



# UNOFFICIAL COPY 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

June 4, 2013

CERTIFIED MAIL

7012 0470 0001 2999 3848

Ms. Tu Luu  
Halsted-Lumber Street, LLC  
2300 South Halsted Street  
Chicago, Illinois 60608



Doc#: 1317922079 Fee: \$82.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 08/28/2013 12:06 PM Pg: 1 of 23

Re: LPC# 0316605143/Cook County  
Chicago /Halsted-Lumber Street, LLC  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Ms. Luu:

*The Site Investigation Report – Comprehensive, Remediation Objectives Report & Remedial Action Plan* (October 3, 2011/Log No.11-48874), as prepared by K-Plus Engineering for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency (“Illinois EPA”). The remediation objectives approved for the site in accordance with 35 Illinois Administrative Code Part 742 are above the existing concentrations of regulated substances and the above report shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 0.8 acres, is located at 2300 South Halsted 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 (August 19, 2011/Log No.11-48540), is Halsted-Lumber Street, 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.

4302 N. Main St., Rockford, IL 61103 (815)987-7760  
595 S. State, Elgin, IL 60123 (847)608-3131  
2125 S. First St., Champaign, IL 61820 (217)278-5800  
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312)814-6026

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

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

### Preventive, Engineering, and Institutional Controls

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

#### Preventive Controls:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. The construction worker notification requirement applies to the entire remediation site. 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.

#### Engineering Controls:

- 5) The asphalt barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 6) The alternative engineered barrier consisting of a GEOTEX 801 non woven textile liner and one foot of clean soil, as shown on the site base map, must remain over the contaminated soil. This alternative engineered barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 7) The concrete cap barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 8) The building, 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 inhalation and ingestion of the contaminated media.

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## Institutional Controls:

- 9) 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, Illinois 62794-9276
  - c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
    - i) Modification of the referenced ordinance to allow potable uses of groundwater;
    - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
    - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and

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iv) Violation of the terms and conditions of this No Further Remediation letter.

## Other Terms

- 10) 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.
- 11) 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 20111108 and 20111110 have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incident.
- 12) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 9 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.
- 13) 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.
- 14) 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, Illinois 62794-9276
- 15) 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;

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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.
- 16) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Halsted-Lumber Street, 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.
- 17) 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 Halsted-Lumber Street, LLC property.
- 18) 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, Illinois 62794-9276
- 19) 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 Halsted-Lumber Street, LLC property, you may contact the Illinois EPA project manager, 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: Illinois EPA Site Remediation Program Environmental Notice  
Site Base Map  
Property Owner Certification of No Further Remediation Letter under the Site  
Remediation Program Form  
Instructions for Filing the NFR Letter

cc: Aaron T. Colin  
K-Plus Engineering  
15 Spinning Wheel Road, Suite 320  
Hinsdale, Illinois 60521

Bureau of Land File  
Mr. Robert O'Hara

Commissioner, Urban Management and Brownfields Redevelopment Division  
Department of Fleet and Facility Management  
30 North LaSalle Street, Suite 200  
Chicago, Illinois 60602-2575

Property of Cook County Clerk's Office

**UNOFFICIAL COPY****PREPARED BY:**

Name: Ms. Tu Luu  
Halsted-Lumber Street, LLC

Address: 2300 South Halsted Street  
Chicago, Illinois 60608

**RETURN TO:**

Name: Ms. Tu Luu  
Halsted-Lumber Street, LLC

Address: 2300 South Halstead Street  
Chicago, Illinois 60608

**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: 0316605143

Halsted-Lumber Street, LLC the Remediation Applicant, whose address is, 2300 South Halstead Street Chicago Illinois, 60608, 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:

LOTS 1 TO 10, BOTH INCLUSIVE, LOTS 11 TO 15, BOTH INCLUSIVE, AND LOTS 20 TO 24, BOTH INCLUSIVE, IN BLOCK 2 IN THOMAS ONEILS' ADDITION TO CHICAGO, BEING THE EAST 8.36 ACRES OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THE ALLEY LYING BETWEEN LOTS 1 TO 5, BOTH INCLUSIVE, AND LOT 24 IN SAID BLOCK 2, VACATED BY ORDINANCE PASSED MARCH 29, 1962 AS DOCUMENT 18466262 IN COOK COUNTY ILLINOIS.

ALSO:

LOTS 1 TO 10, BOTH INCLUSIVE, AND LOTS 15 TO 19, BOTH INCLUSIVE IN BLOCK 3 IN THOMAS ONEILS' ADDITION TO CHICAGO, BEING THE EAST 8.36 ACRES OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THE EASTERLY 105 FEET OF THE ALLEY LYING BETWEEN LOTS 6 TO 10 BOTH INCLUSIVE AND 15 TO 19 BOTH INCLUSIVE VACATED BY ORDINANCE OF APRIL 19, 1980 IN COOK COUNTY. ILLINOIS.



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2. Common Address: 2300 South Halsted Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 17-29-202-010,17-29-202-011, 17-29-202-012, 17-29-202-013, 17-29-202-029, 17-29-202-030, 17-29-202-031, 17-29-202-032, 17-29-202-033, 17-29-202-034, 17-29-202-038, 17-29-203-004, 17-29-203-005, 17-29-203-006, 17-29-203-007
4. Remediation Site Owner: Halsted-Lumber Street, LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

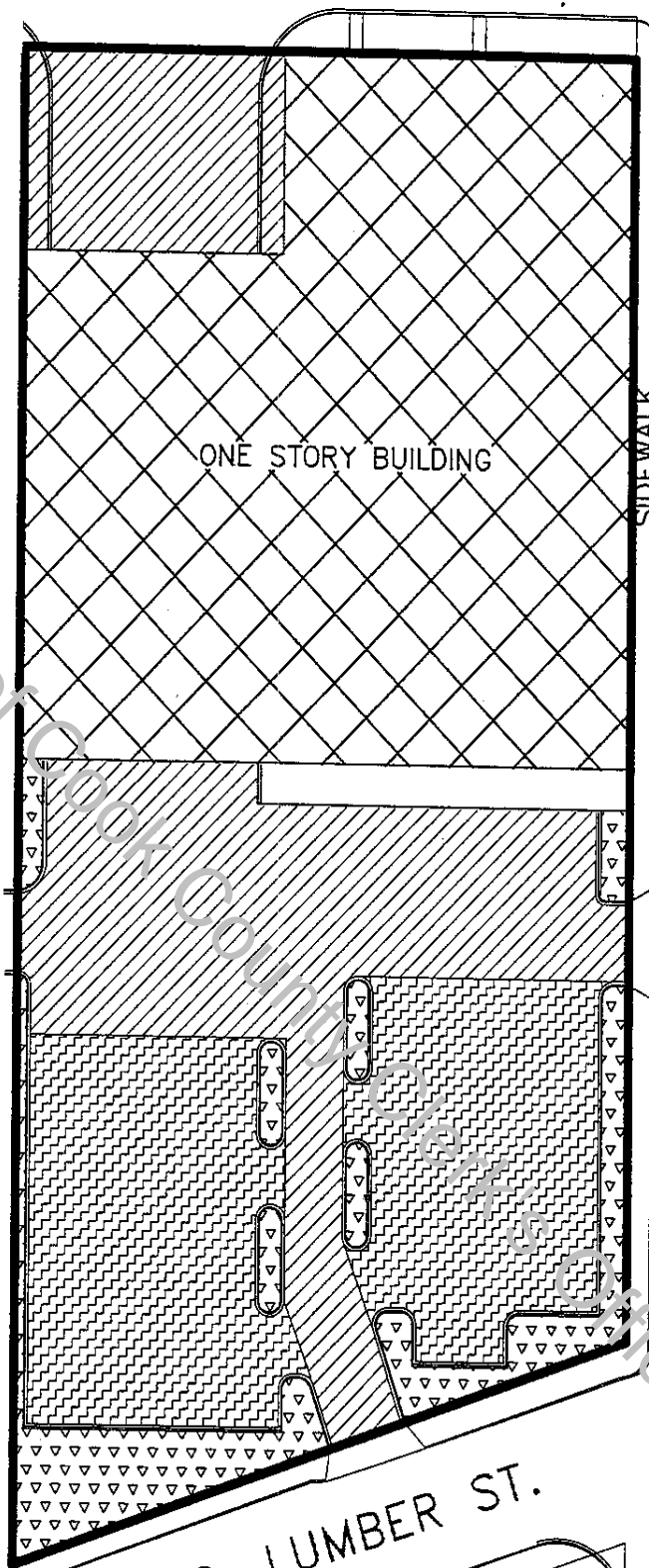
See NFR letter for other terms.

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

Property of Cook County Clerk's Office

Site Base Map  
 0316605143# -- Cook County  
 Chicago/Halsted-Lumber Street, LLC  
 Site Remediation Program

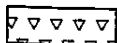




**UNOFFICIAL COPY**  
 WEST 22ND PLACE

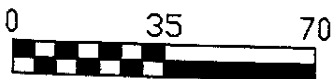


S. HALSTED ST.

S. LUMBER ST.

Property of Cook County Engineering Office

-  LINER +12" CLEAN SOIL
-  CONCRETE
-  ASPHALT
-  BUILDING
-  PROPERTY LINE



SCALE: 1" = 70'

**K+** ENGINEERING, LLC

15 SPINNING WHEEL ROAD, SUITE 320, HINSDALE, ILLINOIS 60521  
 PHONE - 312.207.1600 FAX - 312.831.2191

FIGURE 14  
 ENGINEERED BARRIERS MAP  
 2300 S. HALSTED ST.  
 CHICAGO, IL

SHEET NO.	1
SCALE	1"=70'
DATE	02/25/13
PROJ. NO.	21112

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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.

<b>Property Owner Information</b>			
Owner's Name:	_____		
Title:	_____		
Company:	_____		
Street Address:	_____		
City:	State:	Zip Code:	Phone:
<b>Site Information</b>			
Site Name:	_____		
Site Address:	_____		
City:	State:	Zip Code:	County:
Illinois inventory identification number:	_____		
Real Estate Tax Index/Parcel Index No.	_____		
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:	_____		Date: _____
SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__			
_____ 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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## Notice to Remediation Applicant

Please follow these instructions when filing the NFR letter with the County Recorder's Office

### Instructions for Filing the NFR Letter

The following documents must be filed:

- A. Body of the NFR Letter (contains appropriate terms and conditions, tables, etc.)
  - B. Attachments to NFR letter
    - Illinois EPA Site Remediation Program Environmental Notice (Legal Description and PIN of property)
    - Maps of the site
    - Table A: Regulated Substances of Concern (if applicable.)
    - Property Owner Certification
  - C. A copy of the ordinance, if applicable, used to address groundwater contamination
1. Place the Illinois EPA Site Remediation Program Environmental Notice on top of the NFR prior to giving it to the Recorder.
  2. If you are not the owner (record title holder) of the property on the date of filing of this NFR, you must attach a **completed** owner's certification form signed by the owner of the property at the time of filing (e.g., if the property recently sold, the new owner must sign).
  3. If any of the terms and conditions of the NFR letter references a groundwater ordinance, you must record a copy of the groundwater ordinance with the NFR letter.
  4. If any of the terms and conditions of the NFR letter references a highway agreement, you must record the highway agreement if specifically required by the municipality granting the agreement.
  5. Within thirty (30) days of this NFR Letter being recorded by the Office of the Recorder of the County in which the property is located, 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

6. **Remove this page from the NFR letter, prior to recording.**

If you have any questions call (217) 524-3300 and speak with the "project manager on-call" in the Site Remediation Program.

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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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Form C.C. 19 3M 7-15-64 (17263)

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.

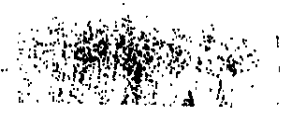
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this third (3rd)

[L.S.] day of February, A.D. 1998.

*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) 744-7616 (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(I)(2), Section 11-8-385 and 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, apply to all areas within the corporate limits of the City of Chicago.

Sincerely,

  
Henry L. Henderson  
Commissioner

cc: Mort Ames  
Asst. Corp. Counsel



Please Recycle!





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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: *Abel L. Anderson* 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 REMEDIATION" DETERMINATIONS BY THE ILLINOS 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 L. Kim  
Interim Director

Date: 02/02/12

Date: 2/22/12

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