

# UNOFFICIAL COPY

PREPARED BY:

Name: Dr. Jay Cunneen  
J. Sterling Morton High School

Address: 2423 South Austin Blvd.  
Cicero, Illinois 60804



Doc#: 0428139071  
Eugene "Gene" Moore Fee: \$60.50  
Cook County Recorder of Deeds  
Date: 10/07/2004 11:20 AM Pg: 1 of 19

RETURN TO:

Name: Dr. Jay Cunneen  
J. Sterling Morton High School

Address: 2423 South Austin Blvd.  
Cicero, Illinois 60804



## 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: 0310515370

J. Sterling Morton High School, the Remediation Applicant, whose address is 2423 South Austin Blvd., Cicero, Illinois 60804 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: That part of Block 6 in Grant Land Association Resubdivision of Section 21, Township 39 North, Range 13 East of the Third Principal Meridian according to the plat thereof recorded March 4, 1913 as Document 5138385 described as follows:

Commencing at the intersection of the South right of way line of West 16<sup>th</sup> Street and the West right of way of South 54<sup>th</sup> Avenue (per Document 5138385) and running thence South 00 degrees 49 minutes 14 seconds West along the West right of way line of South 54<sup>th</sup> Avenue aforesaid, a distance of 201.82 feet to the point of beginning; thence continuing South 00 degrees 49 minutes 14 seconds West along the last described course a distance of 239.76 feet; thence North 89 degrees 02 minutes 06 seconds West, 15.00 feet; thence South 00 degrees 49 minutes 14 seconds West parallel with the West right of way line of 54<sup>th</sup> Avenue aforesaid, a distance of 28.00 feet; thence South 89 degrees 02 minutes 06 seconds East, 15.00 feet to a point on the said West right of way line of south 54<sup>th</sup> Avenue; thence South 00 degrees 49 minutes 14 seconds West along said West right of way line of South 54<sup>th</sup> Avenue, a distance of 340.71 feet; thence North 89 degrees 10 minutes 46 seconds West, perpendicular to the last described course, a distance of 244.84 feet; thence North 00 degrees 49 minutes 14 seconds East, parallel with the West right of way line of South 54<sup>th</sup> Avenue aforesaid, a distance of 597.83 feet; thence South 89 degrees 10 minutes 46 seconds East, perpendicular to the last described course a distance of 164.00 feet; thence North 00 degrees 49 minutes 14 seconds East, parallel with the West right of way line of South 54<sup>th</sup> Avenue aforesaid, a distance of 10.63 feet; thence South 89 degrees 10 minutes 46 seconds East, perpendicular to the last described course a distance of 80.84 feet to the point of beginning, all in Cook County, Illinois. (Parcel I)

**(Illinois EPA Site Remediation Program Environmental Notice)**

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and

That Part of Block 6 in Grant Land Association Resubdivision of Section 21, Township 39 North, Range 13 East of the Third Principal Meridian according to the plat thereof recorded March 4, 1913 as Document 5138385 described as follows:

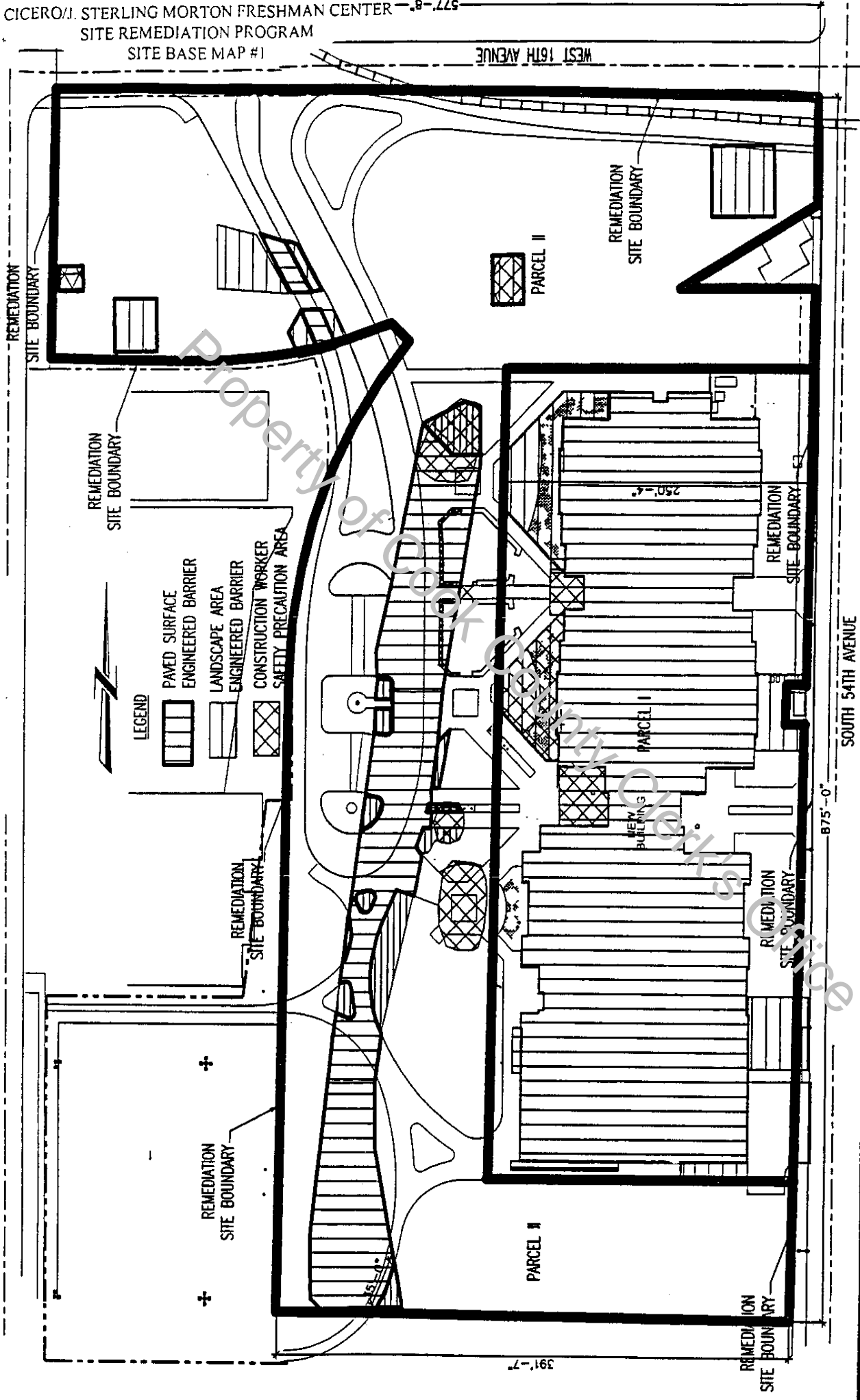
Commencing at the intersection of the South right of way line of West 16<sup>th</sup> Street and the West right of way line of South 54<sup>th</sup> Avenue (per Document 5138385) and running thence South 00 Degrees 49 Minutes 14 Seconds West along the West right of way line of South 54<sup>th</sup> Avenue aforesaid, a distance of 30.90 feet to the point of beginning, thence North 86 Degrees 13 Minutes 55 Seconds West, 199.86 feet to a point of curvature, thence Northwesterly along the arc of a curve to the right, having a radius of 985.70 feet, whose chord bears North 81 Degrees 48 Minutes 37 Seconds West, a chord distance of 167.85 feet, for an arc distance of 168.07 feet to a point on the South right of way of 16<sup>th</sup> Street aforesaid; thence North 89 Degrees 02 Minutes 14 Seconds West a distance of 243.91 feet; thence South 00 Degrees 51 Minutes 25 Seconds West, 204.00 feet; thence South 89 Degrees 02 Minutes 14 Seconds East, 144.00 feet to a point of curvature; thence Northeasterly along the arc of a curve to the left, having a radius of 296.94 feet, whose chord bears North 78 Degrees 04 Minutes 28 Seconds East, a chord distance of 133.29 feet, for an arc distance 134.43 feet; thence South 49 Degrees 28 Minutes 43 Seconds East, 20.00 feet to a point of curvature thence Southwesterly along the arc of a curve having a radius of 396.35 feet; whose chord bears South 20 Degrees 41 Minutes 36 Seconds West, a chord distance of 268.8 feet; for an arc distance of 274.33 feet; thence South 00 Degrees 50 Minutes 19 Seconds West, 502.32 feet; thence South 89 Degrees 10 Minutes 46 Seconds East 412.29 feet to a point on the West right of way line of South 54<sup>th</sup> Avenue aforesaid; thence North 00 Degrees 49 Minutes 14 Seconds East along said right of way line, a distance of 131.00 feet; thence North 89 Degrees 10 Minutes 46 Seconds West, 244.84 feet; thence North 00 Degrees 49 Minutes 14 Seconds East parallel with said West right of way line of South 54<sup>th</sup> Avenue, 597.83 feet; thence South 89 Degrees 10 Minutes 46 Seconds East, 164.00 feet; thence North 00 Degrees 49 Minutes 14 Seconds East parallel with said right of way, 10.63 feet; thence South 89 Degrees 10 Minutes 46 Seconds East, 80.84 feet to a point on the said West right of way line; thence North 00 Degrees 49 Minutes 14 Seconds East along said right of way line a distance of 60.03 feet; thence South 88 Degrees 45 Minutes 46 Seconds West, 105.39 feet; thence North 59 Degrees 22 Minutes 37 Seconds East, 123.45 feet to a point on said West right of way line; thence North 00 Degrees 49 Minutes 14 Seconds East along said West right of way line; 50.40 feet to the point of beginning, all in Cook County, Illinois. (Parcel II)

2. Common Address: 5401 West 16<sup>th</sup> Street, Cicero, Illinois
3. Real Estate Tax Index/Parcel Index Number: 16-21-306-001-0000, 16-21-306-013-0000, 16-21-306-014-0000, 16-21-306-015-0000, 16-21-306-016-0000 and 16-21-306-017-0000
4. Remediation Site Owner: J. Sterling Morton High School
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

SITE BASE MAP  
 0310515370-COOK COUNTY  
 CICERO/J. STERLING MORTON FRESHMAN CENTER  
 SITE REMEDIATION PROGRAM  
 SITE BASE MAP #1


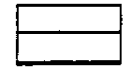

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<p><b>CCA</b> CARNOW, CONIBEAR &amp; ASSOC., LTD.                  ENVIRONMENTAL ENGINEERING DEPT.                  300 WEST ADAMS STREET, SUITE 1200                  PHONE (312)782-4486</p>	<p>PARCELS I AND II NFR DOCUMENTATION - BARRIERS AND C. WORKER                  J. STERLING MORTON HIGH SCHOOL FRESHMAN CENTER</p>
	<p>DRAWN BY : AS                  CHECKED BY : MD                  DATE : 8-8-04                  SCALE : 1" = 100'</p>
<p>CHICAGO, IL 60606                  FAX # (312)782-5145</p>	

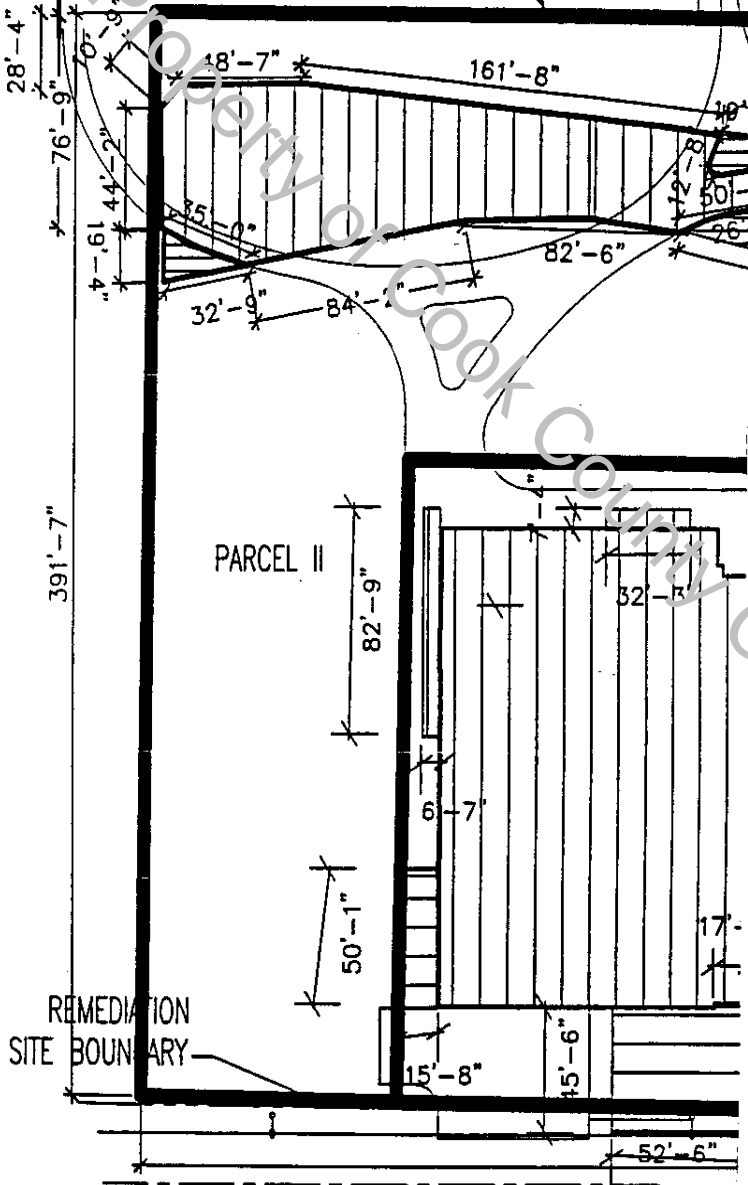
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## LEGEND

-  PAVED SURFACE
-  LANDSCAPE AREA
-  CONSTRUCTION WORKER SAFETY PRECAUTION AREA

REMEDIATION SITE BOUNDARY

SITE BASE MAP  
 0310515370-COOK COUNTY  
 CICERO/J. STERLING MORTON FRESHMAN CENTER  
 SITE REMEDIATION PROGRAM  
 SITE BASE MAP #2



CARNOW, CONIBEAR & ASSOC., LTD.

ENVIRONMENTAL ENGINEERING DEPT.  
 300 WEST ADAMS STREET, SUITE 1200  
 PHONE (312)782-4486

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SITE BASE MAP  
 0310515370-COOK COUNTY  
 CICERO/J. STERLING MORTON FRESHMAN CENTER  
 SITE REMEDIATION PROGRAM  
 SITE BASE MAP #3

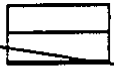
REMEDIA  
 TION  
 SITE BOUNDARY



### LEGEND



PAVED SURFACE  
 ENGINEERED BARRIER



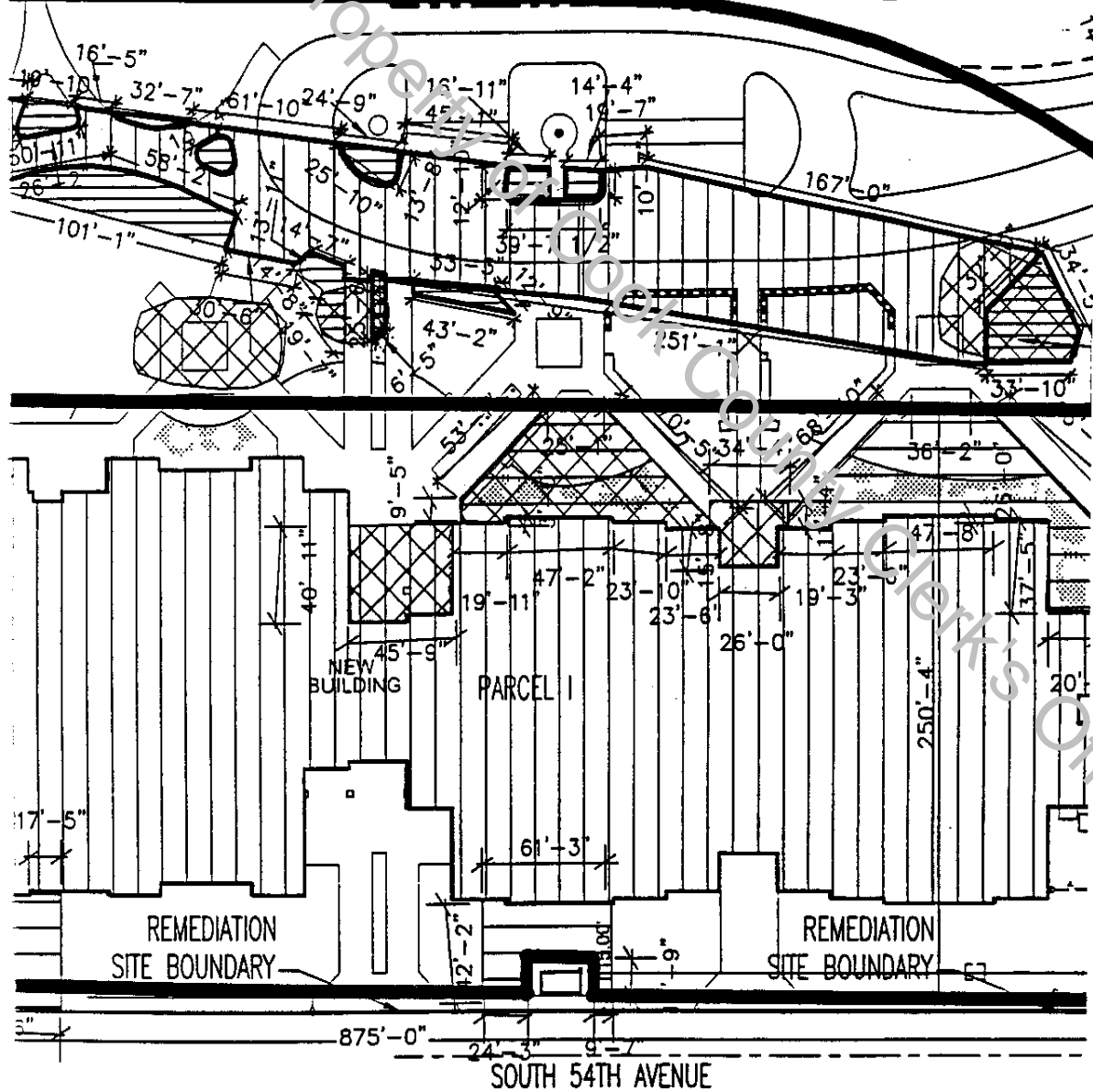
LANDSCAPE AREA  
 ENGINEERED BARRIER



CONSTRUCTION WORKER  
 SAFETY PRECAUTION AREA

REMEDIA  
 TION  
 SITE BOUNDARY

19'-



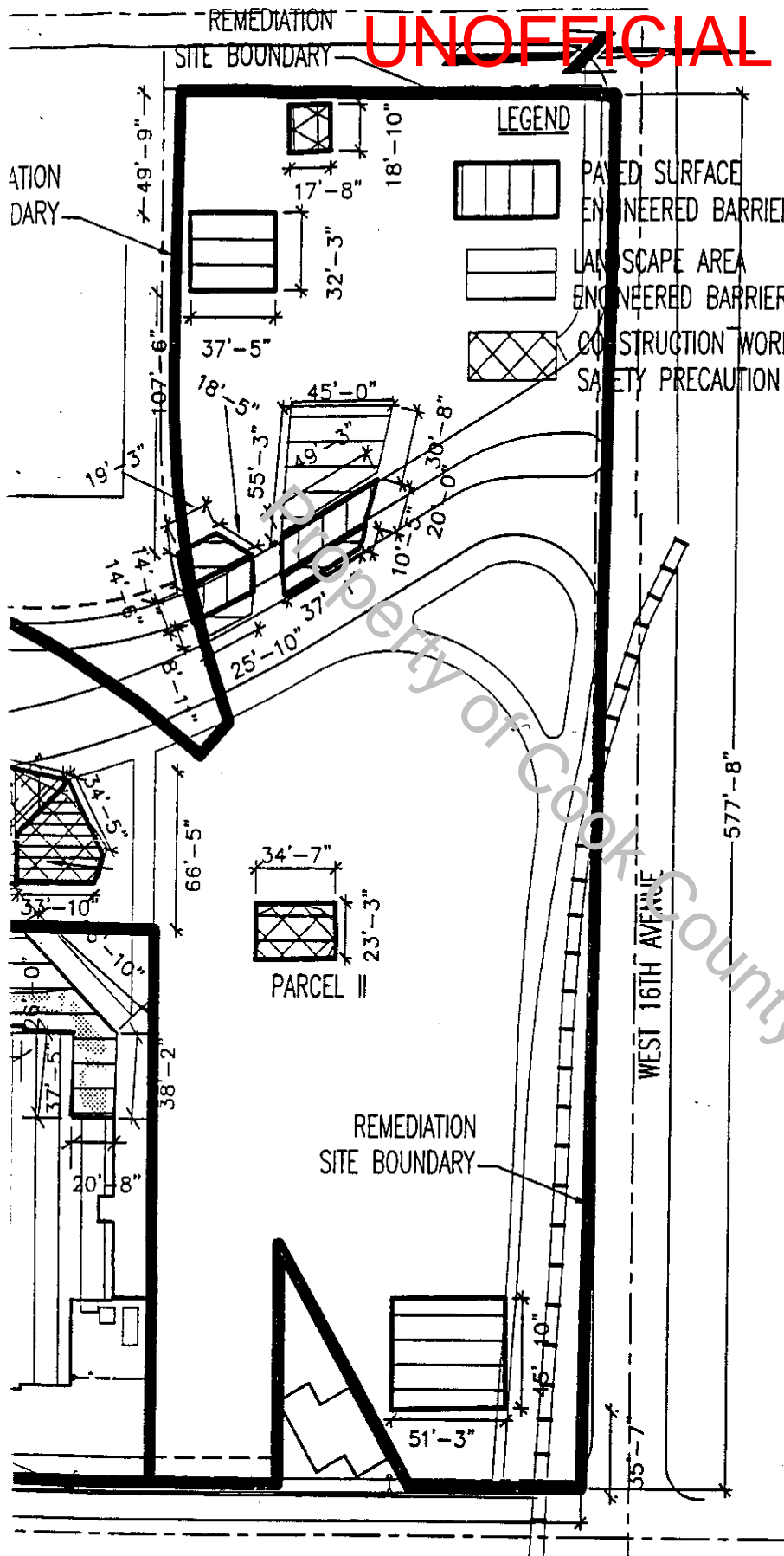
PARCELS I AND II NFR DC  
 J. STERLING MORTC

CHICAGO, IL 60606  
 FAX # (312)782-5145

DRAWN BY : AS  
 CHECKED BY : MD

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SITE BASE MAP  
0310515370-COOK COUNTY  
CICERO/J. STERLING MORTON FRESHMAN CENTER  
SITE REMEDIATION PROGRAM  
SITE BASE MAP #4



FOR DOCUMENTATION - BARRIERS AND C. WORKER  
MORTON HIGH SCHOOL FRESHMAN CENTER

DATE : 8-8-04

SCALE : 1" = 100'



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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397  
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

(217) 782-6761

September 17, 2004

CERTIFIED MAIL

7002 3150 0000 1113 4352

Dr. Jay Cunneen  
 Superintendent  
 J. Sterling Morton High School  
 2423 South Austin Blvd.  
 Cicero, Illinois 60804

Re: 0310515370/Cook County  
 Cicero/J. Sterling Morton High School – Freshman Center  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Dr. Cunneen:

The *Remedial Action Completion Report for Parcel I* and the *Remedial Action Completion Report for Parcel II* (August 16, 2004/04-21347), as prepared by Carnow, Conibear & Assoc., Ltd. for the J. Sterling Morton High School – New Freshman Center property, have been reviewed by the Illinois Environmental Protection Agency (“Illinois EPA”) and demonstrate that the remedial action was completed in accordance with the *Remedial Action Plans* (April 7, 2003/03-1313 and November 8, 2003/03-17651).

The Remediation Site, consisting of 9.4179 acres, is located at 5401 West 16<sup>th</sup> Street, Cicero, 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 (March 10, 2003 /03-0917), is J. Sterling Morton High School.

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 and does not require further remediation under the Act if 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 Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 2) 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

- 3) 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:

- 4) 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. See the Site Base Maps for the locations of these areas. 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. Soil excavated below three feet must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### Engineering Controls:

- 5) The asphalt barrier, 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.
- 6) The clean soil barrier, which is comprised of a minimum of three 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.
- 7) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.
- 8) The building, as shown in the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.



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## Institutional Controls:

- 9) Ordinance 140-97, adopted by the Town of Cicero on October 28, 1997, effectively prohibits the installation and use of potable water supply wells in the Town of Cicero. This ordinance provides an acceptable institutional control under the following conditions:
- a) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:
    - i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
    - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
  - b) The Remediation Applicant shall provide written notification to the Town of Cicero 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 Ordinance 140-97;
    - 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.
  - c) 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
- d) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

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- 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 Town of Cicero and affected property owner(s) of the intent to use Ordinance 140-97 as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

- 10) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph Nine (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.
- 11) 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.
- 12) 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
- 13) 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;

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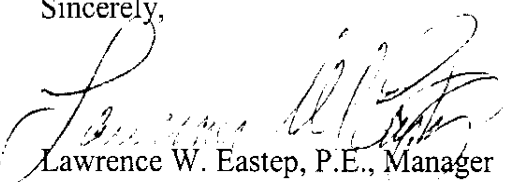
- c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
  - d) The failure 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;
  - 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.
- 14) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) J. Sterling Morton High School;
  - 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;

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- 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.
- 15) 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 J. Sterling Morton High School – Freshman Center property.
- 16) 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
- 17) 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 the J. Sterling Morton High School Freshman Center property, you may contact the Illinois EPA project manager, Jennifer M. Seul at 217/785-9399.

Sincerely,

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

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

cc: Mike Duet  
Carnow Conibear & Assoc., Ltd.  
300 West Adams  
Suite 1200  
Chicago, Illinois 60606

Property of Cook County Clerk's Office

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140-97

## AN AMENDED ORDINANCE PROHIBITING THE USE OF GROUND WATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, certain properties in the Town of Cicero, Illinois, have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentration of certain chemical constituents in the groundwater beneath the Town may exceed Class I groundwater quality standards for potable resource ground water as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Town of Cicero desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productivity of properties that are the source of said chemical constituents.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE TOWN OF CICERO, ILLINOIS:

### Section One. Use of groundwater as a potable water supply prohibited.

~~Except as otherwise provided in this Code of Ordinances,~~ the use or attempt to use as a potable water supply groundwater from within the corporate limits of the Town of Cicero by the installation or drilling of wells or by any other method is hereby prohibited. This provision shall not apply to use of groundwater by the Town of Cicero.

### Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) for each violation.

### Section Three. Definitions.

“Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

“Potable water” is any water used for human or domestic consumption, including, but not limited to, water used for drinking.



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This ordinance is applicable everywhere within the corporate limits of the Town of Cicero.

**Section Four. Effective Date.**

This ordinance shall take effect upon its passage and approval.

Betty Loren-Maltese  
Betty Loren-Maltese, President - Town of Cicero

ATTEST:

Marylin Colpo  
Marylin Colpo, Town Clerk

Date of Passage: 10-28-97

Date of Publication: \_\_\_\_\_

Copy: Bulletin Bd  
Water  
Mun Code  
Legal

Property of Cook County Clerk's Office

Post-It™ brand fax transmittal memo 7671		# of pages ▶ <u>3</u>
To <u>Mike Duet</u>	From	
Co.	Co.	
Dept.	Phone #	
Fax # <u>312-782-5145</u>	Fax #	

**RESOLUTION AUTHORIZING EXECUTION OF  
MEMORANDUM BETWEEN THE TOWN OF CICERO  
AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
REGARDING USE OF LOCAL GROUND WATER OR WATER WELL  
ORDINANCE  
AS AN ENVIRONMENTAL INSITUTIONAL CONTROL**

NOW THEREFORE BE IT RESOLVED, by the Town President and Board of Trustees of the Town of Cicero that the President and the Town Clerk be and are hereby authorized to approve the memorandum regarding the use of groundwater or water wells.

BE IT FURTHER RESOLVED, the Town Board has authorized the Town President, Betty Loren-Maltese, to enter into the aforementioned memorandum.

WITNESSETH THIS 3 DAY OF NOV, 1997.

Betty Loren-Maltese  
Town President

Attest: Marilyn Colpo  
Town Clerk

*Copy- Palle Kartula*

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**MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF CICERO  
AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING  
THE  
USE OF A LOCAL GROUNDWATER OR WATER WELL ORDINANCE AS AN  
ENVIRONMENTAL INSTITUTIONAL CONTROL.**

**I. PURPOSE AND INTENT**

A. This Memorandum of Understanding ("MOU") between The Town of Cicero and the Illinois Environmental Protection Agency ("Illinois EPA") is entered into for the purpose of satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of groundwater or water well ordinances as environmental institutional controls. The Illinois EPA has reviewed the groundwater or water well ordinance of The Town of Cicero (Attached A) and determined that the ordinance prohibits the use of groundwater for potable purposes and/or the installation and use of new potable water supply wells by private entities but does not expressly prohibit those activities by the unit of local government itself. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the unit of local government 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 specify the responsibilities that must be assumed by the unit of local government to satisfy the requirements for MOU as set forth at 35 Ill. Adm. Code 742-1015(I).

**II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY**

In order to endure the long-term integrity of the groundwater or water well ordinance as an environmental institutional control and that risk to human health and environment from contamination left in place in reliance on the groundwater or water well ordinance is effectively managed, The Town of Cicero hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742-1015(I):

A. The Town of Cicero will notify the Illinois EPA Bureau of Land of any proposed ordinance changes or requests for variance 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));

B. The Town of Cicero will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA (35 Ill. Adm. Code 742.1015(I)(5));

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C. The Town of Cicero will review the registry of sites established under Paragraph II.B, prior to siting public potable water supply wells within the area covered by the ordinance (35 Ill. Adm. Code 742.1015(I)(6)(A));

D. The Town of Cicero 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.B. and C. (35 Ill. Adm. Code 742.1015(I)(6)(B); and

E. The Town of Cicero 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 742.1014(I)(6)(C).

NOTE: Notification under paragraph II. A. above or other communications concerning this MOU should be directed to:

Manager, Division of Remediation Management  
Bureau of Land  
Illinois Environmental Protection Agency  
P. O. Box 19276  
Springfield, IL 62794-1276

### 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 groundwater or water well ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(I)(3);

B. Attachment B - Identification of the legal boundaries within which the ordinance is applicable (~~certification by city clerk or other official that the ordinance is applicable everywhere within the corporate limits; if ordinance is not applicable throughout the entire city or village, legal description and map of area showing sufficient detail to determine where ordinance is applicable~~) (35 Ill. Adm. Code 742.1014(I)(2);

C. Attachment C - A statement of the authority of the unit of local government to enter into the MOU (~~council resolution, code of ordinances, inherent powers of mayor or other official signing MOU. Attach copies~~)(35 Ill. Adm. Code 742.1015(I)(1).

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

Date: 11-3-97

Betty Loren - Maltese  
Betty Loren-Maltese, President - Town of Cicero

Date: \_\_\_\_\_

\_\_\_\_\_  
(name and title of signatory)  
For: Illinois Environmental Protection Agency

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