

Town of Ogden Dunes
115 Hillcrest Road
Ogden Dunes, Indiana 46368
219-762-4125



May 16, 2017

Mr. Andrew Maguire
On-Scene Coordinator
EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
maguire.andrew@epa.gov

Dear Mr. Maguire:

The purpose of this letter is to follow up on the April 11, 2017 spill of hexavalent chromium by U.S. Steel Midwest into Burns Waterway in Portage, Indiana. The Town of Ogden Dunes, which is situated just west of U.S. Steel Midwest, is an affected party for several reasons that need to be reiterated and emphasized with the EPA while it continues to conduct an investigation of the incident and while it monitors the situation on an ongoing basis.

Of gravest concern are the immediate and potential impacts of spills like these on the drinking water for the Town and surrounding communities. Hexavalent chromium is an extremely toxic form of chromium that is known to cause cancer, even at very low concentrations. This particular spill occurred within a mile of the intake for water that is processed by Indiana American Water and then distributed by Ogden Dunes Waterworks to our residents.

We were fortunate that this spill occurred in early spring when people were not generally frequenting our beach. We were also fortunate the plume from Burns Waterway was not hugging the shoreline that day, as can happen when winds are light and persistent from the northeast. It is our understanding that the National Park System is demanding ongoing testing of the sand on its beaches; we concur with the National Park System on this point. Nevertheless, please be aware that our residents are still expressing ongoing concern about impacts to the beach, and they must have assurance and documentation that the beach sand is clean and safe.

Notification is another concern that needs to be addressed, even if U.S. Steel Midwest correctly notified IDEM in accordance with its National Pollution Discharge Elimination System (NPDES) permit. As evidenced by a letter to IDEM by U.S. Steel Midwest in January 2017, this isn't the first time an emergency spill of hexavalent chromium was reported to IDEM. In this case, neither the Town of Ogden Dunes nor the Ogden Dunes Waterworks were notified that their source of drinking water, the lake and Town were potentially impacted.

Accidents can occur no matter the number of safety precautions taken, no matter how well-trained the plant's employees may be, and no matter how well U.S. Steel Midwest might be prepared to manage an emergency situation. The Town, the Ogden Dunes Waterworks and Indiana American Water all need to be notified in a timely manner. Emergency preparedness and timely communication are critically important since hexavalent chromium is just one of several dangerous substances that could potentially

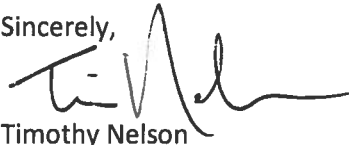
harm our residents, as evidenced by what is listed in their NPDES permit. We welcome any input you may have regarding the best practices that should be adopted with respect to notification.

If there is an enforcement action, which at this point we believe is warranted based on feedback from the Town's Environmental Advisory Board, the Town of Ogden Dunes requests to be part of the settlement, including, without limitation, a condition of settlement that would establish a Supplemental Environmental Project that seeks to improve, protect or reduce risks to public health or the environment. We also request a maintenance schedule that demonstrates U.S. Steel Midwest's commitment to maintaining their systems so that future spills can be prevented. This is what a good neighbor would do.

Finally, we respectfully request confirmation that the sand on the Ogden Dunes beach and the water will be tested and monitored at least through Labor Day 2017. We are in receipt of the U.S. Steel "Long Term Sampling and Monitoring Plan" dated April 25, 2017. This Plan focuses on testing of water; it does not reference testing of sand. In addition, it states that "sampling may be reduced or discontinued" prior to specified dates upon unanimous approval of the stakeholders. Notably, the Town is not identified as a stakeholder. We request that no testing of waters or sand in or near the Town be prematurely discontinued without the Town's consent.

If you wish to discuss this matter, you can reach me at 773-793-3155 or tim.nelson@ogdendunes.in.gov. Thank you for your attention to this matter and for all of the work you and the EPA have done so far in connection with this incident.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Nelson', written over a light blue horizontal line.

Timothy Nelson

President, Ogden Dunes Town Council

cc: Scott Lehmann, Town Council Member
Susan Mihalo, President, Environmental Advisory Board