



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 10-1472, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 2, 2010

COMMITTEE ON REAL ESTATE

Mr. Richard Lanyon, Executive Director

Authority to issue a 6-month permit extension to ComEd and Nicor to continue to enter 18-acres of District land located at the southwest corner of Oakton Street and McCormick Boulevard in Skokie, Illinois, to conduct air monitoring and staging for off-site investigatory work, consideration shall be \$10.00

Dear Sir:

Since 1996, the Law Department has been working with ComEd and Nicor in an effort to have the utilities perform environmental assessments and remediation work on the 18-acre site located at the northwest corner of Oakton Street and McCormick Boulevard, north of the North Side Water Reclamation Plant (the "Site"). The Site was acquired by the District from Northern Illinois Gas ("NIG") in 1965. Prior to the District's ownership, NIG operated a Manufactured Gas Plant ("MGP") thereon. The Site contains contaminants from the MGP operations. In 2002, the District filed a suit in federal court against both utilities and successors in interest to NIG seeking damages for clean-up costs. ComEd and Nicor have proposed an environmental remediation plan in an effort to settle this case. Such plan and settlement offer has not yet been presented to or approved by the Board as the details are still being negotiated.

In anticipation of the District allowing the utilities to enter the Site to perform environmental remediation activities, on April 15, 2010, a 6-month permit was issued to ComEd and Nicor to perform ambient air monitoring prior to performing any remediation work. The permit is set to expire December 15, 2010. The sampling is being conducted at 6 stationery aboveground locations set up around the perimeter of the Site. Additionally, the permit allows use of the Site by the utilities for temporary staging and storage during site investigation activities to be conducted in the parkways of Oakton and McCormick to determine whether any off-site migration has occurred from the Site.

The utilities have requested a 6-month extension to its current permit so that they can continue background air monitoring activities while the parties continue to work towards settling this matter. The background air monitoring is necessary so that once remediation commences the then current air quality can be compared against background air quality in an effort to ensure the safety and welfare of the public and the environment. The utilities have also indicated that they have not yet performed off-site investigatory work but plan to do so during this extension period.

A nominal fee of \$10.00 is recommended since the utilities are performing this work in anticipation of settling the lawsuit filed by the District.

It is requested that the Executive Director recommend to the Board of Commissioners that it authorize and approve the issuance of a 6-month permit extension to allow ComEd and Nicor to continue to enter 18-acres of District land located at the southwest corner of Oakton Street and McCormick Boulevard in Skokie, Illinois, to conduct air monitoring and staging for off-site investigatory work. Consideration shall be \$10.00.

It is further requested that the Executive Director recommend to the Board of Commissioners that it authorize and direct the Acting Chairman of the Committee on Finance and the Clerk to execute said permit extension agreement after it is approved by the Acting General Counsel as to form and legality.

Requested, Alan J. Cook, Acting General Counsel, AJC:CL:SM: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 December 2, 2010

Attachment