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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MARY NELSON, PRESIDENT & CEO
BETHEL NEW LIFE
4950 WEST THOMAS STREET
CHICAGO, IL
60651

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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

RECEIVED OCT 18 2004

October 14, 2004

CERTIFIED MAIL

7002 3150 0000 1111 5054

Mary Nelson, President & CEO
 Bethel New Life
 4950 West Thomas Street
 Chicago, Illinois 60651

Re: 0316265114/Cook County
 Chicago/Bethel New Life
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Ms. Nelson:

The *Comprehensive Site Investigation Report* (January 12, 2004/Log No. 04/18402), *Remediation Objectives and Remedial Action Completion Report* (March 12, 2004/Log No. 04/19215), and the *Revised Tier 3 Human Health Risk Assessment* (September 7, 2004/Log No. 04/21653), as prepared by V₃ Consultants for the Bethel New Life property, have 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 above reports shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 1.6 acres, is located at 4235 West Ferdinand 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 (October 10, 2003/Log No. 03/17244), is Bethel New Life.

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 restricted to 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.

Institutional Controls:

- 4) 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

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

Other Terms

- 5) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under paragraph number 4 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.
- 6) 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.
- 7) 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

- 8) 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 titleholder 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:

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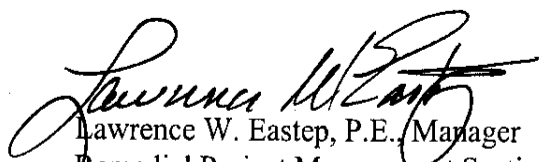
- a) Any violation of institutional controls or the designated land use restrictions;
 - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - c) The disturbance or removal of contamination that has been left in-place 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;
 - 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.
- 9) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Bethel New Life;
 - 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.
- 10) 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 Bethel New Life property.
- 11) 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
- 12) 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 Bethel New Life property, you may contact the Illinois EPA project manager, Marc Cummings at (217) 782-9079.

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: Debra Belmonte, Project Geologists
V₃ Consultants
120 N. LaSalle Street, Suite 1550
Chicago, Illinois 60602

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

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PREPARED BY:

Name: Mary Nelson, President & CEO
Bethel New Life

Address: 4950 West Thomas Street
Chicago, Illinois 60651

RETURN TO:

Name: Mary Nelson, President & CEO
Bethel New Life

Address: 4950 West Thomas Street
Chicago, Illinois 60651

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.

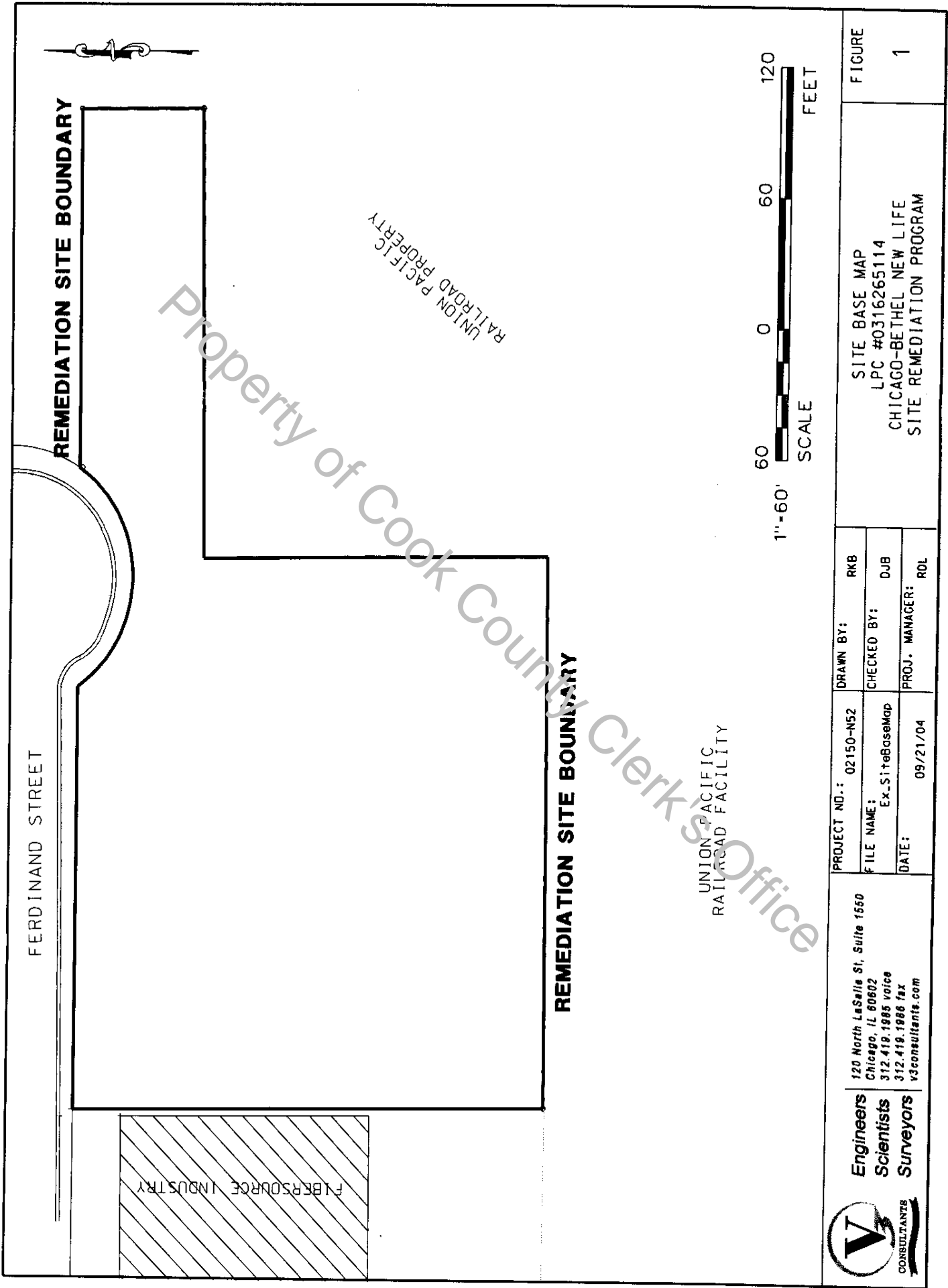
Illinois State EPA Number: 0316265114.

Bethel New Life, the Remediation Applicant, whose address is 4950 West Thomas Street, Chicago, Illinois 60651 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: LOT 5 IN FIRST ADDITION TO NORTHWESTERN CENTER INDUSTRIAL DISTRICT, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
2. Common Address: 4235 West Ferdinand Street, Chicago, IL.
3. Parcel Index Number: 16-10-202-005.
4. Remediation Site Owner: Bethel New Life.
5. Land Use: Industrial/Commercial.
6. Site Investigation: Comprehensive.

See NFR letter for other terms.

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 <p>Engineers Scientists Surveyors</p> <p>120 North LaSalle St, Suite 1650 Chicago, IL 60602 312.419.1985 voice 312.419.1986 fax v3consultants.com</p>	<p>PROJECT NO.: 02150-N52</p> <p>FILE NAME: Ex-SiteBaseMap</p> <p>DATE: 09/21/04</p>	<p>DRAWN BY: RKB</p> <p>CHECKED BY: DJB</p> <p>PROJ. MANAGER: ROL</p>	<p>SITE BASE MAP LPC #0316265114 CHICAGO-BETHEL NEW LIFE SITE REMEDIATION PROGRAM</p>
			<p>FIGURE 1</p>

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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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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.

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118 Form C.C. 19 54 7-14-64 (17265)

STATE OF ILLINOIS, }
County of Cook. } ss.

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

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

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

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor did approve and sign the said ordinance on the fourteenth (.14th) day of May, A.D. 1997

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the

[L. S.] County and State aforesaid, this third (.3rd) day of February, A.D. 1998

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James J. Laski
JAMES J. LASKI, City Clerk

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MEMORANDUM OF UNDERSTANDING

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
and
CITY OF CHICAGO - DEPARTMENT OF THE ENVIRONMENT

Background

The Illinois Environmental Protection Agency ("Illinois EPA") and The City of Chicago - Department of the Environment ("DOE") recognize that the protection and safety of school children is of utmost importance. Both parties acknowledge that they have a positive working relationship within the various corrective action programs and recognize each other as a key partner in addressing the uncertainty to constructing schools on potentially contaminated property. Both parties play a critical role in Chicago for ensuring the proper cleanup, redevelopment and continued use of these properties. To the extent possible, both parties seek to facilitate the productive use and reuse of these properties, and recognize that a key factor to meeting this goal is to exercise their authorities and use their resources and qualified staff in ways that are mutually complementary.

Illinois EPA and DOE agree that this MOU shall serve as written public statement that both parties will strive to coordinate and cooperate to ensure the prompt cleanup and development of new schools on property that represents no significant risk to school children. Each party shall strive to coordinate its activities towards the successful completion of corrective action at properties being developed for this purpose.

To protect human health and the environment at sites that may or will be used for schools within the City of Chicago, Illinois EPA and DOE agree to jointly strive to meet the following goals:

To facilitate and ensure the prompt, appropriate remediation of potential school property by promoting investigations and cleanups that meet established legal standards and requirements.

To develop partnerships for the cleanup and redevelopment of properties among Illinois EPA, DOE, the Public Building Commission, Chicago Public Schools, and the Chicago Board of Education.

To provide to public, private and citizen/community groups, information and technical assistance about the cleanup and redevelopment of school properties.

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Memorandum of Understanding
Illinois EPA and Chicago DOE
Page 2

The Illinois EPA and DOE acknowledge that these goals can best be met if the parties capitalize on opportunities to share resources with each other and/ or rely upon the resources of the other party where appropriate.

Agreement

With respect to sites enrolled in the Illinois Site Remediation Program that have their existing or anticipated use as a public school within the City of Chicago, the Illinois EPA and DOE agree to make best efforts to undertake the following activities:

(1) Upon request by the Illinois EPA, DOE will provide appropriate field oversight during the investigation, remediation and development of properties that are or will be used for public schools to ensure that all activities are conducted in accordance with plans approved by Illinois EPA pursuant to 35 Ill. Adm. Code Parts 740 and 742. DOE agrees that it will respond on short notice from Illinois EPA if unanticipated site conditions arise that require immediate attention. DOE will, as appropriate, provide proper written documentation to Illinois EPA consisting of observations, activities, photos, etc. of its field activities and insure staff are properly trained. In advance of DOE undertaking the activities described in this paragraph, the Illinois EPA will identify and will assist DOE with any necessary supplemental training.

(2) DOE will review and provide comments on the adequacy, appropriateness and conclusions provided as part of reviewing the site investigation report, remediation objectives report, the remediation action plan and the remediation completion report.

(3) Upon the request of a Remediation Applicant or its agent, namely the Public Building Commission, DOE may, at its discretion, serve as a Review and Evaluation Licensed Professional Engineer (RELPE) in accordance with the requirements of the Illinois Site Remediation Program, 35 Ill. Adm. Code 740. Illinois EPA recognizes and agrees that certain DOE employees are qualified to serve as a RELPE, and DOE agrees to ensure that only qualified DOE employees may serve in such capacity. When providing review and evaluation services, DOE agrees that it shall conduct all such services in accordance with the requirements of the Illinois Site Remediation Program and the Illinois Tiered Approach to Corrective Action Program. Illinois EPA agrees to provide DOE with procedural guidance and checklists for use by DOE, and DOE agrees to use these materials in the provision of its services. In accordance with the requirements of the Illinois Site Remediation Program, DOE agrees that it will submit any plans or reports directly to Illinois EPA, that it will take direction for work assignments from Illinois EPA, and it will perform the assigned work on behalf of the Illinois EPA.

DOE acknowledges that only the Illinois EPA has final authority to approve, disapprove or approve with conditions, any plans or reports that it reviews and evaluates. However, Illinois EPA acknowledges the critical importance to DOE of ensuring appropriate cleanup and development of sites that are or will be used as public schools in a timely manner. Accordingly, Illinois EPA agrees

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Memorandum of Understanding
Illinois EPA and Chicago DOE
Page 3

to review plans and reports and to issue No Further Remediation letters as expeditiously as possible. Illinois EPA will approve the remediation as complete or make a "No Further Remediation" determination based upon the compliance with the statutory and regulatory requirements of the Site Remediation Program (415 ILCS 5/Title XVII; 35 Ill. Adm. Code 740). The Illinois EPA shall provide copies of all determinations to DOE. Each party shall strive to resolve any conflicts that may arise to the satisfaction of each party.

(4) DOE acknowledges the comprehensive use of the Tiered Approach to Cleanup Objectives ("TACO") (35 Ill. Adm. Code 742) for environmental response actions and its Site Remediation Program to establish numeric soil and groundwater cleanup objectives.

(5) DOE will provide or assist in appropriate community relation meetings with the general public. Illinois EPA and DOE will ensure that copies of all plans and correspondence are made available to the public.

(6) DOE will provide future monitoring at schools where Illinois EPA has approved the remediation as complete or made a "No Further Remediation" determination based on the use of institutional controls or engineered barriers to ensure the continued use of such institutional controls or barriers.

(7) Illinois EPA may, upon mutual agreement concerning type and location, provide for laboratory analysis of samples collected by DOE. The costs of these analyses shall be borne by the Remediation Applicant. Illinois EPA will provide, resources permitting for any necessary sampling or safety training that DOE may require.

(8) Illinois EPA will provide copies of applications, site investigations, workplans, or any other documents provided by or to the Remediation Applicant to DOE, if not otherwise provided to DOE upon request.

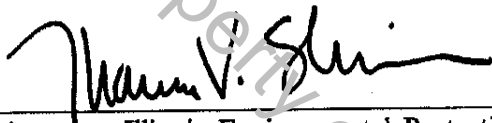
(9) Illinois EPA will consider DOE comments prior to taking final action.

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Memorandum of Understanding
Illinois EPA and Chicago DOE
Page 4

Implementation

This MOU may only be modified by written agreement of the parties. This MOU may be terminated by either party with sixty days prior written notice. This MOU is effective upon the completion of execution by the parties.



Director - Illinois Environmental Protection Agency

10/6/99

Date



Commissioner - Chicago Department of the Environment

10/6/99

Date

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