

104TH CONGRESS
1ST SESSION

S. 449

To establish the Midewin National Tallgrass Prairie in the State of Illinois,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16 (legislative day, JANUARY 30), 1995

Mr. SIMON (for himself and Ms. MOSELEY-BRAUN) introduced the following
bill; which was read twice and referred to the Committee on Armed Services

A BILL

To establish the Midewin National Tallgrass Prairie in the
State of Illinois, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illinois Land Conserva-
5 tion Act of 1995”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act (unless the context clearly re-
8 quires otherwise) :

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) AGRICULTURAL PURPOSES.—The term “ag-
5 ricultural purposes” means, with respect to land, the
6 use of land for row crops, pasture, hay, or grazing.

7 (3) ARSENAL.—The term “Arsenal” means the
8 Joliet Army Ammunition Plant located in the State
9 of Illinois.

10 (4) ARSENAL LAND USE CONCEPT.—The term
11 “Arsenal Land Use Concept” refers to the proposals
12 that were developed and unanimously approved on
13 April 8, 1994, by the Joliet Arsenal Citizen Plan-
14 ning Commission.

15 (5) CERCLA.—The term “CERCLA” means
16 the Comprehensive Environmental Response, Com-
17 pensation, and Liability Act of 1980 (42 U.S.C.
18 9601 et seq.).

19 (6) DEFENSE ENVIRONMENTAL RESTORATION
20 PROGRAM.—The term “Defense Environmental Res-
21 toration Program” means the Defense Environ-
22 mental Restoration Program established under sec-
23 tion 2701 of title 10, United States Code.

24 (7) ENVIRONMENTAL LAW.—The term “envi-
25 ronmental law” means all applicable Federal, State,

1 and local laws, regulations, and requirements related
2 to the protection of human health, natural and cul-
3 tural resources, or the environment, including—

4 (A) CERCLA;

5 (B) the Solid Waste Disposal Act (42
6 U.S.C. 6901 et seq.);

7 (C) the Federal Water Pollution Control
8 Act (commonly known as the “Clean Water
9 Act”; 33 U.S.C. 1251 et seq.);

10 (D) the Clean Air Act (42 U.S.C. 7401 et
11 seq.);

12 (E) the Federal Insecticide, Fungicide, and
13 Rodenticide Act (7 U.S.C. 136 et seq.);

14 (F) the Toxic Substances Control Act (15
15 U.S.C. 2601 et seq.); and

16 (G) title XIV of the Public Health Service
17 Act (commonly known as the “Safe Drinking
18 Water Act”) (42 U.S.C. 300f et seq.).

19 (8) HAZARDOUS SUBSTANCE.—The term “haz-
20 arduous substance” has the meaning given the term
21 in section 101(14) of CERCLA (42 U.S.C.
22 9601(14)).

23 (9) MNP.—The term “MNP” means the
24 Midewin National Tallgrass Prairie established

1 under section 3 and managed as part of the Na-
2 tional Forest System.

3 (10) NATIONAL CEMETERY.—The term “na-
4 tional cemetery” means a cemetery that is part of
5 the National Cemetery System under chapter 24 of
6 title 38, United States Code.

7 (11) PERSON.—The term “person” has the
8 meaning given the term in section 101(21) of
9 CERCLA (42 U.S.C. 9601(21)).

10 (12) POLLUTANT OR CONTAMINANT.—The term
11 “pollutant or contaminant” has the meaning given
12 the term in section 101(33) of CERCLA (42 U.S.C.
13 9601(33)).

14 (13) RELEASE.—The term “release” has the
15 meaning given the term in section 101(22) of
16 CERCLA (42 U.S.C. 9601(22)).

17 (14) RESPONSE.—The term “response” has the
18 meaning given the term in section 101(25) of
19 CERCLA (42 U.S.C. 9601(25)).

20 (15) SECRETARY.—The term “Secretary”
21 means the Secretary of Agriculture.

22 **SEC. 3. ESTABLISHMENT OF THE MIDEWIN NATIONAL**
23 **TALLGRASS PRAIRIE.**

24 (a) ESTABLISHMENT.—On the date of the initial
25 transfer of jurisdiction of portions of the Arsenal to the

1 Secretary under section 4(a)(1), the Secretary shall estab-
2 lish the MNP described in subsection (b).

3 (b) DESCRIPTION.—The MNP shall consist of all por-
4 tions of the Arsenal transferred to the Secretary under
5 this Act.

6 (c) ADMINISTRATION.—The Secretary shall manage
7 the MNP as a part of the National Forest System in ac-
8 cordance with this Act and the laws, rules, and regulations
9 pertaining to the National Forests, except that the
10 Bankhead-Jones Farm Tenant Act (7 U.S.C. 1000 et
11 seq.) shall not apply to the MNP.

12 (d) LAND ACQUISITION FUNDS.—Notwithstanding
13 section 7 of the Land and Water Conservation Fund Act
14 of 1965 (16 U.S.C. 4601–9), money appropriated from the
15 land and water conservation fund established under sec-
16 tion 2 of the Act (16 U.S.C. 4601–5) may be used for ac-
17 quisition of lands and interests in land for inclusion in
18 the MNP.

19 (e) LAND AND RESOURCE MANAGEMENT PLAN.—
20 The Secretary shall develop a land and resource manage-
21 ment plan for the MNP, after consulting with the Illinois
22 Department of Conservation and local governments adja-
23 cent to the MNP and providing an opportunity for public
24 comment.

1 (f) PRE-PLAN MANAGEMENT.—In order to expedite
2 the administration and public use of the MNP, the Sec-
3 retary may, prior to the development of a land and re-
4 source management plan for the MNP under subsection
5 (e), manage the MNP for the purposes described in sub-
6 section (g).

7 (g) PURPOSES OF MNP.—In establishing the MNP,
8 the Secretary shall—

9 (1) conserve and enhance populations and habi-
10 tats of fish, wildlife, and plants, including popu-
11 lations of grassland birds, raptors, passerines, and
12 marsh and water birds;

13 (2) restore and enhance, where practicable,
14 habitats for species listed as threatened or endan-
15 gered, or proposed to be listed, under section 4 of
16 the Endangered Species Act of 1973 (16 U.S.C.
17 1533);

18 (3) provide fish- and wildlife-oriented public
19 uses at levels compatible with the conservation, en-
20 hancement, and restoration of native wildlife and
21 plants and the habitats of native wildlife and plants;

22 (4) provide opportunities for scientific research;

23 (5) provide opportunities for environmental and
24 land use education;

1 (6) manage the land and water resources of the
2 MNP in a manner that will conserve and enhance
3 the natural diversity of native fish, wildlife, and
4 plants;

5 (7) conserve and enhance the quality of aquatic
6 habitat; and

7 (8) provide for public recreation insofar as the
8 recreation is compatible with paragraphs (1) through
9 (7).

10 (h) PROHIBITION AGAINST THE CONSTRUCTION OF
11 NEW THROUGH ROADS.—

12 (1) IN GENERAL.—Subject to paragraph (2), no
13 new construction of a highway, public road, or part
14 of the interstate system, whether Federal, State, or
15 local, shall be permitted through or across any por-
16 tion of the MNP.

17 (2) ALLOWED ACCESS.—This subsection does
18 not preclude—

19 (A) construction and maintenance of roads
20 for use within the MNP;

21 (B) the granting of authorizations for util-
22 ity rights-of-way under applicable Federal,
23 State, or local law;

1 (C) necessary access by the Secretary of
2 the Army for purposes of restoration and clean-
3 up as provided in this Act;

4 (D) such other access as is necessary.

5 (i) AGRICULTURAL LEASES AND SPECIAL USE AU-
6 THORIZATIONS.—

7 (1) PREVIOUS LEASE.—If, at the time of trans-
8 fer of jurisdiction under section 4(a), there exists a
9 lease issued by the Secretary of the Army, Secretary
10 of Defense, or an employee of the Secretary of the
11 Army or the Secretary of Defense, for agricultural
12 purposes on the land transferred, the Secretary, on
13 the transfer of jurisdiction, shall issue a special use
14 authorization. Subject to paragraph (3), the terms
15 of the special use authorization shall be identical in
16 substance to the lease, including terms prescribing
17 the expiration date and any payments owed to the
18 United States. On issuance of the special use au-
19 thorization, the lease shall become void.

20 (2) OTHER SPECIAL USE AUTHORIZATIONS.—
21 The Secretary may issue a special use authorization
22 to a person for use of the MNP for agricultural pur-
23 poses. The special use authorization shall require
24 payment of a rental fee, in advance, that is based on
25 the fair market value of the use allowed. Fair mar-

1 ket value shall be determined by appraisal or a com-
2 petitive bidding process. Subject to paragraph (3),
3 the special use authorization shall include such
4 terms and conditions as the Secretary considers ap-
5 propriate.

6 (3) LIMITATION ON SPECIAL USE AUTHORIZA-
7 TIONS.—No special use authorization shall be issued
8 under this subsection that has a term extending be-
9 yond the date that is 20 years after the date of en-
10 actment of this Act, unless the special use authoriza-
11 tion is issued primarily for purposes related to—

12 (A) erosion control;

13 (B) provision for food and habitat for fish
14 and wildlife; or

15 (C) resource management activities con-
16 sistent with the purposes of the MNP.

17 (j) TREATMENT OF RENTAL FEES.—Funds received
18 under a special use authorization issued under subsection
19 (i) shall be subject to distribution to the State of Illinois
20 and affected counties in accordance with the Act of May
21 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500) and
22 section 13 of the Act of March 1, 1911 (36 Stat. 963,
23 chapter 186; 16 U.S.C. 500). All funds not distributed
24 under the Acts shall be credited to an MNP Rental Fee
25 Account, to be maintained by the Secretary of the Treas-

1 ury. Amounts in the Account shall remain available until
2 expended, without fiscal year limitation. The Secretary
3 may use funds in the Account to carry out prairie-im-
4 provement work. Any funds in the account that the Sec-
5 retary determines to be in excess of the cost of doing prai-
6 rie-improvement work shall be transferred, on the deter-
7 mination, to miscellaneous receipts, Forest Service Fund,
8 as a National Forest receipt for the fiscal year in which
9 the transfer is made.

10 (k) USER FEES.—The Secretary is authorized to
11 charge reasonable fees for the admission, occupancy, and
12 use of the MNP and may prescribe a fee schedule provid-
13 ing for a reduction or a waiver of fees for a person en-
14 gaged in an activity authorized by the Secretary, including
15 volunteer services, research, or education. The Secretary
16 shall permit admission, occupancy, and use of the MNP
17 at no charge for a person possessing a valid Golden Eagle
18 Passport or Golden Age Passport.

19 (l) SALVAGE OF IMPROVEMENTS.—The Secretary
20 may sell for salvage value any facility or improvement that
21 is transferred to the Secretary under this Act.

22 (m) TREATMENT OF USER FEES AND SALVAGE RE-
23 CEIPTS.—Funds collected under subsections (k) and (l)
24 shall be credited to a Midewin National Tallgrass Prairie
25 Restoration Fund, to be maintained by the Secretary of

1 the Treasury. Amounts in the Fund shall remain available,
2 subject to appropriation, without fiscal year limitation.
3 The Secretary may use amounts in the Fund for restora-
4 tion and administration of the MNP, including construc-
5 tion of a visitor and education center, restoration of
6 ecosystems, construction of recreational facilities (such as
7 trails), construction of administrative offices, and oper-
8 ation and maintenance of the MNP.

9 (n) COOPERATION WITH STATES, LOCAL GOVERN-
10 MENTS, AND OTHER ENTITIES.—In the management of
11 the MNP, the Secretary shall, to the extent practicable,
12 cooperate with affected appropriate Federal, State, and
13 local governmental agencies, private organizations, and
14 corporations. The cooperation may include entering a co-
15 operative agreement or exercising authority under the Co-
16 operative Forestry Assistance Act of 1978 (16 U.S.C.
17 2101 et seq.) or the Forest and Rangeland Renewable Re-
18 sources Research Act of 1978 (16 U.S.C. 1641 et seq.).
19 The purpose of the cooperation may include public edu-
20 cation, land and resource protection, or cooperative man-
21 agement among government, corporate, and private land-
22 owners in a manner that is consistent with this Act.

23 **SEC. 4. TRANSFER OF MANAGEMENT RESPONSIBILITIES**
24 **AND JURISDICTION OVER THE ARSENAL.**

25 (a) PHASED TRANSFER OF JURISDICTION.—

1 (1) INITIAL TRANSFER.—Not later than 180
2 days after the date of the enactment of this Act, the
3 Secretary of the Army shall transfer to the Sec-
4 retary those portions of the Arsenal property identi-
5 fied for transfer to the Secretary under subsection
6 (c), and shall transfer to the Secretary of Veterans
7 Affairs those portions identified for transfer to the
8 Secretary of Veterans Affairs under section 5(c)(4).
9 In the case of the Arsenal property to be transferred
10 to the Secretary of Agriculture, the Secretary of the
11 Army shall transfer to the Secretary of Agriculture
12 only those portions for which the Secretary of the
13 Army and the Administrator concur in finding that
14 no further action is required under any environ-
15 mental law and that have been eliminated from the
16 areas to be further studied pursuant to the Defense
17 Environmental Restoration Program for the Arsenal.
18 Not later than 120 days after the date of the enact-
19 ment of this Act, the Secretary of the Army and
20 the Administrator shall provide to the Secretary—
21 (A) all documentation that exists on the
22 date the documentation is provided that sup-
23 ports the finding; and
24 (B) all information that exists on the date
25 the information is provided that relates to the

1 environmental conditions of the portions of the
2 Arsenal to be transferred to the Secretary
3 under this paragraph.

4 (2) ADDITIONAL TRANSFERS.—

5 (A) IN GENERAL.—The Secretary of the
6 Army shall transfer to the Secretary of Agri-
7 culture any portion of the property generally
8 identified in subsection (c) and not transferred
9 pursuant to paragraph (1) when the Secretary
10 of the Army and the Administrator concur in
11 finding that no further action is required at
12 that portion of property under any environ-
13 mental law and that the portion has been elimi-
14 nated from the areas to be further studied pur-
15 suant to the Defense Environmental Restora-
16 tion Program for the Arsenal.

17 (B) DOCUMENTATION AND INFORMA-
18 TION.—Not later than 60 days prior to a trans-
19 fer under this paragraph, the Secretary of the
20 Army and the Administrator shall provide to
21 the Secretary—

22 (i) all documentation that exists on
23 the date the documentation is provided
24 that supports the finding; and

1 (ii) all information that exists on the
2 date the information is provided that re-
3 lates to the environmental conditions of the
4 portions of the Arsenal to be transferred to
5 the Secretary under this paragraph.

6 (C) PARCEL-BY-PARCEL.—Transfer of ju-
7 risdiction under this paragraph may be accom-
8 plished on a parcel-by-parcel basis.

9 (3) RESPONSIBILITIES AND LIABILITIES.—This
10 section shall not affect the responsibilities and liabil-
11 ities of the Secretary of the Army under section 6.

12 (b) TRANSFER WITHOUT REIMBURSEMENT.—The
13 Secretary of the Army shall transfer the area constituting
14 the MNP to the Secretary without reimbursement.

15 (c) IDENTIFICATION OF PORTIONS FOR TRANSFER
16 FOR MNP.—The lands to be transferred to the Secretary
17 under subsection (a) shall be identified in an agreement
18 between the Secretary of the Army and the Secretary. All
19 the real property and improvements comprising the Arse-
20 nal, except for lands and facilities described in subsection
21 (g) or designated for transfer or disposal to parties other
22 than the Secretary under section 5, shall be transferred
23 to the Secretary.

24 (d) SECURITY MEASURES.—The Secretary, the Sec-
25 retary of the Army, and the Secretary of Veterans Affairs,

1 shall each provide and maintain physical and other secu-
2 rity measures on such portion of the Arsenal as is under
3 the administrative jurisdiction of the respective Secretary.
4 The security measures (which may include fences and nat-
5 ural barriers) shall include measures to prevent members
6 of the public from gaining unauthorized access to such
7 portions of the Arsenal as are under the administrative
8 jurisdiction of each respective Secretary and that may en-
9 danger health or safety.

10 (e) COOPERATIVE AGREEMENTS.—The Secretary,
11 the Secretary of the Army, and the Administrator individ-
12 ually and collectively may enter into a cooperative agree-
13 ment or a memoranda of understanding among each other,
14 with another affected Federal agency, State or local gov-
15 ernment, private organization, or corporation to carry out
16 the purposes described in section 3(g).

17 (f) INTERIM ACTIVITIES OF THE SECRETARY.—Prior
18 to transfer and subject to such reasonable terms and con-
19 ditions as the Secretary of the Army may prescribe, the
20 Secretary may enter on the Arsenal property for purposes
21 related to planning, resource inventory, fish and wildlife
22 habitat manipulation (which may include prescribed burn-
23 ing), and other such activities consistent with the purposes
24 for which the MNP is established.

1 (g) PROPERTY USED FOR ENVIRONMENTAL CLEAN-
2 UP.—

3 (1) RETENTION.—The Secretary of the Army
4 shall retain jurisdiction, authority, and control over
5 real property at the Arsenal that is used for—

6 (A) water treatment;

7 (B) the treatment, storage, or disposal of
8 a hazardous substance, pollutant or contami-
9 nant, hazardous material, or petroleum product
10 or a derivative of the product;

11 (C) purposes related to a response at the
12 Arsenal; and

13 (D) actions required at the Arsenal under
14 an environmental law to remediate contamina-
15 tion or conditions of noncompliance with an en-
16 vironmental law.

17 (2) CONDITIONS.—The Secretary of the Army
18 shall consult with the Secretary regarding the identi-
19 fication and management of the real property re-
20 tained under this subsection and ensure that activi-
21 ties carried out on the property are compatible, to
22 the extent practicable, with the purposes for which
23 the MNP is established, as described in section 3(g),
24 and with the other provisions of this Act.

1 (3) PRIORITY OF RESPONSE.—In the case of a
2 conflict between management of the property by the
3 Secretary and a response or other action required
4 under an environmental law, or necessary to remedi-
5 ate a petroleum product or a derivative of the prod-
6 uct, the response or other action shall take priority.

7 (4) SURVEYS.—All costs of necessary surveys
8 for the transfer of jurisdiction of properties among
9 Federal agencies shall be shared equally by the Sec-
10 retary of the Army and the Secretary exercising ju-
11 risdiction over the property. In the case of lands
12 transferred to a non-Federal agency under section 5,
13 the Secretary of the Army shall pay the survey costs.

14 **SEC. 5. DISPOSAL FOR INDUSTRIAL PARKS, A COUNTY**
15 **LANDFILL, AND A NATIONAL VETERANS CEM-**
16 **ETERY AND TO THE ADMINISTRATOR OF**
17 **GENERAL SERVICES.**

18 (a) NATIONAL VETERANS CEMETERY.—The Sec-
19 retary of the Army shall convey to the Department of Vet-
20 erans Affairs, without compensation, an area of real prop-
21 erty to be used for a national cemetery, as authorized
22 under section 2337 of the National Defense Authorization
23 Act for Fiscal Years 1988 and 1989 (101 Stat. 1225),
24 consisting of approximately 910 acres, the approximate
25 legal description of which includes part of sections 30 and

1 31 Jackson Township, T. 34 N. R. 10 E., and including
2 part of sections 25 and 36 Channahon Township, T. 34
3 N. R. 9 E., Will County, Illinois, as depicted on the Arse-
4 nal Land Use Concept.

5 (b) COUNTY OF WILL LANDFILL.—

6 (1) IN GENERAL.—Subject to the other provi-
7 sions of this subsection, the Secretary of the Army
8 shall convey an area of real property to the County
9 of Will, without compensation, to be used for a land-
10 fill by the County, consisting of approximately 425
11 acres of the Arsenal, the approximate legal descrip-
12 tion of which includes part of sections 8 and 17,
13 Florence Township, T. 33 N. R. 10 E., Will County,
14 Illinois, as depicted in the Arsenal Land Use Con-
15 cept.

16 (2) ADDITIONS TO LANDFILL.—Additional acre-
17 age shall be added to the landfill described in para-
18 graph (1) as is necessary to reasonably accommo-
19 date needs for the disposal of refuse and other mate-
20 rials from the restoration and cleanup of the Arsenal
21 property.

22 (3) NO COMPENSATION.—Use of the landfill de-
23 scribed in paragraph (1) or additional acreage under
24 paragraph (2) by any agency of the Federal Govern-
25 ment shall be at no cost to the Federal Government.

1 (4) ADDITIONAL TERMS.—The Secretary of the
2 Army may require such additional terms and condi-
3 tions in connection with a conveyance under this
4 paragraph as the Secretary of the Army considers
5 appropriate to protect the interests of the United
6 States.

7 (5) REVERSIONARY INTEREST.—Any convey-
8 ance of real property under this subsection shall con-
9 tain a reversionary interest that provides that the
10 property shall revert to the Secretary of the Agri-
11 culture for inclusion in the MNP if the property is
12 not operated as a landfill.

13 (6) ENVIRONMENTAL LIABILITY.—Liability for
14 environmental conditions at or related to the landfill
15 described in paragraph (1) resulting from activities
16 occurring at the landfill after the date of enactment
17 of this Act and before a revision under paragraph
18 (5) shall be borne by the County of Will.

19 (c) VILLAGE OF ELWOOD INDUSTRIAL PARK.—The
20 Secretary of the Army shall convey an area of real prop-
21 erty to the Village of Elwood, Illinois, to be used for an
22 industrial park, consisting of approximately 1,900 acres
23 of the Arsenal, the approximate legal description of which
24 includes part of section 30, Jackson Township, T. 34 N.
25 R. 10 E., and sections or part of sections 24, 25, 26, 35,

1 and 36 Channahon Township, T. 34 N. R. 9 E., Will
2 County, Illinois, as depicted on the Arsenal Land Use
3 Concept. The conveyance shall be at fair market value,
4 as determined in accordance with Federal appraisal stand-
5 ards and procedures. Any funds received by the Village
6 of Elwood from the sale or other transfer of the property,
7 or portions of the property, less any costs expended for
8 improvements on the property, shall be remitted to the
9 Secretary of the Army.

10 (d) CITY OF WILMINGTON INDUSTRIAL PARK.—The
11 Secretary of the Army shall convey an area of real prop-
12 erty to the City of Wilmington, Illinois, to be used for an
13 industrial park, consisting of approximately 1,100 acres
14 of the Arsenal, the approximate legal description of which
15 includes part of sections 16, 17, and 18 Florence Town-
16 ship, T. 33 N. R. 10 E., Will County, Illinois, as depicted
17 on the Arsenal Land Use Concept. The conveyance shall
18 be at fair market value, as determined in accordance with
19 Federal appraisal standards and procedures. Any funds
20 received by the City of Wilmington from the sale or other
21 transfer of the property, or portions of the property, less
22 any costs expended for improvements on the property,
23 shall be remitted to the Secretary of the Army.

24 (e) OPTIONAL ADDITIONAL AREAS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the construction and installation of any reme-
3 dial design approved by the Administrator and re-
4 quired for any lands described in paragraph (2), the
5 Administrator shall provide to the Secretary all in-
6 formation existing on the date the information is
7 provided regarding the implementation of the reme-
8 dy, including information regarding the effective-
9 ness of the remedy. Not later than 180 days after
10 the Administrator provides the information to the
11 Secretary, the Secretary of the Army shall offer the
12 Secretary the option of accepting a conveyance of
13 the areas described in paragraph (2), without reim-
14 bursement, to be added to the MNP subject to the
15 terms and conditions, including the limitations on li-
16 ability, contained in this Act. If the Secretary de-
17 clines the offer, the property may be disposed of as
18 the Secretary of the Army would ordinarily dispose
19 of the property under applicable provisions of law.
20 The conveyance of property under this paragraph
21 may be accomplished on a parcel-by-parcel basis.

22 (2) DESCRIPTION OF AREAS.—

23 (A) IN GENERAL.—The areas on the Arse-
24 nal Land Use Concept that may be conveyed
25 under paragraph (1) are—

- 1 (i) manufacturing area, study area 1,
2 southern ash pile;
- 3 (ii) study area 2, explosive burning
4 ground;
- 5 (iii) study area 3, flashing-grounds;
- 6 (iv) study area 4, lead azide area;
- 7 (v) study area 10, toluene tank farms;
- 8 (vi) study area 11, landfill;
- 9 (vii) study area 12, sellite manufac-
10 turing area;
- 11 (viii) study area 14, former pond area;
- 12 (ix) study area 15, sewage treatment
13 plant;
- 14 (x) study area L1, load assemble
15 packing area, group 61;
- 16 (xi) study area L2, explosive burning
17 ground;
- 18 (xii) study area L3, demolition area;
- 19 (xiii) study area L4, landfill area;
- 20 (xiv) study area L5, salvage yard;
- 21 (xv) study area L7, group 1;
- 22 (xvi) study area L8, group 2;
- 23 (xvii) study area L9, group 3;
- 24 (xviii) study area L10, group 3A;
- 25 (xix) study area L12, Doyle Lake;

- 1 (xx) study area L14, group 4;
2 (xxi) study area L15, group 5;
3 (xxii) study area L18, group 8;
4 (xxiii) study area L19, group 9;
5 (xxiv) study area L20, group 20;
6 (xxv) study area L22, group 25;
7 (xxvi) study area L23, group 27;
8 (xxvii) study area L25, group 62;
9 (xxviii) study area L31, extraction
10 pits;
11 (xxix) study area L33, PVC area;
12 (xxx) study area L34, former burning
13 area; and
14 (xxxi) study area L35, fill area.

15 (B) ADDITIONAL AREAS.—The areas re-
16 ferred to in subparagraph (A) shall include all
17 associated inventoried buildings and structures
18 as identified in the Joliet Army Ammunition
19 Plant Plantwide Building and Structures Re-
20 port and the contaminate study sites for both
21 the manufacturing and load assembly and pack-
22 ing sides of the Joliet Arsenal as shown in the
23 Dames and Moore Final Report, Phase 2 Re-
24 medial Investigation Manufacturing (MFG)
25 Area Joliet Army Ammunition Plant Joliet, Illi-

1 nois (May 30, 1993. Contract No. DAAA15-90-
2 D-0015 task order No. 6 prepared for: United
3 States Army Environmental Center).

4 (C) EXCEPTION.—Notwithstanding sub-
5 paragraphs (A) and (B), the landfill and na-
6 tional cemetery described in paragraphs (3) and
7 (4) shall not be subject to paragraph (1).

8 **SEC. 6. CONTINUATION OF RESPONSIBILITY AND LIABILITY**
9 **OF THE SECRETARY OF THE ARMY FOR ENVI-**
10 **RONMENTAL CLEANUP.**

11 (a) RESPONSIBILITY.—A liability or responsibility of
12 the Secretary of the Army under an environmental law
13 shall not transfer to the Secretary of Agriculture as a re-
14 sult of this Act. With respect to the real property at the
15 Arsenal, the Secretary of the Army shall remain liable for
16 and continue to carry out—

17 (1) all responses required under CERCLA at or
18 related to the property;

19 (2) all remediation actions required under any
20 environmental law at or related to the property; and

21 (3) all actions required under any environ-
22 mental law to remediate petroleum products or de-
23 rivatives of the products (including motor oil and
24 aviation fuel) at or related to the property.

25 (b) LIABILITY.—

1 (1) IN GENERAL.—Nothing in this Act shall af-
2 fect, modify, amend, repeal, alter, limit, or otherwise
3 change, directly or indirectly, the responsibilities and
4 liabilities of a person under an applicable environ-
5 mental law, except as provided in paragraph (3) with
6 respect to the Secretary of Agriculture.

7 (2) LIABILITY OF THE SECRETARY OF THE
8 ARMY.—The Secretary of the Army shall retain any
9 obligation or other liability at the Arsenal that the
10 Secretary had under CERCLA and other environ-
11 mental laws. Following transfer of a portion of the
12 Arsenal under this Act, the Secretary of the Army
13 shall be accorded any easement or access to the
14 property that may be reasonably required to carry
15 out the obligation or satisfy the liability.

16 (3) LIABILITY OF THE DEPARTMENT OF AGRI-
17 CULTURE.—The Secretary of Agriculture shall not
18 be responsible or liable under any environmental law
19 for a matter that is related directly or indirectly to
20 an activity of the Secretary of the Army or a party
21 acting under the authority of the Secretary of the
22 Army in connection with the Defense Environmental
23 Restoration Program, at or related to the Arsenal,
24 including—

1 (A) the costs or performance of responses
2 required under CERCLA;

3 (B) the costs, penalties, or fines related to
4 noncompliance with an environmental law at or
5 related to the Arsenal or related to the pres-
6 ence, release, or threat of release of a, hazard-
7 ous substance, pollutant or contaminant, haz-
8 ardous waste, or hazardous material of any
9 kind at or related to the Arsenal, including con-
10 tamination resulting from migration of a haz-
11 ardous substance, pollutant or contaminant, a
12 hazardous material, or a petroleum product or
13 a derivative of the product disposed during an
14 activity of the Secretary of the Army; and

15 (C) the costs of an action necessary to
16 remedy noncompliance or another problem spec-
17 ified in subparagraph (B).

18 (d) PAYMENT OF RESPONSE COSTS.—A Federal
19 agency that had or has operations at the Arsenal resulting
20 in the release or threatened release of a hazardous sub-
21 stance or pollutant or contaminant shall pay the cost of
22 a related response and shall pay the costs of a related ac-
23 tion to remediate petroleum products or the derivatives of
24 the products, including motor oil and aviation fuel.

1 (e) CONSULTATION.—The Secretary shall consult
2 with the Secretary of the Army with respect to the man-
3 agement by the Secretary of real property included in the
4 MNP subject to a response or other action at the Arsenal
5 being carried out by or under the authority of the Sec-
6 retary of the Army under any environmental law. The Sec-
7 retary shall consult with the Secretary of the Army prior
8 to undertaking an activity on the MNP that may disturb
9 the property to ensure that the activity shall not exacer-
10 bate contamination problems or interfere with perform-
11 ance by the Secretary of the Army of a response at the
12 property. In carrying out a response at the Arsenal, the
13 Secretary of the Army shall consult with the Secretary to
14 ensure that the action is carried out in a manner compat-
15 ible with the purposes for which the MNP is established,
16 as specified in section 3(g), and with this Act.

17 **SEC. 7. DEGREE OF ENVIRONMENTAL CLEANUP.**

18 (a) IN GENERAL.—Nothing in this Act shall restrict
19 or lessen the degree of cleanup at the Arsenal required
20 to be carried out under any environmental law.

21 (b) RESPONSE.—The establishment of the MNP shall
22 not restrict or lessen in any way a response or degree of
23 cleanup required under CERCLA or other environmental
24 law, or a response required under any environmental law
25 to remediate petroleum products or the derivatives of the

1 products, including motor oil and aviation fuel, required
2 to be carried out by the Secretary of the Army at the Arse-
3 nal or surrounding areas.

4 (c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any
5 contract for sale, deed, or other transfer of real property
6 under section 5 shall be carried out in compliance with
7 section 120(h) of the CERCLA (42 U.S.C. 9620(h)) and
8 other environmental laws.

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