

COMMUNITY INVOLVEMENT PLAN



OTTAWA RADIATION AREAS SUPERFUND SITE

February 2024

988888



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INTRODUCTION

Describes the purpose of this CIP, presents EPA's community outreach objectives, and provides an overview of the Superfund program.

The U.S. Environmental Protection Agency (EPA) is investing approximately \$90 million from the **Bipartisan Infrastructure Law**, or **BIL**, to clean up the last radium site, known as **NPL-8**, at the Ottawa Radiation Areas site. The Ottawa Radiation Areas site consists of 16 areas contaminated by **radioactive** materials in LaSalle County, Illinois. In 1991, EPA added the site to the Superfund **National Priorities List**, or **NPL**, for more in-depth investigation and cleanup. A brief site history and description are provided in "The Site" section on page 6.

EPA prepared this **Community Involvement Plan**, or **CIP** to support environmental and cleanup activities at and near the site. EPA uses the CIP to inform, engage and support the communities affected by the **site**. Our **community involvement** effort is committed to promoting effective and meaningful communication between the public and the EPA. We want to make sure that (1) members of the affected communities know and understand when and how they can participate in decision-making during the **cleanup** activities at this site and (2) the communities' concerns and information needs are considered and addressed as activities at the site progress.

We used several information sources to develop this plan, including research, discussions with community members and information gathered at community interviews. EPA scheduled in-person interviews with community members at the Ottawa City Hall located at 301 West Madison Street in Ottawa, Illinois. EPA conducted interviews with 14 individuals between October 4 and 6, 2023. Interviewees included local residents, local officials, members of local community groups and other parties interested in activities and cleanup efforts.

(Words in **bold** are defined in Appendix A.)

This CIP describes EPA's plan for addressing concerns and keeping residents informed and involved in investigation and cleanup activities at the site. We will use this document as a guide to involve and communicate with residents, businesses and the local government in the city of Ottawa.

The CIP is a working document that will evolve as the investigation and cleanup process continues and input is received from the community. It is intended to be flexible, adaptable and used as a guideline for our communication with the community.

EPA's Community Outreach Objectives:

- Assist the public in understanding the decision-making process during the investigation and cleanup and the community's role in that process.
- Give the public accessible, accurate, timely and understandable information about the project as it moves forward.
- Ensure adequate time and opportunity for the public to give informed and meaningful input and for that input to be considered.
- Reflect community concerns, questions and information needs.
- Respect and fully consider public input throughout the entire process.

If you are interested in submitting comments or have questions or suggestions concerning this CIP, please contact:

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Community Involvement in Superfund Cleanups

Ongoing input and involvement by the community are essential to our efforts to provide effective **community engagement**. We have learned that the Agency's decision-making ability is enhanced by actively seeking input and information from the community. Community members need to be involved in all phases of the investigation and cleanup so that the **contamination** is addressed in a way that protects people and the environment – now and in the future.

Residents, business owners and local government officials may be able to provide valuable information about a hazardous site that can help us determine the best way to clean it up. Information can help determine the location of contamination, how people may be exposed to the contamination and perhaps sources of the contamination.

Local residents educated EPA about their community and told EPA about their concerns, which are explained in the *Community Interviews* section on page 19.

Superfund Overview

What is the Superfund Program?

Superfund is an environmental cleanup program enabled by a federal law enacted in 1980 known as the **Comprehensive Environmental Response, Compensation, and Liability Act**, or **CERCLA**, also called Superfund. In 1986, another law, the **Superfund Amendments and Reauthorization Act**, or **SARA**, reauthorized CERCLA to continue Superfund cleanup activities. EPA requires those responsible for contaminating Superfund sites to clean up those sites or reimburse the government if EPA cleans them up. If **potentially responsible parties**, or **PRPs**, no longer exist, EPA uses money from Congress to clean it up. Superfund site identification, monitoring and response activities are coordinated with state, tribal and territorial environmental protection or waste management agencies.

Once EPA has been made aware of a site by individuals, local and state agencies, or others, EPA follows a step-by-step process to determine the best way to clean it up and protect human health and the environment. If the site poses an immediate threat to public health or the environment, EPA can intervene with an **emergency response action**. The goal of EPA's Emergency Response and Removal Program is to protect the public and the environment from immediate threats posed by the release or discharge of **hazardous substances**. If the site is contaminated but does not pose an immediate threat to public health or the environment, then cleanup is conducted under Superfund's remedial program. Cleanups under the remedial program follow a longer investigative and decision-making process and are typically conducted in different phases depending on the types and levels of contaminants and available funding.

At the Ottawa Radiation Areas Site, EPA conducted several response actions to protect human health and the environment in the short term. In 1986, the Illinois Department of Nuclear Safety, or IDNS, removed contaminated soils located near homes in one of the contaminated areas and purchased one home in another area. EPA installed radon reduction systems in two homes and a business in 1988. In 1990, EPA moved a home to uncontaminated property owned by the resident. Late in 1994, EPA, working with IDNS, began removing radium-contaminated soil from the radiation areas. The material

removed was shipped to a low-level radioactive hazardous waste disposal facility in Utah. Removal activities were completed at nine of the areas. About 32,000 cubic yards of radioactive soils and debris were removed. Information on remedial actions can be found in 'The Site' section on page 6.

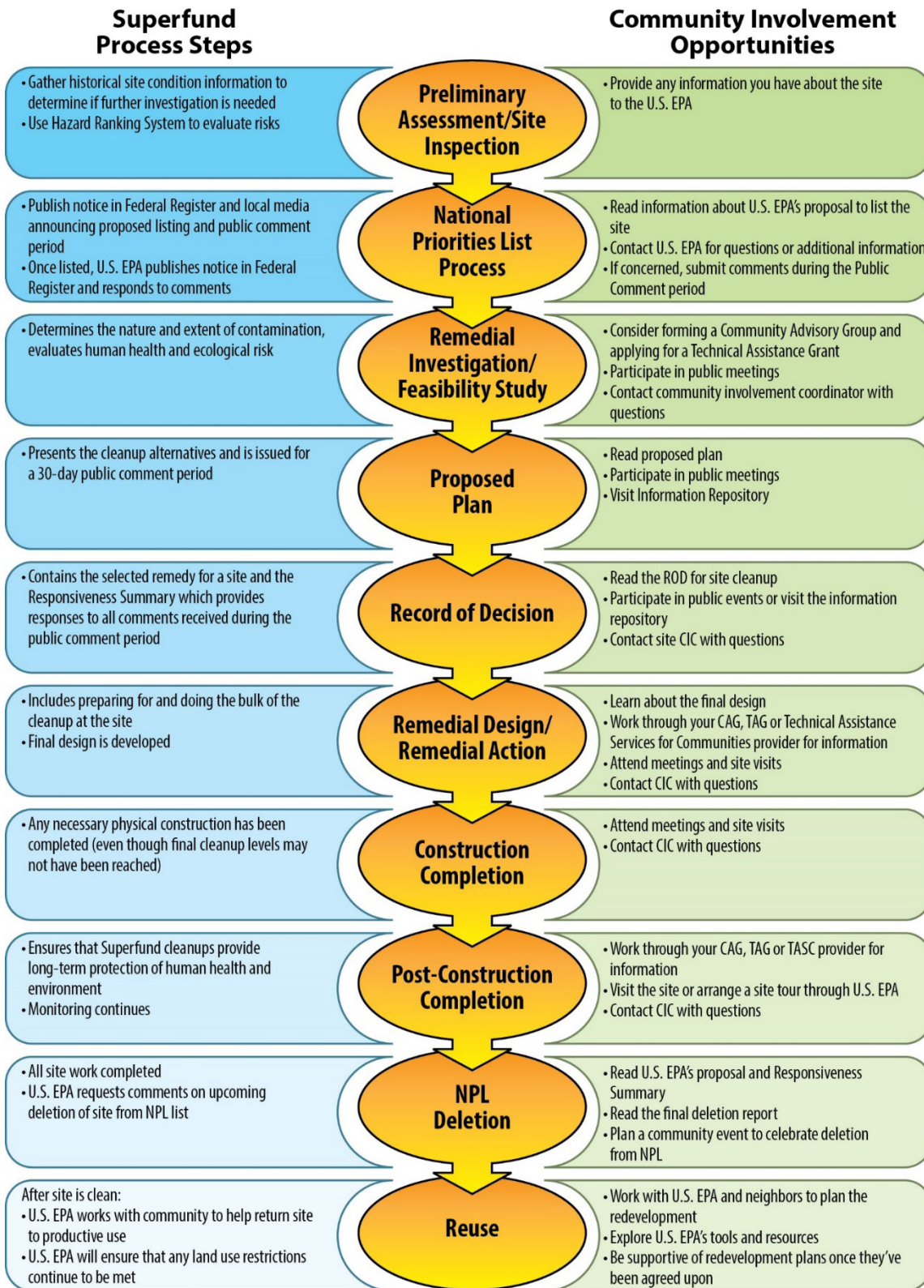
The Superfund program encourages active dialogue between communities affected by the release of hazardous substances and all the agencies responsible for carrying out or overseeing cleanup actions. EPA considers community involvement to be an important part of the Superfund program and opportunities for community involvement occur throughout the process. At each step in the process, there are opportunities for various levels of community involvement (see the following page for more details).

Visit these EPA websites for more information on the Superfund process.

Superfund: www.epa.gov/superfund

Cleanup Process: <https://www.epa.gov/superfund/cleaning-superfund-sites>

Community Involvement:
<https://www.epa.gov/superfund/superfund-community>

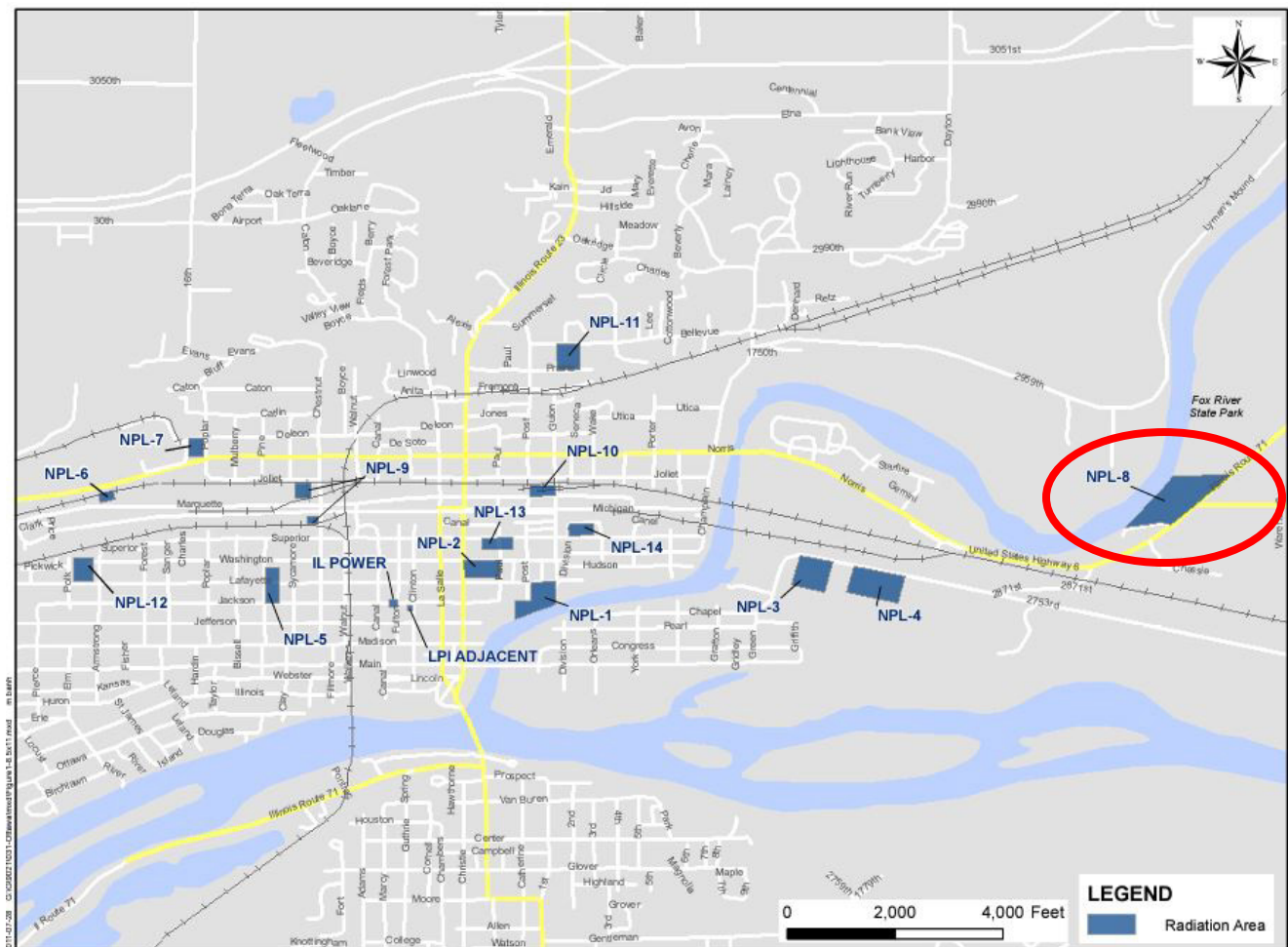


THE SITE

The Ottawa Radiation Areas site consists of 16 areas of known contamination, primarily **radium-226**, **polycyclic aromatic hydrocarbons**, or **PAHs**, and **heavy metals**. High levels of radium-226 were most likely a result of two Ottawa businesses that used radium sulfate paint to create illuminating watch dials and clock faces. Radium Dial Co. operated in Ottawa, Illinois, from 1922 to the mid-1930s, and Luminous Processes Inc., or LPI, operated from the mid-to-late 1930s to 1978. During manufacturing, equipment buildings and surrounding work areas became contaminated with radium-226. Additionally, waste from these businesses was used as fill material at various locations around Ottawa. Most of the sites are situated in residential areas. Others are located within the Ottawa business district or in light industrial areas. A few sites are outside the city limits in unincorporated locations.

In 1991, the contaminated areas were added to the NPL as the Ottawa Radiation Areas Superfund site. Between 1995 and 1997, EPA began cleanup at 12 of the 16 contaminated areas and removed almost 40,000 tons of radioactive soil and debris. The first removal actions focused on residential properties where radiation posed an immediate health risk. Between 2006 and 2007 and 2015, 2017, and 2020, EPA completed cleanup at three additional contaminated areas, removing 46,000 tons of soil and debris contaminated with radium-226ⁱ. NPL-8 is the last area that needs to be cleaned.

A brief site history and overview of EPA investigation and cleanup activities are provided in the following subsections.



Site History

Between 1922 and the mid-1930s, Radium Dial, Inc. operated in Ottawa, Illinois. The company was located at Columbus and Washington Streets. Formerly, the building was the Ottawa High School from 1880 to 1916. In the mid-1930s, Radium Dial, Inc. went out of business. However, the owner of Radium Dial, Inc., Joseph A. Kelly Sr., opened another radium dial factory called LPI. that operated from the mid-1930s to 1978 at a building a few blocks from the former Radium Dial building. Between the mid-1930s and 1968, the original Radium Dial building was used as a meat packing plant, later occupied by Farmers Co-op. This building was demolished in 1968ⁱⁱ.

Until 1960, radium was the only radioactive material used at the facility. Radium was mixed with zinc sulfide as the base for luminous paints. Until 1957, the amounts of radium used at the facility were unknown because no federal or state regulations existed for the receipt, use and distribution of radium consumer products. In 1957, Illinois passed a radioactive materials law, requiring users of radioactive material to register with the state and provide information on the types and quantities of radioactive materials used. LPI registered with the state in December 1957; the company reported an annual average radium usage of 700 milligrams. In the 1970s, **tritium** became available for use in luminous paints and replaced radium.

The LPI building remained vacant after closing in 1978; however, residents and city officials reported it was used as a meat locker for several years. During operation, the building and surrounding area became contaminated with radium-226. In 1985, the building was demolished, and contaminated debris was transported for disposal at a commercial low-level waste disposal facility in Hanford, Washington. In 1986, a contractor for the IDNS removed contaminated soils, foundations and sewer lines. Ottawa residents made several allegations about improper disposal of radioactive material, including improper disposal practices, migration of dust particles during demolition and contamination of water when wastewater from hosing the foundation ran off into the sewer.



A radium paint well was discovered during excavation.

Source:

<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.photovideoaudio&id=0500634>



Radium Watch (1910s-1930s).

Source: www.americanhistory.si.edu/collections/nmah_852427

In 1986 at the request of IDNS, the U.S. Department of Energy conducted an aerial survey of Ottawa to detect radium-contaminated areas. The survey identified approximately 11 areas that contained varying levels of underground radium contamination. In 1986,

IDNS conducted **radon screening** of homes in Ottawa because radium naturally decays to form **radon gas**. Radon-detecting equipment was placed in basements or low areas in homes to measure radon levels. Radon concentrations in two homes exceeded the EPA standard of 4 picocuries per liter, or pCi/L, of air. IDNS removed approximately 800 cubic feet of soil from one home. The second home had a radon system installed to remove the radon.

In December 1986, IDNS requested EPA's assistance to perform site inspections, evaluate possible movement of radium contamination, and supervise the cleanup.



A radioactive backing of a clock produced by Luminous Processing, Inc. for Westclox excavated by the Illinois Emergency Management Agency during the previous remediation.

Site Cleanup

In December 1987, EPA conducted a mobile street-by-street survey of Ottawa to locate additional areas with high levels of radiation. An EPA team using hand-held radium meters then confirmed the exact location of the radium source. The survey team collected 23 soil samples from confirmed areas of radiation to determine whether radioactivity was due to naturally occurring deposits of uranium or improper disposal of material from Radium Dial and LPI. Analytical results confirmed the radium contamination was caused by industrial processes, qualifying the areas for an EPA superfund removal action. During this initial investigation, EPA notified residents and business owners and employees in Ottawa who could be affected by the radiation and offered the opportunity to have their homes and businesses tested for radon.

From January through June 1988, EPA conducted radon surveys in 62 residences and businesses, 11 of which had radon levels greater than EPA's standard (4 pCi/L). EPA installed **radon reduction systems** in two homes and one business in August and September 1988. In 1990, EPA relocated a home from a lot with high levels of radiation to another lot (owned by the resident).



Contained radioactive debris loaded for disposal. Source:
<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.photovideoaudio&id=0500634>

In 1991, EPA added the 15 Ottawa Radiation Areas (NPL-1 through NPL-14 and LPI Adjacent) to the NPL as the Ottawa Radiation Areas Superfund site. EPA discovered the Illinois Power Building during the removal action and added it as the 16th Ottawa Radiation Area. EPA prioritized residential properties and properties near residential areas because they posed immediate and substantial endangerment to the public. EPA excavated these residential areas, including parts of NPL-1 and NPL-9, under the Superfund Removal Program. EPA conducted removal activities between 1993 and 1997 and removed more than 40,000 tons of

radium-contaminated soil from 12 of the 16 areas. In 1997, cleanup activities were completed at NPL-2, NPL-3, NPL-5, NPL-6, NPL-7, NPL-10, NPL-12, NPL-13, and NPL-14. Cleanup is complete at these areas because radium-contaminated soil was removed. Remaining soil at these properties is below EPA's cleanup level for radium-226, allowing **unlimited use and unrestricted exposure**, or **UU/UE**.

EPA conducted further investigations at areas where cleanup activities were not completed (NPL-1 and NPL-9) or not started (NPL-4, NPL-8, NPL-11, the Illinois Power Building and LPI Adjacent) under the Superfund Remedial Program because the residential areas that posed immediate and substantial endangerment had been completely addressed under the Removal Program. Under the Remedial Program, additional funds were secured to perform investigations, risk assessments, and cleanup actions.



Excavation at NPL-4; the water was pumped into a holding tank, characterized for hazardous waste and disposed of properly. Source:

<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.photovideoaudio&id=0500634>

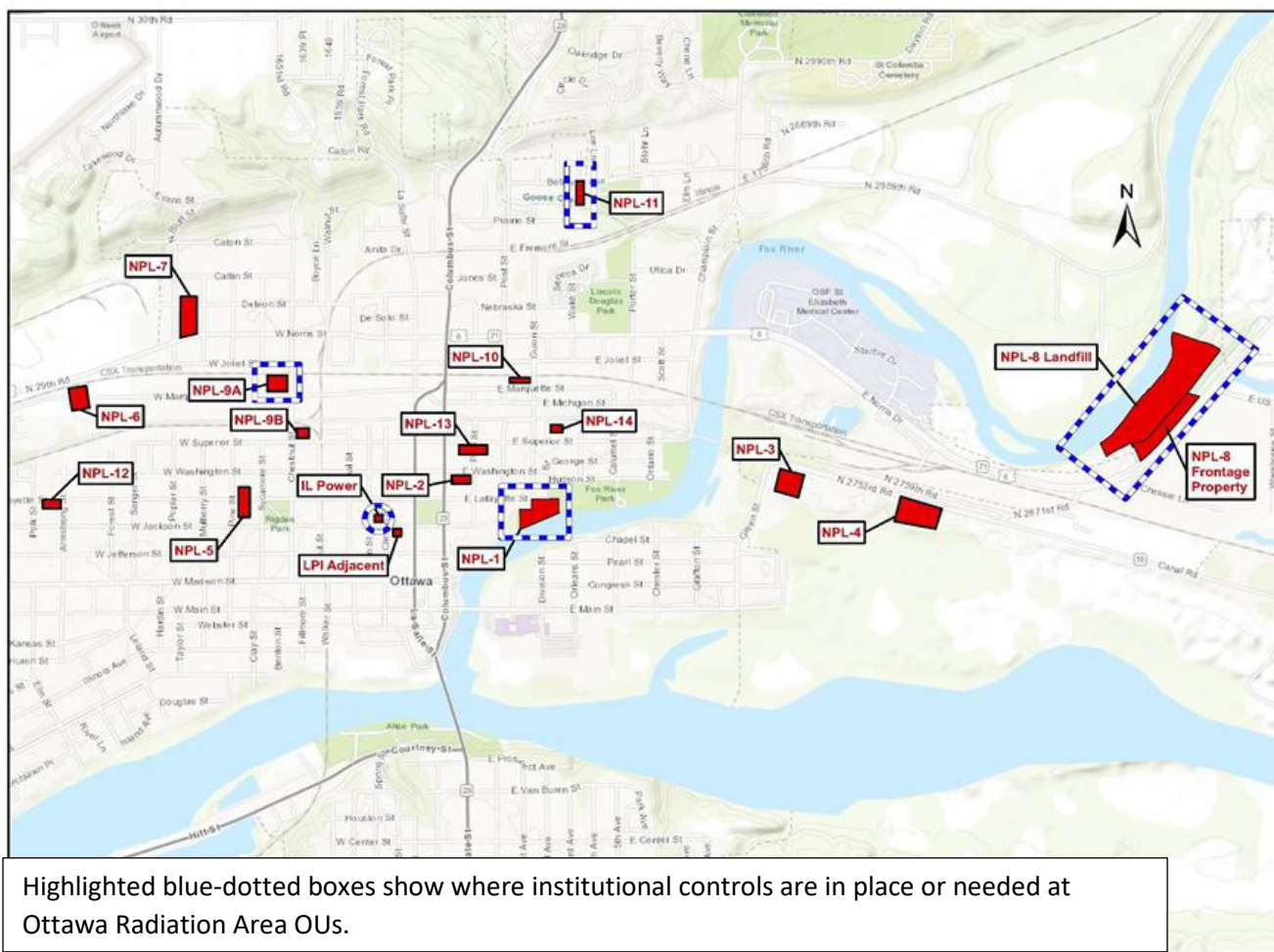
Under the Superfund Remedial Program, EPA designated the remaining areas into five cleanup sites, referred to as **operable units**, or **OUs**.

- OU1: NPL-8 Landfill
- OU2: NPL-1, NPL-4, NPL-9, NPL-11 and the Illinois Power Building
- OU3: Lead-contaminated soil removal (additional non-radiation data collected at NPL-1 and NPL-9 resulted in lead-contaminated soil removal)

- OU4: NPL-8 Frontage Property
- OU5: LPI Adjacent

In 2000 and 2003, EPA selected the site's final remedies, recommending complete removal of radium-contaminated soil from five of the areas where future residential use was likely. EPA also recommended removal to 10 feet below ground surface at one area where future recreational and commercial/industrial use was planned.

Cleanup activities have since been completed at all areas except the NPL-8 landfill. Cleanup at the NPL-4 and LPI Adjacent areas allows for UU/UE. **Institutional controls**, or **ICs**, are required for NPL-1, NPL-8, NPL-9, NPL-11 and the Illinois Power Building because of remaining subsurface contamination. Descriptions of the institutional controls can be found in the Ottawa Radiation Areas Institutional Controls Stewardship and Communications Plan in Appendix F.



Site Status

In November 2021, EPA completed the third **Five-Year Review**, or **FYR**, of the site. The FYR was prepared because hazardous substances, pollutants or contaminants remain at the site above levels that allow for UU/UE. EPA determined the remedies at NPL-1, NPL-4, NPL-8 Frontage Property, NPL-9, NPL-11, the Illinois Power Building and LPI Adjacent are protective of human health and the environment. The remedies for NPL-8 Landfill have yet to be fully implemented, so it was not included in the 2021 FYRⁱⁱⁱ.

In November 2021, Congress passed the BIL, also known as the Infrastructure Investment and Jobs Act. EPA is investing \$1 billion from BIL to start new cleanup projects at 22 Superfund sites and expediate over 100 other ongoing cleanups across the country. The Ottawa Radiation Areas site will receive approximately \$90 million of funding from BIL to clean up the contamination at the NPL-8 Landfill area – the last of 16 contaminated areas needing cleanup^{iv}.

Cleanup at NPL-8 Landfill will include excavation and offsite disposal of contaminated soils, backfilling of excavated areas and revegetation. The 17-acre former landfill is located along SR-71, about 1 mile east of the Ottawa city limits^v.



Aerial view of NPL-8. NPL-8 landfill, the last radiation area that needs to be cleaned, is outlined in orange. NPL-8 Frontage property is outlined in black and red.

The Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) selected the NPL-8 cleanup at the Ottawa Radiation Areas Superfund site to be awarded the Mega Construction Project Program (Megaproject). The OFCCP is responsible for enforcing the non-discrimination and affirmative action obligations of federal contractors and subcontractors. OFCCP's Mega Construction Project Program fosters equal opportunity in the construction trades on selected long-term federal construction projects valued at \$35 million or more. Through the program, OFCCP focuses its resources on construction projects that have the greatest potential to make a positive economic difference in a community.

OTTAWA RADIATION AREAS IN THE MEDIA

During the initial investigation and throughout the cleanup process, the site and associated impacts on human health have been depicted in various forms of media, discussed below.

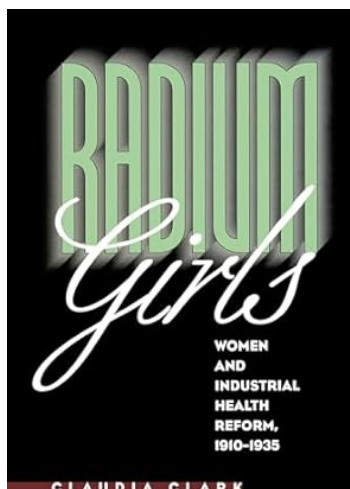
Radium City

In 1987, the film documentary *Radium City* heightened community awareness and interest in the Ottawa Radiation Areas when it was shown in the Chicago area, later in Ottawa, and subsequently broadcast on television. Before it was televised, the documentary was screened twice in Ottawa at the Glassworkers Local 19 Union Hall. The documentary highlighted the Radium Dial and LPI facilities in Ottawa. Independent filmmaker Carol Langer wrote, produced and directed the documentary, with portions narrated by Ottawa resident and environmental activist Ken Ricci. Ottawa resident and environmental activist Arlo Franzetti took much of the footage. The documentary focuses primarily on how the use and disposal of radium affected the health of the women who worked at the watch painting facilities and lived in Ottawa. Interviews featured former workers of Radium Dial and LPI, residents of Ottawa, and workers hired to demolish the LPI building. The documentary was very controversial when it was first released on public television. It was later nominated for an Academy Award, sponsored by the Academy of Motion Picture Arts and Sciences.



Movie poster for *Radium City*.

Radium Girls – Women and Industrial Health Reform, 1910-1935

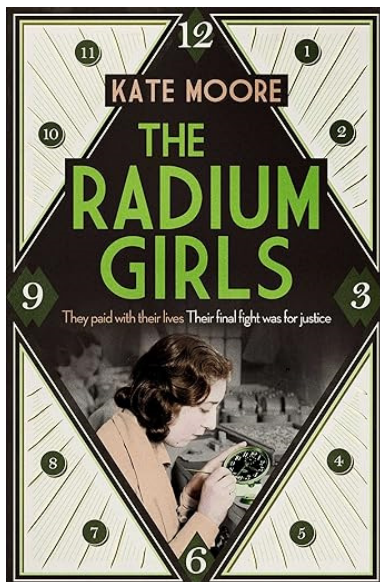


Cover of the book *Radium Girls – Women and Industrial Health Reform, 1910-1935* by Claudia Clark.

In 1997, the book *Radium Girls – Women and Industrial Health Reform, 1910-1935* by Claudia Clark was published. The book discussed several locations in the United States where young women were hired to paint dials with radium paint. The book highlighted the historical social and political aspects of the time that influenced the workers, managers, government officials, doctors and legal authorities involved in the cases of illnesses and workers' compensation. Chapter eight of the book discusses the case of industrial radium poisoning of the Ottawa dial painters.

Radium Girls: The Dark Story of America's Shining Women

In 2017, the book *Radium Girls: The Dark Story of America's Shining Women* by Kate Moore was published. *Radium Girls* tells the story of the women who worked in radium dial factories in Orange, New Jersey, and Ottawa, Illinois. The book discusses how these radium-dial painters took on the radium companies that made them sick as they were dying of radium poisoning. Their lawsuits were key to reinforcing the U.S.'s workplace safety standards.



Left: Cover of the book *Radium Girls: The Dark Story of America's Shining Women* by Kate Moore

Right: Photograph from the book *Radium Girls: The Dark Story of America's Shining Women* by Kate Moore showing workers of Radium Dial.

THE COMMUNITY

The following sections provide information about the city of Ottawa community, including its history, government and demographics.

Community History

The city of Ottawa is in LaSalle County in north-central Illinois. The city lies at the junction of the Fox and Illinois rivers, about 80 miles southwest of Chicago. Ottawa is the county seat of LaSalle County.

In 1673, French explorers Jacques Marquette and Louis Jolliet visited Ottawa, which was then inhabited by Illinois Native American tribes. Rene-Robert Cavalier, sieur de La Salle built Fort Ottawa in 1682. In 1823, the first settlers (mostly fur trappers and traders) arrived in Ottawa. The settlers traded with the Native American tribes that lived along the Illinois River; the name “Ottawa” derives from a Native American word meaning “to trade.” In 1830, the town was established, and more settlers arrived, forming communities around the Illinois and Fox rivers at Fort Ottawa. Settlers built a sawmill and gristmill and became the first in northern Illinois to grind wheat by waterpower. In 1831, LaSalle County was formed and Ottawa became the county seat^{vi, vii}.

In 1836, construction started on the Illinois and Michigan Canal. The canal opened in 1848 and brought Irish immigrants to the area, contributing to Ottawa’s growth. The canal linked Lake Michigan to the Illinois River at LaSalle-Peru. The building and completion of the canal brought more businesses and supplies. In 1853, the Chicago and Rock Island Railroad began operating through Ottawa, giving farmers, merchants and manufacturers additional means of reaching markets^{viii}. The opening of the canal and railroad contributed to Ottawa’s steady growth, and in 1853, Ottawa was incorporated as a city^{ix, x}.



Lock 14 of the Illinois Michigan Canal (present day) near LaSalle, Illinois.

Source: <https://dnr.illinois.gov/parks/park.imcanal.html>

During the construction of the Illinois and Michigan Canal, public unrest from workmen of the canal project led citizens to elect William Reddick as sheriff. In 1855, Reddick commissioned the construction of a large Italianate house; Reddick Mansion is now one of the largest surviving homes in Illinois to predate the Civil War^{xi}. In 1973, the mansion was added to the National Register of Historic Places^{xii}.



The Reddick Mansion (2020). Source: https://commons.wikimedia.org/wiki/File:Reddick_Mansion_House_-_Restored_-_Front_View.jpgs

In August 1858, the first of seven Lincoln-Douglas debates was held in Ottawa. During this debate, Stephen A. Douglas accused Abraham Lincoln of forming a secret bipartisan group of Congressmen to abolish slavery^{xiii}. During the Civil War, Ottawa was a main stop on the Underground Railroad because of its rail and river transportation. The John Hossack House was a station on the Underground Railroad, and Hossack hid as many as 13 fleeing slaves until they could safely reach the next station. In 1860, Hossack was one of several Ottawa residents charged and convicted in Federal Court for violating the Fugitive Slave Act^{xiv}.

In the 1850s, Ottawa's population was around 5,000, and by 1900, the population more than doubled to 10,500^{xv}. By the late 1800s, Ottawa was one of Illinois' fastest-growing centers of commerce and industry because of its central location, abundant stock of natural resources like clay and silica sand and its status as the county seat^{xvi}. In 1910, William Dickson Boyce, a resident of Ottawa, founded the Boy Scouts of America^{xvii}. The Ottawa Scouting Museum, located on Canal Street, opened in 1997 and features the history of Boy Scouting and Girl Scouting.

In 1922, Radium Dial, Inc., moved from Peru, Illinois to a former high school building in Ottawa. It remained in this building until the mid-1930s. Shortly after closing Radium Dial, the company head, Joseph A. Kelly Sr., opened a new corporation called Luminous Processing, Inc. a few blocks away. LPI continued to process radium watch dials until 1978.



Photograph from the book *Radium Girls: The Dark Story of America's Shining Women* by Kate Moore showing Radium Dial workers meeting with a lawyer (top left) and at the LaSalle County Court House (bottom). The top right photo shows a Radium Dial worker collapsing in court due to her illnesses.

Employees of Radium Dial and LPI used radium-containing, glow-in-the-dark or luminous paints to coat the dials and faces of clocks and watches. LPI prepared luminous dials for the military during World War II. Most employees were women; in the late 1910s, Radium Dial employed 92 women and 5 men. The women painted dials by licking a paintbrush to create a fine point and dipping it into paint called “LUMA,” which contained silver-activated zinc sulfide and powdered radium. Some workers even painted their faces, teeth and fingernails with the glowing paint because they were told it was harmless. By ingesting and contacting radium, the women developed anemia, bone fractures, sarcomas and necrosis of the jaw (now known as radium jaw) over time. Many of these women died from their exposure. In 1938, dying radium worker Catherine Wolfe Donohue successfully sued Radium Dial over her illness. The Radium Girls case was among the first in which a company was held responsible for the health and safety of its employees; it led to various reforms and the creation of the U.S. Occupational Safety and Health Administration^{xviii}.

Throughout the 20th Century, Ottawa maintained its strong industrial economy, aided by the construction of Highway 80 just north of the city in 1961. In the late 1960s, as industrial companies began to automate processes and downsize, a long economic decline started. By the early 1980s, unemployment in the area was between 11 and 12 percent; additionally, tax revenues were falling and new construction was non-existent. In the 1990s, the city of Ottawa and local civic organizations worked together to bring new



Heritage Harbor in Ottawa, Illinois. Heritage Harbor is a resort community built around a marina on the Illinois River. Source: <https://www.visitheritageharbor.com/about/>

businesses to Ottawa. The city also developed the waterfront and enhanced the historical identity of Ottawa^{xix}.

Today, Ottawa is known as “The Friendly City”^{xx}. Four state parks are near Ottawa, including Starved Rock, Buffalo Rock, Illini and Matthiessen. Ottawa hosts yearly festivals such as the Friendship Days, Ottawa Wine Festival and the Scarecrow Festival.

Government Structure

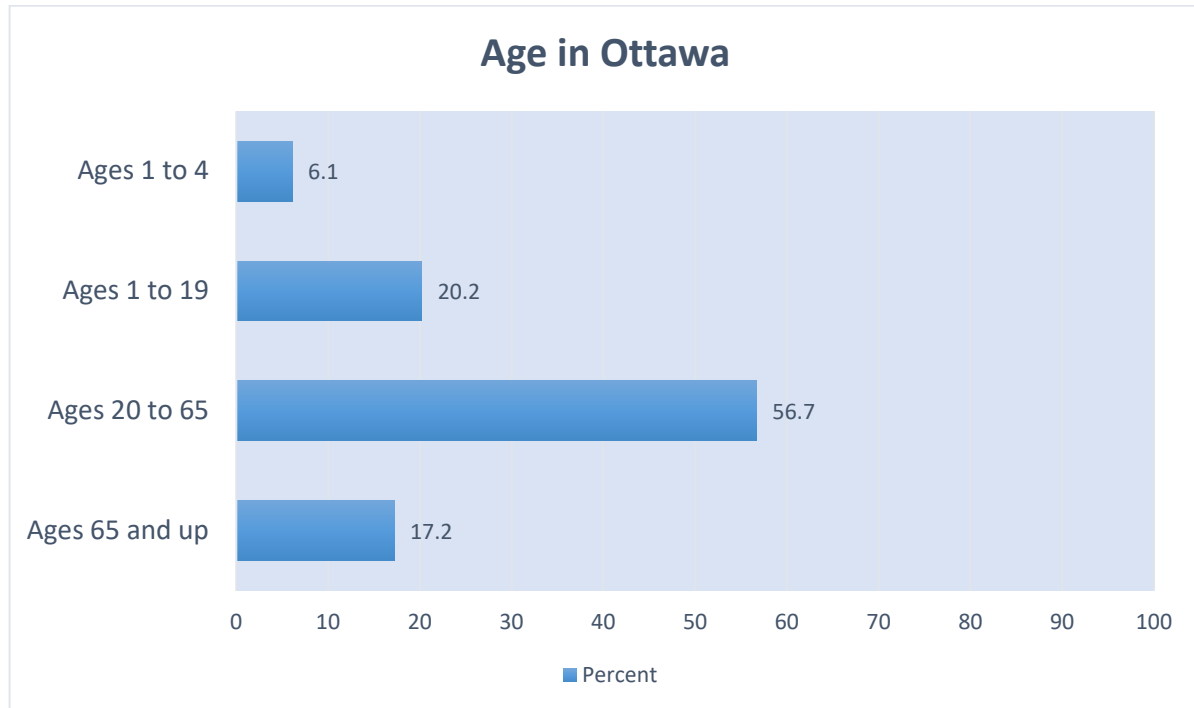
The aldermanic form of government was the earliest form of government in Ottawa, with a mayor elected with two aldermen each from five wards. This was adopted on May 3, 1853, and changed to the commission form of government on May 2, 1911. Currently, Ottawa is governed by a mayor and four commissioners. The mayor and commissioners are elected at large during the municipal election and hold office for 4 years. City council meetings are held on the first and third Tuesday of each month at 7:00 p.m. Commissions include Accounts and Finance, Public Health and Safety, Public Improvements and Public Property^{xxi}. A contact list, including the current town council, is included in Appendix D.

Community Demographics

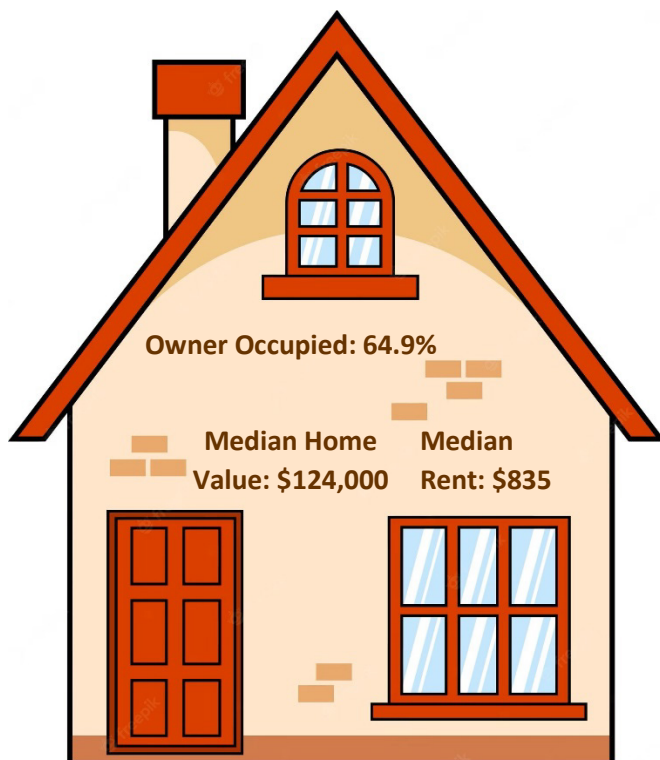
The following demographic information was obtained from the American Community Survey, or ACS, 2017 to 2021 data and an EPA selection tool called EJSCREEN. EJSCREEN provides users with a nationally consistent dataset and approach for combining environmental and demographic indicators. According to the U.S. Census 2017 to 2021 ACS 5-year Estimates, 18,719 people live in Ottawa, Illinois. Of the population aged 5 and over, 93.8 percent speak only English at home.

	Ottawa	Illinois
Median Age	39.7 years	39.0 years
One Race	97.6%	97.8%
White	83.2%	59.5%
Black or African American	4.6%	14.7%
Asian	1.0%	6.3%
American Indian and Alaska Native	0.1%	0.6%
Native Hawaiian and Other Pacific Islander	0%	0.1%
Hispanic or Latino	8.7%	18.3%
Two or More Races	3.9%	2.2%
Low Income	15.6%	12.1%
Persons 65 Years and Over	17.3%	17.2%

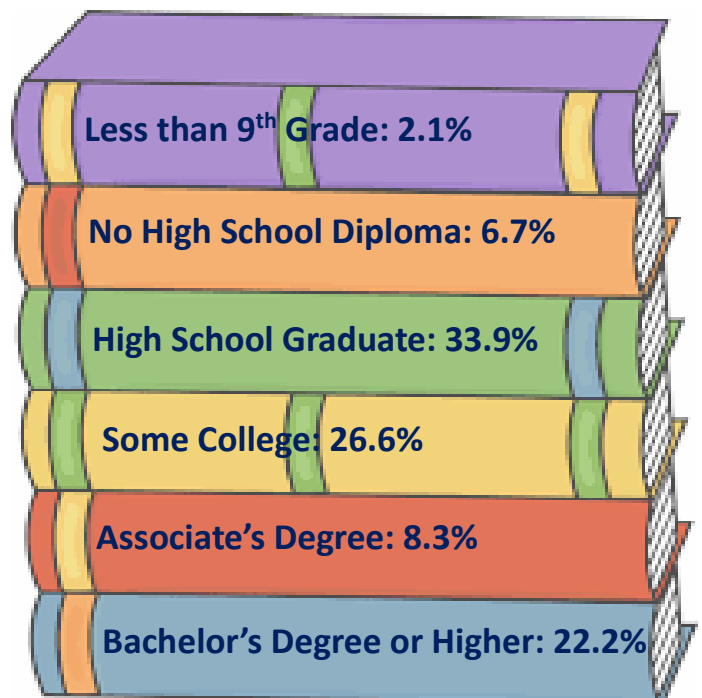
Breakdown by Age



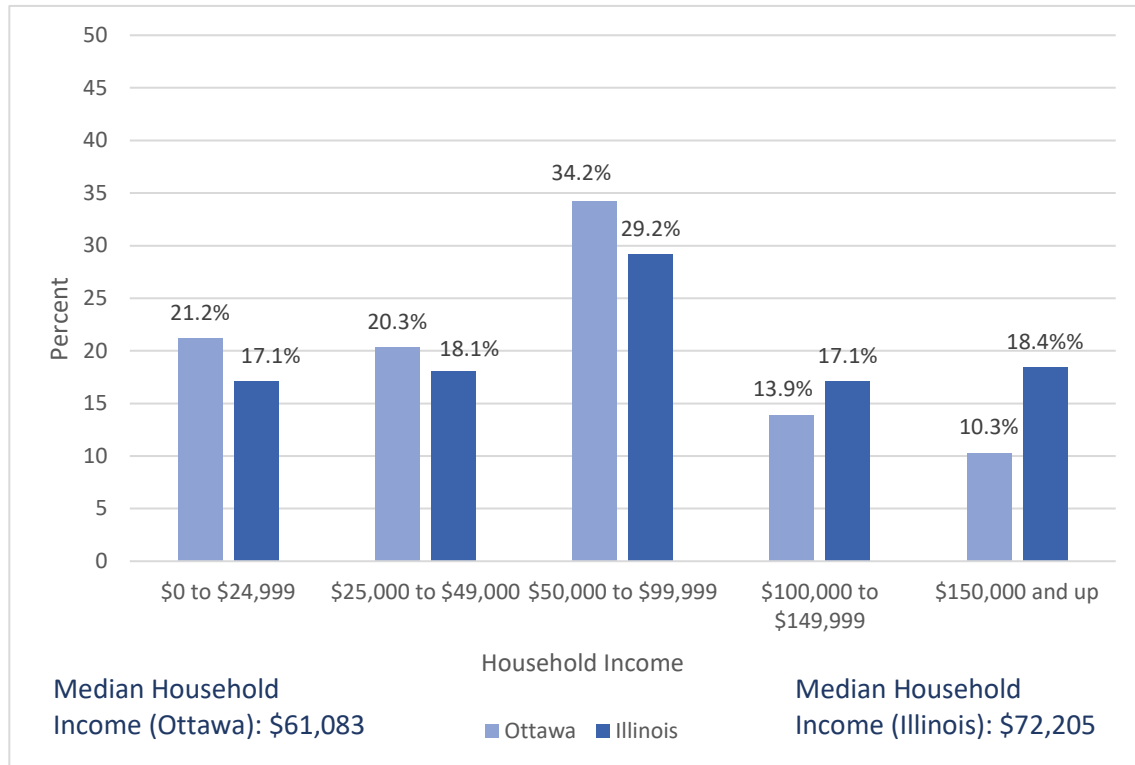
Housing in Ottawa



Education Levels (Aged 25+)



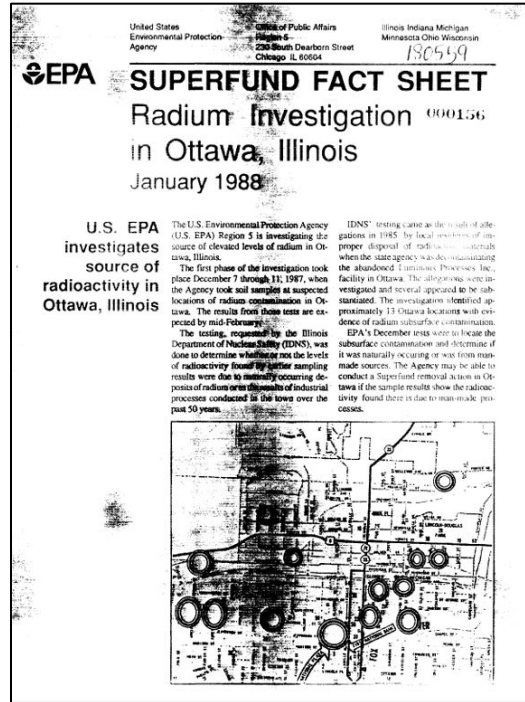
Household Income



COMMUNITY INVOLVEMENT

Community interest in the site began after the demolition of the LPI building in 1985, when local residents made several allegations about improper disposal of radioactive material. The allegations included improper disposal practices, migration of dust particles during demolition, contamination of water when wastewater from hosing the foundation ran into the sewer and inconsistent personal protective equipment. Community interest heightened when radon screenings began in 1986 and when EPA conducted a street-by-street survey of Ottawa in 1987.

In January 1988, EPA distributed a "Radium Investigation" fact sheet. This fact sheet discussed the investigation activities and the potential environmental and health issues posed by the radioactive material. EPA conducted a public meeting on February 10, 1988, at Ottawa City Hall.



In April 1988, EPA distributed another fact sheet to Ottawa residents, discussing the results of EPA's initial investigation. EPA continued to provide fact sheets and hold public meetings as technical milestones were achieved. The last public meeting was held on June 11, 2013, to discuss a proposed change to the cleanup plan for NPL-1. The last fact sheets were distributed to residents in April 2023, providing information on funding for the final NPL-8 cleanup phase, and September 2023, inviting residents to meet with EPA (Appendix E). Additional past community outreach materials can be found on the EPA website for Ottawa Radiation Areas under the "Site Documents & Data" tab: www.epa.gov/superfund/ottawa-radiation.

When establishing the objectives for a site-specific community involvement program, we consider several factors, including federal requirements and EPA policy that assess the nature and extent of known or perceived site **contaminants** and known community concerns and requests.

Community involvement is the process of engaging in dialogue and collaboration with community members. The goal of Superfund community involvement is to advocate and strengthen early and meaningful community participation during Superfund cleanups.

To be effective, our community involvement program is designed to meet the community's need to know, give information in a timely manner and accommodate the community's interests and its willingness to participate in decision-making processes. We must also share information in a language the public can understand.

To meet the needs of the community and respond to information obtained during discussions and community interviews conducted with residents and other community members in October 2023 and to meet federal requirements, we have established the following objectives for our community involvement efforts:

- Enlist the support, coordination and involvement of the city of Ottawa and LaSalle County officials and community leaders.
- Monitor community interest in the site and respond accordingly.
- Keep the community well informed of ongoing and planned site activities.
- Explain technical site activities and findings in an understandable format for community members.
- Get public input on key decisions.
- Change planned activities, where warranted, based on community input.
- Update EPA's website regularly and provide useful information on it for the community.
- Update the city of Ottawa officials on a periodic basis even if no activities are occurring at the site.
- Hold **public meetings**, when necessary, within the community to give all residents an opportunity to attend.

The following pages summarize community concerns, questions asked and what the community told EPA during the October 2023 community interviews.

Community Interviews

From October 4 to 6, 2023, EPA **Community Involvement Coordinator**, or **CIC**, Phil Gurley conducted community interviews at the Ottawa City Hall. EPA **Remedial Project Manager**, or **RPM**, Nabil Fayoumi helped conduct community interviews on October 5. EPA spoke with 14 people during the interview process: seven residents, including one reporter and the former mayor who served from 1999 to 2019, four city of Ottawa workers, two Heritage Harbor representatives and one former resident of Ottawa. Most interviews were conducted in person at Ottawa City Hall. One interview was conducted over the phone on October 4. Responses to the full list of 20 interview questions listed in Appendix C were not received from all interviewees. Residents were notified of interviews by a postcard enclosed in the city of Ottawa's water bill mailers, over social media and on EPA's Ottawa Radiation Areas Superfund webpage.

Basics

Everyone interviewed is a resident of Ottawa, worked in the area or a former resident. More than half of the interviewees who are Ottawa residents have lived in Ottawa for over 20 years; of those interviewees, many are lifelong residents of the area. All residents stated they own their homes. All interviewees speak English. Two interviewees are active in Ottawa environmental organizations, including Residents Against a Polluted Environment and the Conservation Foundation, and one is involved in the Reddick Mansion Association.

Many of the residents EPA spoke with said they were aware of the site before receiving EPA's mailing, though four interviewees, including two who did not reside in Ottawa but work there, said they did not know much about the site before attending EPA's interview session. All but one interviewee said they would attend a meeting, either in-person or virtually, about the site.

During the interviews, the interviewees educated EPA on their community and told us about their concerns. A summary of what we heard is below.

Note: This summary intends to faithfully record and reflect the issues and concerns expressed to EPA by residents and officials interviewed during our community interviews. By necessity, this is a collection and summary of thoughts and observations, and, in some cases, opinions. Please be cautioned that the statements contained in this section may or may not be factual and that the opinions and concerns expressed may or may not be valid.

What We Heard

Comments/Concerns

Concerns or comments people expressed about the investigation and cleanup of the site during the community interviews include:

Communication

Most of those interviewed thought that social media, such as Facebook, or local radio would be the most effective way to pass information to the community. The local newspaper, *The Times*, was also mentioned by a few residents as a good means of communication. Word of mouth was mentioned by several interviewees as a primary means of receiving news about the town. Possible options for communicating with Ottawa residents that were mentioned include:

- Radio (1430 AM or 93.5 FM WCMY)
- Facebook, which is the dominant form of social media – Facebook groups include city of Ottawa Illinois Government and Ottawa Area Chamber of Commerce and Industry.
- The Ottawa Area Chamber of Commerce and Industry is very active in the community, and one member mentioned they could send EPA news to their email distribution list or post announcements on their Facebook page.
- The city of Ottawa web and social media pages via the mayor's administrative assistant.
- The neighboring town of Marseilles could help disperse EPA information about the site.
- City council meetings in Ottawa (held on the first and third Tuesday of the month) and in the neighboring town of Marseilles (held on the 1st and 3rd Wednesday of the month).

Most interviewees thought that hybrid meetings would be most effective; half of the interviewees indicated they would be interested in coming to an in-person meeting while the other half indicated a virtual option would work best for them. When asked, most people suggested having future meetings at City Hall. One interviewee suggested Nells Woodland as a meeting space. Most respondents agreed a weekday evening meeting would be ideal.

Of the nine interviewees asked, three had visited the EPA Ottawa Radiation Areas website. None had any negative comments; one resident commented on how much information there was to go through. Some respondents thought residents may be uninterested in seeking out information about the site because the cleanup has been ongoing for a long time and is almost complete.

History

Many long-time residents provided EPA with historical information about the site. All said when the contamination was discovered, the attitude of the city and of many residents was to not talk about what was happening because it looked bad for the community. Also, some residents didn't believe the sites

were contaminated. According to a few residents, the mayor in the 1980s stated the LPI building was “clean enough to eat off the floor.” In the 1980s and early 1990s, residents said many people learned about the history of radium processing in Ottawa through word of mouth. Interviewees said the city was afraid of scaring new businesses and investors from coming to the area at the time. A few residents remembered the LPI building before it was torn down – interviewees stated there was graffiti on the building that said, “Dial luminous for death.”

A resident involved with the early discovery of contamination, who was with the environmental group Residents Against a Polluted Environment, said the group began going around town with a radium detector and found high levels of radium at the LPI building and the area where the old Radium Dial building was located on the corner of Washington and Columbus Streets. After that, the group talked to senators and the flyover of the city was conducted, which found 16 radium-contaminated sites. Throughout the years of the cleanup, the group continued to be present to advocate for the safe cleanup of the radiation sites. She said the goal of the group was to protect Ottawa from contamination, which continues to be the goal. She said, “I think the ramifications of what we did as an organization inspired kids at the time to be activists in their community.”



A resident brought the Geiger–Müller (a radium detector) used during the early discovery of contamination for EPA to view.



EPA talking to a resident about the history of the site during a community interview.

One resident brought EPA multiple historical documents, news articles and photographs about the site and people working at Radium Dial; her aunt, Margaret (Peg) Looney, worked at Radium Dial from 1923 until she collapsed in 1929. She was sent to the company hospital and her jaw was found to be honeycombed and her teeth were falling out. Peg died 8 days after her initial collapse. An autopsy by a Radium Dial doctor listed diphtheria as the cause of death. According to the resident, when the family exhumed Peg’s body, they had it tested for radium. The tests showed extremely high levels of radium in her bones.

The resident also discussed the crossover of Radium Dial and LPI. She said, “People think LPI opened when Radium Dial closed. Really, they fired Joseph Kelly [the president of Radium Dial], and then he opened LPI to compete with Radium Dial. Eventually, Radium Dial left town and Joseph Kelly sent letters to women saying LPI was safer, and they were not allowed to put the paint in their mouth.”

Concerning the history of Ottawa, one resident said the glass industry used to be big; he stated, “Ottawa is changing from a factory town to a respected tourism town.” He also mentioned a few historic figures who visited Ottawa, including Buffalo Bill, Abraham Lincoln, Stephen A. Douglas, Mark Twain and Frederick Douglass.

Many residents stated that now Ottawa draws many tourists and new residents due to the beautification of downtown and the proximity to state parks and Chicago.

Concerns

Many of the interviewees expressed concerns or asked questions related to the following topics at the site:

- Reuse of NPL-8.
- Safety of residents during the NPL-8 cleanup.
- Safety of workers at the NPL-8 site during cleanup.
- Potential contamination of the Illinois River.
- Institutional controls at some of the NPLs.
- Certainty that all radiation areas have been located.
- The characteristics of radium as a toxin.

Common concerns or questions mentioned by area residents are described in-depth below.

Resident and Worker Safety

Half of the residents asked about safety practices while conducting the cleanup at NPL-8. Residents questioned whether there would be dust control, if truck traffic would be controlled or where the contaminated soil would be sent to. One resident said, “I remember going by LPI when they were demolishing and cleaning the site. I saw one worker in Tyvek and one who was not wearing protection at all – people just didn’t understand what was going on.”

Reuse at NPL-8

Multiple interviewees asked about the plan for reuse at NPL-8. A couple of interviewees stated they hope to see it become recreational, so it benefits the community. A couple of other residents mentioned that the city of Ottawa was planning to build a wastewater treatment plant to the north of NPL-8 and wondered how the end-use of the site would affect those plans.

Institutional Controls (ICs)

A few residents asked about the ICs in place at some of the sites. One resident said the ICs sound good but also like a “Band-Aid” solution. The resident said, “It sounds like there is an issue but it’s under control so don’t worry about it. It seems like something that could be forgotten or people could not be aware.” The resident said they think there is a general misunderstanding about the cleanups and ICs. Another resident and city worker said they have run into confusion with people who want to build on old sites with ICs and how deep they are allowed to dig. They said it would be helpful to know what was done, where the material went and who holds the IC records.

Questions

The following questions were asked during the interviews.

NPL-8

- Will you hire local workers for the NPL-8 cleanup?
- Where is NPL-8?
- Where will the excavated soil go?
- How much money will it cost to clean up NPL-8?
- How much money is coming from the BIL?
- Has work started at NPL-8?
- When will work begin at NPL-8?
- Will EPA remove all the soil at NPL-8?
- Will it be safe to build on NPL-8 after the cleanup?
- Who owns NPL-8?
- Could NPL-8 become recreational land?
- Where are the hotspots at NPL-8?
- What is the cleanup plan for NPL-8?
- Where will the radioactive material go?
- Will the city bring in clean fill?
- Is there a plan to revegetate NPL-8?
- What is the timeframe for the cleanup of NPL-8?
- Will EPA have someone on-site while cleanup is going on?
- Will there be monitoring during the cleanup at NPL-8?
- Does EPA have to build a structure to separate contaminated soil from non-contaminated soil?
- How will you manage worker and community safety during cleanup?
- Is NPL-8 the biggest site to clean?
- What does the contaminated soil get transported in?
- Where is the non-radioactive soil going to go?
- Is it difficult to obtain a contractor because of the size of the cleanup?
- What will truck traffic look like?
- Was NPL-8 cleaned last because EPA didn't have the funding?
- How large is NPL-8?
- Does the city have plans to reuse NPL-8?
- How long will the cleanup take?
- Will EPA have the same issue with perched water at NPL-8 as they had at NPL-4?
- Will there be signage/traffic signals for truck traffic?
- Will there be dust control?
- Does the contractor need to decontaminate equipment?
- Will work continue during winter months?
- Will EPA be working in the floodplain area?
- Will there be land restriction use at NPL-8?
- Does the site extend into Dayton Bluffs?
- Where does the fill come from?

- What was NPL-8 historically used for?
- How can the future wastewater treatment plant interact with the site?

Ottawa Radiation Areas

- How confident is EPA that all the contamination areas are found?
- Was contaminated material dumped in the river?
- Could the contamination have migrated downstream if material was dumped in the river?
- What is the soil contaminated with?
- Are you talking with a lot of residents during these interviews?
- Can you explain the sites that have been cleaned up?
- What are the institutional controls in place?
- How long has EPA been working on cleaning up the site?
- Are you mostly done with cleaning up the site?
- What was the source of the radium?
- How is radium as a toxin – is it easy to rid of by removing soil?
- How does the cost to clean up the site compare to other Superfund sites?
- Are there many sites like this one (Ottawa Radiation Areas)?
- How much soil volume-wise has been excavated at the site?
- Where does the removed soil go?
- Is there anything that can be done with the contaminated soil?
- How does it feel to be so close to the end?
- What if someone digs below the institutional control soil barrier?
- Who owns NPL-4?
- Is contamination leaching into the river?
- How far down the river has EPA sampled?
- Does EPA publish the CIP?
- Will there be a fence around NPL-4 indefinitely?
- How many tons of soil were excavated at NPL-4?
- When will the public meeting be?
- Has there been a lot of community interest about these interviews?
- How deep will the excavation be?
- What are the future plans for NPL-4?
- What does NPL stand for?
- How many radiation sites are there in the U.S.?
- Are there ICs on NPL-2 where Radium Dial was located?
- What do you hope to learn from these interviews?

General Comments

- I have been told what areas have been cleaned up but I don't know the locations.
- I don't really hear people talk about the site.
- I can't see anyone being too irritated that EPA is cleaning up the last site.
- The cleanup is good news and I think people would want to share it.
- Everyone wished the cleanup could've gone a little faster.

- The frustrating part was we knew NPL-8 needed to be cleaned up but there was a high cost holding that back.
- I don't think they should have built on NPL-2.
- I appreciate being updated about the cleanup progress.
- I like hearing EPA will keep us informed and communicate with us.
- I appreciate what EPA is doing.
- I think EPA is doing a good job. Information is out there; a lot of people feel this doesn't involve them and it isn't a concern.
- I remember going to initial meetings for cleanups – had doubts that it was going to be fully cleaned.
- The cost of cleanup seems to be growing exponentially.
- The city kept people informed as well as they could with what they had.
- There are more sites than I thought.
- Communicating what is happening with the cleanup to the city and the residents is important.
- It might be beneficial to talk to the school district as it is close to NPL-8.
- I feel well informed; it is on the public to make themselves aware of the site.
- We are interested in the site but not alarmed; we want to understand it so we can interpret it to our customers.
- There was more awareness about the site in the past. People generally accept that the site is part of Ottawa's history.
- The city government does a good job of informing people about what is going on.
- The community doesn't seem to be outraged or alarmed by the site.
- We appreciate your time and the information.
- I think it's great that the last and biggest cleanup is finally happening.
- The hospital group might be interested in talking with EPA as it is close to NPL-8.
- The population is at ease with the site status.
- It is exciting to see this site cleaned up in my lifetime.
- I am glad NPL-8 is being cleaned up and the property can be of beneficial use to the community.
- I am looking forward to the cleanup being completed.
- I have doubts that all the radiation contamination will be within 10 feet at NPL-8.
- Young people don't know the history of the site – some residents of Ottawa don't even know.
- I am thrilled that this cleanup is funded – let's do it right. Make sure all workers are protected.
- Thank God for people who were part of Residents Against a Polluted Environment. Without them, this cleanup would've never happened.

What is special about Ottawa?

- Tight-knit community.
- Many events and festivals throughout the year (farmers market, Scarecrow Fest, Barktober Fest)
- On the edge of being a big town but has small-town sensibilities.
- Friendly people.
- Vibrant downtown.
- Patriotic community.
- Active community.
- A lot of history and people take pride in the history.

- Active in the arts.
- The quality of life is good.
- Close enough to Chicago and to natural spaces.
- Good schools.
- Good place to raise a family.
- Different atmosphere than the Chicago suburbs.
- Interesting history.
- Trust in the community.
- A lot of local traditions.
- Very connected area.
- A lot of natural attractions.
- Less expensive than the Chicago suburbs.



Mural in downtown Ottawa on the corner of La Salle and W. Jackson Streets depicting the Lincoln-Douglas debate.

Community Involvement Activities

To meet federal requirements and address community concerns and questions described in the Community Interviews section, EPA has conducted (or will conduct) the activities described below. Through these activities, it is our goal to inform, involve and engage the community during site cleanup decisions and efforts. As the needs of the community change, we will modify the community involvement strategies to address them. The following plan is intended as an opportunity for communication between the community and EPA and to address key concerns and questions raised during the discussions and community interviews conducted in October 2023.

Maintain a Point of Contact and Toll-free Number

Phil Gurley is the primary liaison between EPA and the community. Gurley serves as the point of contact for community members and fields general questions about the site. For technical site issues, he coordinates with EPA's RPM for the site, Nabil Fayoumi.

We will include current contact information for the project staff on all written and electronic information and will notify the community of any contact information changes.

EPA has designated the following people as primary site contacts for local residents:

Phil Gurley

Community Involvement Coordinator

312-886-4448

Toll-free ext. 64448

gurley.philip@epa.gov

They can also be reached weekdays toll-free at 800-621-8431 from 8:30 a.m. to 4:30 p.m.

Nabil Fayoumi

Remedial Project Manager

312-886-6840

Toll-free ext. 66840

fayoumi.nabil@epa.gov

Gurley and Fayoumi are located in the Chicago office and can be reached using the toll-free number listed in the box above. Ask for them by name or use the telephone extensions listed above. Residents can call these numbers as questions or concerns arise instead of waiting for a public meeting or to receive written information. We will provide the toll-free number periodically in local newspaper advertisements and include the toll-free number in all fact sheets and all our other communications with the public.

Share Information on the Internet

We will provide information on activities and post communications on the following EPA website. The website will be updated as events occur. www.epa.gov/superfund/ottawa-radiation

Community members interviewed recommended that EPA use local Facebook pages to reach people as well as the city website and email and mail distribution lists. See Appendix C for a list of interested parties EPA will provide information to post on their sites and/or distribute to their members electronically.

Update the Site Mailing List

We have established a mailing list of local community members, organizations, businesses and officials for the site. This list will be used for mailing fact sheets, site updates, invitations to public meetings and events and other site-related information mailed to the community. We will update the list regularly to reflect address changes and changes in elected officials and to add new people interested in site activities.

We use the site mailing list to distribute written information such as fact sheets and meeting notifications. This is a way to ensure that those that do not have access to the Internet or other information sources still have a way to receive information directly about the site and are notified about important meetings. The mailing list is for EPA use only and is not shared with outside entities. If a community member is interested in being placed on the mailing list, they can contact Phil Gurley.

Prepare and Distribute Fact Sheets, News Releases and Public Notices

We will prepare and distribute fact sheets, letters and site updates to those on the site mailing and e-mail lists summarizing current information about the site and describing upcoming activities. These documents are written in non-technical language and are typically published to coincide with important site activities. These fact sheets and other communications will be posted on EPA's website and will be printed and distributed to locations in the community. People interviewed provided EPA with numerous locations throughout the neighborhoods to distribute written materials including local organizations, community centers, churches, schools, and libraries. Those locations are listed under neighborhood organizations in Appendix D.

EPA will prepare and release announcements to the local newspaper, such as the *The Times*, to share information about events such as significant site investigation findings, **public comment periods**, public meetings and completion of major cleanup milestones. We will also provide this information to the city officials for posting on the city website as well as publishing in any community newsletters.

We use these types of documents to give the community detailed information in a relatively quick, simple and easy-to-understand manner. News releases allow us to reach large audiences quickly. In addition to being shared with individuals on the site mailing list, we also place the fact sheets, site updates and news releases in the **information repository** and post them on EPA's website:

www.epa.gov/superfund/ottawa-radiation

Establish and Maintain an Information Repository and Administrative Record

We have set up a local information repository for the site at the following location:

Reddick Library
1010 Canal St.
Ottawa, Illinois 61350

The repository is a collection of site information available online to the public for reading and printing. Documents include fact sheets, technical reports, the CIP and general Superfund information. EPA adds new documents about the site to the webpage as they become available. Information repositories give residents local access to site information if they need access to a computer or printer. Documents can also be viewed at home on the site's webpage www.epa.gov/superfund/ottawa-radiation from the *Site Documents & Data* tab.

A copy of the **administrative record** for the site can be found online at the site's webpage. We will update the administrative record as necessary. The administrative record gives residents a paper trail of all documents the EPA relied on, or considered, to reach decisions about the site cleanup.

Meet with the Public and Participate in Local Events

A public meeting is an opportunity for EPA to present specific information and a proposed course of action. Meetings may either be held in person or virtually. EPA staff is available to share information and answer questions. A public meeting is not a formal public hearing where testimony is received. Instead, it might be a meeting to exchange information or comments. In addition, EPA may hold an informal open-house style meeting, called an availability session, where residents can meet EPA experts one-on-one to discuss the activities at the site. Either type of meeting allows community members an opportunity to express their concerns and ask questions of EPA, state or local government officials. Public meetings or availability sessions can be held at various times throughout the investigation and cleanup process. We typically schedule a meeting when there are technical milestones or when the community has expressed an interest in having a meeting.

A public hearing is a formal meeting where we hear the public's views and concerns about an EPA action or proposal. There are specific regulations about when the EPA is required to consider such comments when evaluating its actions. Public hearings are recorded by a professional transcriber and become part of the administrative record. The comments are posted online.

EPA will consider conducting additional meetings at different times and different locations throughout the community to give all residents an opportunity to attend as needed. Most residents said the Ottawa City Hall would be the best location to hold a meeting.

On occasion, neighborhood or community groups will request EPA's participation in events to provide site information and respond to resident concerns. EPA considers invitations and offers to speak to community groups based on the event's ability to meaningfully reach members of the public. During our community interviews, residents suggested that EPA participate at events as appropriate.

Provide Additional Tools for Communities as Needed

There are additional programs that can be helpful to the community if there is a need for them. Two of these programs are the **Technical Assistance Services for Communities**, or **TASC**, and the **Technical Assistance Grant**, or **TAG**. The TASC program supplies communities with technical help so they can better understand the science, regulations and policies of environmental issues and EPA actions. TAGs provide money for activities that help communities participate in decision-making at eligible Superfund sites. For more information on these and other available programs, visit www.epa.gov/superfund/superfund-technical-assistance-communities.

Evaluate and Adjust Community Involvement and Outreach Efforts

This CIP was designed to consider site- and community-specific factors as well as to comply with federal requirements. This CIP summarizes community concerns gathered during discussions and interviews with local residents and other community members. Based on that information, EPA has developed the objectives of the community involvement program for the site and some specific activities to address these concerns. We recognize that changes in areas, such as community perceptions, information needs and population demographics can occur over time and that such changes may necessitate a revised approach to conducting community involvement activities. For this reason, as well as to determine whether the activities in this revised plan are achieving their intended objectives, we will conduct periodic reviews to determine whether additional activities are warranted or whether changes to the activities outlined in this plan are necessary. As the needs of the community change, we will modify the community involvement strategies to address them in a CIP revision.

The following page presents the status of the activities above.

Activity	Status
Establish and maintain a point of contact: Phil Gurley, 312-886-4448	Completed
Establish a toll-free number for residents to ask questions and receive information: 800-621-8431	Completed
Maintain communication with local officials, agencies and community residents	Ongoing
Share information on the Internet: www.epa.gov/superfund/ottawa-radiation	Ongoing
Create, update and maintain the site mailing list	Ongoing
Prepare and distribute fact sheets and site updates	Ongoing
Establish and maintain a site-specific information repository	Completed/Ongoing
Establish and maintain a site-specific administrative record	Completed/Ongoing
Conduct public meetings, hearings and information sessions	As needed/Ongoing
Participate in local events	As appropriate
Prepare site videos	As appropriate
Provide additional tools for communities as needed	As needed/Ongoing
Write and distribute news releases and public notices	Ongoing
Evaluate community involvement and outreach efforts and adjust	As needed

Appendix A

Glossary – Initials – Acronyms

Administrative Record. The body of documents that forms the basis for the selection of a particular response at a site. For example, the Administrative Record for remedy selection includes all documents that were considered or relied upon to select the remedy through the **record of decision**.

Bipartisan Infrastructure Law. In 2021, Congress passed the Bipartisan Infrastructure Law (Infrastructure Investment and Jobs Act) to rebuild roads, bridges and rails, expand access to clean drinking water, ensure citizens have access to high-speed internet, tackle the climate crisis, advance environmental justice and invest in communities that have often been left behind. The Bipartisan Infrastructure Law provides EPA with more than \$60 billion over five years for a wide range of environmental programs. In 2023, EPA announced the second wave of approximately \$1 billion in funding from President Biden’s Bipartisan Infrastructure Law to start new cleanup projects at 22 Superfund sites and expedite over 100 other ongoing cleanups across the country, including the Ottawa Radiation Superfund Site. To learn more about this law, refer to the following websites:

[Fact Sheet: The Bipartisan Infrastructure Deal^{xii}](#)

[EPA: Biden-Harris Administration Announces Additional \\$1B in Bipartisan Infrastructure Law Funds to Start New Cleanup Projects and Expedite On-going Cleanup Work Across the Country^{xiii}](#)

BIL. See Bipartisan Infrastructure Law.

CAG. See Community Advisory Group.

CERCLA. See Comprehensive Environmental Response, Compensation and Liability Act.

CIC. See Community Involvement Coordinator.

CIP. See Community Involvement Plan.

Cleanup. Actions taken to deal with a release or threat of release of a hazardous substance that could affect humans and/or the environment. The term “cleanup” is sometimes used interchangeably with the terms “remedial action,” “remediation,” “removal action,” “response action” or “corrective action.”

Community Advisory Group. A Community Advisory Group (CAG) is made up of representatives of diverse community interests. A CAG is designed to serve as the focal point for the exchange of information among the local community and EPA, the State regulatory agency and other pertinent Federal agencies involved in cleanup of the Superfund site. Its purpose is to provide a public forum for community members to present and discuss their needs and concerns related to the Superfund decision-making process. A CAG can assist EPA in making better decisions on how to clean up a site. It offers EPA a unique opportunity to hear – and seriously consider – community preferences for site cleanup and remediation. However, the existence of a CAG does not eliminate the need for the Agency to keep the community informed about

plans and decisions throughout the Superfund process. For more information, please visit: www.epa.gov/superfund/superfund-community-advisory-groups

Community Engagement. The process of involving communities in all phases of the cleanup process. Communities are asked to provide input on how the cleanup will be conducted and how it may affect community plans and goals. See also Community Involvement.

Community Involvement. The term used by EPA to identify its process for engaging in dialogue and collaboration with communities affected by Superfund site. EPA's community involvement approach is founded in the belief that people have a right to know what the Agency is doing in their community and to have a say in it. Its purpose is to give people the opportunity to become involved in the Agency's activities and to help shape the decisions that are made.

Community Involvement Coordinator. The EPA official whose lead responsibility is to involve and inform the public about the Superfund process and response actions in accordance with the interactive community involvement requirements set forth in the National Oil and Hazardous Substances Pollution Contingency Plan.

Community Involvement Plan. A plan that outlines specific community involvement activities that occur during the investigation and cleanup at the site. The CIP outlines how EPA will keep the public informed of work at the site and the ways in which residents can review and comment on decisions that may affect the final actions at the site. The document is available in the site's information repository maintained by EPA. The CIP may be modified as necessary to respond to changes in community concerns, information needs and activities.

Comprehensive Environmental Response, Compensation, and Liability Act. A federal law passed in 1980 and modified in 1986 by the Superfund Amendments and Reauthorization Act. Commonly known as Superfund, CERCLA is intended to protect people's health and the environment by investigating and cleaning up abandoned or uncontrolled **hazardous waste** site. Under the program, EPA can either:

- Pay for site cleanup when parties responsible for the contamination cannot be located or are unwilling or unable to do the work; or
- Take legal action to force parties responsible for site contamination to clean up the site or pay back the federal government for the cost of the cleanup.

Contaminant(s). Any physical, chemical, biological or radiological substance or matter that has an adverse effect on air, water or soil.

Contamination. Introduction into water, air and soil of microorganisms, chemicals, toxic substances, wastes or wastewater in a concentration that makes the medium unfit for its next intended use. Also applies to surfaces of objects, buildings and various household use products.

EJ. See Environmental Justice.

Emergency Response Action. Responses to hazardous waste releases that threaten the public health, welfare or the environment. Emergency response actions tend to be rapid to address immediate threats.

Environmental Justice. The fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Five-Year Review. Documents prepared by EPA to evaluate the implementation and performance of site remedies to determine if they remain protective of human health and the environment.

FYR. See Five-Year Review.

Hazardous Substance(s). Any material that poses a threat to human health and/or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive or chemically reactive. Any substance designated by EPA to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

Hazardous Waste. Byproducts that can pose a substantial or potential hazard to human health or the environment when improperly managed. Hazardous wastes usually possess at least one of four characteristics (ignitability, corrosivity, reactivity or toxicity) or appear on special EPA lists.

IC. See Institutional Control.

Information Repository. A file containing current information, technical reports and reference documents regarding a site. The information repository usually is located in a public building convenient for local residents such as a public school, town hall or library.

Institutional Control. Non-engineered instruments, such as administrative and legal controls, that help minimize the potential for human exposure to contamination and/or protect the integrity of a remedy. Institutional controls are used when contamination is first discovered, when cleanups are ongoing and when residual contamination remains on site at a level that does not allow for unlimited use and unrestricted exposure after cleanup.

National Priorities List. EPA's list of serious uncontrolled or abandoned hazardous waste site identified for possible long-term cleanup under Superfund. The list is based primarily on the score a site receives from the Hazard Ranking System. EPA is required to update the National Priorities List at least once a year.

NPL. See National Priorities List.

NPL-8. NPL-8 is the last remaining radium site in Ottawa that needs to be cleaned up. NPL-8 was divided into two sections: NPL-8 Frontage Property and NPL-8 Landfill. Hot spots at the NPL-8 Frontage Property have been cleaned. NPL-8 requires ICs. The NPL-8 Landfill property is the last radiation area that needs clean up; cleanup will be funded under the BIL. The 17-acre former landfill is located along SR-71, about 1 mile east of the Ottawa city limits.

Operable Unit. During cleanup, a site can be divided into several distinct areas depending on the complexity of the problems associated with the site. These areas called operable units may address geographic areas of a site, specific site problems, or areas where a specific action is required.

OU. See Operable Unit.

PAH. See Polycyclic Aromatic Hydrocarbon.

Polycyclic Aromatic Hydrocarbon. A class of chemicals that occur naturally in coal, crude oil and gasoline. They result from burning coal, oil, gas, wood, garbage and tobacco. They can bind to or form small particles in the air. For more information on polycyclic aromatic hydrocarbons, visit: [CDC.Gov/PAH Fact Sheet](https://www.cdc.gov/pah/factsheet.html)^{xxiv}

Potentially Responsible Parties: Any individual or company (including owners, operators, transporters or generators that has been identified as being potentially responsible for or contributing to a spill or other potential contamination at a Superfund site. Whenever possible, through administrative and legal action, EPA requires PRPs to clean up hazardous sites that have been contaminated.

Public Comment Period(s). A formal opportunity for community members to review and contribute written comments on various EPA documents or actions.

Public Meeting(s). Formal public sessions that are characterized by a presentation to the public followed by a question-and-answer session. Formal public meetings may involve the use of a court reporter and the issuance of transcripts. Formal public meetings are required only for the proposed plan and Record of Decision amendments.

PRPs: See Potentially Responsible Parties.

Radiation. Energy that comes from a source and travels through space at the speed of light. This energy has electric and magnetic fields associated with it. Some of the most common sources of radiation include the sun, microwave ovens, and radios. Most of this radiation (non-ionizing) carries no risk to human health. At higher doses (ionizing radiation), radiation can have higher risks. Examples of ionizing radiation include X-rays, some materials used in nuclear power plants, and certain cancer treatments using gamma rays. For more information about radiation, visit the following web pages:

[IAEA: What is Radiation?](https://www-ns.infn.it/~naumann/IAEA%20What%20is%20Radiation.pdf)^{xxv}

[CDC: What is Radiation?](https://www.cdc.gov/radiation/what-is-radiation.html)^{xxvi}

Radioactive. Radioactive decay is the process by which an unstable atomic nucleus loses energy by radiation. A material containing unstable nuclei is considered radioactive.

Radium-226: A radioactive substance found in nature. In 1898, Pierre and Marie Curie discovered radium while conducting research with uranium ore. Radium-226 is produced by the radioactive decay of uranium-238. Radioactive decay occurs because certain atoms are unstable and need to release energy to become stable. When radium-226 decays, it releases energy in the form of particles and rays. This energy, called “radiation,” cannot be detected by humans. The intensity of radiation from radioactive

materials decreases over time. The time required for the intensity to decrease by one-half is referred to as the “half-life.”

Radon Gas. A chemical element (atomic number 86) that is a radioactive, colorless, odorless, noble gas. Radon is naturally occurring in trace amounts. Outdoors, radon disperses rapidly and is generally not a health issue. Radon gas can become trapped indoors after it enters buildings through cracks and holes in the foundation. Breathing radon over time can increase the risk of lung cancer. For more information on radon gas, visit: [EPA: What is Radon Gas?](#)^{xxvii}

Radon Reduction System. A radon reduction system, or radon mitigation system, is a process or system used to reduce radon concentrations in buildings. The goal of the radon mitigation system is to reduce the indoor radon level as low as reasonably achievable. All systems should reduce radon below the EPA action level of 4 pCi/L.

Radon Screening. Radon screening or testing measures the presence and level of radon in a home or building using charcoal canisters or a special film. The charcoal canister method tests for radon over a short period (2 to 7 days), and the film (or alpha track) method runs from 3 months to 1 year.

Record of Decision. A ROD is a legal, technical and public document that explains which cleanup alternative will be used at a Superfund NPL site. The ROD is based on information and technical analysis generated during the **remedial investigation** and feasibility study and consideration of public comments and community concerns.

Remedial Investigation. The remedial investigation is a study designed to collect the data necessary to determine the nature and extent of contamination at a site.

Remedial Project Manager. The EPA or state official responsible for overseeing on-site remedial action.

RI. See Remedial Investigation.

ROD. See Record of Decision.

RPM. See Remedial Project Manager.

SARA. See Superfund Amendments and Reauthorization Act.

Superfund Amendments and Reauthorization Act. Modifications to the Comprehensive Environmental Response, Compensation and Liability Act, enacted on October 17, 1986.

Superfund. The program operated under the legislative authority of CERCLA that funds and carries out EPA solid waste emergency and long-term removal and remedial activities. These activities include establishing the National Priorities List, investigating site for inclusion on the list, determining their priority and conducting and/or supervising cleanup and other remedial actions.

TAG. See Technical Assistance Grant.

TASC. See Technical Assistance Services for Communities.

Technical Assistance Grant. This grant provides money for activities that help communities participate in decision making at eligible Superfund sites.

Technical Assistance Services for Communities. This program supplies communities with technical help so they can better understand the science, regulations and policies of environmental issues and EPA actions.

Tritium. A rare and radioactive isotope of hydrogen that has two neutrons in the nucleus and one proton. It is produced naturally in the upper atmosphere when cosmic rays strike nitrogen molecules in the air. Tritium is also produced during nuclear weapons explosions and as a byproduct in nuclear reactors. Its most common form is in water because radioactive tritium reacts with oxygen to form water.

Unlimited Use and Unrestricted Exposure. A property owner can use the land for any purpose with no institutional or engineering controls.

UU/UE. See Unlimited Use and Unrestricted Exposure.

Appendix B

Information Repository, Administrative Record, Websites and Meeting Locations

Local Information Repository



Reddick Library
1010 Canal St.
Ottawa, IL 61350
815-434-0509

Regular Library Hours

Monday	9:00 a.m. – 9:00 p.m.
Tuesday	9:00 a.m. – 9:00 p.m.
Wednesday	9:00 a.m. – 9:00 p.m.
Thursday	9:00 a.m. – 9:00 p.m.
Friday	9:00 a.m. – 5:00 p.m.
Saturday	9:00 a.m. – 5:00 p.m.
Sunday	12:00 p.m. – 5:00 p.m.

Official Information Repository EPA Region 5 Superfund Records Center

77 W. Jackson Blvd.
Room 711, 7th Floor
Ralph Metcalfe Federal Building
Chicago, IL 60604

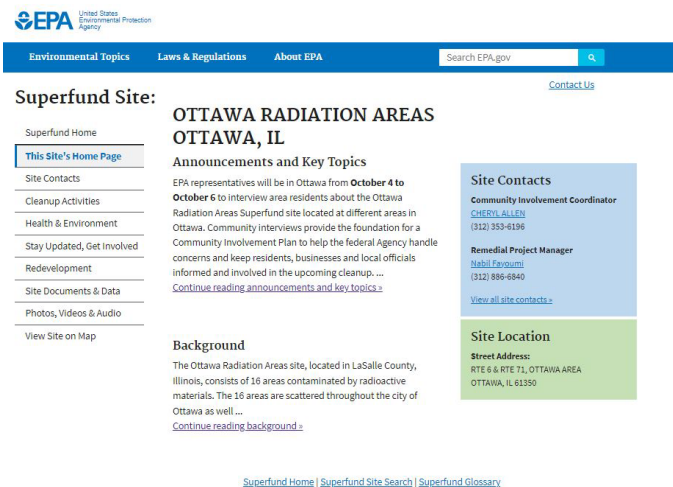
EPA Site Webpage

www.epa.gov/superfund/ottawa-radiation

Possible Meeting Locations

Ottawa City Hall

301 W. Madison St.
Ottawa, IL 61350
815-433-0161



The screenshot shows the EPA Superfund Site page for Ottawa Radiation Areas. The page header includes the EPA logo and navigation links for Environmental Topics, Laws & Regulations, and About EPA. A search bar is also present. The main content area is titled "Superfund Site: OTTAWA RADIATION AREAS OTTAWA, IL". It features a sidebar with links to Superfund Home, This Site's Home Page, Site Contacts, Cleanup Activities, Health & Environment, Stay Updated, Get Involved, Redevelopment, Site Documents & Data, Photos, Videos & Audio, and View Site on Map. The main content area includes sections for Announcements and Key Topics, Background, Site Contacts, and Site Location. The Site Location section provides the street address: RTE 6 & RTE 71, OTTAWA AREA, OTTAWA, IL 61350.

Appendix C

Community Interview Questions

BASICS

1. Are you a resident in the area? If yes, how long have you lived in the area?
2. Do you own or rent?
3. How do you identify yourself demographically in terms of race, ethnicity, and language preference?
4. Do you hold any position – elected, appointed, hired – with any municipal, state or federal agency? If so which, and what is the position?

COMMUNICATION

5. Do you have access to the internet?
6. How do you want to be informed about site activities?
 - a. Mail (do you want to be on EPAs mail list?)
 - b. Email (do you want to be on EPAs email list?)
 - c. Newspaper (what newspaper(s)?)
 - d. TV (what stations?)
 - e. Radio (what stations?)
 - f. Social Media (what form?)
 - g. Websites/online sources
 - h. Other (such as word of mouth, city/state officials, etc.)
7. Are you aware of EPAs website?
 - a. If yes, have you been on it?
 - b. Is it easy to navigate?
 - c. Other comments?
8. Would you go/have you gone to the library to review any documents about the site?
9. Have you attended any meetings about the site? If so, when/where?
10. Would you attend a virtual or in-person public meeting about the site? Preference?
11. What days, times, and locations would be best for public meetings/virtual meetings/conference calls?
 - a. Suggestions for future meeting locations?
12. Are there any people or community groups we should talk to about the site? If so, do you have the contact information for those groups?
13. Have you received any information about the site? If so, what did you receive/when?
14. Do you feel you have been adequately informed about the site?
 - a. If no, what other kinds of information would you like?

CONCERNS

15. How long have you been aware of environmental concerns at the site?
16. What do you know about the site?
17. What concerns do you have about the site?
18. Have you been in contact with local Spencer, state or federal agencies or site developer about the site?
19. What is special/important to you about your community?
20. Is there anything else you would like to share about either the site or EPA's involvement with the local community.

Appendix D

List of Contacts

Environmental Protection Agency Officials



Phil Gurley

Community Involvement Coordinator
77 W. Jackson Blvd.
Chicago, IL 60604
312-886-4448
gurley.philip@epa.gov

Nabil Fayoumi

Remedial Project Manager
77 W. Jackson Blvd.
Chicago, IL 60604
312-886-6840
fayoumi.nabil@epa.gov

Illinois Emergency Management Agency

Kelly Grahn

Senior Health Physicist
245 W Roosevelt Rd., B-8, Suite 55
West Chicago, IL 60185
630-293-8242
kelly.grahn@illinois.gov
<https://iemaohs.illinois.gov/nrs/radon.html>

Federal Elected Officials

Tammy Duckworth

Senator
524 Hart Senate Office Building
Washington, DC 20510
202-224-2854

230 S. Dearborn St., Suite 3900
Chicago, IL 60604
312-886-3506
<https://www.duckworth.senate.gov/>

230 S. Dearborn St., Suite 3829
Chicago, IL 60604
312-353-4952
<https://www.durbin.senate.gov/>

Lauren Underwood

US Congresswoman – District 14
1130 Longworth House Office Building
Washington, DC 20515
202-225-2976

Dick Durbin

Senator
711 Hart Senate Office Building
Washington, DC 20510
202-224-2152

116 N Chicago St., Suite 201
Joliet, IL 60432
630-549-2190
<https://www.underwood.house.gov/>

State Elected Officials

J.B. Pritzker

Governor
Office of the Governor
401 S. Spring St.
Springfield, IL 62704
217-782-6830
<https://jbpritzker.com/>

Sue Rezin

State Senator – District 38
1802 N. Division St. Suite 314
Morris, IL 60450
815-220-8720
<https://www.ilga.gov/senate/Senator.asp?GA=103&MemberID=3048>

Lance Yednock

State Representative – District 76
628 Columbus St., Suite 408
Ottawa, IL 61350
815-324-5055
StateRepYednock@gmail.com
<https://www.ilga.gov/house/Rep.asp?GA=103&MemberID=3146>

Ottawa Officials

Robert Hasty

Mayor
301 W. Madison St.
Ottawa, IL 61350
815-433-0161 ext. 110
mavorhasty@cityofottawa.org
<https://cityofottawa.org/elected-officials/>

Wayne A. Eichelkraut, Jr.

Commissioner of Accounts & Finance
301 W. Madison St.
Ottawa, IL 61350
815-481-6861
financecomm@cityofottawa.org
<https://cityofottawa.org/elected-officials/>

Thomas G. Ganiere

Commissioner of Public Health & Safety
(Fire and Police)
301 W. Madison St.
Ottawa, IL 61350
815-252-7886
815-433-4457
tganiere@cityofottawa.org
<https://cityofottawa.org/elected-officials/>

Marla K. Pearson

Commissioner of Streets & Public
Improvements (Public Works)
301 W. Madison St.
Ottawa, IL 61350
815-326-0320
mpearson@cityofottawa.org
<https://cityofottawa.org/elected-officials/>

Brent F. Barron

Commissioner of Public Property
(Public Utilities)
301 W. Madison St.
Ottawa, IL 61350
815-434-4810
bbarron@cityofottawa.org
<https://cityofottawa.org/elected-officials/>

Shelly Munks

City Clerk
301 W. Madison St.
Ottawa, IL 61350
815-433-0161 ext. 117
clerk@cityofottawa.org
<https://cityofottawa.org/city-clerk/>

Brent Roalson

Police Chief
301 W. Lafayette St.
Ottawa, IL 61350
815-433-2131
chief@ottawapdfd.org
<https://cityofottawa.org/police-department/>

Brian Bressner

Fire Chief
301 W. Lafayette St.
Ottawa, IL 61350
815-434-3785
bbressner@cityofottawa.org
<https://cityofottawa.org/fire-department/>

Doug Carroll

Carroll Planning, LLC.
City Planner
815-433-0161 ext. 243
carrollplanning@gmail.com
<https://cityofottawa.org/building/>

David Noble

Economic and Community Development
Director
301 W. Madison St.
Ottawa, IL 61350
815-433-0161 ext. 220
dnoble@cityofottawa.org
<https://cityofottawa.org/economic-development/>

Tom Duttlinger

City Engineer
301 W. Madison St.
Ottawa, IL 61350
815-434-1925

Donald J. Harris

City Treasurer
301 W. Madison St.
Ottawa, IL 61350
815-252-6936
don.harris53@yahoo.com
<https://cityofottawa.org/finance/>

LaSalle County Officials

Jennifer Ebner

County Clerk
707 E. Etna Rd.
Ottawa, IL 61350
815-434-8202
<https://lasallecountylvil.gov/294/Officials>

Don Jensen

Board Chairman
707 E. Etna Rd.
Ottawa, IL 61350
815-434-8242
<https://lasallecountylvil.gov/294/Officials>

Greg Vaccaro

Circuit Clerk
707 E. Etna Rd.
Ottawa, IL 61350
815-434-8271
<https://lasallecountylvil.gov/294/Officials>

Adam Diss

County Sheriff
707 E. Etna Rd.
Ottawa, IL 61350
815-433-2161
<https://lasallecountylvil.gov/294/Officials>

Jim Spelich

County Treasurer
707 E. Etna Rd.
Ottawa, IL 61350
815-434-8219
<https://lasallecountylvil.gov/294/Officials>

Fred Moore

EMA Director
711 E. Etna Rd.
Ottawa, IL 61350
815-433-5622
<https://lasallecountylvil.gov/616/LaSalle-County-Appointed-Officials>

Brian Gift

Environmental Services Director

119 W. Madison St.

Ottawa, IL 61350

815-434-8666

<https://lasallecountyil.gov/616/LaSalle-County-Appointed-Officials>

Chris Pozzi

Health Department

717 E. Etna Rd.

Ottawa, IL 61350

815-433-3366

<https://lasallecountyil.gov/616/LaSalle-County-Appointed-Officials>

Health Organizations

LaSalle County Health Department

717 E. Etna Rd.

Ottawa, IL 61350

815-433-3366

<https://www.lasallecountyil.gov/219/Health-Department>

Illinois Department of Public Health

122 S. Michigan Ave., 7th and 20th Floors

Chicago, IL 60603

217-782-5830

<https://dph.illinois.gov/>

Neighborhood Organizations

Community Food Basket

519 W. Madison St.

P.O. Box 2386

Ottawa, IL 61350

815-431-0155

<https://www.ottawafoodbasket.org/>

YMCA of Ottawa

201 E. Jackson St.

Ottawa, IL 61350

815-433-2395

<https://www.ottawaymca.org/>

Medical Reserve Corps

711 E. Etna Rd.

Ottawa, IL 61350

Crossbridge Community Church of the Nazarene

4161 Columbus St.

Ottawa, IL 61350

815-434-3794

<https://crossbridge.church/>

Catholic Charities – LaSalle Branch

548 Crosat

LaSalle, IL 61301

Goodwill Industries of Northern Illinois

501 W. Stevenson

Ottawa, IL 61350

815-434-4680

<https://goodwillni.org/>

LaSalle County Historical Society

101 E. Canal St.

Utica, IL 61373

815-667-4861

<https://www.lasallecountyhistoricalsociety.org/>

Housing Authority for LaSalle County

526 E. Norris Dr.
P.O. Box 782
Ottawa, IL 61350
815-434-0380
<https://halc.org/>

LaSalle County CASA

Government Center Building
707 E. Etna Rd.
Ottawa, IL 61350
815-434-2620
<https://lasallecountycasa.org/>

LaSalle County Veterans Assistance Commission

4231 Progress Blvd., Suite 4
Peru, IL 61354
815-433-1761
<https://www.lasallecountylvac.com/>

Ottawa Catholic Community

122 W. Washington St.
Ottawa, IL 61350
815-433-0700
<https://www.ottawacatholic.org/>

Newspapers

The Times

110 W. Jefferson St.
Ottawa, IL 61350
833-584-6397
<https://www.shawlocal.com/mywebtimes/index.php>

Radio

WNIW 91.3 FM

801 N. First St.
DeKalb, IL 60115
815-753-9300
<https://www.northernpublicradio.org/>

Television

WBBM-TV CBS 2

22 W. Washington St.
Chicago, IL 60602
<https://www.cbsnews.com/chicago/local-news/>

Ottawa Sunrise Rotary

3614 E. 1769th Rd.
Ottawa, IL 61350
815-343-7655
<https://rotary6420.org/clubinfo/ottawa-sunrise>

Reddick Public Library District

1010 Canal St.
Ottawa, IL 61350
815-434-0509
<https://www.reddicklibrary.org/>

The Salvation Army

516 W. Madison St.
Ottawa, IL 61350
815-433-0798
<https://centralusa.salvationarmy.org/ottawa/>

Ottawa Chamber of Commerce

633 LaSalle St., Suite 401
Ottawa, IL 61350
815-433-0084
<https://www.ottawachamberillinois.com/>

WCMY 1430 AM

815-434-6050
<https://1430wcmv.com/#>

WLS-TV ABC 7

190 N. State St.
Chicago, IL 60601
312-750-7777
<https://abc7chicago.com/>

WMAQ-TV NBC 5

424 N. Columbus Dr.

Chicago, IL 60611

312-836-5555

<https://www.nbcchicago.com/>

WTTW-TV PBS 11

5400 N. St. Louis Ave.

Chicago, IL 60625

773-509-5555

<https://www.wttw.com/>

WFLD-TV Fox 32

205 N. Michigan Ave.

Chicago, IL 60601

312-565-5532

<https://www.fox32chicago.com/>

Appendix E

Recent Communications to the Community

Earlier communications to the community can be found on the [Ottawa Radiation Areas Site Documents and Data^{xxviii}](#) page.



U.S. EPA would like to hear from you! Ottawa, Illinois

U.S. Environmental Protection Agency representatives will be in Ottawa from **October 4 to October 6** to interview area residents about the **Ottawa Radiation Areas Superfund site** located at different areas in Ottawa. Community interviews provide the foundation for a Community Involvement Plan to help the federal Agency handle concerns and keep residents, businesses and local officials informed and involved in the upcoming cleanup.

EPA will schedule one-on-one, 30-minute interviews on **Wednesday, Oct. 4, between 2:00 p.m. and 7:00 p.m., Thursday, Oct. 5, between 9:00 a.m. and 7:00 p.m., and Friday, Oct. 6, between 12:00 p.m. and 5:00 p.m., at Ottawa City Hall, 301 West Madison Street.** If you would like to schedule an interview, please call or email EPA contractor Caeli Cleary at 312-201-7769, or caeli.cleary@tetrattech.com.

If you are unavailable during these dates, you may contact us to schedule a phone call at another time. For questions or special accommodations, contact EPA Community Involvement Coordinator Phil Gurley toll-free at 312-886-4448, 8:00 a.m. - 5:00 p.m., weekdays, or email gurley.philip@epa.gov.

Visit <https://www.epa.gov/superfund/ottawa-radiation> for more information about the Ottawa Radiation Areas Superfund Site.





Ottawa Superfund Site Will Receive BIL Funding to Complete Cleanup

April 2023

Ottawa Radiation Areas Superfund Site
Ottawa, Illinois

For more information

If you have questions or comments, please contact:

Phil Gurley

U.S. EPA Community
Involvement Coordinator
312-886-4448
gurley.philip@epa.gov

Nabil Fayoumi

U.S. EPA Remedial Project
Manager
312-886-6840
fayoumi.nabil@epa.gov

*You may also call EPA toll-free:
800-621-8431, weekdays, 8:00
a.m. to 4:30 p.m.*

Website

www.epa.gov/superfund/ottawa-radiation



U.S. Environmental Protection Agency is allocating funding from President Joe Biden's Bipartisan Infrastructure Law (BIL) to cleanup legacy pollution at the Ottawa Radiation Areas Superfund site, located in LaSalle County, Illinois. EPA added the areas to the Superfund program's National Priorities List (NPL) in 1991, because they are contaminated by the same wastes, involve the same potentially responsible parties (PRPs) and require similar cleanups. The funding will be allocated towards the last of 16 cleanup areas, the landfill on NPL-8, a 17-acre site situated on State Route (SR) 71 about 1 mile east of the Ottawa city limits.

How does this impact you?

In 1995, U.S. EPA began removing contaminated material in residential areas where radium-226 posed an immediate threat to public health. Since 1995, cleanups have continued as funding has become available. Currently, the last remaining contaminated area, known as NPL-8 (Image 1), is ready for cleanup. The site is 21 acres and consists of two main areas, the frontage property (4 acres) and the landfill property (17 acres). Phase one of the cleanup at the frontage property was completed in 2020 and consisted of removing 3,100 tons of contaminated soil and placing it under a secure cap on the landfill property.

What is the Bipartisan Infrastructure Law?

Also known as the Infrastructure Investment and Jobs Act (IIJA), the Law was passed by Congress in November 2021. The Law provides funding to rebuild roads and bridges, expand access to clean drinking water, tackle the climate crisis, and invest in underserved communities. U.S. EPA received funding from BIL, and recently allocated \$1 billion towards starting new cleanup projects at 22 Superfund sites and expediting over 100 other ongoing cleanups across the country. The Ottawa Radiation Areas Superfund site will receive BIL funding to complete cleanup actions at NPL-8, the site's final cleanup area.

How did Ottawa get selected for BIL funding?

The EPA Region 5 Office submitted proposals to remediate legacy pollution at several Superfund sites within the six-state region. Sites considered included those with extraordinarily expensive remediations and/or within communities facing environmental justice concerns. The Ottawa Radiation Areas site was selected because of the expense and scale of the remaining cleanup. An estimated 140,000 tons of soil will need to be removed and shipped off-site for safe disposal.

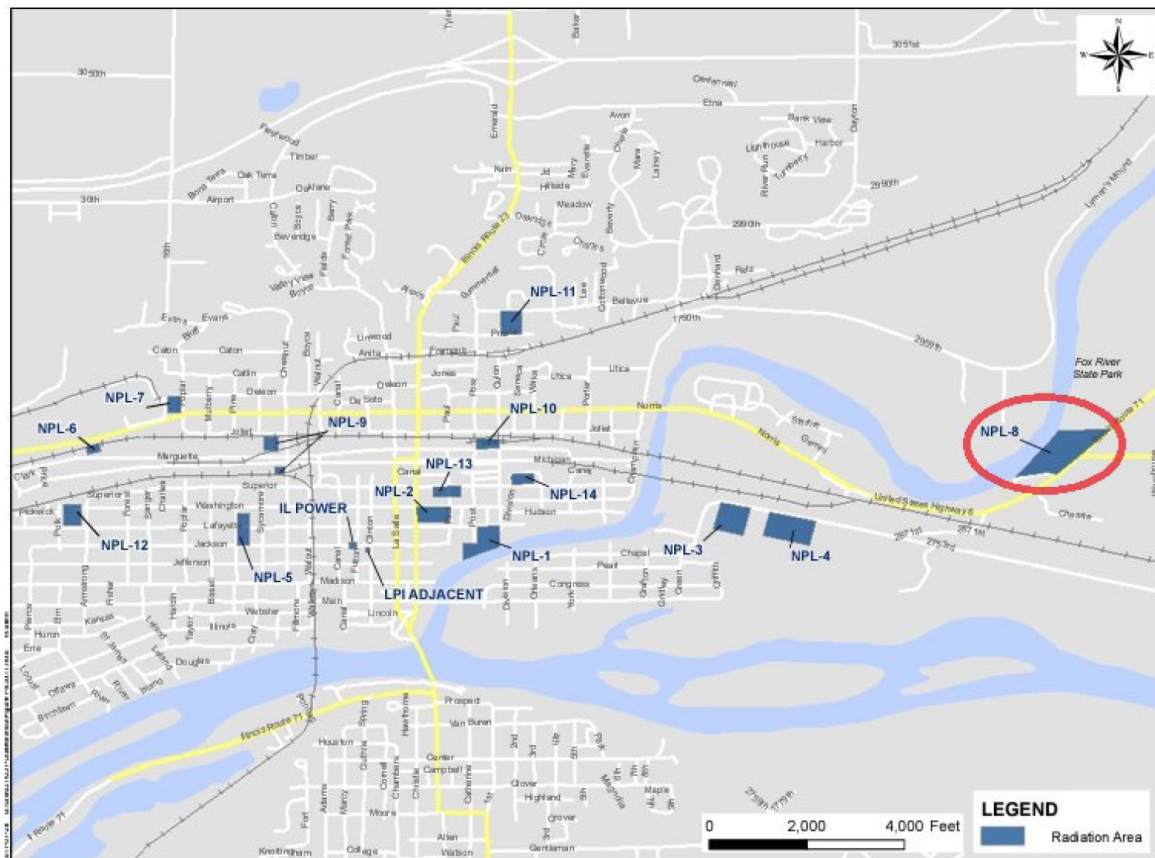


Image 1: Map of Ottawa, Illinois showing the radiation areas (in blue). The final area to be cleaned up is NPL-8 (circled in red).

What is radium-226 and how does it pose a risk to people?

Radium is a naturally occurring radioactive material that is formed when uranium and thorium break down in the environment. Radium-226 is one isotope, or unique form of radium, and is the major isotope of radium sulfate. As radium sits in the environment, it begins to decay, releasing alpha, beta, and gamma radiation. Gamma radiation is the most dangerous, because it can travel far distances and enter the human body.

The half-life for Radium-226—the time it takes to lose 50 percent of its radioactivity—is 1,600 years. Exposure to high levels of radium-226 over a long period of time poses a risk to human health. For more information about radium, please visit: <https://www.cdc.gov/TSP/substances/ToxSubstance.aspx?toxid=154>

What are the risks to me?

Since radium is naturally occurring in the environment, everyone has some level of exposure. But, prolonged exposure to radium can cause serious issues, and areas where higher levels of radium have been reported should be avoided. The remaining cleanup site is not in a residential area.

The current health risk from radium-226 is limited to the last contaminated area—the fenced in NPL-8 landfill. Once work begins, measures will be taken to limit dust and runoff from the site. Workers will be in appropriate protective gear and waste will be packaged securely before off-site disposal.

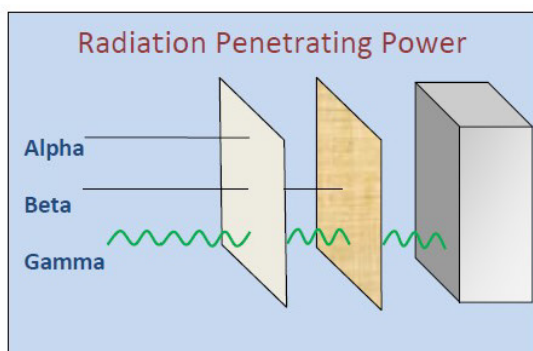


Image 2: Types of radioactivity emitted when a radioactive atom (radionuclide) begins to decay. Gamma rays can penetrate the body.

Site Background

A total of 16 areas in and around Ottawa were found to be contaminated with radioactive waste, primarily radium-226, polycyclic aromatic hydrocarbons (PAHs), and heavy metals. High levels of radium-226 were probably a result of two Ottawa businesses that used radium sulfate paint to create illuminating watch dials and clock faces. Radium Dial Co. operated from 1920 to 1932, and Luminous Processes Inc. operated from 1932 to 1978. During World War II, the company prepared luminous dials for the military. During manufacturing, equipment, buildings, and surrounding work areas became contaminated with radium-226. Additionally, waste from these businesses was used as fill material at various locations around Ottawa.

In 1991, Ottawa Radiation Areas was added to the NPL and became a Superfund site. Between 1995 and 1997, U.S. EPA began cleanup at 12 of 16 contaminated areas, removing almost 40,000 tons of radioactive soil and debris. The first removal actions focused on residential properties where radiation posed an immediate health risk. Between 2006 and 2007, and between 2015 and 2017, EPA completed cleanup at three areas, removing 46,000 tons of soil contaminated with radium-226.

How Can I Get Involved?

Community interviews will be conducted in Ottawa this summer. These interviews are a chance for residents to discuss their needs, concerns, and perspectives on the cleanup process, as well as share what makes their community special. During interviews, U.S. EPA staff will discuss specifics about the cleanup plan for the NPL-8 site. Information regarding interview timing and location will be mailed to residents and posted online. We encourage anyone interested in the site or passionate about their community to participate.

These interviews will provide a foundation for a Community Involvement Plan (CIP) to help the Agency handle concerns and keep residents, businesses, and local officials informed of and involved in the cleanup. A CIP tells the story of Ottawa, including town history, residents' perspectives, and the community's needs, concerns, and expectations.

For More Information

A considerable amount of site related documents are available, including five-year reviews, engineering reports, and environmental and human health studies. Site documents can be viewed online: www.epa.gov/superfund/ottawa-radiation

U.S. EPA will be conducting community interviews in Ottawa this summer. These interviews are a chance for residents to discuss their needs, concerns, and perspectives on the cleanup process, as well as share what makes their community special. These interviews will provide a foundation for a Community Involvement Plan (CIP) to help the Agency handle concerns and keep residents, businesses, and local officials informed of and involved in the cleanup. A CIP tells the story of Ottawa, including town history, residents' perspectives, and the community's needs, concerns, and expectations.

More information will be sent when interview dates are set.

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**OTTAWA RADIATION SUPERFUND SITE:
Site Will Receive Funding to Complete Cleanup**

United States
Environmental Protection
Agency
Region 5
Community Involvement and
Outreach Section (RE-19J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590



Appendix F

Environmental Justice

The Environmental Justice Act of 1992 obligates federal agencies to make **Environmental Justice, or EJ**, part of its overall mission by “identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” Following this order, the Office of Environmental Equity within EPA became the Office of Environmental Justice. EPA’s Office of Environmental Justice ensures that all people, regardless of race, color, national origin, or income, enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process for a healthy living, learning, and work environment. Ensuring environmental justice means not only protecting human health and the environment for everyone, but also ensuring all people are treated fairly and are given the opportunity to participate meaningfully in the development, implementation, and enforcement of environmental laws, regulations, and policies.

When making decisions about a cleanup and planning its community involvement initiative for a community, environmental justice

issues must be considered. As part of this effort, EPA collaborates with state agencies, representatives from the city of Ottawa and concerned residents in addressing environmental challenges in more effective, efficient and sustainable ways. Meaningful involvement means that potentially affected community residents have an appropriate opportunity to participate in decision-making about a proposed activity that will affect their environment and/or health.

For more information on Environmental Justice, visit <https://www.epa.gov/environmentaljustice>

U.S. EPA has this goal for all communities and persons across this nation. It will be achieved when everyone enjoys:

- the same degree of protection from environmental and health hazards, and
- equal access to the decision making process to have a healthy environment in which to live, learn and work.

Appendix G

Ottawa Radiation Areas Institutional Controls Stewardship and Communications Plan

**INSTITUTIONAL CONTROLS
STEWARDSHIP AND COMMUNICATIONS PLAN**

**OTTAWA RADIATION AREAS
Ottawa, LaSalle County, Illinois**

U.S. Environmental Protection Agency



**Region 5
Chicago, Illinois**

March 2021



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APPENDIX

A	Stakeholder Contact Information
B	Environmental Covenants



ACRONYMS AND ABBREVIATIONS

AOC	Administrative Order on Consent
bgs	Below Ground Surface
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CD	Consent Decree
COC	Contaminant of Concern
EC	Environmental Covenant
ESD	Explanation of Significant Differences
FYR	Five-Year Review
ICs	Institutional Controls
IEMA	Illinois Emergency Management Agency
Illinois EPA	Illinois Environmental Protection Agency
JULIE	Joint Utility Locating Information for Excavators (in Illinois)
LPI	Luminous Processes, Inc.
NCP	National Contingency Plan
NPL	National Priorities List
O&M	Operations & Maintenance
OU	Operable Unit
pCi/g	Pico Curies per Gram
pCi/L	Pico Curies per Liter
ROD	Record of Decision
ROW	Right-of-Way
SARA	Superfund Amendments and Reauthorization Act
UECA	Uniform Environmental Covenants Act
U.S. EPA	United States Environmental Protection Agency
UU/UE	Unlimited Use and Unrestricted Exposure



1.0 INTRODUCTION

U.S. Environmental Protection Agency (U.S. EPA) Region 5 prepared this Institutional Controls (IC) Stewardship and Communications Plan (Plan), which describes the implementation, monitoring, and assurance procedures to be carried out at the Ottawa Radiation Areas Superfund Site (Site) in Ottawa, Illinois. This Plan was developed based on feedback and information received during the second Five-Year Review (FYR) of the Site. The Plan will be updated and revised as necessary, such as after additional covenants are implemented; if changes in the stakeholder contacts are made; after another FYR, if warranted; as remedial activities are completed; or after any major milestones or other significant changes occur at the site.

1.1 PURPOSE OF THE PLAN

The purpose of this Plan and its attachments is to describe requirements for the implementation, monitoring, maintenance, reporting, and enforcement of ICs such as land-use restrictions for Subareas NPL-1, NPL-8, NPL-9, NPL-11, and the Illinois Power Building at the Ottawa Radiation Areas Superfund Site. Detailed information on ICs for each location can be found in Table 1, Section 3.2.

This Plan outlines procedures for inspecting and monitoring compliance with the ICs and annual reporting and certification requirements to demonstrate that (1) the Site has been inspected, (2) no inconsistent uses have occurred, (3) ICs remain in place and are effective, and (4) any necessary contingency actions have been executed. The Plan also includes communications procedures for informing property owners and the public about site contamination.

What are institutional controls?

Institutional controls (ICs) consist of restrictions and information often associated with environmental sites so the cleanup work or remaining pollution won't be disturbed. ICs are used when contamination is first discovered, when cleanups are in progress, and when residual contamination remains on site at a level that does not allow for unlimited use and unrestricted exposure after cleanup.

ICs can play an important role when a cleanup is conducted and when it is too difficult or too costly to remove all contamination from a site. ICs are rarely used alone to deal with contamination at a site and often are used in conjunction with an engineered cleanup remedy.

1.2 STAKEHOLDERS

Stakeholders for this Plan include U.S. EPA, the Illinois Emergency Management Agency (IEMA), Illinois EPA, the City of Ottawa, landowners of affected parcels, and the community. U.S. EPA Region 5 and Illinois EPA are the primary points of contact for implementing, monitoring, enforcing, and terminating the ICs. The City of Ottawa is responsible for implementing and monitoring ICs. Stakeholder contact information can be found in Appendix A.



1.3 PUBLIC COMMUNICATIONS

This Plan and all U.S. EPA FYR documents and ICs are available in the information repository located at the Reddick Public Library, 101 Canal Street, Ottawa. The ICs are also available in Appendix B of this Plan. The City of Ottawa has also established a repository at the Reddick Public Library for environmental covenants (EC) and has developed procedures for notifying applicants for building permits of any activity and use restrictions necessary for the Site.

This Plan, along with additional information on the Ottawa Radiation Areas Superfund Site remaining contamination and ICs in place, will be updated and available online at www.epa.gov/superfund/ottawa-radiation.

1.4 COMMUNITY PARTICIPATION

An important part of a successful IC program requires community input. Community input can be essential to selecting, using, and monitoring ICs that are the best fit for the community and the protectiveness of the remedy. Mutual respect, trust, and open and timely communication can greatly enhance the ability of all involved to ensure that the most effective ICs are used at the site. There are several opportunities for the community to get involved. These include:

- Master planning meetings.
- Zoning hearings.
- Land use planning meetings.
- Site investigation and remedy selection process.

The community can be helpful in assisting with monitoring ICs. Individual residents and business owners are the eyes and ears of community. They are often the first to notice uses or excavation that appear inconsistent with the site's future use or remedy restrictions. Because ICs are often in place long after a cleanup is finished, community knowledge and input can be important in assuring that the ICs remain protective of human health and the environment. By contacting the appropriate party, an important series of checks and balances can be developed. Residents and business owners should contact the City of Ottawa or one of the stakeholders identified in Appendix A if they see something at a site that is not appropriate or if they have any questions.

The ICs discussed in this Plan are essential components of environmental cleanups such as the Ottawa Radiation Areas Superfund Site. It is important for residents to understand and have the opportunity to take an active role in the selection, use, and monitoring of ICs.

2.0 BACKGROUND

The Ottawa Radiation Areas Superfund site is composed of 16 total subareas in and around Ottawa that were found with radioactive soil. These subareas are known as NPL-1 through NPL-14, Illinois Power Building, and Luminous Processes, Inc. Adjacent (LPI Adjacent) (see



Figure 1 on the next page). The source of contamination is attributed to the operation of two Ottawa companies that used radium sulfate paint to produce glow-in-the-dark dials. Radium Dial Company operated from 1920 to 1932 and LPI from 1932 through 1978. Over the course of manufacturing, the dials, equipment, buildings, and surrounding work areas became contaminated with radium-226, the major element of radium sulfate. Through the years, plant waste was used as fill material at various locations around Ottawa.

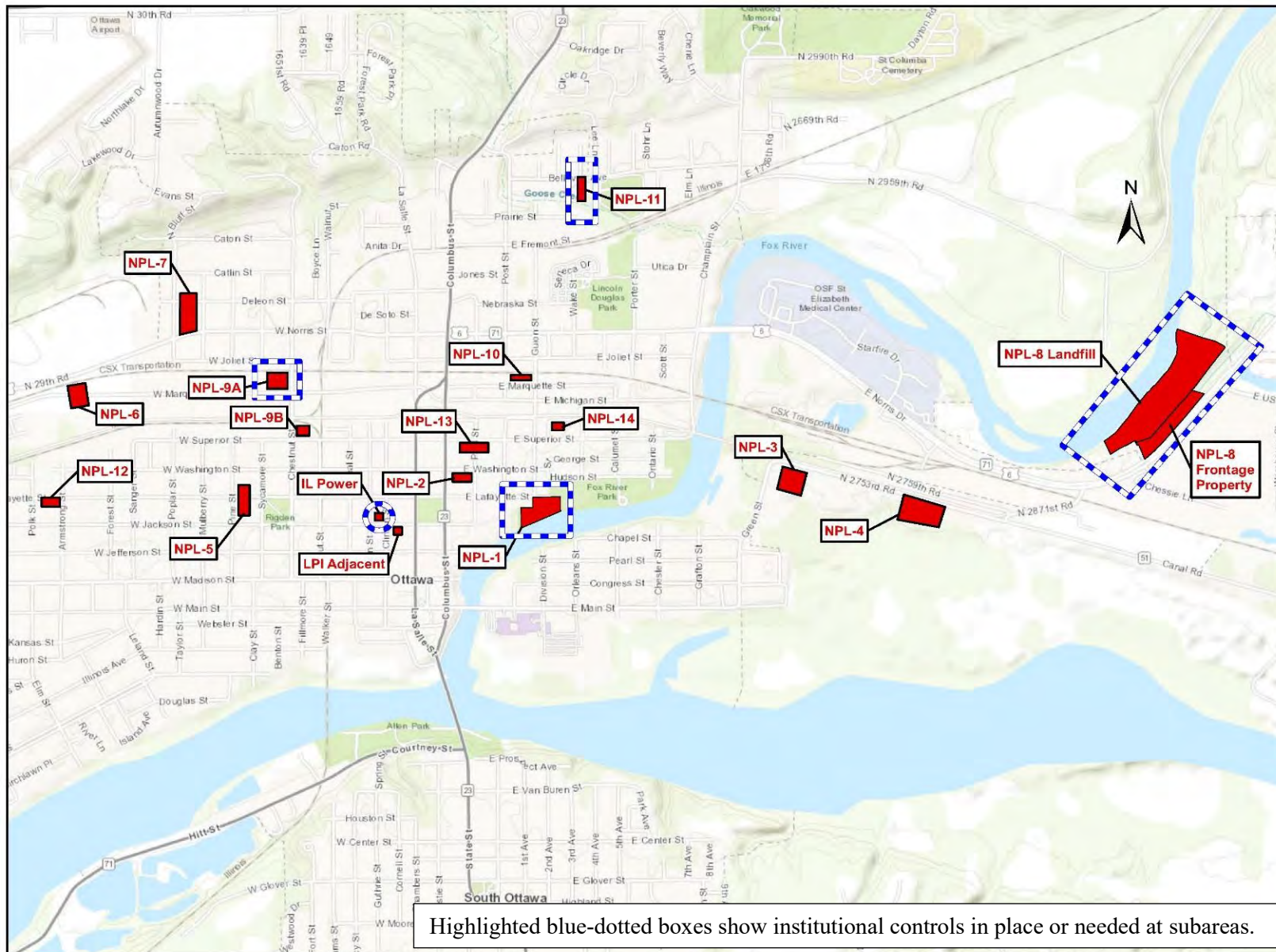
U.S. EPA added the Site to the National Priorities List, or NPL, on October 14, 1992. The NPL is a list of hazardous waste sites in the United States, which are eligible for long-term remedial action or cleanup under the federal Superfund program. Of the 16 subareas, U.S. EPA prioritized the cleanup of the residential areas because the radioactive contamination posed an immediate health risk. Between 1995 and 1997, U.S. EPA and its contractors removed more than 40,000 tons of radium-contaminated soil from 12 of the 16 areas under the Superfund Removal Program. In 1997, cleanup activities were completed at NPL-2, NPL-3, NPL-5, NPL-6, NPL-7, NPL-10, NPL-12, NPL-13, and NPL-14. Cleanup is complete at these subareas because radium-contaminated soil was removed. Any remaining soil is below U.S. EPA's cleanup level of 6.2 picoCuries per gram (pCi/g) for radium-226, allowing unlimited use and unrestricted exposure (UU/UE) at these properties.

U.S. EPA conducted further investigations at subareas where the cleanup activities were not complete (NPL-1, NPL-9, and NPL-11) as well as other areas (NPL-4, NPL-8, NPL-11, the Illinois Power Building, and the LPI Adjacent site) under the Superfund Remedial Program. U.S. EPA designated these remaining sites into five cleanup areas that the Agency refers to as operable units (OUs):

- OU1: NPL-8 Landfill
- OU2: NPL-1, NPL-4, NPL-9, NPL-11, and the Illinois Power Building
- OU3: Lead-contaminated soil removal¹
- OU4: NPL-8 Frontage Property
- OU5: LPI Adjacent

Cleanup activities have been completed for all subareas except NPL-8 Landfill and NPL-8 Frontage Property. Cleanup at the NPL-4 and LPI Adjacent subareas allow for UU/UE; however, ICs are required for NPL-1, NPL-8, NPL-9, NPL-11, and the Illinois Power Building due to remaining subsurface contamination. Details of the cleanup action for these four subareas requiring ICs are included in the following sections.

¹ Additional non-radiation data collected at NPL-1 and NPL-9 resulted in lead-contaminated soil removal.





2.1 NPL-1

The NPL-1 site is an area of about 5 acres within the City of Ottawa. It consists of several parcels of land located at the intersection of Lafayette and Guion Streets. To the north, the site is bordered by several residences located on Lafayette Street, to the east by the Marquette High School athletic field, to the south by the Fox River, and to the west by residences. Open fields with some trees make up the southern portion of the site near the Fox River and a public walking path, known as the River Walk, traverses the site from east to west, adjacent to the Fox River.

In December 2011, a human health risk assessment was prepared to determine whether site contaminants posed a current or potential future risk to people and the environment. For this assessment, the NPL-1 site was divided into six exposure areas: A, B, C, D, E, and M. The maximum concentration of radium-226 measured in Areas B, C, D, and M was found to be less than U.S. EPA's cleanup level so specific risks were not calculated for these areas.

As part of the initial cleanup action, between 1995 and 1997, a total of 12,040 tons of radium-contaminated soil was removed down to 6 to 8 feet below ground surface (bgs) from NPL-1. Due to budgetary constraints at the time, further excavation could not be completed.

In 2002, U.S. EPA removed lead-contaminated soil from four residential locations at NPL-1 under the OU3 removal. Verification sampling confirmed no lead in soil concentrations above the action levels and this part of the cleanup action is considered complete at NPL-1.

During remedial actions conducted at NPL-1A in 2006 and 2007, an additional area of radium-226 contamination was found along the east portion of Guion Street extending beneath the sewer pipe. Radium contamination under Guion Street ranges from 0.24 to 176 pCi/g at a depth of 9 to 10 feet with an estimated volume of 636 cubic yards. The Guion Street subarea of NPL-1 is designated as NPL-1E. Additional radium-226-contaminated soil was also found from 6 to 16 feet in NPL-1A during supplemental investigations in 2009 and 2011. The cost of additional cleanup would be unreasonably high relative to long-term benefits; residual radium-contaminated waste does not pose a clear present or future hazard to human health and the environment. U.S. EPA selected in-place containment and ICs as the remedy for NPL-1A and NPL-1E because these controls provide an overall protection of human health and the environment, are compliant with laws and regulations, offer short- and long-term protection, and are cost effective.

No additional contamination was detected at the remaining areas of NPL-1 during the supplemental investigations in 2009 and 2011.



Current/Future Uses

NPL-1A is currently a vacant property and the eastern portion is used for River Walk access. NPL-1E is covered by Guion Street and the Guion Street right-of-way (ROW). Land use is not expected to change in the future.

2.2 NPL-8

The NPL-8 site is approximately 17 acres situated on State Route (SR) 71 about 1 mile east of the Ottawa city limits, near the intersection of SRs 71 and 6. The site is divided into two areas: the Landfill and the Frontage Property. The NPL-8 Landfill is approximately 13 acres and is bordered by the Fox River on the north and the Frontage Property on the south and east. The Frontage Property of NPL-8 is approximately 4 acres and is bordered by SR 71 on the south and east, a defunct car dealership on the west, and the NPL-8 Landfill on the north.

The cleanup action at NPL-8, specifically on the Frontage Property, began in 2019. According to the 2000 and 2003 Record of Decisions (ROD) for NPL-8 Landfill and NPL-8 Frontage Property, contaminated soil above 6.2 pCi/g radium will be excavated to a depth of 10 feet and backfilled with clean material. Radium-contaminated soil below 10 feet bgs will remain on site at levels preventing UU/UE after the cleanup action is complete. ICs such as land-use restrictions for both subareas are planned to protect the 10-foot soil covers and human health and the environment. ICs will be implemented at the Frontage Property before all NPL-8 remedial actions are completed to ensure future property owners are aware of existing contamination and land use does not change.

Current/Future Uses

The landfill property, owned by the State of Illinois, is currently fenced and unused. The state plans to limit future use of the property to recreational use and will be responsible for enforcement of these restrictions.

The Frontage Property is currently owned by Grand Rapids Enterprises, Inc., a construction equipment supply company. The property formerly housed Midwest Landscaping, which is now defunct. The property has been used for commercial/industrial purposes and no change in use is expected in the future. The property has also been used as an access point to the NPL-8 Landfill property by U.S. EPA and state agencies.

2.3 NPL-9

The NPL-9 area consists of two parcels of land (NPL-9A and NPL-9B) within the Ottawa city limits totaling approximately 1.9 acres. NPL-9A is located at the northwest corner of the intersection of Marquette and Chestnut Streets and is owned by Etna Oil Company. The parcel is bordered to the north by railroad tracks, to the east by Chestnut Street, to the west by residences,



and to the south by Marquette Street. NPL-9B is located approximately 500 feet south of NPL-9A, just west of the Chestnut Street, on the Illinois and Michigan Canal towpath and is owned by the Illinois Department of Natural Resources.

In 2001, U.S. EPA removed lead-contaminated soil down to 4 feet at 613 West Marquette Street (a commercial building), which is subarea NPL-9A. Sampling found that some areas at 613 West Marquette Street exceeded the industrial/commercial cleanup levels for lead below 4 feet. The former landowners recorded a restrictive covenant that limits the use of the property to industrial/commercial use, prohibits residential use, and prohibits disturbance of soil below 4 feet.

During the 2006 to 2007 cleanup action, U.S. EPA removed 640 tons of radium-contaminated soil down to 11 feet bgs from NPL-9A and 240 tons of radium-contaminated soil down to 4 to 7 feet bgs from NPL-9B. Verification sampling confirmed the 6.2 pCi/g cleanup level was met. Cleanup action at NPL-9 is considered complete. After the 2001 removal action, lead was discovered at the 613 West Marquette Street parcel that exceeded cleanup standards for lead below 4 ft bgs. The property owner had previously executed a property IC in the form of a Warranty Deed with Reservation of Environmental Easement and Declaration of Restrictive Covenants. However, because the 2000 ROD and 2001 Action Memorandum do not require ICs for the 613 West Marquette Street parcel, U.S. EPA issued an Explanation of Significant Differences (ESD) to the ROD document requiring ICs for the 613 West Marquette Street parcel on September 24, 2018.

Current/Future Uses

Land use at the 613 West Marquette Street parcel is restricted to industrial/commercial use and expected to remain that way in the future.

2.4 NPL-11

NPL-11 is located on the northeast side of the City of Ottawa at 351 and 353 Bellevue Avenue. The 0.75-acre site consists of two vacant residential lots bordered by Bellevue Avenue to the north, Goose Creek to the south, and residences to the east and west.

As part of the 1996 removal action, U.S. EPA excavated radium-contaminated soil above 6.2 pCi/g and removed a total of 4,176 tons of radium-contaminated soil from NPL-11. Verification samples indicated that contamination remained below the water table at the elevation 491.25 feet (6 feet bgs). About 5 to 6 feet of clean backfill was placed over the contamination. Although the 2003 ROD for NPL-11 selected excavation of all soil contaminated with radium-226 above 6.2 pCi/g, U.S. EPA's subsequent investigation determined that it was technically impracticable to meet the 6.2 pCi/g cleanup level below an elevation of 491.25 feet at NPL-11. U.S. EPA subsequently signed a ROD Amendment on August 16, 2010, which selected ECs to implement



land use restrictions. Environmental covenants are currently in place for both NPL-11 parcels located at 351 and 353 Bellevue Avenue.

U.S. EPA conducted a groundwater investigation to test for elevated radium-226 concentrations in groundwater on site and to determine whether nearby Goose Creek and resident populations were impacted. The investigation found that groundwater did not exceed the radium regulatory standard. Goose Creek sediment samples and residential radon sampling did not indicate off-site migration of contaminated groundwater.

Current/Future Uses

The NPL-11 parcels remain vacant but bordered by residential properties to the east and west. Land use is expected to remain unchanged.

2.5 ILLINOIS POWER BUILDING

The Illinois Power Building is located on a 1.5-acre property within the City of Ottawa. The site is at the corner of Jefferson and Fulton Streets in the central business district. The site is bordered by Jefferson Street to the south, Canal Street and a city parking lot to the west, Jackson Street to the north, and Fulton Street to the east.

During the 2006 through 2007 cleanup action, U.S. EPA removed a total of 23 tons of radium-contaminated soil. Soil was excavated down to approximately 12 inches in the southern area and 18 inches in the western area. Verification sampling confirmed that the 6.2 pCi/g cleanup level was met. For safety reasons, the soil beneath the Illinois Power Building was never evaluated. In 2007, IEMA recorded radon measurements in the building. Although average radon concentrations were below the recommended action level of 4.0 pCi/L, there were periods where the radon concentrations were recorded above the action level. IEMA recommended that indoor radon mitigation systems return to full operability. Because the soil beneath the building was never evaluated, a Declaration of Environmental Restrictive Covenant was included as part of the remedy for the subarea. The restrictive covenant was put in place in 2008 and cleanup is considered complete at the Illinois Power Building.

Current/Future Uses

The site is currently used as a commercial property and is expected to remain that way in the future.

2.6 FIVE-YEAR REVIEW

U.S. EPA reviews the Ottawa Radiation Areas Superfund Site every five years to ensure human health and the environment are being protected. This FYR is required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, for cleanup actions where contaminants remain above levels allowing UU/UE. The



implementation and performance of the Site's selected remedies are evaluated and recommendations are given for any issues found.

The Site inspection conducted for the 2016 FYR did not find any inappropriate land use. No activities were observed that would have violated the ICs and no new uses of groundwater were observed. U.S. EPA and IEMA are not aware of Site or media uses that are inconsistent with the stated objectives of the ICs. The 2016 FYR confirmed that the objectives of the ICs are being complied with and that the remedy appears to be functioning as intended. Because a remedial action has not yet been initiated at the NPL-8 Landfill and Frontage Property, the remedy protectiveness for these subareas was not evaluated.

The FYR noted that the development of a long-term stewardship plan for the Site and the implementation of ECs at NPL-1 and NPL-11 were needed. The required ECs at NPL-1 still must be implemented. The NPL-11 EC was finalized in 2018. The FYR also noted that an ESD requiring ICs for NPL-9A (613 West Marquette Street) is needed because the implemented removal action does not allow UU/UE due to the levels of lead remaining in the soil. U.S. EPA issued the ESD requiring ICs on September 24, 2018.

Under the Consent Decree with the City of Ottawa, the City has agreed to conduct the following activities:

- Establish a repository for property agreements and ECs related to the Site.
- Document procedures for notifying applicants of city building and construction permits of activity.
- Document use restrictions at the Site, including registration of the sites with remaining contamination with the Illinois One Call system.

3.0 INSTITUTIONAL CONTROLS

ICs are required for NPL-1, NPL-8, NPL-9, NPL-11, and the Illinois Power Building due to remaining underground contamination. Complete cleanup of contamination in these areas would be extremely difficult to implement and unreasonably costly relative to the long-term benefits. ICs for these subareas include restrictions on land and building use and construction activities to prevent disturbance of and exposure to contamination. The Illinois Power Building also required an indoor radon mitigation system. U.S. EPA is currently working with property owners to implement the ICs for NPL-1A (the River Walk Access ROW) and NPL-1E (Guion Street). U.S. EPA is issued the NPL-9 ESD documenting the need for the previously implemented EC.

3.1 BACKGROUND ON INSTITUTIONAL CONTROLS

ICs are administrative and legal controls that generally do not involve construction or physically changing the site. They minimize the potential for human exposure to contamination and protect



the integrity of remedies by restricting the use of properties not suitable for unrestricted use and unlimited exposure. In many site cleanups, ICs help reduce the possibility that people will come in contact with contamination and may also protect expensive cleanups from damage. The use of ICs is not a way “around” treatment or cleanup, but rather part of a balanced, practical approach to site cleanup that relies on both engineered and non-engineered remedies.

U.S. EPA guidance encourages the use of ICs in “layers” and/or in “series” to enhance overall protectiveness. Layering ICs means using more than one IC at the same time, all with the same goal (e.g., a consent decree, deed notice, or EC to prevent the use of drinking water wells). Using ICs in series may also allow different ICs over time when site circumstances or IC processes change. For example, restrictions can gradually be reduced as progress is made toward cleanup goals. Used in such overlapping ways ICs can be more securely relied upon to provide an important measure of safety to ensure long-term protectiveness. Thus, usually more than one type of IC is put in place at a single site.

There are four general types of ICs, which include proprietary, governmental, enforcement, and informational. These are discussed below.

Proprietary controls are generally the primary ICs utilized at the site and refer to land use controls on property. These ICs are called deed restrictions or ECs and are typically established by a private agreement between the property owner and a state and/or federal agency and include established restrictions or perpetual activity and use restrictions that may be enforced by the applicable state and/or federal agency. Proprietary ICs are recorded on the property title or deed and “run with the land,” meaning they are in force and should be included on each deed when the land is transferred to a new owner. This puts future purchasers on notice of remaining contamination on the property and informs them of restrictions on the use of that property. Under the Illinois Uniform Environmental Covenants Act (UECA), environmental agencies, local governments, and specified holders are identified in the deed instrument and allow enforcement of those restrictions of ECs in addition to certain landowners.

Enforcement tools with IC components are legal tools that limit certain site activities or require the performance of specific activities (e.g., monitor and report on IC effectiveness). These enforcement instruments involve federal or state government agencies that have jurisdiction to issue an Order unilaterally or negotiated with several or all affected parties. The enforcement tools in place at the Site are an Administrative Order on Consent (AOC) and a Consent Decree. An AOC is a legal document that formalizes an agreement between the U.S. EPA and one or more potentially responsible parties (PRPs) to address some or all parties’ responsibility for a site. A Consent Decree is a legal document approved by a judge that formalizes an agreement reached between U.S. EPA and companies, governments, or individuals associated with contamination at the sites through which PRPs will take certain actions to resolve the contamination at a Superfund site.



Governmental controls impose land or resource restrictions using the authority of an existing local or state unit of government, such as local ordinances, laws, or permitting regulations. For example, the City of Ottawa has an ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells within city limits.

Informational devices provide information or notification (often as a recorded notice in property records) or advise local communities, tourists, recreational users, or other interested persons that residual contamination remains on site. They do not provide enforceable restrictions but do serve to give notice of restricted or allowable activities. For example, some of the contaminated properties have been put into the Illinois JULIE (Joint Utility Locating Information for Excavators) call before you dig program, also known as the “Illinois One-Call System.” JULIE is a not-for-profit organization that provides a free service to professional excavators and homeowners to locate and mark underground utility facilities. Additionally, certain properties within the area of the site have been put into the JULIE system to notify of potential contamination. JULIE services are initiated by calling at 811 or 1-800-892-0123 or via placing a remote request or ticket on-line. Also at this site, a repository of important IC information is in-place. The information repository is located at the Reddick Public Library, 101 Canal Street, Ottawa.

3.2 IC OBJECTIVES AND USE RESTRICTIONS MATRIX

Table 1 provides a matrix that summarizes the Ottawa Radiation Areas Site's IC objectives, use restrictions, and the duration of use restrictions. Page numbers are provided to indicate where the Subarea was cited in the ROD, Consent Decree, IC or EC. The anticipated duration for all ICs is perpetual.

Table 1. Ottawa Radiation Areas Site Institutional Controls

Subarea*	Parcel*	Contaminants Remaining	Engineering Controls	Use Restrictions	ROD/Consent Decree Requirements for Restrictions	IC Instruments and Implementation Date
NPL-1A	Parcel 21-11-237-001	Radium-226 in soil	Excavation, backfill, and treatment of perched groundwater (complete)	- Prohibit excavation of soil below 4 feet bgs unless conducted pursuant to U.S. EPA- or IEMA-approved work plan and such material is tested for radium-226 and disposed in accordance with applicable regulations. - Maintain 4 feet of clean cover. - Prohibit construction or use of any building - Prohibit residential or other indoor use. - Prohibit uses inconsistent with recreational use. - Prohibit use of groundwater as potable water supply.	2013 ROD Amendment includes land use restrictions. Pages 5, 9 - Consent Decree (1:10-cv-01887) Pages 5, 7-14	- Environmental Covenant 2020-0045 in place 1/10/2020. Page 3 - JULIE one-call system - Memorandum of Understanding (MOU) with Illinois EPA dated 7/20/2010
	River Walk Access ROW	Radium-226 in soil	Excavation, backfill, and treatment of perched groundwater (complete)	- Prohibit excavation of soil below 4 feet bgs unless conducted pursuant to U.S. EPA- or IEMA-approved work plan and such material is tested for radium-226 and disposed of in accordance with applicable regulations. - Prohibit construction and use of any building. - Prohibit other indoor use. - Prohibit uses inconsistent with recreational land use. - Prohibit use of groundwater as potable water supply.	2013 ROD Amendment includes land use restrictions. Pages 5, 9 - Consent Decree (1:10-cv-01887). Pages 5, 7-14	- Environmental Covenant is pending. - JULIE one-call system - MOU with IEPA dated 7/20/2010
NPL-1E	Guion Street	Radium-226 in soil	Excavation, backfill, and treatment of perched groundwater (complete)	- Prohibit excavation of soil below 2 feet bgs unless conducted pursuant to U.S. EPA- or IEMA-approved work plan and such material is tested for radium-226 and disposed in accordance with applicable regulations. - Maintain clean cover of at least 6.5 inches on property. - Prohibit construction of any building on property - Prohibit indoor or residential use of property - Prohibit uses inconsistent with public roadway or recreational land use. - Prohibit use of groundwater as potable water supply. - Follow procedures set forth in Appendix E if maintenance is required on sewer lines located on the property.	2013 ROD Amendment includes land use restrictions. Pages 5, 9 - Consent Decree (1:10-cv-01887). Pages 5, 9, 10, 14	- Environmental Covenant 2019-05710 in place 5/6/19. Pages 3, 4 - JULIE one-call system - MOU with IEPA dated 7/20/2010

Subarea*	Parcel*	Contaminants Remaining	Engineering Controls	Use Restrictions	ROD/Consent Decree Requirements for Restrictions	IC Instruments and Implementation Date
NPL-8	Frontage Property	Radium-226 in soil	Excavation down to 10 feet bgs, backfill with clean material	- Prohibit disturbance of 10-foot clean soil cover and excavation below 10 feet bgs. - Prohibit construction of buildings with basements. - Require radon reduction system for buildings without basements.	2003 ROD requires land use restrictions. Pages 5-7 - Consent Decree (1:10-cv-01887). includes requirements for recording a notice to successors-in-title (Paragraph 5A); implementing ECs (Para. 13b); implementing a governmental control plan (Para. 16); prohibiting use of property in a manner that poses an unacceptable risk due to exposure to waste materials or interfere with or adversely affect the implementation, integrity, or protectiveness of the remedial measures (Para. 11). Pages 5, 7-8, 10-14	- City of Ottawa Ordinance Number 002-2007 in place 1/16/2007 (Groundwater restriction). - EC is planned for implementation following construction completion. - JULIE one-call system - MOU with IEPA dated 7/20/2010 - Recording of Notice of Contamination (req. by Consent Decree) - Governmental Control Plan – repository or - Consent Decree requires non-interference with contamination and remedy
	Landfill	Radium-226 in soil	Excavation down to 10 feet bgs, backfill with clean material, treat perched groundwater	Restrict siting of buildings and excavation below 10 feet in soil.	2000 ROD requires land use restrictions. Page 51 - Consent Decree (1:10-cv-01887). Pages 5, 7- 8, 10-14: See above	- City of Ottawa Ordinance Number 002-2007 in place 1/16/2007 (Groundwater restriction). - EC is planned for implementation following construction completion. - JULIE one-call system - MOU with IEPA dated 7/20/2010

Subarea*	Parcel*	Contaminants Remaining	Engineering Controls	Use Restrictions	ROD/Consent Decree Requirements for Restrictions	IC Instruments and Implementation Date
NPL-9	613 West Marquette Street	Lead in soil	Excavation of lead contaminated soils up to a depth of 4 feet bgs (complete)	- Prohibit residential land use. - Prohibit any land use as hospital, educational institutions, day care for children, or any purpose involving 24-hour occupancy. - Prohibit the disturbance of soil below 4 feet bgs unless soil is sampled and determined to be below 750 ppm lead or soil exceeding 750 ppm is removed pursuant to an U.S. EPA-approved work plan.	- ESD to 2000 ROD issued 9/24/18. Page 3 - Consent Decree (1:10-cv-01887). Pages 14, 66	- City of Ottawa Ordinance Number 002-2007 in place 1/16/2007 (Groundwater restriction). - Restrictive Covenant in place 3/11/2004 R2004-06385. Page 2. - JULIE one-call system - MOU with Illinois EPA dated 7/20/2010
NPL-11	351 Bellevue Avenue Parcel	Radium-226 in soil	None (Excavation and backfill completed under 1996 Superfund Time-Critical Removal action)	- Prohibit excavation of soil below 491.25 feet in area of contamination unless conducted pursuant to U.S. EPA- or IEMA-approved work plan. - Prohibit construction of any building in the area of contamination unless slab-type building and radon reduction system installed. - Require material excavated from site tested and disposed of in accordance with applicable regulations. - Prohibit use of groundwater.	2010 ROD Amendment requires land use restrictions. Pages 4, 5 - AOC VW-91-C-081 in place 12/31/1990. Page 4 - Consent Decree (1:10-cv-01887). Pages 5, 14	- City of Ottawa Ordinance Number 002-2007 in place 1/16/2007 (Groundwater restriction). - EC 2018-10956 in place 8/10/2018. Pages 3, 4 - JULIE - MOU with Illinois EPA dated 7/20/2010
	353 Bellevue Avenue Parcel	Radium-226 in soil	None (Excavation and backfill completed under 1996 Superfund Time-Critical Removal action)	- Prohibit use of groundwater use. - Prohibit excavation of soil below 3 feet in area of contamination unless conducted pursuant to U.S. EPA-approved work plan. - Prohibit construction of any building in the area of contamination unless slab-type building and radon reduction system installed. Radon levels must not exceed 4 pCi/L. - Prohibit use of groundwater.	2010 ROD Amendment requires land use restrictions. Pages 4, 5 - Consent Decree (1:10-cv-01887). Pages 5, 14	- City of Ottawa Ordinance Number 002-2007 in place 1/16/2007 (Groundwater restriction). - EC 2009-22484 in place 9/2/2009. Page 4 - JULIE one-call system - MOU with Illinois EPA dated 7/20/2010



Subarea*	Parcel*	Contaminants Remaining	Engineering Controls	Use Restrictions	ROD/Consent Decree Requirements for Restrictions	IC Instruments and Implementation Date
Illinois Power Building	320 W Jefferson Street	Radium-226 in soil	Excavation and backfill (complete)	- Prohibit intruding into or demolishing building foundation. - Prohibit excavation of soils under buildings unless extent of contamination study is conducted and contamination removed. - Owner must operate and maintain radon mitigation system and conduct radon testing every 2 years.	8/2/2012 ESD to OU2 2000 ROD documenting need for IC. Pages 1, 3 - Consent Decree (1:10-cv-01887). Pages 14, 57	- City of Ottawa Ordinance Number 002-2007 in place 1/16/2007 (Groundwater restriction). - Environmental Restrictive Covenant 2008-20282 in place 9/5/2008. Page 2 - JULIE - MOU with Illinois EPA dated 7/20/2010

* See Appendix A for additional contact information for each subarea and parcel.



4.0 LONG-TERM STEWARDSHIP

Long-term protectiveness at the Site requires compliance with effective ICs to ensure that the remedy continues to function as intended. This section outlines procedures for the monitoring, enforcement, maintenance, and reporting of effective institutional controls at the Site.

4.1 IC MONITORING AND REPORTING

The City of Ottawa is responsible for the annual inspection, review, and monitoring of each site to document that no inconsistent uses have occurred, that ICs remain in place and are effective, and that any necessary contingency actions have been executed. The City of Ottawa needs to document the certification to U.S. EPA annually. U.S. EPA will also communicate as needed with the City of Ottawa to assess the IC program over time.

4.1.1 Environmental Covenants

Several ECs are in place to ensure that the remedies put in place at the Ottawa Radiation site continue to function as intended. These ECs are outlined below and are also referenced in the Table 1 in Section 3.2. Copies of all ECs are included in Appendix B.

- NPL-1A: Environmental Covenant 2020-00455, January 10, 2020
- NPL-1E: Environmental Covenant 2019-5710, May 16, 2019
- NPL-9: Restrictive Covenant R2004-06385, March 16, 2004
- NPL-11a: Environmental Covenant 2018-10956, August 10, 2018
- NPL-11b: Restrictive Covenant R2009-22484, September 2, 2009
- Illinois Power: Restrictive Covenant R2008-20282, September 5, 2008

4.1.2 Other Control Instruments

Additional control instruments have also been put in place to ensure the remedies continue to function as intended. These instruments are provided below and are also referenced in Table 1 in Section 3.

Memorandum of Understanding (MOU) with Illinois EPA

The MOU with Illinois EPA provides for the use of the City of Ottawa's Groundwater Ordinance No. 002-2007 as an IC and specifies the City's responsibilities to ensure the long-term integrity of the groundwater or well ordinance (see Table 1 for details). Under the MOU, the City of Ottawa will be responsible for the following:

- Notifying the Illinois EPA Bureau of Land of any proposed ordinance changes or requests of variance at least 30 days prior to the date of any proposed change.
- Maintaining a registry of all sites within its corporate limits that have received "No Further Remediation" determinations.



- Reviewing the registry of sites prior to siting public potable water supply wells with the area covered by the ordinance.

CD 1 10 cv 01887, Page 14

The City of Ottawa has established a repository for ECs at the Reddick Public Library, 1010 Canal Street, Ottawa; and has developed procedures for notifying applicants for building permits of any activity and use restrictions necessary for the Site.

JULIE

The City of Ottawa has registered subareas with remaining underground contamination (NPL-1, NPL-8, NPL-9, NPL-11, and the Illinois Power Building) with the JULIE one-call system. Any proposed excavation within 50 feet of affected parcel boundaries will flag a JULIE ticket specific to the remaining radium-226 or lead contamination, which will trigger the City of Ottawa to notify the entity conducting subsurface intrusion of the existing contamination and ensure no activities are conducted that are inconsistent with the ECs. If such activities are identified, the City of Ottawa will notify U.S. EPA and IEMA immediately.

Five-Year Reviews

U.S. EPA will conduct FYRs, as required under Section 121 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA) and the National Contingency Plan (NCP), which state that remedial actions resulting in any hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure will be reviewed every five years to ensure protection of human health and the environment.

The FYRs will include site inspections to ensure land use follows the stated objectives of the ICs and that observed activities do not violate the ICs. The review will also evaluate whether the site remedies are functioning as intended.

4.2 IC OPERATION AND MAINTENANCE

Operation and maintenance (O&M) activities, such as compliance monitoring of land use restrictions, are required at NPL-1A, NPL-1E, NPL-8 Frontage Property, NPL-8 Landfill, NPL-11, and the Illinois Power Building where subsurface radium contaminated material will remain in place.

U.S. EPA will communicate on at least an annual basis with the City of Ottawa to assess ongoing effectiveness of the one-call notification system and ensure that this notification system remains in place.

The City of Ottawa is responsible for the maintenance of the asphalt road on Guion Street under a Consent Decree with the United States. The owner of the Illinois Power Building property must



operate and maintain radon mitigation systems in any buildings on the property to ensure radon levels do not exceed the regulatory level. The owner must also conduct radon testing at the building every 2 years to be performed by an IEMA-licensed measurement professional to ensure that the system is working properly.

According to the 2000 and 2003 RODs (included in Appendix B), following the completion of the cleanup action at NPL-8 (Landfill and Frontage Property), O&M activities are anticipated to include annual groundwater monitoring and annual maintenance of the 10-foot backfill layer to preserve its integrity as a cover.

4.3 IC ENFORCEMENT

Property owners are responsible for abiding by and implementing the requirements of the ICs on their properties. All ICs, except those for NPL-1A (River Walk Access ROW) and NPL-1E (Guion Street) have been implemented as of the date of this Plan. U.S. EPA is currently working with the property owner to implement the ICs at NPL-1. Additional ICs at NPL-8 may also be implemented once cleanup activities are completed.

Proper IC enforcement will be identified when and if there is an IC breach. The scope of enforcement will be dependent on the type of IC that is breached and the issues relating to the breach. U.S. EPA and the State of Illinois will be responsible for the enforcement of institutional control requirements. For ECs in place, holders specified in the covenant also have the authority to enforce restrictions in place.

In addition, the City of Ottawa Ordinance No. 002-007 is in place and prohibits the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method within the City of Ottawa.

4.4 IC MODIFICATION AND TERMINATION

For the foreseeable future, ICs will not be terminated at the Ottawa Radiation Areas Superfund Site because they are needed to protect the remedies outlined in the RODs. If the existing remedies change by either a ROD Amendment or an ESD decision document or if the land uses change, U.S. EPA Region 5 will review the ICs in place and decide whether any modifications are needed.

4.5 STEWARDSHIP COMMUNICATION PLAN REVIEW

This Plan will be updated as needed when changes or updates occur.



5.0 REFERENCES

U.S. Environmental Protection Agency (U.S. EPA) Region 5. 2018. Explanation of Significant Differences for Ottawa Radiation Areas Superfund Site. September 24.

U.S. EPA Region 5. 2016. Second Five-Year Review Report for Ottawa Radiation Areas Superfund Site. November 7.

U.S. EPA Region 5. 2013. Record of Decision Amendment for Ottawa Radiation Areas, NPL-1. September 6.

U.S. EPA Region 5. 2010. Record of Decision Amendment for Ottawa Radiation Areas, NPL 11. August 16.

U.S. EPA Region 5. 2000. Record of Decision (OU2). September 8.

Background on Institutional Controls:

www.epa.gov/sites/production/files/documents/final_pime_guidance_december_2012.pdf

www.epa.gov/sites/production/files/documents/ic_ctzns_guide.pdf



Appendix A Stakeholder Contact Information

AGENCIES

<u>U.S. Environmental Protection Agency</u> Region 5 Superfund Division 77 West Jackson Blvd. Chicago, IL 60606 Nabil Fayoumi Remedial Project Manager 312-886-6840 fayoumi.nabil@epa.gov Cheryl Allen Community Involvement Coordinator 312-353-6196 allen.cheryl@epa.gov	<u>Illinois Emergency Management Agency</u> Division of Nuclear Safety 1035 Outer Park Dr. Springfield, IL 62704 Kelly Horn Section Head, Environmental Management, Bureau of Radiation Safety 217-558-5135 kelly.horn@illinois.gov
<u>Illinois Environmental Protection Agency</u> 1021 N. Grand Avenue East Springfield, IL 62794 Melinda Shaw Bureau of Land 217-785-8725 melinda.shaw@illinois.gov	<u>City of Ottawa</u> 301 W. Madison St. Ottawa, IL 61350 David Noble City Engineer 815-433-0161 dnoble@cityofottawa.org

PROPERTIES

Location	Address
NPL-1E	Guion Street (south of East Lafayette Street and a portion of East Lafayette Street)
NPL-8 Frontage Property	1820 East Norris Drive
NPL-8 Landfill	Adjacent to 1820 East Norris Drive
NPL-9	613 West Marquette Street
NPL-11	351 Bellevue Avenue
NPL-11	353 Bellevue Avenue
Illinois Power Building	320 W. Jefferson Street



Appendix B

Environmental Covenants

Environmental Covenant

2020-0045

NPL-1A

8 1 9 2 3 1 1
Tx:4096435**2020-00455****KAREN L. MILLER****LASALLE COUNTY RECORDER
OTTAWA, IL****RECORDED ON
01/10/2020 09:24 AM****PAGES: 18****PLAT ACT: 0****REC FEE****58.00****This instrument was prepared by:**

Name: Richard M. Murawski, Associate Regional Counsel
Address: Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

Please return this instrument to:

Name: Richard M. Murawski, Associate Regional Counsel
Address: Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

ENVIRONMENTAL COVENANT

1. This Environmental Covenant is made this 19th day of DECEMBER, 2019, by and among the City of Ottawa and the Holders/Grantees further identified in paragraph 3 below pursuant to the Uniform Environmental Covenants Act, 765 ILCS Ch. 122 (UECA) for the purpose of subjecting the Property to the activity and use limitations described herein.

2. **Property and Grantor.**

A. **Property:** The real property subject to this Environmental Covenant is legally described in Appendix A, hereinafter referred to as the "Property" or "Former Gray Property." The Property is part of the Ottawa Radiation Areas National Priorities List (NPL) Site with a Comprehensive Environmental Response, Compensation and Liability Act Identification/Spill Number of ILD980606750.

B. **Grantor:** The City of Ottawa, a municipal corporation, is the current fee owner of the Property and is the "Grantor" of this

Environmental Covenant. The mailing address of the Grantor is 301 W. Madison, Ottawa, IL 61350.

3. Holders (and Grantees for purposes of indexing).

A. Illinois Emergency Management Agency (Illinois EMA) is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to its authority under Section 3(b) of UECA. The mailing address of the Illinois EMA, Division of Nuclear Safety, is 1035 Outer Park Drive, Springfield, Illinois 62704.

B. Illinois Environmental Protection Agency (Illinois EPA) is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to its authority under Section 3(b) of UECA. The mailing address of the Illinois EPA is 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

C. The City of Ottawa is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to UECA. The mailing address of the City of Ottawa is 301 W. Madison, Ottawa, IL 61350. Regardless of any future transfer of the Property, the City of Ottawa shall remain a Holder of this Environmental Covenant. The City of Ottawa is to be identified as both Grantee and Grantor for purposes of indexing.

4. Agencies. The Illinois EMA, Illinois EPA and the U.S. Environmental Protection Agency (U.S. EPA) are "Agencies" within the meaning of Section 2 of UECA. The Agencies have approved the environmental response project described in paragraph 5 below and may enforce this Environmental Covenant pursuant to Section 11 of UECA.

5. Environmental Response Project and Administrative Record.

A. This Environmental Covenant arises under an environmental response project as defined in Section 2 of UECA.

B. The Property is part of the NPL1 subarea of the Ottawa Radiation NPL Site (the Site or NPL Site), which the U.S. EPA, pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983.

C. U.S. EPA's Focused Feasibility Study (2012) for NPL-1 of the Ottawa Radiation NPL Site summarizes the results of U.S. EPA's surface radiation surveys, soil borings, soil samples and groundwater samples on the Property. Historical fill material is present through much of the Property. The fill material consists primarily of slag, ash and cinder, brick, wood, and general debris, as well as natural soils and aggregates which is contaminated with radium-226. U.S. EPA removed significant amounts of fill material from the Property, however radium-226 contamination remains on the Property and is present between approximately 4 to 16 feet bgs. Areas of known remaining contamination exceeding 6.2 pCi/gram radium 226 are set forth

in Appendix B. The level of radium-226 in the groundwater on the Property exceeds maximum contaminant levels for radium-226 under the Safe Drinking Water Act.

D. In a Record of Decision (ROD) signed by the U.S. EPA Region 5 Superfund Division Director, U.S. EPA approved a plan for environmental remediation of the Site. The remedial action plan requires implementation and compliance with land and groundwater activity and use limitations at the Property in order to prevent unacceptable exposures from radium-226 remaining at the Site.

E. Grantor wishes to cooperate fully with the Agencies in the implementation, operation, and maintenance of all response actions at the Site.

F. The Administrative Record for the environmental response project at the Ottawa Radiation Site (including the Property) is maintained at the U.S. EPA Superfund Record Center, 7th Floor, 77 West Jackson Blvd, Chicago, Illinois 60604. Persons may also contact FOIA Officer, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 for information concerning the Site.

6. **Grant of Covenant. Covenant Runs With The Land.** Grantor creates this Environmental Covenant pursuant to UECA so that the Activity and Use Limitations and associated terms and conditions set forth herein shall “run with the land” in accordance with Section 5(a) of UECA and shall be binding on Grantor, its heirs, successors and assigns, and on all present and subsequent owners, occupants, lessees or other person acquiring an interest in the Property.

7. **Activity and Use Limitations.** The following Activity and Use Limitations apply to the use of the Property:

- A. Prohibit excavation of soil and/or material on the Property below an elevation of 4 feet bgs unless the excavation is conducted pursuant to a U.S. EPA- or IEMA-approved work plan and such material is tested for radium-226 and disposed of in accordance with applicable regulations;
- B. Maintain the clean soil cover on the Property, which is present to approximately 4 feet bgs;
- C. Prohibit construction of any buildings and prohibit use of any buildings on the Property;
- D. Prohibit any indoor use on the Property;
- E. Prohibit residential use of the Property; and
- F. Prohibit uses inconsistent with recreational land use on the Property.
- G. Grantor is also prohibiting use of groundwater on the Property.

8. **Right of Access.** Grantor consents to officers, employees, contractors, and authorized representatives of the Holders, Illinois EMA and U.S. EPA entering and having continued access at reasonable times to the Property for the following purposes:

- A. Implementing, operating and maintaining the environmental response project described in paragraph 5 above;
- B. Monitoring and conducting periodic reviews of the environmental response project described in paragraph 5 above including without limitation, sampling of air, water, groundwater, sediments and soils;
- C. Verifying any data or information submitted to U.S. EPA or Illinois EMA by Grantor and Holders; and
- D. Verifying that no action is being taken on the Property in violation of the terms of this instrument, the environmental response project described in paragraph 5 above or of any Federal or State environmental laws or regulations;

Nothing in this document shall limit or otherwise affect U.S. EPA and Illinois EPA and Illinois EMA's rights of entry and access or U.S. EPA's and Illinois EPA's authority to take response actions under CERCLA, the National Contingency Plan ("NCP"), RCRA or other Federal and State law.

9. **Reserved Rights of Grantor:** Grantor hereby reserves unto itself, its successors, and assigns, including heirs, lessees and occupants, all rights and privileges in and to the use of the Property which are not incompatible with the activity and use limitations identified herein.

10. **No Public Access and Use:** No right of access or use by the general public to any portion of the Property is conveyed by this instrument.

11. **Future Conveyances, Notice and Reservation:**

A. Grantor agrees to include in any future instrument conveying any interest in any portion of the Property, including but not limited to deeds, leases and mortgages, a notice and reservation which is in substantially the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AND GRANTOR SPECIFICALLY RESERVES THE ENVIRONMENTAL COVENANT EXECUTED UNDER THE UNIFORM ENVIRONMENTAL COVENANTS ACT (UECA) AT 765 ILCS CH. 122 RECORDED IN THE OFFICIAL PROPERTY RECORDS OF LASALLE COUNTY, ILLINOIS ON _____ AS DOCUMENT NO. _____, IN FAVOR OF AND ENFORCEABLE BY GRANTOR AS A UECA HOLDER, THE ILLINOIS EMERGENCY MANAGEMENT AGENCY AS A UECA HOLDER, THE ENVIRONMENTAL PROTECTION AGENCY AS A

UECA AGENCY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY AS A UECA AGENCY.

B. Owner agrees to provide written notice to Illinois EPA, Illinois EMA and U.S. EPA within 30 days after any conveyance of fee title to the Property or any portion of the Property. The notice shall identify the name and contact information of the new owner in fee, and the portion of the Property conveyed to that owner.

12. Enforcement and Compliance.

A. Civil Action for Injunction or Equitable Relief. This Environmental Covenant may be enforced through a civil action for injunctive or other equitable relief for any violation of any term or condition of this Environmental Covenant, including violation of the Activity and Use Limitations under Paragraph 7 and denial of Right of Access under Paragraph 8. Such an action may be brought individually or jointly by:

- i. the Illinois Emergency Management Agency;
- ii. the Illinois Environmental Protection Agency;
- iii. the Holders of the Environmental Covenant;
- iv. the U.S. Environmental Protection Agency; and
- v. the City of Ottawa, Illinois.

B. Other Authorities Not Affected. No Waiver of Enforcement. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. Nothing in this Environmental Covenant affects U.S. EPA, Illinois EPA or Illinois EMA's authority to take or require performance of response actions to address releases or threatened releases of hazardous substances or pollutants or contaminants at or from the Property, or to enforce a consent order, consent decree or other settlement agreement entered into by U.S. EPA or Illinois EMA. Enforcement of the terms of this instrument shall be at the discretion of the Holders, the U.S. EPA, Illinois EPA and Illinois EMA and any forbearance, delay or omission to exercise its rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver by the Holders, U.S. EPA, Illinois EPA or Illinois EMA of such term or of any subsequent breach of the same or any other term, or of any of the rights of the Holders, U.S. EPA, Illinois EPA or Illinois EMA.

C. Former Owners and Interest Holders Subject to Enforcement. A fee owner, or other person that holds any right, title or interest in or to the Property remains subject to enforcement with respect to any violation of this Environmental Covenant by the owner or other person which occurred during the time when the owner or other person was bound by this Environmental Covenant regardless of whether the owner or other person has subsequently conveyed the fee title, or other right, title or interest, to another person.

13. Waiver of certain defenses: This Environmental Covenant may not be extinguished, limited, or impaired through issuance of a tax deed, foreclosure of a tax lien, or application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or similar doctrine as set forth in Section 9 of UECA.

14. Representations and Warranties: Grantor hereby represents and warrants to the Illinois EPA, Illinois EMA, U.S. EPA and any other signatories to this Environmental Covenant that, at the time of execution of this Environmental Covenant, that the Grantor is lawfully the owner of the Property, that the Grantor has a good and lawful right and power to sell and convey it or any interest therein, that the Property is free and clear of encumbrances, except those noted on Appendix C attached hereto, and that the Grantor will forever warrant and defend the title thereto and the quiet possession thereof. After recording this instrument, Grantor will provide a copy of this Environmental Covenant to all holders of record of the encumbrances including those entities noted on Appendix C.

15. Amendment or Termination. Except the Illinois EMA, Illinois EPA and U.S. EPA, all Holders and other signers waive the right to consent to an amendment or termination of the Environmental Covenant. This Environmental Covenant may be amended or terminated by consent only if the amendment or termination is signed by the Illinois EMA, Illinois EPA, U.S. EPA and the current owner of the fee simple of the Property, unless waived by the Agencies. If Grantor no longer owns the Property at the time of proposed amendment or termination, Grantor waives the right to consent to an amendment or termination of the Environmental Covenant.

16. Notices: Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor:

City Clerk, City of Ottawa
301 W. Madison
Ottawa, Illinois 61350

To Holder:

Illinois Emergency Management Agency
Division of Nuclear Safety
ATTN: Division Chief
1035 Outer Park Drive
Springfield, Illinois 62704

To Agencies:

For U.S. EPA:

U.S. Environmental Protection Agency
Superfund Division Director
77 West Jackson Boulevard
Chicago, Illinois 60604

U.S. Environmental Protection Agency
Regional Counsel
Mail Code: C14-J
77 West Jackson Boulevard
Chicago, Illinois 60604

For Illinois EMA:

Illinois Emergency Management Agency
Division of Nuclear Safety
ATTN: Division Chief
1035 Outer Park Drive
Springfield, Illinois 62704

For Illinois EPA:

Illinois Environmental Protection Agency
Division of Legal Counsel
ATTN: Uniform Environmental Covenant Counsel
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

17. Recording and Notice of Environmental Covenant, Amendments and Termination.

A. The Original Environmental Covenant. An Environmental Covenant must be recorded in the Office of the Recorder or Registrar of Titles of the county in which the property that is the subject of the Environmental Covenant is located. Within 30 days after the Illinois EMA, Illinois EPA and U.S. EPA (whichever is later) sign and deliver to Grantor this Environmental Covenant, the Grantor shall record this Environmental Covenant in the office of the County Recorder or Registrar of Titles for the County in which the Property is located.

B. Termination, Amendment or Modification. Within 30 days after Illinois EMA, Illinois EPA and U.S. EPA (whichever is later) sign and deliver to owner in fee any termination, amendment or modification of this Environmental Covenant, the owner shall record the amendment, modification, or notice of termination of this Environmental Covenant in the office of the County Recorder or Registrar of Titles in which the Property is located.

C. Providing Notice of Covenant, Termination, Amendment or Modification. Within 30 days after recording this Environmental Covenant, the Grantor shall transmit a copy of the Environmental Covenant in recorded form to:

- i. the Illinois EMA;
- ii. the Illinois EPA;
- iii. the U.S. EPA;

- iv. each person holding a recorded interest in the Property, including those interests in Appendix C;
- v. each person in possession of the Property; and
- vi. each political subdivision in which the Property is located.

Within 30 days after recording a termination, amendment or modification of this Environmental Covenant, the owner in fee shall transmit a copy of the document in recorded form to the persons listed in items i to vi above.

18. Compliance Reporting. The Owner shall submit to Illinois EPA reports that include confirmation of compliance with the Activity and Use Limitations provided in Paragraph 7 herein. The Owner shall notify the U.S. EPA, Illinois EPA and Illinois EMA as soon as practicable of any actions or conditions that would constitute a breach of the Activity and Use Limitations contained in Paragraph 7 herein. Additionally, the Owner is required to submit to Illinois EPA, on an annual basis on the date of recording of this instrument, the following certification statement:

“I certify under penalty of law that the specific Activity and Use Limitations identified in Paragraph 7 of the Uniform Environmental Covenant for the Former Gray Property of the Ottawa Radiation Areas NPL Site remain in place. I am aware that any person who knowingly makes a false, fictitious, or fraudulent material statement to the Illinois EPA, either orally or in writing, commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony (415 ILCS 5/44(h)(8)).”

19. General Provisions:

A. Controlling law: This Environmental Covenant shall be construed according to and governed by the laws of the State of Illinois and the United States of America.

B. Liberal construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the establishment of activity and use limitations that run with the land to effect the purpose of this instrument and the policy and purpose of the environmental response project and its authorizing legislation. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. No Forfeiture: Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

D. Joint Obligation: If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

E. Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

20. Effective Date. This Environmental Covenant is effective on the date of acknowledgement of the signature of the Illinois EPA, Illinois EMA and U.S. EPA, whichever is later.

21. List of Appendices:

Appendix A – Legal Description

Appendix B – Map of Sample Results Taken from the Property

Appendix C – List of Recorded Encumbrances

Signature Pages Follow

THE UNDERSIGNED REPRESENTATIVE OF THE GRANTOR REPRESENTS AND CERTIFIES THAT HE/SHE IS AUTHORIZED TO EXECUTE THIS ENVIRONMENTAL COVENANT.

IN WITNESS WHEREOF, THIS INSTRUMENT HAS BEEN EXECUTED ON THE DATES INDICATED BELOW:

FOR THE GRANTOR:

City of Ottawa, Illinois

By *Daniel F. Aussem* (signature)

Daniel F. Aussem, Mayor

State of Illinois)
) SS.
County of LaSalle)

This instrument was acknowledged before me on September 17, 2019, by Daniel F. Aussem, on behalf of the City of Ottawa, Illinois.

Shelly L. Munks (signature)
Notary Public
My Commission Expires 4/27/2023



FOR THE ILLINOIS EMERGENCY MANAGEMENT AGENCY

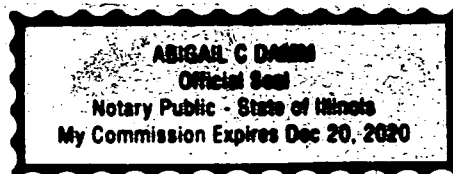
By *Alicia Tate-Nadeau* (signature)

Alicia Tate-Nadeau, Acting Director
Illinois Emergency Management Agency

State of Illinois)
)SS.
County of Sangamon)

This instrument was acknowledged before me on October 1st, 2019, by Alicia Tate-Nadeau, the Acting Director of the Illinois Emergency Management Agency, a state agency, on behalf of the State of Illinois.

Abigail C. Damm (signature)
Notary Public
My Commission Expires Dec 20, 20



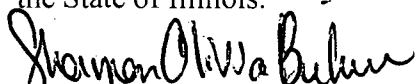
FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

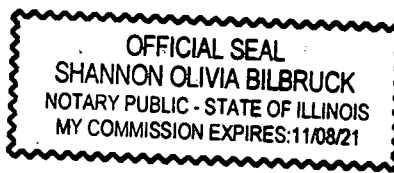
By  (signature)

John J. Kim, Director
Illinois Environmental Protection Agency

State of Illinois)
)SS.
County of Sangamon)

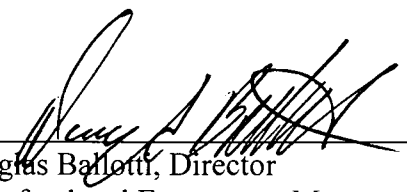
This instrument was acknowledged before me on October 28th, 2019, by John J. Kim, the Director of the Illinois Environmental Protection Agency, a state agency, on behalf of the State of Illinois.

 (signature)
Notary Public
My Commission Expires 11/8/21



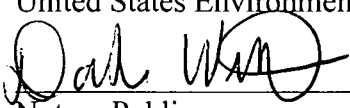
FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

On behalf of the Administrator of the
United States Environmental Protection Agency

By: 
Douglas Ballotti, Director
Superfund and Emergency Management Division
U.S. Environmental Protection Agency, Region 5

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

This instrument was acknowledged before me on December 19, 2019, by
Douglas Ballotti, Director, Superfund and Emergency Management Division, Region 5 of the
United States Environmental Protection Agency.

 (signature)
Notary Public
My Commission Expires 12-4-20



Appendix A - Legal Description

ALL OF LOT 1 AND LOT 2 IN BLOCK 61 IN STATE'S ADDITION TO OTTAWA AS ILLUSTRATED IN THE PLAT OF STATE'S ADDITION RECORDED IN THE OFFICE OF THE LASALLE COUNTY RECORDER OF DEEDS AS H47 FOUND IN PLAT CABINET C, SLIDE 316 AND ALSO THAT PART OF THE ACCRETION TO BLOCK 61 IN STATE'S ADDITION TO OTTAWA AND THAT PART OF THE VACATED GUION STREET PER DOCUMENT NUMBER R2003-04794 ALL LYING NORTH FO THE NORTHERN EDGE OF THE FOX RIVER AND ALL DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 61 IN STATE'S ADDITION TO OTTAWA; THENCE SOUTH 00 DEGREES 10 MINUTES 00 SECONDS WEST 120.00 FEET ALONG THE WEST LINE OF SAID BLOCK 61 TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF VACATED GUION STREET; THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS WEST, 25.81 FEET ALONG THE NORTHERLY LINE OF SAID VACATED GUION STREET TO A POINT; THENCE SOUTH 32 DEGREES 31 MINUTES 47 SECONDS EAST 197 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY EDGE OF THE FOX RIVER; THENCE NORTHEASTERLY ALONG THE NORTH BANK OF THE FOX RIVER TO A POINT EXTENDED FROM THE SOUTHEAST CORNER OF SAID BLOCK 61 SOUTH 24 DEGREES 19 MINUTES 00 SECONDS EAST 152.45 FEET OR MORE OR LESS TO THE NORTHERLY EDGE OF THE FOX RIVER; THENCE NORTH 24 DEGREES 19 MINUTES 00 SECONDS WEST 152.45 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF SAID BLOCK 61; THENCE NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST 94.91 FEET ALONG THE EAST LINE OF SAID BLOCK 61 TO THE NORTHEAST CORNER OF SAID BLOCK 61; THENCE NORTH 89 DEGREES 59 MINUTES 45 SECONDS WEST 133.30 ALONG THE NORTH LINE OF SAID BLOCK 61 TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF LASALLE AND STATE OF ILLINOIS.

PERMANENT TAX NUMBER(S): 21-11-237-001 (map 18-11-279-001)



Appendix C – List of Recorded Encumbrances on the Property

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company.

GENERAL EXCEPTIONS:

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

5. Taxes or special assessments which are not shown as existing liens by the public records.
6. Loss or damage by reason of there being recorded in the public records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.
7. All rights and easements in favor of the holder of any mineral estate and/or coal and/or oil and gas lease, and any party claiming by, through, or under said holder of the mineral estate and/or coal and/or oil and gas lease.

SPECIAL EXCEPTIONS:

1. The lien of taxes for the year 2018 and thereafter.

2017 taxes in the amount of \$270.76 are paid.

PERMANENT TAX NUMBER: 21-11-237-001 (map 18-11-279-001)

2. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attached subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of the record the estate or interest thereon covered by this commitment.
3. Rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, deficiency in quantity of ground, farm drainage systems, title systems of irrigation systems which would be disclosed by an accurate survey and inspection of the premises.
4. Rights of the Public, the State and the Municipality in and to that part of the land, if any, taken or used for road purposes.
5. Confirmed Special Assessments, if any, not certified to by the Company.
6. Financing Statements, if any, not certified to by the Company.
7. For information purposes only, the taxes are assessed to the following:

For Parcel(s): 21-11-237-001 (map 18-11-279-001)
City of Ottawa
301 W. Madison St.
Ottawa, IL 61350
8. Terms, conditions and covenants set forth on Quitclaim Deed recorded as Document 2014-09812.

9. Covenants, conditions, restrictions and easements contained in Environmental Covenant recorded March 20, 2014 as Document Number 2014-04918.

Note: See document copy for particulars.

10. Grant of Sewer Easement dated May 20, 2014 and recorded May 28, 2014 as Document No. 2014-09810 made by Judith M. Gray, surviving wife of Harold Gray to The City of Ottawa recorded in the La Salle County Recorder's Office.

Note: The above easement is shown for informational purposes as the subject property, which is part of the legal description of this document, is owned by the City of Ottawa.

11. Grant of Riverwalk Easement dated May 20, 2014 and recorded May 28, 2014 as Document No. 2014-09811 made by Judith M. Gray, surviving wife of Harold Gray to The City of Ottawa recorded in the La Salle County Recorder's Office.

Note: The above easement is shown for informational purposes as the subject property, which is part of the legal description of this document, is owned by the City of Ottawa.

12. Grant of Riverwalk Easement dated September 3, 2002 and recorded November 6, 2002 as Document No. R2002-32094 made by Harold Gray and Judith M. Gray to The City of Ottawa recorded in the La Salle County Recorder's Office.

Note: The above easement is shown for informational purposes as the subject property, which is part of the legal description of this document, is owned by the City of Ottawa.

13. Terms and conditions of an Ordinance Vacating a Portion of Guion Street made by the City of Ottawa recorded as Document 2003-04794.

14. Possible unrecorded easements for utilities and/or actual utilities lying within the vacated street located within the land described herein, and the rights of the public or quasi-public utility companies to improve, repair or maintain said poles, conduits, pipes, sewers, etc.

15. Any and all rights of the United States of America, the State of Illinois, the municipality and the public in and to that part of the subject property lying within the bed of the Fox River, and the rights, if any, of the adjoining property owners in and to the free and unobstructed flow of the water thereof.

16. Upon a conveyance or grant of easement affecting the subject property, we should be furnished with the proper documentation, including, if applicable, properly executed resolutions, authorizing the execution of the documents of transfer or easement grant.

End Schedule B

Environmental Covenant
2019-05710
NPL-1E

**2019-05710****KAREN L. MILLER
LASALLE COUNTY RECORDER
OTTAWA, IL****RECORDED ON
05/16/2019 10:33 AM****PAGES: 25****PLAT ACT: 0****REC FEE 58.00****This instrument was prepared by:**

Name: Richard M. Murawski, Associate Regional Counsel
Address: Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

Please return this instrument to:

Name: Richard M. Murawski, Associate Regional Counsel
Address: Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

ENVIRONMENTAL COVENANT

1. This Environmental Covenant is made this 6th day of May, 2019, by and among the City of Ottawa and the Holders/Grantees further identified in paragraph 3 below pursuant to the Uniform Environmental Covenants Act, 765 ILCS Ch. 122 (UECA) for the purpose of subjecting the Property to the activity and use limitations described herein.

2. Property and Grantor.

Property: The real property subject to this Environmental Covenant is Guion Street South of East Lafayette Street and a portion of the East Lafayette Street in Ottawa, LaSalle County, Illinois and is legally described in Appendix A, hereinafter referred to as the "Property" or "Guion Street Property". The Property is part of the Ottawa Radiation Areas National Priorities List (NPL) Site with a Comprehensive Environmental Response, Compensation and Liability Act Identification/Spill number of ILD980606750.

B. Grantor: The City of Ottawa, a municipal corporation, is the current fee owner of the Property and is the "Grantor" of this Environmental Covenant. The mailing address of the Grantor is 301 W. Madison, Ottawa, IL 61350.

3. Holders (and Grantees for purposes of indexing).

A. Illinois Emergency Management Agency (Illinois EMA) is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to its authority under Section 3(b) of UECA. The mailing address of the Illinois EMA, Division of Nuclear Safety, is 1035 Outer Park Drive, Springfield, Illinois 62704.

B. Illinois Environmental Protection Agency (Illinois EPA) is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to its authority under Section 3(b) of UECA. The mailing address of the Illinois EPA is 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

C. The City of Ottawa is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to UECA. The mailing address of the City of Ottawa is 301 W. Madison, Ottawa, IL 61350. Regardless of any future transfer of the Property, the City of Ottawa shall remain a Holder of this Environmental Covenant. The City of Ottawa is to be identified as both Grantee and Grantor for purposes of indexing.

4. Agencies. The Illinois EMA, Illinois EPA and the U.S. Environmental Protection Agency (U.S. EPA) are "Agencies" within the meaning of Section 2 of UECA. The Agencies have approved the environmental response project described in paragraph 5 below and may enforce this Environmental Covenant pursuant to Section 11 of UECA.

5. Environmental Response Project and Administrative Record.

A. This Environmental Covenant arises under an environmental response project as defined in Section 2 of UECA.

B. The Property is part of the NPL1 subarea of the Ottawa Radiation NPL Site (the Site or NPL Site), which the U.S. EPA, pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983.

C. Appendix B provides a map of U.S. EPA's sampling results that exceed 6.2 pCi/g radium-226 on the Property. During 2006-2007, U.S. EPA took 14 soil borings along the west and east sides of the Guion Street portion of the Property, which U.S. EPA identified as Area E of NPL 1 subarea of the Ottawa Site. One of these soil samples showed 176 pCi/g radium-226 at a depth of 9-10 feet. Also during 2006-2007, U.S. EPA observed radium-226 contamination underneath the sewer line on the Guion Street portion of the Property. In 2008, U.S. EPA conducted a pilot study field investigation to further delineate the area of radium-226 contamination beneath Guion Street. A total of 58 soil borings were advanced beneath and along

Guion Street and the corridor extending south of Guion Street to the Fox River. Radium-226 did not exceed the cleanup level of 6.2 pCi/g in any of the 55 investigative soil samples taken in 2008. During supplemental remedial investigations, radium-226 was detected in soil south of Lafayette Street from 8 to 12 feet below ground surface (bgs) at concentrations up to 61.2 pCi/g. U.S. EPA's Pilot Study (2009) for the NPL-1 Guion Street area notes that historical fill material is present through much of the Property and up to 20 feet bgs in the northwestern portion of the Property. In many areas a 2-foot thick layer of clay fill was encountered above the historical fill. The historical fill material consists primarily of slag, ash, cinder, brick, wood and general debris, as well as natural soils and aggregates which may be contaminated with radium-226. At the time of this environmental covenant, the Guion Street portion of the Property is used as a road with at least a 6-inch road base layer and 0.5 inch thick tar and chip layer. U.S. EPA's risk assessment has indicated that the current road use or future recreational use would be protective provided a current or equivalent cover is maintained. In a Record of Decision ("ROD") signed by the U.S. EPA Region 5 Superfund Division Director, U.S. EPA approved a plan for environmental remediation of the Site. The following land uses exceed U.S. EPA's acceptable risk range: residential (basement and slab-on-grade construction), indoor industrial/commercial worker (basement and slab-on-grade construction), and outdoor industrial/commercial worker (mixed soil 0 to 10 feet bgs). Recreational use on the Property is within U.S. EPA's acceptable risk range. The remedial action plan requires implementation and compliance with land and groundwater activity and use limitations at the Property in order to prevent unacceptable exposures from radium-226 remaining at the Site.

D. Grantor wishes to cooperate fully with the Agencies in the implementation, operation, and maintenance of all response actions at the Site.

E. The Administrative Record for the environmental response project at the Ottawa Radiation Site (including the Property) is maintained at the U.S. EPA Superfund Record Center, 7th Floor, 77 West Jackson Blvd., Chicago, Illinois 60604. Persons may also contact FOIA Officer, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 for information concerning the Site.

6. Grant of Covenant. Covenant Runs With The Land. Grantor creates this Environmental Covenant pursuant to UECA so that the Activity and Use Limitations and associated terms and conditions set forth herein shall "run with the land" in accordance with Section 5(a) of UECA and shall be binding on Grantor, its heirs, successors and assigns, and on all present and subsequent owners, occupants, lessees or other person acquiring an interest in the Property.

7. Activity and Use Limitations. The following Activity and Use Limitations apply to the use of the Property:

- A.** Prohibit excavation of soil on the Property below 2 feet bgs unless the excavation is conducted pursuant to an U.S. EPA- or IEMA-approved work plan and such material is tested for radium-226 and disposed of in accordance with applicable regulations;

- B. Maintain a clean cover of at least 6.5 inches (e.g. 6-inch road base and 0.5 inch thick tar and chip or 6.5 inch vegetated soil layer) on the Property;
- C. Prohibit construction of any building on the Property;
- D. Prohibit any indoor use on the Property;
- E. Prohibit residential use of the Property;
- F. Prohibit uses inconsistent with either a public roadway or recreational land use on the Property; and
- G. Follow procedures set forth in Appendix E if maintenance is required on sewer lines located on the Property.
- H. Grantor also wishes to prohibit use of groundwater on the Property.

8. **Right of Access.** Grantor consents to officers, employees, contractors, and authorized representatives of the Holders, Illinois EMA and U.S. EPA entering and having continued access at reasonable times to the Property for the following purposes:

- A. Implementing, operating and maintaining the environmental response project described in paragraph 5 above;
- B. Monitoring and conducting periodic reviews of the environmental response project described in paragraph 5 above including without limitation, sampling of air, water, groundwater, sediments and soils;
- C. Verifying any data or information submitted to U.S. EPA or Illinois EMA by Grantor and Holders; and
- D. Verifying that no action is being taken on the Property in violation of the terms of this instrument, the environmental response project described in paragraph 5 above or of any Federal or State environmental laws or regulations;

Nothing in this document shall limit or otherwise affect U.S. EPA and Illinois EPA and Illinois EMA's rights of entry and access or U.S. EPA's and Illinois EPA's authority to take response actions under CERCLA, the National Contingency Plan ("NCP"), RCRA or other Federal and State law.

9. **Reserved rights of Grantor:** Grantor hereby reserves unto itself, its successors, and assigns, including heirs, lessees and occupants, all rights and privileges in and to the use of the Property which are not incompatible with the activity and use limitations identified herein.

10. **No Public Access and Use:** No right of access or use by the general public to any portion of the Property is conveyed by this instrument.

11. Future Conveyances, Notice and Reservation:

A. Grantor agrees to include in any future instrument conveying any interest in any portion of the Property, including but not limited to deeds, leases and mortgages, a notice and reservation which is in substantially the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AND GRANTOR SPECIFICALLY RESERVES THE ENVIRONMENTAL COVENANT EXECUTED UNDER THE UNIFORM ENVIRONMENTAL COVENANTS ACT (UECA) AT 765 ILCS CH. 122 RECORDED IN THE OFFICIAL PROPERTY RECORDS OF LASALLE COUNTY, ILLINOIS ON _____ AS DOCUMENT NO. _____, IN FAVOR OF AND ENFORCEABLE BY GRANTOR AS A UECA HOLDER, THE ILLINOIS EMERGENCY MANAGEMENT AGENCY AS A UECA HOLDER, THE ENVIRONMENTAL PROTECTION AGENCY AS A UECA AGENCY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY AS A UECA AGENCY.

B. Grantor agrees to provide written notice to Illinois EPA, Illinois EMA and U.S. EPA within 30 days after any conveyance of fee title to the Property or any portion of the Property. The notice shall identify the name and contact information of the new owner in fee, and the portion of the Property conveyed to that owner.

12. Enforcement and Compliance.

A. **Civil Action for Injunction or Equitable Relief.** This Environmental Covenant may be enforced through a civil action for injunctive or other equitable relief for any violation of any term or condition of this Environmental Covenant, including violation of the Activity and Use Limitations under Paragraph 7 and denial of Right of Access under Paragraph 8. Such an action may be brought individually or jointly by:

- i. the Illinois Emergency Management Agency;
- ii. the Illinois Environmental Protection Agency;
- iii. the Holders of the Environmental Covenant;
- iv. the U.S. Environmental Protection Agency; and
- v. the City of Ottawa, Illinois.

B. **Other Authorities Not Affected. No Waiver of Enforcement.** All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. Nothing in this Environmental Covenant affects U.S. EPA, Illinois EPA or Illinois EMA's authority to take or require performance of response actions to address releases or threatened releases of hazardous substances or pollutants or contaminants at or from the Property, or to enforce a consent order, consent decree or other settlement agreement entered into by U.S. EPA or Illinois EMA. Enforcement of the terms of this instrument shall be at the discretion of the Holders, the U.S. EPA, Illinois EPA and Illinois EMA and any forbearance, delay or omission to exercise its rights under this instrument in the event of a breach of any term

of this instrument shall not be deemed to be a waiver by the Holders, U.S. EPA, Illinois EPA or Illinois EMA of such term or of any subsequent breach of the same or any other term, or of any of the rights of the Holders, U.S. EPA, Illinois EPA or Illinois EMA.

C. Former Owners And Interest Holders Subject to Enforcement. A fee owner, or other person that holds any right, title or interest in or to the Property remains subject to enforcement with respect to any violation of this Environmental Covenant by the owner or other person which occurred during the time when the owner or other person was bound by this Environmental Covenant regardless of whether the owner or other person has subsequently conveyed the fee title, or other right, title or interest, to another person.

13. Waiver of certain defenses: This Environmental Covenant may not be extinguished, limited, or impaired through issuance of a tax deed, foreclosure of a tax lien, or application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or similar doctrine as set forth in Section 9 of UECA.

14. Representations and Warranties: Grantor hereby represents and warrants to the Illinois EPA, Illinois EMA, U.S. EPA and any other signatories to this Environmental Covenant that, at the time of execution of this Environmental Covenant, that the Grantor is lawfully the owner of the Property, that the Grantor has a good and lawful right and power to sell and convey it or any interest therein, that the Property is free and clear of encumbrances, except those noted on **Appendix C** attached hereto, and that the Grantor will forever warrant and defend the title thereto and the quiet possession thereof. After recording this instrument, Grantor will provide a copy of this Environmental Covenant to all holders of record of the encumbrances including those entities noted on **Appendix C**.

15. Amendment or Termination. Except the Illinois EMA, Illinois EPA and U.S. EPA, all Holders and other signers waive the right to consent to an amendment or termination of the Environmental Covenant. This Environmental Covenant may be amended or terminated by consent only if the amendment or termination is signed by the Illinois EMA, U.S. EPA and the current owner of the fee simple of the Property, unless waived by the Agencies. If Grantor no longer owns the Property at the time of proposed amendment or termination, Grantor waives the right to consent to an amendment or termination of the Environmental Covenant.

16. Notices: Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor:

City Clerk, City of Ottawa
301 W. Madison
Ottawa, Illinois 61350

To Holder:

Illinois Emergency Management Agency
Division of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

To Agencies:

For U.S. EPA:

U.S. Environmental Protection Agency
Superfund Division Director
77 West Jackson Boulevard
Chicago, Illinois 60604

U.S. Environmental Protection Agency
Regional Counsel
Mail Code: C14-J
77 West Jackson Boulevard
Chicago, Illinois 60604

For Illinois EMA:

Illinois Emergency Management Agency
Division of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62702

For Illinois EPA:

Illinois Environmental Protection Agency
Division of Legal Counsel
Attn: Uniform Environmental Covenant Counsel
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

17. Recording and Notice of Environmental Covenant, Amendments and Termination.

A. The Original Environmental Covenant. An Environmental Covenant must be recorded in the Office of the Recorder or Registrar of Titles of the county in which the property that is the subject of the Environmental Covenant is located. Within 30 days after the Illinois EMA, Illinois EPA and U.S. EPA (whichever is later) sign and deliver to Grantor this

Environmental Covenant, the Grantor shall record this Environmental Covenant in the office of the County Recorder or Registrar of Titles for the County in which the Property is located.

B. Termination, Amendment or Modification. Within 30 days after Illinois EMA, Illinois EPA and U.S. EPA (whichever is later) sign and deliver to owner in fee any termination, amendment or modification of this Environmental Covenant, the owner shall record the amendment, modification, or notice of termination of this Environmental Covenant in the office of the County Recorder or Registrar of Titles in which the Property is located.

C. Providing Notice of Covenant, Termination, Amendment or Modification. Within 30 days after recording this Environmental Covenant, the Grantor shall transmit a copy of the Environmental Covenant in recorded form to:

- i. the Illinois EMA;
- ii. the Illinois EPA;
- iii. the U.S. EPA;
- iv. each person holding a recorded interest in the Property, including those interests in Appendix C;
- v. each person in possession of the Property; and
- vi. each political subdivision in which the Property is located.

Within 30 days after recording a termination, amendment or modification of this Environmental Covenant, the owner in fee shall transmit a copy of the document in recorded form to the persons listed in items i to vi above.

18. Compliance Reporting. The Owner shall submit to Illinois EPA reports that include confirmation of compliance with the Activity and Use Limitations provided in Paragraph 7 herein. The Owner shall notify the U.S. EPA, Illinois EPA and Illinois EMA as soon as practicable of any actions or conditions that would constitute a breach of the Activity and Use Limitations contained in Paragraph 7 herein. Additionally, the Owner is required to submit to Illinois EPA, on an annual basis on the date of recording of this instrument, the following certification statement:-

"I certify under penalty of law that the specific Activity and Use Limitations identified in Paragraph 7 of the Uniform Environmental Covenant for the Guion Street Property of the Ottawa Radiation Areas NPL Site remain in place. I am aware that any person who knowingly makes a false, fictitious, or fraudulent material statement to the Illinois EPA, either orally or in writing, commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony (415 ILCS 5/44(h)(8))."

19. General Provisions:

A. Controlling law: This Environmental Covenant shall be construed according to and governed by the laws of the State of Illinois and the United States of America.

B. Liberal construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the establishment of activity and use limitations that run with the land to effect the purpose of this instrument and the policy and purpose of the environmental response project and its authorizing legislation. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. No Forfeiture: Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

D. Joint Obligation: If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

E. Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

20. Effective Date. This Environmental Covenant is effective on the date of acknowledgement of the signature of the Illinois EPA, Illinois EMA and U.S. EPA, whichever is later.

21. List of Appendices:

Appendix A – Legal Description

Appendix B – Map of Sample Results Taken from the Property

Appendix C – Location of Sewer Lines on the Property

Appendix D – List of Recorded Encumbrances

Appendix E – Health and Safety Protocol for Sewer Line maintenance on Property

Signature Pages Follow.

THE UNDERSIGNED REPRESENTATIVE OF THE GRANTOR REPRESENTS AND CERTIFIES THAT HE/SHE IS AUTHORIZED TO EXECUTE THIS ENVIRONMENTAL COVENANT.

IN WITNESS WHEREOF, THIS INSTRUMENT HAS BEEN EXECUTED ON THE DATES INDICATED BELOW:

FOR THE GRANTOR:

City of Ottawa, Illinois

By [Signature] (signature)

[Name of signer] Robert M. Eschbach (print)

[Title] Mayor (print)

State of Illinois)

) SS.

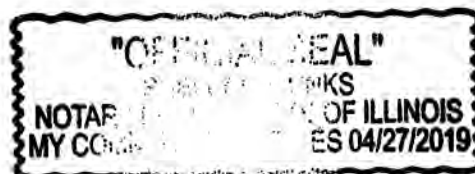
County of LaSalle)

This instrument was acknowledged before me on December 4, 2018, by Robert M. Eschbach, on behalf of the City of Ottawa, Illinois.

[Signature] (signature)

Notary Public

My Commissioner Expires 04/27/19



B. Liberal construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the establishment of activity and use limitations that run with the land to effect the purpose of this instrument and the policy and purpose of the environmental response project and its authorizing legislation. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. No Forfeiture: Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

D. Joint Obligation: If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

E. Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

20. Effective Date. This Environmental Covenant is effective on the date of acknowledgement of the signature of the Illinois EPA, Illinois EMA and U.S. EPA, whichever is later.

21. List of Appendices:

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Appendix D – List of Recorded Encumbrances

Appendix E – Health and Safety Protocol for Sewer Line maintenance on Property

Signature Pages Follow

FOR THE ILLINOIS EMERGENCY MANAGEMENT AGENCY

By *Alicia Tate-Nadeau* (signature)

Alicia Tate-Nadeau, Acting Director
Illinois Emergency Management Agency

State of Illinois)
)SS.
County of Sangamon)

This instrument was acknowledged before me on 14 Feb 19, 2019, by
Alicia Tate-Nadeau, the Acting Director of the Illinois Emergency Management Agency, a state
agency, on behalf of the State of Illinois.

Lisa M Desai (signature)
Notary Public
My Commission Expires 7-7-19



DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER'S OFFICE

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By [Signature] (signature)

John J. Kim, Acting Director
Illinois Environmental Protection Agency

State of Illinois)
)SS.
County of Sangamon)

This instrument was acknowledged before me on March 11, 2019, by
John J. Kim, the Acting Director of the Illinois Environmental Protection Agency, a state agency,
on behalf of the State of Illinois.

[Signature] (signature)

Notary Public
My Commission Expires 8-15-2021



DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER'S OFFICE

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

On behalf of the Administrator of the
United States Environmental Protection Agency

By: 
Douglas Ballotti, Director
Superfund & Emergency Management Division
U.S. Environmental Protection Agency, Region 5

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

This instrument was acknowledged before me on May 06, 2019, by
Douglas Ballotti, Director, Superfund & Emergency Management Division, Region 5 of the
United States Environmental Protection Agency.

 (signature)
Notary Public
My Commission Expires September 01, 2020

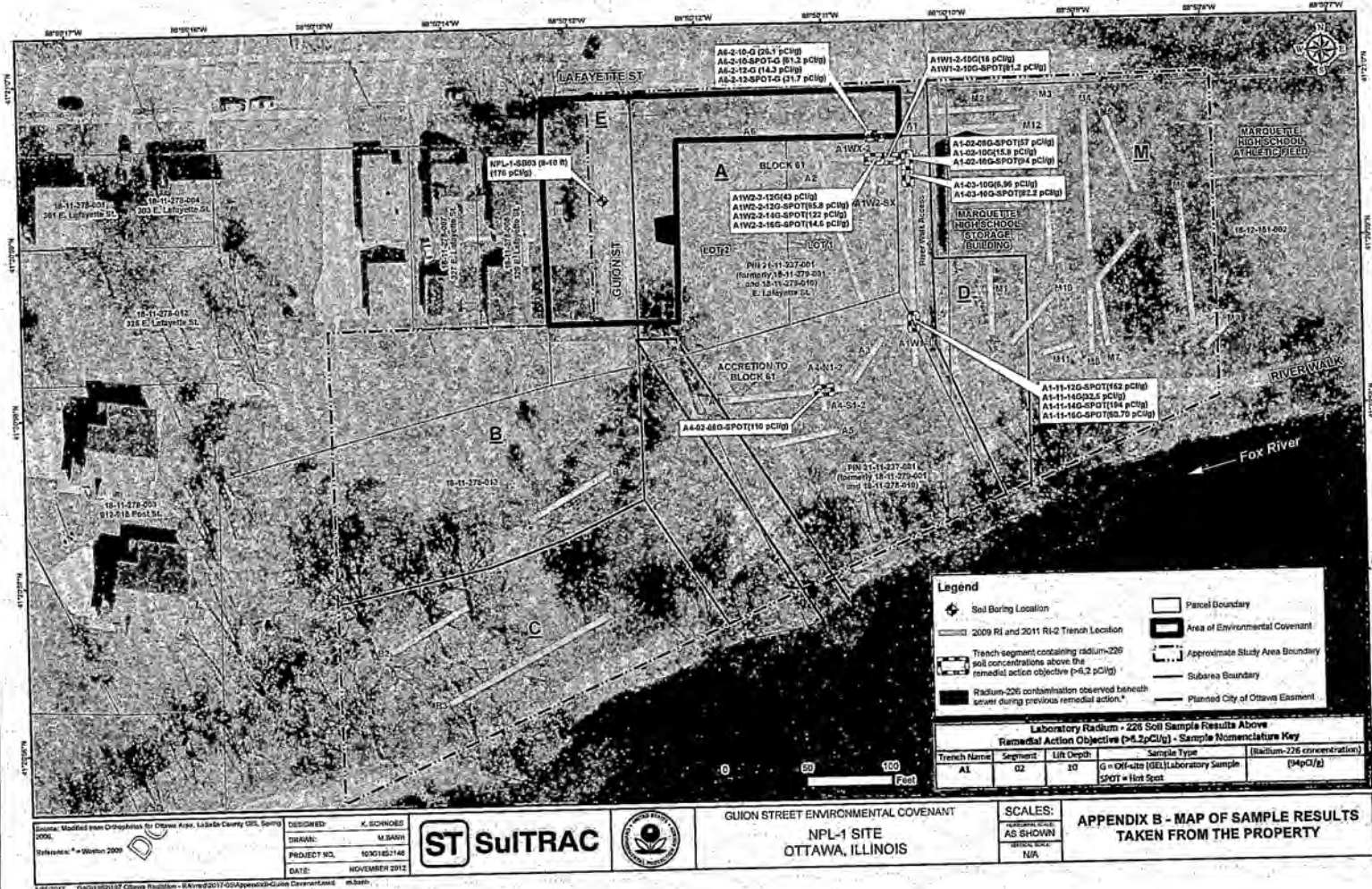


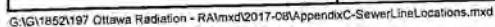
Appendix A - Legal Description

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 33 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS ALL THAT PART OF THE SOUTHERLY 40 FEET OF LAFAYETTE STREET, LYING EAST OF THE EAST LINE OF GUION STREET AND WEST OF THE EAST LINE OF SAID SECTION 11, AS CREATED BY AND SET FORTH ON THE PLAT OF STATES ADDITION RECORDED AS H47 IN PLAT CABINET C SLIDE 316, SITUATED IN THE COUNTY OF LASALLE, STATE OF ILLINOIS

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 33 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS ALL THAT PART OF GUION STREET 80 FEET IN WIDTH, LYING SOUTH OF THE SOUTH LINE OF LAFAYETTE STREET AND NORTH OF THE NORTH LINE OF THAT PART OF GUION STREET VACATED BY ORDINANCE RECORDED AS DOCUMENT R2003-04794, AS CREATED BY AND SET FORTH ON THE PLAT OF STATES ADDITION RECORDED AS H47 IN PLAT CABINET C SLIDE 316, SITUATED IN THE COUNTY OF LASALLE, STATE OF ILLINOIS

DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER'S OFFICE





Appendix D – List of Recorded Encumbrances on the Property

- SCHEDULE B Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

GENERAL EXCEPTIONS:

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.
6. Loss or damage by reason of there being recorded in the public records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.

SPECIAL EXCEPTIONS:

1. The lien of taxes for the year 2016 and thereafter.

Taxes for the property in question are not currently being assessed nor taxed by the County of La Salle. Due to this we reserve the right to raise any additional exceptions that may be deemed necessary.

PERMANENT TAX NUMBER: No PIN assigned

2. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attached subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of the record the estate or interest thereon covered by this commitment.

3. Rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, deficiency in quantity of ground, farm drainage systems, title systems of irrigation systems which would be disclosed by an accurate survey and inspection of the premises.
4. Rights of the Public, the State and the Municipality in and to that part of the land, if any, taken or used for road purposes.
5. Confirmed Special Assessments, if any, not certified to by the Company.
6. Financing Statements, if any, not certified to by the Company.
7. For information purposes only, the taxes are assessed to the following:

For Parcel(s): No PIN assigned
8. Possible unrecorded easements for utilities and/or actual utilities lying within the street described herein, and the rights of the public or quasipublic utility companies to improve, repair or maintain said poles, conduits, pipes, sewers, etc.
9. Interest of David A. Harmon and Lorraine M. Harmon in and to part of the subject property by use occupation or otherwise. We find that a large portion of Guion Street is being occupied by the above adjacent property owners and used as a means of ingress and egress and possibly for utility purposes. If access (or utility lines) to this property will be affected by any acquisition of, change of use, or closure of Guion Street, the interests of these individuals should be addressed.
10. Upon a conveyance or grant of easement affecting the subject property, we should be furnished with the proper documentation, including, if applicable, properly-executed resolutions, authorizing the execution of the documents of transfer or easement grant.

End Schedule B

APPENDIX E

HEALTH AND SAFETY PROTOCOL UTILITY MAINTENANCE GUION STREET ENVIRONMENTAL COVENANT

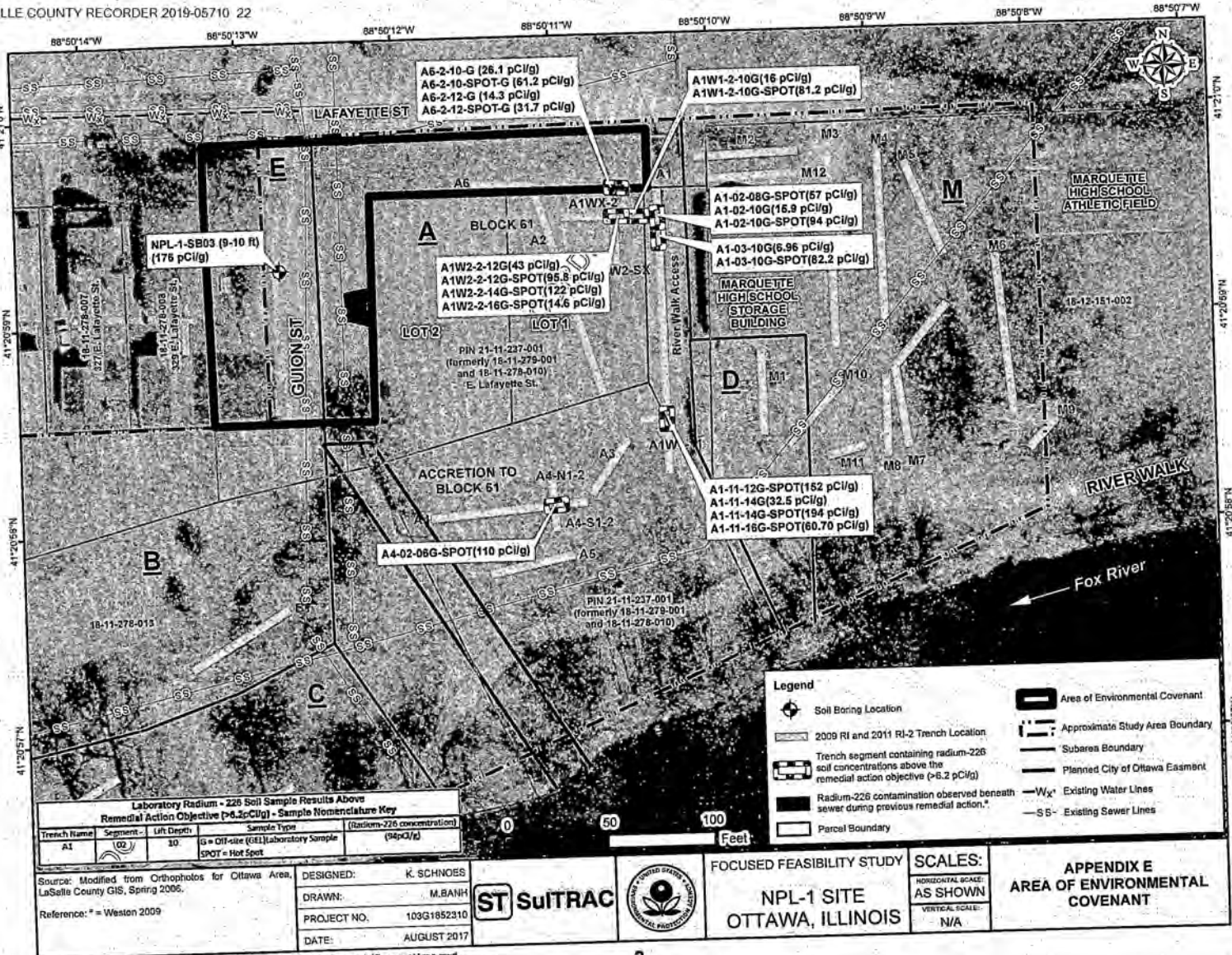
This document and associated checklist outline the minimum health and safety protocol to be implemented by personnel, including city employees and contractors, conducting utility maintenance or any other activities greater than 2 feet below ground surface (bgs) in the area of the Guion Street Environmental Covenant (see Appendix E – Area of Environmental Covenant figure on page 3 of this appendix). The Guion Street Environmental Covenant Area is part of the Ottawa Radiation Areas, NPL-1 Superfund site. The area of environmental covenant contains historical fill material up to 20 feet bgs. The historical fill material consists primarily of slag, ash and cinder, brick, wood, and general debris, as well as natural soils and aggregates that may be contaminated with radium-226. As shown in the figure, soil beneath Guion Street contains 176 pCi/g of radium-226 at a depth of 9 to 10 feet. Also, radium-226 has been detected in soil south of Lafayette Street from 8 to 12 feet bgs at concentrations up to 61.2 pCi/g. The attached Agency for Toxic Substances and Disease Registry radium fact sheet summarizes potential human health effects of radium exposure.

Prior to initiating utility maintenance or any other activities greater than 2 feet bgs, personnel must contact Nabil Fayoumi, U.S. Environmental Protection Agency (EPA), Region 5 at (312) 886-6840 and Adnan Khayyat, Illinois Emergency Management Agency (IEMA), at (217) 782-1329. Any utility maintenance or any other activities conducted greater than 2 feet bgs should be overseen by EPA or IEMA or their representative. EPA or IEMA will provide properly trained personnel, as needed, to conduct monitoring of personnel, equipment, and environmental media, as well as to determine the appropriate disposition of any soil removed as part of the maintenance activities.

If an emergency situation requires maintenance personnel to begin activities before EPA or IEMA representatives can arrive on site, the personnel must provide security to limit public access, minimize potential worker exposure, wear appropriate personal protective equipment, and use plastic sheeting to contain excavated soils and other potentially contaminated material and to prevent contact with surrounding soil until the material can be monitored and characterized. A complete list of minimum health and safety procedures is provided in the health and safety checklist on page 2 of this appendix. A more detailed health and safety plan or procedures will be provided by EPA or IEMA personnel upon arrival to the site, as needed.

**HEALTH AND SAFETY PROTOCOL CHECKLIST
UTILITY MAINTENANCE
GUION STREET ENVIRONMENTAL COVENANT**

Health and Safety Procedures	Completed
DO contact Nabil Fayoumi, U.S. Environmental Protection Agency (EPA), Region 5 at (312) 886-6840 and Adnan Khayyat, Illinois Emergency Management Agency (IEMA), at (217) 782-1329	☐
DO provide security, including barriers preventing public access, to the work area, equipment, and soil staging areas	☐
DO wear personal protective equipment (PPE), including water-resistant, disposable boot covers (latex, butyl rubber), Tyvek® coveralls, nitrile gloves, and safety glasses	☐
DO use plastic sheeting to contain excavated soils, debris, etc. until the material can be monitored and characterized	☐
DO establish a contamination reduction zone using plastic sheeting for removing boot covers and PPE, laying down potentially-contaminated tools, etc.	☐
DO use dust control (for example, hose or water truck for spraying soil) during soil excavation, saw cutting, etc.	☐
DO contain rainwater or other water runoff (for example, water sprayed for dust control) in contact with potentially contaminated soil; DO NOT allow the water to leave the site	☐
DO NOT allow personnel, PPE, soils, tools, heavy equipment, etc. to leave the site until EPA or IEMA representatives have conducted monitoring and characterization to ensure radium-226 concentrations are below appropriate screening levels	☐
DO minimize possible exposure to the extent practicable by limiting time in potentially-contaminated areas, properly using PPE, avoiding contact with excavated materials, and chemical hygiene (i.e. no eating, drinking, or use of tobacco or cosmetics), including frequent hand washing, prompt removal of potentially-contaminated clothing	☐

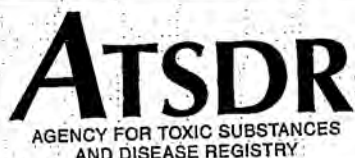


ATTACHMENT

**AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY
RADIUM FACT SHEET**

(Two Pages)

DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER'S OFFICE



RADIUM
CAS # 7440-14-4

Agency for Toxic Substances and Disease Registry ToxFAQs

July 1999

This fact sheet answers the most frequently asked health questions (FAQs) about radium. For more information, call the ATSDR Information Center at 1-888-422-8737. This fact sheet is one in a series of summaries about hazardous substances and their health effects. It's important you understand this information because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present.

HIGHLIGHTS: Radium is a radioactive substance formed from the breakdown of uranium and thorium. Exposure to high levels results in an increased risk of bone, liver, and breast cancer. This chemical has been found in at least 18 of the 1,177 National Priorities List sites identified by the Environmental Protection Agency (EPA).

What is radium?

(Pronounced rā/dē-əm)

Radium is a naturally occurring silvery-white radioactive metal that can exist in several forms called isotopes. Radium is formed when uranium and thorium break down in the environment. Uranium and thorium are found in small amounts in most rocks and soil. Two of the main radium isotopes found in the environment are radium-226 and radium-228.

Radium undergoes radioactive decay. It divides into two parts—one part is called radiation and the other part is called a daughter. The daughter, like radium, is not stable, and it also divides into radiation and another daughter. The dividing of daughters continues until a stable, nonradioactive daughter is formed. During the decay process, alpha, beta, and gamma radiation are released. Alpha particles can travel only a short distance and cannot travel through your skin. Beta particles can penetrate through your skin, but they cannot go all the way through your body. Gamma radiation can go all the way through your body.

Radium has been used as a radiation source for treating cancer, in radiography of metals, and combined with other

metals as a neutron source for research and radiation instrument calibration. Until the 1960s, radium was a component of the luminous paints used for watch and clock dials, instrument panels in airplanes, military instruments, and compasses.

What happens to radium when it enters the environment?

- ☐ Radium is constantly being produced by the radioactive decay of uranium and thorium.
- ☐ Radium is present at very low levels in rocks and soil and may strongly attach to those materials.
- ☐ Radium may also be found in air.
- ☐ High concentrations are found in water in some areas of the country.
- ☐ Uranium mining results in higher levels of radium in water near uranium mines.
- ☐ Radium in the soil may be absorbed by plants.
- ☐ It may concentrate in fish and other aquatic organisms.

How might I be exposed to radium?

- ☐ Everyone is exposed to low levels of radium in the air, water, and food.

ToxFAQs Internet address via WWW is <http://www.atsdr.cdc.gov/toxfaq.html>

- ☐ Higher levels may be found in the air near industries that burn coal or other fuels.
- ☐ It may be found at higher levels in drinking water from wells.
- ☐ Miners, particularly miners of uranium and hard rock, are exposed to higher levels of radium.
- ☐ It may also be found at radioactive waste disposal sites.

How can radium affect my health?

Radium has been shown to cause effects on the blood (anemia) and eyes (cataracts). It also has been shown to affect the teeth, causing an increase in broken teeth and cavities. Patients who were injected with radium in Germany, from 1946 to 1950, for the treatment of certain diseases including tuberculosis were significantly shorter as adults than people who were not treated.

How likely is radium to cause cancer?

Exposure to high levels of radium results in an increased incidence of bone, liver, and breast cancer. The EPA and the National Academy of Sciences, Committee on Biological Effects of Ionizing Radiation, has stated that radium is a known human carcinogen.

Is there a medical test to show whether I've been exposed to radium?

Urine tests can determine if you have been exposed to radium. Another test measures the amount of radon (a breakdown product of radium) in exhaled air. Both types of tests require special equipment and cannot be done in a doctor's office. These tests cannot tell how much radium you were exposed to, nor can they be used to predict whether you will develop harmful health effects.

Has the federal government made recommendations to protect human health?

The EPA has set a drinking water limit of 5 picocuries per liter (5 pCi/L) for radium-226 and radium-228 (combined).

The EPA has set a soil concentration limit for radium-226 in uranium and thorium mill tailings of 5 picocuries per gram (5 pCi/g) in the first 15 centimeters of soil and 15 pCi/g in deeper soil.

The federal recommendations have been updated as of July 1999.

Glossary

Anemia: A decreased ability of the blood to transport oxygen.

Carcinogen: A substance that can cause cancer.

CAS: Chemical Abstracts Service.

National Priorities List: A list of the nation's worst hazardous waste sites.

Picocurie (pCi): A unit used to measure the quantity of radioactive material.

rem: A unit used to measure radiation dose.

References

Agency for Toxic Substances and Disease Registry (ATSDR). 1990. Toxicological profile for radium. Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service.

Where can I get more information? For more information, contact the Agency for Toxic Substances and Disease Registry, Division of Toxicology, 1600 Clifton Road NE, Mailstop F-32, Atlanta, GA 30333. Phone: 1-888-422-8737, FAX: 770-488-4178. ToxFAQs Internet address via WWW is <http://www.atsdr.cdc.gov/toxfaq.html>. ATSDR can tell you where to find occupational and environmental health clinics. Their specialists can recognize, evaluate, and treat illnesses resulting from exposure to hazardous substances. You can also contact your community or state health or environmental quality department if you have any more questions or concerns.



Restrictive Covenant
R2004-06385
NPL-9

LA SALLE COUNTY RECORDER

2004 MAR 16 PM 2:52

R2004-06385 PAGE 1

R2004-06385
10

Prepared by:
JAMES LEO KEELY
P.O.BOX #770
OTTAWA, IL 61350-0770

Return to:
JAMES LEO KEELY
P.O.BOX #770
OTTAWA, IL 61350-0770

COMPUTER
PREP
SCAN

FIRST AMERICAN TITLE
ORDER # 1642233

**WARRANTY DEED
WITH RESERVATION OF
ENVIRONMENTAL EASEMENT**

and

DECLARATION OF RESTRICTIVE COVENANTS

108 pd29

This 11TH day of March, 2004, the Grantors, BILL ALLEN BERNARDONI and SUSAN E. BERNARDONI, Husband and Wife, as to an undivided 1/2 interest, and PHILIP M. McDOWELL and BETTY L. McDOWELL, Husband and Wife, as to an undivided 1/2 interest, as joint tenants, for and in consideration of Ten Dollars (\$10.00), convey and warrant to Grantees, MARC E. FOGARTY and CHRISTA L. FOGARTY, Husband and Wife, as joint tenants and not as tenants in common, the real estate located in the County of LaSalle, State of Illinois, more particularly described on Appendix 1, which is attached hereto and made a part hereof (the "Property"), subject to the reservation of an Environmental Easement and Declaration of Restrictive Covenants more particularly described as follows:

WITNESSETH:

WHEREAS, in an Action Memorandum dated September 17, 2001, the U.S. Environmental Protection Agency selected a removal action for the Property that provided for the removal of soils that exceed industrial/commercial clean up levels to a depth not to exceed 4 feet at the Property and completed this removal action in December 2002;

WHEREAS, in some areas on the Property lead concentrations may exceed industrial/commercial cleanup standards below 4 feet; and

WHEREAS, certain land use restrictions are necessary on the Property in order to protect human health and the environment.

NOW, THEREFORE:

1.0 AGREEMENT AND RESERVATION: Grantor, on behalf of itself, its successors and assigns, in consideration of the foregoing and the specific agreements hereinafter

made by Grantee, for itself and its successors and assigns, to take subject to and abide by all reservations, restrictions, covenants, exceptions, notifications, conditions and agreements hereinafter set forth in this Deed, does hereby reserve a right to restrict the use of the subject land in perpetuity, the right to enforce said restrictions, a right of access and the right to an environmental easement over the land, all as more particularly hereinafter set forth.

2.0 THIRD PARTY BENEFICIARY: Grantor on behalf of itself and its successors, transferees and assigns and the Grantee on behalf of itself and its successors, transferees, and assigns hereby agree that the United States, acting by and through U.S. EPA, and its successors and assigns, shall be Third Party Beneficiaries of all the benefits and rights of the easements, reservations, restrictions, covenants, exceptions, notifications, conditions and agreements herein, and that the Third Party Beneficiaries shall have the right to enforce the easements and restrictions described herein.

3.0 PURPOSE: The purpose of this reservation is to retain in Grantor real property rights, which will run with the land, to facilitate the remediation of past environmental contamination; to protect human health and the environment by reducing the risk of exposure to contaminants; to provide for the long-term protectiveness of the remedial action; and to accomplish these goals in a manner that allows the redevelopment and beneficial reuse of the Property to the extent reasonably possible.

4.0 RESTRICTIONS ON USE: The parties intend that the restrictions and covenants that follow apply to the use of the Property, run with the land for the benefit of the Grantor and the Third Party Beneficiaries, and are binding upon:

- a) the Grantee and its successors, transferees, and assigns or persons acting under their direction and control; and
- b) any subsequent owner, occupants or other person acquiring an interest in the Property and their authorized agents, employees, or persons acting under their direction and control.

4.1 Land uses: The Property shall not be used for any of the following purposes:

- (a) Residential, including any dwelling units and rooming units, mobile homes or factory built housing, camping facilities, hotels, or other unit constructed or installed for occupancy on a 24-hour basis;
- (b) A hospital for humans;
- (c) Educational institutions such as a public or private school;
- (d) A day care center for children; or
- (e) Any purpose involving occupancy on a 24-hour basis;

4.2 No disturbance of soils below 4 feet:

No action shall be taken to excavate or drill or intrude into, or penetrate or otherwise disturb soils below 4 feet unless such soils are sampled and determined to be below 750 ppm lead or soils exceeding 750 ppm lead are removed pursuant to a work plan approved in writing by U.S. EPA.

4.3 Effective date of restrictions: The foregoing restrictions on use of the Property are subject to applicable statutes, ordinances, rules and regulations, and take effect upon the date of execution of this document.

5.0 ENVIRONMENTAL EASEMENT: Reserving to the Grantor, for its use, and for the use of the Third Party Beneficiaries, an irrevocable, permanent and continuing right of access at all reasonable times to the Property for purposes listed below.

- a) Implementing response actions in any CERCLA decision document affecting the Property or any associated work plans;
- b) Verifying any data or information submitted to U.S. EPA;
- c) Verifying that no action is being taken on the Property in violation of the terms of this instrument;
- d) Monitoring response actions on the Property and conducting investigations relating to contamination on or near the Property, including, without limitation, sampling of air, water, sediments, soils, and obtaining split or duplicate samples;

6.0 NO LIMITATION OF RIGHTS OR AUTHORITIES: Nothing in this document shall limit or otherwise affect U.S. EPA's right of entry and access or U.S. EPA's authority to take response actions under CERCLA, the NCP, or other federal or state law.

7.0 NO PUBLIC ACCESS AND USE: No right of access or use by the general public to any portion of the Property is intended or conveyed by this instrument.

8.0 ADMINISTRATIVE JURISDICTION: The federal agency having administrative jurisdiction over the interests acquired by the United States by this instrument is the U.S. EPA and any successor departments or agencies of the United States.

9.0 INSPECTION AND ENFORCEMENT: In addition to the access rights above, the United States may enter the Property from time to time for the purposes of performing inspections or enforcing the restrictions set forth above after permission from or reasonable notice to the owners or the owners' representative or, if applicable, the lessee. The Grantor and the United States shall be entitled to enforce the terms of this instrument in a judicial action seeking specific performance or other applicable remedies at law or in equity. The right to so enforce the conditions and restrictions in this instrument are in addition to any other remedies that may be available, including, but not limited to, remedies under CERCLA. Enforcing the terms of this instrument shall be at the discretion of the Grantor or the United States and any forbearance,

delay or omission to exercise their rights under this instrument in the event of a breach of any term of this Agreement shall not be deemed a waiver by the Grantor or the United States of such terms, or any other term, or any rights of the Grantor or Grantee or the Third Party Beneficiaries under this instrument. The easement and covenants shall inure to the benefit of the public in general and the Property and are enforceable by the Grantor and the United States.

10. RESERVATION OF DEFENSES: Nothing in this instrument shall be construed to enlarge the jurisdiction of federal courts or to create subject matter jurisdiction to adjudicate any claims against U.S. EPA or otherwise operate as a waiver of any sovereign immunity of the United States, and the United States expressly reserves all rights and defenses they may have in connection with any action initiated by Grantor pursuant to this instrument.

11. WAIVER OF CERTAIN DEFENSES: Grantee hereby waives any defense of laches, estoppel, or prescription. Grantee reserves unto itself, its successors, and assigns, all rights and privileges in and to the use of the Property which are compatible with the restrictions and rights granted here.

12. COVENANTS:

a) Grantor hereby covenants to and with the Grantee and its assigns, that the Grantor is lawfully seized in fee simple of the Property, that the Grantor has a good and lawful right and power to sell and convey it or any interest therein, that the Property is free and clear of encumbrances, except those noted on Appendix 2 attached hereto.

b) Grantee covenants for itself, its successors and assigns that it shall include and otherwise make legally binding the above access rights and land use restrictions in all subsequent leases, transfer or conveyance documents relating to the Property subject hereto. Notwithstanding this provision, failure to include these access rights and land use restrictions in subsequent conveyances does not abrogate the status of these restrictions as binding upon the parties, their successors and assigns. The Grantee, for itself, its successors and assigns, covenants that it will not undertake or allow any activity on or use of the Property that would violate the land use restrictions contained herein.

13. NOTICES: Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantors:

Bill Allen Bernardoni & Susan E. Bernardoni, 2771 Timber Ridge Dr.,
Ottawa, IL 61350 and

Philip M. McDowell & Betty L. McDowell, 1405 Ottawa Ave., Ottawa, IL
61350

To Grantees:

Marc E. Fogarty & Christa L. Fogarty, 2216 N. 2929th Rd., Marseilles, IL
61341

To Third Party Beneficiaries:

United States Environmental Protection Agency
Superfund Division
77 W. Jackson Blvd.
Mail Code: SR-6J
Chicago IL 60604-3590

14. GENERAL PROVISIONS:

a) Controlling law: The interpretation and performance of the easements and restrictive covenants shall be governed by the laws of the United States and the State of Illinois, as applicable. The right to enforce the conditions and restrictions in this instrument are in addition to other rights and remedies that may be available, including, but not limited to, administrative and judicial remedies under CERCLA.

b) Liberal construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed to effect the purpose of this instrument and the policy and purpose of CERCLA. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

c) Severability: If any provision of this instrument, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this instrument, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

d) Entire Agreement: This instrument supersedes all prior discussions, negotiations, understandings, or agreements relating thereto, all of which are merged herein.

e) No Forfeiture: Nothing contained herein will result in a forfeiture or reversion of Grantee's title in any respect.

f) Successors: The covenants, terms, conditions, and restrictions of this instrument shall be binding upon, and inure to the benefit of, 1) the parties hereto and their respective personal representatives, heirs, successors, and assigns as well as persons acting under their direction and control; and 2) any subsequent owner, occupants or other person acquiring an interest in the Property and their authorized agents, employees, or persons acting under their direction and control. The covenants, terms, conditions, and restrictions of this instrument shall continue as a servitude running in perpetuity with the Property. The rights of the Grantee under this instrument are freely assignable, subject to the notice provisions hereof. The rights of the U.S.

EPA are freely assignable to any public entity, subject to the notice provisions hereof.

g) Termination of rights and obligations: The Grantee's rights and obligations under this instrument terminate upon transfer of the Grantee's interest in the Property, except that liability for acts or omissions occurring prior to transfer as well as defenses thereto shall survive transfer.

h) Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

i) Counterparts: The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

15. Appendices

Appendix 1 - Legal description of the Property

Appendix 2 - Permitted title encumbrances

IN WITNESS WHEREOF, Grantors have caused this Warranty Deed With Reservation of Environmental Easement and Restrictive Covenants to be signed in their names.

Executed this 14th day of March, 2004.

By: Bill Allen Bernardoni
BILL ALLEN BERNARDONI

Susan E. Bernardoni
SUSAN E. BERNARDONI

Philip M. McDowell
PHILIP M. McDOWELL

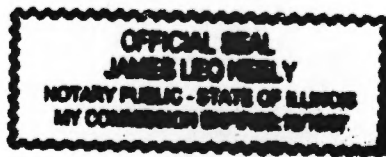
Betty L. McDowell
BETTY L. McDOWELL

STATE OF ILLINOIS
COUNTY OF LASALLE

)
) ss
)

On this day of March 11, 2004, before me, the undersigned, a Notary Public in and for the State of Illinois, duly commissioned and sworn, personally appeared BILL ALLEN BERNARDONI, SUSAN E. BERNARDONI, PHILIP M. McDOWELL, and BETTY L. McDOWELL, known to me to be the same persons whose names are subscribed to the foregoing instrument and acknowledged they signed, sealed, and delivered said instrument as their free and voluntary act, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

Witness my hand and official seal hereto affixed the day and year written above.



James Leo Neely
Notary Public in and for the
State of Illinois

My Commission Expires:

10-16-07

We, the undersigned Grantees, do hereby accept the herein-described Property, subject to the easements, restrictive covenants, notices, agreements, reservations, conditions, and exceptions hereinabove expressed.

Executed this 11 day of March, 2004, in Ottawa, State of Illinois

BY: Marc E. Fogarty
MARC E. FOGARTY

Christa L. Fogarty
CHRISTA L. FOGARTY

STATE OF ILLINOIS)

)ss

COUNTY OF LASALLE)

On this day of March 11, 2004, before me, the undersigned, a Notary Public in and for the State of Illinois, duly commissioned and sworn, personally appeared MARC E. FOGARTY and CHRISTA L. FOGARTY, known to me to be the same persons whose names are subscribed to the foregoing instrument and acknowledged they signed, sealed, and delivered said instrument as their free and voluntary act, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

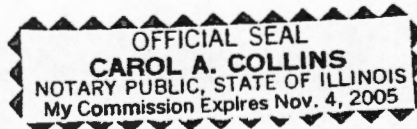
Witness my hand and official seal hereto affixed the day and year written above.

Carol A. Collins
Notary Public in and for the
State of Illinois

My Commission Expires:

11-04-05

This Instrument Prepared by:
KEELY LAW OFFICE
JAMES LEO KEELY
111 E. JEFFERSON ST.
P.O. BOX #770
OTTAWA IL 61350-0770
815-433-1131
FAX: 815-433-3512



Environmental Covenant
2018-10956
NPL-11
351 Bellevue Avenue Parcel



8 1 6 2 4 7 3

Tx:4077592

2018-10956**KAREN L. MILLER****LASALLE COUNTY RECORDER
OTTAWA, IL****RECORDED ON****08/10/2018 01:38 PM****PAGES: 18****PLAT ACT: 0****REC FEE 58.00****This instrument was prepared by:**

Name: Richard M. Murawski, Associate Regional Counsel
Address: Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

Please return this instrument to:

Name: Richard M. Murawski, Associate Regional Counsel
Address: Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

ENVIRONMENTAL COVENANT

1. This Environmental Covenant is made this 2nd day of August, 2018, by and among LaSalle County, as Trustee for Taxing Districts (Grantor), and the Holders/Grantees further identified in paragraph 3 below pursuant to the Uniform Environmental Covenants Act, 765 ILCS Ch. 122 (UECA) for the purpose of subjecting the Property to the activity and use limitations described herein.

2. **Property and Grantor.**

Property: The real property subject to this Environmental Covenant is 351 Bellevue Avenue in Ottawa, LaSalle County, Illinois and is legally described in Appendix A, hereinafter referred to as the "Property" or "351 Bellevue Avenue". The Property is part of the Ottawa Radiation Areas National Priorities List (NPL) Site with a Comprehensive Environmental Response, Compensation and Liability Act Identification/Spill number of ILD980606750 and a LaSalle County permanent index number of 21-01-114-007.

B. Grantor: LaSalle County, as Trustee for Taxing Districts, is the current fee owner of the Property and is the "Grantor" of this Environmental Covenant. The mailing address of the Grantor is Joseph E. Meyer and Associates, 141 St. Andrews Avenue, Edwardsville, IL 62025.

3. Holders (and Grantees for purposes of indexing).

A. Illinois Emergency Management Agency (Illinois EMA) is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to its authority under Section 3(b) of UECA. The mailing address of the Illinois EMA, Division of Nuclear Safety, is 1035 Outer Park Drive, Springfield, Illinois 62704.

B. Illinois Environmental Protection Agency (Illinois EPA) is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to its authority under Section 3(b) of UECA. The mailing address of the Illinois EPA is 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

C. Grantor is a Holder (and Grantee for purposes of indexing) of this Environmental Covenant pursuant to UECA. The mailing address of Grantor is Joseph E. Meyer and Associates, 141 St. Andrews Avenue, Edwardsville, IL 62025. Regardless of any future transfer of the Property, Grantor shall remain a Holder of this Environmental Covenant. LaSalle County, as Trustee for Taxing Districts, is to be identified as both Grantee and Grantor for purposes of indexing.

4. Agencies. The Illinois EMA, Illinois EPA and the U.S. Environmental Protection Agency (U.S. EPA) are "Agencies" within the meaning of Section 2(2) of UECA. The Agencies have approved the environmental response project described in paragraph 5 below and may enforce this Environmental Covenant pursuant to Section 11 of UECA.

5. Environmental Response Project and Administrative Record.

A. This Environmental Covenant arises under an environmental response project as defined in Section 2(5) of UECA.

B. The Property is part of the NPL11 subarea of the Ottawa Radiation NPL Site (the Site or NPL Site), which the U.S. EPA, pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983.

C. Appendix B provides a map of U.S. EPA's sampling results that exceed 6.2 picocuries per gram (pCi/g) radium-226 on the Property. As part of a 1996 removal action, U.S. EPA excavated soil contaminated with radium-226 down to an elevation of 491.25 feet above mean sea level (msl) (approximately 6 feet below ground surface (bgs)), disposed of the contaminated material at a licensed radioactive material landfill, and placed 5 to 6 feet of clean backfill over the remaining contamination at NPL-11. Eight soil samples collected at the base of

the removal action excavation (491.25 feet) exceeded the site-specific cleanup level of 6.2 pCi/g at concentrations ranging from 8.3 to 298.5 pCi/g. The removal action excavation terminated at approximately 1 foot below the groundwater table because of difficulties associated with excavation dewatering due to the prolific unconsolidated aquifer. In 2000, U.S. EPA conducted a site characterization, which included advancement of 12 soil borings. One soil sample collected between 6 and 8 feet bgs contained radium-226 at 19.5 pCi/g. In 2007, U.S. EPA conducted a remedial action consisting of a subsurface soil investigation and treatability study to assess potential dewatering and water treatment technologies. Three soil samples collected between 6 and 13 feet bgs contained concentrations exceeding 6.2 pCi/g. The concentrations ranged from 9.43 to 18.4 pCi/g.

In a Record of Decision ("ROD") signed by the U.S. EPA Region 5 Superfund Division Director in 2003, U.S. EPA approved a plan for environmental remediation of the Site, which selected excavation of all soil contaminated with radium-226 above 6.2 pCi/g. The following land uses exceed U.S. EPA's acceptable risk range: resident and indoor industrial/commercial worker. U.S. EPA's subsequent remedial action investigation determined that it was technically impracticable to meet the 6.2 pCi/g cleanup level below an elevation of 491.25 feet on two parcels of NPL-11, including 351 Bellevue Avenue. U.S. EPA subsequently signed a ROD Amendment on August 16, 2010. The remedial action plan identified in the 2010 ROD amendment requires implementation and compliance with land activity and use limitations at the Property in order to prevent unacceptable exposures from radium-226 remaining at the Site.

D. Grantor wishes to cooperate fully with the Agencies in the implementation, operation, and maintenance of all response actions at the Site.

E. The Administrative Record for the environmental response project at the Ottawa Radiation Site (including the Property) is maintained at the U.S. EPA Superfund Record Center, 7th Floor, 77 West Jackson Blvd, Chicago, Illinois 60604. Persons may also contact FOIA Officer, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 for information concerning the Site.

6. Grant of Covenant. Covenant Runs With The Land. Grantor creates this Environmental Covenant pursuant to UECA so that the Activity and Use Limitations and associated terms and conditions set forth herein shall "run with the land" in accordance with Section 5(a) of UECA and shall be binding on Grantor, its heirs, successors and assigns, and on all present and subsequent owners, occupants, lessees or other person acquiring an interest in the Property.

7. Activity and Use Limitations. The following Activity and Use Limitations apply to the use of the Property:

- A. Prohibit excavation of soil on the Property below an elevation of 491.25 feet in the area demarcated as the extent of contamination, unless conducted pursuant to an U.S. EPA- or IEMA-approved work plan;
- B. Prohibit construction of any building on the Property in the area demarcated as the extent of contamination, unless a radon reduction system is operating and

maintained to ensure that levels of radon in such buildings do not exceed 0.02 working level. Further, only slab-type buildings may be constructed on the Property;

- C. Require that material excavated from any portion of the Property be tested and disposed of in accordance with applicable regulations; and Prohibit use of groundwater on the Property.

8. **Right of Access.** Grantor consents to officers, employees, contractors, and authorized representatives of the Holders, Illinois EMA and U.S. EPA entering and having continued access at reasonable times to the Property for the following purposes:

- A. Implementing, operating and maintaining the environmental response project described in paragraph 5 above;
- B. Monitoring and conducting periodic reviews of the environmental response project described in paragraph 5 above including without limitation, sampling of air, water, groundwater, sediments and soils;
- C. Verifying any data or information submitted to U.S. EPA or Illinois EMA by Grantor and Holders; and
- D. Verifying that no action is being taken on the Property in violation of the terms of this instrument, the environmental response project described in paragraph 5 above or of any Federal or State environmental laws or regulations;

Nothing in this document shall limit or otherwise affect U.S. EPA and Illinois EPA and Illinois EMA's rights of entry and access or U.S. EPA's and Illinois EPA's authority to take response actions under CERCLA, the National Contingency Plan ("NCP"), RCRA or other Federal and State law.

9. **Reserved rights of Grantor:** Grantor hereby reserves unto itself, its successors, and assigns, including heirs, lessees and occupants, all rights and privileges in and to the use of the Property which are not incompatible with the activity and use limitations identified herein.

10. **No Public Access and Use:** No right of access or use by the general public to any portion of the Property is conveyed by this instrument.

11. **Future Conveyances, Notice and Reservation:**

- A. Grantor agrees to include in any future instrument conveying any interest in any portion of the Property, including but not limited to deeds, leases and mortgages, a notice and reservation which is in substantially the following form:

**THE INTEREST CONVEYED HEREBY IS SUBJECT TO AND
GRANTOR SPECIFICALLY RESERVES THE ENVIRONMENTAL**

COVENANT EXECUTED UNDER THE UNIFORM ENVIRONMENTAL COVENANTS ACT (UECA) AT 765 ILCS CH. 122 RECORDED IN THE OFFICIAL PROPERTY RECORDS OF LASALLE COUNTY, ILLINOIS ON _____ AS DOCUMENT NO. _____, IN FAVOR OF AND ENFORCEABLE BY GRANTOR AS A UECA HOLDER, THE ILLINOIS EMERGENCY MANAGEMENT AGENCY AS A UECA HOLDER, THE ENVIRONMENTAL PROTECTION AGENCY AS A UECA AGENCY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY AS A UECA AGENCY.

B. Grantor agrees to provide written notice to Illinois EPA, Illinois EMA and U.S. EPA within 30 days after any conveyance of fee title to the Property or any portion of the Property. The notice shall identify the name and contact information of the new owner in fee, and the portion of the Property conveyed to that owner.

12. Enforcement and Compliance.

A. Civil Action for Injunction or Equitable Relief. This Environmental Covenant may be enforced through a civil action for injunctive or other equitable relief for any violation of any term or condition of this Environmental Covenant, including violation of the Activity and Use Limitations under Paragraph 7 and denial of Right of Access under Paragraph 8. Such an action may be brought individually or jointly by:

- i. the Illinois Emergency Management Agency;
- ii. the Illinois Environmental Protection Agency;
- iii. the Holders of the Environmental Covenant;
- iv. the U.S. Environmental Protection Agency;
- v. the City of Ottawa, Illinois; and
- vi. LaSalle County, as Trustee for Taxing Districts.

B. Other Authorities Not Affected. No Waiver of Enforcement. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. Nothing in this Environmental Covenant affects U.S. EPA, Illinois EPA or Illinois EMA's authority to take or require performance of response actions to address releases or threatened releases of hazardous substances or pollutants or contaminants at or from the Property, or to enforce a consent order, consent decree or other settlement agreement entered into by U.S. EPA or Illinois EMA. Enforcement of the terms of this instrument shall be at the discretion of the Holders, the U.S. EPA, Illinois EPA and Illinois EMA and any forbearance, delay or omission to exercise its rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver by the Holders, U.S. EPA, Illinois EPA or Illinois EMA of such term or of any subsequent breach of the same or any other term, or of any of the rights of the Holders, U.S. EPA, Illinois EPA or Illinois EMA.

C. Former Owners And Interest Holders Subject to Enforcement. A fee owner, or other person that holds any right, title or interest in or to the Property remains subject to enforcement with respect to any violation of this Environmental Covenant by the owner or other person which occurred during the time when the owner or other person was bound by this

Environmental Covenant regardless of whether the owner or other person has subsequently conveyed the fee title, or other right, title or interest, to another person.

13. Waiver of certain defenses: This Environmental Covenant may not be extinguished, limited, or impaired through issuance of a tax deed, foreclosure of a tax lien, or application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or similar doctrine as set forth in Section 9 of UECA.

14. Representations and Warranties: Grantor hereby represents and warrants to the Illinois EPA, Illinois EMA, U.S. EPA and any other signatories to this Environmental Covenant that, at the time of execution of this Environmental Covenant, that the Grantor is lawfully seized in fee simple of the Property, that the Grantor has a good and lawful right and power to sell and convey it or any interest therein, that the Property is free and clear of encumbrances, except those noted on **Appendix C** attached hereto, and that the Grantor will forever warrant and defend the title thereto and the quiet possession thereof. After recording this instrument, Grantor will provide a copy of this Environmental Covenant to all holders of record of the encumbrances including those entities noted on **Appendix C**.

15. Amendment or Termination. Except the Illinois EMA, Illinois EPA and U.S. EPA, all Holders and other signers waive the right to consent to an amendment or termination of the Environmental Covenant. This Environmental Covenant may be amended or terminated by consent only if the amendment or termination is signed by the Illinois EMA, U.S. EPA and the current owner of the fee simple of the Property, unless waived by the Agencies. If Grantor no longer owns the Property at the time of proposed amendment or termination, Grantor waives the right to consent to an amendment or termination of the Environmental Covenant.

16. Notices: Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor:

LaSalle County, as Trustee for Taxing Districts
Joseph E. Meyer and Associates
141 St. Andrews Avenue
Edwardsville, IL 62025

To Holder:

Illinois Emergency Management Agency
Division of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

To Agencies:

For U.S. EPA:

U.S. Environmental Protection Agency
Superfund Division Director
77 West Jackson Boulevard
Chicago, Illinois 60604

U.S. Environmental Protection Agency
Regional Counsel
Mail Code: C14-J
77 West Jackson Boulevard
Chicago, Illinois 60604

For Illinois EMA:

Illinois Emergency Management Agency
Division of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62702

For Illinois EPA:

Illinois Environmental Protection Agency
Division of Legal Counsel
Attn: Uniform Environmental Covenant Counsel
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

17. **Recording and Notice of Environmental Covenant, Amendments and Termination.**

A. The Original Environmental Covenant. An Environmental Covenant must be recorded in the Office of the Recorder or Registrar of Titles of the county in which the property that is the subject of the Environmental Covenant is located. Within 30 days after the Illinois EMA, Illinois EPA and U.S. EPA (whichever is later) sign and deliver to Grantor this Environmental Covenant, the Grantor shall record this Environmental Covenant in the office of the County Recorder or Registrar of Titles for the County in which the Property is located.

B. Termination, Amendment or Modification. Within 30 days after Illinois EMA, Illinois EPA and U.S. EPA (whichever is later) sign and deliver to owner in fee any termination, amendment or modification of this Environmental Covenant, the owner shall record the amendment, modification, or notice of termination of this Environmental Covenant in the office of the County Recorder or Registrar of Titles in which the Property is located.

C. Providing Notice of Covenant, Termination, Amendment or Modification.

Within 30 days after recording this Environmental Covenant, the Grantor shall transmit a copy of the Environmental Covenant in recorded form to:

- i. the Illinois EMA;
- ii. the Illinois EPA;
- iii. the U.S. EPA;
- iv. each person holding a recorded interest in the Property, including those interests in Appendix C;
- v. each person in possession of the Property; and
- vi. each political subdivision in which the Property is located.

Within 30 days after recording a termination, amendment or modification of this Environmental Covenant, the owner in fee shall transmit a copy of the document in recorded form to the persons listed in items i to vi above.

18. Compliance Reporting. The Owner shall submit to Illinois EPA reports that include confirmation of compliance with the Activity and Use Limitations provided in Paragraph 7 herein. The Owner shall notify the U.S. EPA, Illinois EPA and Illinois EMA as soon as practicable of any actions or conditions that would constitute a breach of the Activity and Use Limitations contained in Paragraph 7 herein. Additionally, the Owner is required to submit to Illinois EPA, on an annual basis on the date of recording of this instrument, the following certification statement:

"I certify under penalty of law that the specific Activity and Use Limitations identified in Paragraph 7 of the Uniform Environmental Covenant for the 351 Bellevue Avenue Property of the Ottawa Radiation Areas NPL Site remain in place. I am aware that any person who knowingly makes a false, fictitious, or fraudulent material statement to the Illinois EPA, either orally or in writing, commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony (415 ILCS 5/44(h)(8))."

19. General Provisions:

A. Controlling law: This Environmental Covenant shall be construed according to and governed by the laws of the State of Illinois and the United States of America.

B. Liberal construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the establishment of activity and use limitations that run with the land to effect the purpose of this instrument and the policy and purpose of the environmental response project and its authorizing legislation. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. No Forfeiture: Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

D. Joint Obligation: If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

E. Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

20. Effective Date. This Environmental Covenant is effective on the date of acknowledgement of the signature of the Illinois EPA, Illinois EMA and U.S. EPA, whichever is later.

21. List of Appendices:

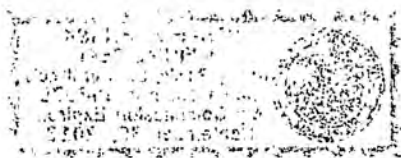
Appendix A – Legal Description

Appendix B – Map of Sample Results Taken from the Property

Appendix C – List of Recorded Encumbrances

Signature Pages Follow

DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER'S OFFICE



DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER'S OFFICE

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By Alec Messina (signature)

Alec Messina, Director
Illinois Environmental Protection Agency

State of Illinois)
)SS.
County of Sangamon)

This instrument was acknowledged before me on June 27, 2018, by Alec Messina, the Director of the Illinois Environmental Protection Agency, a state agency, on behalf of the State of Illinois.

Rochelle Renee DeRochi (signature)

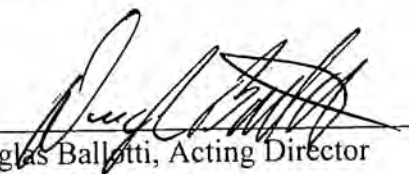
Notary Public
My Commission Expires 8-15-21



DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER'S OFFICE

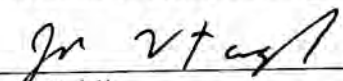
FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

On behalf of the Administrator of the
United States Environmental Protection Agency

By: 
Douglas Ballotti, Acting Director
Superfund Division
U.S. Environmental Protection Agency, Region 5

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

This instrument was acknowledged before me on AUGUST 2, 2018, by
Douglas Ballotti, Acting Director, Superfund Division, Region 5 of the United States
Environmental Protection Agency.

 (signature)
Notary Public
My Commission Expires 03/13/22



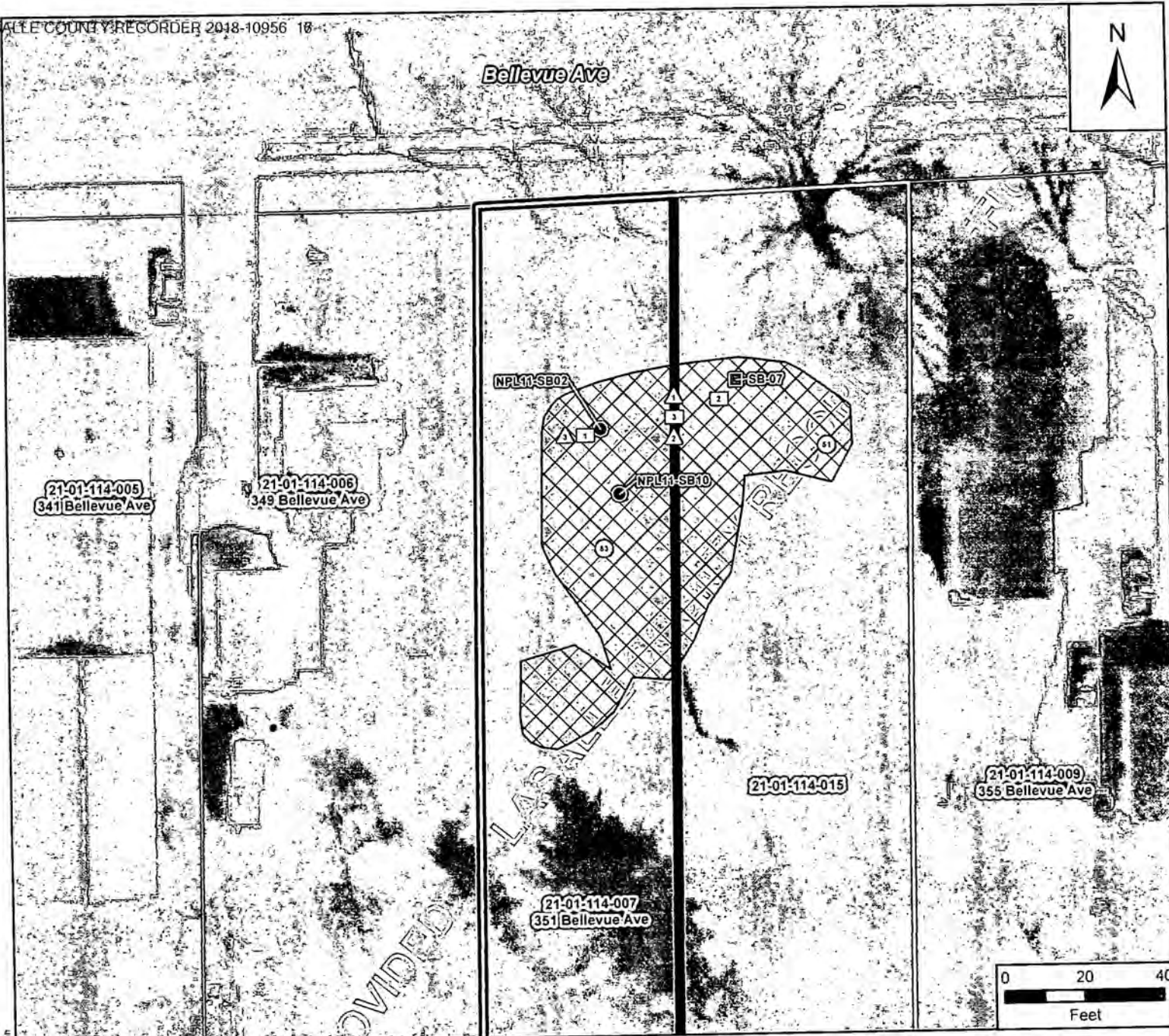
DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER'S OFFICE

Appendix A - Legal Description

THE EAST 10 FEET OF LOT 15 AND THE WEST 40 FEET OF LOT 16 IN BELLEVUE SUBDIVISION AS PER PLAT THEREOF RECORDED IN THE RECORDERS OFFICE OF LASALLE COUNTY, ILLINOIS IN BOOK "T", PAGE 6, SAID SUBDIVISION BEING SITUATE IN SECTIONS ONE AND TWO IN TOWNSHIP THIRTY-THREE (33) NORTH, RANGE THREE (3), EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATE IN THE COUNTY OF LASALLE AND IN THE STATE OF ILLINOIS. TOWNSHIP OF OTTAWA, COUNTY OF LASALLE, STATE OF ILLINOIS.

PERMANENT TAX NUMBER(S): 21-01-114-007 (map 18-01-155-007)

DOCUMENT PROVIDED BY LASALLE COUNTY RECORDER



**FINAL REMOVAL ACTION
SOIL SAMPLES**
04/28/1996

- ⑤1 8.3 +/- 9.11 pCi/g
- ⑤3 19.2 +/- 2.1 pCi/g

**FINAL REMOVAL ACTION
SOIL SAMPLES**
05/16, 17/1996

- ① 64.2 +/- 2.3 pCi/g
- ② 168.1 +/- 5.6 pCi/g
- ③ 273.7 +/- 6.8 pCi/g

**IDNS SPLIT
SOIL SAMPLES**
05/20/1996

- ① 298.5 +/- 9.6 pCi/g
- ② 103.2 +/- 5.5 pCi/g
- ③ 66.5 +/- 4.2 pCi/g

**SITE CHARACTERIZATION
SOIL SAMPLE**
06/08/2000

- SB-07 (6-9 feet bgs) 19.5 pCi/g

**REMEDIAL ACTION
SOIL SAMPLES**
05/18/2007

- NPL11-SB02 (6-9 feet bgs) 16.1 pCi/g
(12-13 feet bgs) 9.43 pCi/g
- NPL11-SB10 (10-11 feet bgs) 18.4 pCi/g

Legend

- Extent of Contamination
- Area of Environmental Covenant
- Site Boundary
- Parcel

Sources:

Image modified from Orthophotos for Ottawa Area, LaSalle County GIS, Spring 2006.
OHM Remediation Service Corp. 1997. "Final Report for Removal Action at 351 & 355 Bellevue, also known as NPL-11." Prepared for U.S. Army Corps of Engineers, February 14.
Weston Solutions, Inc., (Weston). 2014. "Technical Memorandum for NPL-11 Site, Ottawa Radiation Areas, Ottawa, Illinois." May 12.
Weston. 2000. "Site Characterization for NPL-11 Site, Ottawa, Illinois." October.
U.S. Environmental Protection Agency. 2003. "Record of Decision for the Ottawa Radiation Areas, Frontage Property to NPL-8 and Residential Areas including NPL-11." September 24.

Notes:

bgs = below ground surface
IDNS = Illinois Department of Nuclear Safety
pCi/g = picocuries per gram

DESIGNED:	K. SCHNOES
DRAWN:	M.BANH
PROJECT NO.	103G1852197
DATE:	JUNE 2017

ST SuITRAC



351 BELLEVUE AVENUE
ENVIRONMENTAL COVENANT
NPL-11 SITE
OTTAWA, ILLINOIS

SCALES:
HORIZONTAL SCALE: AS SHOWN
VERTICAL SCALE: N/A

APPENDIX B
MAP OF SAMPLE RESULTS
TAKEN FROM THE PROPERTY

Appendix C- List of Recorded Encumbrances on the Property

- SCHEDULE B EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

GENERAL EXCEPTIONS:

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.
6. Loss or damage by reason of there being recorded in the public records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.

SPECIAL EXCEPTIONS:

1. The lien of taxes for the year 2016 and thereafter.

Taxes for the property in question are not currently being assessed nor taxed by the County of La Salle. Due to this we reserve the right to raise any additional exceptions that may be deemed necessary.

PERMANENT TAX NUMBER: 21-01-1 14-007 (map 18-01-155-007)

2. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attached subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of the record the estate or interest thereon covered by this commitment.
3. Rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, deficiency in quantity of ground, farm drainage systems, title systems of irrigation systems which would be disclosed by an accurate survey and inspection of the premises.

4. Rights of the Public, the State and the Municipality in and to that part of the land, if any, taken or used for road purposes.
5. Confirmed Special Assessments, if any, not certified to by the Company.
6. Financing Statements, if any, not certified to by the Company.
7. For information purposes only, the taxes are assessed to the following:
For Parcel(s): 21-01-1 14-007 (map 18-01-155-007)
LaSalle County, Trustee
P.O. Box 96
Edwardsville, IL 62025
8. Terms, conditions and findings of an Order determining, among other things, that the subject property is a hazardous waste site, and imposing restrictions on the transfer and use of the subject property, made by the United States Environmental Protection Agency in case V-W-91-C-081, and recorded as document 91-00463.
9. Terms and conditions of a Special Assessment for the Bellevue Avenue Roadway Improvement Project as established by Special Assessment Roll and Report recorded as document 98-16057.
Note: we cannot determine if this Special Assessment is still in effect.
10. Terms, powers, provisions and limitations of the Trust under which title to said land is held.

End Schedule B

Environmental Covenant
2009-22484
NPL-11
353 Bellevue Avenue Parcel



* 2 0 0 9 - 2 2 4 8 4 8 *

2009-22484

**NOTICE OF PROBATE
AND RELEASE OF
ESTATE'S INTEREST
IN REAL ESTATE**

THOMAS E. LYONS
LASALLE COUNTY RECORDER
OTTAWA, IL
RECORDED ON
09/02/2009 04:16PM
REC FEE: 40.50
PAGES: 8

PREPARED BY & RETURN TO:

Paul V. Martin
White, Marsh, Anderson, Martin,
Vickers, Deobler & Goode
511 E. Etna Rd.
Ottawa, IL 61350
Ph. (815) 434-2000

Doc is a Copy - Pg. 8

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS

IN THE MATTER OF THE ESTATE OF)
) No. 2007 P 236
LOIS HARPER, Deceased.)

**NOTICE OF PROBATE AND RELEASE OF
ESTATE'S INTEREST IN REAL ESTATE RECORDER'S FILING**

Decedent: **LOIS HARPER**, of Sheridan, LaSalle County, Illinois, who died August
20, 2007, owned the following described real estate at time of death:

THE EAST HALF OF THE FOLLOWING DESCRIBED TRACT:

**Lot 16, except the West 40 feet thereof and Lot 17, all in Bellevue Subdivision
as per Plat thereof recorded in the Recorder's Office of LaSalle County, Illinois,
in Book T, Page 6, said Subdivision being situated in Sections 1 and 2 in
Township 33, Range 3 East of the Third Principal Meridian, situated in the City
of Ottawa, LaSalle County, Illinois.**

SUBJECT TO the attached Restrictive Covenant, incorporated herein as
Exhibit A.

with Permanent Index Number: 21-01-114-008.

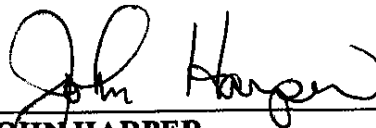
The undersigned, **JOHN HARPER**, whose address is 2481 N. 42ND Rd., #3, Sheridan, IL 60551-9604 was appointed Executor of decedent's estate on November 6, 2007 by the Circuit Court of the Thirteenth Judicial Circuit, LaSalle County, Illinois, in Case No. 2007-P-236, and is the qualified and acting Executor on the date of this instrument.

Title to the real estate passed at decedent's death and the admission of the Will, if any, to probate to the following heir(s) or legatee(s) of decedent:

NAME	ADDRESS	SHARE
JOHN HARPER	2481 N. 42 ND Rd., #3 Sheridan, IL 60551-9604	100%

Acting pursuant to §§28-8(I) and 28-10(a) of the Illinois Probate Act of 1975, as amended, the undersigned releases the estate's interest in the said real estate to the above heir(s) (or legatee(s)).

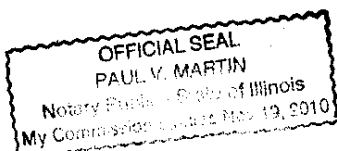
Dated: September 19th, 2008

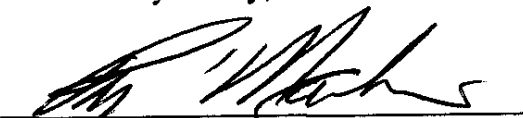

JOHN HARPER
 2481 N. 42ND Rd., #3, Sheridan, IL 60551-9604

STATE OF ILLINOIS)
) SS.
 COUNTY OF LASALLE)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that **JOHN HARPER**, personally known to me to be the same person whose name is subscribed to the foregoing instrument as Executor, appeared before me this day in person and acknowledged that he signed, sealed, and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 19th day of Sept., 2008.




 Notary Public

NOTICE OF PROBATE AND
RELEASE OF ESTATE'S
INTEREST IN REAL ESTATE
"EXHIBIT A"

Prepared By:

Paul V. Martin
511 E. Etna Rd.
Ottawa, IL 61350

Return To:

Paul V. Martin
511 E. Etna Rd.
Ottawa, IL 61350

DECLARATION OF ENVIRONMENTAL RESTRICTIVE COVENANT

1. This Environmental Restrictive Covenant is made this 19TH day of September, 2008, by John Harper, Executor of the Estate of Lois Harper, Deceased, whose address is 2481 North 42ND Road, Unit 3, Sheridan, IL 60551. John Harper, Executor of the Estate of Lois Harper, Deceased, is the current owner of the real property located at 353 Bellevue Avenue, Ottawa, Illinois, in the County of LaSalle, State of Illinois, more particularly described on Appendix 1, which is attached hereto and made a part hereof (the Property). John Harper, Executor of the Estate of Lois Harper, Deceased, on behalf of himself, his successors and assigns, in consideration of the remedial action performed at the Property, does hereby covenant and declare that the Property shall be subject to the restrictions on use set forth below. John Harper, Executor of the Estate of Lois Harper intends that the said use restrictions may be enforced pursuant to paragraph 11 below.
2. The Property is part of the NFL 11 portion of the Ottawa Radiation NFL Site (the Site), which the U.S. Environmental Protection Agency (U.S. EPA), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983.
3. In a Record of Decision (ROD) dated September 24, 2003, the U.S. EPA Region 5 selected a remedial action for the NFL 11 portion of the Site, including the Property. For the Property, the ROD required excavation and off-site disposal of soil that exceeds 6.2 picoCuries/gram (pCi/g) radium-226. Due to complications with the high groundwater

table and saturated soils, contamination remains in certain areas on the Property at 4 to 13 feet below ground surface (bgs) and therefore restrictions are required on the area denoted in Appendix 2 to avoid exposure to this remaining contamination.

4. U.S. EPA was able to remove contaminated soil and replace it with clean material to a minimum of 3 feet throughout the Property. During the excavation, white stone material was placed on the Property, which is approximately 4 to 9 feet bgs. The clean fill layer is above the white stone, which is continuous across the site at a depth of approximately 3 to 7 feet.
5. In 2000, U.S. EPA sampling showed radium-226 was found at a level of 19.5 pCi/g at 6 to 8 feet bgs in the area denoted in Appendix 2 of the Property. Sampling in May 2007, showed radium-226 concentrations ranged from 9.43 pCi/g to 18.4 pCi/g at depths ranging between 8 to 13 feet bgs in the area denoted in Appendix 2 of the Property. Sampling also showed that groundwater underneath is contaminated with radium-226 ranged from 1.3 to 16.9 picoCuries/liter (pCi/L). The radium-226 concentration in one well was above the drinking water standard of 5 pCi/L. However, the concentrations are consistent with well data from other Ottawa subareas.
6. RESTRICTIONS ON USE: Owner, on behalf of himself, his successors and assigns, intends that the following restrictions and covenants apply to and run with the land and may be enforced according to the provisions in paragraph 11:
 - 6.1 No excavation below 3 feet: No action shall be taken to excavate soils below three feet in the area demarcated as "Restricted Area" in Appendix 2 unless pursuant to work plan approved in writing by U.S. EPA.
 - 6.2 No buildings: No buildings shall be constructed in the area demarcated as "Restricted Area" in Appendix 2 unless a radon mitigation system is operated and maintained to ensure that levels of radon in such buildings do not exceed 4 pCi/L or other radon level U.S. EPA determines is necessary to protect human health or the environment.
 - 6.3 No groundwater use: No groundwater shall be used for consumption in the area demarcated as "Restricted Area" in Appendix 2.
7. MODIFICATION OF RESTRICTIONS: The land use restrictions shall continue until and unless U.S. EPA approves the modification or rescission of the restrictions. U.S. EPA after a reasonable opportunity for review and comment by Illinois Emergency Management Agency (Illinois EMA) may modify or terminate, in whole or in part, the restrictions set forth in subparagraphs 6.1 and 6.2 in writing, as authorized bylaw. The owner of the Property may seek to modify or terminate, in whole or in part, the restrictions set forth in subparagraphs 6.1 and 6.2 by submitting to U.S. EPA, State of Illinois, and John Harper a written application that identifies each such restriction to be terminated or moth-fled, describes the terms of each proposed modification, any proposed revisions to this notice and any proposed changes to the environmental easement and restrictive

covenants applicable to the Property. Each application for termination or modification of any restriction set forth in subparagraphs 6.1 and 6.2 shall include a demonstration by the owner of the Property that the requested termination or modification will not interfere with, impair or reduce:

- a) the effectiveness of any remedial measures undertaken pursuant to the ROD;
- b) the long term protectiveness of the remedial action; or
- c) protection of human health and the environment.

If U.S. EPA, with the concurrence of Illinois EMA, makes a determination that an application satisfies the requirements of this paragraph, U.S. EPA will notify the owner of the Property in writing. If U.S. EPA does not respond in writing within 90 days to an application to modify or terminate any restrictions, U.S. EPA shall be deemed to have denied owner's application. Any approved modification of the use restrictions shall be recorded with the Recorder of Deeds, LaSalle County, Illinois within fourteen days of receiving approval.

8. ACCESS: The Property is subject to an irrevocable, permanent and continuing right of access by the United States, Illinois EMA, and John Harper at all reasonable times for purposes listed below.
- a) Monitoring or implementing response actions in any CERCLA decision document affecting the Property or any associated work plans;
 - b) Verifying any data or information submitted to U.S. EPA and Illinois EMA;
 - c) Verifying that no action is being taken on the Property in violation of the ROD or this instrument;
 - d) Monitoring response actions on the Property and conducting investigations relating to contamination on or near the Property, including, without limitation, sampling of air, water, sediments, soils, and obtaining split or duplicate samples;
 - e) Conducting periodic reviews of the remedial action, including but not limited to, reviews required by applicable statutes and/or regulations and by CERCLA;
 - f) Implementing additional or new response actions if the U.S. EPA with the concurrence of Illinois EMA, pursuant to authority under applicable law, determines that such actions are necessary.
9. NO LIMITATION OF RIGHTS OR AUTHORITIES: Nothing in this document shall limit or otherwise affect U.S. EPA's or the State of Illinois' rights of entry and access or authority to take response actions under CERCLA, the National Contingency Plan (NCP), or other federal or state law.
10. NO PUBLIC ACCESS AND USE: No right of access or use by the general public to any portion of the Property is intended or conveyed by this instrument.
11. INSPECTION AND ENFORCEMENT: In addition to the access rights set forth in Paragraph 8 and 9 above, the United States, State of Illinois and/or John Harper may enter the Property from time to time for the purposes of performing inspections, overseeing remedy implementation or enforcing the restrictions set forth in

subparagraphs 6.1 and 6.2 above alter reasonable notice to the owners or the owners' representative. John Harper is entitled to enforce the restrictions set forth in this Restrictive Covenant by specific performance or other legal action in a court of competent jurisdiction against subsequent holders of a property interest in all or part of the Property. John Harper intends to reserve the right to enforce the restrictions and covenants in this Restrictive Covenant in any future conveyance of an interest in all or part of the Property and to designate the Illinois EMA and its successors and assigns, as a third party beneficiary and U.S. EPA, and its successors and assigns, as a third party beneficiary of the right to enforce restrictions and covenants of this Restrictive Covenant. All remedies available hereunder shall be in addition to any and all other remedies at law or equity, including CERCLA. Enforcement of the terms of this instrument shall be at the discretion of John Harper, the U.S. EPA, and Illinois EIVIA and any forbearance, delay or omission to exercise its rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver by John Harper, U.S. EPA, or Illinois EMA of such term or of any subsequent breach of the same or any other term, or of any of the rights of John Harper, U.S. EPA, or Illinois EMA.

12. NOTICES: Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prep aid, addressed as follows:

To Grantor: Estate of Lois Harper, c/o John Harper, Executor, 2481 N. 42ND Rd., Unit 3,
Sheridan, IL 60551

To Third Party Beneficiaries:

For U.S. EPA:

United States Environmental Protection Agency
Superfund Division
Remedial Project Manager Ottawa Radiation Site
77 W. Jackson Blvd.
Mail Code: SR-6J
Chicago, IL 60604-3590

with a copy to:

Janet R. Carlson
Associate Regional Counsel
U.S. EPA Region 5
Mail Code: C-14J

For Illinois EMA:

Gary McCandless
Illinois Emergency Management Agency

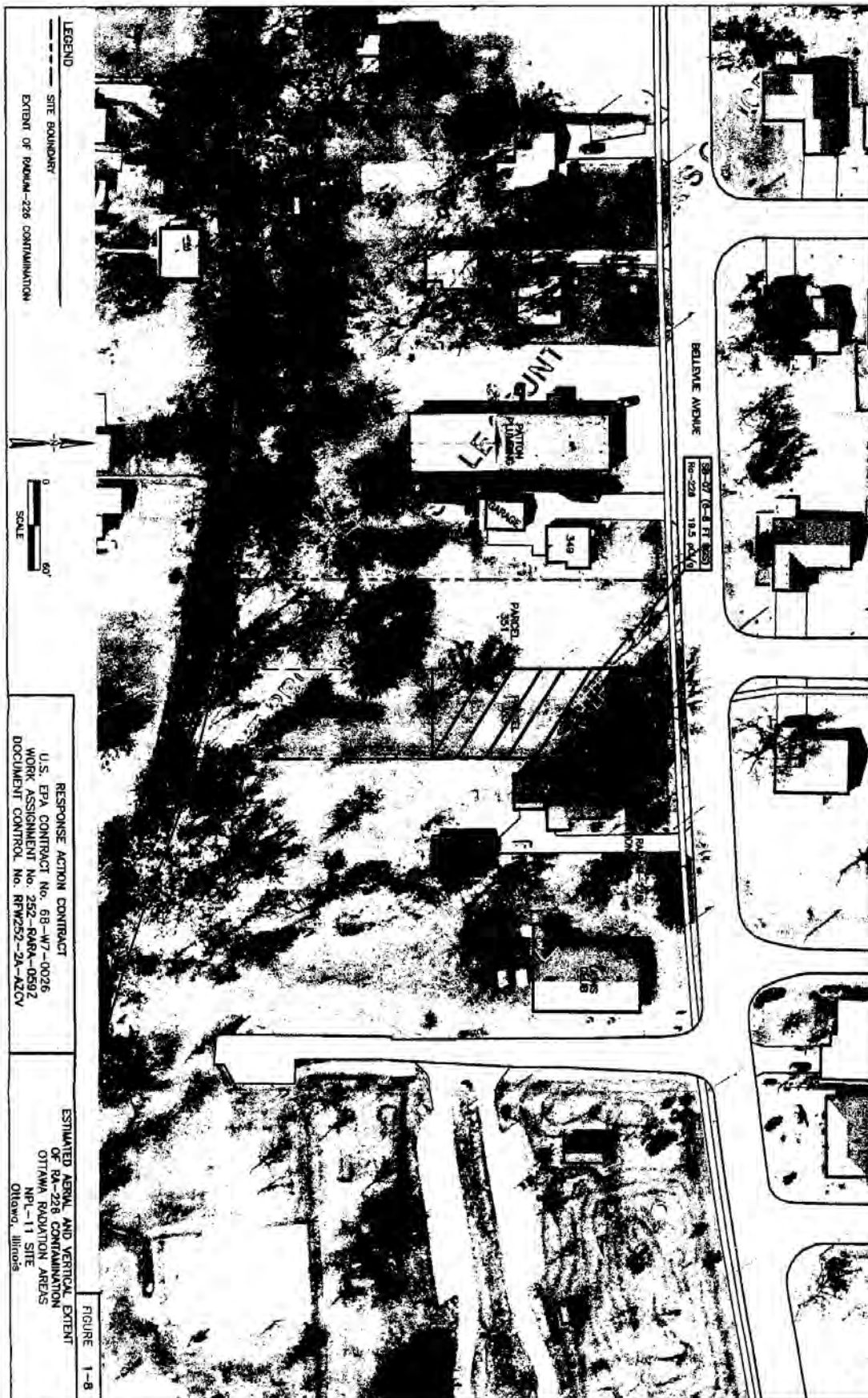
Division of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62702

For Illinois Attorney General:

Illinois Attorney General's Office
Chief, Environmental Bureau North
69W. Washtgton St., Ste. 1800
Chicago, IL 60602

13. General provisions:

- a) Controlling law: The interpretation and performance of this instrument shall be governed by the laws of the United States or, if there are no applicable federal laws, by the law of the State of Illinois.
- b) Liberal construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the grant to effect the purpose of this instrument and the policy and purpose of CERCLA. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.
- c) Severability: If any provision of this instrument, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this instrument, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
- d) No Forfeiture: Nothing contained herein will result in a forfeiture or reversion of the Estate of Lois Harper's title in any respect.
- e) Successors: The covenants, terms, conditions, and restrictions of this instrument shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.
- (f) Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.



Environmental Restrictive Covenant
2008-20282
Illinois Power Building



305462



* 2 0 0 8 - 2 0 2 8 2 1 0 *

2008-20282

Prepared By: Susan B. Knowles
Ameren Services
P.O. Box 66149, (MC 1310)
St. Louis, MO 63166-6149

THOMAS E. LYONS
LASALLE COUNTY RECORDER
OTTAWA, IL
RECORDED ON
09/05/2008 02:54PM

Return To: Roger Cruse
Ameren Services
Environmental Services
370 South Main Street (MC A-17)
Decatur, Illinois 62523-1479

REC FEE: 40.00
RHSP FEE: 10.00
PAGES: 10

COPY

91705

DECLARATION OF ENVIRONMENTAL RESTRICTIVE COVENANT

1. This Environmental Restrictive Covenant is made this 28th day of August, 2008, by Illinois Power Company d/b/a AmerenIP, an Illinois corporation. Illinois Power Company is the current owner of the real property located at 320 W. Jefferson Street in the City of Ottawa, County of LaSalle, State of Illinois, more particularly described on Appendix 1, which is attached hereto and made a part hereof (the Property). Illinois Power Company, on behalf of itself, its successors and assigns, in consideration of the remedial action performed at the Property, does hereby covenant and declare that the Property shall be subject to the restrictions on use set forth below. Illinois Power Company intends that the said use restrictions may be enforced pursuant to paragraph 11 below.
2. The Property is part of the Ottawa Radiation NPL Site (the Site or the NPL Site), which the U.S. Environmental Protection Agency (U.S. EPA), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 8, 1983.
3. On June 15, 1998, U.S. EPA collected soil samples from the Property that indicated radium-226 contamination of approximately 40-42 picoCuries per gram (pCi/g) radium-226. From October 12-16, 1998, the U.S. EPA conducted a field investigation to characterize the Illinois Power Property. The soil underneath the building foundations depicted in Appendix 2 has not been sampled or analyzed for radium-226 contamination.
4. In a Record of Decision (ROD) dated September 8, 2000, the U.S. EPA Region 5 selected a remedial action for the Site including the IP Property. For the Property, the ROD required excavation and off-site disposal of soil that exceeds 6.2 pCi/g radium-226. The remedy also required certain land use restrictions including radon monitoring in any buildings on the Property and required operation of a radon reduction system in any building if radon levels persisted.
5. The hatched areas depicted in Appendix 3 illustrate the location of areas that were contaminated with radium-226 above the cleanup standards and where U.S. EPA

excavated soil during 2007. Following the removal of radium-226 contaminated soil from the IP subarea, the Illinois EMA collected radon measurements in all occupied areas of the IP building to characterize radon levels. Data were recorded over one weekend, from August 10, 2007, to August 13, 2007, using activated charcoal detectors and continuous radon monitors. The average radon concentration for both the charcoal detectors and continuous radon monitors was below the recommended action level of 4.0 picoCuries/liter (pCi/l). However, the continuous radon monitoring results indicated periods where the radon concentration was above the Action Level. Further information pertaining to the environmental conditions at the Property and response activities undertaken at the Property is on file with U.S. EPA Region 5's Superfund Division.

6. RESTRICTIONS ON USE: Illinois Power Company, on behalf of itself, its successors and assigns, intends that the following restrictions and covenants apply to and run with the land and may be enforced according to the provisions in paragraph 11:

6.1 No Excavation Under Buildings: The extent of contamination, if any, associated with the soils underneath the foundations of the buildings demarcated in Appendix 2 has not been determined. No action shall be taken to drill or intrude into, or demolish the building foundations and no action shall be taken to excavate soils under the buildings demarcated in Appendix 2 unless the owner conducts an extent of contamination study and removes all soils that exceed 6.2 pCi/g radium-226 pursuant to a work plan approved in writing by Illinois EMA.

6.2 Radon Mitigation System: The owner must operate and maintain a radon mitigation system in any buildings on the Property to ensure that levels of radon do not exceed 4 pCi/l or other radon level U.S. EPA determines is necessary to protect human health or the environment. The owner must conduct radon testing at the building at least every two (2) years by an Illinois EMA licensed measurement professional to ensure the mitigation system is working properly.

7. MODIFICATION OF RESTRICTIONS: The land use restrictions shall continue until and unless U.S. EPA approves the modification or rescission of the restrictions. U.S. EPA after a reasonable opportunity for review and comment by Illinois EMA may modify or terminate, in whole or in part, the restrictions set forth in subparagraphs 6.1-6.2 in writing, as authorized by law. The owner of the Property may seek to modify or terminate, in whole or in part, the restrictions set forth in subparagraphs 6.1-6.2 by submitting to U.S. EPA, State of Illinois, and Illinois Power Company a written application that identifies each such restriction to be terminated or modified, describes the terms of each proposed modification, any proposed revisions to this notice and any proposed changes to the environmental easement and restrictive covenants applicable to the Property. Each application for termination or modification of any restriction set forth in subparagraphs 6.1- 6.2 shall include a demonstration by the owner of the Property that the requested termination or modification will not interfere with, impair or reduce:

- a) the effectiveness of any remedial measures undertaken pursuant to the ROD;
- b) the long term protectiveness of the Remedial Action; or

- c) protection of human health and the environment.

If U.S. EPA, with the concurrence of Illinois EMA, makes a determination that an application satisfies the requirements of this paragraph, U.S. EPA will notify the owner of the Property in writing. If U.S. EPA does not respond in writing within ninety (90) days to an application to modify or terminate any restrictions, U.S. EPA shall be deemed to have denied owner's application. Any approved modification of the use restrictions shall be recorded with the Recorder of Deeds, LaSalle County, Illinois, within fourteen (14) days of receiving approval.

8. ACCESS: The Property is subject to an irrevocable, permanent and continuing right of access by the United States, Illinois EMA, and Illinois Power Company at all reasonable times for purposes listed below.
- a) Monitoring or implementing response actions in any CERCLA decision document affecting the Property or any associated work plans;
 - b) Verifying any data or information submitted to U.S. EPA and Illinois EMA;
 - c) Verifying that no action is being taken on the Property in violation of the ROD or this instrument;
 - d) Monitoring response actions on the Property and conducting investigations relating to contamination on or near the Property, including, without limitation, sampling of air, water, sediments, soils, and obtaining split or duplicate samples;
 - e) Conducting periodic reviews of the remedial action, including but not limited to, reviews required by applicable statutes and/or regulations and by CERCLA;
 - f) Implementing additional or new response actions if the U.S. EPA with the concurrence of Illinois EMA, pursuant to authority under applicable law, determines that such actions are necessary.
9. NO LIMITATION OF RIGHTS OR AUTHORITIES: Nothing in this document shall limit or otherwise affect U.S. EPA's or the State of Illinois' rights of entry and access or authority to take response actions under CERCLA, the National Contingency Plan (NCP), or other federal or state law.
10. NO PUBLIC ACCESS AND USE: No right of access or use by the general public to any portion of the Property is intended or conveyed by this instrument.
11. INSPECTION AND ENFORCEMENT: In addition to the access rights set forth in Paragraph 8 and 9 above, the United States, State of Illinois and/or Illinois Power Company may enter the Property from time to time for the purposes of performing inspections, overseeing remedy implementation or enforcing the restrictions set forth in subparagraphs 6.1-6.2 above after reasonable notice to the owners or the owners' representative. Illinois Power Company is entitled to enforce the restrictions set forth in this Restrictive Covenant by specific performance or other legal action in a court of

competent jurisdiction against subsequent holders of a property interest in all or part of the Property. Illinois Power Company intends to reserve the right to enforce the restrictions and covenants in this Restrictive Covenant in any future conveyance of an interest in all or part of the Property and to designate the Illinois EMA and its successors and assigns, as a third party beneficiary and U.S. EPA, and its successors and assigns, as a third party beneficiary of the right to enforce restrictions and covenants of this Restrictive Covenant. All remedies available hereunder shall be in addition to any and all other remedies at law or equity, including CERCLA. Enforcement of the terms of this instrument shall be at the discretion of Illinois Power Company, the U.S. EPA, and Illinois EMA and any forbearance, delay or omission to exercise its rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver by Illinois Power Company, U.S. EPA, or Illinois EMA of such term or of any subsequent breach of the same or any other term, or of any of the rights of Illinois Power Company, U.S. EPA, or Illinois EMA.

12. NOTICES: Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor:

Roger Cruse
Ameren Services
Environmental Services
370 South Main Street (MC A-17)
Decatur, Illinois 62523-1479

To Third Party Beneficiaries:

For U.S. EPA:

United States Environmental Protection Agency
Superfund Division
Remedial Project Manager Ottawa Radiation Site
77 W. Jackson Blvd.
Mail Code: SR-6J
Chicago, Illinois 60604-3590

with a copy to:

Janet R. Carlson
Associate Regional Counsel
U.S. EPA Region 5
Mail Code: C-14J

For Illinois EMA:

Gary McCandless
Illinois Emergency Management Agency
Division of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62702

For Illinois Attorney General:

Illinois Attorney General's Office
Chief, Environmental Bureau North
69 W. Washington Street, Ste. 1800
Chicago, Illinois 60602

13. GENERAL PROVISIONS:

- a) Controlling Law: The interpretation and performance of this instrument shall be governed by the laws of the United States or, if there are no applicable federal laws, by the laws of the State of Illinois.
- b) Liberal Construction: Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the grant to affect the purpose of this instrument and the policy and purpose of CERCLA. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.
- c) Severability: If any provision of this instrument, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this instrument, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
- d) No Forfeiture: Nothing contained herein will result in a forfeiture or reversion of Illinois Power Company's title in any respect.
- e) Successors: The covenants, terms, conditions, and restrictions of this instrument shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.
- f) Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

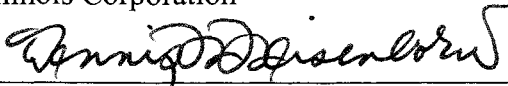
14. APPENDICES:

- Appendix 1 - Legal Description of the Property
- Appendix 2 - Areas Where Extent of Contamination is Unknown
- Appendix 3 - Areas Where Soil Has Been Excavated

IN WITNESS WHEREOF, Illinois Power Company has caused this Environmental Restrictive Covenant to be signed in its name.

Executed this 28th day of August, 2008.

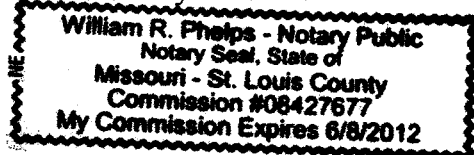
ILLINOIS POWER COMPANY,
an Illinois Corporation

By: 
Dennis W. Weisenborn, Vice President

STATE OF MISSOURI
CITY OF ST. LOUIS } SS

On this 28th day of August, 2008, before me, the undersigned, a Notary Public in and for the State of Missouri, duly commissioned and sworn, personally appeared Dennis W. Weisenborn, known to be the Vice President of ILLINOIS POWER COMPANY, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

WITNESS my hand and official seal hereto affixed the day and year written above.




Notary Public in and for the State of Missouri

My Commission Expires: 6/8/2012.

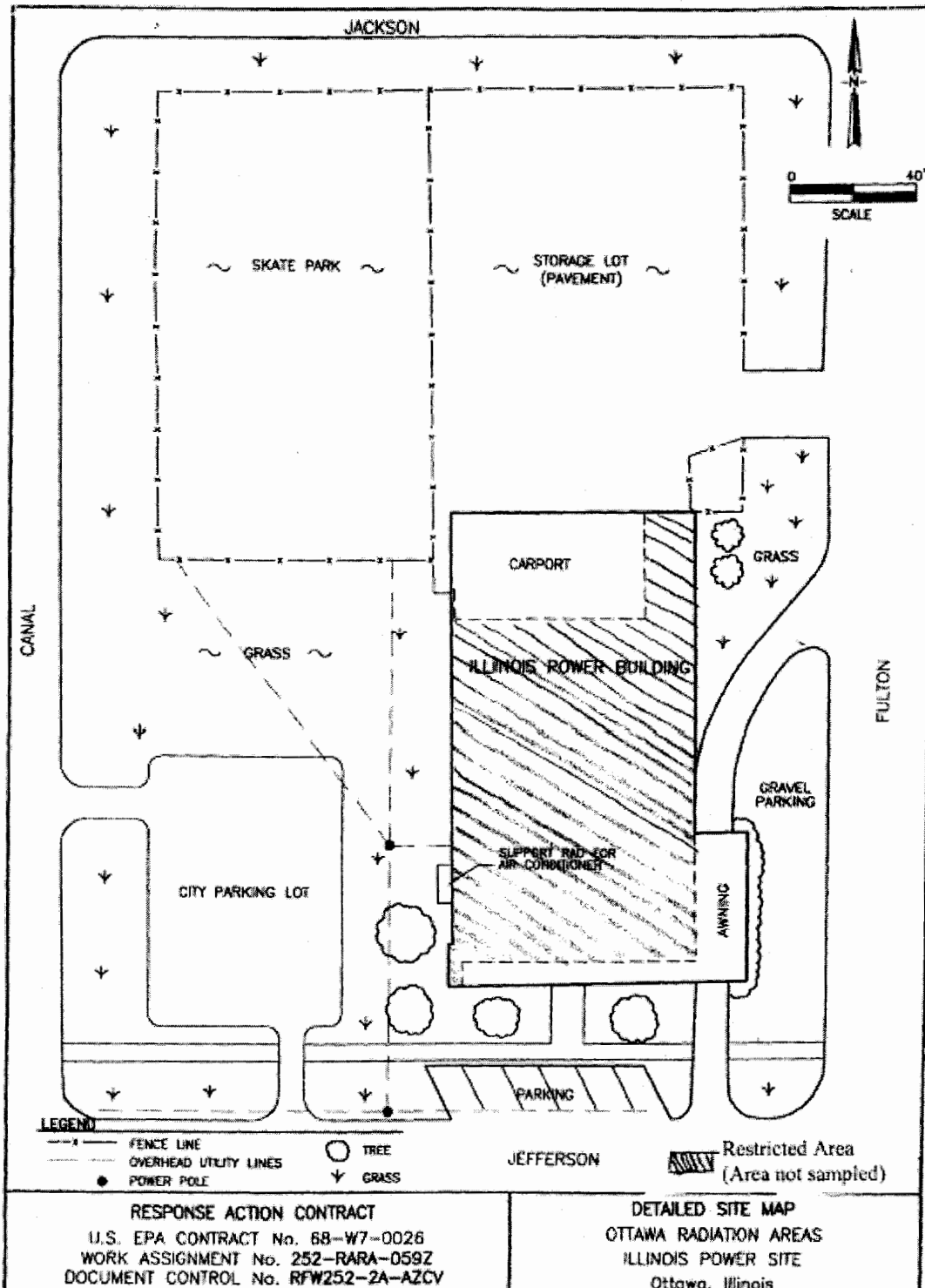
APPENDIX 1

LEGAL DESCRIPTION OF THE PROPERTY

Lots 1, 2, 3, 4 and 5 in Block 83 in State's Addition to Ottawa, situated in the City of Ottawa; situated in LaSalle County, Illinois.

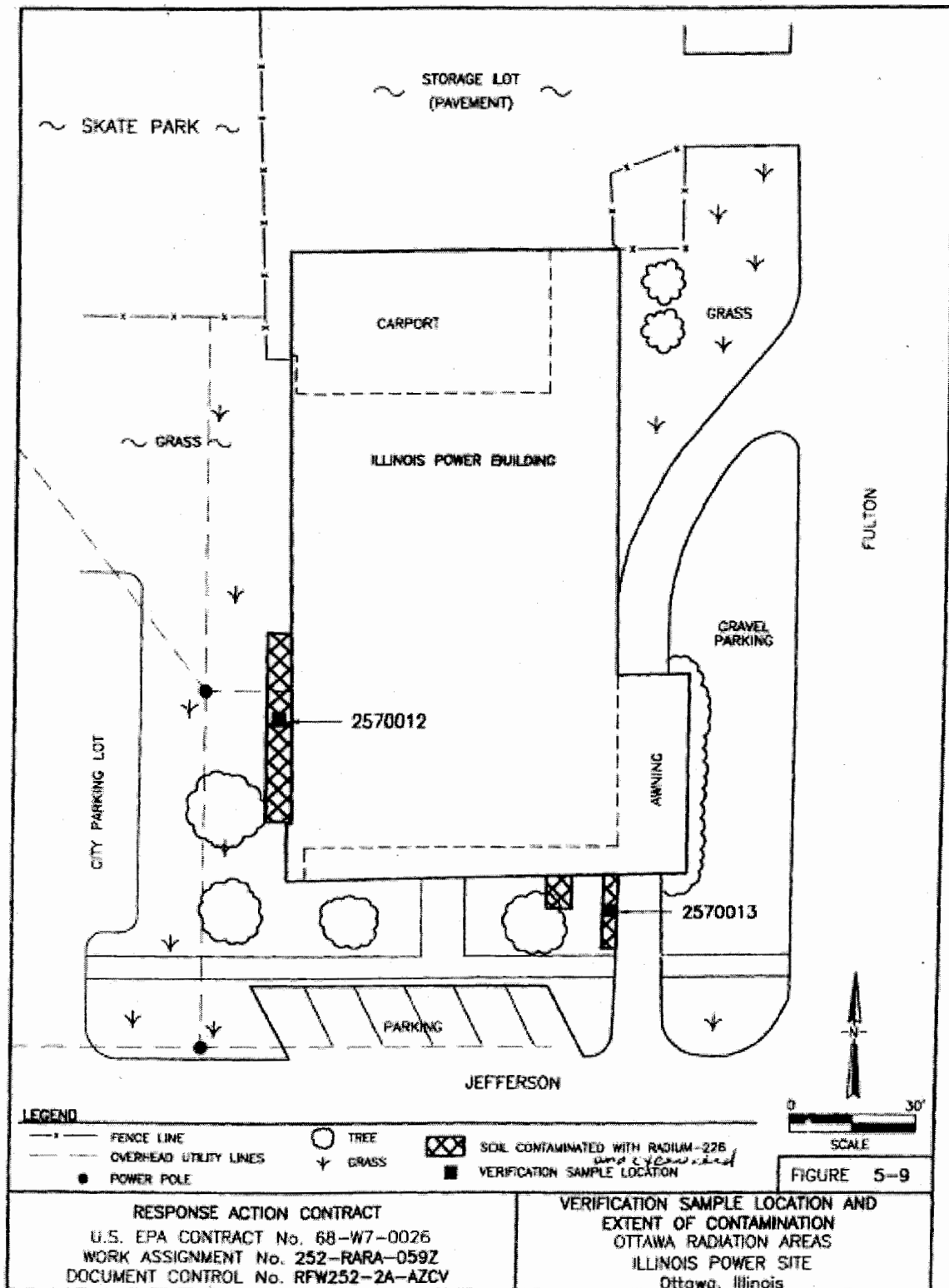
APPENDIX 2 **AREAS NOT SAMPLED AND** **EXTENT OF CONTAMINATION IS UNKNOWN**

Appendix 2: Area Not Sampled



APPENDIX 3 **AREAS WHERE SOIL HAS BEEN EXCAVATED**

Appendix 3: Area Excavated



Endnotes:

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- ⁱ U.S. Environmental Protection Agency (EPA). 2023. "Ottawa Radiation Areas Cleanup Activities." Accessed at: <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0500634#bkground>
- ⁱⁱ Zhang, Sarah. 2017. "A Century Later, the Factory that Poisoned the 'Radium Girls' is Still a Superfund Site." Accessed at: <https://www.theatlantic.com/science/archive/2017/03/radium-superfund-legacy/622528/>. March.
- ⁱⁱⁱ EPA. 2023. "Ottawa Radiation Areas Cleanup Activities." Accessed at: <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0500634#bkground>
- ^{iv} EPA. 2023. "Ottawa Radiation Areas Cleanup Activities." Accessed at: <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0500634#bkground>
- ^v EPA. 2023. "Ottawa Radiation Areas Stay Updated, Get Involved." Accessed at: <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Stayup&id=0500634#Stayup>
- ^{vi} The Editors of Encyclopaedia Britannica. N.d. "Ottawa. Illinois, United States." Accessed at: <https://www.britannica.com/place/Ottawa-Illinois>
- ^{vii} Bill Walsh Chevy. N.d. "History of Ottawa, IL." Accessed at: <https://www.billwalshchevy.com/history-of-ottawa--il.htm>
- ^{viii} Steele, Jeffrey. 1994. "Ottawa's Rebirth." Accessed at: <https://www.chicagotribune.com/news/ct-xpm-1994-05-22-9405220224-story.html>. May.
- ^{ix} The Editors of Encyclopaedia Britannica. N.d. "Ottawa. Illinois, United States." Accessed at: <https://www.britannica.com/place/Ottawa-Illinois>
- ^x Bill Walsh Chevy. N.d. "History of Ottawa, IL." Accessed at: <https://www.billwalshchevy.com/history-of-ottawa--il.htm>
- ^{xi} Reddick Mansion. N.d. "The Reddick Family." Accessed at: <http://reddickmansion.org/william-reddick1.html>
- ^{xii} National Archives Catalog. 1969. "National Register of Historic Places Inventory – Nomination Form." Accessed at: <https://catalog.archives.gov/id/28893395>
- ^{xiii} National Park Service. 2015. "First Debate: Ottawa, Illinois." Accessed at: <https://www.nps.gov/liho/learn/historyculture/debate1.htm>
- ^{xiv} National Park Service. N.d. "John Hossack House." Accessed at: <https://www.nps.gov/nr/travel/underground/il2.htm>
- ^{xv} Bill Walsh Chevy. N.d. "History of Ottawa, IL." Accessed at: <https://www.billwalshchevy.com/history-of-ottawa--il.htm>
- ^{xvi} Steele, Jeffrey. 1994. "Ottawa's Rebirth." Accessed at: <https://www.chicagotribune.com/news/ct-xpm-1994-05-22-9405220224-story.html>. May.
- ^{xvii} Boy Scouts of America. N.d. "BSA Founded." Accessed at: <https://oa-bsa.org/history/bsa-founded>
- ^{xviii} Vaughan, Don. N.d. "Radium Girls: The Women Who Fought for their Lives in a Killer Workplace." Accessed at: <https://www.britannica.com/story/radium-girls-the-women-who-fought-for-their-lives-in-a-killer-workplace>
- ^{xix} Steele, Jeffrey. 1994. "Ottawa's Rebirth." Accessed at: <https://www.chicagotribune.com/news/ct-xpm-1994-05-22-9405220224-story.html>. May.

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- ^{xx} Bill Walsh Chevy. N.d. "History of Ottawa, IL." Accessed at: <https://www.billwalshchevy.com/history-of-ottawa--il.htm>
- ^{xxi} City of Ottawa. N.d. "City Council." Accessed at: <https://cityofottawa.org/city-council/>
- ^{xxii} The White House. 2021. "Fact Sheet: The Bipartisan Infrastructure Deal." Accessed at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/>. November.
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- ^{xxiv} Centers for Disease Control and Prevention (CDC). 2022. "Polycyclic Aromatic Hydrocarbons (PAHs) Factsheet." Accessed at: [https://www.cdc.gov/biomonitoring/PAHs_FactSheet.html#:~:text=Polycyclic%20aromatic%20hydrocarbons%20\(PAHs\)%20are,small%20particles%20in%20the%20air](https://www.cdc.gov/biomonitoring/PAHs_FactSheet.html#:~:text=Polycyclic%20aromatic%20hydrocarbons%20(PAHs)%20are,small%20particles%20in%20the%20air). March.
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