

# UNOFFICIAL COPY

PREPARED BY:

Name: Fred Reynolds  
Chicago Manufacturing Campus II LLC

Address: 1808 Swift Drive  
Oak Brook, IL 60523



Doc#: 0503845114  
Eugene "Gene" Moore Fee: \$62.50  
Cook County Recorder of Deeds  
Date: 02/07/2005 12:09 PM Pg: 1 of 20

RETURN TO:

Name: Fred Reynolds  
Chicago Manufacturing Campus II LLC

Address: 1808 Swift Drive  
Oak Brook, IL 60523

**THE ABOVE SPACE FOR RECORDER'S OFFICE**

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316555087

Chicago Manufacturing Campus II LLC, the Remediation Applicant, whose address is 1808 Swift Drive, Oak Brook, IL 60523 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:

Remediation Site Boundary Description (Legal Description)

Lot 7 in Chicago Manufacturing Campus, being a subdivision of part of Section 30 and the northwest quarter of Section 29, Township 37 North, Range 15 East of the Third Principal Meridian, according to the plat thereof recorded August 12, 2003 as Document Number 0322410112, all in Cook County, Illinois.

2. Common Address: Northwest Corner of 126<sup>th</sup> Street and Burley Avenue (collectively Lot 7).
3. Real Estate Tax Index/Parcel Index Number: 26-30-201-007; 26-30-201-009
4. Remediation Site Owner: Chicago Manufacturing Campus LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

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

# UNOFFICIAL COPY

## 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

January 25, 2005

CERTIFIED MAIL

7002 3150 0000 1252 7955

Chicago Manufacturing Campus II L.L.C.  
 Fred Reynolds, VP  
 1808 Swift Drive  
 Oak Brook, IL 60523

Refer to:      0316555087 - Cook County  
 Chicago/Chicago Manufacturing Campus - Lot 7  
 Site Remediation/Technical Reports

Dear Mr. Reynolds:

The *Remedial Action Completion Report* (dated November 19, 2004; log # 04-22715) as prepared by Carlson Environmental, Inc. for the Chicago Manufacturing Campus - Lot 7 property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with the revised *Remedial Objectives Report/Remedial Action Plan (ROR/RAP)* dated September 24, 2001; log # 01-3631), the *Additional Site Information Report* (dated November 14, 2001; log # 01-5172), the *RAP Update - Debris Piles* (dated June 27, 2003; log # 03-2583) and the *RAP Addendum* (dated March 22, 2004; log # 04-19370).

The Remediation Site, consisting of 16.62-acres, is located at the northwest corner of 126<sup>th</sup> Street, and South Burley Avenue, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received March 23, 2004/Log No. 04-19370), is Chicago Manufacturing Campus II L.L.C.

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

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

# UNOFFICIAL COPY

## 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.
- 2) The Remediation Site is restricted to Industrial/Commercial land use.
- 3) The land use specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

### Preventive, Engineering, and Institutional Controls

- 4) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

#### Preventive Controls:

- 5) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated fill materials that lie beneath the engineered barriers that cover the site. Any excavation within the contaminated fill materials 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. Materials excavated below the barriers must be returned to the same depth from which they were excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### Engineering Controls:

- 6) The asphalt barriers, as shown in the attached Site Base Map, must remain over the contaminated fill materials. These asphalt barriers must be properly maintained as engineered barriers to inhibit ingestion and inhalation of the contaminated media.

**UNOFFICIAL COPY**

- 7) The landscaped areas, which are comprised of a minimum of 1 foot of clean topsoil covering a geo-textile fabric in the areas shown in the attached Site Base Map, must remain over the contaminated fill materials. The landscape barriers must be properly maintained as engineered barriers to inhibit ingestion and inhalation of the contaminated media.

Institutional Controls:

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

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

- c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
  - i) Modification of the referenced ordinance to allow potable uses of groundwater;

# UNOFFICIAL COPY

- 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

- 9) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 10 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 10) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 11) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
 Attn: Freedom of Information Act Officer  
 Bureau of Land-#24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, IL 62794-9276

- 12) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
  - a) Any violation of institutional controls or the designated land use restrictions;

# UNOFFICIAL COPY

- 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.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Chicago Manufacturing Campus II L.L.C.;
  - b) The owner and operator of the Remediation Site;
  - c) Any parent corporation or subsidiary of the owner of the Remediation Site;
  - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
  - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
  - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
  - g) Any successor-in-interest of the owner of the Remediation Site;



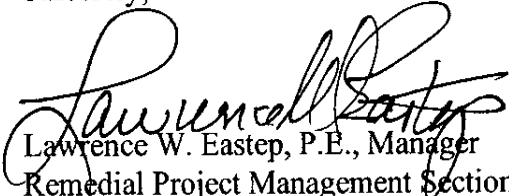
**UNOFFICIAL COPY**

- 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.
- 14) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Chicago Manufacturing Campus – Lot 7 property.
- 15) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:
- Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276
- 16) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

# UNOFFICIAL COPY

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Timothy J. Murphy at 217-524-4823.

Sincerely,



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

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

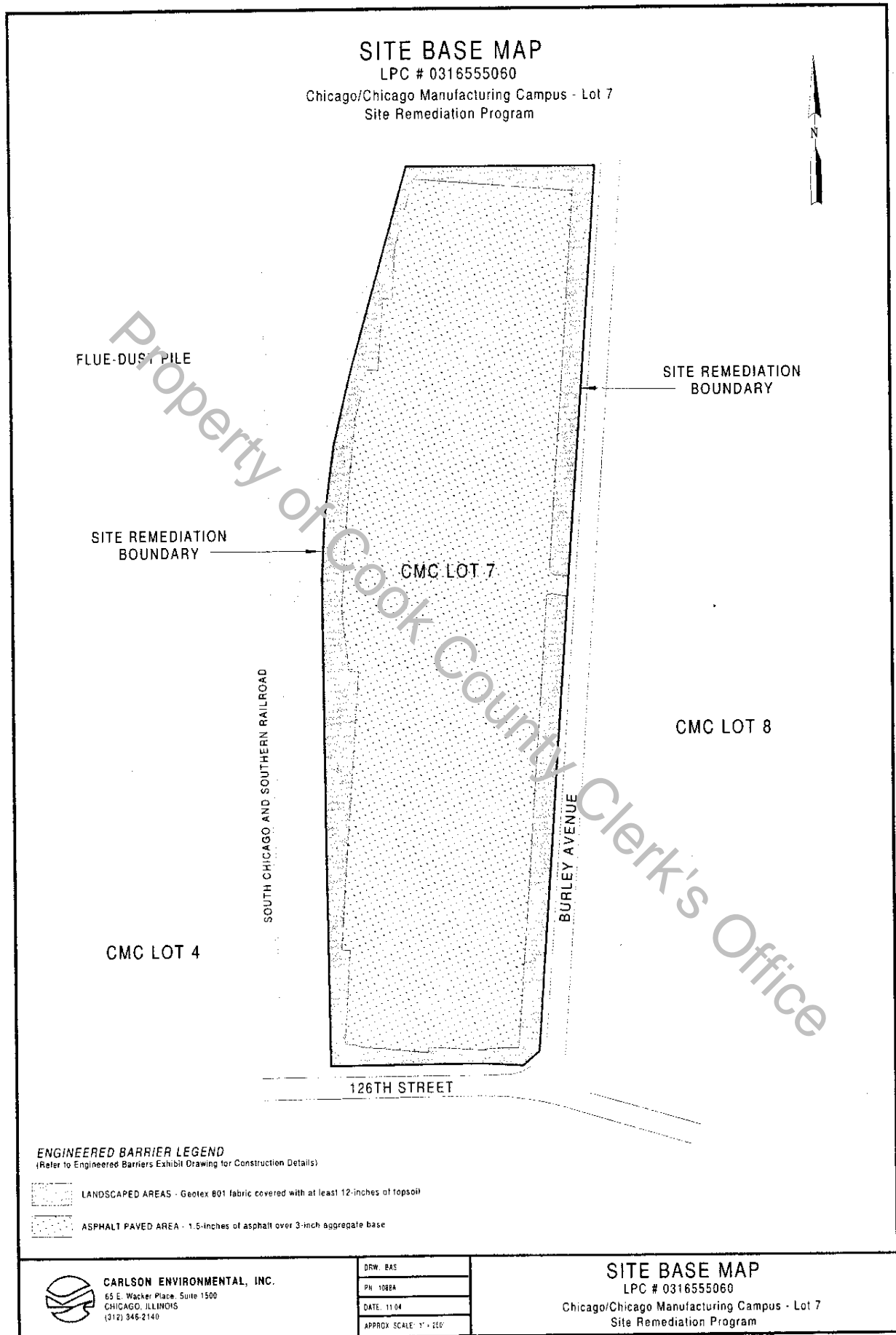
cc: Margaret Karolyi  
Carlson Environmental, Inc.  
65 East Wacker Place, Suite 1500  
Chicago, Illinois 60601

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

PROPERTY OF COOK COUNTY CLERK'S OFFICE



# UNOFFICIAL COPY



**ENGINEERED BARRIER LEGEND**  
(Refer to Engineered Barriers Exhibit Drawing for Construction Details)

- LANDSCAPED AREAS - Geotex 801 fabric covered with at least 12-inches of topsoil
- ASPHALT PAVED AREA - 1.5-inches of asphalt over 3-inch aggregate base



**CARLSON ENVIRONMENTAL, INC.**  
65 E. Wacker Place, Suite 1500  
CHICAGO, ILLINOIS  
(312) 346-2140

DRW: BAS
PN: 1082A
DATE: 11/04
APPROX SCALE: 1" = 200'

**SITE BASE MAP**  
LPC # 0316555060  
Chicago/Chicago Manufacturing Campus - Lot 7  
Site Remediation Program

**UNOFFICIAL COPY****SITE REMEDIATION PROGRAM****TABLE A: REGULATED SUBSTANCES OF CONCERN****0316555087 – CHICAGO MANUFACTURING CAMPUS – LOT 7****Volatile Organic Compounds**

<u>CAS No.</u>	<u>Compound Name</u>
67-64-1	Acetone
107-02-8	Acrolein (Propenal)
107-13-1	Acrylonitrile
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone (MEK)
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
124-48-1	Chlorodibromomethane (Dibromochloromethane)
75-00-3	Chloroethane
67-66-3	Chloroform
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
156-60-5	<i>trans</i> -1,2-Dichloroethene
156-59-2	<i>cis</i> -1,2-Dichloroethene
75-71-8	Dichlorodifluoromethane
78-87-5	1,2-Dichloropropane
10061-02-6	<i>trans</i> -1,3-Dichloropropene
10061-01-5	<i>cis</i> -1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone (MIBK)
1634-04-4	Methyl Tertiary Butyl Ether (MTBE)
100-42-5	Styrene
127-18-4	Tetrachloroethene
630-20-6	1,1,1,2-Tetrachloroethane
79-34-5	1,1,2,2-Tetrachloroethane
79-01-6	Trichloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
108-88-3	Toluene
108-05-4	Vinyl Acetate
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

# UNOFFICIAL COPY

## Semivolatile Organic Compounds

CAS No.	Compound Name
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
62-53-3	Aniline
120-12-7	Anthracene
92-87-5	Benzidine
56-55-3	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
191-24-2	Benzo(g,h,i)perylene
207-08-9	Benzo(k)fluoranthene
100-51-6	Benzyl Alcohol
65-85-0	Benzoic acid
111-44-4	bis(2-Chloroethyl)ether
111-91-1	bis(2-Chloroethoxy)methane
117-81-7	bis(2-Ethylhexyl)phthalate
101-55-3	4-Bromophenyl-phenyl ether
85-68-7	Butyl benzyl phthalate
91-58-7	2-Chloronaphthalene
95-57-8	2-Chlorophenol
7005-72-3	4-Chlorophenyl-phenyl ether
218-01-9	Chrysene
53-70-3	Dibenzo(a,i)anthracene
132-64-9	Dibenzofuran
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
91-94-1	3,3'-Dichlorobenzidine
120-83-2	2,4-Dichlorophenol
84-66-2	Diethylphthalate
105-67-9	2,4-Dimethylphenol
534-52-1	4,6-Dinitro-2-methylphenol
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
117-84-0	Di-n-octyl phthalate
206-44-0	Fluoranthene
86-73-7	Fluorene
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
193-39-5	Indeno(1,2,3-cd)pyrene
78-59-1	Isophorone
59-50-7	3-Methyl-4-Chlorophenol
91-57-6	2-Methylnaphthalene
95-48-7	2-Methylphenol ( <i>o</i> -Cresol)

**UNOFFICIAL COPY**

88-74-4	2-Nitroaniline
99-09-2	3-Nitroaniline
100-01-6	4-Nitroaniline
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
86-30-6	N-Nitrosodiphenylamine
621-64-7	N-Nitroso-di-n-propylamine
87-86-5	Pentachlorophenol
85-01-8	Phenanthrene
108-95-2	Phenol
129-00-0	Pyrene
120-82-1	1,2,4-Trichlorobenzene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol

**Aroclors**

CAS No.	Compound Name
12674-11-2	Aroclor - 1016
11104-28-2	Aroclor - 1221
11141-16-5	Aroclor - 1232
53469-21-9	Aroclor - 1242
12672-29-6	Aroclor - 1248
11097-69-1	Aroclor - 1254
11096-82-5	Aroclor - 1260

**Metals**

CAS No.	Compound Name
7440-36-0	Antimony
7440-38-2	Arsenic
7440-39-3	Barium
7440-41-7	Beryllium
7440-43-9	Cadmium
7440-47-3	Chromium (Total)
16065-83-1	Chromium, ion, trivalent
18540-29-9	Chromium, ion, hexavalent
7440-50-8	Copper
57-12-5	Cyanide (amenable)
7439-92-1	Lead
7439-97-6	Mercury
7440-02-0	Nickel
7782-49-2	Selenium
7440-22-4	Silver
7440-66-6	Zinc

**UNOFFICIAL COPY**

3123466956:# 1/ 9



State of Illinois  
**ENVIRONMENTAL PROTECTION AGENCY**

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

July 7, 1997

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

RECEIVED  
 CORPORATION COUNSEL  
 CHICAGO  
 1997 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  
 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 #	

**UNOFFICIAL COPY**

3123466956+\*-2+-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 REMEDIATION" DETERMINATIONS BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO THE CITY OF CHICAGO**

**I. PURPOSE AND INTENT**

- A. This Memorandum of Understanding ("MOU") is entered into between the City of Chicago, Illinois ("the City") and the Illinois Environmental Protection Agency ("Illinois EPA") for the purpose of (a) satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of potable water supply well ordinances as environmental institutional controls and (b) ensuring that the City will be provided with copies of all "No Further Remediation" letters or determinations issued by the Illinois EPA pursuant to specific programs for sites located within the boundaries of Chicago, Illinois, in order to enable the City to maintain a complete and up-to-date registry of sites as required by 35 Ill. Adm. Code 742.1015(i)(5). The Illinois EPA has reviewed Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago as amended by Ordinance Number 097990 ("Potable Water Supply Well Ordinance"), attached as Attachment A, and has determined that the Municipal Code of Chicago prohibits the installation and use of new potable water supply wells by private entities but will allow the installation of potable water supply wells by the City and other units of local government pursuant to intergovernmental agreements with the City. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the City may enter into an MOU with the Illinois EPA to allow the use of the ordinance as an institutional control.
- B. The intent of this Memorandum of Understanding is to (a) specify the responsibilities that must be assumed by the City to satisfy the requirements for MOUs as set forth at 35 Ill. Adm. Code 742.1015(i), and (b) require the Illinois EPA to provide the City with copies of all "No Further Remediation" letters or determinations that the Illinois EPA issues for sites located within the City of Chicago to enable the City to maintain a registry of sites pursuant to 35 Ill. Adm. Code 742.1015(i)(5).

**II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY**

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



**UNOFFICIAL COPY**

3123466906:# 3/ 9

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

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

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

**UNOFFICIAL COPY**

3123466956:# 4/ 9

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

# UNOFFICIAL COPY

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: *Paul 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

**UNOFFICIAL COPY**

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:

## UNOFFICIAL COPY

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, Schuler, 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

## UNOFFICIAL COPY

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: