

PREPARED BY:

Name: Yale Zimmerman  
Zimmerman Brush Company



Address: 900 West Lake Street  
Chicago, Illinois 60607

7881383  
Tuchii - DI

MAIL TO  
RETURN TO: ATTN: Wm Zulla  
P. 52, MAREBOUN, RUDOLPH-WOLFE  
Name: Yale Zimmerman 203 N. LaSalle St.  
Zimmerman Brush Company  
Chicago, IL 60601

Address: 900 West Lake Street  
Chicago, Illinois 60607

THE ABOVE SPACE FOR RECORDER'S OFFICE

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

27  
B

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0316286430  
LUST Incident No.: 990156

Yale Zimmerman, Zimmerman Brush Company, the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 900 West Lake Street, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal description or Reference to a Plat Showing the Boundaries: The West 50.0 feet of Lots 10, 11, 12, 13, 14, 15, and 16 taken as a single tract of Land in block 21 in Carpenter's Addition to Chicago in the Southeast 1/4 of Section 8, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois
2. Common Address: 900 West Lake Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 17-08-424-012
4. Site Owner: Yale Zimmerman, Zimmerman Brush Company
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

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Leaking Underground Storage Tank Environmental Notice

Bof 333

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

00716253

THOMAS V. SKINNER, DIRECTOR

217/782-6762

CERTIFIED MAIL

0001 1274 3376

AUG 14 2000

Zimmerman Brush Company  
Attention: Yale Zimmerman  
6320 North Whipple Street  
Chicago, Illinois 60659

Re: LPC #0316286430 -- Cook County  
Chicago/Zimmerman Brush Company  
900 West Lake Street  
LUST Incident No. 990156  
LUST Technical File

Dear Mr. Zimmerman:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Corrective Action Completion Report Addendum submitted for the above-referenced incident. This information is dated April 27, 2000 and July 14, 2000, was received by the Illinois EPA May 3, 2000 and July 20, 2000; and was prepared by K-Plus Environmental Services. Citations in this letter are from the Environmental Protection Act ("Act") and 35 Illinois Administrative Code ("35 IAC").

The High Priority Corrective Action Completion Report and associated Professional Engineer Certification indicate corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(c)(1)(E) of the Act and 35 IAC Section 732.409(a)(2) have been satisfied.

Based upon the certification by Daniel M. Caplice, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter ("Letter"), based on the certification of the Registered Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the occurrence has been completed; and (3) no further remediation concerning the occurrence is necessary for the protection of human health, safety and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following persons:

GEORGE H. RYAN, GOVERNOR

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1. Yale Zimmerman, Zimmerman Brush Company;
2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);
4. Any co-owner or co-operator, either by joint-tenancy, right of survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued;
5. Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable,
6. Any mortgagee or trustee of a deed of trust of the owner of the site or any assignee, transferee, or any successor-in-interest of the owner of the site;
7. Any successor-in-interest of such owner or operator;
8. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest; or
9. Any heir or devisee of such owner or operator.

This Letter, and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of its receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the County where the above-referenced site is located. In addition, the Groundwater Ordinance must be filed as an attachment of this letter with the Office of the Recorder or Registrar of Titles of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable County in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

## CONDITIONS AND TERMS OF APPROVAL

### LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. This site was classified as "High Priority" in accordance with Section 57.7(b)(3) of the Act and 35 IAC Section 732.304. In accordance with 35 IAC Section 732.404(a), the owner or operator has remediated or eliminated each of the criteria that caused the site to be classified as High Priority. The remediation objectives for the above-referenced site described in the Leaking Underground Storage Tank Environmental Notice of this Letter were established in

accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 IAC Part 742) rules.

2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: There are no land use limitations.
3. The land use limitation specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this letter.

The City of Chicago agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater or soils to remain beneath its highway right-of-way adjacent to the site located at 900 West Lake Street. Specifically, as shown in the attached map, contamination will remain in the right-of-way for Lake Street as indicated in the Highway Authority Agreement. The Highway Authority agrees (a) to prohibit the use of groundwater under the highway right-of-way that is contaminated above residential Tier 1 remediation objectives from the release as a potable or other domestic supply of water, and (b) to limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to William F. Abolt of the City of Chicago.

Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago as amended by Ordinance Number 097990 (Potable Water Supply Well Ordinance) effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the City of Chicago must receive written notification from the owner/operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA within 45 days from the date of this Letter. The notification shall include:

- a) The name and address of the local unit of government;
- b) The citation of the ordinance used as an institutional control in this Letter.
- c) A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f) A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a) Modification of the reference ordinance to allow potable uses of groundwater;
- b) Approval of a site-specific request, such as a variance, to allow use of groundwater at the site;
- c) Violation of the terms of an institutional control recorded.

As a part of its corrective action, the LUST site has relied upon Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, prohibiting potable uses of groundwater as defined therein. Proof of notification of affected parties, if any, shall be submitted in accordance with 35 IAC 742.1015(b) and (c) within 45 days of the issuance of this NFR Letter.

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan may result in avoidance of this Letter.

#### OTHER TERMS

6. Any contaminated soil or groundwater removed, or excavated from, or disturbed at the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations.

7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attention: Freedom of Information Act Officer  
Bureau of Land - #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(s) associated with the above referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance of this Letter include, but shall not be limited to:

- a) Any violation of institutional controls or industrial/commercial land use restrictions;
- b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
- c) The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;

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- d) The failure to comply with the recording requirements for the Letter;
- e) Obtaining the Letter by fraud or misrepresentation; or
- f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board ("Board") to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

Submit the certified copy of this letter, as recorded, to:

Illinois Environmental Protection Agency  
Bureau of Land - #24  
LUST Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Sam Hale III, at 217/782-6762.

Sincerely,



Clifford L. Wheeler  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

CLW:SH:jk001423.doc

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description

cc: K-Plus Environmental Services  
Division File

Site PIN 17-08-424-012**TIERED APPROACH TO CORRECTIVE ACTION RIGHT-OF-WAY AGREEMENT**

This Agreement is entered into this 13<sup>th</sup> day of APRIL, 2000 pursuant to the Environmental Protection Act ("Act"), 35 IL Admin. Code Section 742.1020 and the Municipal Code of the City of Chicago Section 2-30-030 ("Code") by and among Eternal Life, Inc. (formerly known as Zimmerman Brush Co. ("Owner") and the City of Chicago ("City"), as follows:

1. This Agreement is not binding on the City until it is executed by a duly authorized representative of the City, and prior to execution, this Agreement constitutes an offer by Owner. The duly authorized representatives of Owner have signed this Agreement, and this Agreement is binding upon them, their successors and assigns.
2. Owner stipulates:
  - a. Owner is pursuing corrective action at a Site and in the right-of-way adjacent to the Site located at 900 West Lake Street, Chicago, Illinois ("Site"). Site is legally described in Attachment A.
  - b. The right-of-way adjacent to the Site, described in Attachment B, is subject to this Agreement and is possibly impacted with contaminants from a release at the Site.
  - c. Attached as Attachment C is a site map showing the known and probable area(s) of contaminant impacted soil and groundwater in the right-of-way where, at the time of this Agreement, contaminants exceed the Tier 1 residential remediation objectives under the Act and 35 Ill. Admin. Code Section 742. Also attached as Attachment D is a table showing the concentration of contaminants in soil and/or groundwater within the area described in Attachment B and showing the applicable Tier 1 soil and groundwater remediation objectives for residential property that are exceeded.
  - d. The corrective action is for a confirmed release of petroleum from an underground storage tank at the Site.
  - e. The Illinois Emergency Management Agency has assigned incident number #990156 to the Site.
  - f. Owner has requested risk-based, site-specific soil and/or groundwater remediation objectives from the Illinois Environmental Protection Agency ("Illinois EPA") under the Act and 35 Ill. Admin. Code Section 742.



- g. Under 35 Ill. Admin. Code 742.1020, the use of risk-based, site-specific remediation objectives in the right-of-way require this Agreement, in lieu of active remediation of the contaminant-impacted soil and groundwater.
3. The City stipulates that it holds the right-of-way described in Attachment B in trust for the public and has jurisdiction over the right-of-way.
4. The parties stipulate that:
- a. This Agreement is intended to meet the requirements of the Illinois Pollution Control Board ("Board") regulations for such Agreements.
  - b. This Agreement shall be recorded by the Owner at its expense along with the Illinois EPA's "No Further Remediation" determination with the Cook County Recorder of Deeds. The Owner will similarly record any attachments, addendums, or alterations to this Agreement. Within thirty (30) days of such recording with the Cook County Recorder of Deeds, the Owner shall provide the City a copy of the Agreement that has been stamped by the Cook County Recorder of Deeds to indicate that it has been recorded with that office.
  - c. This Agreement shall be null and void should the Illinois EPA not approve it, or should it not be recorded along with the Illinois EPA's "No Further Remediation" determination, or should the City not review and approve the "No Further Remediation" determination for the Site as it applies to the right-of-way identified in Attachment B.
5. The City agrees that it will prohibit by ordinance the use of groundwater that is contaminated at levels above Tier 1 residential remediation objectives beneath its right-of-way identified in Attachment B as a potable or other domestic supply of water. This prohibition is ensured in Code Section 11-8-390. The City further agrees that it will limit access to soil as described herein under the right-of-way described in Attachment B that is contaminated from the release at levels above the Tier 1 residential remediation objectives, as provided in Code Section 10-20-100 et seq., and by requiring applicants for a public way work permit in the right-of-way described in Attachment B to consult the City and complete Form No. DOE.ROW.01 (or successor document), Attachment E, before obtaining a permit.
- a. Where the pavement in the right-of-way is to be considered an engineered barrier, the Owner agrees to reimburse the City for maintenance activities requested by Owner. Except for ordinary maintenance performed on City roadways, the City does not agree to maintain the right-of-way, nor does it guarantee that the right-of-way will continue as a roadway or that the right-of-way will always be maintained as an engineered barrier.

- b. This agreement does not in any way limit the City's authority to construct, reconstruct, repair or maintain and operate a right-of-way upon the property identified in Attachment B or to allow others to do the same. To that extent, the City reserves the right to identify, investigate, and remove contaminated soil and/or groundwater above Tier 1 residential remediation objectives from the right-of-way identified in Attachment B and to dispose of them as it deems appropriate in accordance with applicable environmental regulations so as to avoid causing a further release of the contaminants and to protect human health and the environment. The Owner shall reimburse the actual costs incurred by the City or others in so identifying, investigating, removing, storing, handling or disposing of contaminated soil and/or groundwater, and it shall not be a defense for Owner that those costs were not consistent with or required by Board or United States Environmental Protection Agency regulations, guidelines or policies. Prior to incurring any such costs, and unless there is an urgent reason otherwise, the City shall first give Owner thirty days notice and an opportunity to remove or dispose of contaminated soil and/or groundwater, at Owner's cost, to the extent necessary for the City's work. Such removal and disposal shall be in accordance with all applicable laws and regulations. Failure to give this opportunity to Owner shall not be a defense to a claim for reimbursement or that the work should not have been done. There is a rebuttable presumption that the contamination found in the right-of-way described in Attachment B arose from the release of contaminants at the Site. Should Owner not reimburse the costs identified here, this Agreement shall be null and void in addition to such other remedies as may be available to the City by law.
6. The Owner agrees to indemnify and hold harmless the City, its agents and employees, and other entities using the right-of-way by a permit issued by the City, for all obligations asserted against or costs incurred by them associated with the release of contaminants of concern as described in Attachments C and D.
7. Violation of the terms of this Agreement by Owner, or its successor(s) in interest, may be grounds for voidance of this Agreement as a Highway Authority Agreement.
8. No violation of a permit by a third party shall constitute a breach of this Agreement by the City. Owner also agrees that its personnel, if any, at the Site will exercise due diligence in notifying those accessing contaminated soil in the right-of-way of their rights and responsibilities under this Agreement.
9. Should the City breach this Agreement, Owner's sole remedy is for an action for damages in the Circuit Court of Cook County. Any and all claims for damages against the City, its agents, contractors, employees or its successors in interest or others under permit from the City arising at any time are limited to an aggregate maximum of \$20,000.00. No other breach by the City, its successors in interest or others under permit, of a provision of this Agreement is actionable in either law or equity by Owner against the City or them and Owner

hereby releases the City, its agents, contractors, employees and its successors in interest, or others under permit from the City for any cause of action it may have against them, other than as allowed in this paragraph, arising under this Agreement or environmental laws, regulations or common law governing the contaminated soil or groundwater in the right-of-way. Should the City convey, vacate or transfer jurisdiction of that right-of-way, Owner may pursue an action under this Agreement against the successors in interest, other than the City, or any of its departments, or State agency, in a Court of Law.

10. This Agreement is entered into by the City in recognition of laws passed by the General Assembly and regulations adopted by the Board which encourage a tiered-approach to remediating environmental contamination. This Agreement is entered into by the City in the spirit of those laws. Should any provision of this Agreement be determined to exceed the authority of the City, however, this Agreement shall be null and void.
11. This Agreement (including attachments, addendums, and amendments) shall run with the land and be binding upon all assigns and successors in interest to the Owner of the Site.
12. The City will limit access to the Site and rights-of-way as follows:
  - a. Normal Access: The City will limit access to the Site and rights-of-way via the City Department of Transportation or its successor agency, by which persons seeking authorization to perform subsurface work in a City right-of-way will be informed of the nature and extent of the contamination, and will be informed that they should take appropriate steps to ensure the health and safety of people working at the Site and rights-of-way.
  - b. Emergency Access: The City Board of Underground, the City Department of Buildings, and the Chicago Fire Department or their successor agencies will be notified of the contamination at this Site and adjacent rights-of-way and will be provided with all available environmental data regarding the Site and adjacent rights-of-way. Such information will be provided to utilities in the area.
13. This Agreement shall continue in effect from the date of the Agreement until contaminant concentrations in the soil and groundwater are subsequently reduced through active remediation or through natural attenuation to Tier 1 residential levels as approved by the Illinois EPA and Board regulations, such that the right-of-way identified in Attachment B is demonstrated to be suitable for unrestricted use and there is no longer a need for this Agreement, and the Illinois EPA has, upon written request to the Illinois EPA and notice to the City, amended the "No Further Remediation" determination for the Site to reflect unencumbered future use of that right-of-way.
14. Written notice and other communications relating to this agreement directed to the City shall be sent to:

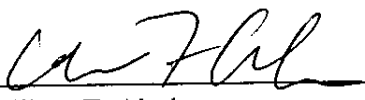
Commissioner  
Department of Environment  
30 N. LaSalle Street  
25th Floor  
Chicago, IL 60602

- 15. Written notice and other communications relating to this agreement directed to Owner shall be sent to:

Eternal Life, Inc.  
6320 North Whipple Street  
Chicago, Illinois 60659  
Attention: Mr. Yale Zimmerman

with copy to: Piper Marbury Rudnick & Wolfe  
203 North LaSalle Street  
Chicago, Illinois 60601  
Attention: Christina King Loundy, Esq.

IN WITNESS WHEREOF, the City of Chicago has caused this Agreement to be signed by its duly authorized representative:

BY:   
William F. Abolt

Date: 4/11/07

IN WITNESS WHEREOF, Owner, Eternal Life, Inc. has caused this Agreement to be signed by its duly authorized representative:

BY:   
Yale Zimmerman

Date: 3-14-00

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## ATTACHMENT A

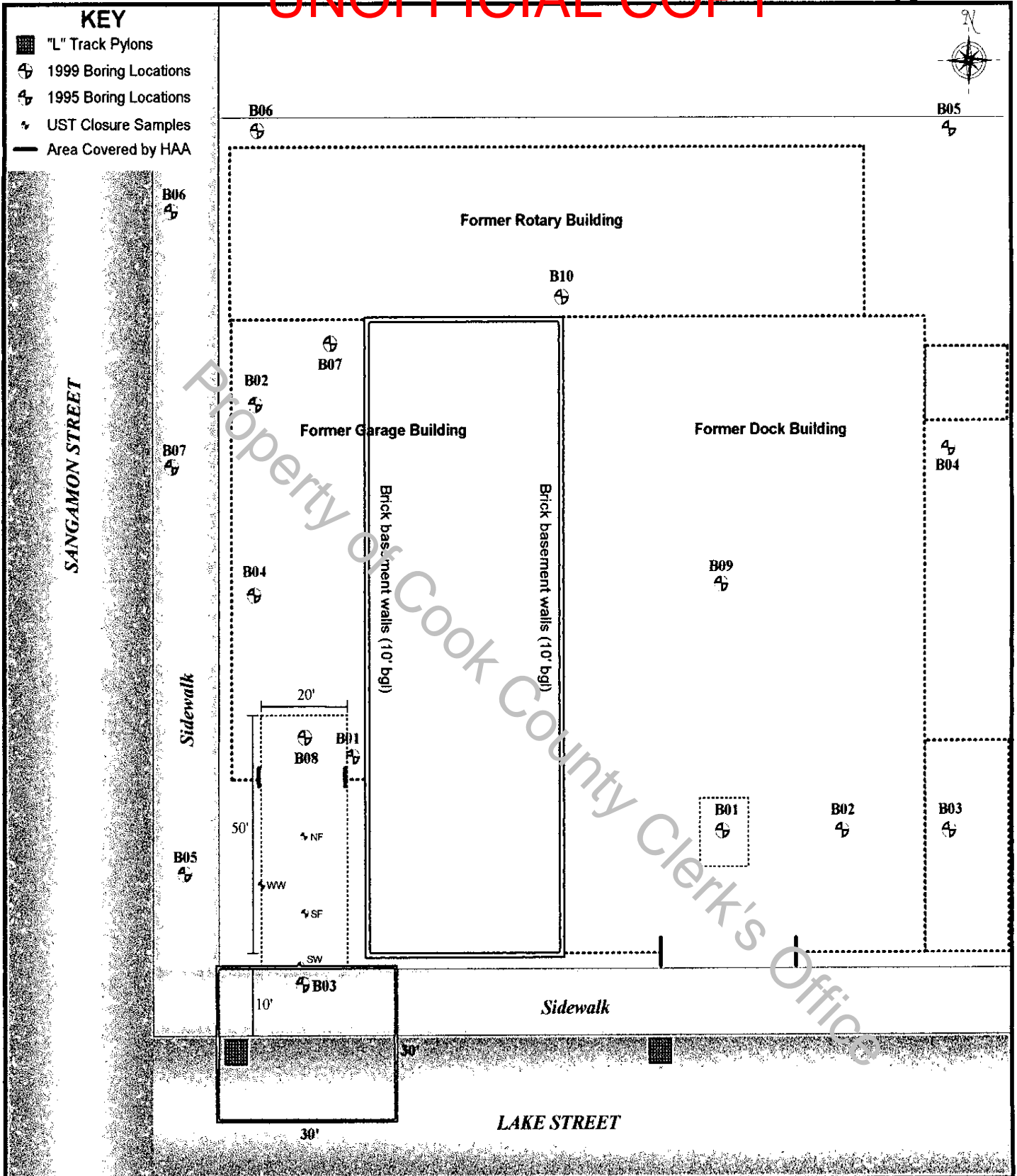
THE WEST 50.00 FEET OF LOTS 10, 11, 12, 13, 14, 15 AND 16 TAKEN AS A TRACT IN BLOCK 21 IN CARPENTER'S ADDITION TO CHICAGO IN THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PIN: 17-08-424-013

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ATTACHMENT B

Property of Cook County Clerk's Office



**SITE LAYOUT AND SOIL SAMPLING LOCATIONS**

**K-PLUS**  
ENVIRONMENTAL

ZIMMERMAN BRUSH COMPANY  
900 W. Lake Street  
Chicago, Illinois

Date: May 30, 2000  
Project No. 8190  
Drawing No.:8190FIG15.PRE

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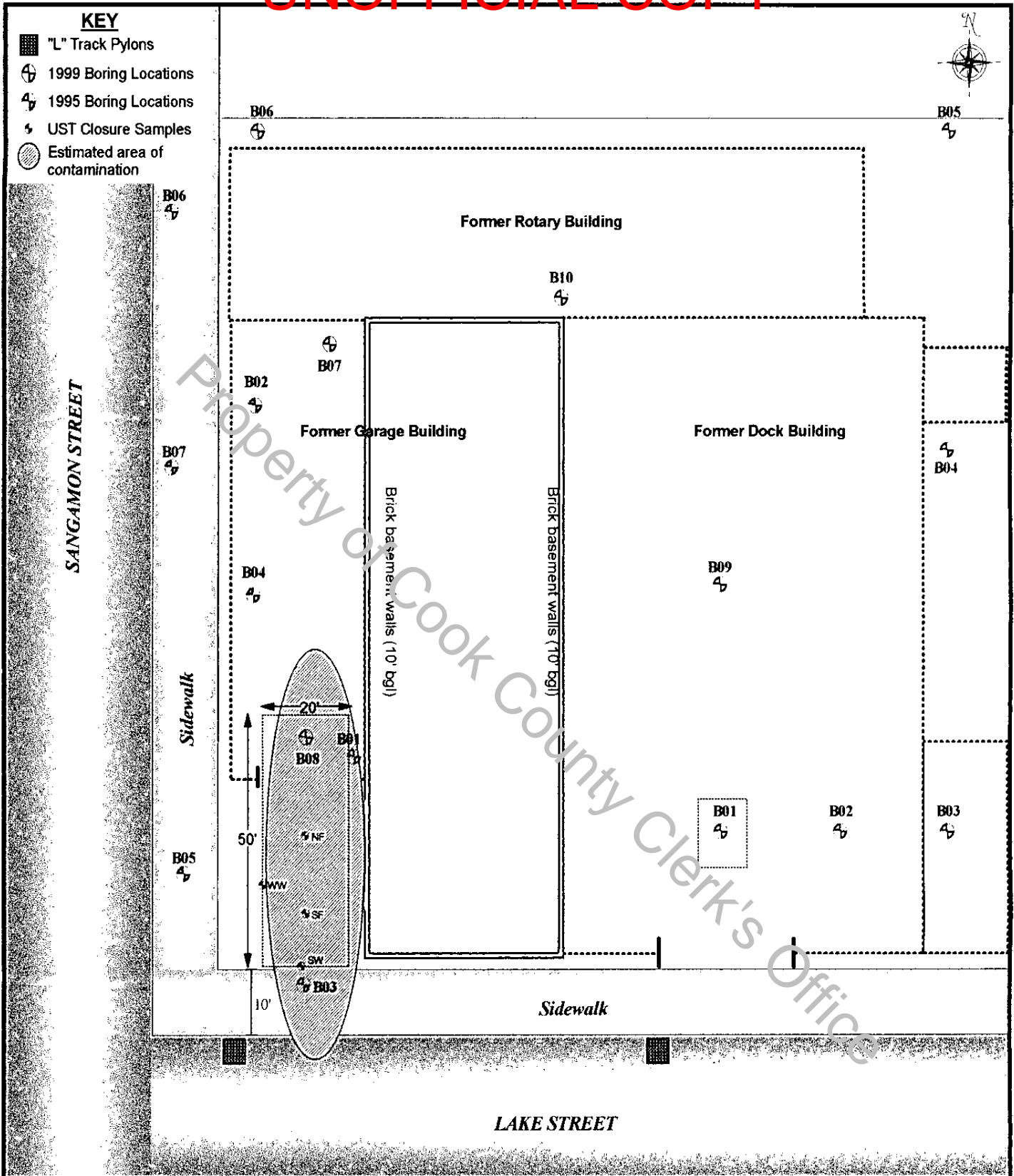
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ATTACHMENT C

Property of Cook County Clerk's Office



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## ESTIMATED AREA OF CONTAMINATION

<p><b>K-PLUS</b> ENVIRONMENTAL</p>	<p>ZIMMERMAN BRUSH COMPANY 900 W. Lake Street Chicago, Illinois</p>	<p>Date: March 2, 2000 Project No. 8190 Drawing No.:8190FIG14.PRE</p>
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ADDENDUM TO ATTACHMENT C

Based on the *Estimated Area of Contamination* figure and associated analytical tables, it can be seen that petroleum contamination is present on the southwest corner of the Zimmerman Brush property. This contamination is limited to a small area surrounding a former underground storage tank excavation zone. Of specific concern is the potential for petroleum contamination to have migrated south underneath Lake Street.

Soil samples can not be collected from underneath Lake Street to determine if petroleum contamination is present due to the presence of the overhead Green Line L-tracks. However, in 1995 the Green Line was completely renovated, including the installation of new support pylons. The renovation project, specifically the replacement of the pylons, involved digging up a majority of Lake Street in front of the former excavation zone. During the project, no contamination was identified underneath Lake Street.

The City of Chicago Department of Transportation (DOT) was contacted to determine the City's policy regarding the discovery of contamination underneath city streets. According to a representative of the DOT, when evidence of contamination is detected (i.e. soils that exhibit an odor, stained soils, etc.) the Department of Environment (DOE) is immediately notified to evaluate the situation and determine a potentially responsible party. This information was confirmed by Mr. Raul Valdivia of the Chicago DOE, who indicated that the lack of a report to the DOE suggests that no contamination was detected underneath Lake Street, south of the Zimmerman Brush property. Based on this information, it is unlikely that contamination extends significantly from the property underneath Lake Street, if at all.

However, the Illinois Environmental Protection Agency (IEPA) will not issue a No Further Remediation (NFR) letter for this site without a Highway Authority Agreement with the City of Chicago due to the possibility that contamination is present underneath Lake Street. As a result, an estimate of the extent of contamination has been generated as presented on the figure entitled *Estimated Area of Contamination*.

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ATTACHMENT D

Property of Cook County Clerk's Office

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**1999 Subsurface Investigation  
Analytical Summary**  
(all values reported in mg/Kg)

	Sample Number	B01	B02	B03	B04	B05	B06	B07	B08	B09	B10
	Sample Depth	4-6'	4-6'	4-6'	8-10'	4-6'	4-6'	4-6'	4-6'	4-6'	4-6'
	Date Collected	2/26/99	2/26/99	2/26/99	2/26/99	2/26/99	2/26/99	2/26/99	2/26/99	2/26/99	2/26/99
<b>BETX</b> <i>Tier 1 Residential Soil Remediation Objectives</i>											
Benzene	0.030	0.00847	0.00663	0.00677	<0.005	<0.005	0.0069	0.0073	8.42 <sup>BC</sup>	<0.005	<0.005
Toluene	12.000	0.0138	0.00676	0.00740	<0.005	<0.005	0.0083	0.0096	<0.300	<0.005	<0.005
Ethylbenzene	13.000	0.00798	<0.005	<0.005	<0.005	<0.010	<0.005	0.0053	40.3 <sup>B</sup>	<0.005	<0.010
Total Xylenes	150.000	0.0178	0.00897	0.00777	0.00889	<0.005	0.01	0.0086	97.800	0.013	<0.005
<b>Polynuclear Aromatic Hydrocarbons</b> <i>Tier 1 Residential Soil Remediation Objectives</i>											
Acenaphthene	570.000	<0.050	<0.050	<0.050	<0.050	<0.050	NA <sup>3</sup>	NA	NA	<0.050	<0.050
Acenaphthylene		<0.050	<0.050	<0.050	<0.050	<0.050	NA	NA	NA	<0.050	<0.050
Anthracene	12,000.000	<0.050	<0.050	<0.050	<0.050	<0.050	NA	NA	NA	<0.050	<0.050
Benzo(a)anthracene	0.900	<0.0087	<0.0087	<0.0087	<0.0087	<0.0087	NA	NA	NA	<0.0087	<0.0087
Benzo(a)pyrene	0.090	<0.015	<0.015	<0.015	<0.015	<0.015	NA	NA	NA	<0.015	<0.015
Benzo(b)fluoranthene	0.900	<0.011	<0.011	<0.011	<0.011	<0.011	NA	NA	NA	<0.011	<0.011
Benzo(g,h,i)perylene		<0.050	<0.050	<0.050	<0.050	<0.050	NA	NA	NA	<0.050	<0.050
Benzo(k)fluoranthene	9.000	<0.011	<0.011	<0.011	<0.011	<0.011	NA	NA	NA	<0.011	<0.011
Chrysene	88.000	<0.050	<0.050	<0.050	<0.050	<0.050	NA	NA	NA	<0.050	<0.050
Dibenzo(a,h)anthracene	0.090	<0.020	<0.020	<0.020	<0.020	<0.020	NA	NA	NA	<0.020	<0.020
Fluoranthene	3,100.000	<0.050	<0.050	<0.050	<0.050	<0.050	NA	NA	NA	<0.050	<0.050
Fluorene	560.000	<0.050	<0.050	<0.050	<0.050	<0.050	NA	NA	NA	<0.050	<0.050
Indeno(1,2,3-c,d)pyrene	0.900	<0.029	<0.029	<0.029	<0.029	<0.029	NA	NA	NA	<0.029	<0.029
Naphthalene	84.000	<0.025	<0.025	<0.025	<0.025	<0.025	NA	NA	NA	<0.025	<0.025
Phenanthrene		<0.050	<0.050	<0.050	<0.050	<0.050	NA	NA	NA	<0.050	<0.050
Pyrene	2,300.000	<0.050	<0.050	<0.050	<0.050	<0.050	NA	NA	NA	<0.050	<0.050

<sup>1</sup> 35 IAC, Section 742, App B, Table A

<sup>2</sup> Analyte Not Detected

<sup>3</sup> Analyte Not Analyzed

<sup>A</sup> Exceeds Soil Ingestion

<sup>B</sup> Exceeds Soil Inhalation

<sup>C</sup> Exceeds Migration To Class I Groundwater

**1995 Subsurface Investigation  
Analytical Summary**  
(all values reported in mg/Kg)

Sample Number		B01	B02	B03	B04	B05	B06	B-07
Sample Depth		3-5'	7-9'	5-7'	7-9'	9-11'	7-9'	7-9'
Date Collected		10/12/95	10/12/95	10/12/95	10/12/95	10/12/95	10/12/95	10/12/95
Laboratory Method Detection Limit								
<b>BETX</b>	Tier 1 Residential Soil Remediation Objectives <sup>1</sup>	0.030	NA <sup>3</sup>	18 <sup>BC</sup>	0.0017	0.026	NA	NA
	Benzene	0.002	1.9 <sup>C</sup>					
	Toluene	0.005	1.2	1.6	0.0056	0.010	NA	NA
	Ethylbenzene	0.005	0.25	9.7	ND	0.019	NA	NA
Total Xylenes	0.015	1.9	22	ND	0.093	NA	NA	
<b>Polynuclear Aromatic Hydrocarbons</b>	Tier 1 Residential Soil Remediation Objectives <sup>1</sup>	570.000	ND <sup>2</sup>	NA	NA	ND	ND	ND
	Acenaphthene	1.200						
	Acenaphthylene	0.660	ND	NA	NA	ND	ND	ND
	Anthracene	0.660	ND	NA	NA	ND	ND	ND
	Benzo(a)anthracene	0.009	ND	NA	NA	ND	ND	ND
	Benzo(a)pyrene	0.015	ND	NA	NA	ND	ND	ND
	Benzo(b)fluoranthene	0.011	ND	NA	NA	ND	ND	ND
	Benzo(g,h,i)perylene	0.051	ND	NA	NA	ND	ND	ND
	Benzo(k)fluoranthene	0.011	ND	NA	NA	ND	ND	ND
	Chrysene	0.100	ND	NA	NA	ND	ND	ND
	Dibenzo(a,h)anthracene	0.020	ND	NA	NA	ND	ND	ND
	Fluoranthene	0.660	ND	NA	NA	ND	ND	ND
	Fluorene	0.140	ND	NA	NA	ND	ND	ND
Indeno(1,2,3-c,d)pyrene	0.029	ND	NA	NA	ND	ND	ND	
Naphthalene	0.660	ND	NA	NA	ND	ND	ND	
Phenanthrene	0.660	ND	NA	NA	ND	ND	ND	
Pyrene	0.180	ND	NA	NA	ND	ND	ND	

<sup>1</sup> 35 IAC, Section 742, App B, Table A

<sup>2</sup> Analyte Not Detected

<sup>3</sup> Analyte Not Analyzed

<sup>A</sup> Exceeds Soil Ingestion

<sup>B</sup> Exceeds Soil Inhalation

<sup>C</sup> Exceeds Migration To Class I Groundwater

**Gasoline Excavation Closure Samples**  
**Analytical Summary**  
 (All values reported in mg/Kg)

Sample Number	WW	SW	SF	NF
Sample Depth	6'	6'	8'	8'
Date Collected	2/10/99	2/10/99	2/10/99	2/10/99
<b>BETX</b>	<b>Tier 1 Residential Soil Remediation Objectives<sup>1</sup></b>			
Benzene	0.030	<0.005	51.1 <sup>A,B,C</sup>	99.6 <sup>A,B,C</sup> 63.2 <sup>A,B,C</sup>
Toluene	12.000	<0.005	6.540	54.9 <sup>C</sup> 2.220
Ethylbenzene	13.000	<0.005	12.000	42.5 <sup>C</sup> 22.2 <sup>C</sup>
Total Xylenes	150.000	<0.005	19.900	91.900 29.600

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<sup>1</sup> 35 IAC, Section 742, App B, Table A  
<sup>2</sup> Analyte Not Detected  
<sup>3</sup> Analyte Not Analyzed  
 A Exceeds Soil Ingestion  
 B Exceeds Soil Inhalation  
 C Exceeds Migration To Class | Groundwater



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Date \_\_\_\_\_

Site Address \_\_\_\_\_

City of Chicago  
Richard M. Daley, Mayor

Department of Environment

William F. Abolt  
Commissioner

Twenty-fifth Floor  
30 North LaSalle Street  
Chicago, Illinois 60602-2575  
(312) 744-7606 (Voice)  
(312) 744-6451 (FAX)  
(312) 744-3586 (TTY)

<http://www.ci.chi.il.us>

**CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT  
FORM NO. DOE.ROW.01**

Notice is hereby given that the site you have requested information on is recorded with the City of Chicago Department of Environment as potentially having environmental contamination on the site and adjacent right-of-way. This environmental contamination could present a threat to human health and safety in connection with work performed at the site, or in the adjacent right-of-way, if proper safeguards are not employed.

A file containing detailed information regarding the aforementioned environmental contamination can be reviewed by contacting the City of Chicago Department of Environment at 30 N. LaSalle St., 25th Floor, Chicago, Illinois, 60602 during normal business hours (8:30 AM - 4:30 PM, Monday through Friday).

Please complete the following:

I have reviewed and understand the documents, maintained by the Department of Environment, regarding environmental contamination of the site and adjacent right-of-way. Further, I will assure that all work at the subject site and adjacent right-of-way will be performed in a manner that is protective of human health and the environment and in compliance with all applicable local, state, and federal laws, rules, and regulations, especially those pertaining to worker safety and waste management.

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Company \_\_\_\_\_  
Phone No. \_\_\_\_\_

Signed by Department of Environment \_\_\_\_\_  
Date \_\_\_\_\_

Please return this completed form to the City of Chicago Department of Transportation at 30 N. LaSalle St., 6th Floor, Chicago, Illinois, 60602 during normal business hours (8:30 AM - 4:30 PM, Monday through Friday).





ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 11-8 of the Municipal Code of Chicago is hereby amended by adding a new section 11-8-385 and by amending Section 11-8-390 by inserting the language underscored, as follows.

11-8-385 Potable water defined.

Potable water is any water used for human consumption, including, but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown.

11-8-390 Prohibited use of secondary water: Prohibited installation of new potable water supply wells.

No secondary water shall overflow into or be discharged into any surge tank, storage tank, or reservoir, or shall in any way be piped or conveyed into the water supply system of any building, structure, or premises to become a part of or be mixed with the fresh water supply from the mains of the Chicago Waterworks System either inside of the premises or in the water service pipe. Secondary water shall not be piped to or used in any plumbing fixture, or for cooling crushers, rollers, or mixers where foods, candies, liquids or materials are manufactured for human or animal consumption. No connection, tap, or opening shall be made in a water distribution system other than an approved water distribution system which will permit such water being used for drinking.

Wherever the fire-protective equipment in any building, structure, or premises has service from the Chicago Waterworks System, no pipe or other conduit which conveys secondary water shall be cross-connected to the fire-protective equipment. All fire-protective equipment connected to the Chicago Waterworks System shall be constructed in such manner that all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed, and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes, and other equipment to any drainage pipes or sewers. No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental agreement with the City of Chicago.

**SECTION 2.** Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language bracketed and inserting the language underscored, as follows:

**2-30-030 Commissioner -- Powers and duties designated.**

The commissioner of the environment shall have the following powers and duties:

...

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs; and agreements to implement the State of Illinois Site Remediation

Program:

**SECTION 3.** This ordinance shall be in full force and effect from and after its passage and

approval.

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ATTACHMENT E

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