

**MEMORANDUM OF AGREEMENT  
AMONG THE  
FOX METRO WATER RECLAMATION DISTRICT,  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
AND  
ILLINOIS STATE HISTORIC PRESERVATION OFFICER  
REGARDING DEMOLITION OF EXISTING OPERATIONS AND MAINTENANCE  
FACILITY AND CONSTRUCTION OF A NEW FACILITY AT WASTEWATER  
TREATMENT PLANT,  
NEAR OSWEGO, ILLINOIS  
(SHPO LOG #018031618)**

**WHEREAS**, the Fox Metro Water Reclamation District (FMWRD), plans to undertake demolition of the existing Operations and Maintenance Facility and construct a new Operations and Maintenance Facility at the wastewater treatment plant site located at 682 State Route 31, Oswego, Illinois 60543; and

**WHEREAS**, the project requires a NPDES Permit for Construction Activities from the Illinois Environmental Protection Agency (IEPA), thereby making the project an Undertaking subject to review under the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) (Act); and

**WHEREAS**, the Illinois State Historic Preservation Office (SHPO) currently resides within the Illinois Department of Natural Resources (IDNR), and the Director of IDNR, Wayne A. Rosenthal, is the duly designated State Historic Preservation Officer; and

**WHEREAS**, the responsibilities of the SHPO under the Act are (1) to assist, to the fullest extent possible, the State agencies in their identification of properties for inclusion in an inventory of historic resources, including provision of criteria for evaluation; (2) provide information concerning professional methods and techniques for preserving, improving, restoring, and maintaining historic resources when requested by State agencies; and (3) help facilitate State agency compliance with this Act; and

**WHEREAS**, the SHPO has determined that the Undertaking will have an adverse effect on the existing Operations and Maintenance Facility, which is eligible for the National Register of Historic Places (NRHP); and

**NOW, THEREFORE**, FMWRD, IEPA, and SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to mitigate the adverse effects of this Undertakings to the NRHP eligible property as a result of this project.

**STIPULATIONS**

**I. MITIGATION**

Prior to the demolition of the existing Operations and Maintenance Facility, FMWRD will ensure that the following measures are carried out and completed:

- A. Recordation of the Existing Operations and Maintenance Facility
  1. FMWRD shall retain a historical contractor of its choice who meets the Secretary of the Interior's Qualifications (36 CFR 61) to complete the mitigation measures described below. The selected contractor must consult with SHPO of IDNR prior to the initiation of the work to ensure that expectations are understood.
  2. Historic Illinois Buildings Survey (HIBS) Level III recordation of the buildings shall be undertaken by FMWRD. The HIBS recordation number for the Facility is KE-2018-1, and recordation will consist of:
    - a. Sketch plans, drawn in computer assisted drafting (CAD) format, of the building(s) in current condition.
    - b. Black and white digital photography of the building to include the building site, exterior elevations, distinctive exterior architectural features, and significant interior spaces and features shall be produced on archivally stable photographic paper.
    - c. Written historic narrative and context of the building, and a written architectural description of the building using HIBS designated outline format shall be completed.
    - d. Clear copies of historic plans or drawings, if available.
  3. Upon completion of the fieldwork portion of the HIBS documentation FMWRD and/or the contractor may contact SHPO of IDNR to confirm in writing that all of the information necessary to complete HIBS documentation has been collected. Upon SHPO of IDNR agreement, the demolition of the building may commence.
  4. SHPO of IDNR will review draft photos and field notes and accept or reject the submittal in accordance with HIBS Standards. Upon acceptance of the 95% submission in writing, FMWRD and the contractor will complete the final documentation and deliver to the SHPO of IDNR one standard copy and one digital copy on a gold CD of all accepted documentation in an archival clam-shell box.
  5. Copies of the completed HIBS documentation will be deposited with the Abraham Lincoln Presidential Library in Springfield, Illinois.
  6. Exhibit Panels About the Existing Operations and Maintenance Facility in the New Facility
  7. FMWRD shall permanently exhibit panels in the new Operations and Maintenance Facility that contain pictures and historical information about the existing building.

8. Photos of the display will be e-mailed to the SHPO of IDNR to confirm that this requirement is met.

## II. DURATION

This agreement will be null and void if its stipulations are not carried out within four (4) years from the date of its execution. Prior to such time, FMWRD may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation V AMENDMENTS below. FMWRD shall notify the signatories as to the course of action it will pursue.

## III. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, FMWRD shall consult with the SHPO immediately and make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties. In the event of an unanticipated discovery of human remains or burials, FMWRD understands and agrees that it must immediately stop work within the area of discovery, notify the SHPO, and comply with the Human Skeletal Remains Protection Act (20 ILCS 3440) as administered by the SHPO, which provides that no human skeletal remains shall be disturbed without a permit issued by the SHPO.

## IV. DISPUTE RESOLUTION

Should any signatory to this agreement object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, the signatories shall utilize the procedures provided in 20 ILCS 3420/4e.

## V. AMENDMENTS

This agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories.

## VI. TERMINATION

If any signatory to this agreement determines that its terms have become impossible to carry out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation V above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.

EXECUTION of this Memorandum of Agreement and implementation of its terms evidences that FMWRD and IEPA have afforded the SHPO an opportunity to comment on the effects of the Undertaking in compliance with the Act.



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**SIGNATORY**

FOX METRO WATER RECLAMATION DISTRICT

By: Thomas A. Muth Date: 8/27/2018  
Thomas Muth, District Manager, Fox Metro Water Reclamation District

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**SIGNATORY**

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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**SIGNATORY**

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By:  Date: 8/30/18  
Wayne A. Rosenthal, Director, Illinois Department of Natural Resources,  
and Illinois State Historic Preservation Officer

**APPROVED FOR EXECUTION**

Date: 28 August 2018

Legal Counsel: 