



116 South Indiana, Bloomington, Indiana 47408

phone: 812-856-0229 | fax: 812.855.1828

admin@conservationlawcenter.org | conservationlawcenter.org

January 16, 2026

BY EMAIL ONLY

Andrew Sergeant, Project Manager
IDEM Voluntary Remediation Program
100 North Senate Avenue, N1101
Indianapolis, IN 46204-2251
asergean@idem.in.gov

Re: Voluntary Remediation Work Plan for Site #6231101
405 E 151st Street, East Chicago, IN

Dear Mr. Sergeant:

The Conservation Law Center, Save the Dunes, and Green EC (collectively, “Commenters”) submit the following comments regarding the Voluntary Remediation Work Plan (“Work Plan”) for VRP site #6231101 at 405 E 151st Street in East Chicago, Indiana (“Site”). Commenters are organizations focused on making East Chicago and Northwest Indiana a more healthy, sustainable, and ecologically sound environment for all. Save the Dunes has also participated in the Citizens Advisory for the Remediation of the Environment, working to assist in the remediation of the Grand Calumet River Area of Concern.

INTRODUCTION & OVERVIEW OF COMMENTS

This Remediation Work Plan came to Commenters’ attention because of the site’s location. The property is on the banks of the Indiana Harbor Canal near its junction with the Grand Calumet River, a location that seems to heighten the possibility of contaminants impacting the waterway. That possibility is particularly concerning because the site is also within the region designated as the Grand Calumet River Area of Concern (AOC) under the U.S.-Canada Great Lakes Water Quality Agreement, meaning state and federal officials and other local stakeholders have and will continue to direct special attention to water quality improvement in this area. The property is also across the street from the USS Lead Superfund Site and the former home of the West Calumet Housing Complex. This neighborhood has already endured tremendous hardship from land contaminated by heavy metals, making an appropriate cleanup paramount.

Commenters welcome the possibility of environmental remediation in East Chicago and submit these comments to identify areas in which further investigation and greater clarity would better assure the community that the Work Plan adequately protects public health and the

environment. As written, the Work Plan does not fully address (1) the costs and benefits of the remedial alternative of excavation; (2) the presence of a warehouse and debris at the Site; (3) the potential impacts on nearby surface waters; (4) the extent of all contaminant plumes; (5) the pathways and potential for recurrence of contamination from off-site sources; (6) the recent identification of chromium exceedances at the Site; and (7) the potential for PFAS contamination.

COMMENTS

Comment 1: The Work Plan Should More Seriously Evaluate the Possibility of Excavating Contaminated Soil

The Work Plan considers and rejects the possibility of excavating impacted soils without a thorough evaluation. Section 4.1.3 merely states, “Due to the size of the Site and the location of metal impacts, costs will be high to implement this alternative.”¹ It references costs of equipment, testing for landfill acceptance, transportation, and disposal. However, the Work Plan does not quantify the amount of contaminated soil or the cost of excavating it.

The selected remedy of Engineering and Institutional Controls leaves open the possibility that present or future owners will unintentionally disturb the pavement covering the impacted areas. Excavation would more decisively resolve the problem and obviate the need to surveil and indefinitely maintain engineering controls. Quantifying the costs of excavation and disposal would allow for a more informed decision about this alternative.

Commenters recommend that the Work Plan more seriously evaluate the costs and benefits of excavation. The Work Plan should:

- Quantify the amount of soil to be excavated and provide a cost estimate for excavation.
- Address whether there are opportunities to co-dispose of the site’s contaminated soils with any soils that may still be generated by the cleanup at the USS Lead Superfund Site, from which the lead and arsenic apparently originated.
- If soil excavation is not selected, employ a demarcation layer below the asphalt, especially above known arsenic and lead soil hotspots, as additional protection against future digging issues.

Comment 2: The Work Plan Should Address the Warehouse and Large Debris on Site

The Work Plan does not describe how Windy Hill Food Group will handle potential contamination associated with structures and larger debris on the property. The Phase I ESA identified “SMS aluminum materials” that had blown onto the property; a raised area indicating “potential buried debris;” “[l]arge pieces of debris at the southwest end of the Site;” “a pile of tires;” and “what appears to be coal tar embedded in the ground[.]”² It also identified a building

¹ Remediation Work Plan at 16.

² Remediation Work Plan for 405 East 151st Street, East Chicago, Indiana, VRP no. 6231101 (submitted June 10, 2025), VFC no. 83818820 at 5 [hereinafter “Remediation Work Plan”].

formerly used for industrial purposes with “[d]eteriorating walls and floors[,]” which remains in place and will be redeveloped.³

Commenters recommend that the Work Plan address the following questions regarding what assessments or plans have been made surrounding the warehouse and other debris.

- Will the aluminum, tires, coal tar, and debris (including the possible buried debris) be removed or otherwise addressed? If not, might these materials expose workers or the surrounding environment to hazards?
- Has the building been assessed for heavy metal or other hazardous contaminants? If so, how will the renovation be performed safely, to minimize risks to workers involved in the redevelopment or who will work at the warehouse in the future?

Comment 3: The Work Plan Should Thoroughly Address Potential Impacts on Nearby Surface Waters

The Work Plan and supporting documents spend little time discussing the Site’s potential to impact nearby water bodies via contaminated groundwater, describing the Indiana Harbor Canal as a waterway that is not “an ecologically significant resource.”⁴ In fact, though ecologically compromised, the Canal and nearby Grand Calumet River are undergoing a years-long revitalization effort under the U.S.-Canada Great Lakes Water Quality Agreement. U.S. EPA, IDEM, and local governmental and nongovernmental stakeholders have invested extensive time and effort, not to mention public funds, on reducing contaminants, including heavy metals, in these water bodies. A careful assessment of the Site’s potential impact on these water bodies is warranted.

The Site abuts the Indiana Harbor Canal, just yards from its junction with the Grand Calumet River, and the Work Plan acknowledges that contaminated groundwater flows west-northwest, toward the Indiana Harbor Canal.⁵ While Windy Hill Food Group has indicated that “[t]he most downgradient wells, MW-5 and MW-6, exhibited no exceedances of dissolved metals when compared to screening levels[,]”⁶ both chromium and arsenic exceedances were noted in unfiltered samples from MW-5 and MW-6.⁷ Furthermore, even if contamination at MW-5 and MW-6 is within acceptable limits, it is unclear whether that fully resolves the potential concern about the groundwater flow, which, if directed *northwest*, may extend beyond the property’s northern boundary.

³ Remediation Work Plan at 4, 19.

⁴ Remediation Work Plan at 13.

⁵ Remediation Work Plan at 12.

⁶ Response to Comments for 405 East 151st Street, VRP no. 6231101 (Oct. 22, 2025), VFC no. 83885542 at 3.

⁷ See Remediation Work Plan at 10 (Table B1).

Commenters request that IDEM adequately document its assessment of the potential impacts of groundwater contamination on the Indiana Harbor Canal and Grand Calumet River, requesting additional information from the Windy Hill Food Group, if necessary. Specifically:

- IDEM needs to account for the chromium and arsenic exceedances in MW-5 and MW-6.
- IDEM needs to demonstrate whether the absence of exceedances in MW-5 and MW-6 fully resolve the potential for contamination of the Canal.

Comment 4: The Work Plan Should Describe Soil Sampling and/or Groundwater Data Demonstrating All Contaminant Plume Extents Have Been Adequately Bounded

In line with Comment 3, the Work Plan does not provide the information needed to demonstrate that the extents of all contaminant plumes were adequately bounded. The plumes depicted in Figures 5(a), 5(b), and 5(c) approximate the lateral extent of the antimony, arsenic, and manganese exceedances, respectively. In each case, a significant portion of the depicted plume reaches the edge of the property. Yet these figures do not depict any off-site monitoring wells or soil borings that would confirm that the outer limit of the plume was identified.

Additional data collected from off-site would confirm the extent of the plumes associated with these contaminants. Commenters therefore request that IDEM describe the following, and, if necessary, request additional data collection:

- Given the groundwater flow direction, the offsite soil borings and/or groundwater data to confirm that the extent of the antimony plume(s) from the four monitoring wells were bounded, especially west of MW5 and MW6.
- Given the arsenic plume extent represented in Figure 5(b), the offsite soil borings and/or groundwater data to confirm that the extent of the arsenic plume was bounded, especially south of MW5 and MW2.
- Given the manganese plume extent represented in Figure 5(c), the offsite soil borings and/or groundwater data to confirm that the extent of the manganese plume was bounded, especially south of MW5 and MW2.

Comment 5: The Work Plan Should More Clearly Explain the Likely Sources of Contamination and Evaluate the Potential for Ongoing Impacts

The Work Plan largely attributes the contamination to groundwater from operations at adjacent properties, including the USS Lead Superfund Site.⁸ However, a lack of clarity about the sources and mechanisms of contamination compromises Commenters' ability to assess the appropriateness of the Work Plan or the possibility that contamination will recur in the future. It also raises questions about the neighboring USS Lead Superfund Site, a matter of great importance to nearby residents.

⁸ See Remediation Work Plan at 12.

Several ambiguities suggest a need for additional scrutiny. First, the Work Plan identifies arsenic, manganese, chromium, and lead as contaminants of concern, but does not specify which of these is believed to have originated off-site from which location.⁹ Second, the Work Plan identifies groundwater as the media for contaminant migration, but some information suggests groundwater alone may not capture the full picture. Lead exceedances have been identified in soil but not groundwater.¹⁰ Relatedly, the Work Plan notes that groundwater flows west-northwest at the Site, yet the Site is south of the USS Lead Superfund Site.

Commenters recommend that the Work Plan discuss in greater detail the potential contamination pathways. Specifically:

- Whether neighboring operations are responsible for all contaminants of concern, or only those most prevalent at the USS Lead Superfund Site (i.e., lead and arsenic).
- The likelihood that lead migrated through the groundwater, and not, for example, fugitive dust and air deposition from the USS Lead site.
- Whether there are any on-site or adjacent sources that continue to present a risk of ongoing or future re-contamination.
- Whether lead and arsenic contamination could reflect ongoing migration from contaminated soils left in place at the USS Lead site and, if so, the long-term strategy to address this issue.

Comment 6: The Certificate of Completion Should Address Only Those Contaminants That Have Been Sufficiently Delineated and Addressed

Contamination at this Site has been and may continue to be dynamic, so the Certificate of Completion and any Covenant Not to Sue should cover only those contaminants that have been appropriately delineated and addressed. In particular, chromium appears to have been identified late in the assessment process and may merit separate consideration.

Commenters understand chromium to have been identified only once, in the final groundwater sampling event (Sampling Event Number 8).¹¹ Even more complicatedly, the chromium was found only in MW-6, one of the two most down-gradient wells.¹² The Work Plan does not identify the potential origin for the chromium. Furthermore, no subsequent data is available to shed light on the stability of the chromium contamination. If there is chromium contamination in the groundwater, it is not clear that it has been thoroughly delineated, that its provenance has been identified, or that it will remain stable at this stage.

Commenters request that IDEM address its approach to chromium contamination and request follow-up sampling if needed. Specifically:

⁹ See *id.*

¹⁰ See Remediation Work Plan at 10-11 (*compare* Table A with Tables B1, B2).

¹¹ See Remediation Work Plan at 10 (Table B1).

¹² See *id.*

Andrew Sargeant

January 16, 2026

Page 6

- What might explain the presence of chromium?
- How will chromium be addressed in the Certificate of Completion and Covenant Not to Sue?

Comment 7: The Work Plan Should Address the Potential for PFAS Contamination

The Work Plan details sampling and testing for inorganics and VOCs but does not describe a comparable investigation for PFAS. The Site has been used by detinning companies, an industrial chemical company, and a manufacturing facility. If any operations involved metal plating or fire suppression equipment, a PFAS screening event may be prudent. Given the Site's history, Commenters request clarification about whether any PFAS screening was conducted and, if not, recommend that IDEM require at least one screening event.

CONCLUSION

Commenters appreciate the effort that Windy Hill Food Group has made to assess and respond appropriately to the contamination at 405 East 151st Street. These comments are offered with the goal of improving the Work Plan for the benefit of East Chicago residents, future workers, and the surrounding environment. The neighborhood's history makes responsible remediation of this site all the more important, so Commenters appreciate IDEM's attention to these concerns.

Thank you.

Sincerely,



Rachel Schwartz
Public Service Law Fellow
Conservation Law Center
116 South Indiana Avenue
Bloomington, IN 47408
ramschwa@iu.edu

cc:

Jennifer Makino

EPS Environmental Services, Inc.

jmakino@epsenvironmental.com

Nick Cuzzone

EPS Environmental Services

ncuzzone@epsenv.com

Andrew Sargeant

January 16, 2026

Page 7

Alexis Lawrence

Windy Hill Food Group

alexis@windyhillfoodgroup.com