



Lake County Illinois

Legislation Details (With Text)

File #: 21-1718 **Version:** 1 **Name:** Sunset Avenue Remediation
Type: resolution **Status:** Passed
File created: 10/21/2021 **In control:** Public Works, Planning & Transportation Committee
On agenda: **Final action:** 11/9/2021
Title: Resolution authorizing the execution of an Application and Services Agreement form to request a No Further Remediation letter from the Illinois Environmental Protection Agency for impacts to the Sunset Avenue right-of-way associated with an incident that occurred at the AB Specialty Silicones, LLC property located at 3970 Sunset Avenue in Waukegan, Illinois.

Sponsors:

Indexes:

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Attachments: 1. 21-1718 Environmental Documentation, 2. 21-1718 Location Map, Sunset Avenue Remediation

Date	Ver.	Action By	Action	Result
11/9/2021	1	Lake County Board	adopted	Pass
11/3/2021	1	Public Works, Planning & Transportation Committee	recommended for adoption to the regular agenda	Pass

Resolution authorizing the execution of an Application and Services Agreement form to request a No Further Remediation letter from the Illinois Environmental Protection Agency for impacts to the Sunset Avenue right-of-way associated with an incident that occurred at the AB Specialty Silicones, LLC property located at 3970 Sunset Avenue in Waukegan, Illinois.

- On May 3, 2019, an explosion occurred at the AB Specialty Silicones, LLC site located at 3970 Sunset Avenue in Waukegan, Illinois, which released potential contaminants to the surrounding area including the Sunset Avenue right-of-way.
- AB Specialty Silicones, LLC has already undertaken activities to remediate contamination as a result of the incident and has requested from the Illinois Environmental Protection Agency (IEPA) a No Further Remediation (NFR) letter for its site and other properties affected by the incident, including the Sunset Avenue right-of-way.
- This resolution gives the County Engineer the authority to execute an Application and Services Agreement form to allow the Sunset Avenue site to be entered into the IEPA's site remediation program. It also gives the County Engineer, with consultation from the State's Attorney's Office, the authority to review and certify the NFR letter if the terms and conditions are reasonable.

RESOLUTION

WHEREAS, on May 3, 2019, an explosion occurred at the AB Specialty Silicones, LLC site located at 3970 Sunset Avenue, Waukegan, Illinois; and

WHEREAS, as a result of the incident, contaminants were released which included water

runoff from the incident response which traveled through the right-of-way along Sunset Avenue; and

WHEREAS, as Sunset Avenue, County Highway 46, is a designated route on the County highway system, the Sunset Avenue right-of-way is owned by Lake County; and

WHEREAS, after the incident, AB Specialty Silicones, LLC undertook soil testing on February 21, 2020, which indicated methanol concentrations in three samples that exceeded Tier 1 site remediation objectives identified for the site; and

WHEREAS, subsequent soil testing on October 28, 2020, show that methanol concentrations had attenuated and were below the Tier 1 remedial objectives and that the Sunset Avenue right-of-way area is sufficiently protective of human health and the environment; and

WHEREAS, AB Specialty Silicones, LLC has already undertaken activities to remediate contamination as a result of the incident and has requested from the Illinois Environmental Protection Agency (IEPA) a No Further Remediation (NFR) letter for its site and other properties affected by the incident, including the Sunset Avenue right-of-way; and

WHEREAS, a NFR letter releases further responsibility for remedial actions taken regarding the affected property and constitutes prima facie evidence that environmental conditions at the remediation site do not constitute a significant threat to human health and the environment; and

WHEREAS, as a condition of granting the NFR letter to AB Specialty Silicones, LLC, the IEPA requires that property owners affected by the remediation give written permission to enroll their property into the site remediation program and the authority to conduct remedial investigation and activities and seek a NFR letter from the IEPA; and

WHEREAS, by including the Sunset Avenue right-of-way in the AB Specialty Silicones, LLC NFR letter request, the County would also be identified as a recipient of the NFR.

NOW, THEREFORE BE IT RESOLVED by this Lake County Board, that the County Engineer is authorized and hereby directed to execute the Application and Services Agreement form for AB Specialty Silicones, LLC to enter the Sunset Avenue right-of-way into the site remediation program and request a NFR letter from the IEPA for the impacts to the Sunset Avenue right-of-way associated with the incident which occurred on May 3, 2019, at the AB Specialty Silicones, LLC property located at 3970 Sunset Avenue, Waukegan, Illinois.

BE IT FURTHER RESOLVED by this Lake County Board, that the County Engineer is authorized to review the NFR letter issued by the IEPA related to the Sunset Avenue right-of-way and if, after consultation with the State's Attorney's Office, it is determined that the terms and conditions are reasonable and protective of the County's interests the County Engineer is authorized to execute the certification to accept such terms and conditions and land use limitations set forth in the letter.

DATED at Waukegan, Illinois on November 9, 2021.