

# UNOFFICIAL COPY

PREPARED BY:

Name: Robert Hank  
ITW Company

Address: 3600 West Lake Avenue  
Glenview, Illinois 60025



Doc#: 0817809026 Fee: \$76.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 06/26/2008 10:48 AM Pg: 1 of 21

RETURN TO:

Name: Robert Hank  
ITW Company

Address: 3600 West Lake Avenue  
Glenview, Illinois 60025

## THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316615024.

ITW Company, the Remediation Applicant, whose address is 3600 West Lake Avenue, Glenview, Illinois 60025, 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:** A PARCEL OF LAND COMPRISED OF PART OF BLOCK 9 AND ALL OF BLOCK 10, TOGETHER WITH ALL OF THE EAST AND WEST 30 FOOT STRIP OF LAND LYING BETWEEN SAID BLOCKS 9 AND 10, AND ALL OF THE NORTH ½ OF THE EAST AND WEST 30 FOOT STRIP OF LAND LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF SAID BLOCK 10; TOGETHER WITH A PART OF THE NORTH AND SOUTH 25 FOOT STRIP OF LAND LYING EAST OF AND ADJOINING THE EAST LINE OF SAID BLOCKS 9 AND 10, AND LYING EAST OF AND ADJOINING THE EAST AND WEST STRIPS OF LAND AFORESAID; ALL IN PACKER'S SUBDIVISION OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN; WHICH PARCEL OF LAND IS BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTH LINE, EXTENDED EAST, OF THE NORTH ½ OF THE EAST AND WEST 30 FOOT STRIP OF LAND LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF SAID BLOCK 10 IN PACKER'S SUBDIVISION AFORESAID, AT A POINT WHICH IS 6.60 FEET WEST FROM THE EAST LINE OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 5, (SAID POINT OF BEGINNING BEING ON THE WEST LINE OF SOUTH RACINE AVENUE AS OPENED PURSUANT TO ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF CHICAGO ON THE 26<sup>TH</sup> DAY OF MARCH 1968), AND RUNNING THENCE WEST ALONG SAID EASTWARD EXTENSION ALONG THE SOUTH LINE OF THE NORTH ½ OF SAID EAST AND WEST 30 FOOT STRIP OF LAND, AND ALONG A WESTWARD EXTENSION THEREOF, A DISTANCE OF 391.06 FEET TO AN INTERSECTION WITH THE WEST LINE, EXTENDED SOUTH OF BLOCK 10; THENCE NORTH ALONG SAID SOUTHWARD EXTENSION AND ALONG THE WEST LINE OF BLOCK 10 A DISTANCE OF 622.19 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 40.00 FEET AFORESAID (SAID SOUTH LINE BEING THE SOUTH LINE OF THE WEST 43<sup>RD</sup> STREET AS OPENED PURSUANT TO SAID ORDINANCE PASSED ON THE 26<sup>TH</sup> DAY OF MARCH, 1968), A DISTANCE OF 364.92 FEET TO A

(Illinois EPA Site Remediation Program Environmental Notice)

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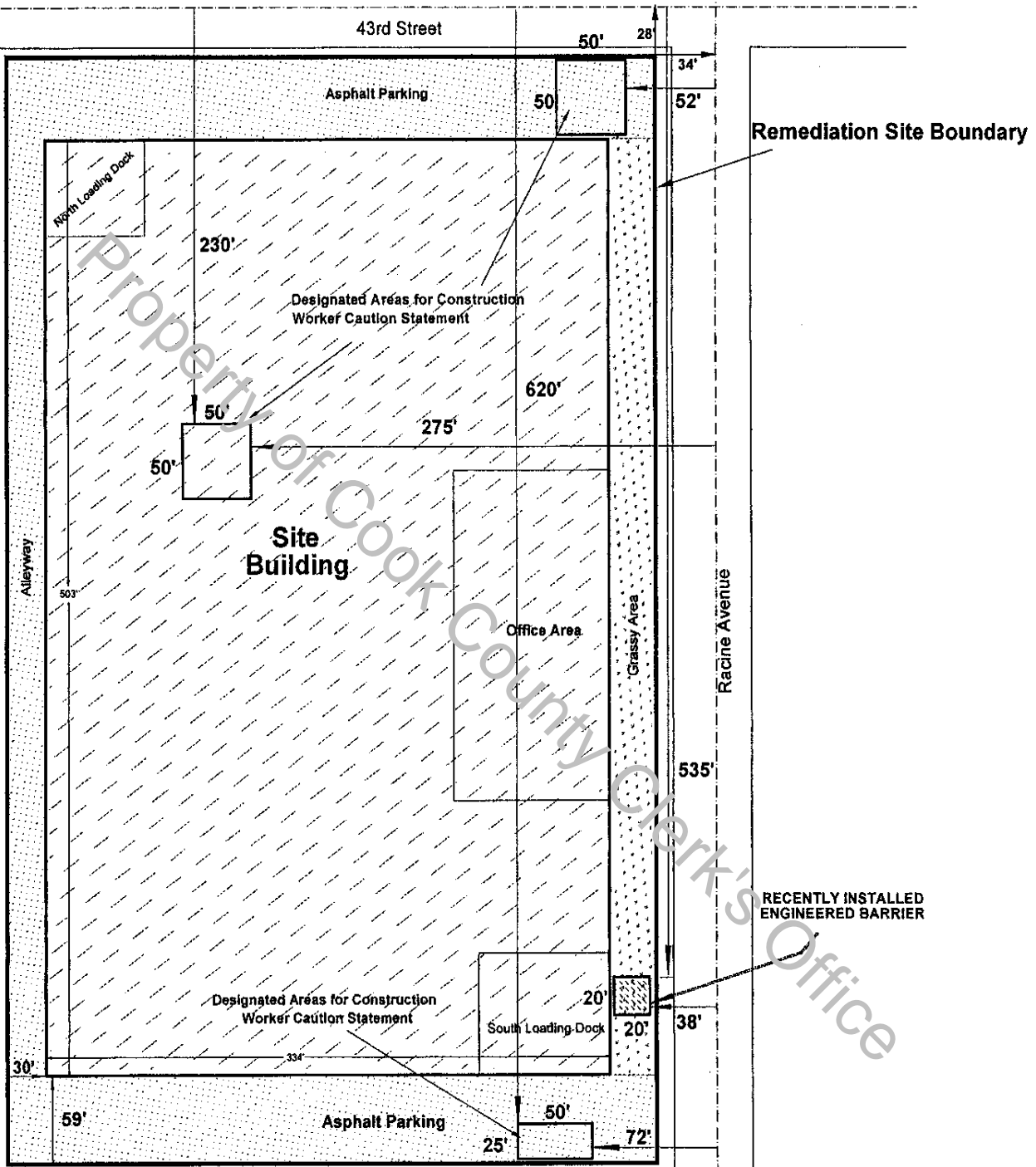
DEFLECTION POINTING IN SAID SOUTH LINE WHICH IS 32.76 FEET WEST FROM THE EAST LINE OF THE NORTHEAST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SAID SECTION 5; THENCE SOUTHEASTWARDLY ALONG A STRAIGHT LINE, A DISTANCE OF 35.40 FEET TO A DEFLECTION POINT IN THE WEST LINE OF SOUTH RACINE AVENUE AS OPENED PURSUANT TO SAID ORDINANCE PASSED ON THE 26<sup>TH</sup> DAY OF MARCH, 1968, SAID DEFLECTION POINT BEING 65.00 FEET SOUTH FROM THE NORTH LINE AND 7.71 FEET WEST FROM THE EAST LINE OF SAID NORTHEAST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 5; AND THENCE SOUTH ALONG SAID WEST LINE OF SOUTH RACINE AVENUE AS OPENED, A DISTANCE OF 597.26 FEET TO POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, CONTAINING 242,724 SQ. FT.

2. **Concrete Building Floor engineered barrier description:** A PORTION OF THE SITE BUILDING FOUNDATION AND CONCRETE FLOORS WILL BE DESIGNATED AS ENGINEERED BARRIER. THE DIMENSIONS OF THIS AREA ARE 50 FEET WIDE BY 50 FEET LONG, WITH THE NORTHEAST CORNER OF THIS AREA LOCATED 275 FEET WEST OF THE RACINE AVENUE CENTERLINE AND 230 FEET SOUTH OF THE 43<sup>RD</sup> STREET CENTERLINE.
3. **North Asphalt Parking Lot engineered barrier description:** A PORTION OF THE ASPHALT PAVEMENT PARKING AREA TO THE NORTH OF THE SITE BUILDING, WITH THE DIMENSIONS 50 FEET WIDE BY 50 FEET LONG. THE NORTHEAST CORNER OF THIS AREA IS 52 FEET WEST OF THE RACINE AVENUE CENTERLINE AND 28 FEET SOUTH OF THE 43<sup>RD</sup> STREET CENTERLINE.
4. **South Asphalt Parking Lot engineered barrier description:** A PORTION OF THE ASPHALT PAVEMENT PARKING AREA TO THE SOUTH OF THE SITE BUILDING, WITH THE DIMENSIONS 50 FEET WIDE BY 25 FEET LONG. THE NORTHEAST CORNER OF THIS AREA IS LOCATED 72 FEET WEST OF THE RACINE AVENUE CENTERLINE AND 620 FEET SOUTH OF THE 43<sup>RD</sup> STREET CENTERLINE.
5. **Southeast Soil and Rock engineered barrier description:** A PORTION OF THE REMEDIATION SITE, LOCATED EXTERIOR TO THE SITE BUILDING, IN THE GRASS-COVERED AREA, WILL BE DESIGNATED AS AN ENGINEERED BARRIER. THIS AREA CONTAINS 3 FEET OF CLEAN GRAVEL AND IS 20 FEET LONG BY 20 FEET WIDE, WITH NORTHEAST CORNER OF THIS AREA SITUATED 38 FEET WEST OF THE RACINE AVENUE CENTERLINE AND 535 FEET SOUTH OF THE 43<sup>RD</sup> STREET CENTERLINE.
6. **Common Address:** 4300 South Racine Avenue, Chicago, IL.
7. **Parcel Index Number:** 20-05-302-010-0000.
8. **Remediation Site Owner:** 4330 S. Racine, LLC.
9. **Land Use:** Industrial/Commercial.
10. **Site Investigation:** Comprehensive.

See NFR letter for other terms.

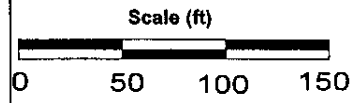
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**Site Base Map**  
**# 0316615024 - Cook County**  
**Chicago / Illinois Tool Works Shakeproof, Mfg.**  
**Site Remediation Program**



**LEGEND**

- DESIGNATED ENGINEERED BARRIER TOPPED WITH ASPHALT
- DESIGNATED ENGINEERED BARRIER TOPPED WITH CONCRETE
- DESIGNATED ENGINEERED BARRIER (3' OF GRAVEL TOPPED WITH CLEAN DIRT)



**CARLSON ENVIRONMENTAL, INC.**  
 65 EAST WACKER PLACE, SUITE 1500  
 CHICAGO, ILLINOIS  
 (312) 346-2140

PN: 1814A  
 Drawn By: MVC  
 Date: 06/29/2007

**FIGURE 1**  
**SITE BASE MAP**  
 4300 South Racine  
 Chicago, IL

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## PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

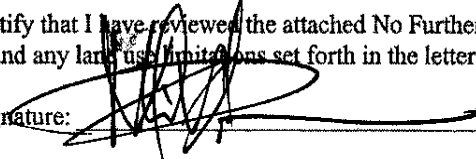
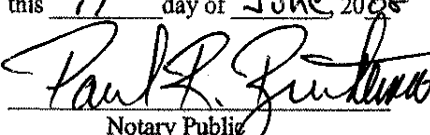
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name: <u>4330 South Racine, LLC</u>	
Title: <u>By MWV Real Estate Management, LLC, its Sole Manager</u>	
Company: <u>By: Michael W. Van Der Aa, its Sole Manager</u>	
Street Address: <u>506 W. Maple</u>	
City: <u>Hinsdale</u> State: <u>IL</u> Zip Code: <u>60521</u> Phone: _____	
Site Information	
Site Name: <u>Former ITW Shakeproof, Manufacturing Plant</u>	
Site Address: <u>4330 S. Racine Avenue</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60609</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>LPC #0316615024</u>	
Real Estate Tax Index/Parcel Index No. <u>20-05-302-010-0000</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u></u>	Date: <u>6.17.08</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>17</u> day of <u>June</u> 20 <u>08</u>	
<u></u> Notary Public	<div style="border: 2px dashed black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;"><b>"OFFICIAL SEAL"</b></p> <p style="margin: 0;"><b>PAUL R. BUIKEMA</b></p> <p style="margin: 0;">Notary Public, State of Illinois</p> <p style="margin: 0;">My Commission Expires Aug. 24, 2009</p> </div>

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MAY 30 2008



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

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

April 23, 2008

Re-Issued May 28, 2008CERTIFIED MAIL

7007 2560 0003 2091 9597

Robert Hank  
ITW Company  
3600 W. Lake Avenue  
Glenview, Illinois 60025

Re: 0316615024/Cook County  
Chicago/Illinois Tool Works Shakerproof, Manufacturing Plant  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. Hank:

The *Remediation Objectives Report & Remedial Action Completion Report* (October 15, 2007/Log No. 07-35493), as prepared by Carlson Environmental, Inc., for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (September 23, 2003/Log No. 03-16981) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 5.57 acres, is located at 4300 South Racine 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 (February 11, 2003/Log No. 03-0526), is ITW Company.

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

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

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

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

### Preventive, Engineering, and Institutional Controls

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

#### Preventive Controls:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. 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 8.0 feet must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### Engineering Controls:

- 5) The asphalt barriers, as shown in the attached Site Base Map, must remain over the contaminated soils. The asphalt barriers must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.
- 6) The clean soil and gravel barrier, which is comprised of a minimum of 1.0 feet of clean soil and 2.0 feet of gravel covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil and gravel barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 7) The concrete building floor, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete building floor must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

**UNOFFICIAL COPY**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 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
  - c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
    - i) Modification of the referenced ordinance to allow potable uses of groundwater;
    - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
    - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date 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

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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 No. 8 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 9276  
Springfield, IL 62704-9276
- 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;
  - 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;



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- 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) ITW Company;
  - b) The owner and operator of the Remediation Site;
  - c) Any parent corporation or subsidiary of the owner of the Remediation Site;
  - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
  - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
  - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
  - g) Any successor-in-interest of the owner of the Remediation Site;
  - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
  - i) Any heir or devisee of the owner of the Remediation Site;
  - 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.

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- 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 Illinois Tool Works Shakeproof Manufacturing, Inc., 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.

If you have any questions regarding the Illinois Tool Works Shakeproof Manufacturing, Inc., property, you may contact the Illinois EPA project manager, Greg Dunn at (217) 785-2359.

Sincerely,



Joyce L. Munie, 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  
 Property Owner Certification of No Further Remediation Letter under the Site Remediation Program Form

cc: Ms. Valerie Baxa, Environmental Risk Manager  
 First Industrial, Limited Partnership  
 311 S. Wacker Drive, Suite 4000  
 Chicago, Illinois 60606

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Mark Castro  
Carlson Environmental, Inc.  
65 East Wacker Drive, 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

A large, dense black scribble consisting of multiple overlapping, wavy horizontal lines that completely obscures the text underneath it.

SLV BT

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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*  
JAMES J. LASKI, City Clerk.

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## SUBSTITUTE

## ORDINANCE

**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 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.

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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 communication concerning this MOU directed to the Illinois EPA, shall be addressed to:

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

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

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the following responsibilities:

1. The Illinois EPA will provide the City with copies of all "No Further Remediation" letters or determinations that it issues pursuant to 35 Ill. Adm. Code 742, and other specific programs, for sites located within the boundaries of the City at the time said letters or determinations are provided to remediation applicants.
2. Copies of "No Further Remediation" letters or determinations provided to the City pursuant to paragraph II.B.1. above, or other communications concerning this MOU directed to the City, shall be addressed to:

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

### III. SUPPORTING DOCUMENTATION

The following documentation is required by 35 Ill. Adm. Code 742.1015(i) and is attached to this MOU:

- A. Attachment A: A copy of the Potable Water Supply Well Ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(i)(3)) and a statement of the authority of the City to enter into the MOU (35 Ill. Adm. Code 742.1015(i)(1));
- B. Attachment B: Identification of the legal boundaries within which the Potable Water Supply Well Ordinance is applicable (35 Ill. Adm. Code 742.1015(i)(2)); and



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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

Division of Remediation Management

BY: *Joseph L. Henderson*  
Commissioner  
Department of Environment  
City of Chicago

DATE: *July 1, 1997*

FOR: Illinois Environmental Protection Agency

BY: *Gary P. King*  
(Name and title of signatory)  
Division of Remediation Management  
Bureau of Land

DATE: *July 3, 1997*

Version 6/27/97

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CITY CLERK'S OFFICE — CITY OF CHICAGO

FORM C.C. 424 3M 4-85

*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 not less than five days after the passage of the said ordinance.

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\_\_\_\_\_

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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July 1, 1997

City of Chicago  
Richard M. Daley, Mayor

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

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>

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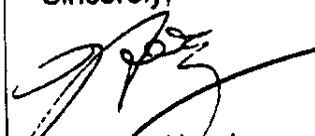
I.E.P.A. / B.O.L.

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



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