



April 15, 2026

BY EMAIL ONLY

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RE: Public Comments on Proposed Plan for Interim Remedy for Residential Soil in Portion of Federated Metals Corp. Superfund Site OU1

Dear Mr. Palomeque,

The Conservation Law Center, together with the Hoosier Environmental Council, Gary Advocates for Responsible Development, Green EC, Just Transition Northwest Indiana, the Environmental Law and Policy Center, the University of Chicago Abrams Environmental Law Clinic, the Northwestern Pritzker School of Law Environmental Advocacy Center, and Lake County residents Carolyn A. Marsh, Gary Lee, and Akeeshea Daniels (collectively, “Commenters”) submit these comments on the Proposed Plan for an Interim Remedy for Residential Soil in a Portion of Operable Unit 1 (“Proposed Plan”) at the Federated Metals Superfund Site in Whiting, Indiana. Commenters are individuals and organizations who seek to secure a healthy environment for all residents of Northwest Indiana. Commenters include residents who live within the area of contamination.

Commenters recommend that EPA make the following four adjustments to its Proposed Plan, addressed in greater detail below:

1. Adopt the technical changes proposed in the April 6, 2026 public comments from Unleaded Kids;
2. Clarify EPA’s comprehensive vision for the Superfund Site;
3. Ensure residents have the notice needed to understand and benefit from this interim remedial action; and
4. Provide information responsive to household-level concerns about lead exposure.

Commenters welcome this Proposed Plan, which has been long-awaited. This interim remedial action will address properties tested for lead in 2016-2018, 8-10 years ago.¹ These comments reflect a conviction that residents should not face a choice between thoroughness and speed—or worse, be saddled with a remediation that is neither thorough nor speedy. After all this waiting, residents deserve a remediation that meets community needs with urgency.

Comments

1. Adopt the changes proposed in the April 6, 2026 public comments from Unleaded Kids.

On April 6, 2026, Unleaded Kids submitted comments identifying three overarching technical concerns with the Proposed Plan:

- That it “substantially underestimates” the risk of the lead contamination by improperly applying EPA’s directives for analysis and cleanup of residential soil;
- That it fails to specify the maximum concentration of lead in the replacement soil; and
- That the Plan’s target children’s blood lead level (BLL) exceeds the level established by the U.S. Centers for Disease Control and Prevention (CDC) and used by several federal agencies.²

Commenters endorse and adopt these comments from Unleaded Kids and add the following note in support of them.

Unleaded Kids asserted that EPA’s failure to sieve soil samples with a 150 µm screen, as outlined in EPA’s own guidance, means that a soil cleanup level of 200 ppm likely will not produce soil quality consistent with EPA’s 5 µg/dL BLL goal.³ Unleaded Kids demonstrated that a soil cleanup level of 100 ppm is appropriate, because, at closely analogous sites, the lead concentration in the fine fraction (<150 µm) of soil has been twice the total sample level. Commenters add that this lower threshold would be consistent not only with the 5 µg/dL BLL goal, but also with the procedures outlined in EPA’s October 16, 2025 Residential Lead Directive for CERCLA Sites and RCRA Hazardous Waste Cleanup Program Facilities (“2025 Lead Directive”).⁴

¹ While not made entirely clear in the Proposed Plan, this was clarified in remarks at the public meeting held by EPA at Whiting High School on March 26, 2026.

² See Tom Neltner, Unleaded Kids, to Adrian Palomeque, U.S. EPA (April 6, 2026), available at https://unleadedkids.org/wp-content/uploads/2026/04/Unleaded_Kids_Comments_on_EPAs_Federated_Metal_Proposed_Cleanup_Plan_FINAL_4-6-26.pdf.

³ See OLEM Dir #9200.1-128, Recommendations for Sieving Soil and Dust Samples at Lead Sites for Assessment of Incidental Ingestion, July 2016,

<https://semspub.epa.gov/src/document/HQ/100000133>. See also <https://www.epa.gov/superfund/lead-superfund-sites-guidance#sampling>.

⁴ Available at <https://semspub.epa.gov/work/HQ/100003761.pdf>.

Though the 2025 Lead Directive establishes a default 200 ppm threshold, it also states: “Further evaluation may be warranted below screening levels in some cases” based on “site-specific considerations” such as “technical limitations” and “bioavailability.”⁵ Technical limitations and bioavailability are precisely the problems here. The unavailability of sieved samples is now a technical limitation indicating that the analytical results understate the concentration of the most harmful lead in the soil. Furthermore, the likely prevalence of fine lead particles here heightens the lead’s bioavailability. Thus, a 100 ppm threshold would not only account for the sampling technique’s inconsistency with EPA’s guidance and facilitate achievement of the 2025 Lead Directive’s BLL goal, it would also comport with the Directive’s recommended procedures.

2. Clarify EPA’s comprehensive vision for the Superfund Site.

Commenters recognize that practical considerations may favor a piecemeal approach to remediation, but EPA should demonstrate that this Proposed Plan will work harmoniously with past and future remediation efforts at the Site. The contamination at Federated Metals has been apparent for decades, and residents care deeply about the quality of the environment on their own parcels and beyond. EPA should communicate how this Proposed Plan fits together with the remedial needs at the Federated Metals site, and OU2 more broadly.

This concern is not motivated by mere curiosity. As early as 2023, community members expressed to EPA their concerns that disturbance of materials at the Federated Metals site itself could contribute to contamination in the neighborhood.⁶ Attendees at EPA’s March 26, 2026 public meeting on the Proposed Plan echoed these concerns. EPA reminded attendees that this Proposed Plan does not encompass the Federated Metals site itself and suggested that any re-contamination from the original site would be only a “drop in the bucket” relative to the historical contamination of the neighborhood.

The public cannot evaluate the long-term effectiveness of this Proposed Plan without more information about EPA’s decision-making process. EPA should clarify the nature and extent of contamination at the Federated Metals site, whether future demolition or excavation at the site or in other contaminated parcels could re-contaminate the neighborhood, and how EPA will address that possibility.

⁵ *Id.* at 3.

⁶ During EPA’s community interviews in December 2023, interviewees asked: “Will Federated Metals be cleaned up after the residential areas? Are buildings going to be blown up in the process? ... How can you clean up the site and not re-contaminate the neighborhood?” U.S. EPA, Community Involvement Plan for Federated Metals Corp Whiting Superfund Site 32 (September 2024), available at <https://semspub.epa.gov/work/05/995647.pdf>.

3. Ensure residents have the notice needed to understand and benefit from this interim remedial action.

Residents must receive clear notice about the remedial investigation and Proposed Plan before they can mitigate their own risks or participate in the remediation. At the public meeting on March 26, 2026, residents made clear they are struggling to make sense of the geographic boundaries of the Proposed Plan, and that EPA's communication with property owners has often proven ineffective. Commenters have identified the following concerns related to adequate notice and communication:

a. Problems with Site Map

Numerous residents found the map designating the site's residential zones virtually indecipherable.⁷ The map relies on difficult-to-see distinctions, whether viewing in print or on screen. Ideally, residents would be able to enter an address into an online form that returns information about a property's status within the Superfund Site. Additional visuals to clarify the distinct zones, along with written descriptions, could also improve the map's legibility.

b. Confusion About Which Properties This Interim Remedy Encompasses

Many residents have questions about whether their homes are among the properties in OU1 slated for remediation. If it has not done so already, EPA should notify individual residents as to whether they will be included in this interim remedial action. For those excluded, EPA should explain why their homes were not included, whether their homes may be included in the future, and what they can do to evaluate the lead contamination of their own yards.

Likewise, EPA indicates that vacant lots in residential areas, schools, daycare centers, community centers, playgrounds, parks and other recreational areas, and green ways are part of OU1. EPA should clarify which public parks, if any, will be remediated. If it has not already done so, EPA should work to notify the public, ideally in cooperation with the local parks departments, of any parks identified with elevated lead levels, so that users can take extra precautions until remediation occurs.

c. Challenges Faced by Renters

Nearly 40% of households in the Superfund Site are renter occupied,⁸ but EPA requires an owner's authorization to sample and remediate a property. At the public meeting, EPA discussed its strategy for notifying property owners (contacting the owner of record on the Lake County Surveyor's website) but did not describe a comparable process for contacting renters. Even if renters cannot sign an access agreement, they need up-to-date, property-specific information so that they can mitigate risks and communicate with their landlords

⁷ This map was presented at the March 26, 2026 public meeting and has since been made available online. See EPA, Proposed Plan for Interim Remedial Action (March 26, 2026), Slide 8, available at <https://semspub.epa.gov/work/05/709093.pdf>.

⁸ See American Community Survey 2024 5-Year Estimates, S2502 (Demographic Characteristics for Occupied Housing Units) for Census Tracts 201 and 402.

about allowing EPA access. EPA should contact current residents every time EPA contacts property owners, and should go door-to-door if necessary.

d. Properties with New Owners

By the time EPA expects to begin remediating the homes in this interim remedial action, over a decade will have passed since some homes were first sampled. EPA must plan for properties that have passed from the owner who originally signed the access agreement, reaching out to the new owner early to ensure properties slated for remediation do not slip through the cracks.

This prospect also demonstrates why it is important for EPA to build in redundancies in its communications and outreach strategy, even outside the scope of this interim remedial action. Property owners who failed to respond in 2017, or in 2023, may have transferred their properties, and the new owners may be more amenable to having their properties sampled and remediated.

4. Provide information responsive to household-level concerns about lead exposure, coordinating with other agencies as needed.

Several community members who attended the public meeting on March 26 raised questions about the health consequences of lead exposure and what to do about them. EPA's Community Involvement Plan for the Federated Metals site (September 2024) is intended to address community concerns and keep residents informed and involved in investigation and cleanup activities at the site. To achieve this, EPA needs to provide residents living near or on the affected area with answers to their most likely questions or, at the very least, local resources that they can contact for answers.

Commenters encourage EPA to proactively inform local residents of information and resources that they can turn to for answers to their questions and help with testing and risk mitigation. For example:

- **Indiana Department of Health, Lead & Healthy Homes Division** provides a wealth of information about the dangers of lead exposure, ways to avoid it, and where children can be tested for lead exposure in your county.
<https://www.in.gov/health/leadsafe/>
- **The Hoosier Environmental Council and Improving Kids' Environment ("IKE")** host a website devoted to lead poisoning prevention, lead abatement, and other information that includes links to numerous resources.
<https://www.ikecoalition.org/healthy-communities/lead-poisoning-prevention/>
- **University of Notre Dame Lead Screening Kits** offers information about lead and free lead screening kits to help determine the risks of lead in and around the home.
<https://leadinfo.nd.edu/>
- **Lake County Health Department** serves residents of the local community, providing information and lead screening.

Mr. Adrian Palomeque

April 15, 2026

Page 6

<https://lakecountyin.gov/departments/health/Environmental-Health-Division/lead-poisoning>

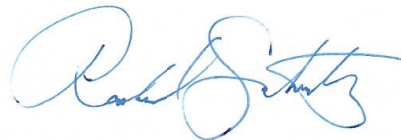
Commenters also urge EPA to help residents recognize and safely address lead exposure from sources other than the Federated Metals Superfund Site. EPA's Proposed Plan only addresses lead in residential soils, but residents may also be exposed to lead in drinking water from lead service lines, lead-based paint in older homes, lead from other environmental sources, and background concentrations. As residents become more aware of this overall picture, they should have access to information about how to properly address these concerns. While distributing information about its Proposed Plan, EPA should proactively provide information regarding the identification and removal of other sources of lead exposure. For example:

- **U.S. EPA** maintains a database of contractors qualified to safely abate lead hazards, renovate, repair and paint.
<https://www.epa.gov/lead/how-can-i-find-certified-renovation-firm-my-area>
- **Indiana Housing and Community Development Authority** operates lead remediation programs for renters and homeowners facing in-home lead exposure.
https://www.in.gov/ihcda/homeowners-and-renters/healthy-homes-resource-program/#Programs_Available

Conclusion

These comments reflect the deep care that residents and the organizations that support them have for this area and for the community's environmental health. Commenters appreciate EPA's consideration of these recommendations, which are intended to bring the Proposed Plan into closer alignment with community needs.

Very truly yours,



Rachel Schwartz
Public Service Law Fellow
Conservation Law Center