

UNOFFICIAL COPY

PREPARED BY:

Name: Mr. Keith Mooneyhan
GE Consumer and Industrial

Address: Appliance Park (AP26-100)
Louisville, KY 40025



Doc#: 1033744061 Fee: \$72.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/03/2010 12:17 PM Pg: 1 of 19

RETURN TO:

Name: Mr. Keith Mooneyhan
GE Consumer and Industrial
Appliance Park (AP26-100)
Louisville, KY 40025

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: 0310515418

GE Consumer and Industrial (c/o Keith Mooneyhan), the Remediation Applicant, whose address is GE Consumer and Industrial, Appliance Park (AP26-100) Louisville, KY 40025, 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: See attached
2. Common Address: 1330 So. 54th Avenue, Cicero, IL
3. Real Estate Tax Index/Parcel Index Number(s):

ALL OF: 16-21-103-007-000, 16-21-103-008-000, 16-21-103-009-000, 16-21-103-012-000
PART OF: 16-21-103-013-000 (Northerly 520.62' of 54th Avenue Frontage)

4. Remediation Site Owner: ONC Cicero, LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive Site Investigation Report, March 2, 2007

See NFR letter for other terms.

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LOT 1 IN CICERO BUSINESS CENTER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 15, 2009 AS DOCUMENT 0925844022, IN COOK COUNTY, ILLINOIS.

EXCEPTING THEREFROM THAT PART MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SOUTH 54TH AVENUE WHICH IS 712.70 FEET SOUTH OF THE SOUTH LINE OF 12TH STREET, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 1; THENCE WEST ON A LINE PARALLEL TO AND 712.70 FEET SOUTH OF THE SOUTH LINE OF 12TH STREET, ALSO BEING THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 507.00 FEET TO A POINT THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 30 DEGREES 28 MINUTES 59 SECONDS WEST, ON A STRAIGHT LINE, BEING A NORTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 125.75 FEET (125 FEET – RECORD) TO A POINT IN THE SOUTHEASTERLY LINE OF EXCEPTION “B” AS SHOWN ON THE PLAT OF THE GRANT LAND ASSOCIATION RESUBDIVISION, SAID POINT BEING 192.87 FEET NORTHEASTERLY OF THE SOUTH CORNER OF EXCEPTION “B”, SAID SOUTHEASTERLY LINE ALSO BEING A NORTHWESTERLY LINE OF SAID LOT 1; THENCE SOUTH 19 DEGREES 04 MINUTES 36 SECONDS WEST, ALONG SAID LINE, 192.87 FEET TO ITS INTERSECTION WITH THE CENTER LINE OF A 16.0 FOOT RIGHT OF WAY OF BALTIMORE AND OHIO CHICAGO TERMINAL RAILROAD COMPANY RECORDED SEPTEMBER 1, 1917 AS DOCUMENT 6183867, SAID CENTER LINE ALSO BEING THE WEST LINE OF SAID LOT 1, WHICH POINT IS 999.72 FEET (1000 FEET – RECORD) SOUTH OF THE SOUTH LINE OF 12TH STREET; THENCE SOUTH 01 DEGREES 34 MINUTES 06 SECONDS EAST, ALONG THE LAST DESCRIBED LINE, 565.61 FEET TO A THE SOUTHWEST CORNER OF SAID LOT 1, ALSO BEING THE NORTHWEST CORNER OF LOT 2 IN SAID CICERO BUSINESS CENTER SUBDIVISION; THENCE NORTH 88 DEGREES 23 MINUTES 09 SECONDS EAST, ALONG COMMON LINE BETWEEN SAID LOTS 1 AND 2, A DISTANCE OF 22.00 FEET TO A POINT ON THE EAST LINE OF A BALTIMORE AND OHIO CHICAGO TERMINAL RAILROAD COMPANY EASEMENT RECORDED JUNE 22, 1923 AS DOCUMENT 79910615, ALSO BEING A LINE 22.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 1; THENCE NORTH 01 DEGREES 34 MINUTES 06 SECONDS WEST, ALONG THE LAST DESCRIBED LINE, 479.19 FEET; THENCE NORTH 03 DEGREES 44 MINUTES 24 SECONDS EAST, 104.90 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY 165.36 FEET, ALONG THE ARC OF A TANGENT CIRCLE TO THE RIGHT, HAVING A RADIUS OF 350.00 FEET AND WHOSE CHORD BEARS NORTH 17 DEGREES 06 MINUTES 42 SECONDS EAST, 161.89 FEET TO A POINT OF TANGENCY, ALSO BEING A POINT ON A LINE 18.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 1; THENCE NORTH 30 DEGREES 28 MINUTES 59 SECONDS EAST, ALONG THE LAST DESCRIBED PARALLEL LINE, 136.47 FEET TO A POINT ON A LINE PARALLEL TO AND 712.70 FEET SOUTH OF THE SOUTH LINE OF 12TH STREET, ALSO BEING THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 88 DEGREES 24 MINUTES 51 SECONDS WEST, ALONG THE LAST DESCRIBED LINE, 21.24 FEET TO THE POINT OF BEGINNING.

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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 14, 2010
(Corrected: October 19, 2010)

CERTIFIED MAIL

7009 2820 0001 7494 7798

Mr. Keith Mooneyhan
GE Consumer and Industrial
Appliance Park (AP26-100)
Louisville, KY 40025

Re: 0310515418- Cook County
Cicero/G.E. Cicero West Plant- North Building Parcel
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Mooneyhan:

The *Comprehensive Site Investigation Report/Remedial Objective Report/Remedial Action Plan* (March 2, 2007), as prepared by Timothy C. Dull for URS Corporation, and *Additional Site Reports And Amended DRM-1 Form* (dated April 28, 2008), *Remedial Action Plan Addendum* (dated July 7, 2008), Remedial Action Plan supplement (dated March 2, 2009) and Remedial Action Plan Completion Report (dated October 2009) prepared by Jack Kratzmeier of ARCADIS for the G.E. Cicero West Plant North Building Parcel property, have been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrate that the remedial action was completed in accordance with the *Remedial Action Plan* (March 2, 2007/ log no. 07-32883), *Remedial Action Plan Addendum* (dated July 7, 2008, log no. 08-38210), Remedial Action Plan supplement (dated March 2, 2009) and Remedial Action Plan Completion Report (dated October 2009)

The Remediation Site, consisting of 11.62 acres is located at 1330 So. 54th Avenue, Cicero, 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 Forms (March 2, 2007/Log No 07132883, and April 28, 2008/log no. 08-35711), is GE Consumer and Industrial, c/o Keith Mooneyhan.

Rockford • 4302 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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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.

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for 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 "construction worker caution zone (CWCZ). The CWCZ is located on the attached site map. 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. All soil excavated from this area 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 entire remediation site, as shown in the attached Site Base Map, must be covered by asphalt, concrete, and building foundation barriers. These engineered barrier components must remain over the contaminated soils and must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.

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Institutional Controls:

- 6) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).
- 7) Ordinance #140-97, Oct. 28, 1997 adopted by the Town of Cicero effectively prohibits the installation and use of potable water supply wells in the Town of Cicero. This ordinance provides an acceptable institutional control under the following conditions:
 - a) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:
 - 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.
 - b) The Remediation Applicant shall provide written notification to the Town of Cicero 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 Ordinance #140-97;
 - 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

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Post Office Box 19276
Springfield, IL 62794-9276

- d) The following activities shall be grounds for avoidance 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 Town of Cicero- and affected property owner(s) of the intent to use Ordinance #140-97 as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

- 8) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 9) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 901497.
- 10) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under paragraph 7 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.
- 11) 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.
- 12) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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

- 13) 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;
 - 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.
- 14) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Keith Mooneyhan- GE Consumer and Industrial Co.;
 - b) ONC Cicero LLC, owner;
 - c) The owner and operator of the Remediation Site;
 - d) Any parent corporation or subsidiary of the owner of the Remediation Site

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- e) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site
 - f) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
 - g) 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;
 - h) Any successor-in-interest of the owner of the Remediation Site;
 - i) 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;
 - j) Any heir or devisee of the owner of the Remediation Site;
 - k) 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
 - l) 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.
- 15) 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 G.E. Cicero West Plant and Two acre parking lot property.
- 16) 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

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17) 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 G.E. Cicero West Plant property, you may contact the Illinois EPA project manager, Scott Hacke at 217-524-3267.

Sincerely,



Joyce L. Murrie, 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:

Jack Kratzmeyer,
Arcadis Corp.
33 East Wacker Drive, Suite 1000,
Chicago IL 60601

Mike Youngerman,
ONC Cicero, LLC
9700 W. Higgins Rd,
Rosemont IL 60018

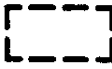

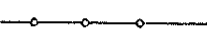
bcc: Records Unit
Bob O'Hara
Rick Lucas

PROPERTY OF COOK COUNTY CLERK'S OFFICE

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REMEDIAION SITE BASE MAP
 LPC # 0310515418
 FORMER GE WEST PLANT/
 NORTH BUILDING PARCEL
 COOK COUNTY, CICERO, ILLINOIS

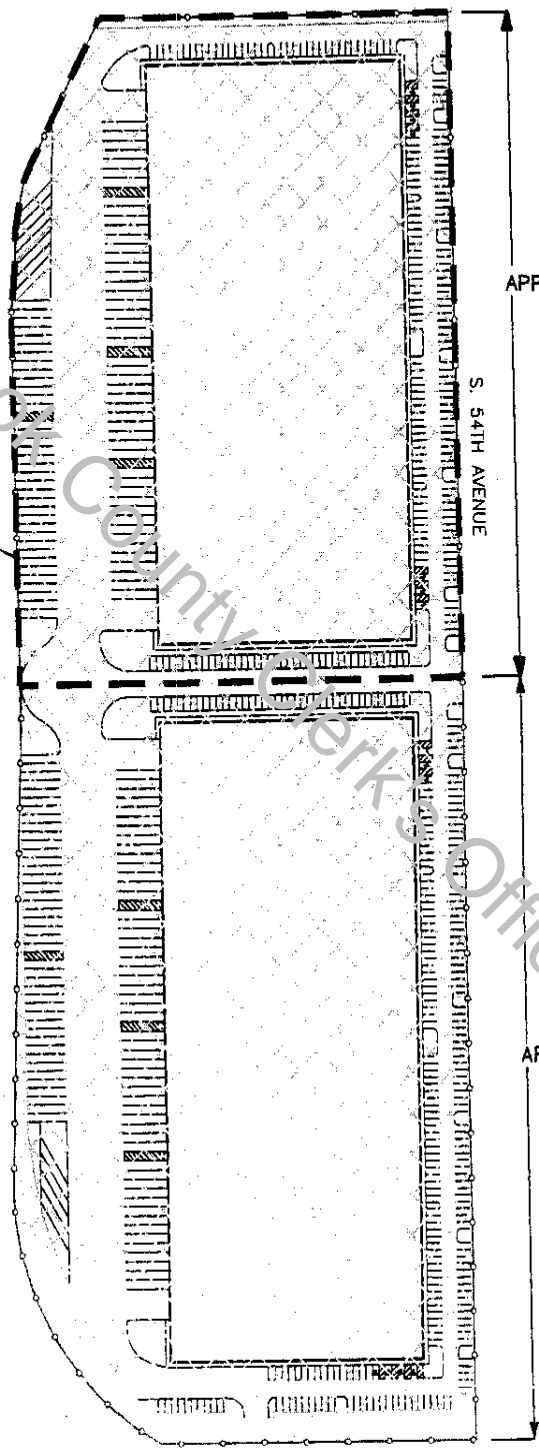
LEGEND

-  REMEDIATION SITE BOUNDARY
-  CONSTRUCTION WORKER CAUTION ZONE
-  ENGINEERED BARRIER LOCATION



Property of Cook County Clerk's Office

REMEDIAION SITE BOUNDARY



APPROX. 850'

S. 54TH AVENUE

APPROX. 990'

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Property of Cook County Clerk's Office

S. 54TH AVENUE

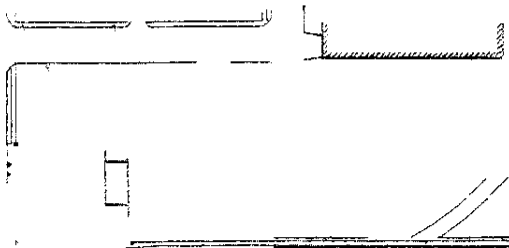
W. 16TH STREET

--- PROPERTY BOUNDARY

0 100 200
SCALE IN FEET

NOTE:

1. CONCEPTUAL SITE PLAN DATED MAY 6, 2008 AND PROVIDED BY OPUS ARCHITECTS AND ENGINEERS, INC.



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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>Thomas G. Shaver</u>	
Title: <u>President</u>	
Company: <u>ONC Cicero, L.L.C.</u>	
Street Address: <u>9700 W. Higgins, Suite 900</u>	
City: <u>Rosemont</u> State: <u>IL</u> Zip Code: <u>60018</u> Phone: <u>847-692-4444</u>	
Site Information	
Site Name: <u>Cicero/G.E. Cicero West Plant - North Building Parcel</u>	
Site Address: <u>1330 So. 54th Avenue</u>	
City: <u>Cicero</u> State: <u>IL</u> Zip Code: _____ County: <u>Cook</u>	
Illinois inventory identification number: <u>0310515418</u>	
Real Estate Tax Index/Parcel Index No. <u>All of 16-21-103-007-000 16-21-103-008-000</u> <u>16-21-103-009-000 16-21-103-012-000; Part of 16-21-103-012-000 (Northernly</u> <u>520.62' of 54th Avenue Frontage)</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>Tom Shaver</u> Thomas G. Shaver, President	Date: <u>11/4/10</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>4th</u> day of <u>NOV</u> , 20 <u>10</u>	
<u>Katrina S. Knutson</u> Notary Public	

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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MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF CICERO
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 Town of Cicero 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 Town of Cicero (Attache 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 MOU as set forth at 35 Ill. ADM. Code 742-1015(I).

II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY

In order to endure the long-term integrity of the groundwater or water well ordinance as an environmental institutional control and that risk to human health and environment from contamination left in place in reliance on the groundwater or water well ordinance is effectively managed, The Town of Cicero hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742-1015(I):

A. The Town of Cicero 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);

B. The Town of Cicero 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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C. The Town of Cicero will review the registry of sites established under Paragraph II.B, prior to siting public potable water supply wells within the area covered by the ordinance (35 Ill. ADM. Code 742.1015(I)(6)(A));

D. The Town of Cicero 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,B. and C. (35 Ill. Adm. Code 742.1015(I)(6)(B); and

E. The Town of Cicero 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 742.1014(I)(6)(C).

NOTE: Notification under paragraph II. A. above or other communications concerning this MOU should be directed to:

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

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 city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(I)(3);

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 742.1014(I)(2);

C. Attachment C - A statement of the authority of the unit of local government to enter into the MOU (council resolution, code of ordinances, inherent powers of mayor or other official signing MOU .. attach copies)(35 Ill. Adm. Code 742.1015(I)(1).

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

Date: 11-3-97

Betty Loren-Maltese

Betty Loren-Maltese, President - Town of Cicero

Date: 12/17/97

Gary P. King

(name and title of signatory)

For: Illinois Environmental Protection Agency
Manager, Division of Remediation
Management

Property of Cook County Clerk's Office

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THE TOWN OF CICERO

STATE OF ILLINOIS
4937 WEST 25th STREET
CICERO, ILLINOIS 60804

MARYLIN COLPO
OFFICE OF THE TOWN CLERK

(708) 656-3600, Ext. 200
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CERTIFICATION

I, Marilyn Colpo, duly elected Town Clerk of the Town of Cicero, hereby certify that the attached Ordinance # 140-97 entitled Prohibiting the use of Ground Water as a Potable Water Supply by the Installation or use of Potable Water Supply Wells or by any other Method is a true & correct copy, passed at a meeting of the President and Board of Trustees of the Town of Cicero held October 28, 1997.

Marilyn Colpo
MARYLIN COLPO, TOWN CLERK

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RELEASABLE

OCT 24 2000

REVIEWER MD

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AN AMENDED ORDINANCE PROHIBITING THE USE OF GROUND WATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, certain properties in the Town of Cicero, Illinois, have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentration of certain chemical constituents in the groundwater beneath the Town may exceed Class I groundwater quality standards for potable resource ground water as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Town of Cicero desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productivity of properties that are the source of said chemical constituents.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE TOWN OF CICERO, ILLINOIS:

Section One. Use of groundwater as a potable water supply prohibited.

~~Except as otherwise provided in this Code of Ordinances,~~ the use or attempt to use as a potable water supply groundwater from within the corporate limits of the Town of Cicero by the installation or drilling of wells or by any other method is hereby prohibited. This provision shall not apply to use of groundwater by the Town of Cicero.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) for each violation.

Section Three. Definitions.

"Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking.

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This ordinance is applicable everywhere within the corporate limits of the Town of Cicero.

Section Four. Effective Date.

This ordinance shall take effect upon its passage and approval.

Betty Loren-Maltese
Betty Loren-Maltese, President - Town of Cicero

ATTEST:

Marilyn Colpo
Marilyn Colpo, Town Clerk

Date of Passage: 10-28-97

Date of Publication: _____

Copy: Bulletin Bd
Water
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Legal

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