



December
2018

Cleanup Enforcement in Action: Addressing Community Needs in Chicago, Illinois

The Value of Environmental Enforcement

At the Celotex Corporation site in Chicago, EPA's environmental enforcement mechanisms and resources have played a vital role in supporting public health protection, environmental restoration and reuse. These outcomes are providing long-term community benefits for the nearby Little Village neighborhood.

EPA's environmental enforcement program facilitated early identification of the parties responsible for the cleanup of this former asphalt-roofing facility and executed an agreement with the parties to investigate site conditions and pay for and perform the cleanup. EPA enforcement staff also were part of a coordinated Agency approach that built on extensive and sustained community outreach to address long-term priorities for the site. Agreements clearly identified parties' roles and responsibilities, addressed ownership and liability concerns, and made sure the cleanup would be compatible with plans for La Villita Park.

Today, those plans are a reality. The park is a valued community resource that provides children and residents with access to athletic fields, a skate park, basketball courts, gardens, trails, a playground and a picnic pavilion.

Environmental Enforcement Benefits the Community

Environmental and public health impacts affect people most significantly where they live. EPA works to provide strong, effective enforcement support to all communities. As the Agency implements environmental and public health improvements across the country, EPA is looking for new ways to assist communities in environmentally overburdened, underserved, and economically distressed areas where the needs are greatest.

Innovative Approaches and Coordination Works to Get the Cleanup Done and a Site in Reuse

A Prospective Purchaser Agreement became the cornerstone of a cleanup and reuse process to transform an asphalt-roofing products site into a new park for residents of the Little Village neighborhood in the city of Chicago. For the first time, 6,000 children living within a 10-minute walk of the La Villita Park provides easy access to green space.

For the first time, 6,000 children living within a 10-minute walk of the park have easy access to green space and recreational areas!



A 2005 enforcement action memorandum documented EPA's selection of the final cleanup plan. Then, in an administrative settlement agreement, Honeywell agreed to pay for and perform the required cleanup. Enforcement staff discussed the settlement agreement with community members during a series of public meetings.

2006 – 2014

Expanding the Conversation, Enhancing Outcomes

By 2006, site stakeholders – regulatory agencies, the City of Chicago, LVEJO, other local organizations and community residents – unified their vision for the reuse of the property. They now considered the site as a potential asset rather than a liability for the community. Residents said they were interested in the area becoming a public park. The community's quality-of-life plan prioritized "access to parks and open space by improving existing facilities and creating a large new park." While several areas in Little Village were under consideration, the site was the strongest candidate for several reasons, including its central location, surrounding neighborhoods and schools within walking distance.

Community interest in a park led to a series of new questions. Could reuse fit well with the cleanup plan? Who would own, fund, develop and maintain the property? While answers to some of these questions – park funding, property ownership – needed to come from the community, EPA could address two key issues – liability concerns and cleanup plan compatibility.

Prospective Purchaser Agreements

EPA may enter into a prospective purchaser agreement with a party acquiring a property with potential CERCLA liability. The agreement includes a "covenant not to sue" in exchange for payment and/or work. A covenant not to sue protects the property owner or operator and future owners from being legally responsible to the federal government for further investigation and cleanup. This protection applies only when the property is used and maintained in the same manner as when the covenant was issued.

EPA enters into this agreement in limited circumstances, such as situations where a new use offers significant environmental benefits and there is a significant need for an agreement to help make a project happen.

Innovative Approaches to Getting the Cleanup Done

EPA's current strategic plan and cross-agency strategies provided a way to tackle both of these issues. EPA employed an enforcement tool – an agreement and covenant not to sue, also known as a prospective purchaser agreement. EPA entered into the agreement with the city and the Chicago Park District. Since the agreement extends a covenant not to sue from the federal government, the U.S. Department of Justice (DOJ) needed to be involved.



“The acquisition of the property would not have been possible without EPA’s work on the prospective purchaser agreement.” Lisa Misher, Senior Counsel with the City of Chicago’s Department of Law

EPA coordinated closely with DOJ and the city to develop language for the agreement. They created settlement terms ensuring that the Chicago Park District would serve as a reliable long-term steward of the site and its cleanup.

Signed in 2009, the agreement included several provisions:

- The city agreed to enhance the soil cover and seed with vegetation following Sustainable Sites Initiative practices. (To learn more, visit <http://www.sustainablesites.org>.)
- The city would develop a park on site using sustainable development practices within seven years of acquiring the property.
- The city agreed to fulfill due care provisions that would ensure the long-term protectiveness of the site's cleanup.
- In return, the federal government provided the city with a covenant not to sue, protecting the locality from potential liability for site contamination.
- The parties also agreed to coordinate on park design and construction activities (see text box below).

Integrating Cleanup and Reuse

EPA thoroughly reviewed the Chicago Park District's design to ensure the park would be designed and built in an environmentally responsible manner.

During cleanup, EPA required that the district follow several protective measures:

- Daily air monitoring for site-specific contaminants.
- Continuous dust monitoring when the cover was disturbed.
- Water spraying to minimize or eliminate any dust from escaping the site.
- Proper handling of contaminated material unearthed during installation of park features and taking it off site for proper disposal.

Due Care

The Superfund law requires the exercise of “due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all the relevant facts and circumstances.”

EPA works with parties at individual sites to identify specific due care requirements as part of cleanup and reuse activities.



EPA required that the Chicago Park District design and build the park in a sustainable and safe manner.

With the agreement in place, the city opened negotiations with property owner Sacramento Corp. The Chicago Park District then acquired the site property in 2012 for \$7.5 million. The agreement became a cornerstone in the reuse process. It enabled EPA to further environmental restoration and sustainability goals in alignment with community priorities and enabled the city to proceed with property acquisition. Construction quickly moved forward after EPA reviewed and approved the Chicago Park District's community-based design for the new park.

December 2014

La Villita Park opened to the community in December 2014. Chicago's mayor, LVEJO representatives, elected officials and community members attended the park's ribbon-cutting ceremony. The mayor spoke about Little Village and how 6,000 children living within a 10-minute



The community dedicated La Villita Park in December 2014.

walk of the park have easy access to green space for the first time.

Today, La Villita Park is a bustling community resource. Children play sports on athletic fields. Residents enjoy park features ranging from a skate park and basketball courts to gardens, trails, a playground and a picnic pavilion. Following the park's opening, the Chicago Park District and LVEJO developed and implemented outreach, education and crime prevention measures to ensure that the community was able to use the park to the greatest extent possible and to provide maximum benefits to the neighborhood.

Enforcement Makes a Difference

EPA's environmental enforcement program has helped make a difference in thousands of communities impacted by hazardous waste contamination. At sites like the Celotex Corporation site, the program helps ensure that viable liable parties perform and pay for prompt and protective cleanups and facilitates revitalization through the use of enforcement guidance materials and site-specific mechanisms to address potential liability concerns. In Chicago's vibrant Little Village neighborhood, clear communication, sustained engagement and creative problem solving have led to remarkable opportunities and long-term community benefits.



La Villita Park includes athletic fields, a skate park, basketball courts, gardens, trails, a playground and a picnic pavilion.

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