

AGREEMENT TO EXTEND THE  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE IEPA AND IDOT REGARDING  
THE REUSE OF SOIL FROM IDOT CONSTRUCTION PROJECTS

This intergovernmental agreement extension ("Extension") is made and entered as of the 10th day of January, 2012, by and between the Illinois Department of Transportation ("IDOT") and the Illinois Environmental Protection Agency ("IEPA"), pursuant to the "Intergovernmental Cooperation Act" (5 ILCS 220), to extend the intergovernmental agreement between the IEPA and IDOT for the management of uncontaminated soil during IDOT Construction Projects that was entered into on August 3, 2010 and extended December 27, 2010 and June 21, 2011.

WHEREAS, the IEPA and IDOT entered into an intergovernmental agreement on August 3, 2010, ("August Agreement") for the management of uncontaminated soil during IDOT Construction Projects;

WHEREAS, the length of the August Agreement is established in paragraph 4 of that agreement, which provides that "[t]he IEPA will accept the IDOT Phase I preliminary engineering certification of uncontaminated soil, pursuant to 22.51a (d)(2) for current construction projects until December 31, 2010";

WHEREAS, IDOT and the IEPA extended the length of the August Agreement until June 30, 2011 ("June 2011 Extension") and further extended it until December 31, 2011 ("December 2011 Extension"); and

WHEREAS, the Pollution Control Board (Board) is currently in the process of conducting the rulemaking required under P.A. 96-1416, the Board must adopt the rules by July 30, 2012, and the rules are expected to take effect by July 30, 2012, or soon thereafter; and

WHEREAS, IDOT and the IEPA desire to extend the length of the August Agreement until the effective date of the rules adopted by the Board pursuant to P.A. 96-1416; and

WHEREAS, IDOT and the IEPA desire all other terms of the August Agreement to remain in full force and effect until the effective date of the rules adopted by the Board pursuant to P.A. 96-1416.

NOW, THEREFORE, IDOT and the IEPA hereby agree as follows:

1. That the foregoing recitals are incorporated in this Extension by reference as if set forth fully herein.
2. That the August Agreement is extended until the effective date of the rules adopted by the Board pursuant to P.A. 96-1416, and that all terms of the August Agreement shall remain in full force and effect until the effective date of the rules adopted by the Board pursuant to P.A. 96-1416.
3. This Extension shall be effective upon its execution by the Secretary of IDOT and the Director of the IEPA.

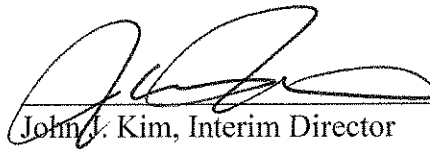
4. This Extension shall continue in full force and effect without modification, unless subsequently amended by written agreement executed by the Secretary of IDOT and the Director of the IEPA.



Ann L. Schneider, Secretary  
Illinois Department of Transportation

1/5/12

Date



John L. Kim, Interim Director  
Illinois Environmental Protection Agency

1/10/12

Date



Ellen Schanzle-Haskins, Chief Counsel  
Illinois Department of Transportation  
Approved as to form.