The facility is currently known as: U.S. Smelter and Lead Refinery, Inc. (USS Lead) site, U.S. EPA ID No. IND 047 030 226, located at 5300 Kennedy Avenue, East Chicago, Indiana.

The RCRA program has determined it is most advantageous that the Superfund program address the cleanup responsibilities for off-site contamination from this facility. The off-site soil lead contamination related to this facility is commingling with lead from various pre-CERCLIS screening lead sites in nearby residential areas. If and when this referral is accepted, the RCRA program will continue to address the on-site contamination from this facility. Because Superfund has taken responsibility for the cleanup of the off-site contamination from this facility, the Superfund program will be tracking its progress for off-site under their (e.g., GPRA) measures. The facility will continue to be tracked (on-site and off-site) on the RCRA program’s GPRA Baseline or measures. A summary of the current status for the USS Lead site is attached.

If you accept this referral, please signify your acceptance by signing the certification below. Please return the executed certification to me.

Superfund accepts the referral of this facility.

Joseph Dufficy, Chief
Brownfield/Early Action Section

Date: 7/9/2004

Reference #66
cc: George Hamper, ECAB, WPTD
SUMMARY OF CURRENT STATUS

U.S. Smelter and Lead Refinery, Inc. (USS Lead)
U.S. EPA ID No. IND 047 030 226

This facility has the highest ranking in Region 5 under the National Corrective Action Prioritization System and it was proposed for the National Priority List (NPL) in 1987. The site has operated as a primary/secondary lead smelter and the primary hazardous constituents of concern are metals, mainly lead. On-site areas are contaminated with lead slag, battery casings and baghouse dust. Lead from former emissions from this facility impacting soils from nearby residential areas has commingled with lead from various pre-CERCLIS screening lead sites. Based on the threat to human health and the environment and the present conditions from the facility, the Enforcement and Compliance Assurance Branch believes that the off-site contamination from this site warrants a Superfund action.

On November 18, 1993, USS Lead entered into a RCRA 3008(h) Administrative Order on Consent requiring interim measures and a facility investigation. USS Lead has nearly completed the requirements for on-site and has initiated an off-site investigation. In 1996, Superfund conducted a health exposure investigation in the community and ten of the children tested had blood lead levels above the action level of 10 μg/dl. However, USS Lead has been unwilling to investigate nearby residential areas. This prompted RCRA staff to conduct a preliminary soil screening in residential yards in 2003. The screening results indicated soil lead concentrations exceeding 400 ppm to above 1,000 ppm. Further, RCRA tasked TechLaw Inc. to evaluate lead sourcing. TechLaw’s evaluation indicates a complex distribution of lead in soil from the various multiple industrial sources. USS Lead has indicated that they are only responsible for their share of the lead contamination in the residential areas.

USS Lead ceased operations in 1985 and filed for bankruptcy in 1987 becoming assigned to Mining Remedial Recovery Company (MRRC) by the bankruptcy court. MRRC’s funding comes from the bankruptcy settlement and additional money from the selling of cleanup properties. The NPL Potentially Responsible Party search for this facility did not consider the off-site contamination.

We have previously discussed this site with Jan Pels from your staff. As part of these discussions, Ms. Pels has shared with us information on the status of the pre-CERCLIS screening lead sites in the vicinity of the USS Lead site.

In summary, due to the risks posed to human health and the environment, the facility’s non-compliance history, and the inability to pay, we believe the Superfund Division should investigate the contamination off-site from this facility.

If you have any questions, please contact Mirtha Capiro at 312/ 886-7567.
Hey Everyone:

I hope that I am sending this to the principle folks involved with the U.S. Smelter and Lead Refinery Referral. The Superfund Remedial Program supports the referral of the off-site contamination and recommends acceptance of the referral request.

I will be the Superfund Remedial contact until a RPM is assigned so please let me know if there is anything further I can do or if we need to get together to discuss the status of the project.

Matt