

RCRA-05-2019-0003

Appendix B

Final Decision
Soil, Surface Water, Sediment and
Groundwater Cleanup for
DuPont Facility Natural Area and Buffer
Zone
October 6, 2014



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

US EPA RECORDS CENTER REGION 5



1003496

REPLY TO THE ATTENTION OF

OCT - 7 2014

LU-9J

East Chicago Public Library
Robert A. Pastrick Branch
1008 W. Chicago Avenue
East Chicago, Indiana 46312

Dear Sir or Madam:

Enclosed are United States Environmental Protection Agency records for the environmental cleanup at the DuPont Facility Natural Area and Buffer Zone located at 5215 Kennedy Avenue in East Chicago. Please add this Final Decision document to the records already available to the community at your library.

Thank you for your time and assistance. I can be reached at 312-886-1484 or by e-mail at dodds.jennifer@epa.gov, if you have any questions.

Sincerely,



Jennifer Dodds
Project Manager

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 30 2014

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: DuPont Facility Natural Area and Buffer Zone Final Decision Document

FROM: Jose G. Cisneros, Chief
Remediation and Reuse Branch

TO: Margaret M. Guerriero, Director
Land and Chemicals Division

I recommend you sign this Final Decision (FD) which identifies the final remedies selected for the DuPont Facility Natural Area and Buffer Zone (DuPont) located in East Chicago, Indiana, pursuant to the Resource Conservation and Recovery Act (RCRA) Section 3008(h). Included in this FD is a summary of conditions found at the Facility, the risks posed by those conditions, the interim measures taken, and the final corrective action alternatives that EPA has selected. Additional details relating to the Site conditions, the measures taken and all the alternatives considered are available in the Statement of Basis issued by EPA in August 2014. Prior to issuing this FD, EPA presented the Statement of Basis to the public and stakeholders for review and comment from August 13, 2014- September 12, 2014. No comments were received by EPA during the public comment period.

EPA is selecting the following remedy to address contaminated soil, surface water, sediment, and groundwater in the Natural Area and Buffer Zone:

- *Soil, Surface Water, and Sediment - A combination of treatment and disposal, monitoring, and no immediate action consistent with the Conservation Easement and continued protection of rare, threatened or endangered plant and wildlife species.*
- *Groundwater - Monitoring and no immediate action consistent with the Conservation Easement and protection of rare, threatened or endangered plant and wildlife species.*
- *Voluntary Habitat Restoration.*
- *Institutional Controls - Record an Enforceable Environmental Covenant to restrict site activities.*
- *Financial Assurance - Provide funds to complete the remedy including long-term OM&M.*

- *A Statement of Basis and Final Decision/Response to Comments document will be developed for the remaining industrial portion of the facility at a later date.*

Attachment

Final Decision

**Soil, Surface Water, Sediment and
Groundwater Cleanup**

For

**DuPont Facility
Natural Area and Buffer Zone**

East Chicago, Indiana

EPA I.D. No. IND 005 174 354

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
FINAL DECISION**

September 2014

DuPont Facility
Natural Area and Buffer Zone
East Chicago, Indiana
EPA ID #: IND 005 174 354

INTRODUCTION

The U.S. Environmental Protection Agency (EPA), Region 5, presents this Final Decision (FD), which identifies the final remedies selected for the DuPont Facility Natural Area and Buffer Zone located in East Chicago, Indiana, pursuant to the Resource Conservation and Recovery Act (RCRA) Section 3008(h). Included in this FD is a summary of conditions found at the facility, the risks posed by those conditions, the interim measures taken, and the final corrective action alternatives that EPA has selected. Additional details relating to the Site conditions, the measures taken and all the alternatives considered are available in the Statement of Basis (Attachment 1) issued by EPA in August 2014. Prior to issuing this FD, EPA presented the Statement of Basis to the public and stakeholders for review and comment from August 13, 2014- September 12, 2014. No comments were received by EPA during the public comment period.

SELECTED REMEDIES

EPA is selecting the following remedy to address contaminated soil, surface water, sediment, and groundwater in the Natural Area and Buffer Zone:

- *Soil, Surface Water, and Sediment - A combination of treatment and disposal, monitoring, and no immediate action consistent with the Conservation Easement and continued protection of rare, threatened or endangered plant and wildlife species.*

Dispose of approximately 77,000 cubic yards of interim remedial measure (IRM) excavated soil/sediment stockpiled on-site within an Area of Contamination (AOC) in or near the existing on-site solid waste landfill. The approximately 5,800 cubic yards of IRM soil identified as hazardous waste that exhibits the toxicity characteristic for lead will be treated in the AOC and rendered non-hazardous before placement into the landfill. The treated waste may be required to meet the Indiana Department of Environmental Management (IDEM) restricted waste sites waste criteria found at 329 IAC 10-9-4. The landfill design, closure, and post-closure requirements may be subject to IDEM Article 10 Solid Waste Land Disposal Facilities requirements.

DuPont will perform monitoring of plant communities, surface water, and soil/sediment in the Natural Area, Buffer Zone, and former industrial property consistent with the long-term monitoring plan provided in the DuPont July 2013 Natural Area Evaluation, Risk Assessment, and Monitoring Plan, as modified by EPA. Modifications include coverage for all major swales and long-term groundwater monitoring of the Natural Area and Buffer Zone to ensure that water quality standards are being met and to assess the relationship between groundwater elevations and quality with surface water and soil/sediment present in the swales. Baseline soil and sediment conditions were established during confirmation sampling which was conducted following completion of the remedial measures for each area as documented in the *2013 Interim Remedial Measures, Buffer Zone Area Completion Report*. This baseline and subsequent five year monitoring program for soil, sediment, and water quality will be evaluated to determine whether conditions are constant relative to baseline conditions or if significant changes are occurring compared to baseline conditions due to runoff, soil erosion, or groundwater migration.

DuPont will prepare an assessment report which will indicate whether statistically significant differences in water quality parameters are observed in the monitoring stations over the five year monitoring period. Monitoring beyond 2018 will continue at sampling locations if a significant trend in increasing concentrations is determined for a given monitoring parameter. Additional soil and sediment data will also be collected in the vicinity of areas showing increased trends to determine potential contaminant sources. If no significantly increasing trend is observed, then the monitoring will cease after five years.

In consideration of the rare, threatened or endangered plant and wildlife species present at the site and the active habitat restoration performed by IDNR and TNC, there are no immediate actions planned to further address the soil/sediment and surface water in the Natural Area and Buffer Zone that do not meet cleanup goals. However, if monitoring or new information indicates that habitat at or near the Natural Area continues to be contaminated by runoff, soil erosion, and/or groundwater migration, DuPont will collect additional data to determine the potential contaminant sources and will identify and implement additional soil/sediment or groundwater remedial activities to protect the environment provided these additional activities do not detrimentally impact the rare, threatened or endangered plant and wildlife species present and their sensitive habitat.

- *Groundwater - Monitoring and no immediate action consistent with the Conservation Easement and protection of rare, threatened or endangered plant and wildlife species.* Perform monitoring of plant communities, surface water, and soil/sediment in the Natural Area, Buffer Zone, and former industrial property consistent with the long-term monitoring plan provided in the DuPont July 2013 Natural Area Evaluation, Risk Assessment, and Monitoring Plan, as modified by EPA. Modifications include coverage

for all major swales and long-term groundwater monitoring of the Natural Area and Buffer Zone to ensure that water quality standards are being met and to assess the relationship between groundwater elevations and quality with surface water present in swales.

If the monitoring program or any new information shows that contaminated groundwater migration continues to impact areas at or near the Natural Area, DuPont will identify and implement additional remedial activities that control groundwater contaminant migration sufficiently to be protective of the environment and rare, threatened or endangered plant and wildlife species, and their sensitive habitat.

- *Voluntary Habitat Restoration.*

DuPont voluntarily agrees to provide funding through at least 2017 to the TNC for continued habitat restoration of the Natural Area and where appropriate, the Buffer Zone. Additional restoration is also currently being performed in about 12 acres of the Natural Area as part of the Great Lakes Legacy Act sediment remediation project for the Grand Calumet River.

- *Institutional Controls - Record an Enforceable Environmental Covenant to restrict site activities.*

DuPont will record an EPA-approved environmental covenant with the Lake County Recorder of Deeds to restrict future land use, access, groundwater use, and excavations considering the landfill boundaries and identified metals contamination in environmental media, and will provide that the State or EPA may enforce the covenant.

In addition, DuPont has installed and will maintain a six-foot high chain-link permanent fence at the western boundary of the Buffer Zone. The purpose of the fence is to separate the area being restored by TNC workers from that portion of the former industrial property where access is restricted and land use will remain industrial.

The Buffer Zone was remediated by the IRM and DuPont has demonstrated that conditions there do not pose an unacceptable risk to people, plants, and/or wildlife using criteria established in the risk assessments. DuPont may add the Buffer Zone or a portion of the area to the Natural Area conservation easement, if they so desire.

- *Financial Assurance - Provide funds to complete the remedy including long-term operation, maintenance, and monitoring (OM&M).*

The total estimated cost of EPA's proposed remedy is approximately \$8 million. DuPont is required to provide financial assurance to ensure that the proposed remedy can be

implemented over its expected lifetime of 30 years. DuPont will provide an updated cost estimate for implementation of the final remedy to EPA for approval pursuant to 40 CFR §§ 264.142 and 264.144 including the construction and long-term operation, maintenance, and monitoring (OM&M). Upon EPA approval of the updated cost estimate, DuPont will provide financial assurance using the option(s) allowed for at 40 CFR §§ 264.143 and 264.145.

FACILITY BACKGROUND

The DuPont facility is located at 5215 Kennedy Avenue in East Chicago, Lake County Indiana. The Natural Area and Buffer Zone subject to this SB comprise the 195-acre eastern portion of the overall DuPont facility. An industrial area along Gary and Cline Avenues roughly forms the eastern and northern boundary, Grand Calumet River the southern boundary, and the former DuPont manufacturing area the western boundary (*see figure*). Land use near the Natural Area and Buffer Zone is mostly industrial with a residential area (Riley Park community of East Chicago) to the northwest.

The IDNR Division of Natural Preserves holds a conservation easement on the 172-acre Natural Area. DuPont transferred a conservation easement of the Natural Area to IDNR as part of the settlement of the natural resource damage claim with the State and Federal Natural Resource Trustees for the East Branch of the Grand Calumet River. TNC has managed the Natural Area since 1999 and DuPont has agreed to voluntarily fund restoration work at the site through 2017.

On June 17, 1997, DuPont signed a RCRA Corrective Action Administrative Order on Consent (Order) with EPA to conduct a RCRA Facility Investigation (RFI) to determine the nature and extent of any releases of hazardous waste and/or hazardous constituents at or from the facility and a Corrective Measures Study (CMS) to identify and evaluate alternatives for the corrective action necessary to prevent or mitigate their migration. The Order also provides that DuPont may initiate IRMs to control immediate threats to human health and the environment and/or minimize the spread of contaminants prior to implementing a final remedy.

DuPont sample results from the Buffer Zone and Natural Area in 2011 identified immediate risks to the Natural Area environment. DuPont proposed an IRM cleanup plan to immediately address these unacceptable environmental risks. IDEM, IDNR, TNC, FWS, and ACE reviewed and supported the proposed plans. In February 2012, DuPont submitted a technical memorandum to EPA detailing the risk reduction associated with the proposed IRM activities. EPA provided comments and the final IRM plans were approved and implemented in August 2012. As part of the IRM, DuPont removed 77,000 cubic yards of contaminated soils from 20 acres of Buffer Zone and the Natural Area. The IRM is supported by the Administrative Record. An Index to the Administrative Record is attached to this SB.

With EPA concurrence, DuPont undertook the IRM to protect the Natural Area while the long-term corrective measures for the industrial property at the facility continued to be evaluated and developed. A CMS for the entire facility is being prepared by DuPont for submittal in 2014. A SB for the entire DuPont facility will be prepared by EPA after review of the CMS.

RCRA Facility Investigation Results

An RFI was conducted to fully characterize the nature and extent of contamination at the Natural Area and Buffer Zone. DuPont analyzed soils for metal contamination (i.e., aluminum, antimony, arsenic, barium, boron, cadmium, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, titanium, vanadium, and zinc). Cadmium, lead, and zinc were used as the main indicators of contamination due to their prevalence at the site and the identified exceedances of the risk-based reference concentrations (RBRC) for these metals. The RBRC were developed as cleanup goals to protect small mammals and birds in the environment at the site and vary from 0.91 to 1.82 mg/kg for cadmium, 36 to 145 mg/kg for lead, and 117 to 574 mg/kg for zinc in surface soil. Meeting the RBRC would reduce adverse effects to small mammals and birds such as the shrew, mouse, sparrow, and robin.

The RFI found that cadmium, lead, and zinc exceeded their RBRC for all four small species. Average metal concentrations in surface soil were 5.66 mg/kg for cadmium, 274 mg/kg for lead, and 1,480 mg/kg for zinc. However, these average metal concentrations in soil did not exceed the RBRC developed for larger species such as groundhog, deer, fox, goose, and hawk.

For surface water in the eight swales in the Natural Area, zinc and manganese levels in two swales exceed the toxicity reference values (TRV) developed as cleanup goals for amphibians. Of the seven swales in the Buffer Zone adjacent to the former industrial property, arsenic and zinc exceeded TRVs in one area and manganese for another.

Metals concentrations were analyzed in leaves and roots of various grasses, sedge, horsetail, and goldenrod on dune/ridge and reed, bulrush, plantain, sedge, pepper, and grass in the swale. There is generally a low transfer of metals from soil to plant tissue except for zinc in the dune/ridge habitat. The investigations also concluded that there was no direct correlation between elevated soil metals concentrations and habitat quality on either the ridge or swale. The abundance of plant species could be best explained by soil moisture and active habitat management by TNC. There was a marginal relationship between soil zinc concentrations on ridge habitat and species abundance (i.e., there may be some reduction in the number of plant species on soils with higher zinc concentrations).

SUMMARY OF FACILITY RISKS

Groundwater

Description: A groundwater divide is present beneath the middle of the former DuPont industrial property along an east-west line. Groundwater north of the divide flows north toward the Riley Park residential area of East Chicago. Groundwater south of the divide flows south to the Grand Calumet River with some eastward migration to the Natural Area. Contaminated groundwater flowing to the Natural Area may intermittently intersect the shallow water table in the swales and emerge as surface water.

Major site contaminants such as arsenic and zinc (lead was not detected) are present in groundwater beneath the Natural Area and have their highest concentrations in the western portion closest to the former industrial property and immediately downgradient of site contaminant source areas. For the five monitoring wells installed in the Natural Area, arsenic concentrations ranged from 7 to 193 ug/l and zinc concentrations ranged from non-detect to 24,000 ug/l.

Human Health Risk: The long-term cleanup goal for groundwater is based on the maximum contaminant levels for drinking water. Throughout the western-half of the Natural Area, the cleanup goal for arsenic of 10 ug/l is exceeded. The cleanup goal for zinc of 5,000 ug/l is exceeded in the western edge near the solid waste landfill. These levels of arsenic and zinc appear to be associated with the migration of site contaminants to the east from the industrial area. Groundwater at the DuPont facility is not currently used for drinking water or industrial use.

The cleanup goal is based upon potential exposure to trespassers and workers within the Natural Area. Sampling shows that the risk from exposure to all metals associated with dermal contact and ingestion of surface water in swales within the Natural Area and Buffer Zone that could mix with contaminated groundwater was low and acceptable for workers and trespassers.

Ecological Risk: The high arsenic and zinc concentrations in groundwater could contribute to potentially adverse effects for amphibians contacting surface water in swales (see surface water discussion below). The short-term cleanup goal for arsenic in groundwater discharging to surface water bodies is the Indiana chronic water quality standard for waters within the Great Lakes system of 148 ug/l. The highest values of arsenic in groundwater were 193 ug/l which exceed the cleanup goal. This slight exceedance may pose an unacceptable risk in a small portion of the Natural Area and Buffer Zone. Since nearby contaminated soils were removed in the Buffer Zone to protect the Natural Area, improvements in groundwater quality could occur in the future.

Surface Water

Description: Surface water accumulates intermittently in swales within the Natural Area. Limited surface water data from the western portion of five swales was collected prior to the IRM performed in 2012. Six wet areas in the Buffer Zone were also sampled and evaluated.

Human Health Risk: The short-term cleanup goal is based upon potential exposure to trespassers and workers within the Natural Area. Sampling shows that the risk from exposure to all metals associated with dermal contact and ingestion of surface water in swales within the Natural Area and Buffer Zone that could mix with contaminated groundwater was low and acceptable for workers and trespassers.

Ecological Risk: Metal contaminant levels in surface water were compared to TRV developed as cleanup goals that if exceeded could adversely affect amphibian species such as toads, frogs, and salamanders. TRV for chronic exposure to manganese and zinc levels were slightly exceeded in two of the Natural Area swales. Two swale areas in the Buffer Zone had exceedances of manganese in one and arsenic and zinc in another. These levels of arsenic and zinc appear to be associated with the migration of site contaminants to the east from the industrial area. These exceedances may pose an unacceptable risk in a small portion of the Natural Area and Buffer Zone. Since nearby contaminated soils were removed from the Buffer Zone to protect the Natural Area, improvements in surface water quality could occur in the future.

Soil/Sediment

Human Health Risk: The human health risk assessment determined that there are no unacceptable cancer or non-cancer risks associated with exposure to metal concentrations in surface soil/sediment within the Natural Area and Buffer Zone for workers and trespassers.

Ecological Risk: Risk associated with exposure to metals in surface soil/sediment within the Natural Area for nine bird and mammal species was evaluated in the baseline ecological risk assessment (BERA). For highly mobile species such as the red fox, white-tailed deer, red-tailed hawk, and Canada goose, no risk of adverse effects from exposure to surface soil/sediment was found. For small foraging range species such as the deer mouse, short-tailed shrew, American robin, and song sparrow, soil/sediment concentrations of lead, zinc, and cadmium exceeded RBRC for these species. These risks are increased if data from the Buffer Zone is included in the evaluation where average metals concentrations are higher and metals such as antimony, chromium, and copper also exceed RBRC concentrations for these species. Metals concentrations in soil/sediment within some areas of the Natural Area may pose a risk to small birds and mammals.

SUMMARY OF ALTERNATIVES CONSIDERED

The potential remedy alternatives evaluated by DuPont to address soil, surface water, sediment, and groundwater are presented below. These alternatives are discussed in the Natural Area Evaluation, Risk Assessment and Monitoring Plan dated July 22, 2013, and the Technical Memorandum dated September 11, 2013.

Contaminated Soil Removal: In 2012, DuPont excavated about 77,000 cubic yards of soils contaminated with metals impacting the Natural Area and Buffer Zone, as approved by EPA. The excavated area was contoured, seeded, and restored for habitat under the guidance of IDNR and TNC.

Contaminated Soil Disposal: Contaminated soil may be managed by one of these alternatives:

- 1) On-site treatment and disposal in an AOC within the footprint of the solid waste landfill located in the east-central portion of the former industrial property and adjacent to the Natural Area and Buffer Zone (*see figure*);
- 2) On-site treatment of the hazardous soil in an AOC and off-site disposal of all contaminated soil at a permitted off-site solid waste facility; or
- 3) Disposal of all contaminated soil off-site in permitted hazardous waste and solid waste facilities.

Monitored Natural Attenuation (MNA): The protection of small species from metals contamination could be addressed by MNA since active remedial actions would disrupt valuable habitat and detrimentally impact rare, threatened or endangered species, including the Karner blue butterfly. MNA allows natural processes to address the contamination and achieve remediation objectives within a reasonable time frame, to be documented by facility monitoring.

It is important to note that the remedy alternative proposed by DuPont for the Natural Area is not entirely consistent with the typical MNA concept and EPA guidance for MNA (OSWER Directive 9200.4-17P). For example, the potential remedy alternative in itself may not effectively reduce the dissolved concentrations and toxic forms of the metal contaminants in soil and groundwater, and it does not directly address remediation objectives for contaminated soil at certain locations on the dry sand ridges. Future remediation of the highly contaminated former industrial property may be required before MNA can be considered an effective remedy component for the Natural Area and Buffer Zone.

Habitat Restoration: DuPont will voluntarily fund TNC through 2017 to support habitat improvements in the excavated area and throughout the Natural Area and Buffer Zone. TNC will control invasive plant species and establish a diverse native plant population.

Access Controls: A fence has been constructed to restrict access to the former industrial property and contaminated soil that may pose an unacceptable risk to people and wildlife.

Monitoring: Long-term monitoring will be performed to evaluate the effectiveness of the remedy and habitat improvement actions. Monitoring would consist of soil and water sampling, and plant community characterization.

Cost: DuPont estimates the cost of these remedy alternatives over an operation, maintenance and monitoring (OM&M) period of 30 years to range from \$7.6 to \$9.8 million. The exact cost is dependent on the disposal method for the contaminated soil. Financial assurance will be provided for all remedy and OM&M costs.

SELECTED REMEDY

EPA is proposing that DuPont should implement the following remedy to address contaminated soil, surface water, sediment, and groundwater in the Natural Area and Buffer Zone:

- *Soil, Surface Water, and Sediment - A combination of treatment and disposal, monitoring, and no immediate action consistent with the Conservation Easement and continued protection of rare, threatened or endangered plant and wildlife species.*

Dispose of approximately 77,000 cubic yards of IRM excavated soil/sediment stockpiled on-site within an AOC in or near the existing on-site solid waste landfill. The approximately 5,800 cubic yards of IRM soil identified as hazardous waste that exhibits the toxicity characteristic for lead will be treated in the AOC and rendered non-hazardous before placement into the landfill. The treated waste may be required to meet IDEM restricted waste sites waste criteria found at 329 IAC 10-9-4. The landfill design, closure, and post-closure requirements may be subject to IDEM Article 10 Solid Waste Land Disposal Facilities requirements.

DuPont will perform monitoring of plant communities, surface water, and soil/sediment in the Natural Area, Buffer Zone, and former industrial property consistent with the long-term monitoring plan provided in the DuPont July 2013 Natural Area Evaluation, Risk Assessment, and Monitoring Plan, as modified by EPA. Modifications include coverage for all major swales and long-term groundwater monitoring of the Natural Area and Buffer Zone to ensure that water quality standards are being met and to assess the relationship between groundwater elevations and quality with surface water and soil/sediment present in the swales. Baseline soil and sediment conditions were established during confirmation sampling which was conducted following completion of the remedial measures for each area as documented in the *2013 Interim Remedial Measures, Buffer Zone Area Completion Report*. This baseline and subsequent five year monitoring program for soil, sediment, and water quality, will be evaluated to determine

whether conditions are constant relative to baseline conditions or if significant changes are occurring compared to baseline conditions due to runoff, soil erosion, or groundwater migration.

DuPont will prepare an assessment report which will indicate whether statistically significant differences in water quality parameters are observed in the monitoring stations over the five year monitoring period. Monitoring beyond 2018 will continue at sampling locations if a significant trend in increasing concentrations is determined for a given monitoring parameter. Additional soil and sediment data will also be collected in the vicinity of areas showing increased trends to determine potential contaminant sources. If no significantly increasing trend is observed, then the monitoring will cease after five years.

In consideration of the rare, threatened or endangered plant and wildlife species present at the site and the active habitat restoration performed by IDNR and TNC, there are no immediate actions planned to further address the soil/sediment and surface water in the Natural Area and Buffer Zone that do not meet cleanup goals. However, if monitoring or new information indicates that habitat at or near the Natural Area continues to be contaminated by runoff, soil erosion, and/or groundwater migration, DuPont will collect additional data to determine the potential contaminant sources and will identify and implement additional soil/sediment or groundwater remedial activities to protect the environment provided these additional activities do not detrimentally impact the rare, threatened or endangered plant and wildlife species present and their sensitive habitat.

Groundwater - Monitoring and no immediate action consistent with the Conservation Easement and protection of rare, threatened or endangered plant and wildlife species.

Perform monitoring of plant communities, surface water, and soil/sediment in the Natural Area, Buffer Zone, and former industrial property consistent with the long-term monitoring plan provided in the DuPont July 2013 Natural Area Evaluation, Risk Assessment, and Monitoring Plan, as modified by EPA. Modifications include coverage for all major swales and long-term groundwater monitoring of the Natural Area and Buffer Zone to ensure that water quality standards are being met and to assess the relationship between groundwater elevations and quality with surface water present in swales.

If the monitoring program or any new information shows that contaminated groundwater migration continues to impact areas at or near the Natural Area, DuPont will identify and implement additional remedial activities that control groundwater contaminant migration sufficiently to be protective of the environment and rare, threatened or endangered plant and wildlife species, and their sensitive habitat.

- *Voluntary Habitat Restoration.*

DuPont voluntarily agrees to provide funding through at least 2017 to the TNC for continued habitat restoration of the Natural Area and where appropriate, the Buffer Zone. Additional restoration is also currently being performed in about 12 acres of the Natural Area as part of the Great Lakes Legacy Act sediment remediation project for the Grand Calumet River.

- *Institutional Controls - Record an Enforceable Environmental Covenant to restrict site activities.*

DuPont will record an EPA-approved environmental covenant with the Lake County Recorder of Deeds to restrict future land use, access, groundwater use, and excavations considering the landfill boundaries and identified metals contamination in environmental media, and will provide that the State or EPA may enforce the covenant.

In addition, DuPont has installed and will maintain a six-foot high chain-link permanent fence at the western boundary of the Buffer Zone. The purpose of the fence is to separate the area being restored by TNC workers from that portion of the former industrial property where access is restricted and land use will remain industrial.

The Buffer Zone was remediated by the IRM and DuPont has demonstrated that it does not pose an unacceptable risk to people, plants, and/or wildlife using criteria established in the risk assessments. Based upon this information, EPA has no objection to DuPont adding the Buffer Zone or a portion of the area to the Natural Area conservation easement already in place.

- *Financial Assurance - Provide funds to complete the remedy including long-term OM&M.*

The total estimated cost of EPA's proposed remedy is approximately \$8 million. DuPont is required to provide financial assurance to ensure that the proposed remedy can be implemented over its expected lifetime of 30 years. DuPont will provide an updated cost estimate for implementation of the final remedy to EPA for approval pursuant to 40 CFR §§ 264.142 and 264.144 including the construction and long-term OM&M. Upon EPA approval of the updated cost estimate, DuPont will provide financial assurance using the option(s) allowed for at 40 CFR §§ 264.143 and 264.145.

PUBLIC PARTICIPATION ACTIVITIES

EPA held a public comment period from August 13, 2014 to September 12, 2014 to receive comments on the proposed remedies presented in the Statement of Basis. The Statement of Basis was available in the local repository and on EPA's website. The public was notified of this comment period through direct mailings and a newspaper advertisement. EPA did not receive any comments or requests for a public meeting during the comment period.

CORRECTIVE ACTION COMPLETE DETERMINATION

Once DuPont believes it has met its corrective action obligations, it may submit a request with supporting information to EPA Region 5 for a corrective action complete determination (CACD). Once EPA receives this request, we may issue a CACD based on the content and completeness of information provided by DuPont. At a minimum, the facility's CACD request must: 1) demonstrate that construction activities are complete, 2) demonstrate that all required institutional controls have been implemented, 3) demonstrate that the cleanup goals and objectives have been achieved.

ADMINISTRATIVE RECORD

The administrative record can be found at the local repository located within the East Chicago Public Library and at EPA's Chicago office, addresses below. Information on the DuPont facility can also be found at EPA's website, <http://www.epa.gov/region5/cleanup/rcra/dupont/> and at the following locations:

East Chicago Public Library
1008 W. Chicago Avenue
East Chicago, Indiana 46312

and

U.S. EPA, Region 5
Land and Chemicals Division Records Center
77 West Jackson Boulevard, 7th Floor
Chicago, Illinois 60604
(312) 353-5821
Hours: Mon-Fri, 8:30 a.m. - 5:00 p.m.

DECLARATION

Based on the information in this Final Decision and the Administrative Record compiled for this corrective action site, the EPA has determined that the selected remedies at the DuPont Facility Natural Area and Buffer Zone are appropriate and will be protective of human health and the environment.



Margaret M. Guerriero, Director
Land and Chemicals Division
United States Environmental Protection Agency,
Region 5

Date: 10/6/2014