

BOARD BILL NO. 176 INTRODUCED BY ALDERWOMAN LYDA KREWSON

1 An Ordinance, recommended and approved by the Board of Public Service (the “Board of
2 Public Service”), ratifying the execution by the Mayor of the City of St. Louis (the “City”) of a
3 Memorandum of Agreement among the U.S. Army Engineer District, Kansas City, sometimes
4 referred to as the Corps of Engineers, Northwest Division, Kansas City (“CENWK”), the City,
5 and the Metropolitan St. Louis Police Department regarding possible unexploded ordnance in
6 Forest Park, and authorizing and directing the execution of such Memorandum of Agreement by
7 the Comptroller on behalf of the City; with an emergency provision.

8 WHEREAS, the Defense Environmental Restoration Program (DERP), 10 U.S.C. 2701-
9 2707, 1986 authorizes the Secretary of Defense to conduct response actions at sites which were
10 contaminated while under the jurisdiction of the Department of Defense (DoD); and

11 WHEREAS, CENWK is charged with fulfilling the DoD’s responsibility to clean up
12 contaminated Formerly Used Defense Sites (FUDS) in a geographic area that includes Forest
13 Park; and

14 WHEREAS, a Munitions and Explosive of Concern Engineering Evaluation/Cost
15 Analysis Report for Forest Park (FUDS #B07M0098800) has been prepared by the U.S. Army
16 Engineer District, Omaha at the request of CENWK and said report has identified an area of
17 concern for unexploded ordnance as a result of former military use of Forest Park and has
18 recommended certain institutional controls; and

19 WHEREAS, it is in the best interest of the public to institute the recommended
20 institutional controls.

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Sponsor: Alderwoman Krewson

1 NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

2 SECTION ONE. The execution by the Mayor of the City of St. Louis of the
3 Memorandum of Agreement (MOA) in the form attached hereto as Exhibit A is hereby ratified
4 and approved.. The Comptroller is authorized and directed to execute such MOA on behalf of the
5 City.

6 SECTION TWO. The Board of Public Service is hereby directed to establish rules and
7 regulations in furtherance of the City's responsibilities under the MOA.

8 SECTION THREE. In the event that the Area of Concern, either in whole or in part, is
9 subject to sale or transfer of ownership by the City, then terms of that sale or transfer of
10 ownership shall include provisions assigning the City's responsibilities under the MOA to the
11 new owner.

12 SECTION FOUR. This being an ordinance for the immediate preservation of the public
13 peace, health or safety, it is hereby declared to be an emergency measure as defined in Article IV,
14 Section 20 of the City Charter and shall become effective immediately upon its passage and
15 approval by the Mayor of the City.

September 12, 2008

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EXHIBIT A

MEMORANDUM OF AGREEMENT (MOA)

BETWEEN

U.S. ARMY ENGINEER DISTRICT, KANSAS CITY

AND

CITY OF ST. LOUIS, MISSOURI

FOR

THE FORMER FOREST PARK RECREATION CAMP,

ST. LOUIS, MISSOURI

1. Purpose: The Purpose of this Memorandum of Agreement (MOA) is to define the relationship, responsibilities, and general objectives under which the City of St. Louis, Missouri (City of St. Louis), and the U.S. Army Corps of Engineers, Kansas CITY District (CENWK), will provide future military ordnance and explosives response and institutional controls during any and all construction activities on the site of the Forest Park Area of Concern detailed in the map (“the Site”) attached to this document as Appendix A. All of the Parties are vitally interested in ensuring that the public is informed of the potential dangers of military ordnance and explosives on the Site, and in ensuring that qualified personnel perform any necessary emergency response to the discovery of potential military ordnance and explosives at the Site in a swift and proper manner. The MOA is intended to promote coordination and cooperation between the City of St. Louis and CENWK.
2. Authority: The MOA is created in accordance with the Defense Environmental

Restoration Program (DERP), 10 U.S.C. 2701-2707, 1986, which authorizes the Secretary of Defense to conduct response actions at sites which were contaminated while under the jurisdiction of the Department of Defense (DoD). Additionally, 40 C.F.R. 300.120, designates DoD to be the removal response authority for incidents involving DoD military weapons and munitions under the jurisdiction, custody and control of DoD. The City of St. Louis is authorized to enter into the provisions of this MOA under City of St. Louis Ordinance ____ (Board Bill ____).

3. Scope: This MOA defines and establishes mutually agreed upon terms, conditions, roles, and responsibilities related to future institutional controls implemented at the Site and future military ordnance and explosive response activities at the Site to ensure the safe and proper removal and disposal of potential military ordnance and explosives, especially unexploded ordnance (UXO).

4. CENWK Responsibilities:

a. CENWK is charged with fulfilling the DoD's responsibility to clean up contaminated Formerly Used Defense Sites (FUDS) in a geographic area that includes the Site.

b. CENWK will be responsible for the overall project management of the ordnance safety oversight efforts, including all funding actions, the coordination of community relations functions, and any notification to the Missouri Department Natural Resources (MDNR), the Environmental Protection Agency (EPA), and the City of St. Louis, if it has not already been notified, of any discovery of potential military ordnance and explosives.

c. CENWK will make a minimum of one visit to the Site every year to remain actively informed of any new or different information regarding the Site.

d. CENWK will provide informational pamphlets related to the potential for military ordnance and explosives on the Site as part of the institutional controls implemented for the Site to the City

of St. Louis. The pamphlets will be written in English and Spanish to illustrate and describe military ordnance and explosives items that may be found at the Site to construction workers, maintenance workers, and the general public. The pamphlets will instruct that no one should touch what is suspected to be a military ordnance or explosive item, and a person is to call 911 if a potential military ordnance or explosive item is found. CENWK will routinely check with the City of St. Louis regarding the supply of the informational pamphlets and will provide more pamphlets when necessary.

e. CENWK will be responsible for maintaining a current Point of Contact (POC) list attached to this MOA as Appendix B.

f. CENWK will be responsible for the management and coordination of all funding actions regarding informational pamphlets.

g. CENWK will be responsible for funding requests to FUDS Program Manager at Northwestern Division (NWD).

h. CENWK will be responsible for notification to MDNR and EPA of any changes to the FUDS program that would affect the terms of this MOA.

i. CENWK will be responsible for the coordination and performance of a five year review that will include a complete survey of the Site to determine if any changes have occurred and conduct interviews with City of St. Louis officials and stakeholders in order to obtain information concerning future land use at the site. This review shall begin five years after the Action Memorandum is signed.

j. The Commander, CENWK, will designate a single POC responsible for coordinating and directing all CENWK requests for assistance from the City of St. Louis.

k. CENWK will be responsible for funding requests if additional work is required at the site.

5. City of St. Louis' Responsibilities:

a. The City of St. Louis will accept informational pamphlets from CENWK regarding the potential for ordnance and explosives to exist on the Site. The City of St. Louis through its Board of Public Service will distribute the informational pamphlets to any person, company, organization, political subdivision, or other entity that plans doing any construction, digging, soil removal, or other activity that might disturb the soil on the Site. The City will include appropriate provisions in its contracts or permits issued for such work.

b. The City of St. Louis will be responsible for notification to CENWK of any changes to land use at the Site that shall include major construction and/or significant excavation type activities, including, but not limited to new buildings and underground utilities.

c. The City of St. Louis will be responsible for notification to CENWK if the Site is sold. In the event that the City of St. Louis should sell the Site identified in this MOA as the Forest Park Area of Concern, then the terms of the sale of the Site to the new property owner shall include a legal mechanism that binds the new owner to the terms of this MOA and shall be added to this MOA as Appendix C.

d. The City of St. Louis will be responsible for providing notification to the buyer of the potential presence of military munitions at the Site and shall also notify buyer of restrictions and other requirements in regard to the presence, location, and disposition of potential military munitions.

6. St. Louis Metropolitan Police Department Responsibilities:

a. The St. Louis Metropolitan Police Department's Bomb and Arson Squad ("St. Louis Bomb Squad") will support CENWK in the capacity of emergency response if military ordnance or explosives are discovered at the Site.

b. Upon the discovery of suspected military ordnance on the Site and notification, the St. Louis Bomb Squad will respond to the location on the Site of the suspected military ordnance. The St. Louis Bomb Squad then will attempt to positively identify the suspected military ordnance as a Stokes Mortar or Livens Projector present at the site. If the St. Louis Bomb Squad is unable to positively identify the military ordnance as a Stokes Mortar or Livens Projector, then the St. Louis Bomb Squad will call the 52nd Explosive Ordnance Group (EOD) of the United States Army for that EOD organization to remove, render safe, or otherwise dispose of the suspected military ordnance or explosive. If the St. Louis Bomb Squad finds and identifies numerous military ordnance or explosives requiring extensive clearance operations, then the St. Louis Bomb Squad will abate the immediate safety threat. The St. Louis Bomb Squad then may recommend to CENWK that it identify the site as requiring full remediation.

c. The St. Louis Bomb Squad shall perform off-site disposal of the above-limited military ordnance and explosives discovered on the Site, unless in-place detonation is deemed necessary for safety reasons.

d. The St. Louis Bomb Squad will secure the area of the Site where the suspected military ordnance or explosive was discovered from all other personnel and the public.

e. The St. Louis Bomb Squad shall distribute any police reports generated as a result of a removal and/or disposal of a suspected military ordnance item to CENWK.

f. The St. Louis Bomb Squad will provide other personnel from the Saint Louis Police Department to secure any UXO items if overnight security is thought to be necessary after the Bomb Squad's team has arrived but before any removal or disposal procedure can be performed.

g. The St. Louis Bomb Squad will coordinate and respond to any news media and public inquiries concerning military ordnance removal or disposal activities at the Forest Park site and

immediately notify the CENWK POC.

h. The St. Louis Bomb Squad shall designate a single Point-of-Contact (POC) responsible for coordinating and directing the St. Louis Police Department's activities with CENWK, particularly with regards to notification to CENWK of the discovery of any suspected military ordnance or explosive on the Site.

7. Funding: The City of St. Louis and the St. Louis Metropolitan Police Department have not sought reimbursement or other payment for previous military ordnance and explosives responses on the Site. Similarly, the City of St. Louis and the St. Louis Metropolitan Police Department will not seek reimbursement or other payment for any future military ordnance and explosives response activities or disbursement of informational pamphlets under this MOA.

8. Duration and Review: The MOA may be modified or amended only upon the written, mutual agreement of both Parties. The MOA shall be effective upon signature of both Parties to the agreement. Any Party can terminate the MOA upon sixty (60) days written notice to the other Party. MDNR and EPA will be notified if the MOA is modified, amended, or terminated.

9. References:

- a. Inventory Project Report, Corps of Engineers Kansas City District, Jun 1995
- b. Archive Search Report, Corps of Engineers St. Louis District, Sep 1997
- c. Munitions and Explosives of Concern Engineering Evaluation/Cost Analysis, Corps of Engineers Omaha District, Sep 2004

MICHAEL A. ROSSI
COL, EN
Commanding, Kansas City District

Date: _____

The City of St. Louis By and Through:

Francis G. Slay
Mayor
City of St. Louis

Darlene Green
Comptroller

APPROVED AS TO FORM:

City Counselor

ATTEST:

Register

President
Board of Police Commissioners
Saint Louis Ambassadors, Inc.

Appendix B

9 /16/04

**Former Forest Park Recreation Camp Project
St. Louis, Missouri**

Points of Contact (POCB)

Corps of Engineers, Kansas City District

Josephine Newton-Lund
Project Manager
CENWK-EC-EE
601 East 12th Street
Kansas City, MO 64106
Josephine.m.Newton-lund@usace.army.mil
816-983-3912

Judy Meier
Formerly Used Defense Site (FUDS) Program Manager
CENWK-PM-ED
601 East 12th Street
Kansas City, MO 64106
Judith.a.Meier@usace.army.mil
816-983-3363

City of St. Louis

Roger Allison
Board of Public Service
City Hall, Room 301
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St. Louis, MO 63103
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314-622-3535

Jeff Raffelson
Norman K. Probststein Golf Course
6141 Lagoon Drive
Forest Park
St. Louis, MO 63112
fopogoco@aol.com
314-367-1337

Dan Skillman and Anabeth Weil
St. Louis Department of Parks, Recreation and Forestry
5600 Clayton Road
St. Louis, MO 63110
skillmand@stlouiscity.com and weila@stlouiscity.com
314-289-5340

Dan Esarey
St. Louis Art Museum
Forest Park
1 Fine Arts Drive
St. Louis, MO 63110
sre@slam.org
314-655-5240

St. Louis Metropolitan Police Department

Detective Sgt. Stephen Sorocko
St. Louis Metropolitan Police Department
Bomb and Arson Squad
1200 Clark Avenue
St. Louis, MO 63103
sfsorocko@slmpd.org
314-444-5701 or 314-591-4202

Missouri Department of Natural Resources

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573-751-1968