

IN

RESTORATION PLAN
FOR THE
FISHER-CALO CHEMICAL SITE

LaPorte County, Indiana

TRUSTEES

U.S. Department of the Interior
Fish and Wildlife Service (FWS)

State of Indiana
Indiana Department of Environmental Management (IDEM)
Indiana Department of Natural Resources (IDNR)

February, 1997

RESTORATION PLAN

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*Department of the Interior
U.S. Fish and Wildlife Service*

Indiana Department of Environmental Management

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Introduction

This restoration project is proposed by Region 3 of the U.S. Fish and Wildlife Service (FWS) and the State of Indiana to compensate for similar natural resources injured (lost) prior to and during remedial response actions at the Fisher-Calo Chemical, LaPorte County, Indiana site. This project will be conducted by natural resource trustees under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and Executive Order 12580.

Project Background and Site History

The 250 acre Fisher-Calo Chemical (FCC) site, located near Kingsbury (LaPorte County), Indiana is a former industrial chemical processing and distribution facility. Fisher-Calo Chemical and Solvents Corporation operated a solvents reclamation and waste storage facility on the property from late 1972 through mid-1978. FCC was primarily engaged in the reclamation of spent solvents. As part of their operations, FCC produced a still-bottom waste which they accumulated in 55 gallon drums. Sodium hypochlorite was produced and sulfur dioxide, chloride, ammonia, and various solvents were packaged at the site. Cyanide, acids, and metal plating wastes were also accepted from other industries, stored in metal drums, and stockpiled on the site or dumped on the ground.

In 1974, a fire occurred in an area containing FCC waste paint pigment and other waste drums which resulted in the destruction of about 1000 drums of chemical waste. In 1978, a more significant fire broke out at the site's solvent reclamation facility destroying several bulk storage tanks, trucks, and approximately 20,000 drums of chemical wastes and solvents. The 1978 fire required the evacuation of over 10,000 area residents.

The U.S. Environmental Protection Agency (USEPA) listed the site on the National Priorities List (NPL) in 1983 due to on-site contamination of groundwater and soils from volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), and semi-volatiles.

Trust Resources

The FCC site is located in an industrial park that is immediately surrounded by a mosaic of old fields, agricultural land, and scattered woodlots. A surface drainage, Travis Ditch, exists approximately 0.3 mile west of the site that combines with Kingsbury Creek about 0.75 mile southwest of the site. The combined streams flow to the south and enter the Kankakee River approximately 4.5 miles from the FCC site. In addition, a number of wetlands exist primarily west of the site associated with Travis Ditch and Kingsbury Creek. Isolated wetlands also exist north and south of the site. The majority of the existing wetlands are classified as palustrine emergent and palustrine forested as defined by Cowardin et al. (1979). The Kingsbury State Fish and Wildlife Area is an environmentally sensitive area located near the FCC site.

The FCC site is located on the Kankakee outwash and lacustrine plain which is an extensive area of glacial outwash and lake/river deposits laid down in a broad, sandy plain. The shallowness of the coarsely granular deposits indicates that this area may be a site of extensive groundwater recharge by direct infiltration of precipitation. The hydraulic gradient is southwesterly toward Kingsbury Creek.

The Indiana Department of Natural Resources' (IDNR) biological evaluation of the site describes it as a grass/prairie ecosystem with associated wetlands providing essential habitat for wildlife, including the State threatened Franklin's ground squirrel (*Spermophilus franklinii*).

A Preliminary Natural Resources Survey (PNRS) was conducted by the FWS in 1985. An update of this PNRS was conducted in 1991. Trust resources at the site were described as follows:

The presence of palustrine wetlands and riverine habitats near and downstream of the FCC site, presumptively ensures that migratory birds will be exposed to contaminants. Species most attracted to these habitats include both resident and migratory waterfowl, shorebirds, wading birds, raptors, and passerines. The Kingsbury State Fish and Wildlife Area borders the site and located further downstream near the Kankakee River, are 3 additional State Fish and Wildlife areas. The Jasper-Pulaski area is located about 27 miles from the FCC site and is the major staging area for greater sandhill cranes in the United States.

Data exists indicating that nearby and downstream areas are used by the Indiana bat (*Myotis sodalis*) and bald eagle (*Haliaeetus leucocephalus*). In a report to the U.S. Army Corps of Engineers, Brack and Holmes (1982) documented the presence of a number of Indiana bats along portions of the Kankakee River in Indiana. Included in this report is documentation of lactating females caught approximately 4.2 miles east/southeast of the FCC site.

Correspondence with the IDNR nongame wildlife biologist indicates that there is reported use of the Kingsbury State Fish and Wildlife Area by migrating bald eagles.

History of FCC Settlement

Acting as a trustee for natural resources under CERCLA §107, a letter dated January 9, 1991 from the FWS Bloomington, Indiana Field Office (BFO) to the EPA requests participation in settlement negotiations in an attempt to reach agreement with the Potential Responsible Parties (PRPs) regarding

the restoration of trustee natural resources injured at the FCC site.

A January 24, 1991 memorandum from the BFO to the Regional Environmental Officer (REO) outlines the trust resource impacts and replacement recommendations that BFO presented to the USEPA, Office of Regional Counsel, and counsel for the PRPs on August 20, 1990. The impacts to trust resources were identified as contaminated habitats of trust resources including surface and subsurface soils (many acres of grassland and old field habitats; several acres of palustrine, forested, scrub-shrub, and emergent wetlands), and surface waters (Travis Ditch and Kingsbury Creek serve as discharge points for groundwater contamination). The estimated cost of natural resource restoration and replacement at this site was \$300,000 for injuries to State trust resources and \$20,000 for Department of Interior (DOI) trust resource injuries. The State of Indiana claim represented upland areas affected by the site and the DOI claim recommended by the BFO included a 1:1 ratio of wetland acquisition and restoration for 8 acres of impacted wetlands at \$2000 per-acre direct cost, \$2500 indirect costs, and \$1500 past assessment costs for a total claim of \$20,000. The January 24, 1991 memorandum recommended that the DOI grant a release from claims for damages to natural resources provided the PRPs present a good faith offer for both the Federal and State natural resource damage claims.

A February 20, 1991 letter from the Department of Justice (DOJ) to the DOI states that the PRPs agreed to the \$20,000 Federal claim for natural resource damages and requests authorization for the DOJ to provide a covenant not to sue for natural resource damages at the site.

On March 19, 1991 a memorandum from the BFO to the REO recommends that the DOI agree to the requested covenant with a \$20,000 DOI Federal trust resource and \$200,000 State of Indiana natural resource claim settlement. The DOI consequently authorized the DOJ to include a covenant not to sue for damages to natural resources in a settlement agreement.

In 1992, a consent decree was lodged in the U.S. District Court, Northern District of Indiana, as United States v. Accurate Partitions Corp., et. al. (Civil Action No. S91-00646M) in connection with the FCC site. This consent decree required the defendants to pay \$20,000 to the DOI and \$200,000 to the State of Indiana for natural resource damages to trust resources resulting from the release of hazardous substances from the FCC facility. It also provided the settling defendants a Federal and State covenant not to sue for covered matters.

On April 10, 1992, Pursuant to Paragraph 51a of the Consent Decree, settlement funds (\$20,000) were submitted by the responsible parties and deposited in the National NRDA revolving fund. A "Department of the Interior Natural Resource Damage Assessment Settlement Form" has been prepared for account tracking purposes.

The State of Indiana and the DOI-FWS will pursue restoration, rehabilitation, replacement and/or acquisition of natural resources equivalent to those lost or injured as a result of the FCC contamination through a Memorandum of Understanding, signed August 2, 1993, to cooperatively conduct Natural Resource Damage Assessments and apply any damages recovered toward restoration.

Restoration Project Administration

The North American Wetlands Conservation Act (Act) of 1989 (P.L. 101-233) and the North American Waterfowl Management Plan (NAWMP) were selected as the best method for implementation of this habitat replacement (restoration) project because both the Act and the Plan embody habitat acquisition, conservation, restoration, and protection goals analogous to those of the NRDA process. Therefore, the methods and administrative process available through the Act and NAWMP were determined to be an efficient and expeditious method of achieving the goals of this project.

Five principal factors were considered in reaching the decision to utilize the institutional infrastructure available through the Act and NAWMP:

- 1) direct restoration of riverine, upland, and palustrine wetland habitats injured from the release of hazardous substances at the FCC site was not possible and alternate sites for equivalent replacement habitats must be located;
- 2) utilization of the Act and NAWMP will minimize transaction costs;
- 3) Current policies require using existing arrangements to achieve efficiencies to the extent possible;
- 4) there is an urgency to demonstrate how the NRDA program can achieve its intended purposes as CERCLA faces reauthorization.
- 5) A key component to the NRDA implementation strategy is to integrate this program as a tool to serve the public through the broader missions of natural resource trustees. Habitat restorations enabled by the NRDA process but conducted through existing institutional arrangements would be a prime demonstration of the utility of NRDA. This strategy is consistent with the FWS' ecosystem approach to fish and wildlife management wherein restoration projects are conducted by inter-program teams.

This restoration project will further the purpose(s) of the Act because the project will:

- 1) protect, enhance, and restore "an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America";
- 2) should aid in maintaining and/or enhancing migratory bird populations; and,
- 3) will be consistent with the NAWMP.

This project will be part of the Implementation Plan for the Upper Mississippi River and Great Lakes Region (UMR/GLR) Joint Venture, a component of the North American Waterfowl Management Plan. A principal objective of the UMR/GLR Joint Venture is to "increase populations of waterfowl

and other wetland-dependent wildlife by protecting, restoring, creating, and enhancing wetland and associated upland habitats" through acquisition and easements on public and private lands in the Upper Mississippi River and Great Lakes region.

Both the Act and NAWMP represent an existing framework which has a long-standing and proven successful record of effective wetland restoration, especially in Indiana. This framework is widely recognized by partners and constituencies as an exemplary model of fish and wildlife conservation. This NRDA-enabled project will accrue the benefit of support from this widely favored conservation program.

Restoration Project Site

Because direct restoration of site-impacted areas is not possible due to significant alteration and to the presence of residual contamination, this project will occur in a geographically proximate and similar area with restorable habitat similar to that lost as a result of contamination from the FCC site. The restoration site(s) will be selected to best approximate the impacted habitat, thus benefitting wildlife similar to those injured as a result of site contamination.

The restoration project(s) will occur in the Kankakee River watershed of Indiana (Figure 1). The ongoing Indiana Grand Kankakee Marsh Restoration Project (IGKMRP) (a component of the North American Waterfowl Management Plan) has identified a backlog of several thousands acres of restorable habitat, but does not have sufficient funding to acquire and restore all of the properties that are available.

The FCC site and the proposed restoration project area are located within the Great Lakes Ecosystem, one of the FWS' priority ecosystems. The Grand Marsh of the Kankakee was historically one of the largest, and arguably the finest, inland freshwater wetland complexes in North America, covering an expanse of over 500,000 acres at the turn of the century. Agricultural drainage has reduced the Marsh to a fraction of its original size, but deteriorating drainage systems and increased production costs have caused many landowners to reconsider continued agricultural production on many areas. As a result, the watershed offers numerous wetland and wet-prairie restoration opportunities.

The restoration site(s) will be protected and enhanced so that, over time, they will provide full analogous ecological function.

Restoration Process

This project will involve the voluntary restoration of privately and/or publicly owned lands with perpetual easements offered to the landowner(s) or acquisition of areas that provide services equivalent to those lost as a result of contamination from the FCC site. The DOI-FWS and the State of Indiana will work cooperatively to restore the riverine and prairie-pothole habitat for the enhancement of wildlife including migratory birds and the Franklin's ground squirrel. Typically, previously drained wetlands are restored by either plugging drainage ditches or subsurface tiles. Both techniques have been proven successful and are acceptable means of restoration. Prairie restoration can be accomplished by planting seeds of species native to northern Indiana and consistent with the

specific soil and hydrological conditions at the site. Prairie plantings are managed with a combination of mowing and prescribed burning to facilitate establishment of the planted species and to ensure the long-term maintenance of tallgrass prairie habitat. Existing easements over suitable areas may be expanded. If lands are acquired, they will be deeded to the State and/or private land management entities with perpetual easements.

This restoration will target a "priority focus area" as identified in the UMR/GLR Joint Venture Implementation Plan (Figure 1). Specific potential properties have not yet been identified; however, numerous landowners have expressed interest in the project. Therefore, final site selection will proceed quickly following project plan approval and funding.

IGKMRP has been approved for NEPA compliance in FWS Region 3.

Project Coordination

The Natural Resource Trustees are responsible for overall project coordination and support and will work with the Regional Joint Venture Coordinator to ensure the project not only meets NRDA program requirements, but also directly contributes to fulfilling the purposes of the Act and NAWMP objectives. BFO will administer FWS funds according to the proposed budget and accountability will be maintained following the "Superfund Financial Management and Recordkeeping Guidance for Federal Agencies" (EPA publication EPA 220 M-89 00).

The IDNR and the Private Lands Program of the BFO will be responsible for identifying potential project sites, landowner contact, easement development, and any necessary prairie, wet-prairie, or wetland restoration procedures. If acquisition is being considered for a site, the State and/or private organizations may assist in the acquisition of and deed restrictions for the proposed site(s).

Schedule and Budget

Restoration will be implemented cooperatively by DOI-FWS and the State of Indiana and will be implemented immediately upon release of restoration funds. A total of \$218,500 which includes DOI-FWS and State of Indiana funds, is available for restoration implementation. The funds will be distributed as follows:

- \$216,000 - land purchase, easement purchase, and/or prairie/wetland restorations;
- \$2,500 - administrative costs.

Public Involvement

A draft of this document was provided to the public for a 30 day review and comment period. One verbal comment was received from Susan Thomas of the Indiana Sierra Club Wetlands Office. The Sierra Club's comment supported the Trustees' selected strategy to restore the Fisher Calo Chemical site. They also suggested that riverine wetlands be discussed in the restoration process section of the plan. The restoration process section has been revised in the final plan to reflect this comment.

Interested members of the public may obtain copies of the final document by writing or calling the

following addresses:

U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, Indiana 47403
(812) 334-4261 Ext. 216

Indiana Department of Environmental Management
Office of Environmental Response
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46204-6015
(317) 308-3006

Indiana Department of Natural Resources
Division of Fish and Wildlife
402 W. Washington
Room W273
Indianapolis, Indiana 46204
(317) 232-4098

Final Report

At the completion of the project, a final report documenting the restoration will be prepared. Pictures of the site, before and after restoration, and key documents (e.g. - lease agreements; deeds; the Environmental Action Memorandum) will be included.

Project Contact

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INDIANA GRAND KANKAKEE MARSH RESTORATION PROJECT

A PROPOSAL TO THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL

KANKAKEE RIVER BASIN - WETLANDS

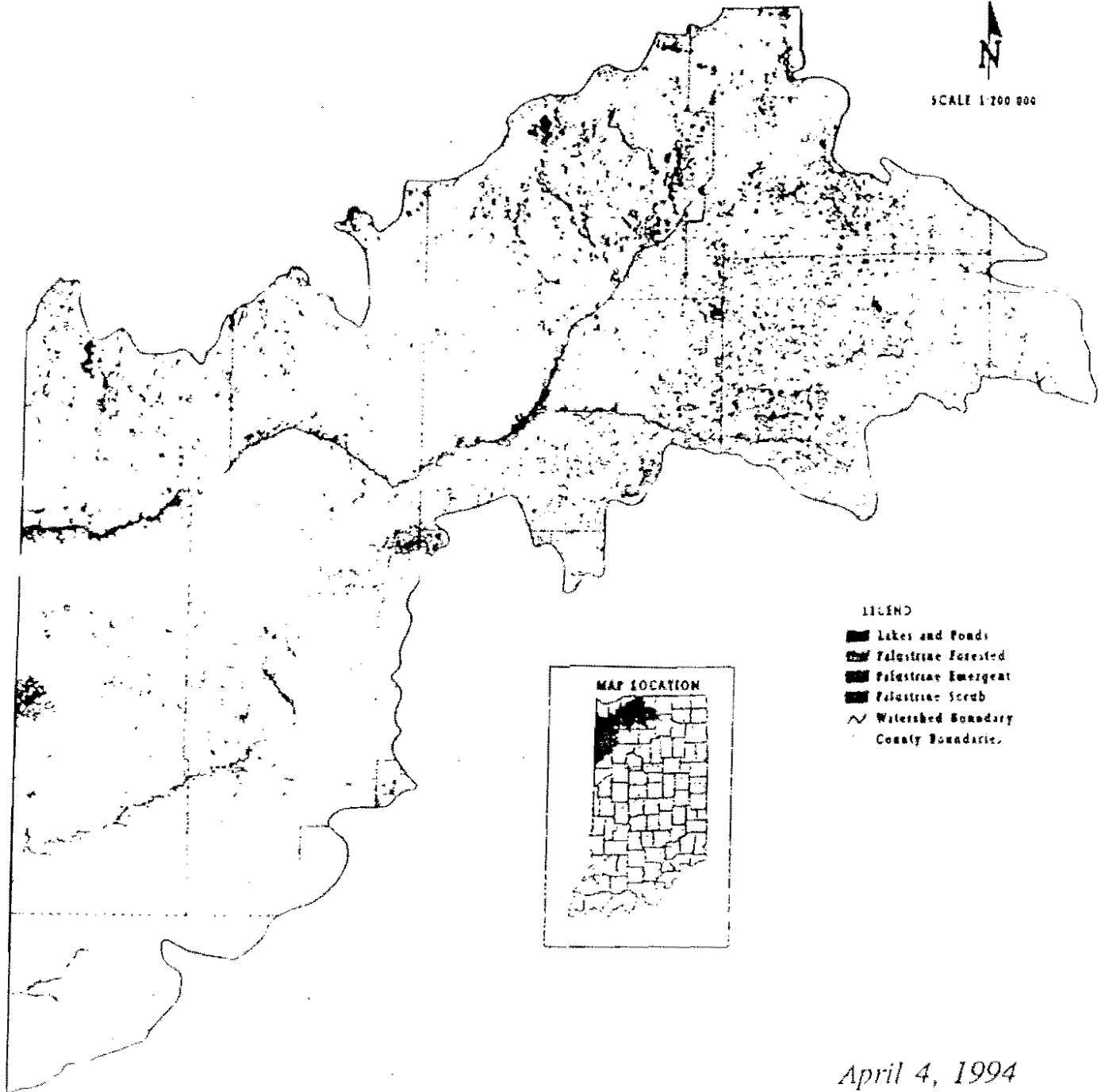


FIGURE 1. KANKAKEE RIVER BASIN

David N. Herbst

David Herbst
Indiana Co-Trustee
Deputy Director
Indiana Department of Natural Resources

Date: 2-25-97

David Hudak

David Hudak
Field Supervisor
Bloomington Field Office
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Date: 27 February 1997

John M. Rose

John Rose
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Date: 2-25-97

