



Doc#: 0328118135
Eugene "Gene" Moore Fee: \$58.50
Cook County Recorder of Deeds
Date: 10/08/2003 12:54 PM Pg: 1 of 18

PREPARED BY:

Name: Mr. Neil Doyle
CenterPoint Properties Trust
CenterPoint Realty Service Corporation (CenterPoint)

Address: 1808 Swift Drive
Oak Brook, Illinois 60523-1501

RETURN TO:

Name: Mr. Neil Doyle
Address: 1808 Swift Drive
Oak Brook, Illinois 60523-1501

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

ILLINOIS EPA SITE REMEDIATION PROGRAM ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NO FURTHER REMEDIATION LETTER MUST BE SUBMITTED BY THE REMEDIATION APPLICANT WITHIN 45 DAYS OF RECEIPT, TO THE OFFICE OF THE RECORDER OF COOK COUNTY.

Illinois EPA Number: 0311535102
Centerpoint, whose address is 1808 Swift Drive, Oak Brook, Illinois, has performed investigative and/or remedial activities for the site depicted on the Site Base Map included with the attached No Further Remediation Letter and identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: Approximately 104 acres within Parcel 1, Parcel 2, Parcel 4W and Parcel 5W the southwest quarter of Section 10, Township 38 North, Range 12 East, of the Third Principal Meridian, in Cook County, Illinois. A more detailed description is included with the attached No Further Remediation Letter.
2. Common Address: 5401 East Avenue, LaGrange, Illinois
3. Real Estate Tax Index/Parcel Index Number: 18-10-300-015, 18-10-300-016, 18-10-300-017, 18-10-300-018, 18-10-300-019, 18-10-300-020, 18-10-300-022, 18-10-300-023, 18-10-300-024, 18-10-300-025, 18-10-300-026, 18-10-400-010.
4. Site Owner: CenterPoint
5. Land Use Limitation: Industrial/Commercial
6. Site Investigation: Focused

See the attached No Further Remediation Letter for other terms.

KEN\mls\031472s.doc

Attachment: NFR Letter for 0311535102

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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

CERTIFIED MAIL

September 10, 2003

7001 2510 0002 1281 8978

Mr. Neil Doyle
 CenterPoint Properties Trust
 CenterPoint Realty Services Corporation
 1808 Swift Drive
 Oak Brook, Illinois 60523-1501

Re: 0311535102/Cook County
 La Grange/ CenterPoint "Western Site" – Former GMC Electromotive Division
 Site Remediation Program

Dear Mr. Doyle:

The Remedial Action Completion Report dated May 22, 2003, as prepared by Carlson Environmental Inc. for CenterPoint Realty Services Corporation for the above-referenced property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). This report demonstrates that the remedial action was completed in accordance with the 35 Illinois Administrative Code Parts 740 and 742, subject to the conditions and terms of this letter.

The Remediation Site, consisting of approximately 104 acres, is located at 5401 East Avenue in La Grange, Illinois. A legal description of this site as well as a site layout map is attached. 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 this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form received on October 3, 2001, is CenterPoint Realty Services Corporation (CenterPoint).

This focused No Further Remediation (NFR) 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 conditions and terms of this Letter.

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Mr. Neil Doyle
NFR for 0311535102
Page 2

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:
 - a) Regulated substances of concern that have been successfully addressed are detailed in the attached Table A.
 - b) Removal of an Underground Storage Tank and contaminated fill as shown in the attached Site Base Map.
- 2) The Remediation Site is approved for Residential or 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.
- 4) 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 in accordance with Condition 8 below.
- 5) 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

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Mr. Neil Doyle
NFR for 0311535102
Page 3

- 6) 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 comply with the recording requirements for this Letter;
 - c) Obtaining the Letter by fraud or misrepresentation;
 - d) 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;
 - e) 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;
 - f) 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.
- 7) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) CenterPoint Realty Services Corporation (CenterPoint)
 - 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;

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Mr. Neil Doyle
 NFR for 0311535102
 Page 4

- 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
- 8) 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 CenterPoint "Western Site"-property.
- 9) 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
- 10) 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


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Mr. Neil Doyle
NFR for 0311535102
Page 5

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, Karen Nachtwey at (217) 524-3274.

Sincerely,



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

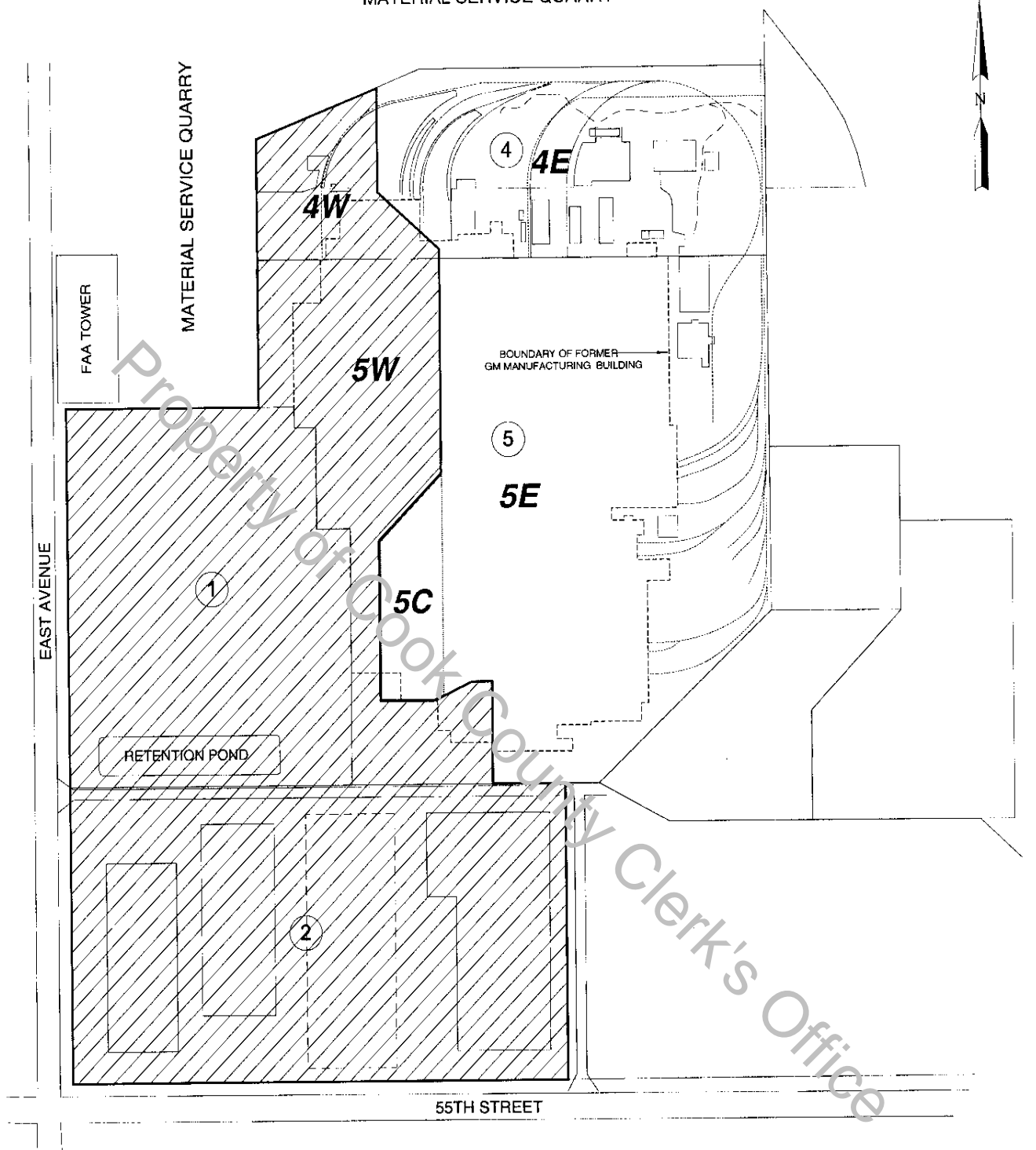
LWE:KEN\m\031484s.doc
JM
gls

Attachments: Site Base Map
Legal Description of Property
Table A: Regulated Substances of Concern
Property Owner Certification of No Further Remediation Letter
under the Site Remediation Program Form
Illinois EPA Site Remediation Program Environmental Notice

Property of Cook County Clerk's Office


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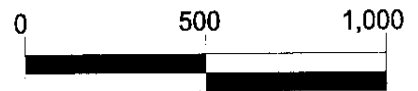
MATERIAL SERVICE QUARRY



Legend

PARCEL OWNED BY CENTERPOINT

 BOUNDARY OF THE REMEDIATION SITE



CARLSON ENVIRONMENTAL, INC.
 65 E. Wacker Place
 CHICAGO, ILLINOIS
 (312) 346-2140

DRW: BAS
 PN: 9279C
 DATE: 8/5/03
 SCALE: 1" = 500'

SITE BASE MAP
 LPC # 0311535102
 FORMER GM-EMD - WESTERN SITE
 SITE REMEDIATION PROGRAM

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Remediation Site Boundary Description

LPC # 0311535102 - -Cook County
 CenterPoint - Western Site (Former GM EMD)
 5401 East Avenue
 LaGrange, Illinois

LOTS 1 AND 2 IN THE TRU VUE RESUBDIVISION OF LOT 2 IN THE FINAL PLAT OF RESUBDIVISION OF CENTERPOINT MCCOOK INDUSTRIAL CENTER UNIT NUMBER 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT NUMBER 0020070245, IN COOK COUNTY, ILLINOIS. ALSO:

LOTS A, B, C, 1, 3 AND 4 IN THE FINAL PLAT OF SUBDIVISION OF CENTERPOINT MCCOOK INDUSTRIAL CENTER UNIT NO. 1 BEING A SUBDIVISION OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 09015566, IN COOK COUNTY, ILLINOIS. ALSO:

LOTS 1, 2 AND 3 IN CENTERPOINT MCCOOK INDUSTRIAL CENTER UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 30, 1999 AS DOCUMENT NUMBER 09205525, EXCEPT THAT PART OF LOT 3 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 66 DEGREES, 51 MINUTES, 19 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 29.45 FEET; THENCE SOUTH 88 DEGREES, 57 MINUTES, 40 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 195.00 FEET; THENCE NORTH 01 DEGREES, 02 MINUTES, 20 SECONDS WEST, A DISTANCE OF 494.28 FEET; THENCE NORTH 43 DEGREES, 56 MINUTES, 07 SECONDS EAST, A DISTANCE OF 314.05 FEET TO THE EAST LINE OF SAID LOT 3; THENCE SOUTH 01 DEGREES, 03 MINUTES, 53 SECONDS EAST, A DISTANCE OF 705.37 FEET TO THE POINT OF BEGINNING; ALSO EXCEPT THAT PART OF LOT 3 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 01 DEGREES, 03 MINUTES, 53 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 587.99 FEET; THENCE NORTH 46 DEGREES, 03 MINUTES, 53 SECONDS WEST, A DISTANCE OF 288.62 FEET; THENCE NORTH 01 DEGREES, 03 MINUTES, 53 SECONDS WEST, A DISTANCE OF 338.59 FEET TO THE NORTH LINE OF SAID LOT 3; THENCE NORTH 71 DEGREES, 49 MINUTES, 03 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 154.40 FEET; THENCE NORTH 59 DEGREES, 03 MINUTES, 55 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 56.52 FEET TO THE POINT OF BEGINNING; ALSO THAT PART OF LOT 6 LYING WEST OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT THE SOUTHEAST CORNER OF LOT 4 IN SAID CENTERPOINT MCCOOK INDUSTRIAL CENTER UNIT NUMBER 2; THENCE SOUTH 01 DEGREES, 03 MINUTES, 53 SECONDS EAST, ALONG A LINE THAT IS THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4, A DISTANCE OF 272.98 FEET TO THE SOUTH LINE OF SAID LOT 6 AND THE END OF THE AFOREMENTIONED DESCRIBED LINE, ALL IN COOK COUNTY, ILLINOIS.

PIN #s associated with the Remediation Site

18-10-300-015	18-10-300-019	18-10-300-024
18-10-300-016	18-10-300-020	18-10-300-025
18-10-300-017	18-10-300-022	18-10-300-026
18-10-300-018	18-10-300-023	18-10-400-010

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Site Remediation Program

Table A

Regulated Substances of Concern 0311535102 - CenterPoint "Western Site"

<u>CAS NO.</u>	<u>Parameter</u>
56-55-3	Benzo(a)anthracene
205-99-2	Benzo (b)fluoranthene
50-32-8	Benzo(a)pyrene
	Benzo(g,h,l)perylene
53-70-3	Dibenzo(a,h)anthracene
193-39-5	Indeno(1,2,3-cd)pyrene
7439-92-1	Lead, total
7440-38-2	Arsenic, total

Property of Cook County Clerk's Office

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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>Walter Serwa</u>	
Title: <u>Vice President</u>	
Company: <u>Mineral and Land Resources Corporation</u>	
Street Address: <u>222 North LaSalle Street - Suite 1200</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60601</u> Phone: <u>312 372-3600</u>	
Site Information	
Site Name: _____	
Site Address: <u>East side of East Avenue north of 55th Street</u>	
City: <u>McCook</u> State: <u>IL</u> Zip Code: <u>60525</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0311535102</u>	
Real Estate Tax Index/Parcel Index No. <u>18-10-300-012-0000</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> <p style="text-align: center;">Mineral and Land Resources Corporation</p> <p>Owner's Signature: <u>Walter Serwa</u> Date: <u>9/25/03</u> Vice President</p>	
<p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>25th</u> day of <u>Sept</u>, 20<u>03</u></p> <p style="text-align: center;"><u>John A. Washburn</u> Notary Public</p>	
<div style="border: 1px dashed black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">OFFICIAL SEAL JOHN A. WASHBURN NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 9-22-2006</p> </div>	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of 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.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

July 7, 1997

Mr. Mark D. Ames
Assistant Corporation Counsel
City of Chicago
Suite 900
30 North LaSalle Street
Chicago, Illinois 60602

RECEIVED
CORPORATE COUNSEL
CHICAGO
JUL -9 P 12:37
BY

Re: Memorandum of Understanding Between the City of Chicago and the Illinois Environmental Protection Agency

Dear Mr. Ames:

Enclosed please find the City's signed copy of the executed Memorandum of Understanding (MOU) between the City of Chicago and the Illinois EPA pursuant to 35 Ill. Adm. Code 742.1015. I congratulate the City on its efforts in entering this MOU and adopting the ordinances that provide the framework for the MOU. As you are aware Part 742 only became effective on July 1, 1997. The timely preparation efforts of both our organizations have resulted in an early execution of this very important MOU. In fact, it is the first one that the Illinois EPA has entered under Section 742.1015.

Please contact Mr. Mark Wight or me if you have any additional questions or comments.

Sincerely,

Gary P. King

Gary P. King
Manager
Division of Remediation Management
Bureau of Land

Post-it® Fax Note	7671	Date	11-6-97	# of pages	9
To	BRUCE	From	GREG TATARA		
Co./Dept.	CARLSON ENV.	Co.	ENVIRONMENT		
Phone #	346-2140	Phone #	744-8908		
Fax #	346-6956	Fax #			

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3123466956-#-27-9

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
REMEDICATION" 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):

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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 7. (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

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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 MOU (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: *Abby L. Henderson* 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)
Mgr, Division of Remediation Management
Bureau of Land

Version 6/27/97

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5/14/97

REPORTS OF COMMITTEES

44107

**COMMITTEE ON ENERGY, ENVIRONMENTAL
PROTECTION AND PUBLIC UTILITIES.**

AMENDMENT OF TITLE 11, CHAPTER 8 AND TITLE 2,
CHAPTER 30 OF 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.

The Committee on Energy, Environmental Protection and Public Utilities
submitted the following report:

CHICAGO, May 14, 1997.

To the President and Members of the City Council:

Your Committee on Energy, Environmental Protection and Public Utilities, having held a meeting on Tuesday, May 13, 1997 and having had under consideration an ordinance signed by The Honorable Richard M. Daley, Mayor, prohibiting installation of new potable water supply wells and allowing the Commissioner of Environmental Protection to enter into agreements to implement the State of Illinois Site Remediation Program, begs leave to report and recommend that Your Honorable Body Pass the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of members of the committee.

Respectfully submitted,

(Signed) VIRGINIA A. RUGAI,
Chairman.

On motion of Alderman Rugai, the said proposed ordinance transmitted with the foregoing committee report was Passed by yeas and nays as follows:

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44108

JOURNAL--CITY COUNCIL--CHICAGO

5/14/97

Yeas -- Aldermen Granato, Haithcock, Tillman, Preckwinkle, Holt, Steele, Beavers, Dixon, Shaw, Buchanan, Huels, Frias, Olivo, Burke, Jones, Coleman, Peterson, Murphy, Rugai, Troutman, Evans, Munoz, Zalewski, Chandler, Solis, Burnett, E. Smith, Burrell, Wojcik, Suarez, Gabinski, Austin, Colom, Banks, Giles, Allen, Laurino, O'Connor, Doherty, Natarus, Bernardini, Hansen, Levar, Shiller, Schuller, Moore, Stone -- 47.

Nays -- None.

Alderman Beavers moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

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 in italics, 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

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5/14/97

REPORTS OF COMMITTEES

44109

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 in brackets and inserting the language in italics, 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.

COMMITTEE ON HOUSING AND REAL ESTATE.

ACCEPTANCE OF BID FOR PURCHASE OF CITY-OWNED
PROPERTY AT 443 EAST 46TH PLACE UNDER
ADJACENT NEIGHBORS LAND
ACQUISITION PROGRAM.

The Committee on Housing and Real Estate submitted the following report: