



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 09 2017

REPLY TO THE ATTENTION OF:  
SR-6J

2017 085523

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. James Nowacki  
148 North Hancock Street  
Gary, Indiana 464031

RE: Gary Development Landfill Site  
479 Cline Avenue, Gary, Lake County, Indiana 46406  
Site Spill Identification Number: B52L

Dear Mr. Nowacki:

This letter informs you that the United States Environmental Protection Agency ("EPA") intends to perfect a lien upon Parcel 3 of the property located at 479 Cline Avenue, the exact legal description of which is contained in Attachment 1 to this letter. The property is part of the Gary Development Landfill Superfund Site (the "Site"). EPA has determined that you are the owner of this property (the "Property"). The lien which EPA has perfected against the Property arises under Section 107(l) of the Comprehensive Environmental, Response, Compensation, and Liability Act ("CERCLA"), commonly known as the "Superfund," 42 U.S.C. § 9607(l). The lien is intended to secure payment to the United States of costs and damages for which you, as the owner of the Property, would be liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Under CERCLA Section 107(a) and 101(9), 42 U.S.C. §§ 9607(a) and 9701(9), liable persons include persons who own any "facility," including a site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located. EPA has determined that a release or threat of release of hazardous substances pursuant to CERCLA Section 101(22) has occurred at or from the Property. The Property is part of the Site, at which hazardous substances came to be located, and is subject to or affected by a removal or remedial action. As the owner of a facility, you are a person liable for all costs of removal or remedial action at the Site. Costs and damages include the costs incurred by the United States in responding to a release or threat of release at the Site.

The lien arising in favor of the United States on the Property continues until the liability for the costs is satisfied or until the liability for the costs becomes unenforceable through operation of statute of limitations in CERCLA Section 113.



STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
2017 DEC 15 AM 11:05  
MICHAEL B. BROV  
RECORDER

25-  
CAST  
D

On February 25, 2013, EPA notified you by certified mail of your potential liability under CERCLA. You may avoid the perfection of a lien upon your property by paying all costs and damages for which you are liable.

EPA has assembled a Lien Filing Record consisting of documents related to its decision to perfect the lien. This record is kept at the following address, and may be reviewed and copied at reasonable times by arrangement with:

Jeffrey A. Cahn  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
Office of Regional Counsel (C-14J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

EPA has reviewed the information in the Lien Filing Record and believes that the Agency has a reasonable basis to believe that the statutory elements for perfecting a lien are satisfied. After 14 calendar days from the date of this letter, EPA intends to transmit a notice of lien to the Lake County Recorder of Deeds, as designated by State law, where the real property is located. The effect of this filing is to perfect the lien upon your property.

You may notify EPA within 14 calendar days from the date of mailing of this letter in writing if you believe EPA's information or determination is in error. You may also request to appear before a neutral EPA official to present any information that you have indicating that EPA did not have a reasonable basis to perfect the lien. You should describe in your letter or written request your reasons for believing that EPA did not have a reasonable basis to perfect its lien, because EPA may, as described below, agree with your reasons and release its lien without further review or a meeting. Any written submissions or requests for a meeting should reference the Superfund Site, be addressed to the above referenced Regional Attorney, and may include documents or information which support your contentions.

If EPA receives a written submission or a request for a meeting from you within 14 calendar days from the date of mailing of this letter, Agency staff will review your submission or request for a meeting. If, after review and consultation, EPA agrees that the Agency did not have a reasonable basis upon which to perfect a lien, EPA will not perfect its lien, and will so notify you. If EPA disagrees, the written submission or request will be referred to a neutral EPA official selected for the purpose of reviewing the submission or for conducting the meeting, along with the Lien Filing Record.

If you have requested an opportunity to appear, a meeting will be scheduled. You may choose to attend this meeting via teleconference. The Agency will be represented by its enforcement staff, including a representative from the Office of Regional Counsel. You may be represented by counsel at this meeting.

The meeting will be an informal hearing in which you may provide EPA with information as to why the Agency's assumptions require reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue at the meeting would be whether EPA had a reasonable basis to perfect its lien based upon CERCLA Section 107(I).

After reviewing your written submission, or conducting a meeting, if one is requested, the neutral EPA official will issue a recommended decision based on the Lien Filing Record. The recommended decision will state whether EPA had a reasonable basis to perfect the lien and will be forwarded to the Agency official delegated to execute liens for action. You will be notified of the Agency's action (whether perfection or decision not to perfect) and furnished a copy of the recommended decision.

Neither you nor EPA waives or is prohibited from asserting any claims or defenses in any subsequent legal or administrative proceeding by the submission of information, a request for and participation at a meeting, or recommended decision by the neutral EPA official that EPA has a reasonable basis to perfect a lien.

If you have any questions pertaining to this letter, please contact Jeffrey A. Cahn of the EPA Region 5 Office of Regional Counsel, at (312) 886-6670, e-mail [cahn.jeff@epa.gov](mailto:cahn.jeff@epa.gov).

Sincerely,



Margaret M. Guerriero  
Acting Director  
Superfund Division



Attachment

cc: Jeffrey Cahn, ORC (C-14J)  
Leslie Blake, SFD (SR-6J)  
Richard Hackley, PAAS (MF-10J)  
Records Center (SRC-7J)

**ATTACHMENT 1**

Legal Description of Parcel 3 of the property located at 479 Cline Avenue, Gary, Lake County, Indiana.

PIN: 45-03-35-301-003.000-004

That part of Government Lot 4, which is the West half of the Southwest Quarter of Section 35, lying North of the Grand Calumet River in Township 37 North, Range 9, West of the 2nd Principal Meridian in the City of Gary, Calumet Township, Lake County, Indiana, containing 15.777 acres, more or less.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

Notice of Federal Lien Under the Comprehensive  
Environmental Response, Compensation, and Liability  
Act of 1980, as amended

In the Matter of: The Gary Development Landfill Superfund Site  
(Real Estate Parcel No. 25-40-0152-0012, State ID: 45-03-35-301-003.000-004)

As provided by Section 107(l) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), notice is hereby given that the costs and damages for which James Nowacki is liable under Section 107(a) of CERCLA with respect to the Gary Development Landfill Superfund Site constitute a lien in favor of the United States upon real property, and rights to such properties, located at 479 Cline Avenue, Gary, Lake County, Indiana and described as follows:

PIN: 45-03-35-301-003.000-004

That part of Government Lot 4, which is the West half of the Southwest Quarter of Section 35, lying North of the Grand Calumet River in Township 37 North, Range 9, West of the 2nd Principal Meridian in the City of Gary, Calumet Township, Lake County, Indiana, containing 15.777 acres, more or less.

This Lien shall continue until the liability for the costs (or any judgment against the above named person arising out of such liability) is satisfied or becomes unenforceable through the operation of the statute of limitations as provided by Section 113 of SARA.

Dated at Chicago, Illinois, this 13 day of December, 2017.



Margaret Guerriero, Acting Director  
Superfund Division  
U.S. EPA, Region 5, S-6J  
77 West Jackson Boulevard  
Chicago, IL 60604

The Gary Development Landfill Superfund Site  
Gary, Lake County, Indiana

United States of America  
State of Illinois  
County of Cook

On this 13 day of December, 2017, there appeared personally before me, the undersigned Notary, Margaret Guerriero, known to me to be the Acting Director of the Superfund Division, United States Environmental Protection Agency, Region 5, and she acknowledged that she signed the foregoing Notice of Federal Lien in a representative capacity as the free and voluntary act and deed of the United States and its said Agency for the uses and purposes therein mentioned. Given under my hand and official seal and year first stated above.

**Document is  
NOT OFFICIAL!**

**This Document is the property of  
the Lake County Recorder!**

*J.P.S.*

NOTARY PUBLIC in and for the State of Illinois

My commission expires: September 01, 2020



JARRAH P SANDERS  
OFFICIAL SEAL  
Notary Public, State of Illinois  
My Commission Expires  
September 01, 2020

This instrument prepared by:

*[Signature]*

Jeffrey A. Cahn  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Mail Code: C-14J  
Chicago, Illinois 60604  
312-886-6670

