

Lannett

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January 16, 2020

Via Regular Mail and Email (Mcauliffe.mary@epa.gov)

Attn: Mary McAuliffe (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604

Re: Kremers Urban Pharmaceuticals, Inc. ("Kremers"), Docket No. CAA-05-2019-0010

Dear Ms. McAuliffe:

As you recall, the Consent and Final Order ("CAFO") in the above-referenced docket number was filed with the Regional Hearing Clerk on December 31, 2018. Under the CAFO, Kremers must spend at least \$225,000.00 for the Supplemental Environmental Project ("SEP"). As required by the CAFO, on January 24, 2019, Kremers transferred \$225,000.00 to its escrow agent. On January 30, 2019, Kremers and Elevate Energy entered into a Services Agreement ("Agreement") for Elevate Energy to perform a SEP pursuant to the CAFO.

Pursuant to paragraph 57 the CAFO, Kremers "shall complete the SEP by June 30, 2020, provided that this date may be extended by mutual agreement between Kremers and EPA." Enclosed is a project status of the SEP outlining the progress that has been made on the project to date. As you can see in the enclosed document, so far Kremers spent \$21,217.02 on the SEP. For circumstances beyond Kremers control, the lead abatement project will take longer to complete than expected. Kremers is therefore respectfully requesting a one (1) year extension to June 30, 2021 to complete the SEP. Thank you very much for your consideration of this request.

If you have any questions, please feel free to contact me via e-mail at grant.brock@lannett.com or via telephone at 812-523-5475.

Very truly yours,

A handwritten signature in blue ink, appearing to be "Grant Brock", with a long horizontal line extending to the right.

Grant Brock
President
Kremers Urban Pharmaceuticals, Inc.

Enclosures

cc: Regional Hearing Clerk (E-19J) (US. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604) (via Regular Mail and email r5AirEnforcement@epa.gov)

Kremers Urban Pharmaceuticals, Inc., a Lannett company • 1101 C Avenue West • Seymour, IN 47274

Lannett Company, Inc.

Project Status of Supplemental Environmental Project (SEP)

January 8, 2020

Project Summary:

1. Elevate Energy is experiencing delays due to circumstances outside of our control that may delay completion of the SEP.
 - a. Specifically, they have not been able to identify as many properties eligible for lead abatement under CAFO guidelines as anticipated.

2. The primary recruiting strategy has been to work with referrals from local health departments within a 50-mile radius from Seymour, Indiana, however, there are fewer homes with lead orders from these health departments than anticipated, causing recruiting efforts to be impeded.
 - a. As of January 2020, six eligible homes have been identified through this process, and of those four are moving forward with the work.
 - i. Each of the four homes identified has a child who is between 0-6 years of age and has an elevated blood lead level.
 - ii. The owners of these homes also need financial assistance to complete the lead abatement work to remove the lead orders placed on their properties.
 - b. One to two additional homes are needed to expend the necessary funding.

3. Due to inclement weather this winter, lead abatement is completed at only one of the four recruited homes.
 - a. Further work will likely not be able to be completed on the remaining homes during the winter months since lead abatement requires caulking window capping and paint stabilization which cannot be effectively done on exterior surfaces when the outside temperature is below 40° F.
 - b. Work on the remaining homes as soon as reasonably possible, but they anticipate that that work will not be able to begin again until March 2020.

4. Due to the reasons stated above, we anticipate needing an extension through **June 30, 2021** to successfully complete the Supplemental Environmental Project.
 - a. We continue to make progress when it comes to recruitment (see following timeline)
 - b. Weather will be monitored carefully so planned work can be scheduled as soon as possible.
 - c. So far, an amount of \$21,217.02 has been spent on the Supplemental Environmental Project.

Timeline of Project Activities:

2/20/2019 - Elevate Energy began preliminary research on the demographics and activities of local health departments within the 50-mile radius of Seymour, IN.

2/29/2019- Elevate Energy created a program flyer to provide to public health departments and interested residents. Elevate Energy contacted the Jackson County Health Department to learn about their current lead work, provide information about the Project and have the director email project flyers to attendees of the Indiana Public Health Conference.

3/15/2019- We contacted the Bartholomew County Health Department to learn about their current work and we were informed by the Environmental Health Specialist that at most they conduct six lead risk assessments per year. In his opinion referrals have elevated blood lead levels when they arrive from their native countries and not from their current local homes.

3/29/2019- Through the Jackson County Health Department we've identified a potential property. The property is a single-family home located on N. Ewing Avenue in Seymour, IN.

4/27/2019- We connected with the Clark County Health Department. Due to HIPPA regulations, the local health departments are not allowed to share names and addresses, but they can encourage homeowners to reach out directly to Elevate Energy.

5/24/2019- Elevate Energy reached out to the Lawrence and Jennings County Health Departments to learn about lead issues in these counties and provide Project information.

6/21/2019- Elevate Energy continues to check-in, on a bi-weekly basis with Bartholomew, Jackson, Clark, Washington and Lawrence County Health Departments. A lead abatement contractor has been identified to perform the lead abatement work in the Seymour area.

6/24/2019- Elevate Energy spoke to the Seymour Mayor's office to see if they can provide guidance/assistance to spread the word in the area about the project. We were referred to the building commissioner, who said he gets orders/violations from the health department and suggested we contact the health department for assistance.

6/30/2019- A property identified by the Lawrence County Health Department is scheduled for a Lead Risk Assessment (LRA). After various attempts to contact Ewing Ave. residents we were informed by the health department that tenants would be moving out and house will be vacant, making this house ineligible for the Project.

7/26/2019- Clark County Health Department attended the local county fair to provide lead poisoning information and provided project flyers to interested attendees. Elevate Energy contacted Community Action Agencies in the Seymour area (over ten agencies) to assist with the recruitment process.

7/30/2019- Elevate Energy contacted Child Care Answers (CCA), a childcare resource organization in central and southern Indiana. Two weeks prior, CCA organized a group of approximately 40 kids to have their blood tested for lead, and will be providing our project flyer to families with children who have high lead levels.

8/14/2019- With the assistance of the Jackson County Health Department, we were able to reach the owner of a home on Walnut Street in Seymour.

8/21/2019- Lead risk assessment was performed at the Walnut Street property.

8/23/2019- We continue to follow up with the health departments on a biweekly basis since we have noticed all health departments have mentioned wanting to assist but are understaffed and working on numerous cases and issues.

9/1/2019- CCA completed home visits in over 40 homes with kids that have elevated blood lead levels. During the home visits they are providing residents with our project flyer. We received the LRA report for the Walnut Street property.

9/14/2019- Elevate Energy has contacted the Section 8 and Head Start departments at the Community Action Agencies that we have been in touch with, in order to expand outside the weatherization department and provide program information to a larger target group.

9/28/2019- The Section 8 manager at Ohio Valley Opportunities, a Community Action Agency, has sent out an email blast to her lengthy list of homeowners she has worked with in the past. She also agreed to provide program information to current landlords that she is working with.

10/5/2019- We have connected with local community organizations who are actively informing residents of the Project. Through one of the community groups (Southern Indiana Hispanic Services) we have connected with an organization that brings community groups in the area together every month to meet and share resources (Community Action Meeting) to help us continue spreading the word about the Project.

10/17/2019- Contractor walk-through was performed at the Lafayette Avenue property and Walnut Street property.

10/19/2019- Chances and Services for Youth (CASYS), replaced CCA as the childcare resource organization in the Seymour area. Elevate Energy was able to speak to the outreach manager at CASYS and she agreed to have the family engagement coordinators provide the program flyer to families when they are out on home visits.

10/30/2019- A community action group in the area has incorporated lead abatement questions into their home visit questionnaire in order to provide us with homeowners interested in participating in the Project.

11/4/2019- We received two leads, one from the Lawrence County Health Department and the other from the Washington County Health Department.

12/2/2019- Lead abatement started at the Lafayette Ave. property. Due to the extensive exterior lead abatement required for the Walnut Street property, which would take up to 3 weeks, we will wait until spring to continue work on the property.

12/18/2019- A planned visit is scheduled by Elevate Energy, to meet in person with several health departments within the 50-mile radius from Seymour. We are also conducting visual assessments of two recent leads sent by the health departments.