



# At a Glance

## Why We Did This Review

The U.S. Environmental Protection Agency (EPA) Office of Inspector General (OIG) received a hotline complaint alleging that residential properties near the former National Zinc Company smelter, Cherryvale, Kansas, were not addressed by previous cleanup activities. We sought to determine whether EPA's actions identified and addressed all residential properties contaminated with heavy metals that presented an imminent and substantial threat to the public health.

The National Zinc Company site was once the location of a lead and zinc smelter. In March 2001, a state evaluation determined that soils at residential properties adjacent to the site were contaminated with heavy metals, including lead. EPA classifies lead as a probable human carcinogen and a cumulative toxicant. Although the effects of lead exposure are a concern for all humans, young children are particularly at risk.

**This report addresses the following EPA Goal or Cross-Cutting Strategy:**

- *Cleaning up communities and advancing sustainable development.*

**For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.**

**The full report is at:**  
[www.epa.gov/oig/reports/2013/20130328-13-P-0207.pdf](http://www.epa.gov/oig/reports/2013/20130328-13-P-0207.pdf)

## ***Review of Hotline Complaint Regarding Residential Soil Contamination in Cherryvale, Kansas***

### **What We Found**

EPA Region 7 screened residential properties for soil contamination during its 2001–2002 removal activities near the former National Zinc Company smelter, but could not provide us with complete documentation for all properties. We found over 35 residential properties with lead contamination that, according to samples taken during the 2001–2002 removal action, exceeded the action level. However, it was unclear which of these properties were excavated because some EPA records were missing or incomplete. Over a 6-month period, we made over 10 separate inquiries for the missing information. After receiving our draft report, Region 7 provided some of the missing information. Despite the new information, there are still inconsistencies and gaps in the site records. For example, in contrast to positions stated earlier in our review, Region 7 now says that some properties with contamination at or above the action level were not excavated based on discussions with property owners and the State of Kansas. Without complete documentation, neither EPA nor the OIG can confirm EPA's assertion that all lead contamination presenting an imminent and substantial endangerment to public health at this site was fully identified and addressed. As a result, we cannot confirm or dismiss the allegations raised in the complaint.

### **Recommendations and Planned Agency Corrective Actions**

We recommend that Region 7 review all site records and documents to determine whether there is an imminent and substantial endangerment to public health at the National Zinc Company site. To support this determination, Region 7 should revise or prepare an addendum to the Removal Action Summary Report that contains an accurate and complete account of EPA activities at the site as well as fully document and timely communicate any actions taken to the public. We further recommend that, as needed, Region 7 work with the State of Kansas to ensure appropriate action is taken to respond to any imminent and substantial endangerment to public health at the site. In addition, we recommend that Region 7 document the costs to develop and implement the work necessary to address our recommendations.

Region 7 disagreed with recommendation 1. It believes that it has addressed all imminent and substantial endangerment at residential properties that met removal action criteria. Because the region was unable to provide us with the information necessary to confirm its assertion, this recommendation is unresolved. After we provided additional clarification, Region 7 agreed with recommendation 2. It also agreed with recommendation 3. However, the region did not include planned completion dates along with its planned corrective actions for these recommendations. Therefore, all three recommendations are unresolved. Region 7 will have an additional opportunity to provide information in response to this report. The OIG and Region 7 should begin the resolution process immediately.