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PREPARED BY:

Name: John Lajka
MR 3629 Western Waveland LLC

Address: 55 East Jackson Boulevard, Suite 500
Chicago, IL 60604



Doc# 1727039098 Fee \$72.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/27/2017 01:52 PM PG: 1 OF 18

RETURN TO:

Name: John Lajka
MR 3629 Western Waveland LLC

Address: 55 East Jackson Boulevard, Suite 500
Chicago, IL 60604

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: 0316215186

MR 3629 Western Waveland LLC, the Remediation Applicant, whose address is 55 East Jackson Boulevard, Suite 500, Chicago, IL 60604 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:

3621-25 N Western Ave Legal

THOSE PARTS OF LOTS 75, 76, 77, AND 78 LYING EAST OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 19 IN SHELDON ESTATE SUBDIVISION OF BLOCK 23 IN SUBDIVISION OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 14, LYING EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTHWEST ¼ OF THE NORTHEAST ¼ THEREOF, THE SOUTHEAST ¼ OF THE NORTHWEST ¼ THEREOF AND THE EAST ½ OF THE SOUTHEAST ¼ OF, IN COOK COUNTY, ILLINOIS

3629-35 N Western Ave Legal

LOTS 71, 72, 73, AND 74 (EXCEPT THAT PART THEREOF LYING WEST OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 19) IN SHELDON ESTATE SUBDIVISION OF BLOCK 23 IN SUBDIVISION OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTHWEST ¼ OF THE NORTHEAST ¼ THEREOF,

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THE SOUTHEAST ¼ OF THE NORTHWEST ¼ THEREOF AND THE EAST ½ OF THE SOUTHEAST ¼ OF, IN COOK COUNTY, ILLINOIS

3639-51 N Western Ave Legal

LOT 66 (EXCEPT THAT PART THEREOF LYING WEST OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 19); LOT 67 (EXCEPT THAT PART THEREOF LYING WEST OF A LINE 50 FEET EAST AND PARALLEL WITH THE WEST LINE OF SECTION 19); LOT 68 (EXCEPT THAT PART THEREOF LYING WEST OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 19); LOT 69 (EXCEPT THAT PART THEREOF LYING WEST OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 19); LOT 70 (EXCEPT THAT PART THEREOF LYING WEST OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 19) IN SHELDON ESTATE SUBDIVISION OF BLOCK 23 IN SUBDIVISION OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTHWEST ¼ OF THE NORTHEAST ¼ THEREOF, THE SOUTHEAST ¼ OF THE NORTHWEST ¼ AND THE EAST ½ OF THE SOUTHEAST ¼ THEREOF, IN COOK COUNTY, ILLINOIS

2. Common Address: 3621-3651 North Western Avenue, Chicago , Illinois
3. Real Estate Tax Index/Parcel Index Number: 14-19-124-003-0000; 14-19-124-004-0000; 14-19-124-005-0000; 14-19-124-006-0000; 14-19-124-007-0000; 14-19-124-008-0000; 14-19-124-009-0000; 14-19-124-010-0000; 14-19-124-011-0000; 14-19-124-012-0000
4. Remediation Site Owner: Same as RA
5. Land Use: residential and/or industrial/commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM


Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name: <u>GERALD LEE NUDD</u>	
Title: <u>MANAGER</u>	
Company: <u>MIL 3629 WESTERN WAREHOUSE LLC</u>	
Street Address: <u>55 E. JACKSON BLVD, SUITE 200</u>	
City: <u>CHICAGO</u> State: <u>IL</u> Zip Code: <u>60604</u> Phone: <u>312.884.5488</u>	
Site Information	
Site Name: <u>MIL 3629 WEST</u>	
Site Address: <u>3621-51 N. WESTERN AVE.</u>	
City: <u>CHICAGO</u> State: <u>IL</u> Zip Code: <u>60618</u> County: <u>COOK</u>	
Illinois inventory identification number: <u>031</u>	
Real Estate Tax Index/Parcel Index No. <u>14-19-124-003-000; 14-19-124-004-000; 14-19-124-005-000;</u> <u>14-19-124-006-000; 14-19-124-007-000; 14-19-124-008-000; 14-19-124-009-000; 14-19-124-010-000;</u> <u>14-19-124-011-000; 14-19-124-012-000</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u><i>Gerald Lee Nudd</i></u>	Date: <u>9/25/2017</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>26</u> day of <u>Sept</u> , 20 <u>17</u>	
<u><i>Gregory A. Konicek</i></u> Notary Public	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/524-3300

August 25, 2017

CERTIFIED MAIL

7014 2120 0002 3285 3664

MR 3629 Western Waveland LLC
 Attn: John Lajka
 55 East Jackson Boulevard, Suite 500
 Chicago, Illinois 60604

Re: 0316215186/Cook County
 Chicago/Western Waveland LLC
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Lajka:

The *Remedial Action Completion Report* (received June 28, 2017/Log No. 17-64966), as prepared by Environmental Group Services, Ltd. 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 the remedial action was completed in accordance with the *Remedial Action Plan* (received January 8, 2016/Log No. 16-61201) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.96 acres, is located at 3621-3651 North Western Avenue, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received October 27, 2015/Log No. 15-60735), is MR 3629 Western Waveland LLC.

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of this Letter.

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for Residential and/or 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

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:

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

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

Institutional Controls:

- 5) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sumps.
- 6) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

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Other Terms

- 7) 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 2017-0223 have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incident.
- 8) 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.
- 9) 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
- 10) 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;

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- 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.

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

- a) MR 3629 Western Waveland 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 or 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.

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- 12) 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 Western Waveland LLC property.
- 13) 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. Jim Scott
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

- 14) 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 Western Waveland LLC property, you may contact the Illinois EPA project manager, Tammy Smith at 217-785-8410

Sincerely,

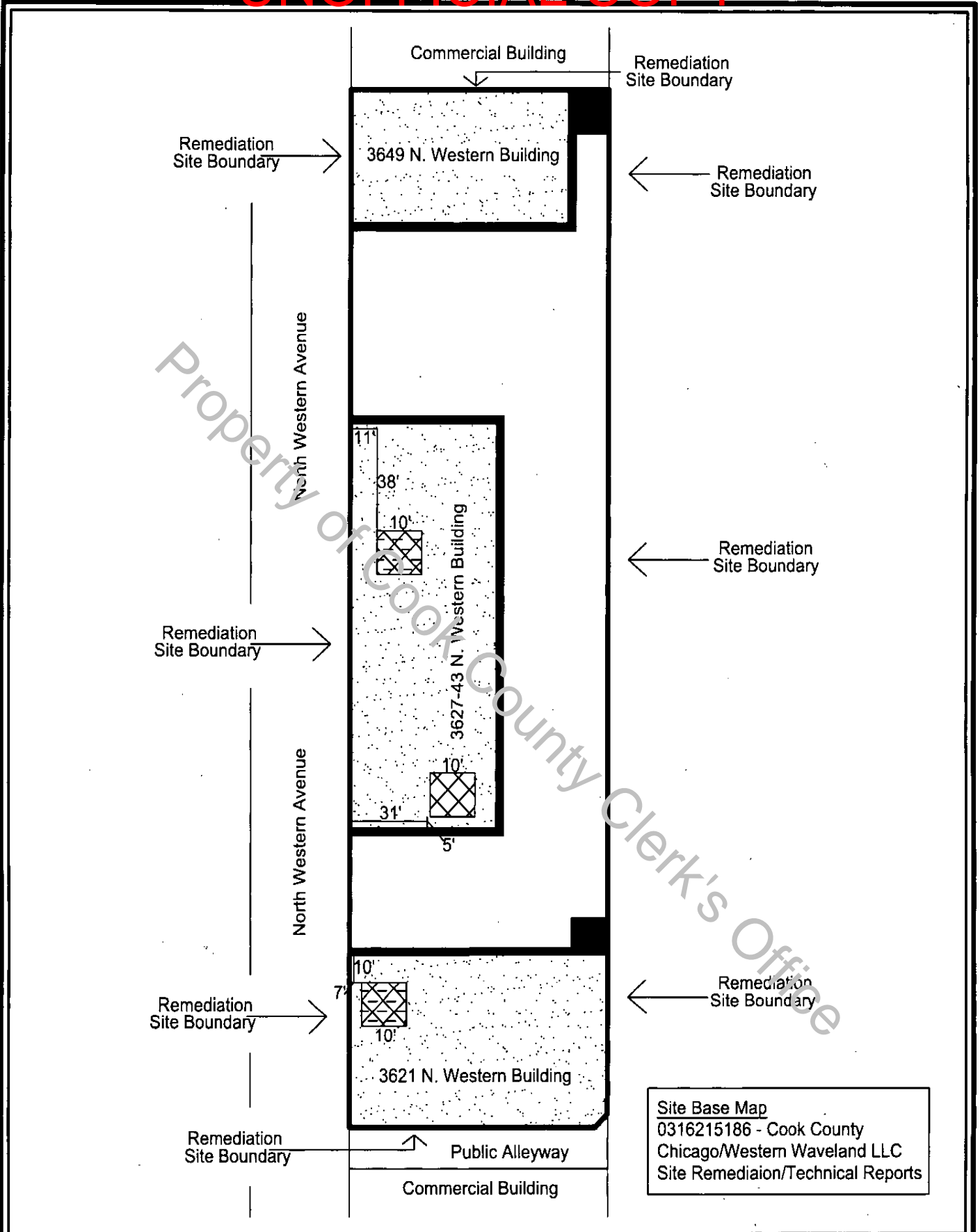
Gregory W. Dunn
 Gregory W. Dunn, Manager
 Remedial Project Management Section
 Division of Remediation Management
 Bureau of Land

Attachments: Illinois EPA Site Remediation Program Environmental Notice
 Site Base Map
 Property Owner Certification of No Further Remediation Letter under the Site
 Remediation Program Form
 Instructions for Filing the NFR Letter

cc: Mary Cappillini, Environmental Group Services, Ltd. – mary@EGSL.com

Bureau of Land File
 Mr. Jim Scott

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Site Base Map
 0316215186 - Cook County
 Chicago/Western Waveland LLC
 Site Remediation/Technical Reports



Subject Property: 3621-3651 North Western Avenue, Chicago, Illinois
 EGSL Project No: 1510719
 Drawing Title: Site Base Map
 Date: August 15, 2017
 Scale: 1"=50'

Legend:

	Subject Property		Concrete Building Foundation		Concrete Sidewalk
	Concrete Engineered Barrier		Worker Safety Area		



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CHICAGO GROUNDWATER ORDINANCE

In May 1997, the Chicago City Council passed a groundwater ordinance, set forth below, prohibiting the installation of new potable water supply wells. The purpose is to limit the potential for persons to be exposed to contaminants by ingesting groundwater. Since new potable wells are prohibited, groundwater contamination is not a potential source of exposure for the vast majority of sites in the city. Limiting the potential exposure pathways to those posed by ingesting or inhaling soil makes cleanups more practical and cost effective. Site owners enrolled in the Illinois Site Remediation Program still must test and report groundwater impacts from their site, however.

The City of Chicago and the Illinois Environmental Protection Agency have a memorandum of understanding, which acknowledges the City's groundwater ordinance as an acceptable "institutional control" under the state's TACO guidelines.

* * * *

Municipal Code of Chicago, Illinois
Chapter 11-8 WATER SUPPLY AND DISTRIBUTION SYSTEMS*

* **Editor's note:** Coun. J. 3-28-01, p. 55444, § 1, repealed Ch. 11-8, in its entirety, which pertained to water supply and distribution systems. Subsequently, Amend Coun. J. 11-28-01, p. 72895, § 1 added provisions designated as § 11-8-390. Former Ch. 11-8 (title) has been restored at the discretion of the editor to accommodate inclusion of provisions designated as 11-8-390. See the Code Comparative Table.

11-8-390 Potable water wells.

For purposes of this section, "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. No groundwater well, cistern or other groundwater collection device installed after May 14, 1997, may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by a unit of local government pursuant to intergovernmental agreement with the City of Chicago.

(Added Coun. J. 11-28-01, p. 72895, § 1)

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ORDINANCE

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 underscored, 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 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 bracketed and inserting the language underscored, as follows:

2-30-030 Commissioner – Powers and duties designated.

The commissioner of the environment shall have the following powers and duties:

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Groundwater Ordinance

Page 2 of 2

(21) To enter into grant agreements, cooperation agreements and other agreements of 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

DOE Navigation

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STATE OF ILLINOIS, ss.
County of Cook.

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 an ordinance amending Title 11, Chapter 8 and Title 2, Chapter 30 of the Municipal Code of Chicago by establishment of definition of potable water, regulation of 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 ONE

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 failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five days after the passage of the said ordinance.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted in 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 my corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this twenty-seventh (27th) day of June A. D. 1997

[L.S.]

James J. Laski
JAMES J. LASKI, City Clerk

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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 case, 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: *[Signature]* DATE: July 1, 1997
Commissioner
Department of Environment
City of Chicago

FOR: Illinois Environmental Protection Agency

BY: *[Signature]* DATE: July 3, 1997
(Name and title of signatory)
Division of Remediation Management
Bureau of Land

Version 02797

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City of Chicago
Richard M. Daley, Mayor

Department of Environment

Henry L. Henderson,
Commissioner

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<http://www.ci.chi.il.us>

July 1, 1997

Mr. Gary P. King
Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
1001 N. Grand Avenue, East
Springfield, IL 62702

RECEIVED

JUL 03 1997

I.E.P.A. / B.O.L.

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



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