



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Details (With Text)

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**On agenda:** 10/7/2010      **Final action:** 10/7/2010

**Title:** Authority to: (1) issue a 26 ½-month permit to ComEd and Nicor on 50.44 acres of unimproved land located south of the Lockport Prairie in Will County, Illinois, Main Channel Parcel 14.03 to conduct an Environmental Removal Action; consideration shall be a nominal fee of \$10.00; (2) authority to enter into an Agreement Regarding Interim Removal Action; and (3) for the Executive Director to sign DRM-1 Form

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 10-07-10\_ComEd Nicor 26.5.pdf

Date	Ver.	Action By	Action	Result
10/7/2010	1	Committee of the Whole	Recommended	Pass
10/7/2010	1	Board of Commissioners	Approved	Pass

### TRANSMITTAL LETTER FOR BOARD MEETING OF OCTOBER 7, 2010

#### COMMITTEE ON REAL ESTATE

Mr. Richard Lanyon, Executive Director

Authority to: (1) issue a 26 ½-month permit to ComEd and Nicor on 50.44 acres of unimproved land located south of the Lockport Prairie in Will County, Illinois, Main Channel Parcel 14.03 to conduct an Environmental Removal Action; consideration shall be a nominal fee of \$10.00; (2) authority to enter into an Agreement Regarding Interim Removal Action; and (3) for the Executive Director to sign DRM-1 Form

Dear Sir:

In 1894, the District acquired several tracts of land in Will County in connection with constructing the Chicago Sanitary & Ship Canal. One such tract is now known as Main Channel Parcel 14.03 comprising approximately 50.44 acres. Parcel 14.03 is located in a very remote, difficult to access and heavily vegetated area in Will County, Illinois.

It was recently discovered that Parcel 14.03 contains piles of certain above ground materials associated with manufactured gas plant (MGP) residues. The visible contamination is located at the northwestern portion of the site, not the entire site. Research shows that in the 1930's an MGP plant was operated by predecessors to ComEd and Nicor on an adjacent, non-District owned site. The adjacent site is currently owned by Toyal America, Inc. District records do not indicate that Parcel 14.03 was ever leased to ComEd, Nicor, or any of their predecessors.

On March 18, 2010, the Board of Commissioners authorized the issuance of a 6-month permit to ComEd and Nicor to enter upon the site to perform an investigation to delineate the extent of the materials of concern (blue-tinted wood chips and semi-solid tarry material) to estimate the volume of material to be removed. The

remediation and removal plan is now completed and the utilities are requesting a 26 ½-month permit to perform a removal plan. The Site Remediation Section has reviewed the proposed removal plan and indicated it is acceptable.

The removal action involves removing MGP-related contaminants present at surface level and those that present an immediate risk for exposure to human health and the environment. The utilities have agreed to perform all work and front all costs, but have reserved its right to seek reimbursement from the District for a portion of the costs at a later date. The estimated cost of the removal work ranges between \$4,000,000.00 and \$6,000,000.00. The site contains wetlands and is part of an endangered species habitat area for the Hines Emerald Dragonfly, the Blanding's Turtle and the Spotted Turtle. Accordingly, U.S. Fish & Wildlife and the U.S. Army Corps of Engineers are processing permits applied for by the utilities to perform this work.

A 26 ½-month permit has been requested to perform this work. The utilities have requested that the permit's duration be long enough to accommodate temporary suspensions of work during seasonal warming. The removal action is scheduled for cold-weather months; times that certain species are less active and wetlands are less susceptible to damage. The removal action is an interim attempt to address certain environmental conditions but is not intended to resolve all matters between the parties. To date, the investigations have entailed visual, surface level grab samples and hand auger soil borings in the removal areas, at limited depths. It is anticipated that a full site investigation (soil and groundwater samples) will be negotiated once this interim removal action is completed.

The permit contains an addendum called "Agreement Regarding Interim Removal Action" which further defines the conditions and requirements of the utilities in performing the work. Authority is also therefore being requested to enter into this Agreement. Further, the permit will require that the site be entered into the Illinois EPA's Site Remediation Program so that a 4y letter can be obtained relating to this removal action. The 4y letter will indicate that the utilities completed the work proposed in a manner satisfactory to the IEPA. It will only address a specific area of the site, not the entire site. In order to enter a site in the SRP program, a form referred to as a DRM-1, must be signed by the landowner authorizing the site to be entered into the program. Accordingly, authority is requested authorizing the Executive Director to sign the DRM-1 form.

A nominal fee of \$10.00 is being recommended since the utilities are performing this removal work at the request of the District.

It is requested that the Executive Director recommend to the Board of Commissioners that it: (1) authorize and approve the issuance of a 26 ½-month permit to ComEd and Nicor on approximately 50.44 acres of unimproved land located south of the Lockport Prairie in Will County, Illinois, Main Channel Parcel 14.03 to conduct and Environmental Removal Action for a nominal fee of \$10.00; (2) authorize the execution of the Agreement Regarding Interim Removal Action; and (3) authorize the execution of DRM-1 Form by the Executive Director.

It is further requested that the Executive Director recommend to the Board of Commissioners that the Chairman of the Committee on Finance and the Clerk be directed and authorized to execute said permit agreement and Agreement Regarding Interim Removal Action and that the Executive Director be directed and authorized to sign the DRM-1 Form, after each are approved by the General Counsel as form and legality.

Requested, Frederick M. Feldman, General Counsel, FMF:CL:STM:rg

Recommended, Richard Lanyon, Executive Director

Respectfully Submitted, Terrence J. O'Brien, Chairman Committee on Real Estate Development

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for October 7, 2010

Attachment