

Owners of former East Chicago lead factories named in suit



The Environmental Protection Agency has installed signs in the West Calumet Housing Development in East Chicago warning people to not play in the dirt or mulch due to elevated levels of lead in the ground. (Joe Puchek / Post-Tribune)

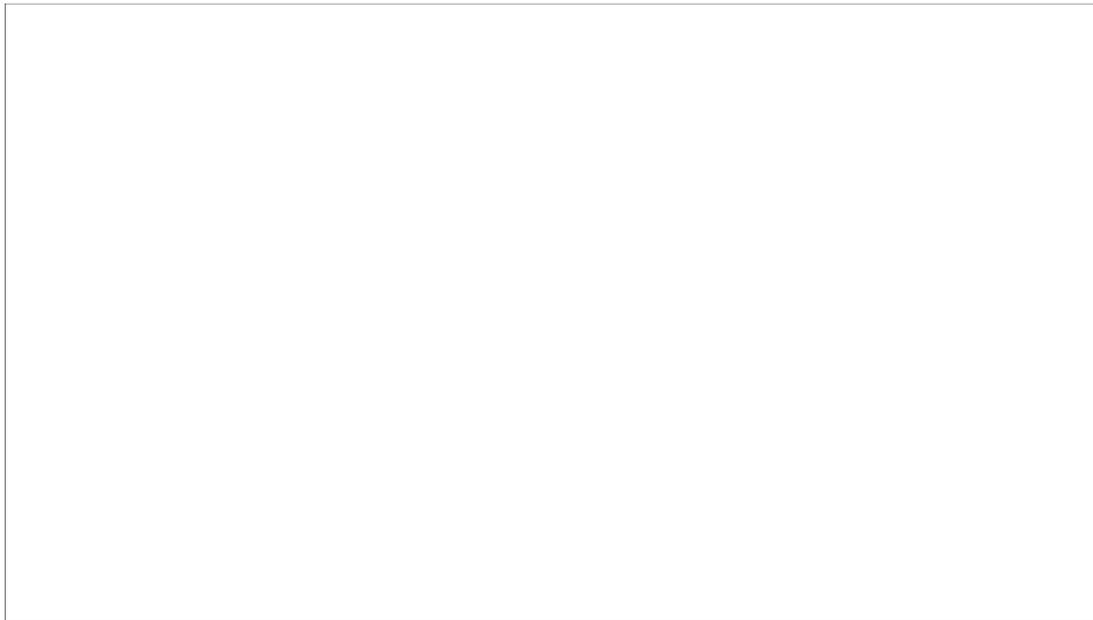
By **Craig Lyons**
Chicago Tribune

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Residents of the West Calumet Housing Complex in East Chicago want the operators of two former lead factories to pay for their relocation.

A class action lawsuit filed Thursday by LeRithea Rolan and Lamottca Brooks, on behalf of the residents of the housing complex, charged that Atlantic Richfield Company, DuPont and the Chemours Company should be responsible for the costs incurred by residents as they've been forced from their homes because of the lead and arsenic the now-demolished factories left in the ground.

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"... News of the lead and arsenic contamination in East Chicago has thrown the neighborhood into disarray, while ARCO and DuPont are long gone from the area," said attorney Thomas Zimmerman, who is representing the plaintiffs, in a statement. "The polluters must take responsibility and pay for the damages they have caused."

The lawsuit wants the court to hold the companies responsible for the anguish the contamination has caused residents of the West Calumet Housing Complex.

"Everybody's lives have been disrupted tremendously from this," Zimmerman said.

When the EPA tested the levels of lead and arsenic in the soil at the West Calumet Housing Complex, the results showed every street in the complex had high levels of contamination.

The testing of Rolan's yard recorded lead levels that ranged from 1,852 to 29,000 parts per million. The testing in Brooks' yard found lead levels from 6,900 to 91,100 ppm.

The EPA considers lead levels below 400 ppm safe and anything above 1,200 ppm requires emergency removal.

"None of the residents knew about the polluted soil when they moved there," Zimmerman said.

Brooks sent her children to live with relatives after learning about the lead and arsenic levels in the soil, Zimmerman said.

"She's afraid for their health," he said.

Shortly after moving into the complex with her family in 2012, Zimmerman said Brooks began to notice behavioral problems and difficulty concentrating with her children. Physicians were unable to figure out the root cause, Zimmerman said, but did not yet know about the lead levels in the soil.

"Now that that has been made known, it all makes sense," Zimmerman said.

Brooks and the other residents of the complex are now forced to move and uproot their lives in a short amount of time, Zimmerman said, and many residents are having difficulty finding a new place to live.

The residents are of limited means, Zimmerman said, and most don't have the money to pay for all the relocation costs.

"We're seeking some compensation from the polluters to help provide some assistance," Zimmerman said.

Aside from the issue of relocation costs, Zimmerman said the contamination at the site put a burden on the residents of the complex and made it impossible for the residents to enjoy their homes and the properties around them.

In the middle of the summer, children were not able to play outside because of parents' concern for their health and safety. Residents kept their windows closed, many didn't have air conditioning. If children went outside, parents made the kids remove their clothes at the door and washed off any dirt.

"It was very difficult on the residents and especially the children," Zimmerman said.

The costs being sought in the class action suit builds on the work done by the EPA to hold the companies responsible for clean up costs, Zimmerman said.

In 2014, the U.S. District Court for Northern Indiana approved a consent decree between the EPA, Department of Justice, State of Indiana, the Atlantic Richfield Company and E.I. du Pont De Nemours regarding the cleanup of the U.S. Smelter and Lead Refinery site. The agreement covered only zones one and three of the site.

Based on the agreement, the two companies would cover roughly \$26 million in cleanup costs, according to the EPA.

"That however does not compensate the people who are living there for the aggravating and inconvenience they are experiencing," Zimmerman said.

Zimmerman said the Comprehensive Environmental Response Compensation and Liability Act not only provides the EPA the mechanism to seek costs for cleanup but also compensation for affected residents. That was not part of the consent decree, he said.

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