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0020989588

1568/0169 21 001 Page 1 of 27

2002-09-09 16:57:09

Cook County Recorder 76.50

PREPARED BY:

Name: David A. Piotrowski
BP Products North America, Inc.

Address: 5210 Northwest Highway, Chicago, Illinois

RETURN TO:

Name: David A. Piotrowski
BP Products North America, Inc.

Address: 28100 Torch Parkway, 3-C
Warrenville, Illinois 60555



THE ABOVE SPACE FOR RECORDER'S OFFICE

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

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: #0316115036

LUST Incident No.: #932612

BP Products North America, Inc., the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 28100 Torch Parkway, Warrenville, Illinois 60555, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal description or Reference to a Plat Showing the Boundaries: see Legal Description
2. Common Address: 5210 Northwest Highway, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 13-08-407-005 and 13-08-407-008
4. Site Owner: BP Products North America, Inc.
5. Land Use Limitation: Industrial/Commercial.
6. See the attached No Further Remediation Letter for other terms.



Jung & Associates, P.C.
33 N. Dearborn, Suite 1515
Chicago, Illinois 60602



CHICAGO TITLE INSURANCE COMPANY

400 S. JEFFERSON, CHICAGO, IL 60607

TRACT INDEX SEARCH

Order No.: 1401 S9538398 SP

Additional Tax Numbers:

Legal Description:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER OF RAND ROAD ON THE EAST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 8; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF RAND ROAD, 154 1/2 FEET; THENCE SOUTHWESTERLY 196.73 FEET TO THE NORTH EAST RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, 287 3/4 FEET TO THE EAST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 8 AFORESAID; THENCE NORTH ALONG SAID EAST LINE, 244.47 FEET TO THE PLACE OF BEGINNING, (EXCEPTING THEREFROM THAT PART THEREOF CONVEYED BY CLAU F. CLAUSSEN TO MERTON C. WILCOX BY DEED RECORDED NOVEMBER 28, 1913 AS DOCUMENT 5312721 IN BOOK 12574 AT PAGE 351 DESCRIBED AS: COMMENCING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, WITH THE NORTH EAST RIGHT OF WAY LINE OF THE WISCONSIN DIVISION OF THE CHICAGO AND NORTHWESTERN RAILWAY; THENCE NORTHWESTERLY 60 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTHEASTERLY 82 1/2 FEET AT RIGHT ANGLES TO THE SOUTH WEST LINE OF NORWOOD PARK AVENUE TO THE EAST LINE OF SAID SECTION 8; THENCE SOUTH TO THE PLACE OF BEGINNING; ALSO EXCEPTING THEREFROM THAT PART OF LOT 5 IN HOPKINS SUBDIVISION OF THAT PART OF THE SOUTHEAST 1/4 LYING NORTHEAST OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD IN SECTION 8, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IMPROVEMENTS THEREON (EXCEPTING THAT PART BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 5, 101.68 FEET SOUTH OF THE INTERSECTION OF THE EAST LINE OF SAID SECTION 8 AND SOUTHWESTERLY LINE OF NORWOOD PARK AVENUE; THENCE SOUTHWEST AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF NORWOOD PARK AVENUE, 82.08 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 5; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 5, 60 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE NORTH ALONG SAID EAST LINE, 101.68 FEET TO THE PLACE OF BEGINNING), LYING EAST OF A LINE 40 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 8, THE LAST ABOVE EXCEPTED PROPERTY BEING THAT WHICH WAS CONVEYED TO THE CITY OF CHICAGO BY DEED DATED SEPTEMBER 22, 1927, FOR THE PURPOSE OF OPENING AND WIDENING NORTH CENTRAL AVENUE), ALL IN COOK COUNTY, ILLINOIS.

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CHICAGO TITLE INSURANCE COMPANY

Additional Tax Numbers:

Order No.: 1401 S9519175 SP

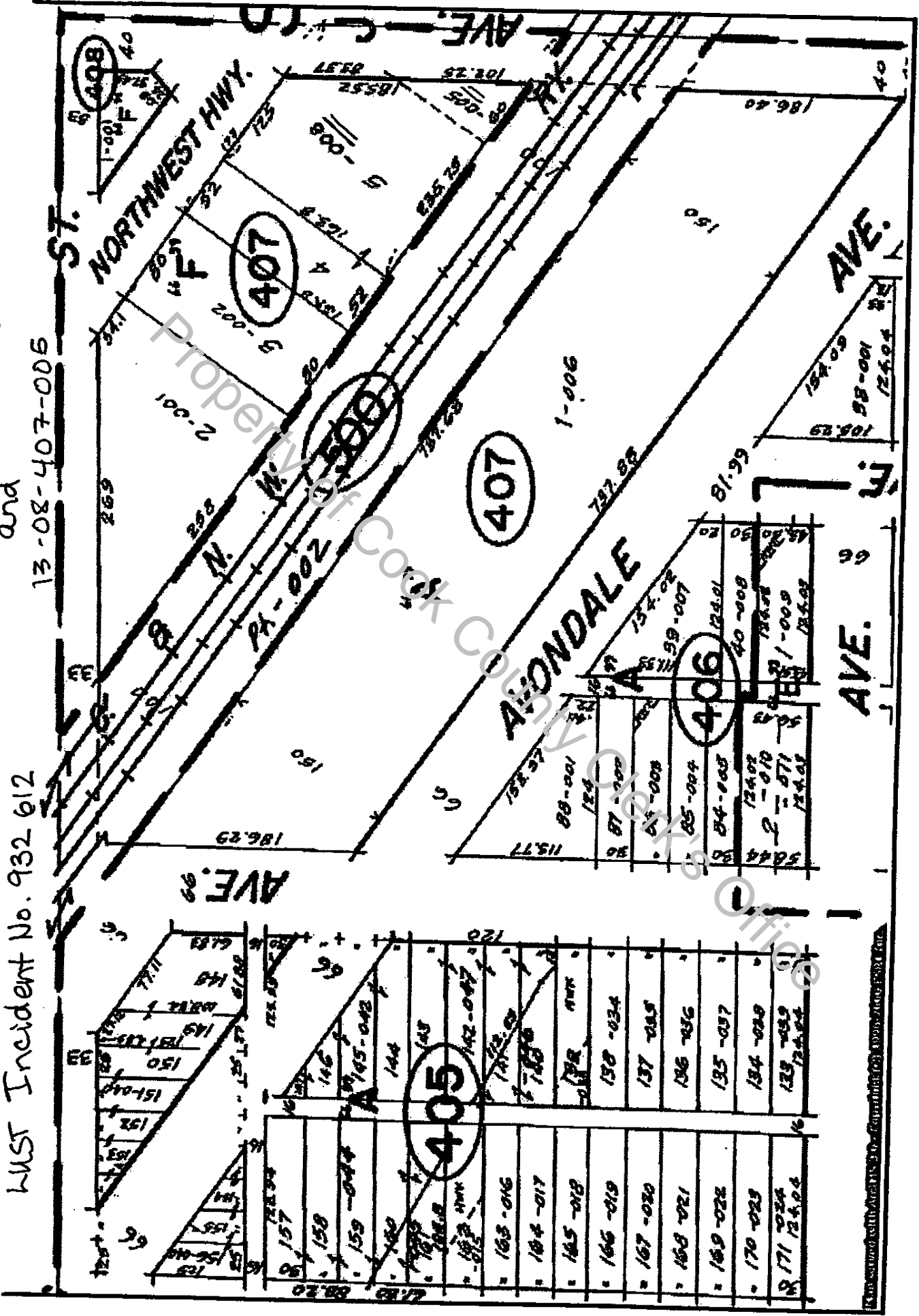
Legal Description:

THAT PART OF LOT 5 IN HOPKINS SUBDIVISION OF THAT PART OF SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 13, LYING NORTHEAST OF THE CHICAGO AND NORTHWESTERN RAILWAY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE NORTHWESTERLY ON THE NORTHEAST RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY, A DISTANCE OF 60 FEET; THENCE NORTHEAST AT RIGHT ANGLES TO SAID NORTHEAST RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY 82.5 FEET TO THE EAST LINE OF SAID LOT 5 BEING ALSO THE WEST LINE OF CENTRAL AVENUE; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 5, 102.25 FEET TO THE POINT OF BEGINNING EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Deputy Cook County Clerk's Office

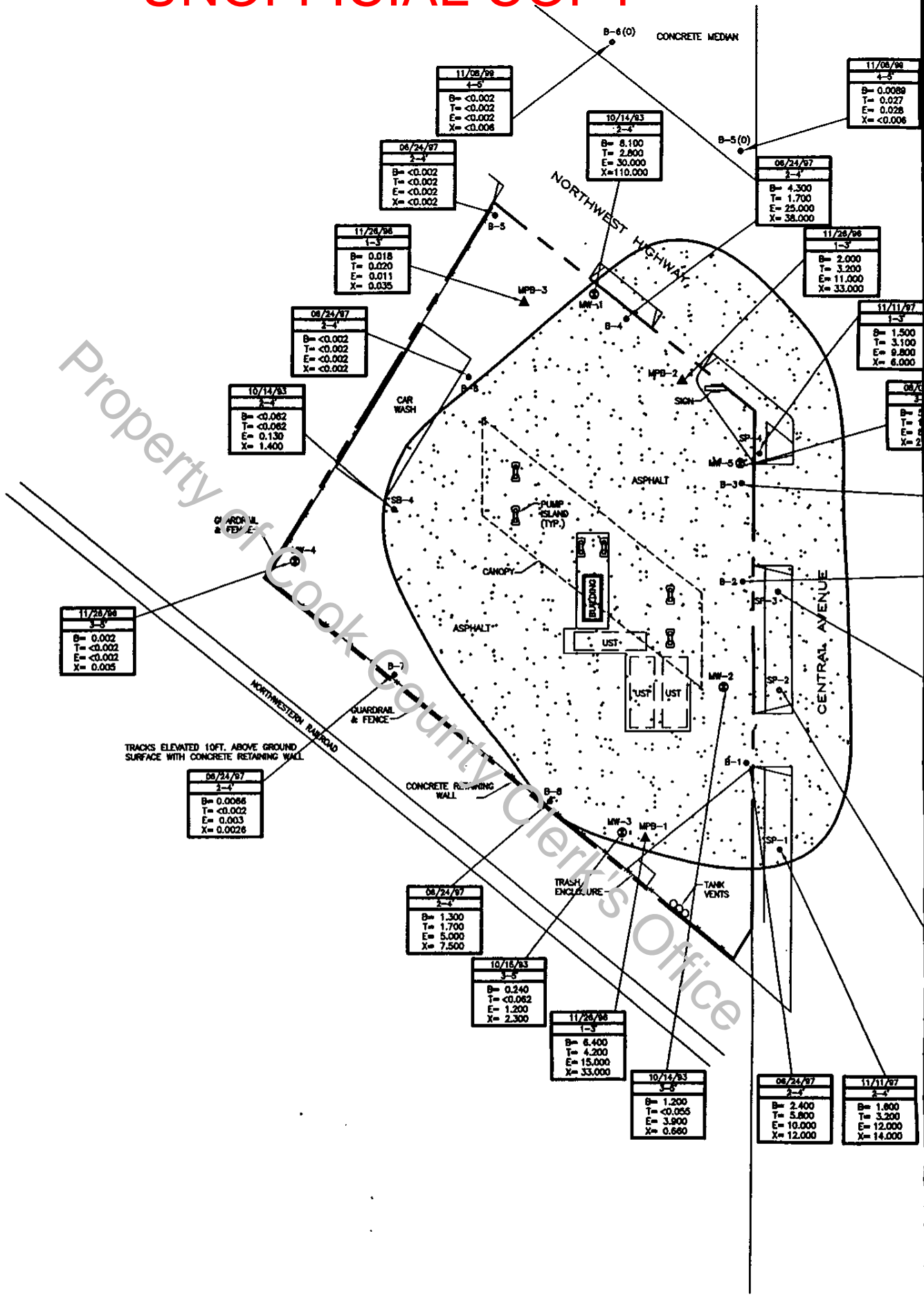
PIN 13-08-407-008
and
13-08-407-005

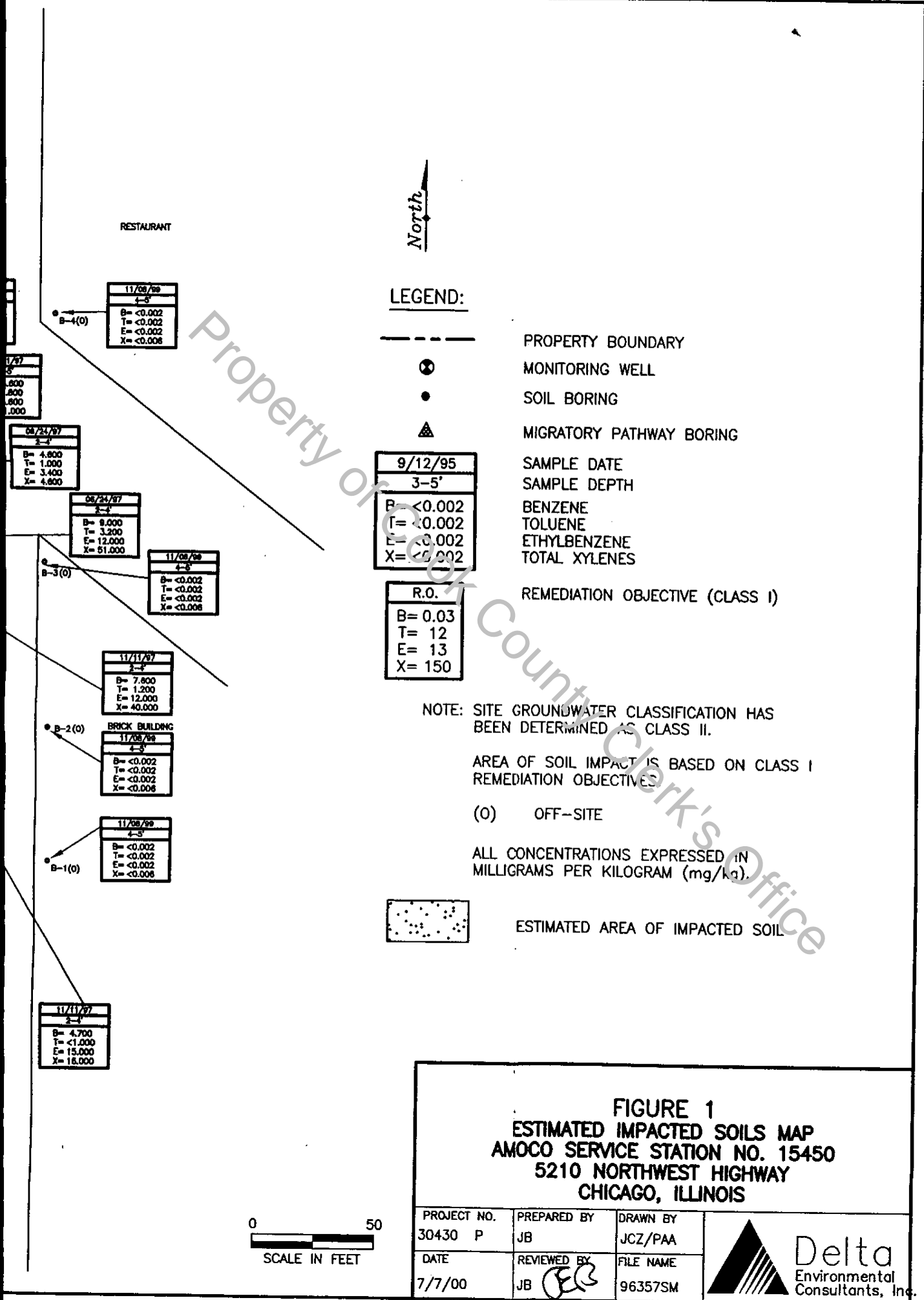
Amoco SS 15450
LUST Incident No. 932 612



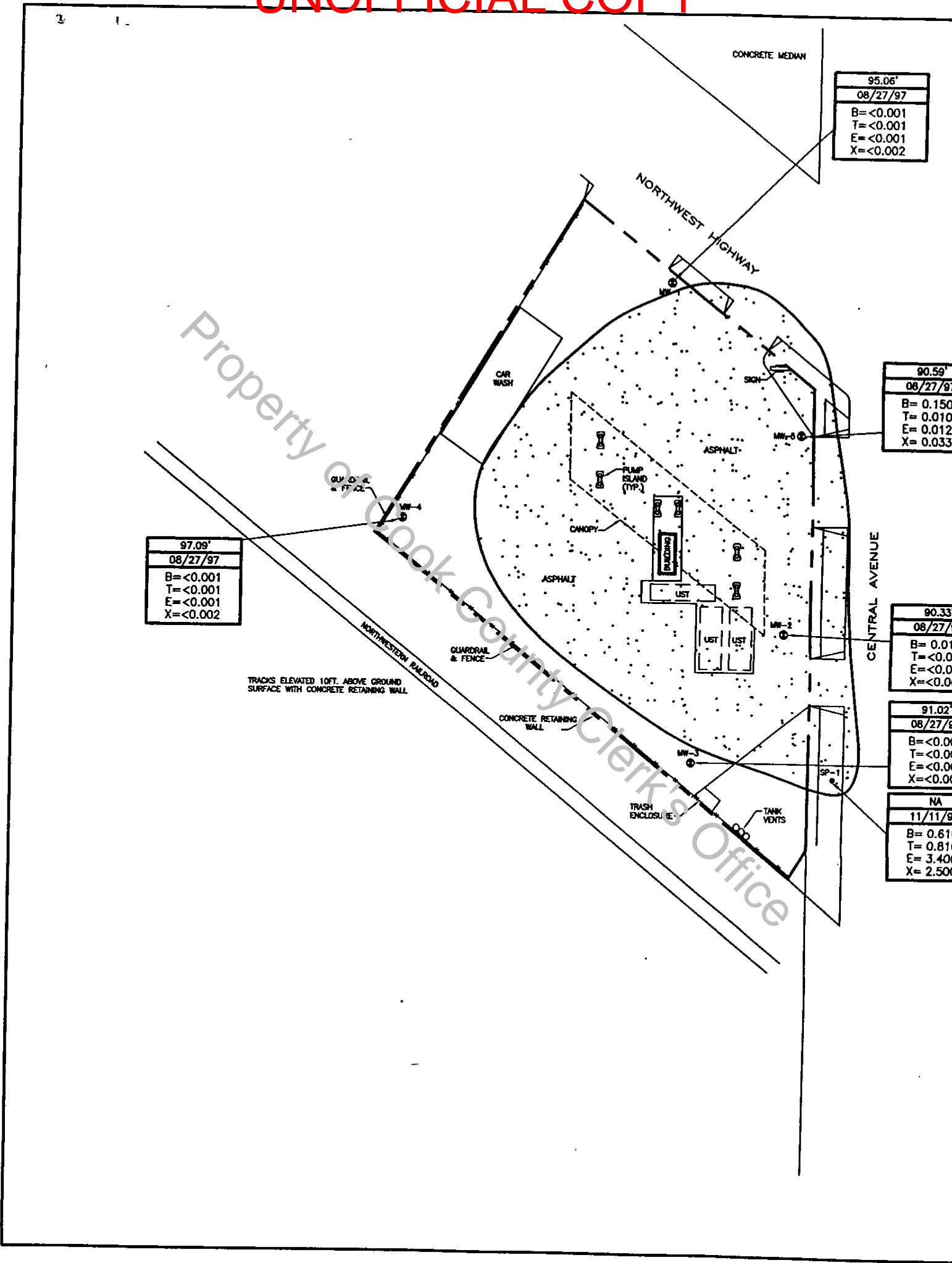
Map prepared with data furnished by the Cook County Assessor's Office

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95.06'
08/27/97
B=<0.001
T=<0.001
E=<0.001
X=<0.002

90.59'
08/27/97
B= 0.150
T= 0.010
E= 0.012
X= 0.033

97.09'
08/27/97
B=<0.001
T=<0.001
E=<0.001
X=<0.002

90.33'
08/27/97
B= 0.017
T=<0.001
E=<0.001
X=<0.002

91.02'
08/27/97
B=<0.001
T=<0.001
E=<0.001
X=<0.002

NA
11/11/97
B= 0.610
T= 0.810
E= 3.400
X= 2.500

TRACKS ELEVATED 10FT. ABOVE GROUND SURFACE WITH CONCRETE RETAINING WALL

RESTAURANT



LEGEND:



PROPERTY BOUNDARY



MONITORING WELL

GW ELEV	
DATE	R.O.
B=<0.001	0.005
T=<0.001	1.0
E=<0.001	0.7
X=<0.002	10

GROUNDWATER ELEVATION (IN FEET)
SAMPLE DATE/REMEDIATION OBJECTIVE (CLASS I)

BENZENE
TOLUENE
ETHYLBENZENE
TOTAL XYLENES

N/

NOT ANALYZED

ALL CONCENTRATIONS EXPRESSED IN
MILLIGRAMS PER LITER (mg/L).

NOTE: SITE GROUNDWATER CLASSIFICATION HAS
FOR CLASS II GROUNDWATER.

AREA OF SOIL IMPACT IS BASED ON CLASS I
REMEDIATION OBJECTIVES.

BRICK BUILDING



ESTIMATED AREA OF IMPACTED GROUNDWATER

FIGURE 2
ESTIMATED IMPACTED GROUNDWATER MAP
AMOCO SERVICE STATION NO. 15450
5210 NORTHWEST HIGHWAY
CHICAGO, ILLINOIS



PROJECT NO. 30430 P	PREPARED BY JB	DRAWN BY JCZ/PAA
DATE 7/7/00	REVIEWED BY JB	FILE NAME 96357SM



Delta
Environmental
Consultants, Inc.

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1

CONCRETE MEDIAN

NORTHWEST HIGHWAY

TAX ID# 13-08-407-008

CAR WASH

ASPHALT

GUARD RAIL & FENCE

50 FEET

PUMP ISLAND (TYP.)

CANOPY

ASPHALT

BUILDING

UST

UST

UST

CENTRAL AVENUE

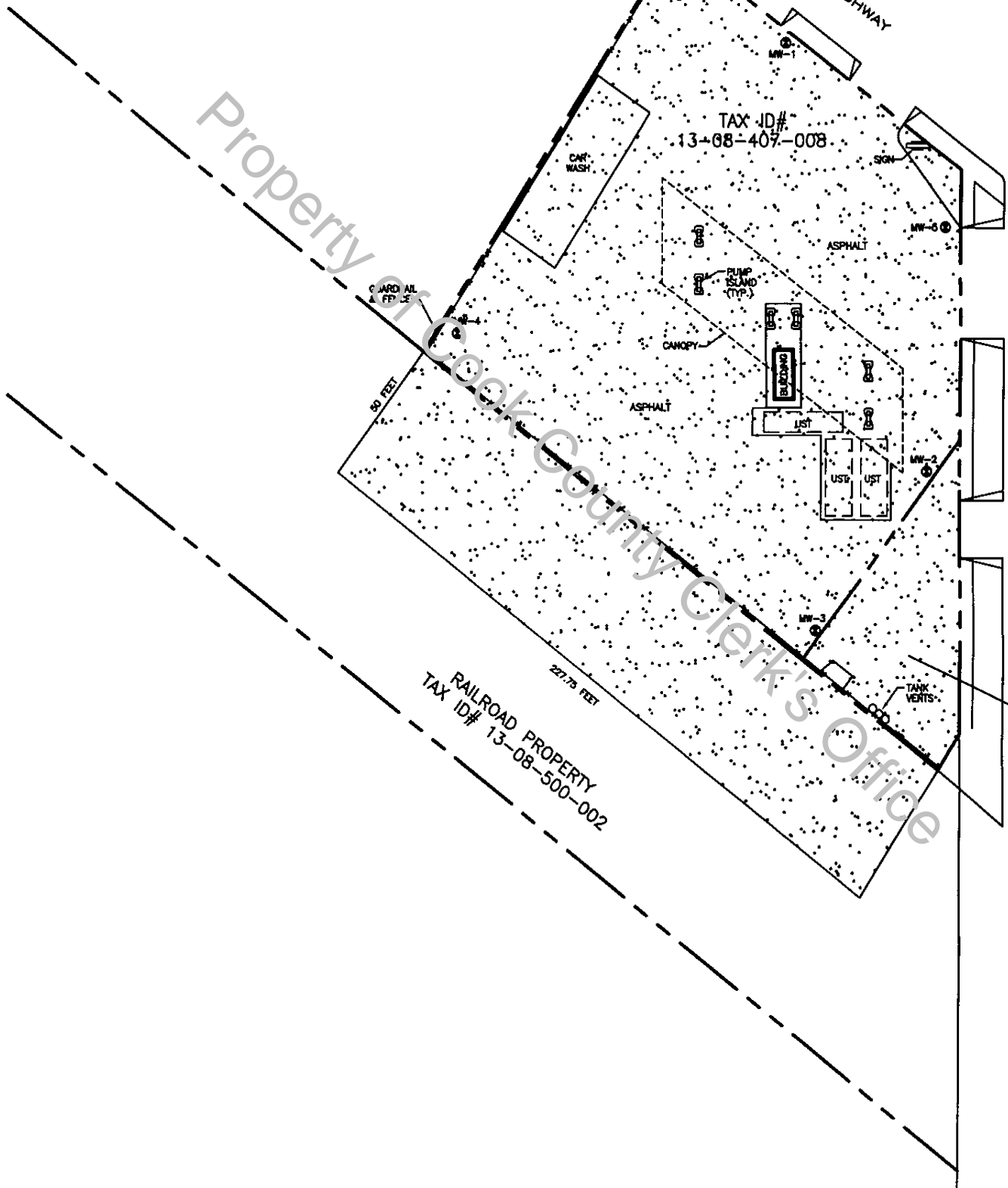
227.75 FEET

RAILROAD PROPERTY
TAX ID# 13-08-500-002

TANK VENTS

TAX ID# 13-08-407-

Property of Cook County Clerk's Office



RESTAURANT



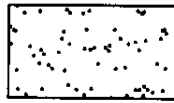
LEGEND:



PROPERTY BOUNDARY



MONITORING WELL



AREA OF GROUNDWATER ORDINANCE NOTIFICATION


Property of Cook County Clerk's Office

BRICK BUILDING

005



**FIGURE 1
GROUNDWATER ORDINANCE MAP
AMOCO SERVICE STATION NO. 15450
5210 NORTHWEST HIGHWAY
CHICAGO, ILLINOIS**

PROJECT NO. 30430 P	PREPARED BY JB	DRAWN BY JCZ/PAA
DATE 7/7/00	REVIEWED BY JB 	FILE NAME 96357SM



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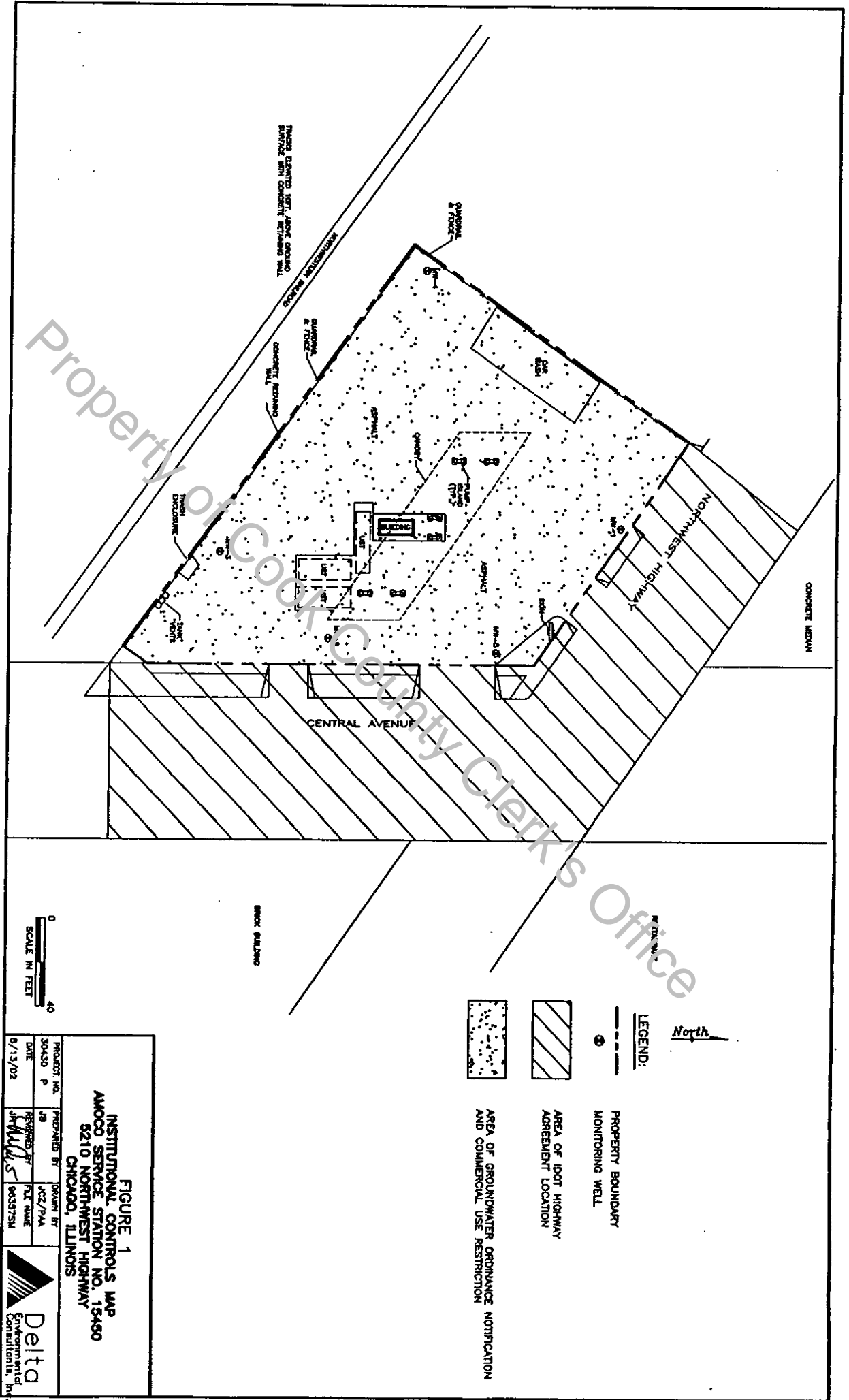
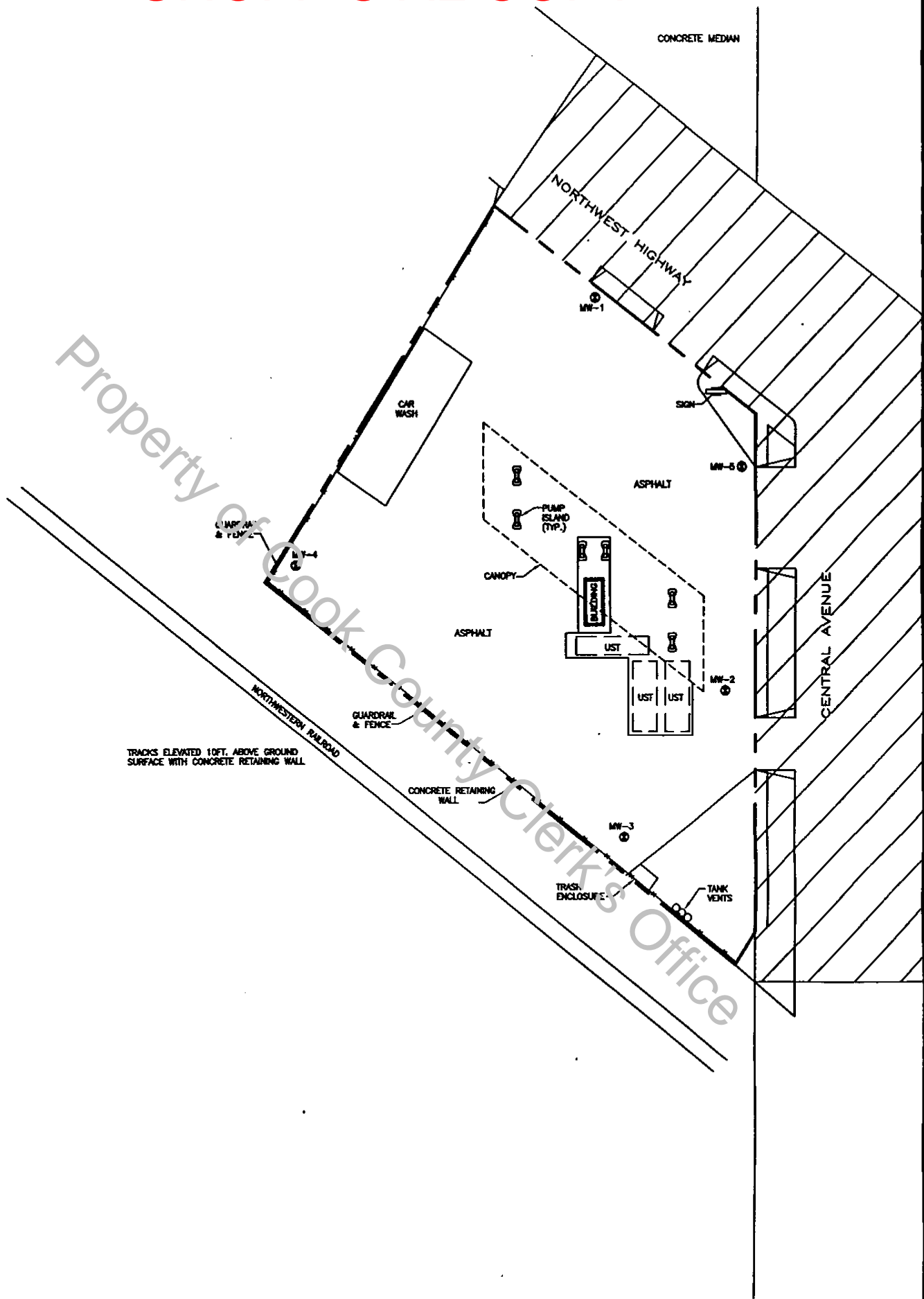


FIGURE 1
INSTITUTIONAL CONTROLS MAP
AMOCO SERVICE STATION NO. 18460
5210 NORTHWEST HIGHWAY
CHICAGO, ILLINOIS

PROJECT NO.	30430 P	PREPARED BY	JB	DRAWN BY	JCE/PAA
DATE	8/13/02	REVISION BY	JW/S	FILE NAME	983875M

Delta
 Environmental
 Consultants, Inc.

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Property of Cook County Clerk's Office

RESTAURANT



LEGEND:



PROPERTY BOUNDARY



MONITORING WELL





AREA OF IDOT HIGHWAY AGREEMENT LOCATION

Property of Cook County Clerk's Office

BRICK BUILDING



**FIGURE 3
HIGHWAY AGREEMENT LOCATION MAP
AMOCO SERVICE STATION NO. 15450
5210 NORTHWEST HIGHWAY
CHICAGO, ILLINOIS**

PROJECT NO. 30430 P	PREPARED BY JB	DRAWN BY JCZ/PAA	
DATE 7/7/00	REVIEWED BY JB 	FILE NAME 96357SM	

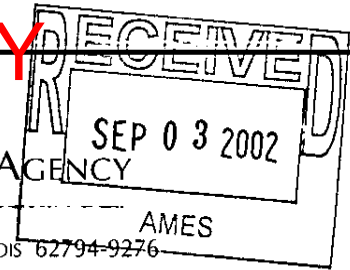
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

RENEE CIPRIANO, DIRECTOR



217/782-6762

CERTIFIED MAIL

Dated: June 14, 2002

7001-2510-0002-5279-4959

Reissued: **AUG 28 2002**

0020989588 Page 10 of 27

BP Products North America, Inc.
Attention: David A. Piotrowski
28100 Torch Parkway, 3-C
Warrenville, Illinois 60555

Re: LPC # 0316115036 - Cook County
Chicago / Amoco Station #15450
5210 Northwest Highway
LUST Incident No. #932612
LUST Technical File

Mr. Piotrowski:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Miscellaneous Correspondence submitted for the above-referenced incident. This correspondence is dated August 13, 2002; was received by the Illinois EPA August 14, 2002; and was prepared by Delta Environmental Consultants, Inc. 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 Debra Hagerty, 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

Page 2

1. *BP Products North America, Inc.*;
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 have been established in

Page 3

accordance with an industrial/commercial land use limitation. 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:
Industrial/Commercial.
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:** Prior to commencement of any future excavation and/or construction in or near the contaminated zone on the remediation site, a safety plan for this remediation site is required that is consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities; OSHA regulations, particularly in 29 CFR 1910 and 1926; state and local regulations; and other U.S. EPA guidance as provided. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.

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.

Highway Authority Agreement

Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 5210 Northwest Highway. Specifically, as shown in the attached map, contamination will remain in the right-of-way for Northwest Highway and Central Avenue 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:

Illinois Department of Transportation
John Kos, District One Engineer
291 West Center Court
Schaumburg, Illinois
847/715-4110

Groundwater Use Ordinance

Section 11-8-390 of the Municipal Code of Chicago 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

Page 5

- 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 Section 11-8-390 of the Municipal Code of Chicago that prohibits 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 voidance 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 under 35 IAC Subtitle G.
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)) and 35 IAC Section 732.704, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide

Page 6

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 voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance 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;
- 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.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.7(c)(4)(1) and Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Page 7

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276
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, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, the Illinois EPA project manager, Eric Kuhlman,, at 217/785-5715..

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:EK:EK\

Attachments: Leaking Underground Storage Tank Environmental Notice
City of Chicago's Groundwater Ordinance
Legal Description
Site Base Map(s)

cc: Delta Environmental Consultants, Inc.
Division File

UNOFFICIAL COPY

STATE OF ILLINOIS,-
County of Cook. ss.

I, JAMES J. LASKI, City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office for an amendment of Title 11, Chapter 8 of Municipal Code of Chicago by addition of new Section 390 defining potable water and prohibiting use of certain groundwater collection device' to supply any potable water supply system.

I DO FURTHER CERTIFY that the said ordinance was adopted by the City Council of the said City of Chicago on the twenty-eighth (28th) day of November, A.D. 2001 and deposited in my office on the twenty-eighth (28th) day of November, A.D. 2001.

I DO FURTHER CERTIFY that the vote on the question of the adoption of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit:

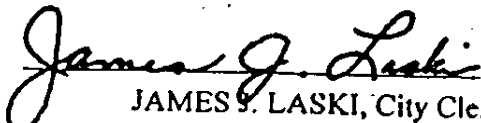
Yeas 47. Nays 0.

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the adoption thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five (5) days after the adoption of the said ordinance.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

[L.S.]

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this sixth (6th) day of December, A.D. 2001.



JAMES J. LASKI, City Clerk.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of the City of Chicago is hereby amended by adding a new Section 11-8-390, as follows:

11-8-390 Potable Water Wells.

For purposes of this section, "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

RECEIVED

Division of Legal Counsel

DEC 12 2001

Environmental Protection Agency

RELEASABLE

DEC 12 2001

REVIEWER MM

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11/28/2001

REPORTS OF COMMITTEES

72897

intended for human consumption is grown. No groundwater well, cistern or other groundwater collection device installed after May 14, 1997, may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by a unit of local government pursuant to intergovernmental agreement with the City of Chicago.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

Property of Cook County Clerk's Office

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICAGO, ILLINOIS AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING (A) THE USE OF A LOCAL POTABLE WATER SUPPLY WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL AND (B) THE PROVISION OF INFORMATION RELATING TO "NO FURTHER REMEDIATION" DETERMINATIONS BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO THE CITY OF CHICAGO

I. PURPOSE AND INTENT

- A. This Memorandum of Understanding ("MOU") is entered into between the City of Chicago, Illinois ("the City") and the Illinois Environmental Protection Agency ("Illinois EPA") for the purpose of (a) satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of potable water supply well ordinances as environmental institutional controls and (b) ensuring that the City will be provided with copies of all "No Further Remediation" letters or determinations issued by the Illinois EPA pursuant to specific programs for sites located within the boundaries of Chicago, Illinois, in order to enable the City to maintain a complete and up-to-date registry of sites as required by 35 Ill. Adm. Code 742.1015(i)(5). The Illinois EPA has reviewed 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"), attached as Attachment A, and has determined that the Municipal Code of Chicago prohibits the installation and use of new potable water supply wells by private entities but will allow the installation of potable water supply wells by the City and other units of local government pursuant to intergovernmental agreements with the City. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the City may enter into an MOU with the Illinois EPA to allow the use of the ordinance as an institutional control.
- B. The intent of this Memorandum of Understanding is to (a) specify the responsibilities that must be assumed by the City to satisfy the requirements for MOUs as set forth at 35 Ill. Adm. Code 742.1015(i), and (b) require the Illinois EPA to provide the City with copies of all "No Further Remediation" letters or determinations that the Illinois EPA issues for sites located within the City of Chicago to enable the City to maintain a registry of sites pursuant to 35 Ill. Adm. Code 742.1015(i)(5).

II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY

- A. In order to ensure the long-term integrity of the Potable Water Supply Well Ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the Potable Water Supply Well Ordinance is effectively managed, the City hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(i):

1. The City will notify the Illinois EPA Bureau of Land of any changes to or requests for variance from the Potable Water Supply Well Ordinance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35 Ill. Adm. Code 742.1015(i)(4));
2. The City will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA pursuant to specific programs (35 Ill. Adm. Code 742.1015(i)(5));
3. If the City determines to install a new potable water supply well(s), the City will review the registry of sites established under paragraph II.A.2. prior to siting such potable water supply well(s) within the area covered by the Potable Water Supply Well Ordinance, pursuant to 35 Ill. Adm. Code 742.1015(i)(6)(A);
4. If the City determines to install a new potable water supply well(s), the City will determine whether the potential source of potable water has been or may be affected by contamination left in place at the sites tracked and reviewed under paragraphs II.A.2. and 3. (35 Ill. Adm. Code 742.1015(i)(6)(B)); and
5. If the City determines to install a new potable water supply well(s), the City will take action as necessary to ensure that the potential source of potable water is protected from contamination or treated before it is used as a potable water supply (35 Ill. Adm. Code 742.1015(i)(6)(C));
6. If the City enters into intergovernmental agreements under Section 11-8-390 of the Municipal Code of Chicago to allow other units of local government to install new potable water supply well(s) within the corporate limits of the City, the City will require compliance with the procedures set forth in paragraphs II.A.3., 4., and 5. as a part of such agreements.
7. Notification under paragraph II.A.1. above, or other communications concerning this MOU directed to the Illinois EPA, shall be addressed to:

Manager, Division of Remediation Management
 Bureau of Land
 Illinois Environmental Protection Agency
 P.O. Box 19276
 Springfield, IL 62794-9276

B. In order to ensure the long-term integrity of the Potable Water Supply Well Ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the Potable Water Supply Well Ordinance or other specific programs can be effectively managed, the Illinois EPA hereby assumes

the following responsibilities:

1. The Illinois EPA will provide the City with copies of all "No Further Remediation" letters or determinations that it issues pursuant to 35 Ill. Adm. Code 742, and other specific programs, for sites located within the boundaries of the City at the time said letters or determinations are provided to remediation applicants.
2. Copies of "No Further Remediation" letters or determinations provided to the City pursuant to paragraph II.B.1. above, or other communications concerning this MOU directed to the City, shall be addressed to:

Commissioner
Chicago Department of Environment
25th Floor
30 North LaSalle Street
Chicago, IL 60602-2575

III. SUPPORTING DOCUMENTATION

The following documentation is required by 35 Ill. Adm. Code 742.1015(i) and is attached to this MOU:

- A. Attachment A: A copy of the Potable Water Supply Well Ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(i)(3)) and a statement of the authority of the City to enter into the MCU (35 Ill. Adm. Code 742.1015(i)(1)).;
- B. Attachment B: Identification of the legal boundaries within which the Potable Water Supply Well Ordinance is applicable (35 Ill. Adm. Code 742.1015(i)(2)); and

IN WITNESS WHEREOF, the lawful representatives of the parties have caused this MOU to be signed as follows:

FOR: The City of Chicago, Illinois

BY: *Ray L. Anderson* DATE: *July 1, 1997*
Commissioner
Department of Environment
City of Chicago

FOR: Illinois Environmental Protection Agency

BY: *Gary P. King* DATE: *July 3, 1997*
(Name and title of signatory)
Division of Remediation Management
Bureau of Land

Version 6/27/97

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.

(21) To enter into grant agreements, cooperation agreements and other agreements of 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.

DOE Navigation

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STATE OF ILLINOIS, ss.
County of Cook.

I, JAMES J. LASKI City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office an ordinance amending Title 11, Chapter 8 and Title 2, Chapter 30 of the Municipal Code of Chicago by establishment of definition of potable water, regulation of potable water supply system and empowerment of commissioner of environment for implementation of State of Illinois Site Remediation Program.

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the fourteenth (14th) day of May, A. D. 1997 and deposited in my office on the fourteenth (14th) day of May, A. D. 1997.

I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit:
Yeas 47 Nays None

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five days after the passage of the said ordinance.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this twenty-seventh (27th) day of June, A. D. 1997.

James J. Laski
JAMES J. LASKI, City Clerk.

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City of Chicago
Richard M. Daley, Mayor

Department of Environment

Henry L. Henderson
Commissioner

Twenty-fifth Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575
(312) 744-7106 (Voice)
(312) 744-6451 (FAX)
(312) 744-3556 (TTY)

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

July 1, 1997

Mr. Gary P. King
Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
1001 N. Grand Avenue, East
Springfield, IL 62702

Re: Chicago Ordinance No. 097990

RECEIVED

JUL 03 1997

I.E.P.A. / B.O.L.

Dear Mr. King,

Pursuant to 35 Ill. Adm. Code 742.1015(l)(2), Section 11-8-385 and 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, apply to all areas within the corporate limits of the City of Chicago.

Sincerely,

Henry L. Henderson
Commissioner

cc: Mort Ames
Asst. Corp. Counsel



EXHIBIT

