan; Maria C. Becerra
Cc: Kaiser, Steven; Clements, Mindy
Subject: FW: USS Lead Superfund Site - EPA meeting with Goldfarb August 13, 2014

Winna, Maria and Carla,
I am forwarding an email that I sent to Eugene Goldfarb. I had attempted to copy all of you on it, but it seems to have exceeded your email size limit. We are looking at September 4th as a possible meeting date for EPA and East Chicago. I will get back to Winna on that date as soon as I have checked with all of the necessary people at EPA.
Thank you,
Michael

From: Berkoff, Michael
Sent: Thursday, August 14, 2014 12:31 PM
To: Eugene Goldfarb
Cc: Kaiser, Steven; Clements, Mindy; Winna Guzman; Carla Morgan; Maria C. Becerra
Subject: USS Lead Superfund Site - EPA meeting with Goldfarb August 13, 2014

Dear Mr. Goldfarb:

Ms. Clements, Mr. Kaiser and I met with you yesterday because the City of East Chicago, Indiana had asked us to do so. We were under the impression that you had already been retained by the City of East Chicago to assist the City with issues arising out of the proposed cleanup of lead and arsenic contaminated soils in the Calumet neighborhood. These issues include the manner in which the City might apply the Hardest Hit funds it recently received from the Treasury Department. We appreciated that at the outset of the meeting you clarified that you had not yet been retained by the City but would be preparing a proposal for the City's consideration. So that the City of East Chicago is aware of what was said yesterday, we are sending a copy of this email to the City's representatives, Ms. Guzman, Ms. Becerra and Ms. Morgan.

We reviewed with you the status of EPA's efforts at the Site and recent communications between EPA and the City. We also reviewed the contents of your email of August 7, 2014, to Winna Guzman and Maria Becerra, representatives of the City.

You wrote, "The hope is that the City/State demolition funding can be mixed with the EPA cleanup funding to provide the most efficient use of public money." While everyone wants to see the "most efficient use of public money," we explained to you that Treasury money and EPA money cannot be "mixed." Use of the money from the Treasury is regulated by rules promulgated by the Treasury and is for uses specified by Treasury rules and regulations. Similarly, money provided by EPA can be used only for purposes authorized by Superfund on actions not inconsistent with the National Contingency Plan, and consistent with the Record of Decision for the USS Lead Site. EPA and the City cannot simply "mix" funds to achieve a goal no matter how laudable that goal. EPA must limit its actions to those authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).

You also wrote that "the remedial action objectives were supposed to include citizen participation and "anticipate future land use scenarios." EPA takes seriously its obligation to provide for citizen participation in the Superfund process. Towards that end, EPA has held numerous public meetings and private meetings with representatives of the City. When EPA issued its Proposed Plan on July 12, 2012, it briefed the City on the plan and held a public meeting on July 25, 2012, to present the plan to the public. The City provided comments on the Proposed Plan during the public meeting and at the City's request, EPA extended the public comment period until September 12, 2012. EPA considered the City's comments and responded to them in the Responsiveness Summary , which accompanied the Record of Decision (ROD) issued on November 30, 2012 (pages 52-57 of the ROD). I am attaching a copy of the Responsiveness

Summary for your review. I would also encourage you to review the entire ROD so that you might become better acquainted with EPA's decision-making process. Upon closer review, it will become apparent that EPA did consider "future land use scenarios" in developing its remedy.

EPA is prepared to work with the City to help it achieve its goals for the Calumet neighborhood. We share the City's goal of improving conditions within the neighborhood. EPA will soon start work that will reduce the threat posed to the residents of the Calumet neighborhood by exposure to lead and arsenic contaminated soils. We are confident that with careful planning and consistent oversight the City can achieve its goal of demolishing structures within the Calumet neighborhood while minimizing the risk that it will become a liable party under CERCLA.

Thank you,
Michael Berkoff

Michael Berkoff
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Remedial Response Section #3
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