



PREPARED BY:

Name: Mr. Sean Maher
CenterPoint Chicago Enterprise LLC

Address: 1808 Swift Drive
Oak Brook, Illinois 60523-418

Doc#: 1015813031 Fee: \$142.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/07/2010 01:13 PM Pg: 1 of 54

RETURN TO:

Name: Mr. Sean Maher
CenterPoint Chicago Enterprise LLC

Address: 1808 Swift Drive
Oak Brook, Illinois 60523-418

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: 0316555024

CenterPoint Chicago Enterprise LLC, the Remediation Applicant, whose address is 1808 Swift Drive, Oak Brook, Illinois 60523-418 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:

LOT 6 AND LOT 12 IN CHICAGO ENTERPRISE CENTER SUBDIVISION BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD AS SHOWN ON PLAT OF SUBDIVISION RECORDED MAY 25, 1993 AS DOCUMENT NUMBER 93397195, IN COOK COUNTY, ILLINOIS.

LOTS 2 AND 16 IN CHICAGO ENTERPRISE CENTER SUBDIVISION RECORDED MAY 25, 1993 AS DOCUMENT 93397195, BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF THE NEW YORK, CHICAGO, ST. LOUIS RAILROAD, IN COOK COUNTY, ILLINOIS.

*re-recording due to lack of
Chicago and Burnham b/w ordinances
in original record letter*

(Illinois EPA Site Remediation Program Environmental Notice)

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LOTS 7, 8, 9, 10, AND 11 IN CHICAGO ENTERPRISE CENTER SUBDIVISION RECORDED MAY 25, 1993 AS DOCUMENT NUMBER 93397195 BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF THE NEW YORK, CHICAGO, ST. LOUIS RAILROAD, IN COOK COUNTY, ILLINOIS.

LOTS 13, 14, AND 15 IN CHICAGO ENTERPRISE CENTER SUBDIVISION RECORDED MAY 25, 1993 AS DOCUMENT NUMBER 93397195 BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF THE NEW YORK, CHICAGO, ST. LOUIS RAILROAD, IN COOK COUNTY, ILLINOIS.

LOTS 3, 4, 5, AND 17 IN CHICAGO ENTERPRISE CENTER SUBDIVISION RECORDED MAY 25, 1993 AS DOCUMENT NUMBER 93397195, BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD, IN COOK COUNTY, ILLINOIS. COMMONLY KNOWN AS: CHICAGO ENTERPRISE CENTER 13535 SOUTH TORRENCE CHICAGO, ILLINOIS.

LOT 1 PLAT OF CORRECTION OF LOT 1 IN CHICAGO ENTERPRISE CENTER SUBDIVISION RECORDED MAY 25, 1993 AS DOCUMENT NUMBER 93397195, BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 31, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD, IN COOK COUNTY, ILLINOIS. COMMONLY KNOWN AS: CHICAGO ENTERPRISE CENTER 13535 SOUTH TORRENCE CHICAGO, ILLINOIS.

2. Common Address: 13535 South Torrence Avenue, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Numbers: 26-31-303-010, 26-31-303-011, 26-31-303-015, 26-31-303-016, 26-31-303-017, 26-31-303-018, 26-31-303-019, 26-31-303-020, 26-31-303-021, 26-31-303-033, 26-31-303-024, 26-31-303-022, 26-31-303-023, 26-31-303-014, 26-31-303-012, 26-31-303-013, 26-31-303-025.
4. Remediation Site Owner: CenterPoint Chicago Enterprise LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

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SITE REMEDIATION PROGRAM

TABLE A: REGULATED SUBSTANCES OF CONCERN

0316555024/Chicago Enterprise Center

Volatile Organic Compounds

CAS No.	Compound Name
67-64-1	Acetone
107-02-8	Acrolein (Propenal)
107-13-1	Acrylonitrile
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone (MEK)
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
124-48-1	Chlorodibromomethane (Dibromochloromethane)
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
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
78-87-5	1,2-Dichloropropane
10061-02-6	<i>trans</i> -1,3-Dichloropropene
10061-01-5	<i>cis</i> -1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone (MIBK)
1634-04-4	Methyl Tertiary Butyl Ether (MTBE)
91-20-3	Naphthalene
100-42-5	Styrene
127-18-4	Tetrachloroethene
630-20-6	1,1,1,2-Tetrachloroethane
79-34-5	1,1,2,2-Tetrachloroethane
79-01-6	Trichloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
75-69-4	Trichlorofluoromethane
108-88-3	Toluene

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108-05-4	Vinyl Acetate
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

Semivolatile Organic Compounds

CAS No.	
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
62-53-3	Aniline
120-12-7	Anthracene
92-87-5	Benzidine
56-55-5	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
191-24-2	Benzo(g,h,i)perylene
207-08-9	Benzo(k)fluoranthene
100-51-6	Benzyl Alcohol
65-85-0	Benzoic acid
111-44-4	bis(2-Chloroethyl)ether
111-91-1	bis(2-Chloroethoxy)methane
117-81-7	bis(2-Ethylhexyl)phthalate
101-55-3	4-Bromophenyl-phenyl ether
85-68-7	Butyl benzyl phthalate
86-74-8	Carbazole
106-47-8	4-Chloroaniline
59-50-7	4-Chloro-3-methylphenol
91-58-7	2-Chloronaphthalene
95-57-8	2-Chlorophenol
7005-72-3	4-Chlorophenyl-phenyl ether
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
132-64-9	Dibenzofuran
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
91-94-1	3,3'-Dichlorobenzidine
120-83-2	2,4-Dichlorophenol
84-66-2	Diethylphthalate
105-67-9	2,4-Dimethylphenol
131-11-3	Dimethylphthalate
84-74-2	Di-n-butylphthalate
534-52-1	4,6-Dinitro-2-methylphenol
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
117-84-0	Di-n-octyl phthalate

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206-44-0	Fluoranthene
86-73-7	Fluorene
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
193-39-5	Indeno(1,2,3-cd)pyrene
78-59-1	Isophorone
91-57-6	2-Methylnaphthalene
95-48-7	2-Methylphenol (<i>o</i> -Cresol)
108-39-4	3-Methylphenol
106-41-5	4-Methylphenol (<i>p</i> -Cresol)
88-74-4	2-Nitroaniline
99-09-2	3-Nitroaniline
100-01-6	4-Nitroaniline
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
86-30-6	N-Nitrosodiphenylamine
621-64-7	N-Nitroso-di-n-propylamine
87-86-5	Pentachlorophenol
85-01-8	Phenanthrene
108-95-2	Phenol
129-00-0	Pyrene
120-82-1	1,2,4-Trichlorobenzene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
108-39-4	Total Cresol

Fungicides, Insecticides, Herbicides, Pesticides and Aroclors

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

Metals

<u>CAS No.</u>	<u>Compound Name</u>
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium (Total)

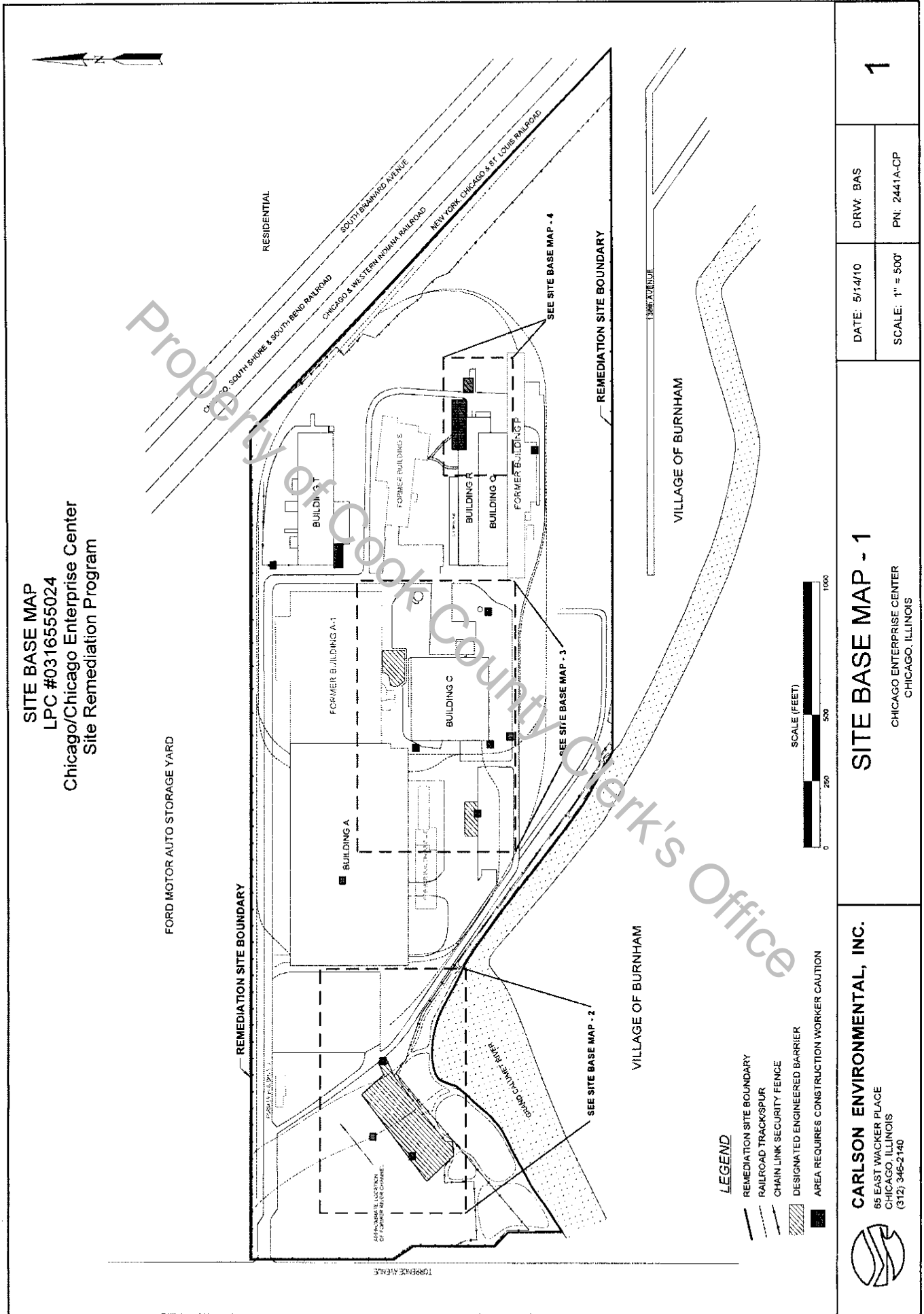
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7439-92-1	Lead
7439-97-6	Mercury
7782-49-2	Selenium
7440-22-4	Silver
57-12-5	Cyanide (amenable)

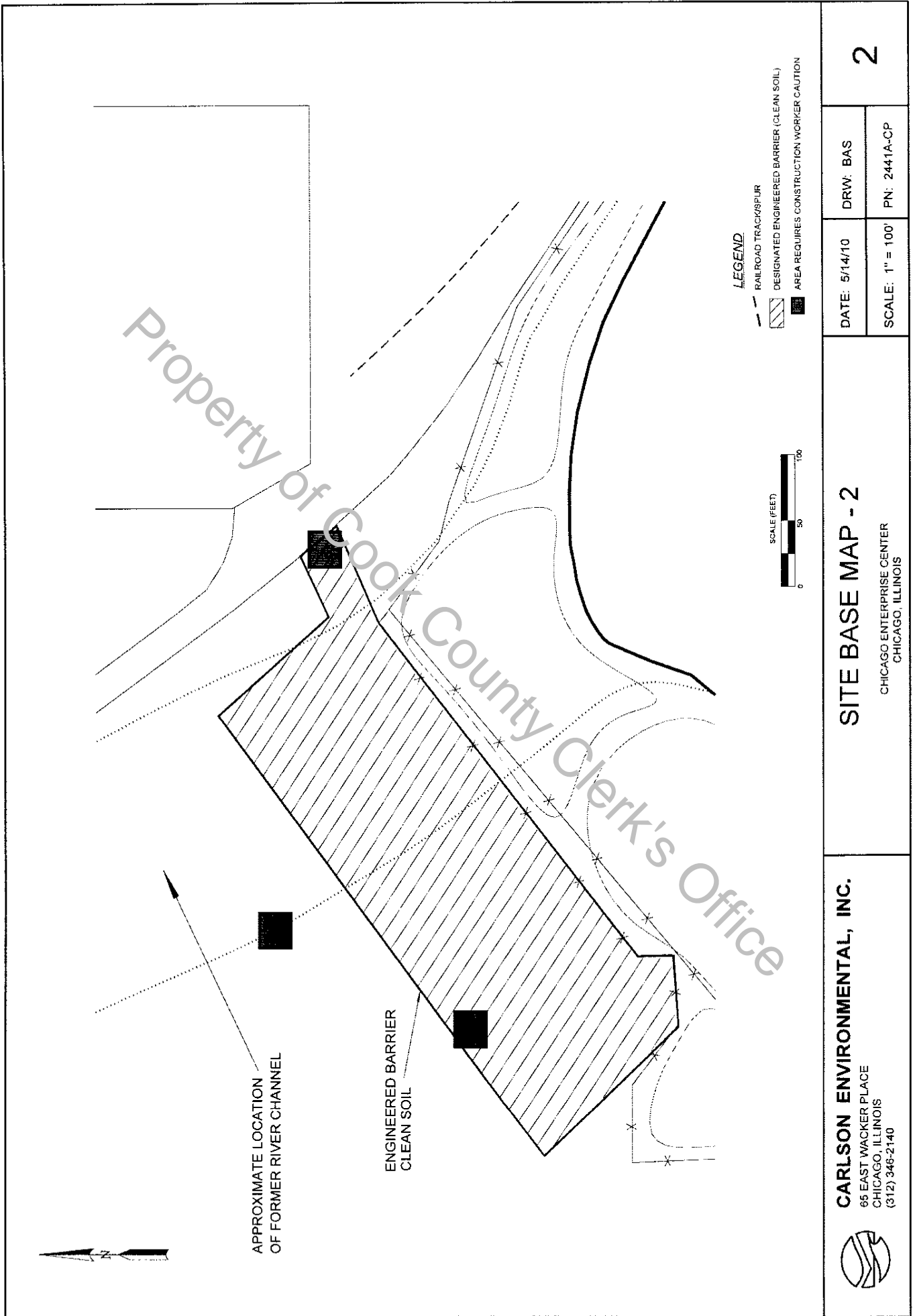


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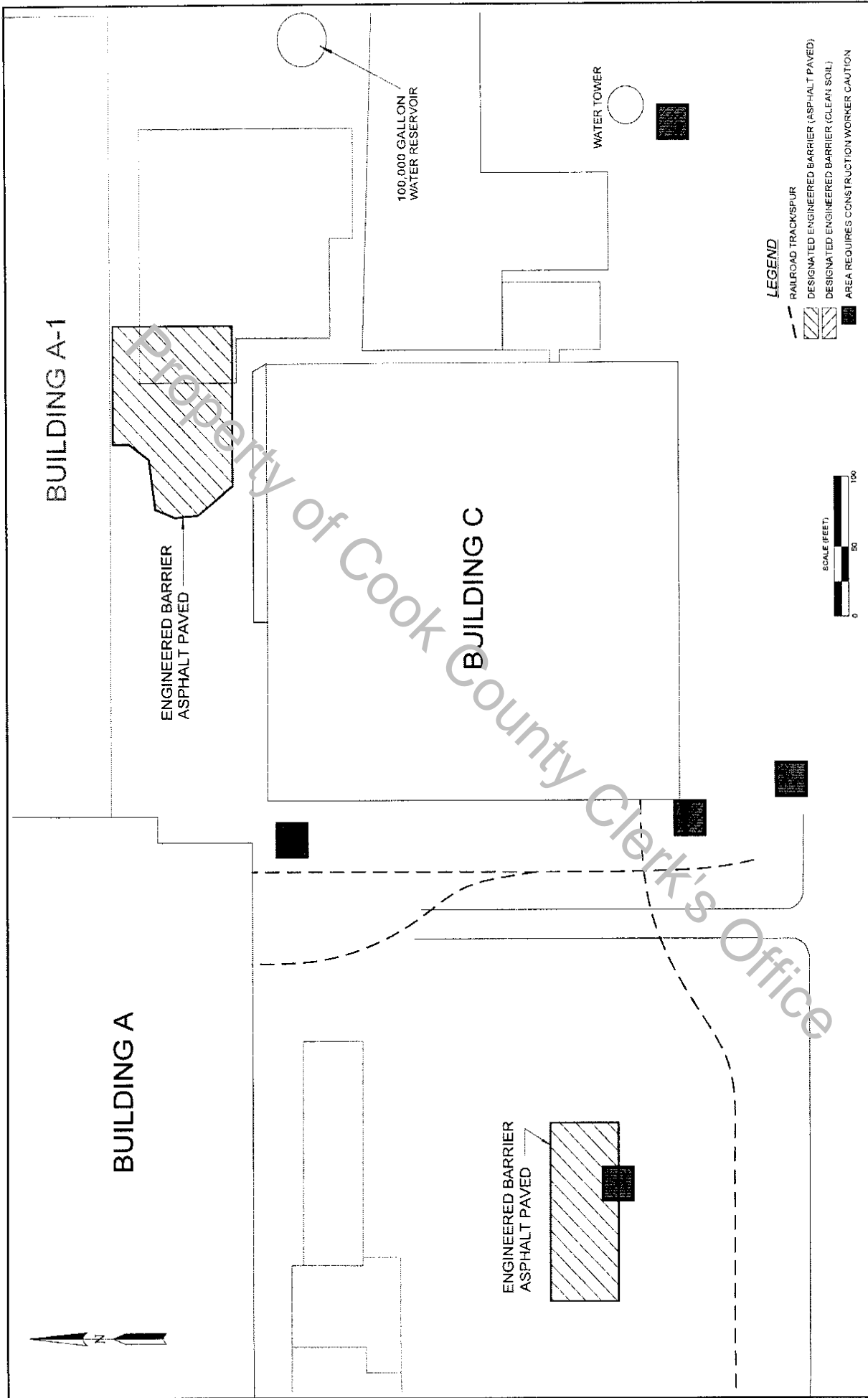


 **CARLSON ENVIRONMENTAL, INC.**
 66 EAST WACKER PLACE
 CHICAGO, ILLINOIS
 (312) 348-2140

SITE BASE MAP - 2
 CHICAGO ENTERPRISE CENTER
 CHICAGO, ILLINOIS

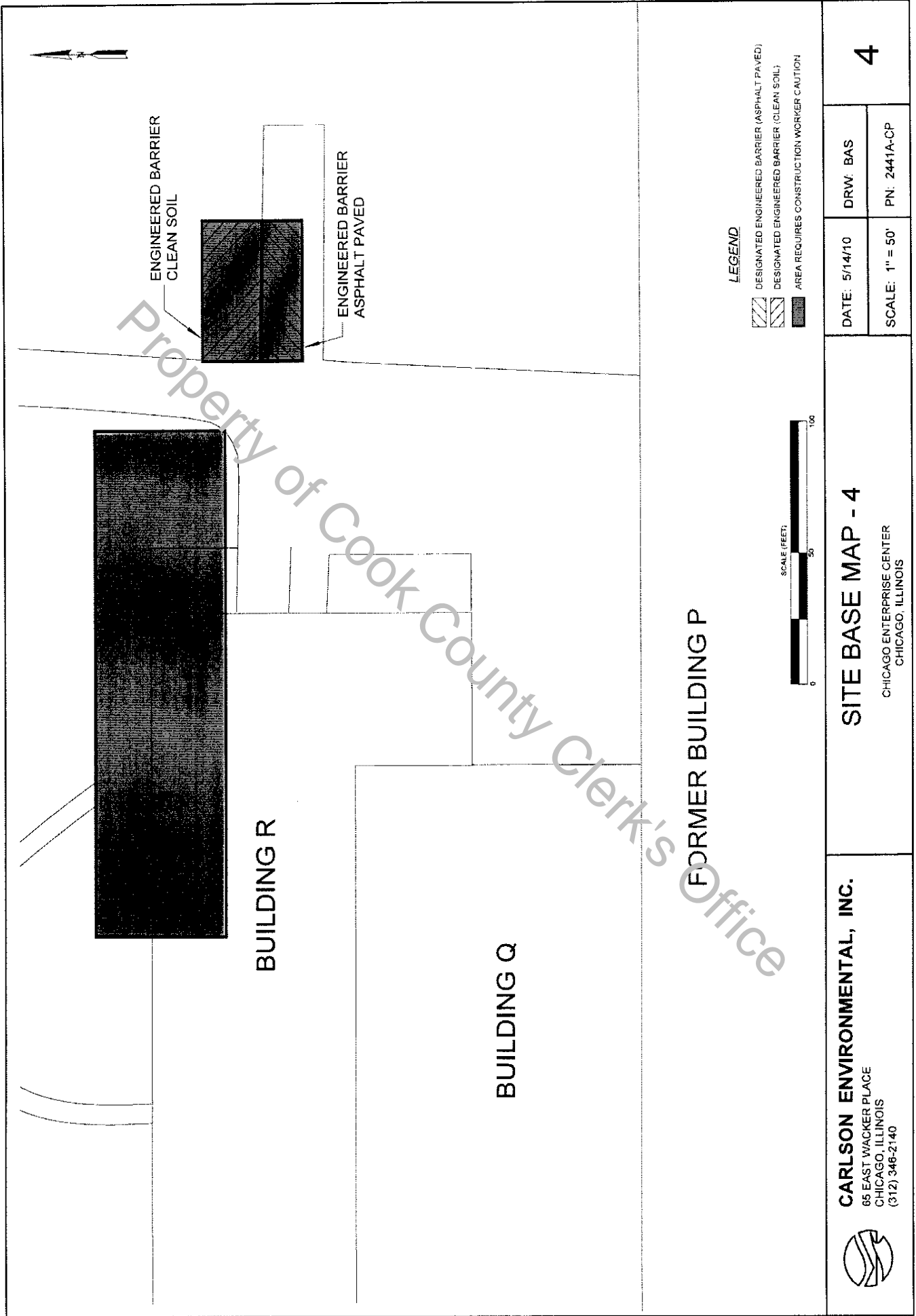
DATE: 5/14/10 DRW: BAS
 SCALE: 1" = 100' PN: 2441A-CP

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CARLSON ENVIRONMENTAL, INC. 65 EAST WACKER PLACE CHICAGO, ILLINOIS (312) 346-2140	SITE BASE MAP - 3 CHICAGO ENTERPRISE CENTER CHICAGO, ILLINOIS		DATE: 5/14/10	DRW: BAS	3
			SCALE: 1" = 100'	PN: 2441A-CP	

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

SITE BASE MAP - 4
 CHICAGO ENTERPRISE CENTER
 CHICAGO, ILLINOIS

DATE: 5/14/10
 SCALE: 1" = 50'

DRW: BAS
 PN: 2441A-CP

4



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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

May 26, 2010

CERTIFIED MAIL

7008 1830 0001 4716 1863

Mr. Sean Maher
CenterPoint Chicago Enterprise LLC
1808 Swift Drive
Oak Brook, Illinois 60523-418

Re: LPC# 0316555024/Cook County
Chicago/Chicago Enterprise Center
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Maher:

The *Remedial Action Completion Report* (February 11, 2010/Log Number 10-43901), as prepared by Carlson Environmental, Inc. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (April 19, 2007/Log Number 07-33399) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 108 acres, is located at 13535 South Torrence 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 October 15, 1996 is CenterPoint Chicago Enterprise LLC.

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 • 4307 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

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 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 asphalt barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation or ingestion exposure to the contaminated media.
- 5) The clean soil barrier, which is comprised of a minimum of 3 feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.

Institutional Controls:

- 6) 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

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- iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
 - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
 - vi) A statement as to where more information may be obtained regarding the ordinance.
- c) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date 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, Illinois 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 11-8-330 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
- 7) Ordinance 99-0-007 adopted October 13, 1999 by the Village of Burnham effectively prohibits the installation and use of potable water supply wells in the Village of Burnham. This ordinance provides 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 a unit of local government along with this Letter.
 - b) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:

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- i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
 - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
- c) The Remediation Applicant shall provide written notification to the Village of Burnham 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 the ordinance used as an institutional control in this Letter;
 - 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.
- d) 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, Illinois 62794-9276

- e) 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 Village of Burnham and affected property owner(s) of the intent to use Ordinance 99-0-007 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

- 8) Pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), all statutory and regulatory corrective action requirements applicable to the occurrence involving Leaking UST Incident Number 891079 have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incident.
- 9) 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. Areas of the remediation subject to this construction worker safety requirement are shown on the attached site base maps. 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 3 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.
- 10) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 11) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:
- Illinois Environmental Protection Agency
Attn: Freedom of Information Act Officer
Bureau of Land-#24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
- 12) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current 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;

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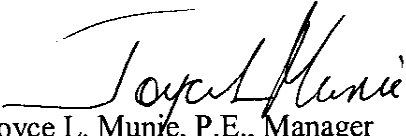
- c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
 - d) The failure to comply with the recording requirements for this Letter;
 - e) Obtaining the Letter by fraud or misrepresentation;
 - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
 - g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
 - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) CenterPoint Chicago Enterprise LLC;
 - b) The owner and operator of the Remediation Site;
 - c) Any parent corporation or subsidiary of the owner of the Remediation Site;
 - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
 - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
 - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
 - g) Any successor-in-interest of the owner of the Remediation Site;
 - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
 - i) Any heir or devisee of the owner of the Remediation Site;

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- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 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 Remediation Site.
- 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, Illinois 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 this correspondence, you may contact the Illinois EPA project manager, Mr. Ed Salch at (217) 557-8084.

Sincerely,


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

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Attachments (2): 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

Bruce A. Shabino
Carlson Environmental, Inc.
65 East Wacker Place
Suite 1500
Chicago, Illinois 60601

Records Unit
Bob O'Hara
Rick Lucas
Mike Lowder

Property of Cook County Clerk's Office

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

C E R T I F I C A T I O N

I, NANCY C. DOBROWSKI, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, (the "Village") and as such Village Clerk, I am the keeper of the official journal, records, papers, entries, documents, resolutions and ordinances of the Village and of the President and Board of Trustees (the "Corporate Authorities") thereof, and that attached is a full, true, and correct copy of Ordinance No. 99-O-007 now on file in my office entitled:

AN ORDINANCE AMENDING ARTICLE I OF ORDINANCE NO. 81-O-008, ENTITLED "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS".

I further certify that said Ordinance No. 99-O-007 was duly passed on roll call vote by the Board of Trustees of the Village on the 12th day of October, 1999, and approved by the Village President of the Village on the 13th day of October, 1999, and that said Ordinance attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance were taken openly; that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meetings", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have affixed hereunto my official signature as Village Clerk of the Village and the seal of the Village this 13th day of July, 2000.


NANCY C. DOBROWSKI
Village Clerk

(SEAL)

RELEASABLE

AUG 2 8 2000

REVIEWER MD

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VILLAGE OF BURNHAM

ORDINANCE NO. 99-O-007

AN ORDINANCE AMENDING ARTICLE I OF ORDINANCE NO. 81-O-008 ENTITLED "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS"

WHEREAS, the Village of Burnham; Cook County, Illinois, (the "Village") has elected by referendum on March 11, 1980 to become a home rule unit, and, accordingly, pursuant to the provisions of the Constitution of the State of Illinois of 1970, particularly Article VII, Section 6(a) thereof, the Village is a home rule unit; and

WHEREAS, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare, to license, to tax and to incur debt; and

WHEREAS, the Corporate Authorities of the Village of Burnham deem it advisable to prohibit use of secondary water and to prohibit the installation of new potable water supply wells to prevent possible contamination of its water supply system.

BE IT ORDAINED by the President and Board of Trustees of the Village of Burnham, Cook County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. The President and Board of Trustees of the Village of Burnham hereby find that all the recital contained in the preambles of this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

Page -2-

Section 2. The ordinance heretofore passed by the President and Board of Trustees of the Village of Burnham on the 8th day of July, 1981, Ordinance No. 81-0-008, entitled "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS," as amended, is hereby amended with respect to ARTICLE I General Provisions as hereinafter enumerated.

Section 3. ARTICLE I General Provisions of Ordinance No. 81-0-008, entitled "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS," as amended, is hereby amended by adding the following Section 1.19, Section 1.20, Section 1.21, and Section 1.22 to said ARTICLE I General Provisions of said Ordinance, to wit:

"Section 1.19 Premises Defined

The word "premises" wherever used in this Ordinance shall be held to include a lot, a part of a lot, a building, or part of a building or any parcel or tract of land whatever."

"Section 1.20 Potable Water Defined

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."

"Section 1.21 Secondary Water Defined

Any water from a private water system of pipes or piping which receives its water supply from the Chicago or Calumet

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

Page -3-

Rivers or their tributaries, shore water from Lake Michigan or Calumet Lake or from any well or cistern or any ground water or rain water reservoir. Also any water from the mains of the Village of Burnham Waterworks System which has been used for any purpose within any building, structure, or premises, or which has been discharged from any type of condenser coils, or cooling systems, drinking fountain, hydraulic lifts, boilers, linotype machines, dye casting machines, metal rolling or pressing machines or other crushing or rolling machines or apparatus, or which has been stored in such a manner as to expose it to possible contamination."

"Section 1.22 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 Village of Burnham 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

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

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made in a water distribution system other than an approved water 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 Village of Burnham 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 Village of Burnham Waterworks System shall be constructed in such manner that 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 devise installed after the date of this Ordinance may be used to supply any potable water supply system, except at points of withdrawal by the Village of Burnham or by units of local government pursuant to intergovernmental agreement with the Village of Burnham."

Section 4. Any person, firm or corporation who violates or who omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than One Hundred dollars (\$100.00), nor more than

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

Page -5-

One Thousand dollars (\$1,000.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. In addition to the penalty set forth in Section 4., the waterworks engineer with concurrence of the Water Committee of the Village of Burnham shall have the authority to discontinue the supply of water to any person, firm or corporation who violates or disobeys, or who omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Ordinance.

Section 6. A copy of this Ordinance, properly certified by the Village Clerk, shall be filed in the Office of the Recorder of Deeds of Cook County, Illinois, and shall be deemed notice to all owners of real estate of their liability for service supplies to any user of the service of the Waterworks System of said Village on their property, and it shall be the duty of the Village Clerk and such other officers of this Village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims and liens for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

Section 7. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 8. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or the application

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

Page -6-

thereto to any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance or the application of such portion to other persons or circumstances but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion.

Section 9. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

Section 10. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-C-007

Page -7-

Section 11. This Ordinance shall be published by printing in pamphlet form by the authority of the President and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

PASSED by the President and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 12th day of October, A.D., 1999.

ROLL CALL VOTE:

AYES: John J. Cap. Jr., Robert E. Krueger, Steven J. Smith and
Joseph E. Reichel

NAYS: None

ABSENT: Marianne Bendinelli and Shirley Petriola

Nancy C. Dobrowski
Village Clerk

APPROVED by me this 13th day of October, A.D., 1999.

Donald J. Daneman
Village President

ATTEST:

Nancy C. Dobrowski
Village Clerk

(SEAL)

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

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RECORDED in Village Records: October 13, 1999

PUBLISHED in pamphlet form by authority of the President and Board of Trustees of the Village of Burnham, Cook County, Illinois, on October 13, 1999.

ATTEST:

Stanis C Dobrowski
Village Clerk

(SEAL)

A large, bold, handwritten signature or scribble in black ink, appearing to be a stylized name or initials, positioned in the lower half of the page. It overlaps with the diagonal watermark text.

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MEMORANDUM OF UNDERSTANDING BETWEEN THE
VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS AND
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
REGARDING THE USE OF A LOCAL GROUNDWATER OR
WATER WELL ORDINANCE AS AN ENVIRONMENTAL
INSTITUTIONAL CONTROL

I. PURPOSE AND INTENT

A. This Memorandum of Understanding ("MOU") between the Village of Burnham, Cook County, Illinois ("the Village") and the Illinois Environmental Protection Agency ("Illinois EPA") is entered into for the purpose of satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of groundwater or water well ordinances as environmental institutional controls. The Illinois EPA has reviewed the groundwater or water well ordinance of the Village (Attachment A) and determined that the ordinance prohibits the use of groundwater for potable purposes and/or the installation and use of new potable water supply wells by private entities but does not expressly prohibit those activities by the unit of local government itself. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the unit of local government may enter into an MOU with the Illinois EPA to allow the use of the ordinance as an institutional control.

B. The intent of this Memorandum of Understanding is to specify the responsibilities that must be assumed by the unit of local government to satisfy the requirements for MOUs as set forth at 35 Ill. Adm. Code. 742.1015(i).

II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY

A. In order to ensure the long-term integrity of the groundwater or water 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 groundwater or water well ordinance is effectively managed, the Village hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.105 (d)(2) and (i):

1. The Village will notify the Illinois EPA Bureau of Land of any proposed ordinance changes or requests for variance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request [35 Ill. Adm. Code 742.1015(i)(4)];

2. The Village will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA [35 Ill. Adm. Code 742.1015 (i)(5)];

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3. The Village will review the registry of sites established under paragraph II. A. 2. prior to siting public potable water supply wells within the area covered by the ordinance [35 Ill. Adm. Code 742.1015(i)(6)(A)];

4. The Village will determine whether the potential source of potable water has been or may be affected by contamination left in places at the sites tracked and reviewed under paragraphs II. A. 2. and 3. [35 Ill. Adm. Code 742.1015(i)(6)(B)];

5. The Village 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)]; and

6. If the Village enters into intergovernmental agreements under Section 1.22 of ARTICLE I General Provisions of Village of Burnham Ordinance No. 81-0-008 as amended by Section 3. of Village of Burnham Ordinance No. 99-0-007 to allow other units of local government to install new potable water supply well(s) with the corporate limits of the Village, the Village will require compliance with the procedures set forth in paragraphs II. A. 3., 4., and 5. as a part of such agreements.

NOTE: Notification under paragraph II A. 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 Village of Burnham Ordinance No. 99-0-007 as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the Village of Burnham Ordinance No. 99-0-007 or other specific programs can be effectively managed, the Illinois EPA hereby assumes the following responsibilities:

1. The Illinois EPA will notify the Village 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 Village at the time said letters or determinations are provided to remediation applicants.

2. Communications concerning this MOU directed to the

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Village shall be addressed to:

Village Clerk
Village of Burnham
14450 Manistee Avenue
Burnham, IL 60633

III. SUPPORTING DOCUMENTATION

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

A. Attachment A: A copy of the groundwater or water well ordinance certified by the Village clerk or other official as the current, controlling law [35 Ill. Adm. Code 742.1015(i)(3)]; and

B. Attachment B: Identification of the legal boundaries within which the ordinance is applicable (certification by city clerk or other official that the ordinance is applicable everywhere within the corporate limits; if ordinance is not applicable throughout the entire city or village, legal description and map of area showing sufficient detail to determine where ordinance is applicable [35 Ill. Adm. Code 742.1015(i)(2)]).

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

FOR: Village Of Burnham, Cook County, Illinois

BY: Donald J. Danewicz DATED: July 13, 2000
Donald J. Danewicz
Village President

ATTEST:

Nancy C. Dobrowski DATED: July 13, 2000
Nancy C. Dobrowski, Village Clerk

FOR: Illinois Environmental Protection Agency

BY: Gary King DATED: August 22, 2000

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STATE OF ILLINOIS)
) SS.
 COUNTY OF COOK)

C E R T I F I C A T I O N

I, **NANCY C. DOBROWSKI**, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, (the "Village") and as such Village Clerk, I am the keeper of the official journal, records, papers, entries, documents, resolutions and ordinances of the Village and of the President and Board of Trustees (the "Corporate Authorities") thereof, and that attached is a full, true, and correct copy of Ordinance No. 99-0-007 now on file in my office entitled:

AN ORDINANCE AMENDING ARTICLE I OF ORDINANCE NO. 81-0-008, ENTITLED "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM COOK COUNTY, ILLINOIS".

I further certify that said Ordinance No. 99-0-007 was duly passed on roll call vote by the Board of Trustees of the Village on the 12th day of October, 1999, and approved by the Village President of the Village on the 13th day of October, 1999, and that said Ordinance attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance were taken openly; that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meetings", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have affixed hereunto my official signature as Village Clerk of the Village and the seal of the Village this 13th day of July, 2000.

Nancy C. Dobrowski
NANCY C. DOBROWSKI
 Village Clerk

(SEAL)

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VILLAGE OF BURNHAM

ORDINANCE NO. 99-O-007

AN ORDINANCE AMENDING ARTICLE I OF ORDINANCE NO. 81-O-008 ENTITLED "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS"

WHEREAS, the Village of Burnham, Cook County, Illinois, (the "Village") has elected by referendum on March 11, 1980 to become a home rule unit, and, accordingly, pursuant to the provisions of the Constitution of the State of Illinois of 1970, particularly Article VII, Section 6(a) thereof, the Village is a home rule unit; and

WHEREAS, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare, to license, to tax and to incur debt; and

WHEREAS, the Corporate Authorities of the Village of Burnham deem it advisable to prohibit use of secondary water and to prohibit the installation of new potable water supply wells to prevent possible contamination of its water supply system.

BE IT ORDAINED by the President and Board of Trustees of the Village of Burnham, Cook County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. The President and Board of Trustees of the Village of Burnham hereby find that all the recital contained in the preambles of this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-O-007

Page -2-

Section 2. The ordinance heretofore passed by the President and Board of Trustees of the Village of Burnham on the 8th day of July, 1981, Ordinance No. 81-O-008, entitled "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS," as amended, is hereby amended with respect to ARTICLE I General Provisions as hereinafter enumerated.

Section 3. ARTICLE I General Provisions of Ordinance No. 81-O-008, entitled "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS," as amended, is hereby amended by adding the following Section 1.19, Section 1.20, Section 1.21, and Section 1.22 to said ARTICLE I General Provisions of said Ordinance, to wit:

"Section 1.19 Premises Defined

The word "premises" wherever used in this Ordinance shall be held to include a lot, a part of a lot, a building, or part of a building or any parcel or tract of land whatever."

"Section 1.20 Potable Water Defined

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."

"Section 1.21 Secondary Water Defined

Any water from a private water system of pipes or piping which receives its water supply from the Chicago or Calumet

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Rivers or their tributaries, shore water from Lake Michigan or Calumet Lake or from any well or cistern or any ground water or rain water reservoir. Also any water from the mains of the Village of Burnham Waterworks System which has been used for any purpose within any building, structure, or premises, or which has been discharged from any type of condenser coils, or cooling systems, drinking fountain, hydraulic lifts, boilers, linotype machines, dye casting machines, metal rolling or pressing machines or other crushing or rolling machines or apparatus, or which has been stored in such a manner as to expose it to possible contamination."

"Section 1.22 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 Village of Burnham 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

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ORDINANCE NO. 99-O-007

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made in a water distribution system other than an approved water 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 Village of Burnham 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 Village of Burnham Waterworks System shall be constructed in such manner that 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 devise installed after the date of this Ordinance may be used to supply any potable water supply system, except at points of withdrawal by the Village of Burnham or by units of local government pursuant to intergovernmental agreement with the Village of Burnham."

Section 4. Any person, firm or corporation who violates or who omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than One Hundred dollars (\$100.00), nor more than

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

Page -5-

One Thousand dollars (\$1,000.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. In addition to the penalty set forth in Section 4., the waterworks engineer with concurrence of the Water Committee of the Village of Burnham shall have the authority to discontinue the supply of water to any person, firm or corporation who violates or disobeys, or who omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Ordinance.

Section 6. A copy of this Ordinance, properly certified by the Village Clerk, shall be filed in the Office of the Recorder of Deeds of Cook County, Illinois, and shall be deemed notice to all owners of real estate of their liability for service supplies to any user of the service of the Waterworks System of said Village on their property, and it shall be the duty of the Village Clerk and such other officers of this Village to take all action necessary or required by the laws of the State of Illinois thereunto enabling to file all claims and liens for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

Section 7. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 8. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or the application

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

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thereto to any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance or the application of such portion to other persons or circumstances but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion.

Section 9. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

Section 10. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

Page -7-

Section 11. This Ordinance shall be published by printing in pamphlet form by the authority of the President and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

PASSED by the President and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 12th day of October, A.D., 1999.

ROLL CALL VOTE:

AYES: John J. Cap, Jr., Robert E. Krueger, Steven J. Smith and Joseph E. Reichel

NAYS: None

ABSENT: Marianne Bendinelli and Shirley Petrone

Nancy C Dobrowski
Village Clerk

APPROVED by me this 13th day of October, A.D., 1999.

Ronald J. Daneman
Village President

ATTEST:

Nancy C Dobrowski
Village Clerk

(SEAL)

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VILLAGE OF BURNHAM
ORDINANCE NO. 99-0-007

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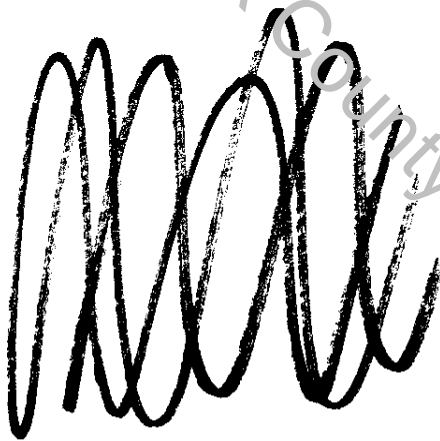
RECORDED in Village Records: October 13, 1999.

PUBLISHED in pamphlet form by authority of the President and Board of Trustees of the Village of Burnham, Cook County, Illinois, on October 13, 1999.

ATTEST:

Stanis C. Dobrowski
Village Clerk

(SEAL)



Property of Cook County Clerk's Office

UNOFFICIAL COPY

STATE OF ILLINOIS)
) SS.
 COUNTY OF COOK)

C E R T I F I C A T I O N

I, **NANCY C. DOBROWSKI**, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, (the "Village") and as such Village Clerk, I am the keeper of the official journal, records, papers, entries, documents, resolutions and ordinances of the Village and of the President and Board of Trustees thereof, and that Village of Burnham Ordinance No. 99-0-007 now on file in my office entitled:

AN ORDINANCE AMENDING ARTICLE I OF ORDINANCE NO. 81-0-008, ENTITLED "AN ORDINANCE REGULATING THE USE AND SALE OF WATER IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS"

is applicable everywhere within the corporate limits of the Village of Burnham.

IN WITNESS WHEREOF, I have affixed hereunto my official signature as Village Clerk of the Village and the seal of the Village this 13th day of July, 2000.

Nancy C. Dobrowski

NANCY C. DOBROWSKI
 Village Clerk

(SEAL)

Attachment B

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STATE OF ILLINOIS)
) SS.
 COUNTY OF COOK)

C E R T I F I C A T I O N

I, **NANCY C. DOBROWSKI**, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, and as such Village Clerk, I am the keeper of the official journal, records, papers, entries, documents, Resolutions and Ordinances of the Village of Burnham and of the Village President and Board of Trustees of the Village of Burnham (the "Corporate Authorities") and that attached is a full, true, and correct copy of a Resolution No. 2000-R-010 now on file in my office entitled:

"A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING THE USE OF A LOCAL GROUNDWATER OR WATER WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL".

I further certify that said Resolution No. 2000-R-010 was duly passed on roll call vote by the Board of Trustees of the Village of Burnham, Cook County, Illinois, on the 11th day of July, 2000, and approved by the Village President of the Village of Burnham on the 13th day of July, 2000, and that said Resolution attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Resolution were taken openly; that the vote on the passage of said Resolution was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meetings", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have hereunto set my hand as Village Clerk of the Village of Burnham and have hereunto affixed the seal of said Village of Burnham this 13th day of July, 2000.

Nancy C. Dobrowski

NANCY C. DOBROWSKI
 Village Clerk

(SEAL)

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VILLAGE OF BURNHAM

RESOLUTION NO. 2000-R-010

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING THE USE OF A LOCAL GROUNDWATER OR WATER WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL

WHEREAS, the Village of Burnham, Cook County, Illinois, (the "Village") has elected by referendum on March 11, 1980 to become a home rule unit and, accordingly, pursuant to the provisions of the Constitution of the State of Illinois of 1970, particularly Article VII, Section 6(a) thereof, the Village is a home rule unit; and

WHEREAS, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Board of Trustees of the Village on October 12, 1999 adopted and the President of the Village on October 13, 1999 approved Village of Burnham Ordinance No. 99-0-007 which prohibited the use of secondary water and the installation of new potable water supply wells to prevent possible contamination of the Village's water supply system; and

WHEREAS, Village of Burnham Ordinance No. 99-0-007 prohibits the use of groundwater for potable purposes and/or installation and use of new potable water supply wells by private entities but does not expressly prohibit those activities by the unit of local government and that in such cases, 35 Ill. Adm. Code 742.1015(a) provides that the unit of local government may enter into a

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VILLAGE OF BURNHAM

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RESOLUTION NO. 2000-R-010

Memorandum of Understanding with the Illinois Environmental Protection Agency to allow the use of said Ordinance as an institutional control; and

WHEREAS, a MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING THE USE OF A LOCAL GROUNDWATER OR WATER WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL ("MOU"), a copy of which is attached hereto and made a part of this Resolution, has been prepared to allow the use of said Ordinance as an institutional control; and

WHEREAS, the Corporate Authorities of the Village deem it advisable and in the best interests of the residents of the Village to approve the MOU, to authorize and direct the Village President and the Village Clerk to execute and to attest, respectively, the MOU, and to authorize and direct the Village President and the Village Clerk to execute any and all additional documents necessary to carry out the MOU for the Village.

NOW THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Burnham, Cook County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. The Corporate Authorities of the Village of Burnham, Cook County, Illinois, hereby find that all of the recital contained in the preambles of this Resolution are true, correct and complete and do incorporate them into this Resolution by this reference.

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VILLAGE OF BURNHAM

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RESOLUTION NO. 2000-R-010

Section 2. The Corporate Authorities of the Village of Burnham, Cook County, Illinois, do hereby approve the MOU, a copy of which is attached hereto and made an express part hereof as if fully set forth herein.

Section 3. The Village President and the Village Clerk are hereby authorized and directed to execute and to attest, respectively, the MOU on behalf of the Village of Burnham, Cook County, Illinois.

Section 4. The Village President and Village Clerk be and are hereby authorized and directed to execute any and all additional documents necessary to carry out the MOU for the Village of Burnham, Cook County, Illinois.

Section 5. If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution or the application thereto to any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Resolution or the application of such portion to other persons or circumstances but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any portion.

Section 6. This Resolution shall be in full force and effect after its passage and approval according to law.

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VILLAGE OF BURNHAM

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RESOLUTION NO. 2000-R-010

Section 7. This Resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Resolution should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois that to the extent that the terms of this Resolution should be inconsistent with any non-preemptive state law, that this Resolution should supersede state law in that regard within its jurisdiction.

PASSED by the President and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 11th day of July, 2000.

AYES: John J. Cap, Jr., Robert E. Krueger, Shirley Petrisha,
Steven J. Smith and Joseph E. Reichel

NAYS: None

ABSENT: Marianne Bendinelli

Nancy C. Dobrowski
 VILLAGE CLERK

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VILLAGE OF BURNHAM

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RESOLUTION NO. 2000-R-010

APPROVED by me this 13th day of July, 2000.

Donald J. Danewig
VILLAGE PRESIDENT

ATTEST:

Anna C. Dobrowski
VILLAGE CLERK

(SEAL)

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The following is said ordinance as passed:

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

SECTION 1. Chapter 11-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-8-385 and by amending Section 11-8-390 by inserting the language in italics, as follows:

11-8-385 Potable Water Defined.

Potable water is any water used for human consumption, including, but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown.

11-8-390 Prohibited Use Of Secondary Water; Prohibited Installation Of New Potable Water Supply Wells.

No secondary water shall overflow into or be discharged into any surge tank, storage tank, or reservoir, or shall in any way be piped or conveyed into the water supply system of any building, structure, or premises to become a part of or be mixed with the fresh water supply from the mains of the Chicago Waterworks System either inside of the premises or in the water service pipe. Secondary water shall not be piped to or used in any plumbing fixture, or for cooling crushers, rollers, or mixers where foods, candies, liquids or materials are manufactured for human or animal consumption. No connection, tap, or opening shall be made in a water distribution system other than an approved water distribution system which will permit such water being used for drinking.

Wherever the fire-protective equipment in any building, structure or premises has service from the Chicago Waterworks System, no pipe or other conduit which conveys secondary water shall be cross-connected to the fire-protective equipment. All fire-protective equipment connected to the Chicago Waterworks System shall be constructed in such manner that

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all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes and other equipment to any drainage pipes or sewers. *No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental agreement with the City of Chicago.*

SECTION 2. Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language in brackets and inserting the language in italics, as follows:

2-30-030 Commissioner -- Powers And Duties Designated.

The commissioner of the environment shall have the following powers and duties:

* * * * *

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs; *and agreements to implement the State of Illinois Site Remediation Program;*

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

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

[L. S.]

James J. Laski
JAMES J. LASKI, City Clerk.

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July 1, 1997

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>

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 11-2-390 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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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

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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

BY: *Arlos J. 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

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