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Village Asks IEPA to Send Utilities Back to Bargaining Table

Village officials have asked the Illinois Environmental Protection Agency to urge ComEd and Nicor to renew negotiations on a plan to complete the clean up of Barrie Park.

In a letter sent Friday, Village Manager Carl Swenson asked IEPA Director Renee Cipriano to only review plans that have been approved by the Village, the Park District and the utilities, and reject any unilateral attempts to gain agency support.

“The Village had been engaged in what we thought to be good-faith negotiations with the utilities since the work was suspended in March due to emission concerns,” Swenson said. “We were surprised to read in the newspapers that ComEd and Nicor, while asking the Village and Park District for more time to review our recommendations, had instead gone directly to the IEPA and asked its staff to choose between the utilities’ plan and ours.

“Prior to this unilateral move by the utilities, all communication from the IEPA had indicated that, as a voluntary remediation, the agency would only review a plan acceptable to the property owners, which the utilities plan certainly is not. Our intent in writing to the IEPA was to point out how we had been adhering to what we understood to be their directions and ask them to ask the same of the utilities.”

Swenson said the Village hopes the IEPA will send any plans, analyses, recommendations and other materials related to restarting work in Barrie Park submitted unilaterally by ComEd and/or Nicor back to their authors, unread and unconsidered. At the same time, he said he expects the IEPA to direct ComEd and Nicor to work it out with the property owners before asking for agency input.

“We believe that the utilities’ actions were highly inappropriate and I would expect and hope that your office would not allow itself to be the subject of such tactics and, instead, would redirect the utilities to reach agreement with the property owners and submit one agreed upon CAP (Corrective Action Plan) for the agency’s review,” Swenson wrote in his letter to Cipriano.

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Work at the site was suspended in mid-March when samples from two of the nine air monitors along the perimeter indicated levels of benzene would, by the end of the project, exceed the levels established before work began. Excavation has remained suspended pending a plan from the utility companies to bring emission levels down. At the time of the work suspension, about one-third of the soil in the 3.5-acre park on the Village's southeast side had been removed and replaced.

To get work back underway, ComEd and Nicor proposed dramatically scaling back the project, and leaving remaining contamination in the Park and parkways under a layer of clay. Village and Park District environmental experts countered with a series of recommendations that would allow the project to be completed as originally planned.

While saying they needed more time to study these recommendations, ComEd and Nicor officials surreptitiously submitted their plan and a negative review of the Village's recommendations to the IEPA in what Swenson termed in his letter to Cipriano, "appears to be an ill-fated attempt to have the agency choose."

Swenson told Cipriano that despite a breach of faith and fairness by the utilities, misrepresentation of the Village's recommendations and disregard of previous IEPA direction, the Village remains ready to negotiate with the utilities to come up with an acceptable plan for allowing work to continue.

"I believe that through continued dialogue we can achieve a result that is satisfactory to all of those involved in this process," he wrote.

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