

PREPARED BY:

Name:

Theron Berg

Menard, Inc.

1332210118 Fee: \$64.00 RHSP Fee:\$9.00 RPRF Fee: \$1.00

Karen A. Yarbrough

Cook County Recorder of Deeds

Date: 11/18/2013 03:57 PM Pg: 1 of 14

Address:

5101 Menard Drive

Eau Claire, Wisconsin 54703

RETURN TO:

Name:

Theron Berg

wienard, Inc.

Address:

5101 Menard Drive

Eau Claire, Wisconsin 54703

THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remedia ion Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Pecorder of Cook County.

Illinois State EPA Number: 0311950008

Menard, Inc., the Remediation Applicant, whose address is 5101 Menard Drive, Eau Claire, Wisconsin 54703 has performed investigative and/or remedic 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

ALL OF LOT 5 AND THAT PART OF LOTS 2, 3, AND 4 LYING WEST OF THE WESTERLY RIGHT OF WAY OF THE CHICAGO MILWAUKEL AND ST. PAUL RAILROAD RIGHT OF WAY IN THE ASSESSOR'S DIVISION OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT PART TAKEN OR USED FOR OAKTON STREET AND LEHIGH AVENUE) IN COOK COUNTY, ILLINOIS

- 2. Common Address: 6301 West Oakton Street, Morton Grove, Illinois
- Real Estate Tax Index/Parcel Index Number: 10-29-100-001-0000 and 10-29-020-0000 3.
- 4. Remediation Site Owner: Menard, Inc.
- 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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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, Engir eering, 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. Locations requiring a safety plan are identified on the attached Site Base Map. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below the ground 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 inhalation and 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.

Institutional Controls:

7) Ordinance No. 08-2-C-3597, adopted by the Village of Skokie on February 4, 2008, effectively prohibits the installation and use of potable water supply wells in the Village of Skokie. 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 Skokie 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 No. 08-2-C-3597;
 - 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 101 groundwater remediation objectives;
 - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number: and
 - vi) A statement as to where more information may be obtained regarding the ordinance.
- c) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to:

Robert E. O'Hara Illinois Environmental Protection Agency Bureau of Land/RPMS 1021 North Grand Avenue East Post Office Box 19276 Springfield, 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 Skokie and affected property owner(s) of the intent to use Ordinance No. 08-2-C-3597 as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter.
- 8) Ordinance No. 01-44, adopted by the Village of Morton Grove on September 10, 2001, effectively prohibits the installation and use of potable water supply wells in the Village of Morton Grove. 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) Montes 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 Morton Grove 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 No. 01-44;
 - 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:

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) Approved 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 Morton Grove and affected property ewner(s) of the intent to use Ordinance No. 01-44 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) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 930346.
- 10) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraphs 7 and 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 <u>not</u> the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of it.e 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:
 - 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 contemination 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) Menard, Inc.;
 - 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, bankr iptcy 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 recurity 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 helds 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 u strument 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 a tached 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 Northern Telecom 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

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17) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding the Northern Telecom property, you may contact the Illinois EPA project manager, Jeffrey J. Guy at (217) 558-6601.

Sincerely

Joyce L. Murie, P.E., Manager

Remedial Project Management Section Division of Remediation Management

Bureau of Land

Attachments: Illinois EPA Sue Remediation Program Environmental Notice

Site Base Map

Property Owner Certification of No Further Remediation Letter under the Site

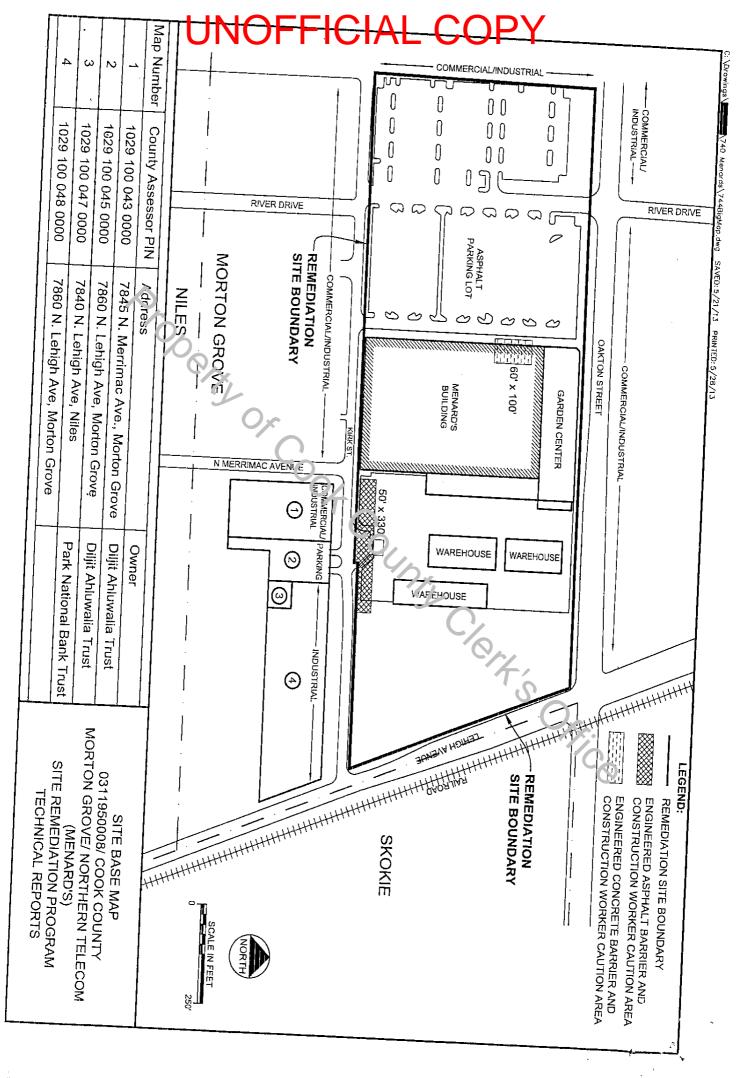
Remediation Program Form Instructions for Filing the NFR Letter eth Control Control

Adam Hoffman cc: Hoffman Consulting, Inc. 902 Pinnacle Place

Fort Collins, Colorado 80525

Bureau of Land File Mr. Robert O'Hara

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ORDINANCE 01-44

AN ORDINANCE AMENDING TITLE 7 CHAPTER 4, ENTITLED, "WATER REGULATIONS", TO ADD A NEW PARAGRAPH 9C ENTITLED, "USE OF GROUNDWATER PROHIBITED"

WHEREAS, the Village of Morton Grove (VILLAGE), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of linois, can exercise any power and perform any function pertaining to its. government affeirs, including but not limited to the power to tax and incur debt; and

WHEREAS certain properties in the VILLAGE have been used over a period of time for commercial and indes rial purposes; and

WHEREAS, occuse of said use, concentrations of certain chemical constituents in the groundwater beneath the VILLAGE may exceed Class I groundwater quality standards for potable resource groundwate a 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 desires to limit potential threats to human health from groundwater contamination while facilitying the redevelopment and productive use of properties that are the source of possible chemical constituents in groundwater beneath the VILLAGE; and

WHEREAS, Municipal Code Sections 7- +-10, "Cross-Connection Control", and Section 10-3-2, "Plumbing Regulations - Amendments", currently require that all potable water used within the VILLAGE be supplied by the VILLAGE, and

WHEREAS, the VILLAGE currently purchases not ble water from the City of Chicago and has no intention of using groundwater as a potable water fource however, the IEPA has suggested that a section be added to the Municipal Code to clarify that no water from other sources (ground wells) will be allowed for potable use within the Corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance as though fully set forth therein thereby making the findings as hereinabove set forth.

SECTION 2: Title 7, entitled, "STREETS AND PUBLIC PROPERTY", of the Municipal Code is hereby amended to add a new Title 7, Chapter 4, section 9, subsection C, entitled, "Use of Groundwater as a Potable Water Supply Prohibited", to read as follows:

7-4-9: PROHIBITED USES, ACTIONS

C: Use Of Groundwater as a Potable Water Supply Prohibited: Except for such uses or methods in existence prior to September 10, 2001, the use or attempt to use by any person, including the Village of Morton Grove, as a potable water supply groundwater from any location within the corporate limits of the Village by the installation or drilling of wells or by any other method is hereby prohibited.

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For use in this subsection, the following terms shall be defined as noted:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns. "potable water" is any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes, or preparing food.

"groundwater" is any underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than attracepheric pressure (35 II Adm Code 742.200.)

SECTION 3: This ordinance shall be in full force and effect from and after its passage and approvid

PASSED this 10¹² day of September 2001

Trustee DiMaria	Age
Trustee Gomberg	Aye
Trustee Karp	Aye 04
Trustee Liston	Aye C
Trustee Moll	Aye 40x
Trustee Weiss	Aye 2

APPROVED by me this 10th day of September 2001,

Daniel D. Scanlon, Village Presider t

Village of Morton Grove Cook County, Illinois

APPROVED and filed in my
Office this 11th day of September 2001.

Marilyn Sneider, Acting Village Clerk

Village of Morton Grove Cook County, Illinois

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JPH: 1/22/08 Manager's Report 2/4/08 1st Reading & Adoption

THIS ORDINANCE MAY BE CITED AS VILLAGE ORDINANCE NUMBER

08-2-C-3597

AN ORDINANCE AMENDING SECTION 110-36, OF THE SKOKIE VILLAGE CODE PERTAINING TO THE PUBLIC WATER AND SEWER SYSTEM

W. IEREAS, Section 110-36 of the Skokie Village Code provides for mandated connection to the public water main and sewer and the prohibition of private water wells; and
WHEREAS, several property owners and businesses in the Village are in the process of environmental removing and properties within the Village limits in accordance with the Illinois
WHEREAS, once all requirements are met in the remediation process, applicants will receive a No Further Remediation (NFR) reter; and
WHEREAS, specifically concerning groundwater contamination, one of the institutional controls utilized by the IEPA in this process, are local ordinances prohibiting use of groundwater as a standards for potable resource groundwater, set forth in the Illinois Administrative Code; and
compliance with the requisite IEPA language for the prohibition of the use of groundwater; and
WHEREAS, revised language to Section 110-36 will; (2) prohibit the use of groundwater as a detailed definitions for the section; and
WHEREAS, currently the Village staff are aware of one well which critizes groundwater, as a property owner to switch the effected properties to municipal water. Section 2 oelow will set a to be sealed in accordance with the Illinois Department of Health's Rules and Regulations; and
WHEREAS, the Village Manager recommended to the Mayor and Board of Trusteus at a public meeting duly held on January 22, 2008, that Section 110-36 of the Skokie Village Code be above, within the corporate limits of the Village of Skokie, either known or unknown, shall be sealed pursuant the Illinois Department of Public Health Rules and Regulations on or before December 31,
Tooling 1,

WHEREAS, the Mayor and Board of Trustees at a public meeting duly held on January 22, 2008, concurred in the aforesaid recommendation of the Village Manger; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and board of Trustees of the Village of Skokie, Cook County, Illinois;

1	APCIION 4: THE CO.			
2	is hereby amended in the manney land, Section 110-36 of the Skokie Village Code to			
3	is hereby amended in the manner hereinafter indicated. The new material is highlighted in bold and the material to be deleted is struck through and highlighted.			
	าง ถึงเ <u>สือน์ แบกกิ</u> ปิ	and highlighted in bold and		
4	Sec. 110-36. Connection to public was			
5	water.	nd sewer system required prohibition		
c	·	nd sewer system required, prohibition of use of ground		
6	a! The water distribution and drainage such			
8	The water distribution and drainage system of any building in which plumbing fixtures are installed shall be connected to a public water main and sewer. The installation of connection to private water			
Ü	Wells is prohibited.	nd sewer. The installation of connection to private		
9 .		water		
10	or attempted use of groundwe	Man a management of the second		
11	Provide a a Dotable water			
	of this promance is prohibited. This prohib	ition over a drilling of wells after the effective data		
12	C Any South	morr expressly includes the Village of Skokie		
13	Out in Sports a clating the provision of this Section at 10			
	c. Any person violating the provision of this Section shall be subject the penalty provisions set			
14	d. As used in this of the			
	d. As used in this Secure, the terms below	shall have the following		
15	"Person" is an indicial:	Tour Mind Lue au lug		
16	Company, corporation partnership, co-partnership firm			
17	Person" is an individual, partnership, co-partnership, firm, company, Limited Liability or their representative, agents or assigns.			
	, againg of astidile.	will vulet legal entity		
18	Potable water			
19	Potable water is any water used for the mannor domestic consumption including but not limited to water used for drinking bathing, swi nming or preparing foods.			
20				
21	Section 2.			
22	Section 2: That any groundwater wells, providing potable water, as defined in Section 1 pursuant the Illinois Department of Public Health Rules and Regulations, on or before Passant 1 2009.			
23	pursuant the Illinois Department of Public Health Rules and Regulations, on or before December 31,			
	2009.	Nules and Regulations, on or before December 31		
24				
25	Section 3: That this Ordinance shall be in full force and of			
26	Section 3: That this Ordinance shall be in full force and effectivem and after its passage, approval and publication in pamphlet form as provided by law.			
	ADOPTED this 4th day of February, 2008.			
	A			
	Commercial Califor Macaba D ""	Marlone Willias		
	Roberts, Sulker, Van Dusen)			
	Absent: 0	Village Clerk		
	Attested and filed in my office	Approved to		
	this 5th day of February, 2008;	Approved by me this 4th day of		
and published in namphist form		- Coruary, 2008.		
	according to law from February	١٠٠٠		
	5th, 2008 to February 15th, 2008.	(900000 Jana)		
	2 13 7 35 ruary 13(f), 2008.	Mayor Val		
		GROTHE Van Dusein Mayor, Village of Skokie		
	Marlene Williams			
	Village Clerk			
	O -1011/			

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STATE OF ILLINOIS)
COUNTY OF COOK)



I, MARLENE WILLIAMS, DO HEREBY CERTIFY that I am the regularly elected and acting Clerk of the Village of Skokic, County of Cook and State of Illinois.

I DO FURTHER CERTIFY that the annexed and foregoing Ordinance is a true and correct copy of an Ordinance adopted by the Mayor and Board of Trustees of the Village of Skokie on the 4th day of February, 2008 by a vote of 7 Ayes, a Nays and 0 Absent; that said Ordinance adopted as aforesaid was deposited and filed in the Office of the Village Clerk on the 5th day of February, 2008, and was approved by the Mayor and Board of Trustees on the 4th day of February, 2008.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy is entrusted to my care and safekeeping and I am the Keeper of the records, journals, entries, ordinances and resolutions.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Skokic this <u>25th</u> day of <u>February</u>, 2008.

Skokie Village Clerk Cook County, Illinois

(seal)