

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2398

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

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 16 (legislative day, AUGUST 11), 1994

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 AND DEFINITIONS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the “Il-  
5       linois Land Conservation Act of 1994”.

6       (b) **DEFINITIONS.**—For purposes of this Act:

7               (1) The term “Administrator” means the Ad-  
8       ministrator of the United States Environmental Pro-  
9       tection Agency.

1           (2) The term “agricultural purposes” means  
2 the use of land for row crops, pasture, hay and graz-  
3 ing.

4           (3) The terms “applicable law” and “applicable  
5 laws” mean all applicable Federal, State, and local  
6 laws, regulations, and requirements, including but  
7 not limited to the Comprehensive Environmental Re-  
8 sponse, Compensation and Liability Act of 1980 (42  
9 U.S.C. 9601 et seq.), the Resource Conservation and  
10 Recovery Act (42 U.S.C. 6901 et seq.), the Clean  
11 Water Act (33 U.S.C. 1251 et seq.), and the Clean  
12 Air Act (42 U.S.C. 7401 et seq.), and any amend-  
13 ments and implementing regulations of such Acts,  
14 and any other laws, regulations, and requirements  
15 related to protection of human health or the environ-  
16 ment.

17           (4) The terms “applicable environmental law”  
18 and “applicable environmental laws” mean all appli-  
19 cable Federal, State, and local laws, regulations, and  
20 requirements related to protection of human health  
21 or the environment, including but not limited to  
22 those stated in section 1(b)(3).

23           (5) The term “Arsenal” means the Joliet Army  
24 Ammunition Plant located in the State of Illinois.

1           (6) The acronym “CERCLA” means the Com-  
2           prehensive Environmental Response, Compensation  
3           and Liability Act of 1980 (42 U.S.C. 9601 et seq.),  
4           as amended.

5           (7) The term “hazardous substance” has the  
6           meaning given such term by section 101(14) of  
7           CERCLA (42 U.S.C. 9601(14)).

8           (8) The abbreviation “MNP” means the  
9           Midewin National Tallgrass Prairie established pur-  
10          suant to section 4 and managed as a part of the Na-  
11          tional Forest System.

12          (9) The term “person” has the meaning given  
13          that term by section 101(21) of CERCLA (42  
14          U.S.C. 9601(21)).

15          (10) The term “pollutant or contaminant” has  
16          the meaning given such term by section 101(33) of  
17          CERCLA (42 U.S.C. 9601(33)).

18          (11) The term “response action” has the mean-  
19          ing given the term “response” by section 101(25) of  
20          CERCLA (42 U.S.C. 9601(25)).

21          (12) The term “national cemetery” means a  
22          cemetery established and operated as part of the De-  
23          partment of Veterans Affairs National Cemetery  
24          System and subject to the provisions of chapter 24  
25          of title 38, United States Code.

1 **SEC. 2. TRANSFER OF MANAGEMENT RESPONSIBILITIES**  
2 **AND JURISDICTION OVER THE JOLIET ARSE-**  
3 **NAL.**

4 (a) PRINCIPLES OF TRANSFER.—

5 (1) The Congress hereby ratifies in principle  
6 the proposals generally identified by the land use  
7 plan which was developed by the Joliet Arsenal Citi-  
8 zen Planning Commission and unanimously ap-  
9 proved on April 8, 1994.

10 (2) The area constituting the MNP shall be  
11 transferred, without reimbursement, to the Secretary  
12 of Agriculture.

13 (3) Management by the Secretary of Agri-  
14 culture of those portions of the Arsenal so trans-  
15 ferred shall be in accordance with section 4.

16 (4) This Act does not change in any fashion the  
17 responsibilities or liabilities of any person under any  
18 applicable environmental law except that the Sec-  
19 retary of Agriculture shall not be liable or respon-  
20 sible for contamination resulting from or related to  
21 the condition of the property existing prior to trans-  
22 fer of the property, including but not limited to mi-  
23 gration of hazardous substances, pollutants, con-  
24 taminants, or petroleum products or their derivatives  
25 disposed during activities of the Department of the  
26 Army.

1           (5) The Secretary of the Army shall be respon-  
2           sible for the upkeep and maintenance of all fences,  
3           guardhouses, and other security facilities, as well as  
4           the costs of security personnel on all portions of the  
5           Arsenal that have not been transferred to the Sec-  
6           retary of Agriculture.

7           (6) The Secretary of the Army, the Secretary of  
8           Agriculture, and the Administrator are individually  
9           and collectively authorized to enter into cooperative  
10          agreements and memoranda of understanding  
11          among each other and with other affected Federal,  
12          State, and local governments, private organizations  
13          and corporations for the purposes of implementing  
14          this Act and carrying out the purposes for which the  
15          MNP is established.

16          (b) INTERIM ACTIVITIES OF THE SECRETARY OF AG-  
17          RICULTURE.—Prior to transfer and subject to such rea-  
18          sonable terms and conditions as the Secretary of the Army  
19          may prescribe, the Secretary of Agriculture may enter  
20          upon the Arsenal property for purposes related to plan-  
21          ning, resource inventory, fish and wildlife habitat manipu-  
22          lation (which may include prescribed burning), and other  
23          such activities consistent with the purposes for which the  
24          MNP is established. Except as provided in section 2(a)(4),  
25          the Secretary of Agriculture shall not be liable or respon-

1 sible in any way under CERCLA or any other applicable  
2 environmental law for environmental conditions related to  
3 any such interim activities.

4 (c) TRANSFER OF JURISDICTION.—Jurisdiction over  
5 lands comprising the Arsenal shall be transferred as fol-  
6 lows:

7 (1) Within 6 months of enactment of this Act  
8 and in accordance with section 2(a), the Secretary of  
9 the Army shall effect the transfer of those portions  
10 of the Arsenal property identified for transfer to the  
11 Secretary of Agriculture pursuant to section 2(c)(2)  
12 and to the Secretary of Veteran Affairs pursuant to  
13 section 5.

14 (2) The lands so transferred pursuant to para-  
15 graph (1) of subsection (c) shall be identified on a  
16 map or maps which shall be agreed to by the Sec-  
17 retary of the Army and the Secretary of Agriculture.  
18 Generally, the land to be transferred to the Sec-  
19 retary of Agriculture shall be all the real property  
20 and improvements comprising the Arsenal, except  
21 for lands and facilities described in section 2(d) or  
22 designated for disposal under section 5.

23 (3) All costs of necessary surveys for the trans-  
24 fer of jurisdiction of properties among Federal agen-  
25 cies shall be shared equally by the Secretary of the

1 Army and the Secretary of the Department to whom  
2 the land is being transferred. For lands transferred  
3 to a non-Federal agency pursuant to section 5, the  
4 Army shall pay the survey costs.

5 (d) PROPERTY USED FOR ENVIRONMENTAL CLEAN-  
6 UP PURPOSES.—The Secretary of the Army shall retain  
7 jurisdiction, authority, and control over real property at  
8 the Arsenal to be used for water treatment; the treatment,  
9 storage, or disposal of any hazardous substance, pollutant  
10 or contaminant, petroleum products or their derivatives;  
11 or other purposes related to any response action at the  
12 Arsenal and other action required under any other applica-  
13 ble environmental law to remediate contamination or con-  
14 ditions of noncompliance at the Arsenal. The Secretary of  
15 the the Army shall consult with the Secretary of Agri-  
16 culture regarding the identification and management of  
17 the real property retained under this paragraph and en-  
18 sure that activities carried out on that property are con-  
19 sistent, to the extent practicable, with the purposes for  
20 which the MNP is to be established under section 4(c),  
21 and consistent with the provisions of sections 4 (a), (b),  
22 and (d)–(i). In the case of any conflict between manage-  
23 ment of the property by the Secretary of Agriculture and  
24 any response action or action required under applicable

1 law to remediate petroleum products or their derivatives,  
2 the response action or other action shall take priority.

3 **SEC. 3. CONTINUATION OF RESPONSIBILITY AND LIABILITY**  
4 **OF THE SECRETARY OF THE ARMY FOR ENVI-**  
5 **RONMENTAL CLEANUP.**

6 (a) RESPONSIBILITY.—The Secretary of the Army  
7 shall, with respect to the real property at the Arsenal, re-  
8 main liable for and continue to carry out—

9 (1) all response actions required under  
10 CERCLA and other applicable provisions of law at  
11 or related to the property, and

12 (2) all actions required under any other applica-  
13 ble law to remediate petroleum products or their de-  
14 rivatives (including motor oil and aviation fuel).

15 The liabilities and responsibilities of the Secretary of the  
16 Army described in the preceding sentence shall not trans-  
17 fer under any circumstances to the Secretary of Agri-  
18 culture. The Secretary of Agriculture shall consult with  
19 the Secretary of the Army with respect to the Secretary  
20 of Agriculture's management of real property subject to  
21 any such response action or other action at the property  
22 being carried out by or under the authority of the Sec-  
23 retary of the Army under such provisions of law.

24 (b) LIABILITY.—

1           (1) Subject to subsections (b)(3) and (b)(4),  
2 nothing in this Act shall relieve, and no action may  
3 be taken under this Act to relieve, the Secretary of  
4 the Army or any other person from any obligation  
5 or other liability that they may have at the Arsenal  
6 under CERCLA and other laws.

7           (2) After the transfer of jurisdiction under sec-  
8 tion 2(c), the Secretary of the Army shall retain any  
9 obligation or other liability at the Arsenal that it  
10 may have under CERCLA and other applicable laws  
11 and shall be accorded all easements and access as  
12 may be reasonably required to carry out such obliga-  
13 tion or other liability.

14           (3) Subject to subsection (b)(4), the Secretary  
15 of Agriculture shall not be responsible or liable for  
16 any costs of response actions required under  
17 CERCLA at or related to the Arsenal, or, with re-  
18 spect to noncompliance at or related to the Arsenal  
19 by the Secretary of the Army of any applicable envi-  
20 ronmental law, for any costs, penalties, fines, costs  
21 of actions necessary to remedy such noncompliance,  
22 or costs of other obligations. The Secretary of Agri-  
23 culture shall not be responsible or liable for any con-  
24 tamination resulting from or related to conditions of  
25 the property existing prior to transfer of the prop-

1 erty, including contamination arising from the oper-  
2 ations of the Department of the Army and its con-  
3 tractors. Contamination shall include but not be lim-  
4 ited to migration of hazardous substances, pollut-  
5 ants, contaminants, or petroleum products or their  
6 derivatives disposed during activities of the Depart-  
7 ment of the Army.

8 (4) The Secretary of Agriculture shall be re-  
9 sponsible and liable only for and only to the extent  
10 of any other contamination affirmatively introduced  
11 into the environment at the Arsenal by the Secretary  
12 of Agriculture or the Department of Agriculture.  
13 The Secretary of Agriculture shall consult with the  
14 Secretary of the Army prior to undertaking any ac-  
15 tivities that may disturb the property to ensure that  
16 such activities will not exacerbate contamination  
17 problems or interfere with performance by the Sec-  
18 retary of the Army of response actions at the prop-  
19 erty.

20 (c) DEGREE OF CLEANUP.—Nothing in this Act shall  
21 be construed to restrict or lessen the degree of cleanup  
22 at the Arsenal required to be carried out under applicable  
23 law. All response actions and other actions required under  
24 any other statute to remediate petroleum products or their  
25 derivatives (including motor oil and aviation fuel) carried

1 out at the Arsenal shall attain a degree of cleanup of haz-  
2 ardous substances, pollutants, contaminants, and petro-  
3 leum products or their derivatives that, at a minimum, is  
4 sufficient to fully meet the purposes set forth in section  
5 4(c) for which the MNP will be established.

6 (d) PAYMENT OF RESPONSE ACTION COSTS.—Any  
7 Federal department or agency that had or has operations  
8 at the Arsenal resulting in the release or threatened re-  
9 lease of hazardous substances, pollutants, or contaminants  
10 shall pay the cost of related response actions or related  
11 actions under other statutes to remediate petroleum prod-  
12 ucts or their derivatives, including motor oil and aviation  
13 fuel.

14 (e) CONSULTATION.—In carrying out response ac-  
15 tions at the Arsenal, the Secretary of the Army shall con-  
16 sult with the Secretary of Agriculture to ensure that such  
17 actions are carried out in a manner consistent with sec-  
18 tions 4 (a), (b), and (d)–(i), and, to the extent practicable,  
19 consistent with the purposes set forth in section 4(c) for  
20 which the MNP will be established.

21 **SEC. 4. ESTABLISHMENT OF THE MIDEWIN NATIONAL**  
22 **TALLGRASS PRAIRIE.**

23 (a) ESTABLISHMENT.—On the effective date of the  
24 transfer of jurisdiction under section 2(c), there is thereby  
25 established the Midewin National Tallgrass Prairie con-

1 sisting of the real property so transferred for administra-  
2 tion by the Secretary of Agriculture.

3 (b) ADMINISTRATION.—

4 (1) The Secretary of Agriculture shall manage  
5 the MNP as a part of the National Forest System  
6 in accordance with this Act and the laws, rules and  
7 regulations pertaining to the National Forests: *Pro-*  
8 *vided*, That the Bankhead-Jones Farm Tenant Act  
9 of 1937 (7 U.S.C. 1010–1012) shall not apply to the  
10 MNP.

11 (2) Notwithstanding the provisions of section 7  
12 of the Land and Water Conservation Fund Act of  
13 1965 (16 U.S.C. 4601–9), monies appropriated from  
14 the Land and Water Conservation Fund shall be  
15 available for acquisition of lands and interests there-  
16 in for the MNP.

17 (3) In order to expedite the administration and  
18 public use of the MNP, the Secretary of Agriculture  
19 may conduct management activities at the MNP to  
20 effectuate the purposes for which the MNP is estab-  
21 lished, as set forth in subsection (c), in advance of  
22 the development of a land and resource management  
23 plan for the MNP.

24 (4) In developing a land and resource manage-  
25 ment plan for the MNP, the Secretary of Agri-

1 culture shall consult with the Illinois Department of  
2 Conservation and local governments adjacent to the  
3 MNP and provide an opportunity for public com-  
4 ment. Any parcel transferred to the Secretary of Ag-  
5 riculture, pursuant to section 2(d) and subsequent to  
6 the development of a land and resource management  
7 plan for the MNP, may be managed in accordance  
8 with such plan without need for an amendment  
9 thereto.

10 (c) PURPOSES OF THE MIDWIN NATIONAL  
11 TALLGRASS PRAIRIE.—The MNP is established to be  
12 managed for National Forest purposes, including the fol-  
13 lowing:

14 (1) To conserve and enhance populations and  
15 habitats of fish, wildlife, and plants, including popu-  
16 lations of grasslands birds, raptors, passerines, and  
17 marsh and water birds.

18 (2) To restore and enhance, where practicable,  
19 habitat for species listed as proposed, threatened or  
20 endangered under the Endangered Species Act.

21 (3) To provide fish and wildlife oriented public  
22 uses at levels compatible with the conservation, en-  
23 hancement and restoration of native wildlife and  
24 plants and their habitats.

1           (4) To provide opportunities for scientific re-  
2 search.

3           (5) To provide opportunities for environmental  
4 and land use education.

5           (6) To manage the land and water resources of  
6 the MNP in a manner that will conserve and en-  
7 hance the natural diversity of native fish, wildlife,  
8 and plants.

9           (7) To conserve and enhance the quality of  
10 aquatic habitat.

11           (8) To provide for public recreation insofar as  
12 such recreation is compatible with the other pur-  
13 poses for which the MNP is established.

14           (d) PROHIBITION AGAINST THE CONSTRUCTION OF  
15 NEW THROUGH ROADS.—No new construction of any  
16 highway, public road, or any part of the interstate system,  
17 whether Federal, State, or local, shall be permitted  
18 through or across any portion of the MNP. Nothing herein  
19 shall preclude construction and maintenance of roads for  
20 use within the MNP, or the granting of authorizations for  
21 utility rights-of-way under applicable Federal law, or pre-  
22 clude such access as is necessary. Nothing herein shall  
23 preclude necessary access by the Secretary of the Army  
24 for purposes of restoration and cleanup as provided in this  
25 Act.

1 (e) AGRICULTURAL LEASES AND SPECIAL USE AU-  
2 THORIZATIONS.—Within the MNP, use of the lands for  
3 agricultural purposes shall be permitted subject to the fol-  
4 lowing terms and conditions:

5 (1) If at the time of transfer of jurisdiction  
6 pursuant to section 2 there exists any lease issued  
7 by the Department of the Army, Department of De-  
8 fense, or any other agency thereof, for agricultural  
9 purposes upon the parcel transferred, the Secretary  
10 of Agriculture, upon transfer of jurisdiction, shall  
11 convert the lease to a special use authorization, the  
12 terms of which shall be identical in substance to the  
13 lease that existed prior to the transfer, including the  
14 expiration date and any payments owed the United  
15 States.

16 (2) The Secretary of Agriculture may issue spe-  
17 cial use authorizations to persons for use of the  
18 MNP for agricultural purposes. Such special use au-  
19 thorizations shall require payment of a rental fee, in  
20 advance, that is based on the fair market value of  
21 the use allowed. Fair market value shall be deter-  
22 mined by appraisal or a competitive bidding process.  
23 Special use authorizations issued pursuant to this  
24 paragraph shall include terms and conditions as the  
25 Secretary of Agriculture may deem appropriate.

1           (3) No agricultural special use authorization  
2 shall be issued for agricultural purposes which has  
3 a term extending beyond the date twenty years from  
4 the date of enactment of this Act: *Provided*, That  
5 nothing in this Act shall preclude the Secretary from  
6 issuing agricultural special use authorizations or  
7 grazing permits which are effective after twenty  
8 years from the date of enactment of this Act for  
9 purposes primarily related to erosion control, provi-  
10 sion for food and habitat for fish and wildlife, or  
11 other resource management activities consistent with  
12 the purposes of this Act.

13       (f) FEES.—The Secretary is authorized to charge  
14 reasonable fees for the admission, occupancy and use of  
15 the MNP and may prescribe a fee schedule providing for  
16 reduced or a waiver of fees for persons or groups engaged  
17 in authorized activities including those providing volunteer  
18 services, research, or education: *Provided*, That the Sec-  
19 retary shall permit admission, occupancy and use at no  
20 additional charge for persons possessing a valid Golden  
21 Eagle Passport or Golden Age Passport.

22       (g) SALVAGE OF IMPROVEMENTS.—The Secretary of  
23 Agriculture may sell for salvage value any facilities and  
24 improvements which have been transferred to the Sec-  
25 retary of Agriculture pursuant to this Act.

1 (h) MIDEWIN NATIONAL TALLGRASS PRAIRIE RES-  
2 TORATION FUND.—Moneys received pursuant to sub-  
3 section (e) shall be subject to distribution to the State of  
4 Illinois and affected counties pursuant to the Acts of May  
5 23, 1908 and March 1, 1911, as amended (16 U.S.C.  
6 500). All moneys not so distributed pursuant to said Acts,  
7 and all other moneys collected pursuant to subsections (f)  
8 and (g) of this section shall be covered into the Treasury  
9 and constitute a special fund to be known as the Midwin  
10 National Tallgrass Prairie Restoration Fund (“Fund”).  
11 Deposits in this fund are appropriated and made available,  
12 without need for further appropriation, until expended, for  
13 use, with or without funds otherwise appropriated, for res-  
14 toration and administration of the MNP, including but not  
15 limited to: construction of a visitor and education center;  
16 restoration of ecosystems; construction of recreational fa-  
17 cilities such as trails; construction of administrative of-  
18 fices; and operation and maintenance.

19 (i) COOPERATION WITH STATES, LOCAL GOVERN-  
20 MENT AND OTHER ENTITIES.—In the management of the  
21 MNP, the Secretary is authorized and encouraged to co-  
22 operate with appropriate Federal, State and local govern-  
23 mental agencies, private organizations, and corporations.  
24 Such cooperation may include cooperative agreements as  
25 well as the exercise of the existing authorities of the Sec-

1 reitary under the Cooperative Forestry Assistance Act of  
2 1978, as amended, and the Forest and Rangeland Renew-  
3 able Resources Research Act of 1978, as amended. The  
4 objects of such cooperation may include public education,  
5 land and resource protection, and cooperative manage-  
6 ment among government, corporate, and private land-  
7 owners in a manner which furthers the purposes of this  
8 Act. Activities conducted pursuant to this subsection shall  
9 be exempt from the requirements of the Federal Advisory  
10 Committee Act (5 U.S.C. Appendix 2) and the rules and  
11 regulations promulgated thereunder.

12 **SEC. 5. DISPOSAL OF CERTAIN REAL PROPERTY AT THE**  
13 **ARSENAL FOR INDUSTRIAL DEVELOPMENT, A**  
14 **NATIONAL VETERANS CEMETERY, AND A**  
15 **COUNTY LANDFILL.**

16 (a) PROPERTY DESIGNATED FOR DISPOSAL UNDER  
17 THIS SECTION.—The following areas of real property at  
18 the Arsenal are designated for disposal under this section:

19 (1) An area of real property consisting of ap-  
20 proximately 1,900 acres located at the Arsenal, the  
21 approximate legal description of which includes part  
22 of section 30, Jackson Township, T34N R10E, and  
23 sections or part of sections 24, 25, 26, 35, and 36,  
24 Channahon Township, T34N R9E, Will County, Illi-  
25 nois, as depicted in the Arsenal Land Use Concept

1 to be conveyed to the Village of Elwood, Illinois for  
2 the purpose of an industrial park. Any funds re-  
3 ceived by the Village of Elwood from the sale or  
4 other transfer of this property, or portions thereof,  
5 less any costs expended for improvements thereon,  
6 shall be remitted to the Department of the Army.  
7 Any sale or transfer of this property by the Village  
8 of Elwood for the development of the industrial park  
9 shall be at fair market value, as determined in ac-  
10 cordance with Federal appraisal standards and pro-  
11 cedures.

12 (2) An area of real property consisting of ap-  
13 proximately 1,100 acres, the approximate legal de-  
14 scription of which includes part of sections 16, 17,  
15 and 18, Florence Township, T33N R10E, Will  
16 County, Illinois, as depicted in the Arsenal Land  
17 Use Concept to be conveyed to the City of Wilming-  
18 ton, Illinois, for the purpose of an industrial park.  
19 Any funds received by the City of Wilmington from  
20 the sale or other transfer of this property, or por-  
21 tions thereof, less any costs expended for improve-  
22 ments thereon, shall be remitted to the Department  
23 of the Army. Any sale or transfer of this property  
24 by the City of Wilmington for the development of  
25 the industrial park shall be at fair market value, as

1 determined in accordance with Federal appraisal  
2 standards and procedures.

3 (3) An area of real property consisting of ap-  
4 proximately 425 acres, the approximate legal de-  
5 scription of which includes part of sections 8 and 17,  
6 Florence Township, T33N R10E, Will County, Illi-  
7 nois, as depicted in the Arsenal Land Use Concept  
8 to be conveyed to the County of Will to be operated  
9 as a landfill by the County: *Provided*, That such ad-  
10 ditional acreage shall be added to the landfill as is  
11 necessary to reasonably accommodate needs for the  
12 disposal of refuse and other materials from the res-  
13 toration and cleanup of only the Arsenal property as  
14 provided for in this Act: *Provided further*, That the  
15 use of this additional acreage by any agency of the  
16 Federal Government or its agents or assigns shall be  
17 at no cost to the Federal Government.

18 (4) An area of real property consisting of ap-  
19 proximately 910 acres, the approximate legal de-  
20 scription of which includes part of sections 30 and  
21 31, Jackson Township, T34N R10E, and including  
22 part of sections 25 and 36, Channahon Township,  
23 T34N R9E, Will County, Illinois, as depicted in the  
24 Arsenal Land Use Concept to be transferred to the

1 Department of Veterans Affairs in accordance with  
2 all provisions of section 2337, Public Law 100-180.

3 (5) Pursuant to the requirements of subsection  
4 (b) and section 2 (a), the Secretary of the Army  
5 shall transfer to the Administrator of the General  
6 Services Administration the following areas: Manu-  
7 facturing Area—Study Area 1—Southern Ash Pile,  
8 Study Area 2—Explosive Burning Ground, Study  
9 Area 3—Flashing Grounds, Study Area 4—Lead  
10 Azide Area, Study Area 10—Toluene Tank Farms,  
11 Study Area 11—Landfill, Study Area 12—Sellite  
12 Manufacturing Area, Study Area 14—Former Pond  
13 Area, Study Area 15—Sewage Treatment Plant.  
14 Load Assemble Packing Area—Group 61: Study  
15 Area L1, Explosive Burning Ground: Study Area  
16 L2, Demolition Area: Study Area L3, Landfill Area:  
17 Study Area L4, Salvage Yard: Study Area L5,  
18 Group 1: Study Area L7, Group 2: Study Area L8,  
19 Group 3: Study Area L9, Group 3A: Study Area 10,  
20 Doyle Lake: Study Area L12, Group 68: Study Area  
21 L13, Group 4: Study Area L14, Group 5: Study  
22 Area L15, Group 8: Study Area L18, Group 9:  
23 Study Area L19, Group 20, Study Area L20, Group  
24 25: Study Area L22, Group 27: Study Area L23,  
25 Group 62: Study Area L25, Group 64: Study Area

1 L27, Group 65: Study Area L28, Extraction Pits:  
2 Study Area L31, PVC Area: Study Area L33,  
3 Former Burning Area: Study Area L34, Fill Area:  
4 Study Area L35, including all associated inventoried  
5 buildings and structures as identified in the Joliet  
6 Army Ammunition Plant Plantwide Building and  
7 Structures Report and the contaminate study sites  
8 for both the Manufacturing and Loan Assembly and  
9 Packing sides of the Joliet Arsenal as delineated in  
10 the Dames and Moore Final Report, Phase 2 Reme-  
11 dial Investigation Manufacturing (MFG) Area Joliet  
12 Army Ammunition Plant Joliet, Illinois (May 30,  
13 1993. Contract No. DAAA15-90-D-0015 task  
14 order No. 6 prepared for: United States Army Envi-  
15 ronmental Center); and excepting the two industrial  
16 parks, national cemetery and landfill described in  
17 subsections (a)(1), (2)(3), and (a)(4).

18 (b) TRANSFER OF LANDS IN SUBSECTION.—(a)(5)  
19 Within six months of satisfying all cleanup and other re-  
20 quirements contained in section 120(h) of the CERCLA  
21 and in accordance with the requirements of section 2(a),  
22 the Secretary of the Army shall offer the Secretary of Ag-  
23 riculture the option of accepting a transfer of the areas  
24 described in subsection (a)(5), without reimbursement, to  
25 be added to the MNP as described in section 4 and subject

1 to the terms and conditions including the limitations on  
2 liability, contained in this Act. In the event the Secretary  
3 of Agriculture declines such offer, the property shall be  
4 disposed of as surplus property under the provisions of  
5 the Federal Property and Administrative Services Act of  
6 1949 (40 U.S.C. 471 et seq.).

7 (c) ENVIRONMENTAL QUALITY OF THE PROPERTY.—

8 (1) Nothing in this section shall be construed to  
9 restrict or lessen the degree of cleanup required to  
10 be carried out under applicable law at the property  
11 designated for disposal under this section.

12 (2) The disposal of real property under this sec-  
13 tion shall be carried out in compliance with all the  
14 provisions of section 120(h) of the CERCLA and  
15 any other applicable law.

○