



0321739125

Eugene "Gene" Moore Fee: \$46.50
Cook County Recorder of Deeds
Date: 08/05/2003 04:04 PM Pg: 1 of 12

PREPARED BY:

Name: Mr. James Kitts
Marathon Ashland Petroleum, L.L.C.

Address: 539 South Main Street
Findlay, OH 45840

RETURN TO:

Name: Mr. James Kitts
Marathon Ashland Petroleum, L.L.C.

Address: 539 South Main Street
Findlay, OH 45840

THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316555055

Mr. James Kitts, the Remediation Applicant, whose address is 539 South Main Street, Findlay, Ohio, has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: Parcel 1:

That Part of the Southeast Quarter of Section 25, Township 37 North, Range 14 East of the Third Principal Meridian, described as follows: Commencing at a point in the west line of said Southeast Quarter, which point is 50 feet north of the southwest corner of said Southeast Quarter; Thence North 0 Degrees 14 Minutes 10 Seconds East along said west line, a distance of 370 feet to a point; Thence South 89 Degrees 45 Minutes 50 Seconds East, a distance of 130 feet to a point; Thence North 0 Degrees 14 Minutes 10 Seconds East on a line which is parallel to said west line, a distance of 744.98 feet to a point of intersection of said parallel line with the southerly channel line of the Calumet River; Thence North 67 Degrees 31 Minutes 50 Seconds East along said channel line, a distance of 380.07 Feet to an angle in said channel line; Thence North 21 Degrees 11 Minutes 50 Seconds East along said channel line, a distance of 448.56 feet to a point; said point being the Place of Beginning of the following described tract of land hereby conveyed and quit claimed, to wit; Thence continuing North 21 Degrees 11 Minutes 50 Seconds East along said channel line for a distance of 372.69 feet to an angle in said channel line; Thence North 47 Degrees 38 Minutes 10 Seconds East, for a distance of 566.52 feet to an angle in said channel line; Thence North 78 Degrees 29 Minutes 00 Seconds East along said channel line, a distance of 109.31 feet to the point of intersection of said channel line with the west line of the right-of-way of the New York Chicago and St. Louis Railroad Company; Thence South 0 Degrees 28 Minutes 50 Seconds East along said right-of-way line for a distance of 928.74 Feet to a point of curve; Thence Southeasterly along the westerly line of the right-of-way of said Company, said westerly line being a curved line tangent to said west line of the right-of-way at said point of curve, convex to the

(Illinois EPA Site Remediation Program Environmental Notice)

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southwest and having a radius of 1960.00 feet, for a distance of 1489.20 feet to a point of tangency; Thence South 44 Degrees 00 Minutes 50 Seconds East along the southwesterly line of the right-of-way of said Company, a distance of 173.80 feet to the point of intersection of said southwesterly line with the east line of the west half of the Southeast Quarter of said Section 25; Thence South 0 Degrees 14 Minutes 10 Seconds West along said east line for a distance of 37.93 Feet to the point of intersection of said east line with the north line of East 130th Street, which north line is 50 feet north of and parallel to the south line of said Section 25; Thence North 89 Degrees 45 Minutes 50 Seconds West along said north line for a distance of 25.00 feet to a point; Thence North 0 Degrees 14 Minutes 10 Seconds East for a distance of 27.77 feet to a point; Thence North 44 Degrees 00 Minutes 50 Seconds West for a distance of 163.64 feet to a point of curve; Thence northwesterly on a curved line tangent to the last described line, convex southwesterly and having a radius of 1985.00 Feet and being concentric with last described curved line for a distance of 1232.12 feet to the point of intersection of said line with a line which is 1280.34 feet north of and parallel with the south line of said Southeast Quarter of said Section 25; Thence North 89 Degrees 45 Minutes 50 Seconds West on said last described parallel line for a distance of 666.52 feet to a point; Thence North 0 Degrees 14 Minutes 10 Seconds East for a distance of 450.22 feet to the place of beginning; In Cook County, Illinois; Containing 670,692 Square Feet (15.3970 Acres) of land, more or less.

Parcel 2:

That part of the South Half of the Southeast Quarter of Section 25, Township 37 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, being more particularly described as follows: Commencing at a point on the South Line of said Section 25, being also the centerline of East 130th Street, 100 feet wide as now established, distant 576 feet, North 89 degrees 45 minutes 50 seconds West of the southeast corner of said Section; Thence North 44 degrees 00 minutes 50 seconds West along the westerly right-of-way line of Norfolk and Western Railroad Company, a distance of 296.55 feet to a point of tangency with a curve to the right having a radius of 1,960 feet on said westerly right-of-way of said railroad; Thence continuing North 44 degrees 00 minutes 50 seconds West, a distance of 92.89 feet to a point of tangency with a curve to the right having a radius of 2,097 feet; Thence northwesterly along the arc of said 2,097 foot radius curve on a continuously decreasing northwesterly bearing, a distance of 424.09 feet to the point of intersection with the arc of a curve to the right having a radius of 1,985 feet, being the present easterly property line of Allied Chemical Corporation, and the point of beginning of the tract of land being described; Thence continuing along the arc of said 2,097 foot radius curve to the right on a continuously decreasing northwesterly bearing, a distance of 729.68 feet to the point of intersection with a line 1,280.34 feet measured normally from, parallel with, and northerly of said South Line of said Section 25; Thence North 89 degrees 45 minutes 50 seconds West along said line parallel to said South Line of said Section 25, a distance of 25.64 feet to a point; Thence southeasterly along the arc of a curve to the left, having a radius of 2,122 feet on a continuously increasing southeasterly bearing, being parallel with, westerly of, 25 feet measured normally from the arc of said 2,097 foot radius curve and the northwesterly extended curve thereof, a distance of 1,173.18 feet to a point on a line tangent to said 2,122 foot radius curve; Thence South 44 degrees 00 minutes 50 seconds East along said tangent line, a distance of 92.89 feet to a point of tangency on the arc of said 1,985 foot radius curve, being the point of intersection with Allied Chemical Corporation's easterly property line; Thence northwesterly along said easterly property line on the arc of said 1,985 foot radius curve, on a continuously decreasing northwesterly bearing, a distance of 520.02 feet to the point of beginning;

In Cook County, Illinois; Containing 24.108 square feet (0.5534 acres) of land, more or less.

Said property being the property conveyed to Marathon Pipe Line LLC, a Delaware limited liability company, by Quitclaim Deed dated December 18, 1997 and recorded August 26, 1998 as Document Number 98758449.

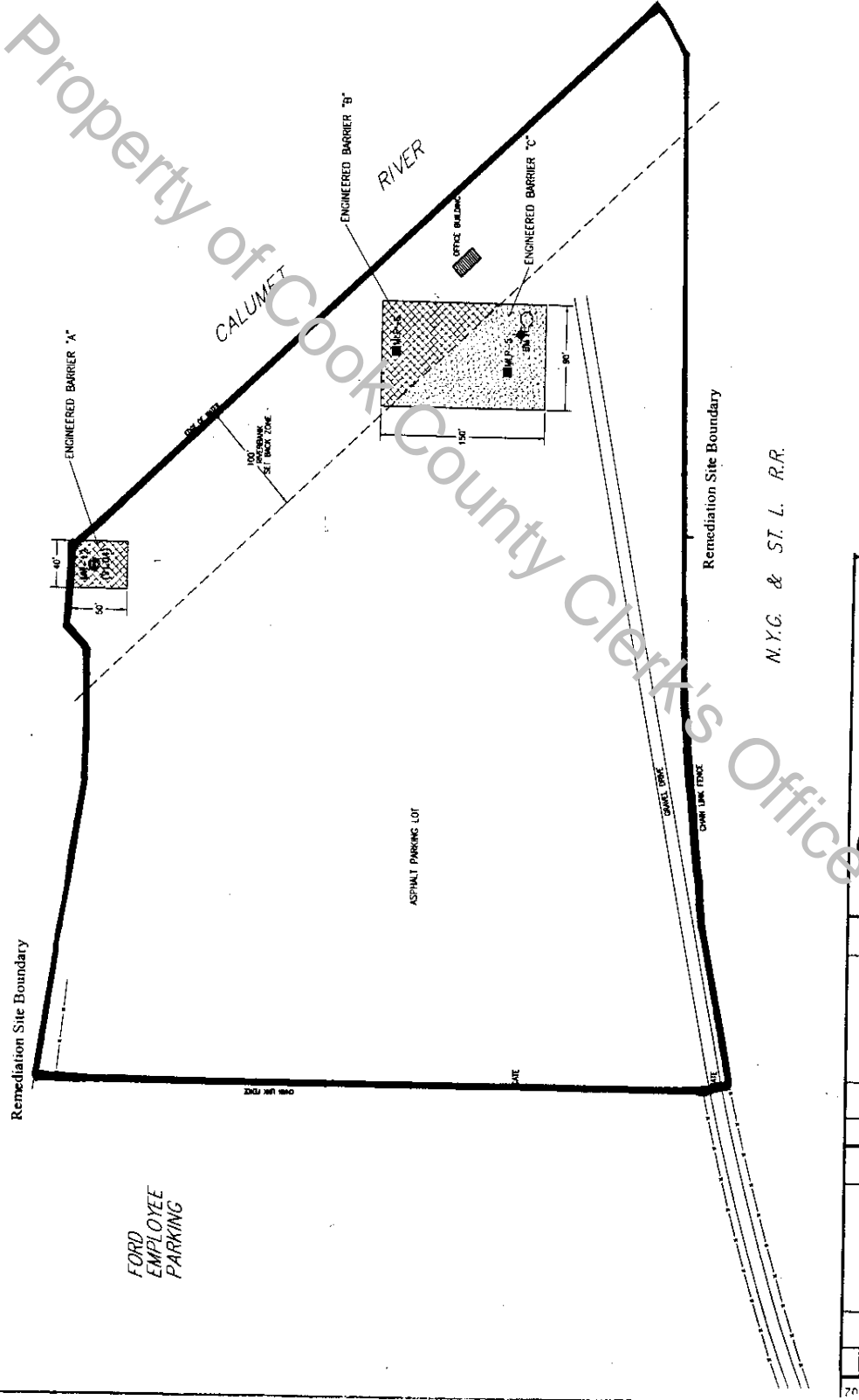
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2. Common Address: 2530 South 130th Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 25-25-401-004, vol. 293 and 25-25-400-006, vol. 293.
4. Remediation Site Owner: Marathon Ashland Petroleum, L.L.C.
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

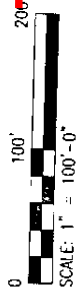
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LEGEND

- FENCE
- (94.04) MONITORING WELL/IDENTIFICATION
- (94.04) GROUNDWATER ELEVATION (Feet)
- BENCHMARK SOUTH CORNER OF CONCRETE SLAB ELEV. = 100.00 (ASSUMED DATUM)
- SOIL BORING LOCATION
- GEOTECH B01
- ASPHALT



Revised: 01/07/03
 Drawing No. C1000844.0001
 Project Name: Chicago/Marathon Pipeline
 Project Number: C1000844.0001
 Project Manager: A. TOKARSKI
 Drawing Date: 01/07/03
 Checked By: A. TOKARSKI
 Drawn By: FS

File Name	C:\C00003\DWG\
File Location	C:\C00003\DWG\
Project Number	C1000844.0001
Project Manager	A. TOKARSKI
Figure	1

Site Base Map
 031655055—Cook County
 Chicago/Marathon Pipeline
 Site Remediation Program/Technical Reports

ARCADIS
 31 East Wacker Drive, Suite 1100
 Chicago, IL 60601
 Tel: (312) 853-6700 Fax: (312) 853-7897

NO.	DATE	REVISION DESCRIPTION	BY	CHKD

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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

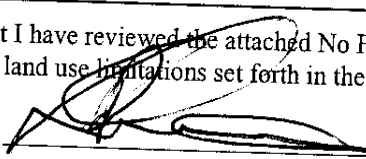

Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name:	<u>Chicago Assembly Plant</u>
Title:	
Company:	<u>Ford Motor Company</u>
Street Address:	<u>12600 S. Torrence Avenue</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60633</u> Phone: <u>773-646-7472</u>
Site Information	
Site Name:	<u>Chicago/ Marathon Pipeline</u>
Site Address:	<u>2530 East 130th Street</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60633</u> County: <u>COOK</u>
Illinois inventory identification number:	<u>0316555055</u>
Real Estate Tax Index/Parcel Index No.	<u>25-25-401-004 vol. 293 and 25-25-402 vol. 293</u>
<p>I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.</p>	
Owner's Signature:	 Date: _____
<p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>29</u> day of <u>JULY</u>, 20<u>03</u></p>	
<p> Notary Public <u>EXPIRES 06/10/06</u></p>	<div style="border: 2px dashed black; padding: 5px; text-align: center;"> <p>"OFFICIAL SEAL" Connie A. Benni Notary Public, State of Illinois</p> </div>

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/5-0.015 and the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

UNOFFICIAL COPY**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

(217) 782-6761

2003 JUL 02 2003
 READY

June 24, 2003

CERTIFIED MAIL

7002 3150 0000 1223 3429

Mr. James Kitts
 Marathon Ashland Petroleum, L.L.C.
 539 South Main Street
 Findlay, OH 45840

Re: 0316555055—Cook County
 Chicago/Marathon Pipeline
 Site Remediation Program/Technical Reports

Dear Mr. Kitts:

The *Risk Assessment Report, Tiered Approach to Corrective Action Objectives, Marathon Ashland Petroleum, Former Marathon Pipeline Facility, 2530 East 130th Street, Chicago, Cook County, Illinois, Log No. 99-1619*, as prepared by AKCADIS-Geraghty & Miller, for the Marathon Pipeline property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances and the *Risk Assessment Report, Tiered Approach to Corrective Action Objectives, Marathon Ashland Petroleum, Former Marathon Pipeline Facility, 2530 East 130th Street, Chicago, Cook County, Illinois, Log No. 99-1619*, shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 10.8 acres, is located at 2530 East 130th Street Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form, received August 4, 1999, is Mr. James Kitts.

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions, as characterized by the focused site investigation, and regulated substances of concern that have been successfully addressed are detailed in the *Risk Assessment Report, Tiered Approach to Corrective Action Objectives, Marathon Ashland Petroleum, Former Marathon Pipeline Facility, 2530 East 130th Street, Chicago, Cook County, Illinois, Log No. 99-1619*
- 2) The Remediation Site is restricted to industrial/commercial land use.
- 3) The land use 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) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Preventive Controls:

- 5) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan 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 USEPA guidance.

Engineering Controls:

- 6) The asphalt barrier, Engineered Barrier "C", as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 7) The clean soil and geotextile barriers, Engineered Barrier "A" and Engineered Barrier "B", which are comprised of geotextile and minimum of one feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

UNOFFICIAL COPYInstitutional Controls:

- 8) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:
- a) The Remediation Applicant shall provide written notification to the City of Chicago and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
 - i) The name and address of the local unit of government;
 - ii) The citation of Section 11-8-390
 - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
 - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
 - vi) A statement as to where more information may be obtained regarding the ordinance.
 - b) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date of this Letter to:

Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276
 - c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
 - i) Modification of the referenced ordinance to allow potable uses of groundwater;
 - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
 - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date of this Letter of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and

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iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 9) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 9 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 10) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 11) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:
- Illinois Environmental Protection Agency
Attn: Freedom of Information Act Officer
Bureau of Land-#24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
- 12) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
- a) Any violation of institutional controls or the designated 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 Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
 - d) The failure to comply with the recording requirements for this Letter;
 - e) Obtaining the Letter by fraud or misrepresentation;
 - 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;

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- g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
 - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Mr. James Kitts, Marathon Ashland Petroleum, L.L.C.;
 - b) The owner and operator of the Remediation Site;
 - c) Any parent corporation or subsidiary of the owner of the Remediation Site;
 - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
 - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
 - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
 - g) Any successor-in-interest of the owner of the Remediation Site;
 - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
 - i) Any heir or devisee of the owner of the Remediation Site;
 - j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
 - k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.

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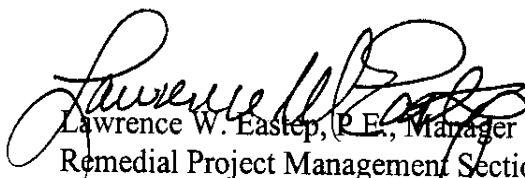
- 14) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Marathon Pipeline property.
- 15) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

- 16) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Todd Gross, at 217/524-4862.

Sincerely,


 Lawrence W. Eastep, P.E., Manager
 Remedial Project Management Section
 Division of Remediation Management
 Bureau of Land

Attachments(3): Illinois EPA Site Remediation Program Environmental Notice
 Site Base Map
 Property Owner Certification of No Further Remediation Letter under the
 Site Remediation Program Form

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cc: Mr. Sidney E. Glenn
Principal Hydrogeologist
Arcadis-Geraghty & Miller
35 East Wacker Drive, Suite 1000
Chicago, Illinois 60601

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

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