



REGION 5
CHICAGO, IL 60604

September 5, 2024

MEMORANDUM

SUBJECT: **Action Memorandum** - Request for Approval and Funding for a Time-Critical Removal Action and Exemption from the \$2 Million Statutory Limit at the Sandusky Abrasives Site, Michigan City, LaPorte County, Indiana (Site ID # C5XT)

FROM: Allen Jarrell, On-Scene Coordinator (OSC)
Emergency Response Branch 2
Emergency Response Section 4

THRU: Shelly Lam, Manager
Emergency Response Branch 2

TO: Douglas Ballotti, Director
Superfund & Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval to expend \$3,431,232 to conduct a time-critical removal action (TCRA), including \$2 million exemption request approval, at the Sandusky Abrasives Site (the Site) located at 1100 West Barker Road in Michigan City, LaPorte County, Indiana. Hazardous substances present in soil at the Site, if not addressed by implementing the response actions selected in this Action Memorandum, will continue to pose a threat to human health and the environment. There are no nationally significant or precedent-setting issues associated with the proposed response at this non-National Priority List (NPL) Site. This Action Memorandum serves as approval for expenditures by EPA, as the lead technical agency, to take actions described herein to abate the imminent and substantial endangerment posed by the hazardous substances at the Site. The removal of the hazardous substances will be taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID#: INN000521907

SITE ID#: C5XT
CATEGORY: Time-Critical Removal Action

A. Site Description

The Site is located at 1100 West Barker Avenue, Michigan City, LaPorte County, IN. The Site is comprised of eighteen (18) parcels totaling approximately 19.8 acres of land. The surrounding area is mixed use commercial and residential properties. The Site is located on the west side of West Barker Street between Green and Garfield Streets. The Site has been used most recently, as recent as February 2021, by Provision Byproducts for manufacturing spent products into vegetable oil/feed stock for animals and warehouse space and by Lyon LLC for manufacturing steel cabinets/shelving units until 2020. Another historical use was by Sandusky/Chicago Abrasive Wheel, from 1983 until 2010, which made abrasive metal wheels for various types of businesses. The original historical use of the Site, dating back to 1916 and going to 1972, was the Haskell and Barker Car Company/Pullman Standard Car Manufacturing Company as a railroad car manufacturing/maintenance facility including industrial activities/operations such as a railroad roundhouse/turntable, coal storage, an oil house, paint shops, sand blasting and fuel oil aboveground storage tanks (ASTs). The mixed-use residential, commercial, and industrial Site was first developed between 1899 and 1905.

1. Removal Site Evaluation

At the request of Indiana Department of Environmental Management (IDEM) (Administrative Record [AR] #6), EPA mobilized to the Site on June 16, 2023 to begin a site assessment. EPA monitored air continuously with a DustTrak throughout the week of June 19, 2023 and the DustTrak was set in the vicinity of sample processing and drilling activities. EPA collected and screened with an x-ray fluorescence (XRF) device 425 samples from one-foot intervals down to 10 feet (ft) below ground surface (bgs) in some areas from 77 soil borings across the Site. These samples were analyzed for metals, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs). EPA evaluated the only soil samples from the ground surface down to two feet for the purpose of this TCRA.

EPA reviewed the XRF screening results and selected almost 10% of the samples for laboratory analysis based on lead concentrations. In total, 40 soil samples, or 9.4 percent, of the 425 samples were submitted for the laboratory analysis of metals. Twenty-five of these samples were in the 0-2 ft bgs interval. For the unsubmitted samples, XRF field readings serve as the lead results. Administrative record document 7 provides XRF and laboratory results. EPA also reviewed photoionization detector (PID) screening results to select sample intervals for organic analysis, which included 15 samples for VOCs, SVOCs, and PCBs plus two duplicate samples for SVOCs and PCBs.

EPA compared sample results to the commercial EPA removal management levels (RMLs) for soil. XRF results from the 425 soil samples intervals indicated that the median value of 18 samples exceeded the commercial RML for lead in soil (800 milligrams per kilogram [mg/kg]) in the 0-2 ft bgs interval. These elevated results were found in samples at the ground surface and samples taken down to two feet below ground. With respect to the 40 soil sample intervals sent to the laboratory for metals analysis, seven samples exceeded the commercial EPA RML for lead in soil (800 mg/kg) in the 0-2 ft bgs interval. EPA selected six samples (three samples in the 0-2 ft bgs interval) for additional analysis via Toxicity Characteristic Leaching Procedure (TCLP) for Resource Conservation and Recovery Act (RCRA) 8 metals (excluding mercury). Results indicated that one of the samples in the 0-2 ft bgs interval exceeded the regulatory level of 5.0 milligrams per liter (mg/L) for the toxicity characteristic for lead, per 40 CFR §261.24, verifying the presence of uncontrolled characteristically hazardous waste at the ground surface. None of the 15 soil samples for VOC, SVOC, or PCB analysis exceeded commercial RMLs. See the site assessment report in administrative record document 7 for sample results.

2. Physical Location

The Site is located at 1100 West Barker Avenue in Michigan City, La Porte County, Indiana (see Figure A). It encompasses 18 parcels; the parcel identification (ID) number for the primary parcel is 460132332018000022. The geographic coordinates at the Site's center are 41.704733 degrees latitude and -86.908681 degrees longitude. The Site includes 19.8 acres of land consisting of asphalt and gravel drives, grass space, and one building consisting of 148,896 square feet with multiple connected additions.

The Site is bound (1) to the north by Green Street, with residential properties beyond; (2) to the east by residential, commercial, and industrial properties, including those for (in order of north to south) the Michigan City Exchange Club, PowerDrive (a power transmission component manufacturer), Lyon LLC (a metal cabinet and shelving manufacturer), the Michigan City Department of Transportation, and Comcast; (3) to the south by the Comcast property, with West Garfield Street beyond; and (4) to the west by Columbia Street with residential properties beyond as well as commercial, industrial properties, and some vacant wooded property—including property of (in order of north to south) Michigan City Tool and Die, Inc. (a commercial company selling countertops, pavers, concrete blocks, and similar materials), local residents, and Moore's Auto Repair—with a rail line beyond. The Site is in a mixed-use residential, commercial, and industrial area of Michigan City that was first developed between 1899 and 1905, see Figure B.

EPA conducted an Environmental Justice (EJ) analysis for the Site (see Appendix D). Screening of the surrounding area used Region 5's EJ Screen Tool, which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT). Three out of 12 Environmental Justice Indexes, and three out of 13 of the Supplemental Indexes, for the area within a one-mile radius of the Site, exceed the 80th percentile on

a national basis. Region 5 reviewed environmental and demographic data for the area surrounding the Site and determined there is a high potential for EJ concerns there.

3. Site Characteristics

The building on the Site has been vacant since 2020. The most recent operations ended around 2020 when the Site was used by Provision Byproducts for manufacturing spent products into vegetable oil/feed stock for animals and warehouse space and by Lyon LLC for manufacturing steel cabinets/ shelving units.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

A total of 425 soil samples from 77 borings or locations across the Site were collected in June 2023. Sampling analysis by EPA determined that lead, a hazardous substance as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14), and 40 CFR § 302.4, was released into the environment on the Site above the EPA commercial RML. Lead exists at high concentrations in the surface soil (0-2 feet bgs). This time-critical removal action addresses lead contaminated soil on-Site. The highest surficial (0-1 feet bgs) concentration of lead observed during removal assessment sampling was 6,946 mg/kg. The Site is mostly unfenced and thus the lead in soil is unsecured (i.e., not fully fenced) and has no containment. Lead has the potential to be released to nearby residential properties by means such as tracking, surface runoff, and wind dispersion. These potential releases may be increased in areas where soil isn't covered by grass or other cover.

5. NPL Status

The Site is not currently on the NPL and as not received a Hazardous Ranking System rating.

6. Maps, pictures and other graphic representations

See attached figures and photolog.

B. Other Actions to Date

1. Previous Actions

A Phase I Study of the Site was conducted for the Sanitary District of Michigan City by Environmental Incorporated (report dated June 17, 2019) (EI 2019, AR #2) and was funded through the EPA Brownfield Assessment Grant. The Phase I ESA attempted to: (1) identify recognized environmental conditions (RECs) or historical circumstances that may be of environmental concern; and, (2) document evidence of the presence of

hazardous substances and/or petroleum products that may be RECs. The following RECs were identified: 1) The historical use of the site by the Haskell and Barker Car Company/Pullman Standard Car Manufacturing Company as a railroad car manufacturing/ maintenance facility including industrial activities/operations such as a railroad roundhouse/turntable, coal storage, an oil house, paint shops, sand blasting and fuel oil ASTs. 2) The current presence of site tenant Lyon LLC, a machining operation. 3) The former presence of site tenant Sandusky/Chicago Abrasive Wheel, a generator of hazardous wastes. 4) The former/current presence of off-site/adjacent machining/tooling operations of Michigan City Tool & Die (precision machinery) and MCTD Inc. (tool & die makers). 5) The former presence of off-site/adjacent Indiana Industrial Plating Inc., at 1801 Kentucky Street, a generator of hazardous wastes. In addition, a Phase II Study was performed on the Site in 2019 (report dated January 24, 2020, AR #3) to implement the recommendations identified in the Phase I Study which were to investigate the identified RECs to confirm the presence or absence of contaminants. The Phase II Study only identified high concentrations of lead (a sample reading 2,620 mg/kg taken at 0-2 ft bgs and a sample reading 1,840 mg/kg taken at 0-2 ft bgs) above the EPA commercial RMLs and was also funded by an EPA Brownfield Assessment Grant. An additional Phase II Supplement was done and found an additional sample taken at 0-3 ft bgs with high concentrations of lead (12,100 mg/kg) exceeding the EPA commercial RMLs.

2. Current actions

The Removal Site Assessment has been completed for 1100 West Barker Ave. No activities are currently being conducted.

C. State and Local Authorities' Roles

1. State and local actions to date

As noted in Section II.B.1, Phase I and Phase II assessments were done by the City under EPA grants. Additionally, IDEM sent a letter to EPA on February 7, 2023 requesting EPA assistance regarding this Site (AR #6). Michigan City has provided EPA with access to sample an adjacent property it owns.

2. Potential for continued State/local response

IDEM and the City of Michigan City both lack the resources to undertake the removal action proposed in this Action Memorandum.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Site meet the criteria for a time-critical removal action, as set forth in 40 C.F.R. § 300.415(b)(1) in that “there is a threat to public health or welfare of the United States or the environment,” and in consideration of the factors set forth in 40 C.F.R. §300.415(b)(2) as described below.

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [§300.415(b)(2)(i)].

As has been stated previously in this memorandum, lead was detected in the surface soils at the Sandusky Abrasives Site. The lab results from most of the surface soil sampling indicate the presence of hazardous substances at concentrations well exceeding EPA RMLs. Lead has the potential to be released from this Site by means such as tracking, surface runoff, and wind dispersion. Results also found four samples were above TCLP criteria, which verifies the presence of uncontrolled characteristically hazardous waste at the ground surface. Potential health effects are found in the Agency for Toxic Substances and Disease Registry’s (AR #4) Toxicological Profile which are included in the Administrative Record for this Site.

Lead

The effects of lead are the same whether it enters the body through inhalation or ingestion. Lead can affect almost every organ and system in the body. The main target for lead toxicity is the nervous system, both in adults and children. Long-term exposure of adults can result in decreased performance in some tests that measure functions of the nervous system. It may also cause weakness in fingers, wrists, or ankles. Lead exposure also causes small increased in blood pressure, particularly in middle-aged and older people and can cause anemia. Exposure to high lead levels can severely damage the brain and kidneys in adults or children and ultimately cause death. In pregnant women, high levels of exposure to lead may cause miscarriage. High level exposure in men can damage the organs responsible for sperm production.

The Department of Health and Human Services has determined that lead and lead compounds are reasonably anticipated to be human carcinogens and the EPA has determined that lead is probably a human carcinogen. The International Agency for Research and Cancer has determined that inorganic lead is probably carcinogenic to humans and that there is insufficient information to determine whether organic lead compounds will cause cancer in humans.¹

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate [§300.415(b)(2)(iv)].

The lead contamination is widespread across the Site. EPA sampling results found lead in surface soil concentrations that exceed the EPA RML (with highest result of 6,946 mg/kg at 0-1

¹ Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Health and Human Services, Public Health Service, Toxicological Profile for Lead, August 2020.

foot bgs).

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [§300.415(b)(2)(v)].

As there are high levels of lead in surface soil, the potential for migration is high. During times of heavy precipitation or snow melt runoff, surface water could carry soil particles containing lead. These particles may be redistributed and may reach neighboring residential properties. During dry conditions, windblown dust or soil, also affixed with lead particles, will be spread and redistributed. During these types of conditions, there is also a higher chance of inhalation of these particles.

The availability of other appropriate Federal or State response mechanisms to respond to the release [§300.415(b)(2)(vii)].

IDEM has indicated that they currently do not possess the resources to abate this potential imminent hazard. Therefore, they are requesting assistance from the EPA to respond to this release.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances or pollutants or contaminants from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment. In accordance with OSWER Directive 9360.0-34 (August 19, 1993), an endangerment determination is made based on "appropriate Superfund policy or guidance, or on collaboration with a trained risk assessor," which is outlined and discussed in Section III above. "Appropriate sources include, but are not limited to, relevant action level or clean-up standards, ATSDR documents or personnel, or staff toxicologists." In this case, EPA relied on RMLs for contaminated soils to determine risk at the site.

V. EXEMPTION FROM STATUTORY LIMITS

Section 104(c) under CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), limits a Federal response action to \$2 million unless response actions meet emergency and/or consistency exemptions. Based on cost accounting at other lead removal sites and the significant amount of contaminated soil exceeding the action level, the total cost is expected to exceed \$2 million.

Site conditions warrant the \$2 million exemption based on the emergency exemption.

Emergency Exemption:

A There is an immediate risk to public health or welfare or the environment;

Concentrations of lead in soil represent an immediate risk to public health. As documented in the *Removal site evaluation* section, EPA detected lead above the RML at multiple sample locations on the Site property. The highest lead concentration found was 6,946 mg/kg at 0-1 foot bgs. Lead-contaminated soil may migrate or come into direct contact with human receptors. Exposure may occur from direct ingestion of soil on the Site, soil tracked indoors, or house dust, and inhalation of fugitive dust.

B Continued response actions are immediately required to prevent, limit, or mitigate an emergency;

The high concentrations of lead in soil constitute an imminent threat to human health, as documented above. Continued response actions are immediately required to mitigate exposure to nearby residents to hazardous substances through the soil pathway. The response actions will prevent, limit, and mitigate threats to human health.

C Assistance will not otherwise be provided on a timely basis.

On February 7th, 2023, IDEM requested assistance from EPA to address the Site's potential threats to the community. On April 11th, 2024, IDEM indicated it does not have the resources to conduct this work. Without a time-critical removal action by EPA, assistance will not otherwise be provided on a timely basis.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this Action Memorandum directly address actual or potential releases of hazardous substances at the Site, which may pose an imminent and substantial endangerment to public health or welfare or the environment. Removal activities will include:

- Developing a Health and Safety Plan, Air Monitoring Plan, and Site Work Plan, and other applicable plans;
- Conducting dust control and air monitoring activities, as necessary, to prevent off-site migration of dust during removal activities;
- Conducting sampling of nearby residential properties to determine extent of contamination off-site;
- Performing public communications and outreach activities;
- Providing site security;

- Excavating soil contaminated with lead at concentrations above the commercial RMLs or down to a maximum depth of one foot below grade, backfilling and vegetating (grass seed, sod, etc.) as appropriate;
- Installing temporary fencing around excavated areas until backfilled to grade and/or contaminated soil is made inaccessible;
- Performing post-excavation confirmation sampling and analysis, as necessary;
- Establishing and maintaining temporary staging and stockpile area(s), for excavated soil while awaiting disposal;
- Removing hazardous substances and disposing at an appropriately licensed off-site facility, in conjunction with the EPA off-site rule (40 C.F.R. § 300.440); and
- Taking any necessary response action to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA On-Scene Coordinator determines may pose an imminent and substantial endangerment to public health or the environment.

The response action proposed herein will mitigate the threats at the Site by properly identifying, consolidating, and packaging hazardous substances, pollutants and contaminants on-site. The consolidated materials will be removed and ultimately disposed of off-site. This response action will be conducted in accordance with Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1) and Section 300.415 of the NCP, 40 C.F.R. § 300.415, to abate or eliminate the immediate threat posed to public health and/or the environment by the presence of the hazardous substances. The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for the provision of post-removal Site control consistent with 40 C.F.R. § 300.415(l) of the NCP. However, elimination of hazardous substances, pollutants and contaminants that pose a substantial threat of release are expected to greatly minimize substantial requirements for post-removal Site controls.

The response actions described in this Action Memorandum directly address actual or potential releases of hazardous substances at the Site and adjacent properties, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment.

Off-Site Rule

All hazardous substances, pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage and disposal shall be treated, stored, or disposed at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

2. Community relations

EPA has assigned a Community Involvement Coordinator and will continue coordinating with IDEM and the City of Michigan City to prepare outreach materials as necessary to inform the public of EPA activities as they progress.

3. Contribution to remedial performance

The proposed action will not impede future actions based on available information. However, no long-term remedial actions are anticipated for this site.

4. Engineering Evaluation/Cost Analysis (EE/CA)

Not applicable. 40 C.F.R. 300.415(a)(4) does not require an EE/CA when less than a six-month planning period exists before the on-site response must be initiated.

5. Applicable or relevant and appropriate requirement (ARARs)

EPA will comply with all applicable, relevant, and appropriate requirements (ARARs) to the extent practicable considering the exigencies of the situation. However, as set forth at Section 121(e) of CERCLA, actions conducted on-site are exempt from permitting requirements.

Based on proposed Site work, the following are potential Federal ARARs:

- a. Hazardous substances, pollutants or contaminants removed off-Site pursuant to this response action for treatment, storage or disposal shall be treated, stored, or disposed at a facility in compliance with the EPA Off-Site Rule, 40 C.F.R. § 300.440, as determined by EPA,
- b. Subtitle D of RCRA, 42 U.S.C. § 6901, *et seq.*, specifically RCRA Section 1008 and RCRA Section 4001, *et seq.*, regulates the management of nonhazardous solid waste.
- c. Subtitle C of RCRA, 42 U.S.C. § 6901 *et seq.*, and regulations at 40 C.F.R. Part 260 *et seq.*, implement federal and state regulations for contaminated soil that exhibits the characteristic of toxicity and is considered RCRA hazardous waste.
- d. 40 C.F.R. §§ 50.6 and 50.12 establish national ambient air quality standards for air quality pertaining to particulate matter and lead. Engineering controls will be used at the Site to achieve those standards.

- e. 49 U.S.C. § 5101 *et seq.* regulates the transportation of hazardous waste and hazardous substances by aircraft, railcars, vessels, and motor vehicles to or from a site.
- f. 29 C.F.R. § 1910 promulgates occupational safety and health standards for hazardous waste operations and emergency responses. It regulates cleanup operations at uncontrolled hazardous waste sites.

On March 8, 2024, a letter was sent to IDEM's, Federal Programs Section, Remediation Service Branch requesting that the State identify applicable ARARs. IDEM responded with their list of ARARs on March 19, 2024 (AR #9). EPA will consider and implement the submitted ARARs, as appropriate. EPA identified the following potential State ARARs:

- a. Pursuant to 326 Indiana Administrative Code (IAC) 6-4-2(4), visible fugitive dust must not cross an adjacent property line.
- b. Pursuant to 326 Indiana Administrative Code (IAC) 6-4-4, any vehicle driven on any public right of way must not allow its contents to escape and form fugitive dust.

IDEM Chemical Specific ARARs

- a. 329 IAC 3.1 regulates the management of hazardous wastes. Indiana rule 329 IAC 3.1-1-1 adopts RCRA regulations of 40 CFR 260 through 40 CFR 270.
- b. 329 IAC 10 regulates the management of solid wastes.
- c. 329 IAC 10-7.2-1 requires all wastes to undergo a waste determination, and if found to be nonhazardous, be disposed of in a permitted solid waste disposal facility.

6. Project Schedule

The removal activities identified in this Action Memorandum are expected to require six months or 150 working days to complete.

7. Estimated Costs

Regional Removal Allowance Costs:

Total Cleanup Contractor Costs	\$2,309,880
(This cost category includes estimates for: ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies.	

Other Extramural Costs Not Funded from the Regional Allowance:

Total START, including multiplier costs	\$673,800
Subtotal, Extramural Costs	\$2,983,680
Extramural Costs Contingency (15% of Subtotal, Extramural Costs)	\$447,552
TOTAL REMOVAL ACTION PROJECT CEILING	\$3,431,232

The response actions described in this memorandum directly address the actual or threatened release of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health, welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances on-site, the potential exposure pathways to nearby populations described in Sections II, III, and IV above, and the threatened release of hazardous substances from the Site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare or the environment.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

For administrative purposes, information concerning confidential enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

Contractor Costs	EPA Costs	R5 Indirect Cost Rate	Total Costs	Eligible Cost Recovery
(\$3,431,232	+ \$108,000)	+ (53.23%	x \$3,539,232)	= \$5,423,165

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$5,423,165.²

² Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2,

IX. RECOMMENDATION

This decision document represents the selected removal action for the Sandusky Abrasives Site in Michigan City, LaPorte County, Indiana. This document has been developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site (Attachment II). Conditions at the Site met and continue to meet the NCP section 300.415(b) criteria for a TCRA. The total removal project ceiling, if approved, will be \$3,431,232. Of this, an estimated \$2,757,432 may be used for the cleanup contractor costs. Conditions at the Site meet the 40 C.F.R. 400.415(b) criteria for a removal and the CERCLA section 104(c) emergency exemption from the \$2 million limitation. I recommend your approval of the proposed Time-Critical Removal Action and \$2 million exemption in this Action Memorandum.

You may indicate your decision by signing below.

Approve:

9/6/2024

X Douglas Ballotti

Douglas Ballotti, Director
Superfund Emergency Management Division
Signed by: DOUGLAS BALLOTTI

Disapprove:

X

Douglas Ballotti, Director
Superfund Emergency Management Division

2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Enforcement Addendum

Appendices:

Figure A: Site Location

Figure B: Site Layout

Appendix A: Photographic Documentation Log

Appendix B: Environmental Justice (EJ) Screen

Attachments:

- 1: Detailed Cleanup Contractor Estimate
- 2: Independent Government Cost Estimate (IGCE)
- 3: Photographic Documentation Log
- 4: Environmental Justice (EJ) Screen
- 5: Administrative Record Index

cc: S. Ridenour, U.S. EPA, 5104A (Ridenour.steve@epa.gov)
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NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

ENFORCEMENT ADDENDUM

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FOUR PAGES

ENFORCEMENT CONFIDENTIAL

NOT SUBJECT TO DISCOVERY FOIA

EXEMPT

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

**FIGURE 1
SITE LOCATION MAP
SANDUSKY ABRASIVES SITE
MICHIGAN CITY, LAPORTE COUNTY, INDIANA**

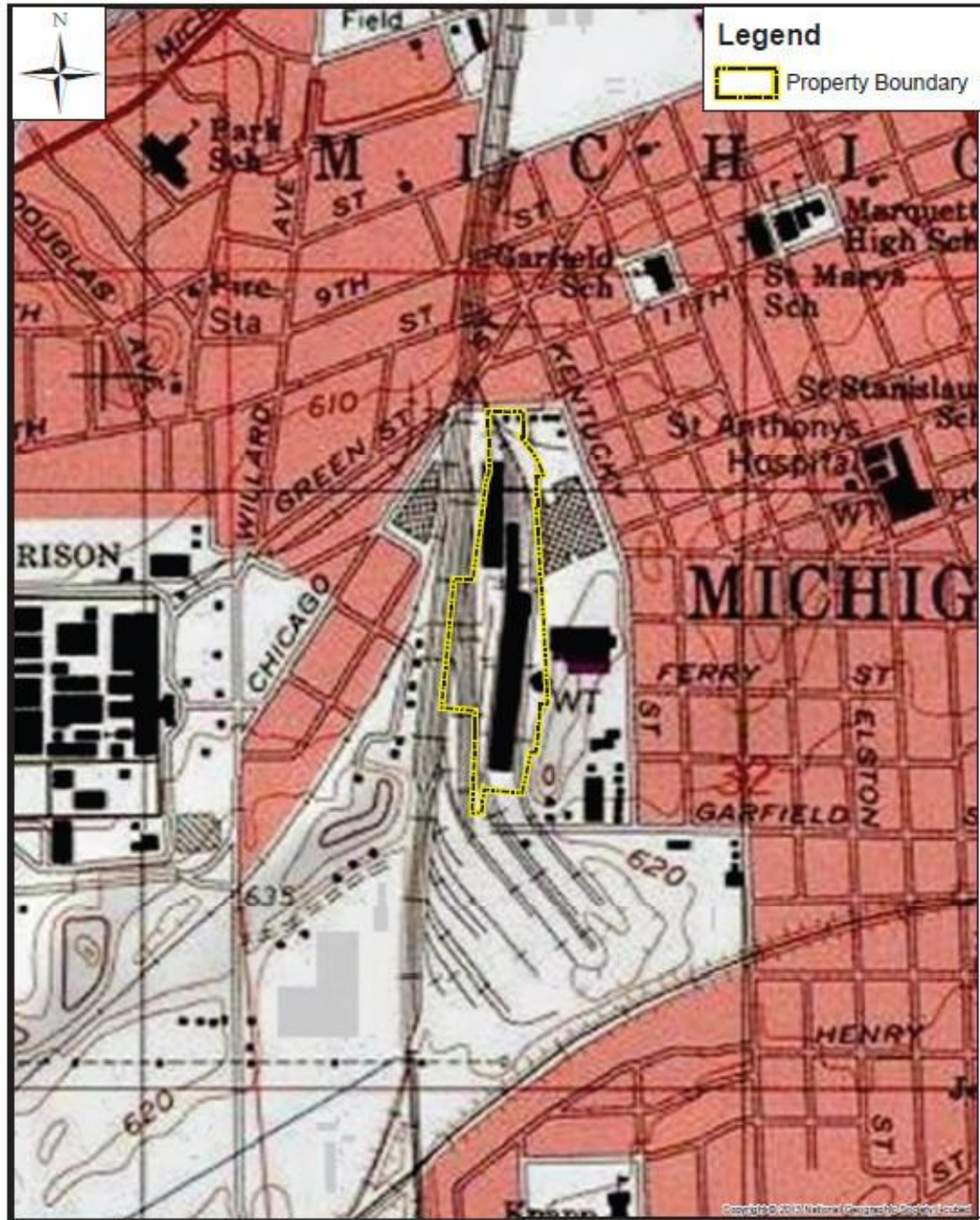


FIGURE 2
SITE LAYOUT MAP
SANDUSKY ABRASIVES SITE

MICHIGAN CITY, LAPORTE COUNTY, INDIANA



ATTACHMENT 1

ATTACHMENT 1

DETAILED CLEANUP

**CONTRACTOR COSTS
ESTIMATE**

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SELECTION OF

REMOVAL ACTION

ATTACHMENT 2

**INDEPENDENT GOVERNMENT COST
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OF REMOVAL ACTION**

**ATTACHMENT 3
PHOTOGRAPHIC DOCUMENTATION LOG
SANDUSKY ABRASIVES SITE
MICHIGAN CITY, LAPORTE COUNTY, INDIANA**

Photograph 1

Orientation: South

Date: May 5, 2023

Description: The north side of the abandoned industrial building on site during the site walk conducted by the Superfund Technical Assessment and Response Team (START)



Photograph 2

Orientation: North

Date: May 5, 2023

Description: The north side interior of the abandoned industrial building on site during the site walk conducted by START



Photograph 3

Orientation: North

Date: May 5, 2023

Description: The east side of the abandoned industrial building on site and the east side of site with a fill-based drive (suspect slag) during the site walk conducted by START



Photograph 4

Orientation: North

Date: May 5, 2023

Description: Close-up view of the drive on the east side of the site constructed with suspect slag-based fill and historical rtail ties



Photograph 5

Orientation: West

Date: May 5, 2023

Description: The south side of the abandoned industrial building on site during the site walk conducted by START



Photograph 6

Orientation: Northwest

Date: May 5, 2023

Description: The southeastern side of the abandoned industrial building on site during the site walk conducted by START



Photograph 7

Orientation: North

Date: May 5, 2023

Description: The western side of the abandoned industrial building on site during the site walk conducted by START; portion of the fire-damaged area of the site building visible



Photograph 8

Orientation: Southeast

Date: May 5, 2023

Description: View of a portion of the fire damage in the southern area of the site building



Photograph 9

Orientation: North

Date: May 5, 2023

Description: View of a portion of the fire damage in the southern area of the site building



Photograph 10

Orientation: Southwest

Date: May 5, 2023

Description: The eastern side of the abandoned industrial building on site during the site walk conducted by START



Photograph 11
Orientation: South
Date: May 5, 2023
Description: The
northern portion of the
site



Photograph 12
Orientation: North
Date: May 5, 2023
Description: The
northern portion of the
site



Photograph 13

Orientation: Overview

Date: June 19, 2023

Description: Sample Location SA-02 boring from 5–10 feet below the ground surface (bgs), prepped for logging and sampling



Photograph 14

Orientation: East

Date: June 20, 2023

Description: View of the typical field setup for soil boring logging, sample collection, and screening



Photograph 15
Orientation: Southwest
Date: June 20, 2023
Description: View of the drilling contractor drilling a boring on the north side of the site



Photograph 16
Orientation: Overview
Date: June 22, 2023
Description: Suspect slag drive base from 0–1 foot bgs in the 0–5 feet bgs boring at Sample Location SA-46



Photograph 17

Orientation: Overview

Date: June 22, 2023

Description: Suspect slag fill from 0–1.5 foot bgs in the 0–5 feet bgs boring at Sample Location SA-53



Photograph 18

Orientation: South

Date: June 23, 2023

Description: Two locked and secured drums containing investigation-derived waste on the north side of the site building; one drum contains water from decontamination, the other contains the excess soil from sampling activities



ATTACHMENT 4
ENVIRONMENTAL JUSTICE SCREEN
SANDUSKY ABRASIVES SITE
MICHIGAN CITY, LAPORTE COUNTY, INDIANA



EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

Michigan City, IN

1 mile Ring Centered at 41.704031,-86.908561

Population: 10,849

Area in square miles: 3.14

A3 Landscape



April 19, 2024
Community Worksheet
Sheet 13 (Total: 34/37)

0 0.25 0.5 1 1.25 1.5 2 miles
Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021
Data as of: 12/31/2021
Michigan City, IN 46360

COMMUNITY INFORMATION



BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race.
Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	97%
Spanish	2%
Total Non-English	3%

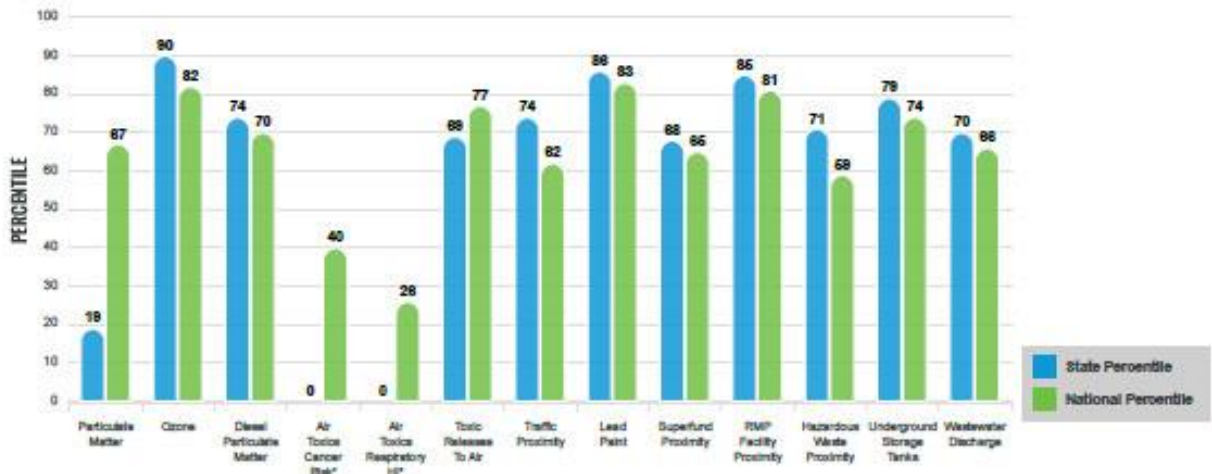
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

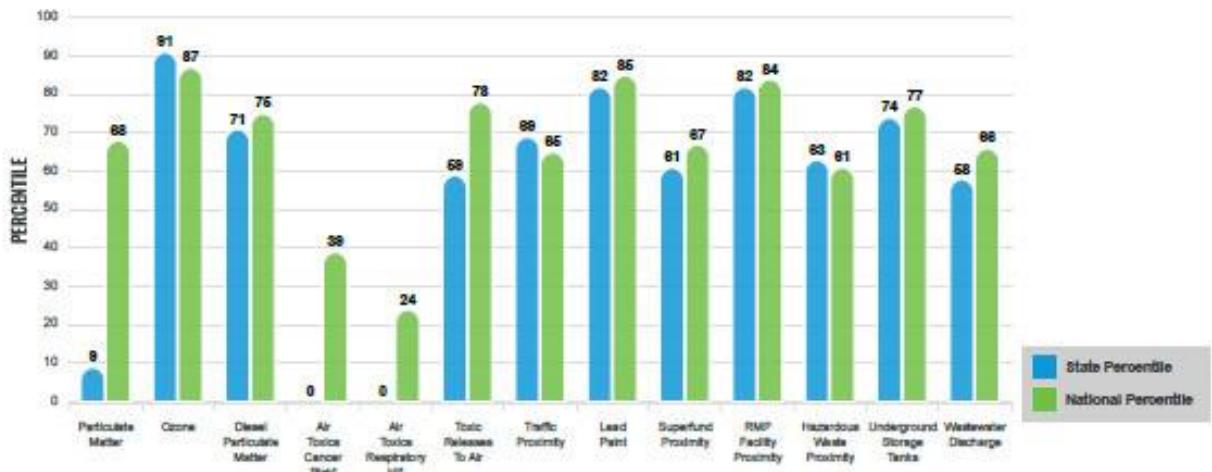
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 1 mile Ring Centered at 41.704031,-86.908561

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter ($\mu\text{g}/\text{m}^3$)	8.25	8.98	7	8.08	51
Ozone (ppb)	67.4	61.4	99	61.6	87
Diesel Particulate Matter ($\mu\text{g}/\text{m}^3$)	0.27	0.259	59	0.261	62
Air Toxics Cancer Risk* (lifetime risk per million)	20	21	0	25	5
Air Toxics Respiratory HI*	0.2	0.25	0	0.31	4
Toxic Releases to Air	1,500	16,000	42	4,600	67
Traffic Proximity (daily traffic count/distance to road)	93	96	67	210	55
Lead Paint (% Pre-1960 Housing)	0.7	0.38	82	0.3	86
Superfund Proximity (site count/km distance)	0.057	0.17	42	0.13	48
RMP Facility Proximity (facility count/km distance)	1	0.51	85	0.43	88
Hazardous Waste Proximity (facility count/km distance)	0.32	1	49	1.9	43
Underground Storage Tanks (count/km ²)	5	32	76	3.9	77
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.0012	200	42	22	50
SOCIOECONOMIC INDICATORS					
Demographic Index	40%	27%	78	35%	64
Supplemental Demographic Index	17%	14%	69	14%	68
People of Color	44%	22%	83	39%	62
Low Income	42%	32%	70	31%	72
Unemployment Rate	8%	5%	76	6%	73
Limited English Speaking Households	0%	2%	0	5%	0
Less Than High School Education	18%	11%	80	12%	77
Under Age 5	4%	6%	38	6%	42
Over Age 64	10%	17%	25	17%	27
Low Life Expectancy	24%	21%	80	20%	88

*Cancer/particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/air-toxics-data-update>

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	14
Air Pollution	2
Brownfields	3
Toxic Release Inventory	1

Other community features within defined area:

Schools	3
Hospitals	2
Places of Worship	0

Other environmental data:

Air Non-attainment	Yes
Impaired Waters	Yes

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CJST)" disadvantaged community	Yes
Selected location contains an EPA IRA disadvantaged community	Yes

Report for 1 mile Ring Centered at 41.704031, -86.906561

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	24%	21%	80	20%	88
Heart Disease	7.1	6.8	56	6.1	69
Asthma	10.8	10.4	72	10	75
Cancer	5.3	6.4	17	6.1	29
Persons with Disabilities	12.9%	14.5%	42	13.4%	52

CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	9%	9%	65	12%	60
Wildfire Risk	0%	2%	0	14%	0

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	24%	16%	78	14%	81
Lack of Health Insurance	10%	8%	71	9%	67
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	Yes	N/A	N/A	N/A	N/A

Report for 1 mile Ring Centered at 41.704031,-85.908561

**ATTACHMENT 5
ADMINISTRATIVE RECORD
SANDUSKY ABRASIVES SITE
MICHIGAN CITY, LAPORTE COUNTY, INDIANA**

**ORIGINAL
MAY 2024
SEMS ID:**

<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	985962	10/1/07	ATDSR	General Public	ToxGuide Facts for Arsenic CAS# 7440-28-2	2
2	990254	6/17/19	Environmental Incorporated	Sanitary District of Michigan City, Indiana	Report - Regarding Phase I Environmental Assessment at the Sandusky Abrasives Site	355
3	990255	1/24/20	BCA Environmental Consultants	Sanitary District of Michigan City, Indiana	Report - Regarding Phase II Environmental Assessment at the Sandusky Abrasives Site	334
4	985963	8/1/20	ATDSR	General Public	ToxGuide Facts for Lead Poising	2
5	990257	3/11/21	BCA Environmental Consultants	Sanitary District of Michigan City, Indiana	Report - Regarding 2nd Supplemental Phase II Environmental Site Assessment at the Sandusky Abrasives Site	347
6	990256	2/7/23	IDEM	U.S. EPA	Email - Regarding Potential Removal Site at the Sandusky Abrasives Site	2
7	985966	11/1/23	Pallardy, P., Tetra Tech	Allen, J. U.S. EPA	Report - Summary Revision 0 Sandusky Abrasives Site Michigan City, La Porte County, Indiana - EPA Contract Number 68HE0519D0005	611

8	985965	11/1/23	Lapaich, A., Corporate Counsel Michigan City, IN	Allen, J. U.S. EPA	Email - Confirmation that the Redevelopment Commission of Michigan City, IN Has No Future Plans or has Allocated any Funding for the Clean-up of the Sandusky Abrasives Site	5
9	990258	3/19/24	Petroff, D., IDEM	Allen, J. U.S. EPA	Letter - Regarding Applicable or Relevant and Appropriate Requirements (ARARs)	2
10	985964	4/11/24	Fliss, J., IDEM	Allen, J. U.S. EPA	Email - Regarding a Potential Removal at the Sandusky Abrasives Site	2
11	*****	*****	*****	*****	Action Memorandum (Pending)	***