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PREPARED BY:

Name: Mr. Calvin Boender
4500 South Kolin LLC

Address: 110 North York Street
Elmhurst, IL 60126-



Doc#: 0725356086 Fee: \$88.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 09/10/2007 09:58 AM Pg: 1 of 33

RETURN TO:

Name: Mr. Calvin Boender
4500 South Kolin LLC

Address: 110 North York Street
Elmhurst, IL 60126-

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: 0316575021

Mr. Calvin Boender, the Remediation Applicant, whose address is 110 North York Street, Elmhurst, IL 60126- 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:

Legal Description for Property Boundary:

The legal description of the property is taken from the May 8, 2006, Alta Survey prepared by Professionals Associated Surveying, Inc., of 7100 North Tripp Avenue in Lincolnwood, Illinois 60712. The Remediation Site property boundary is described as:

Parcel 1: That part of Lot "B" in the Circuit Court Partition of the south ½ and that part of the northwest ¼ lying south of the Illinois and Michigan Canal Reserve of Section 3, Township 38 North, Range 13 East of the Third Principal Meridian, according to the Plat of said Circuit Court Partition recorded in the Office of the Recorder of Deeds of Cook County, Illinois in Book 67 of Plats Page 24 on April 29, 1897 as Document 2530529 bounded and described as follows:

Beginning at a point on the south line of West 45th Street (a private street), (hereinafter defined), said south line of West 45th Street being 1366.32 feet south of and parallel to the east and west centerline of Section 3 (hereinafter defined), said point being 1.93 feet east of the north and south centerline of Section 3 (hereinafter defined); thence east along said south line of West 45th Street to a point on the west line of South Kolin Avenue (a private street), said west line being 236.93 feet east of and parallel to said north and south centerline of

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Section 3; thence south along said west line of South Kolin Avenue to a point in a line 1666.32 feet south of and parallel to said east and west centerline of Section 3; thence west along said last described parallel line to a point 201.07 feet west of said north and south centerline of Section 3; thence northeasterly along a straight line to a point in a line 1.93 feet east of and parallel to said north and south centerline of Section 3, said point being 1644.22 feet south of said east and west centerline; thence north along last described parallel line 277.9 feet more or less to the point of beginning.

Parcel 2: That part of Lot "B" in the Circuit Court Partition of the south $\frac{1}{2}$ and that part of the northwest $\frac{1}{4}$ lying south of the Illinois and Michigan Canal Reserve of Section 3, Township 38 North, Range 13 East of the Third Principal Meridian, according to the Plat of said Circuit Court Partition recorded in the Office of the Recorder of Deeds of Cook County, Illinois in Book 67 of Plats Page 24 on April 29, 1897 as Document 2530529 bounded and described as follows:

Beginning at a point on the south line of West 45th Street (a private street), said south line of West 45th Street being 1366.32 feet south of and parallel to the east and west centerline of Section 3, said point being 458.07 feet west of the north and south centerline of Section 3; thence east along said south line of West 45th Street to a point in a line parallel to and 1.93 feet east of said north and south centerline of Section 3; thence south along the last described parallel line to a point 1644.22 feet south of said east and west centerline of Section 3; thence southwesterly to a point in a line 1666.32 feet south of and parallel to said east and west centerline of Section 3; said point being 201.07 feet west of said north and south centerline of Section 3; thence west along last described parallel line to a point of curve 552.97 feet west of said north and south centerline; thence northwesterly along a curve convex to the southwest having a radius of 326.85 feet, an arc distance of 131.21 feet, more or less to a point of compound curve 1640.34 feet south of said east and west centerline and 680.53 feet west of said north and south centerline; thence continuing northwesterly along a curve, convex to the southwest having a radius of 755.49 feet, an arc distance of 65.93 feet more or less to a point 1611.96 feet south of said east and west centerline and 739.86 feet west of said north and south centerline; thence southeasterly along a curve convex to southeast having a radius of 310.62 feet, an arc distance of 151.80 feet, more or less to a point in a line parallel to and 1648.32 feet south of said east and west centerline, said point being 594.24 feet west of said north and south centerline; thence east along the last described parallel line to a point in a line parallel to and 458.07 feet west of said north and south centerline; thence north along the last described parallel line to the place of beginning, in Cook County, Illinois.

Parcel 3: That part of Lot "B" in the Circuit Court Partition of the south $\frac{1}{2}$ and that part of the northwest $\frac{1}{4}$ lying south of the Illinois and Michigan Canal Reserve of Section 3, Township 38 North, Range 13 East of the Third Principal Meridian, according to the Plat of said Circuit Court Partition recorded in the Office of the Recorder of Deeds of Cook County, Illinois in Book 67 of Plats Page 24 on April 29, 1897 as Document 2530529 bounded and described as follows:

Beginning at the intersection of the south line of West 45th Street (a private street) and a line parallel to and 458.07 feet west of the north and south centerline of said Section 3, said parallel line being the westerly boundary line of the land conveyed by the First National Bank of Chicago to the then Trustees of the Central Manufacturing District by Deed dated January 7, 1947 and recorded in the Recorder's Office of Cook County, Illinois on February 6, 1947 in Book 41948 at Page 150 Document 13990515; thence south along last described parallel line to its intersection with a line parallel to and 1648.32 feet south of the east and west centerline of said Section 3; thence west along last described parallel line to a point 594.24 feet west of said north and south centerline of Section 3; thence northwesterly along a curve convex to the southwest having a radius of 310.62 feet an arc distance of 151.80 feet, more or less to a point 1611.96 feet south of said east and west centerline of Section 3 and 739.85 feet west of said north and south center line of Section 3, the two (2) last mentioned courses being the northerly and northeasterly boundary line, at this point of the said land conveyed

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by the First National Bank of Chicago to the then Trustees of the Central Manufacturing District by Deed dated January 7, 1947 and recorded in the Recorders Office of Cook County, Illinois, on February 6, 1947 in Book 41948 at Page 150 as Document 13990515; thence continuing northwesterly along said curve, convex to the southwest, having a radius of 310.62 feet an arc distance of 267.89 feet, more or less to its intersection with the westerly boundary line, at this point, of the parcel of land conveyed by the Chicago River and Indiana Railroad Company to the First National Bank of Chicago by Deed dated March 6, 1951 and recorded in Recorders Office of Cook County, Illinois, on March 8, 1951, in Book 46556, at Page 458 as Document 15026337, said point of intersection being 1405.38 feet south of said east and west centerline of Section 3, thence north along the last described line to its intersection with the south line of West 45th Street; thence east along the south line of West 45th Street to the point of beginning, in Cook County, Illinois.

The foregoing descriptions are based on the following definitions:

West 45th Street (a private street) is defined as a strip of land, lying in Lot "B" of the subdivision recorded on April 29, 1897 in Book 67 of Plats Page 44 as Document 2530529, which is 66 feet in width, extending westerly from the west line of South Kolin Avenue extended northerly, (said west line of South Kolin Avenue, being 236.93 feet east of and parallel to the north and south centerline of Section 3) to the westerly boundary line (where same extend across the 66-foot strip) of a parcel of land conveyed by the Chicago River and Indiana Railroad Company to the First National Bank of Chicago, by Deed dated March 6, 1951 and recorded in the Recorders Office of Cook County, Illinois on March 8, 1951 in Book 46556 at Page 458 as Document 15026337, the south line of said strip is a straight line parallel to and 1366.32 feet south of the east and west centerline of Section 3, the north line of said strip is a straight line parallel to and 66.00 feet north of the south line of said strip;

The east and west centerline of said Section 3 is defined as a straight line drawn from a point on the east line of said Section measured 2577.19 feet south 3, measured 2597.19 feet south of the northeast corner of said Section 3 and measured 2669.84 feet north from the southeast corner of said Section 3 to a point on the west line of said Section 3 measured 2598.77 feet south of the northwest corner of said Section 3 and measured 2661.19 feet north of the southwest corner of said Section 3.

The north and south center line of said Section 3 is defined as a straight line drawn from a point on the north line of said Section 3 measured 2648.14 feet west from the northeast corner of said Section 3 and measured 2642.84 feet east from the northwest corner of said Section 3 to a point on the south line of said Section 3 measured 2669.37 feet west from the southeast corner of said Section 3 and measured 2668.04 feet east from the southwest corner of said Section 3, all in Cook County, Illinois.

Description for Remediation Site Boundary:

The Remediation Site boundary is generated by modifying the property legal description recorded by Professionals Associated Surveying, Inc. The Remediation Site boundary (all of Parcel 1, most of Parcel 2, and a portion of parcel 3) is described as:

Beginning at a point on the south line of West 45th Street (a private street), (hereinafter defined), said south line of West 45th Street being 1366.32 feet south of and parallel to the east and west centerline of Section 3 (hereinafter defined), said point being 1.93 feet east of the north and south centerline of Section 3 (hereinafter defined); thence east along said south line of West 45th Street to a point on the west line of South Kolin Avenue (a private street), said west line being 236.93 feet east of and parallel to said north and south centerline of Section 3; thence south along said west line of South Kolin Avenue to a point in a line 1666.32 feet south of and parallel to said east and west centerline of Section 3; thence west 789.91 feet along said last described parallel

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line to a point of curve 552.97 feet west of said north and south centerline; thence North 78°31'19" West a distance of 109 feet; thence North 0°44'37" along a chain link fence a distance of 281 feet; thence east on a line parallel to the east and west centerline of Section 3 a distance of 636.29 feet to the point of beginning, in Cook County, Illinois.

2. Common Address: 4500 South Kolin Avenue, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 19-03-400-096-0000; 19-03-400-188-0000
4. Remediation Site Owner: Calvin Boender
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

Property of Cook County Clerk's Office

UNOFFICIAL COPY**SITE REMEDIATION PROGRAM****TABLE A: REGULATED SUBSTANCES OF CONCERN****0316575021/4500 Kolin Corporation****Volatile Organic Compounds**

<u>CAS No.</u>	<u>Compound Name</u>
67-64-1	Acetone
107-02-8	Acrolein (Propenal)
79-10-7	Acrylic Acid
107-13-1	Acrylonitrile
71-43-2	Benzene
314-40-9	Bromacil
108-86-1	Bromobenzene
74-97-5	Bromochloromethane
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
106-99-0	1,3-Butadiene
71-36-3	n-Butanol (Butanol)
78-93-3	2-Butanone (MEK)
104-51-8	n-Butylbenzene
135-98-9	sec-Butylbenzene
98-06-6	tert-Butylbenzene
105-60-2	Caprolactam
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
74-87-3	Chloromethane
95-49-8	2-Chlorotoluene
106-43-4	4-Chlorotoluene
108-94-1	Cyclohexanone
96-12-8	1,2-Dibromo-3-Chloropropane
74-95-3	Dibromomethane
106-93-4	1,2-Dibromomethane
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
142-28-9	1,3-Dichloropropane
594-20-7	2,2-Dichloropropane
563-58-6	1,1-Dichloropropene

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10061-02-6	<i>trans</i> -1,3-Dichloropropene
10061-01-5	<i>cis</i> -1,3-Dichloropropene
111-90-0	Diethylene Glycol Monoethyl Ether
123-91-1	1,4-Dioxane
64-17-5	Ethanol
141-78-6	Ethyl Acetate
140-88-5	Ethyl Acrylate
100-41-4	Ethylbenzene
107-21-1	Ethylene Glycol
111-76-2	Ethylene Glycol Monobutyl Ether
103-11-8	2-Ethylhexyl Acrylate
50-00-0	Formaldehyde
98-01-1	Furfural
110-54-3	Hexane
591-78-6	2-Hexanone
74-88-4	Iodomethane (Methyl Iodide)
78-83-1	Isobutyl Alcohol (Isobutanol)
67-63-0	Isopropyl Alcohol (Isopropanol)
98-82-4	Isopropylbenzene (Cumene)
99-87-6	<i>p</i> -Isopropyltoluene
67-56-1	Methyl Alcohol (Methanol)
79-20-9	Methyl Acetate
108-87-2	Methylcyclohexane
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone (MIBK)
1634-04-4	Methyl Tertiary Butyl Ether (MTBE)
91-20-3	Naphthalene
109-60-4	<i>n</i> -Propyl Acetate
103-65-1	<i>n</i> -Propylbenzene
57-55-6	Propylene Glycol
107-98-2	Propylene Glycol Monoethyl Ether
100-42-5	Styrene
127-18-4	Tetrachloroethene
630-20-6	1,1,1,2-Tetrachloroethane
79-34-5	1,1,2,2-Tetrachloroethane
109-99-9	Tetrahydrofuran
79-01-6	Trichloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
75-69-4	Trichlorofluoromethane
96-18-4	1,2,3-Trichloropropane
95-63-6	1,2,4-Trimethylbenzene
99-35-4	1,3,5-Trimethylbenzene
108-88-3	Toluene
108-05-4	Vinyl Acetate
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

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Semivolatile Organic Compounds

CAS No.	Compound Name
91-20-3	Naphthalene
208-96-8	Acenaphthylene
83-32-9	Acenaphthene
86-73-7	Fluorene
85-01-8	Phenanthrene
120-12-7	Anthracene
206-44-0	Fluoranthene
129-00-0	Pyrene
56-55-3	Benzo(a)anthracene
218-01-9	Chrysene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
50-32-8	Benzo(a)pyrene
193-39-5	Indeno(1,2,3-cd)pyrene
53-70-3	Dibenzo(a,h)anthracene
191-24-2	Benzo(g,h,i)perylene

Metals

CAS No.	Compound Name
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium (Total)
7439-92-1	Lead
7439-97-6	Mercury
7782-49-2	Selenium
7440-22-4	Silver

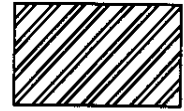
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SITE BASE MAP
ILD#0316575021-COOK COUNTY
CHICAGO/4500 KOLIN CORPORATION
SITE REMEDIATION/ TECHNICAL REPORTS

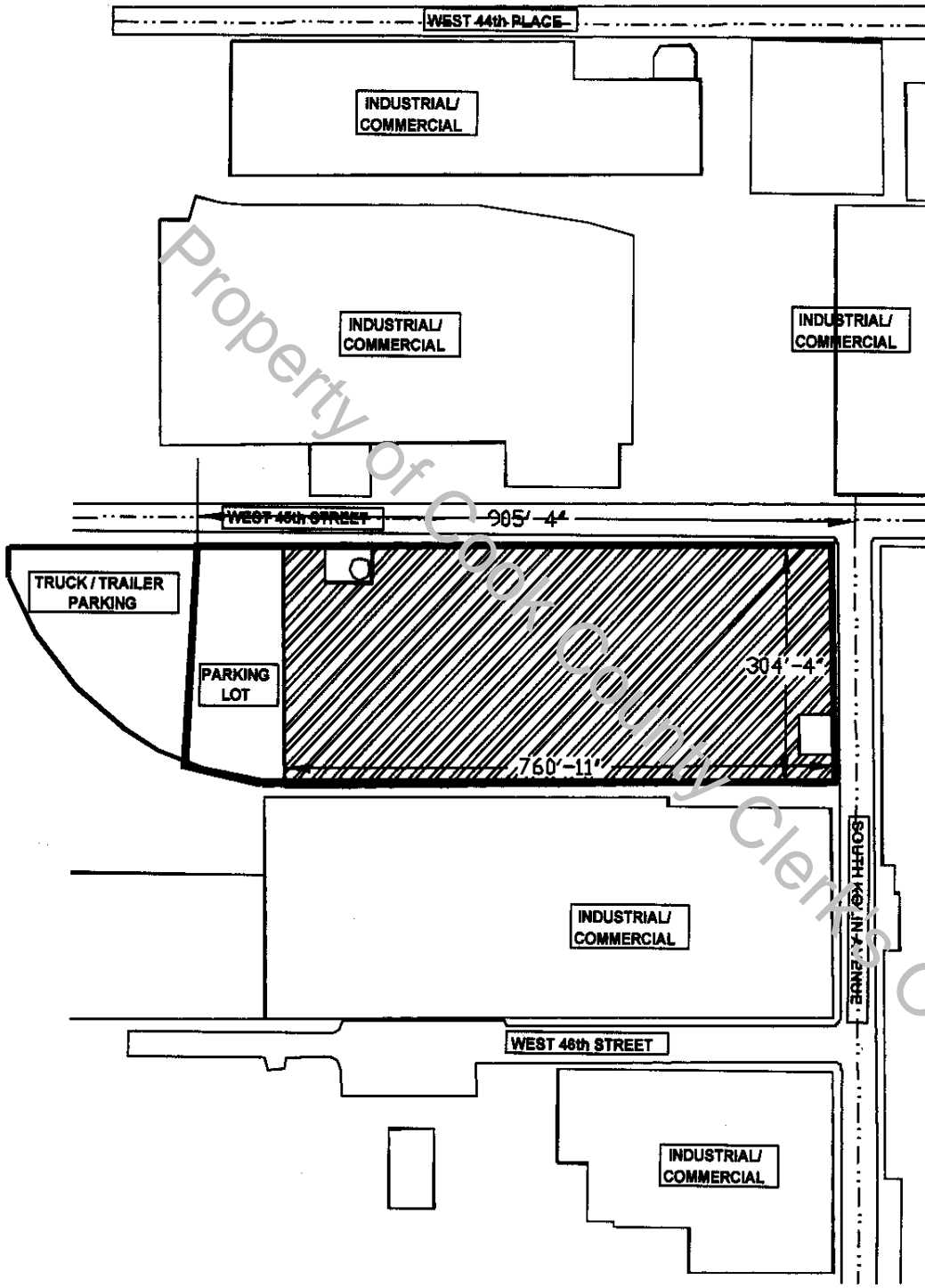
LEGEND

SITE REMEDIATION
BOUNDARY

APPROXIMATE
PROPERTY
BOUNDARY



ENGINEERED
BARRIER
(CONCRETE
BUILDING PAD)



CAD FILE: 2607-21A
REVISED: 08-17-07



4500 KOLIN CORPORATION
4500 SOUTH KOLIN AVENUE
CHICAGO, ILLINOIS

SITE BASE MAP

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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

(217) 782-6761 ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

August 27, 2007

CERTIFIED MAIL
 7007 0220 0000 0154 7690

Mr. Calvin Boender
 4500 South Kolin LLC
 110 North York Street
 Elmhurst, IL 60120

Re: 0316575021 /Cook
 Chicago /4500 Kolin Corporation
 Site Remediation Program Technical Reports
 No Further Remediation Letter

Dear Mr. Boender:

The *Site Investigation Report/Remedial Objectives Report/Remedial Action Plan/Remedial Action Completion Report Amendment* report (Date May 24, 2007/Log Number 07-33956), as prepared by DAI Environmental, Inc. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 7.3 acres, is located at 4500 South Kolin 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 May 25, 2006 is Mr. Calvin Boender.

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 and conditions 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 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.
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is restricted to Industrial/Commercial land use.
- 3) 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.

Engineering Controls:

- 4) The concrete building pad, 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 or ingestion exposure to the contaminated media.

Institutional Controls:

- 5) 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) Where a groundwater ordinance is used to assure long-term protection of human health, the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by the City of Chicago along with this Letter.
 - b) 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;

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- 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 this Letter is recorded 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:
 - 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 this Letter is recorded 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

- 6) 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 beneath the engineered barriers. 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 engineered barriers 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.
- 7) 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.

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- 8) 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

- 9) 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:
- 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.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Mr. Calvin Boender;
 - b) The owner and operator of the Remediation Site;
 - c) Any parent corporation or subsidiary of the owner of the Remediation Site;

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- d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
 - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
 - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
 - g) Any successor-in-interest of the owner of the Remediation Site;
 - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
 - i) Any heir or devisee of the owner of the Remediation Site;
 - j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
 - k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 11) 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 Remediation Site.
- 12) 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

Page 6

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

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. Tim Murphy at (217) 524-4823.

Sincerely,



Joyce L. Munne, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments (4): Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Property Owner Certification of No Further Remediation Letter under the
Site Remediation Program Form
Notice to Remediation Applicant

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

Christopher Cailles, P.E.
DAI Environmental, Inc.
27834 North Irma Lee Circle
Lake Forest, IL60045-5130

Property Owner
Cook County Clerk's Office

UNOFFICIAL COPY

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of the City of Chicago is hereby amended by adding a new Section 11-8-390, as follows:

11-8-390 Potable Water Wells.

For purposes of this section, "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

RECEIVED

Division of Legal Counsel

DEC 12 2001

Environmental Protection Agency

RELEASABLE

DEC 12 2001

REVIEWER MM

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11/28/2001

REPORTS OF COMMITTEES

72897

intended for human consumption is grown. No groundwater well, cistern or other groundwater collection device installed after May 14, 1997, may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by a unit of local government pursuant to intergovernmental agreement with the City of Chicago.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

Property of Cook County Clerk's Office

UNOFFICIAL COPY

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 for an amendment of Title 11, Chapter 8 of Municipal Code of Chicago by addition of new Section 390 defining potable water and prohibiting use of certain groundwater collection device to supply any potable water supply system.

I DO FURTHER CERTIFY that the said ordinance was adopted by the City Council of the said City of Chicago on the twenty-eighth (28th) day of November, A.D. 2001 and deposited in my office on the twenty-eighth (28th) day of November, A.D. 2001.

I DO FURTHER CERTIFY that the vote on the question of the adoption 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:

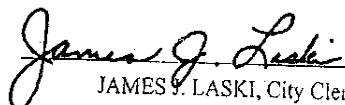
Yeas 47, Nays 0.

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the adoption thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five (5) days after the adoption of the said ordinance.

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.

[L.S.]

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 County and State aforesaid, this sixth (6th) day of December, A.D. 2001.


JAMES J. LASKI, City Clerk.

Property of Cook County Clerk's Office

UNOFFICIAL COPY *MP + TACO*

City of Chicago
Richard M. Daley, Mayor

Department of Law
Susan S. Sher
Corporation Counsel

Suite 900
30 North LaSalle Street
Chicago, Illinois 60602
(312) 744-9010
(312) 744-6798 (FAX)

July 2, 1997

BY EXPRESS MAIL**RECEIVED**

Mr. Gary P. King
Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
1001 N. Grand Avenue, East
Springfield, IL 62702

JUL 03 1997

I.E.P.A. / B.O.L.

**Re: Memorandum of Understanding Between City of Chicago and
IEPA**

Dear Mr. King:

Enclosed please find two executed copies of the Memorandum of Understanding ("MOU") between the City of Chicago and the Illinois Environmental Protection Agency, pursuant to 35 Ill. Adm. Code 742.1015. As I discussed earlier with Mark Wight, the version of the MOU that is enclosed varies from the one you and he approved only in that there are two exhibits rather than three, since the new groundwater ordinance also includes a provision authorizing the City of Chicago's Commissioner of Environment to enter into this MOU, thus simultaneously satisfying the requirements of 35 Ill. Adm. Code 742.1015(i)(3) and 742.1015(i)(1), relating to required MOU attachments. As to the remaining attachment (identification of the legal boundaries within which the Potable Water Supply Well Ordinance is applicable), Mr. Wight said that a letter from a City official stating that the ordinance applied throughout the City would satisfy the requirements of 35 Ill. Adm. Code 742.1015(i)(2). A letter to that effect is attached as Exhibit B.

Please execute both documents and return the one marked "City Copy" to me for our files. If you have any questions, do not hesitate to contact me at 312-744-6904.

Sincerely,

Mort P. Ames
Assistant Corporation Counsel

Encl.

cc w/o encl.: Henry L. Henderson
Jessica Rio
Jill Wineman

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M M



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JAMES J. LASKI, CITY CLERK
 CITY CLERK'S OFFICE — CITY OF CHICAGO

FORM C.C. 424 3M 4-95

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

EXHIBIT

A

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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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STATE OF ILLINOIS, ss.
County of Cook.

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 an ordinance amending Title 11, Chapter 8 and Title 2, Chapter 30 of the 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.

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 failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring or less than five days after the passage of the said ordinance.

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 County and State aforesaid, this twenty-seventh (27th) day of June, A. D. 1997

[L. S.]

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 generic 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 analysis 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

Property of Cook County Clerk's Office

UNOFFICIAL COPY

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 5M 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.

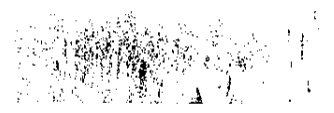
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the

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

ORIGINAL

James J. Laski
JAMES J. LASKI, City Clerk

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City of Chicago
Richard M. Daley, Mayor

Department of Environment

Henry L. Henderson
Commissioner

Twenty-fifth Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575
(312) 744-7606 (Voice)
(312) 744-6451 (FAX)
(312) 744-3586 (TTY)
<http://www.ci.chi.il.us>

July 1, 1997

Mr. Gary P. King
Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
1001 N. Grand Avenue, East
Springfield, IL 62702

Re: Chicago Ordinance No. 097990

Dear Mr. King:

Pursuant to 35 Ill. Adm. Code 742.1015(l)(2), Section 11-8-385 and 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, apply to all areas within the corporate limits of the City of Chicago.

Sincerely,

Henry L. Henderson
Commissioner

cc: Mort Ames
Asst. Corp. Counsel



Please
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EXHIBIT
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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):

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1. The City will notify the Illinois EPA Bureau of Land of any changes to or requests for variance from the Potable Water Supply Well Ordinance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35 Ill. Adm. Code 742.1015(i)(4));
2. The City will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA pursuant to specific programs (35 Ill. Adm. Code 742.1015(i)(5));
3. If the City determines to install a new potable water supply well(s), the City will review the registry of sites established under paragraph II.A.2. prior to siting such potable water supply well(s) within the area covered by the Potable Water Supply Well Ordinance, pursuant to 35 Ill. Adm. Code 742.1015(i)(6)(A);
4. If the City determines to install a new potable water supply well(s), the City will determine whether the potential source of potable water has been or may be affected by contamination left in place at the sites tracked and reviewed under paragraphs II.A.2. and 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

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

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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: *Arny 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

Property of Cook County Clerk's Office