

# UNOFFICIAL COPY

PREPARED BY:



Name: Wells Street Flats LLC  
% Hines Interests Limited Partnership  
Attn: Mr. James Walsh

Address: 1 South Dearborn Street, Suite 2000  
Chicago, Illinois 60603

Doc#: 1312813054 Fee: \$160.00  
RHSP Fee: \$10.00 Affidavit Fee:  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 05/08/2013 03:15 PM Pg: 1 of 27

RETURN TO:

Name: Wells Street Flats LLC  
% Hines Interests Limited Partnership  
Attn: Mr. James Walsh

Address: 1 South Dearborn Street, Suite 2000  
Chicago, Illinois 60603

**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: 0316085019

Wells Street Flats LLC, the Remediation Applicant, whose address is % Hines Interests Limited Partnership, 1 South Dearborn Street, Suite 2000, Chicago, Illinois 60603, has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: Legal description-  
PARCEL 1:  
THE WEST 163.00 FEET OF LOT 59 IN BRONSON'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
PARCEL 2:  
LOTS 22, 23, 24 AND 25 AND THE NORTH 13.00 FEET OF LOT 26 IN ABNER REEVE'S SUBDIVISION OF LOTS 44, 47, 48, 57 AND 58 IN BRONSON'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
PARCEL 3:  
THE SOUTH 9.00 FEET OF LOT 26 AND ALL OF LOT 27 (EXCEPT THE SOUTH 3.00 FEET THEREOF) IN REEVES SUBDIVISION OF BLOCKS 44, 47, 48, 57 AND 58 OF BRONSON'S ADDITION TO CHICAGO IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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

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PARCEL 4:

LOT 7 IN OWNER'S RESUBDIVISION OF ORIGINAL LOTS 55 AND 56 AND OF PART OF ORIGINAL LOTS 46, 47, 48, 49, 50, 54 AND 57 OF BRONSON'S ADDITION TO CHICAGO IN THE NORTHEAST  $\frac{1}{4}$  OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

LOTS 4, 5 AND 6 IN OWNER'S RESUBDIVISION OF ORIGINAL LOTS 55 AND 56 AND PART OF ORIGINAL LOTS 46, 47, 48, 49, 50, 54 AND 57 IN BRONSON'S ADDITION TO CHICAGO IN THE NORTHEAST  $\frac{1}{4}$  OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

THE SOUTH  $\frac{1}{2}$  (EXCEPT THE EAST 102.00 FEET THEREOF AND EXCEPT A PUBLIC ALLEY) OF LOT 55 IN BRONSON'S ADDITION TO CHICAGO, SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 7:

LOT 1 IN THE SUBDIVISION OF LOTS 53 AND 54 (EXCEPT THE EAST 92.00 FEET OF SAID LOT 54) IN BRONSON'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

2. Common Address: 1221-1251 North Wells Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Numbers (8): 17-04-221-011-0000, 17-04-221-010-0000, 17-04-221-009-0000, 17-04-221-008-0000, 17-04-221-007-0000, 17-04-221-006-0000, 17-04-221-041-0000 and 17-04-221-003-0000
4. Remediation Site Owner: Wells Street Flats LLC  
% Hines Interests Limited Partnership  
Attn: Mr. James Walsh  
1 South Dearborn Street, Suite 2000  
Chicago, Illinois 60603
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

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



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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 524-3300

May 1, 2013

**CERTIFIED MAIL**

7012 0470 0001 2999 2902

Wells Street Flats LLC  
 Attn: Mr. James Walsh  
 % Hines Interests Limited Partnership  
 1 South Dearborn Street, Suite 2000  
 Chicago, Illinois 60603

Re: 0316085019-Cook County  
 Chicago/Tower Oldsmobile  
 1221-1251 North Wells Street  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Mr. Walsh:

The *Remedial Action Completion Report* (received March 4, 2013/Log No. 13-53200), as prepared by Weaver Boos Consultants for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (received July 10, 2012/Log No. 12-51209) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 1.37 acres, is located at 1221-1251 North Wells Street, 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 July 10, 2012/Log No. 12-51209), is Wells Street Flats LLC.

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.

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions characterized by the comprehensive site investigation and successfully addressed consist of the contaminants of concern detailed in the attached Table A.
- 2) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 3) The land use specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

### Preventive, Engineering, and Institutional Controls

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

#### Preventive Controls:

- 5) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated 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:

- 6) The building concrete slab floor, as shown on the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

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- 7) The brick/concrete cap barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This brick/concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

## Institutional Controls:

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

Mr. Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

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

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- ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
- iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter.

## Other Terms

- 9) 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.
- 10) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 8 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 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:
 

Illinois Environmental Protection Agency  
Attn: Freedom of Information Act Officer  
Division of Records Management #16  
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:

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- 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) Wells Street Flats 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;

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- g) Any successor-in-interest of the owner of the Remediation Site;
  - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
  - i) Any heir or devisee of the owner of the Remediation Site;
  - j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto, or
  - k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 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 Tower Oldsmobile 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:
- Mr. Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276
- 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.



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If you have any questions regarding the Tower Oldsmobile property, you may contact the Illinois EPA project manager, Russell H. Irwin at (217) 524-2084.

Sincerely,



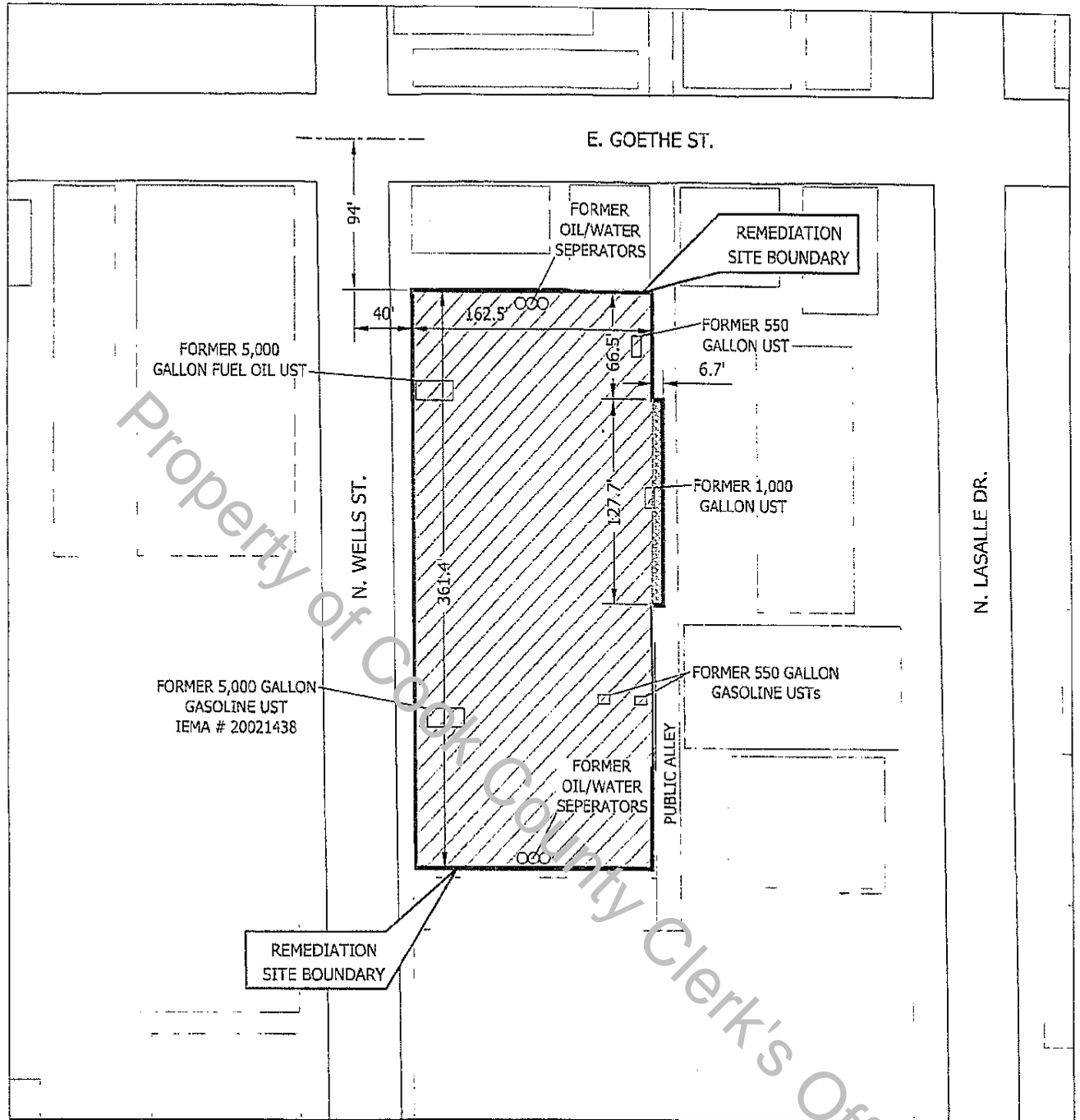
Joyce L. Munie, P.E., Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land

Attachments (5): Illinois EPA Site Remediation Program Environmental Notice  
Site Base Map  
Table A: Regulated Substances of Concern  
Property Owner Certification of No Further Remediation Letter under the  
Site Remediation Program Form  
Instructions for Filing the NFR Letter

cc: Commissioner, Urban Management and Brownfields Redevelopment Division  
Mr. Peter Cambouris, LPG; Weaver Boos Consultants  
Mr. Robert E. O'Hara; Illinois EPA  
Bureau of Land File

Property of Cook County Clerk's Office

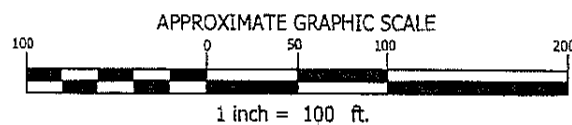
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**LEGEND**

- APPROXIMATE EXTENT OF CONCRETE CAP ENGINEERED BARRIER
- APPROXIMATE EXTENT OF BRICK/CONCRETE ENGINEERED BARRIER



**SITE BASE MAP**  
 LPC# 0316085019 - COOK COUNTY  
 1233 NORTH WELLS STREET  
 CHICAGO, ILLINOIS  
 CHICAGO/TOWER OLDSMOBILE  
 SITE REMEDIATION PROGRAM/  
 TECHNICAL REPORTS

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PREPARED FOR:  <b>WELLS STREET FLATS LLC</b>	<b>SITE BASE MAP</b>  1221-1251 NORTH WELLS STREET CHICAGO, IL	<b>WEAVER</b>  <b>BOOS</b>  <b>CONSULTANTS</b>	DRAWN BY: RD REVIEWED BY: PG DATE: 2/19/2013 FILE: 1090-321-04 CAD: SITELOC.DWG
CHICAGO, ILLINOIS (312) 922-1030 www.weaverboos.com		<b>FIGURE 2</b>	

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**TABLE A: Regulated Substances of Concern**

0316085019 – Cook County  
Chicago/Tower Oldsmobile  
Site Remediation Program

Volatile Organic Compounds (VOCs)	
CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
156-59-2	cis-1,2-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone
1634-04-4	Methyl tert-butyl ether
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

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<b>Semivolatile Organic Compounds (SVOCs)</b>	
<b>CAS No.</b>	<b>Compound Name</b>
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-37-8	Benzo(a)pyrene
111-91-1	bis(2-Chloroethoxy)methane
111-44-4	bis(2-Chloroethyl)ether
117-81-7	bis(2-Ethylhexyl)phthalate
101-55-3	4-Bromophenyl-phenyl ether
85-68-7	Butylbenzylphthalate
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
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
84-74-2	Di-n-butylphthalate
117-84-0	Di-n-octylphthalate
206-44-0	Fluoranthene
86-73-7	Fluorene
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane

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193-39-5	Indeno(1,2,3-cd)pyrene
78-59-1	Isophorone
91-57-6	2-Methylnaphthalene
95-48-7	2-Methylphenol
106-44-5	4-Methylphenol
91-20-3	Naphthalene
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
621-64-7	N-Nitroso-di-n-propylamine
86-30-6	N-Nitrosodiphenylamine
108-60-1	2,2'-oxybis(1-chloropropane)
87-86-5	Pentachlorophenol
85-01-8	Phenanthrene
108-95-2	Phenol
129-00-0	Pyrene
120-82-1	1,2,4-Trichlorobenzene
95-96-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol

<b>Inorganics</b>	
<b>CAS No.</b>	<b>Compound Name</b>
7429-90-5	Aluminum
7440-36-0	Antimony
7440-38-2	Arsenic
7440-39-3	Barium
7440-41-7	Beryllium
7440-43-9	Cadmium
7440-70-2	Calcium
7440-47-3	Chromium
7440-48-4	Cobalt
7440-50-8	Copper
57-12-5	Cyanide
7439-89-6	Iron
7439-92-1	Lead
7239-95-4	Magnesium
7439-96-5	Manganese
7439-97-6	Mercury
7440-02-0	Nickel
7440-09-7	Potassium
7782-49-2	Selenium

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7440-22-4	Silver
7440-23-5	Sodium
7440-28-0	Thallium
7440-62-2	Vanadium
7440-66-6	Zinc

<b>Pesticides and Aroclors</b>	
<b>CAS No.</b>	<b>Compound Name</b>
309-00-2	Aldrin
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
111096-82-5	Aroclor - 1260
319-84-6	alpha-BHC
319-85-7	beta-BHC
319-86-8	delta-BHC
58-89-9	gamma-BHC
5103-71-9	alpha-Chlordane
5566-34-7	gamma-Chlordane
72-54-8	4,4'-DDD
72-55-9	4,4'-DDE
50-29-3	4,4'-DDT
60-57-1	Dieldrin
959-98-8	Endosulfan I
33213-65-9	Endosulfan II
1031-07-8	Endosulfan sulfate
72-20-8	Endrin
7421-93-4	Endrin aldehyde
53494-70-5	Endrin ketone
76-44-8	Heptachlor
1024-57-3	Heptachlor epoxide
72-43-5	Methoxychlor
8001-35-2	Toxaphene

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**WEAVER**

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**BOOS**

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**CONSULTANTS**

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May 7, 2013  
Project No. 1090321-04*Via Electronic Mail: [cdphfoia@cityofchicago.org](mailto:cdphfoia@cityofchicago.org)  
Hard Copy Via Overnight Mail*

Commissioner  
Department of Public Health  
Environmental Health  
The DePaul Center, Suite 200  
333 South State Street  
Chicago, IL 60604

**Re: City Ordinance Well Use Restriction Notification  
LPC #0316085019 - Cook County  
Chicago/Tower Oldsmobile  
1221-1251 North Wells Street  
Chicago, Illinois 60610**

Dear Commissioner:

Weaver Boos Consultants North Central, LLC (Weaver Boos) is herein providing notice to the City of Chicago that the City of Chicago groundwater use ordinance, Chicago Municipal Code 11-8-390, was used as an institutional control in support of obtaining a Comprehensive No Further Remediation (NFR) Letter from the Illinois Environmental Protection Agency (IEPA) for the above referenced site. The legal description of the site is included on page 1 and 2 of the enclosed Comprehensive NFR Letter. The ordinance restricting the groundwater use has been used by the IEPA in reviewing the groundwater remediation objectives for the site. The Comprehensive NFR Letter describes the Contaminants of Concern (CCCs) that were detected within the soil and groundwater and the site controls relied upon to address these impacts. Additional information regarding this ordinance may be obtained from the City of Chicago at 312-744-7606.

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We trust that the enclosed documentation is satisfactory. If you have any questions, or require additional information, please do not hesitate to contact our office.

Sincerely,  
**Weaver Boos Consultants North Central, LLC**



Paul Gruca  
Staff Geologist



Peter Cambouris, LPG  
Senior Project Manager

Enclosures

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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.

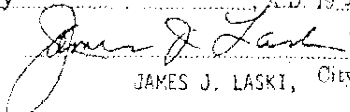
I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit: Yeas 47, Nays none.

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

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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 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, apply to all areas within the corporate limits of the City of Chicago.

Sincerely,

Henry L. Henderson  
Commissioner

cc: Mort Ames  
Asst. Corp. Counsel



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**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 MCUs 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: *Aras L. Henderson* DATE: *July 1, 1997*  
 Commissioner  
 Department of Environment  
 City of Chicago

**FOR: Illinois Environmental Protection Agency**

BY: *Gary P. King* DATE: *July 3, 1997*  
 (Name and title of signatory)  
 Mgr, Division of Remediation Management  
 Bureau of Land

Version 6/27/97

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## DEPARTMENT OF FLEET AND FACILITY MANAGEMENT CITY OF CHICAGO

March 2, 2012

Kyle Rominger  
Deputy Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, IL 62794-9276

Dear Mr. Rominger:

Enclosed is the executed original of the amendment to the agreement between the Illinois Environmental Protection Agency and the City of Chicago regarding the Use of a Local Potable Water Supply Well Ordinance.

Thank you for your assistance with these changes.

Sincerely,

Kimberly Worthington, P.E., LEED AP  
Deputy Commissioner  
Bureau of Environmental Management

Enclosure

RECEIVED

Division of Legal Counsel

MAR 14 2012

Environmental Protection  
Agency

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AGREEMENT TO AMEND THE 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  
REMEDICATION" DETERMINATIONS BY THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY TO THE CITY OF CHICAGO

This agreement is made and entered into by and between the Illinois Environmental Protection Agency ("IEPA") and the City of Chicago ("CITY") to amend the above referenced Memorandum of Understanding dated July 1997 ("1997 MOU").

WHEREAS, the IEPA and CITY entered into the 1997 MOU 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 CITY will be provided copies of all "No Further Remediation" letters or determinations issued by IEPA pursuant to specific programs for sites located within the boundaries of Chicago, Illinois, in order to enable CITY to maintain a complete and up-to-date registry of sites as required by 35 Ill. Adm. Code 742.1015(i)(5); and

WHEREAS, the 1997 MOU provided at Section II B. 2, the address for copies of "No Further Remediation" letters, determinations, or other communications concerning the MOU to be directed to the CITY's Department of Environment at 25<sup>th</sup> Floor, 30 North LaSalle Street, Chicago, Illinois 60602; and

WHEREAS, a portion of the CITY's Department of Environment has been merged into the CITY's Department of Fleet and Facility Management as of January 1, 2012, and the 1997 MOU is now being administered by the CITY under its Department of Fleet and Facility Management; and

WHEREAS, the IEPA and CITY desire to correct the address to send copies of "No Further Remediation" letters, determinations, or other communications to the CITY listed at Section II B. 2, of the 1997 MOU; and

WHEREAS, the IEPA and CITY desire for all other provisions of the 1997 MOU to remain the same.

NOW, THEREFORE, IEPA and CITY hereby agree to amend that part of Section II B. 2, of the 1997 MOU that provides the address to send copies of "No Further Remediation" letters, determinations, or other communications to the CITY as follows, with all other parts of Section II B. 2, to remain the same:

Commissioner  
Chicago Department of Fleet and Facility Management  
30 North LaSalle Street  
Suite 300  
Chicago, Illinois 60602

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

By the signatures of their authorized representatives below, the IEPA and CITY acknowledge they have read and understand this agreement and intend for this agreement to take effect upon execution.

City of Chicago, by and through the  
Department of Fleet and Facility Management:

Illinois Environmental Protection Agency

  
\_\_\_\_\_  
David J. Reynolds  
Commissioner  
Department of Fleet and Facility Management

  
\_\_\_\_\_  
John E. Kim  
Interim Director

Date: 02/02/12

Date: 2/22/12

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