

# UNOFFICIAL COPY

PREPARED BY:

Name: Bradford Harwood Heights 1 LLC  
Attn: Mr. William Shank, Jr.

Address: 30 South Wacker Drive, Suite 2850  
Chicago, Illinois 60606



Doc#: 1320544028 Fee: \$78.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 07/24/2013 11:52 AM Pg: 1 of 21

RETURN TO:

Name: Bradford Harwood Heights 1 LLC  
Attn: Mr. William Shank, Jr.

Address: 30 South Wacker Drive, Suite 2850  
Chicago, Illinois 60606

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: 0316005501

Bradford Harwood Heights 1 LLC, the Remediation Applicant, whose address is 30 South Wacker Drive, Suite 2850, Chicago, Illinois 60606, 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-  
7401 WEST LAWRENCE AVENUE  
PARCEL 1:  
LOTS 6 AND 7 AND THE NORTH HALF OF LOT 8 IN KLEFSTAD'S INDUSTRIAL  
ADDITION TO HARWOOD HEIGHTS, A SUBDIVISION IN THE NORTHEAST QUARTER  
OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL  
MERIDIAN;  
PARCEL 2:  
LOTS 13 AND 14 IN BLOCK 1 AND THAT PART OF LOTS 15 TO 18 IN SAID BLOCK 1,  
LYING NORTH OF A LINE DRAWN FROM A POINT IN THE EAST LINE OF SAID LOT  
15, WHICH IS 47.80 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 15 TO  
A POINT IN THE WEST LINE OF SAID LOT 18, WHICH IS 42.60 FEET SOUTH OF THE  
NORTHWEST CORNER OF SAID LOT 18, TOGETHER WITH THE EAST AND WEST  
VACATED 20 FOOT PUBLIC ALLEYWAY IN SAID BLOCK 1 LYING SOUTH OF AND  
ADJOINING THE SOUTH LINE OF SAID LOT 14 AND THE SOUTH LINE OF SAID LOT  
14, EXTENDED EAST TO THE EASTLINE OF SAID BLOCK 1 AND LYING NORTH OF

(Illinois EPA Site Remediation Program Environmental Notice)

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AND ADJOINING THE NORTH LINE OF SAID LOTS 15 TO 18 AND THAT PART OF THE VACATED NORTH AND SOUTH PUBLIC ALLEY IN SAID BLOCK 1, LYING EAST OF AND ADJOINING THE EAST LINE OF LOTS 13 AND 14 AFORESAID ALL IN LAWRENCE LAWN'S ADDITION, BEING A SUBDIVISION OF THE SOUTH HALF OF THE NORTH HALF OF THE EAST HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND OF THE NORTH HALF OF THE WEST 10 ACRES OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO, 4700 NORTH OKETO AVENUE (PIN 12-13-203-013-0000)

PARCEL 1:

THE SOUTH HALF OF LOT 8 AND THE NORTH 112 FEET OF LOT 9 IN KLEFSTAD'S INDUSTRIAL ADDITION TO HARWOOD HEIGHTS, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

2. Common Address: 7401 West Lawrence Avenue, Harwood Heights, Illinois
3. Real Estate Tax Index/Parcel Index Numbers (7): 12-13-202-013-0000, 12-13-202-014-0000, 12-13-202-019-0000, 12-13-203-013-0000, 12-13-203-023-0000, 12-13-203-024-0000, & 12-13-203-025-0000.
4. Remediation Site Owner: Bradford Harwood Heights 1 LLC  
Attn: Mr. William Shank, Jr.  
30 South Wacker Drive, Suite 2850  
Chicago, Illinois 60605
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

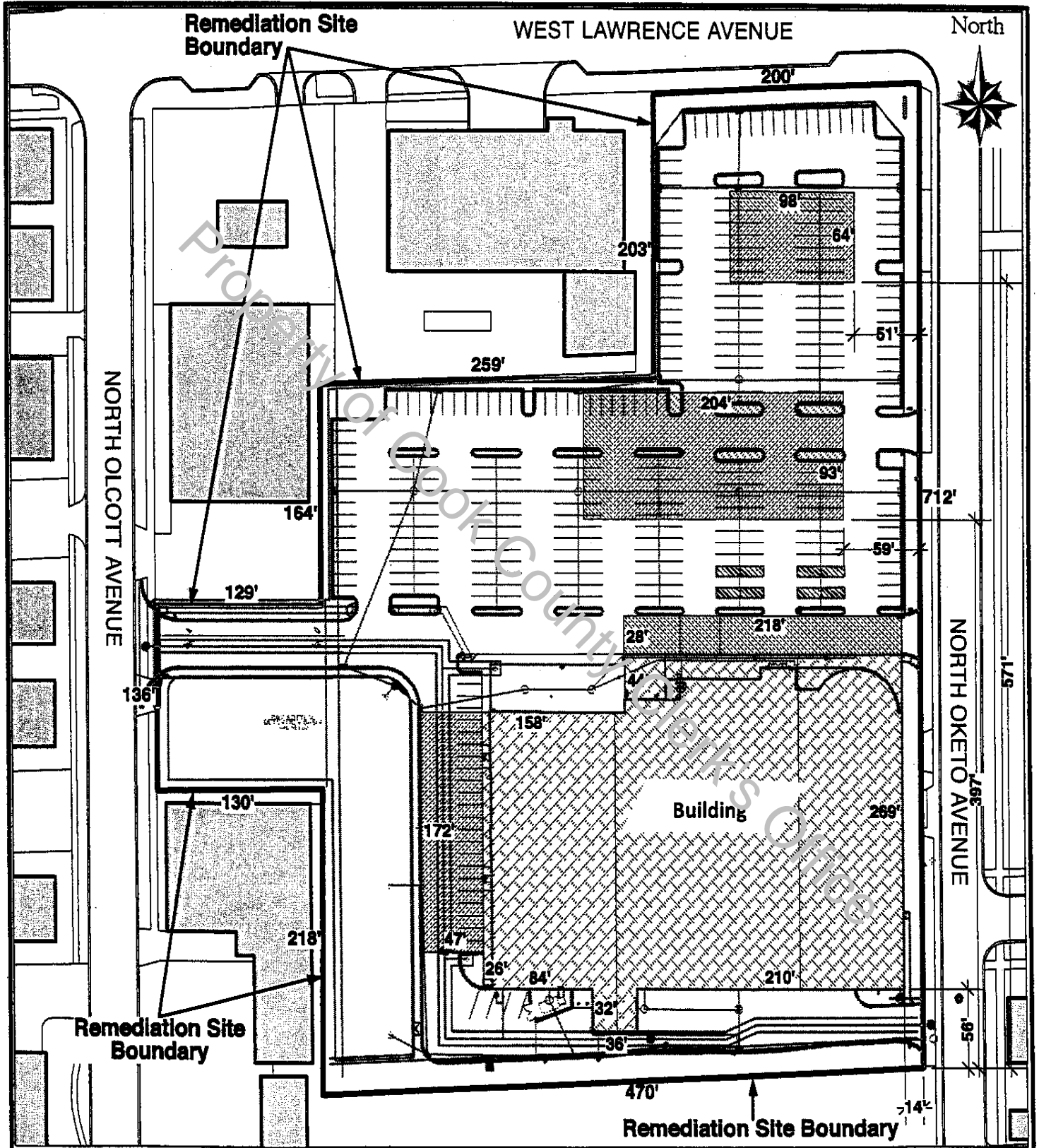
See NFR letter for other terms.

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





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## SITE BASE MAP

LPC# 0316005501 & 0311145027 - COOK COUNTY  
CHICAGO / BRUER/TORNADO CORP.  
SITE REMEDIATION / TECHNICAL REPORTS



Legend:

-  Remediation Site Boundary
-  Concrete Barrier
-  Asphalt Barrier
-  Greenspace Barrier

Scale: 1" = 100'  
0'  100'

Address:  
7401 West Lawrence Avenue &  
4700 North Oketo Avenue



# 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

July 17, 2013

**CERTIFIED MAIL**

7011 1150 0001 0863 5513

Bradford Harwood Heights 1 LLC  
 Attn: Mr. William Shank, Jr.  
 30 South Wacker Drive, Suite 2850  
 Chicago, Illinois 60606

Re: 0316005501-Cook County  
 Harwood Heights Breuer Electric, Tornado Corporation  
 7401 West Lawrence Avenue  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Mr. Shank:

The *Remedial Action Completion Report* (received June 6, 2013/Log No. 13-54006), as prepared by Pioneer Environmental Services, LLC, for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates 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 that the remedial action was completed in accordance with the *Revised Remedial Action Plan* (received August 29, 2012/Log No. 12-51645) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 6.95 acres, is located at 7401 West Lawrence Avenue, Harwood Heights, 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 March 2, 2012/Log No. 12-50113), is Bradford Harwood Heights 1 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: None

Engineering Controls:

- 4) 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.
- 5) The clean soil barrier, which is comprised of a minimum of three feet (3') of clean soil covering the area shown on the attached Site Base Map as the Greenspace Barrier, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 6) 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.
- 7) 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 ingestion of the contaminated media.

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## Institutional Controls:

- 8) Ordinance Number 99-35, adopted by the Village of Harwood Heights on November 23, 1999, effectively prohibits the installation and use of potable water supply wells in the Village of Harwood Heights. 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 Village of Harwood Heights 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 Number 99-35;
    - 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:

# UNOFFICIAL COPY

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

- d) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced ordinance to allow potable uses of groundwater;
  - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
  - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the Village of Harwood Heights and affected property owner(s) of the intent to use Ordinance Number 99-35 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) 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 20120814 have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incident.
- 11) 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.
- 12) 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.

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- 13) 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

- 14) 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.

- 15) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:



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- a) Bradford Harwood Heights 1 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;
  - 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.
- 16) 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 Breuer Electric, Tornado Corporation property.

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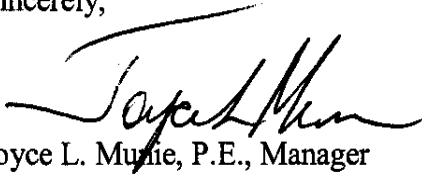
17) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

18) 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 Breuer Electric, Tornado Corporation property, you may contact the Illinois EPA project manager Russell H. Irwin at (217) 524-2084.

Sincerely,



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

Attachments (4): 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: Ms. Megan Wells-Paske; Pioneer Environmental Services, LLC  
Mr. Robert E. O'Hara; Illinois EPA, Bureau of Land  
Bureau of Land File

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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.

11/19/99 10:19 PM 4 2 2002

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**RECEIVED**  
JUL 24 2002

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**THE VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

---

**ORDINANCE  
NUMBER 99-35**

---

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER  
AS A POTABLE WATER SUPPLY  
IN THE VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS**

---

**RAY WILLAS, Mayor  
EUGENE BRUTTO, Clerk**

**LARRY BILEK  
J. EDWARD DAVIS  
MARGARET FULLER  
DONALD McCORMICK  
MICHAEL McGOUGH  
JOSEPH SCOTT**

**Trustees**

---

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Harwood Heights on       -99  
ODELSON & STERK, LTD. - Village Attorneys - 3318 West 98th Street - Evergreen Park, Illinois 60805

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ORDINANCE NO. 99-35

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER  
AS A POTABLE WATER SUPPLY  
IN THE VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS**

---

WHEREAS, it has come to the attention of the Mayor and the Board of Trustees that certain properties in the Village of Harwood Heights, Illinois have been used over a period of time for commercial and/or industrial purposes; and

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

WHEREAS, the Village of Harwood Heights desires to limit potential threats to the health, safety and welfare of its citizens from groundwater contamination, while facilitating the redevelopment and future productive use of the properties that are the source of said contaminants;

NOW WHEREFORE, Be it ordained by the President and Board of Trustees of the Village of Harwood Heights, Cook County, Illinois in the exercise of Harwood Heights' home rule powers, as follows:

**SECTION 1: VILLAGE CODE AMENDED:** Chapter 52 Amended. That Chapter 52 of the Village Code shall be amended to include a new Subsection 52.50 et seq., as provided herein:

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## 52.50 Definitions:

1. **Person** "Person" is an 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.
2. **Potable Water.** "Potable Water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

52.51 Use of groundwater as potable water supply prohibited. Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use groundwater as a potable water supply within the village of Harwood Heights by the installation or drilling of wells, or by any other means is prohibited. Said prohibition shall apply to the Village of Harwood Heights as well as private entities and any other public entities.

52.52 Penalties. Any person (including but not limited to an individual, partnership, corporation, firm, company, association, estate, legal subdivision, or any other legal entity, or their legal representatives, agents or assigns,) violating the provisions of this ordinance shall be subject to a fine of not less than \$100.00 per day, and each day shall constitute a separate violation.

**SECTION 2:** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not effect any of the other provisions of this ordinance

**SECTION 3:** All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4:** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

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ADOPTED this 23rd of November, 1999, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Bilek	X			X
Davis	X			X
Fuller	X			X
McCormick	X			X
McGowan	X			X
Scott	X			X
(Mayor Willas)				
<b>TOTAL</b>	6	0	0	6

APPROVED by the Mayor of November 23, 1999.

ordinance 99-35

  
Ray Willas  
MAYOR

ATTEST:

  
Eugene Bruto  
VILLAGE CLERK

dbair/wm/c/brwood/crb/wsr.1

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STATE OF ILLINOIS

COUNTY OF COOK

## CERTIFICATION

I, Dianne H. Larson, do hereby certify that I am the duly appointed and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.


I do further certify that the foregoing Ordinance 99-35 titled  
An Ordinance Prohibiting the Use of Groundwater as a Portable  
Water Supply in the Village of Harwood Heights, Cook County, IL

Is a true and correct copy of  
Ordinance 99-35  
 adopted by the Board of Trustees of the Village of Harwood Heights.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am the keeper of the same.

I do further certify that I am the keeper of the records, ordinances and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this  
17<sup>th</sup> day of July, 2002.

  
 \_\_\_\_\_  
 Dianne H. Larson  
 Village Clerk

Corporate Seal



11/18/99 13:18 FAX 414/210

**UNOFFICIAL COPY**

*COPY*

**RECEIVED**  
JUL 24 2002

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**THE VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

---

**ORDINANCE**  
NUMBER 99-35

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**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER  
AS A POTABLE WATER SUPPLY  
IN THE VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS**

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**RAY WILLAS, Mayor  
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**LARRY BILEK  
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MICHAEL MCGOUGH  
JOSEPH SCOTT**

**Trustees**

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ODELSON & STERK, LTD. - Village Attorneys - 3318 West 98th Street - Evergreen Park, Illinois 60805

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IN THE VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS**

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WHEREAS, it has come to the attention of the Mayor and the Board of Trustees that certain properties in the Village of Harwood Heights, Illinois have been used over a period of time for commercial and/or industrial purposes; and

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

WHEREAS, the Village of Harwood Heights desires to limit potential threats to the health, safety and welfare of its citizens from groundwater contamination, while facilitating the redevelopment and future productive use of the properties that are the source of said contaminants;

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**SECTION 1: VILLAGE CODE AMENDED:** Chapter 52 Amended. That Chapter 52 of the Village Code shall be amended to include a new Subsection 52.50 et seq., as provided herein:

# UNOFFICIAL COPY

## 52.50 Definitions:

1. **Person** "Person" is an 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.
2. **Potable Water.** "Potable Water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

**52.51 Use of groundwater as potable water supply prohibited.** Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use groundwater as a potable water supply within the village of Harwood Heights by the installation or drilling of wells, or by any other means is prohibited. Said prohibition shall apply to the Village of Harwood Heights as well as private entities and any other public entities.

**52.52 Penalties.** Any person (including but not limited to an individual, partnership, corporation, firm, company, association, estate, legal subdivision, or any other legal entity, or their legal representatives, agents or assigns,) violating the provisions of this ordinance shall be subject to a fine of not less than \$100.00 per day, and each day shall constitute a separate violation.

**SECTION 2:** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not effect any of the other provisions of this ordinance.

**SECTION 3:** All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4:** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

# UNOFFICIAL COPY

ADOPTED this 23rd of November, 1999, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Bilek	X			X
Davis	X			X
Fuller	X			X
McCormick	X			X
McGough	X			X
Scott	X			X
(Mayor Willas)				
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>6</b>

APPROVED by the Mayor on November 23, 1999.

ordinance 99-35

  
Ray Willas  
MAYOR

ATTEST:

  
Eugene Bruno  
VILLAGE CLERK

dbm\w\m\c\harwood\ord\wvwr.1

**UNOFFICIAL COPY**

STATE OF ILLINOIS

COUNTY OF COOK

**CERTIFICATION**

I, Dianne H. Larson, do hereby certify that I am the duly appointed and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

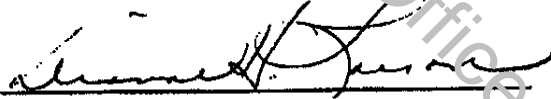
I do further certify that the foregoing Ordinance 99-35 titled  
An Ordinance Prohibiting the Use of Groundwater as a Portable  
Water Supply in the Village of Harwood Heights, Cook County, IL

Is a true and correct copy of  
Ordinance 99-35  
 adopted by the Board of Trustees of the Village of Harwood Heights.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am the keeper of the same.

I do further certify that I am the keeper of the records, ordinances and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this  
17<sup>th</sup> day of July, 2002.

  
 Dianne H. Larson  
 Village Clerk

Corporate Seal