

# UNOFFICIAL COPY

PREPARED BY:

Albion at Evanston, LLC  
Jason Kroehn  
188 West Randolph St., Suite 202  
Chicago, Illinois 60601



Doc# 2001516168 Fee \$88.00

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

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 01/15/2020 03:59 PM PG: 1 OF 19

RETURN TO:

Albion at Evanston, LLC  
Jason Kroehn  
188 West Randolph St., Suite 202  
Chicago, Illinois 60601

## 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: 0310815380

Albion at Evanston, LLC, the Remediation Applicant whose address is 188 West Randolph St., Suite 202, Chicago, Illinois 60601 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: THAT PART OF LOT 1 IN THE PLAT OF CONSOLIDATION RECORDED SEPTEMBER 19, 1988 AS DOCUMENT 88426763 OF LOTS 8, 9, 10 (EXCEPT THE WESTERLY 40.0 FEET THEREOF) IN BLOCK 52 IN EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, ALSO BEING THE NORTHWEST CORNER OF LAKE STREET (FORMERLY KNOWN AS LAKE AVENUE) AND SHERMAN AVENUE; THENCE NORTH 89 DEGREES 31 MINUTES 48 SECONDS WEST, ALONG A NORTH RIGHT-OF-WAY LINE OF SAID LAKE STREET, ALSO BEING A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 61.80 FEET TO THE EAST LINE OF PUBLIC ALLEY PER DOCUMENT 88426763; THENCE NORTH 15 DEGREES 33 MINUTES 06 SECONDS WEST, ALONG SAID EAST LINE OF PUBLIC ALLEY, A DISTANCE OF 142.53 FEET TO A LINE 137.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF SAID LAKE STREET; THENCE SOUTH 89 DEGREES 31 MINUTES 48 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 101.17 FEET TO THE EAST LINE OF SAID SHERMAN AVENUE; THENCE SOUTH 00 DEGREES 28 MINUTES 48 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE OF SHERMAN AVENUE, ALSO BEING THE EAST LINE OF SAID LOT 1, A DISTANCE OF 137.00 TO THE POINT OF BEGINNING.

2. Common Address: 1450-1460 Sherman Avenue, Evanston, Illinois
3. Real Estate Tax Index/Parcel Index Number: 11-18-317-021, 11-18-317-023.
4. Remediation Site Owner: Albion at Evanston, LLC

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5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

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

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COOK COUNTY  
RECORDER OF DEEDS



# UNOFFICIAL COPY ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3300

December 31, 2019

CERTIFIED MAIL

7018 1830 0000 5288 6070

Albion At Evanston, LLC  
 Attn: Mr. Jason Koehn  
 188 West Randolph Street, Suite 202  
 Chicago, Illinois 60601

Re: 0310815380/Cook County  
 Evanston/Albion at Evanston, LLC  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Mr. Koehn:

The *Remedial Action Completion Report* (received October 7, 2019/Log No. 19-70164), as prepared by Terracon Consultants, Inc. 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 October 3, 2018/Log No. 18-67955) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.3 acres, is located at 1450-1460 Sherman Avenue, Evanston, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received July 11, 2018/Log No. 18-67464), is Albion at Evanston, LLC.

This focused 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 for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

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

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
 412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
 2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
 100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

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

### Preventive, Engineering, and Institutional Controls

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. 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 four (4) feet must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### Engineering Controls:

- 5) The 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 inhalation and ingestion of the contaminated media.
- 6) 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.

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## Institutional Controls:

- 7) No building shall be occupied within the area depicted on the attached Site Base Map unless a Building Control Technology ("BCT") meeting the requirements of 35 Illinois Administrative Code Part 742 Subpart L is operational prior to human occupancy. This BCT must be properly maintained to address the indoor inhalation pathway. If the BCT becomes inoperable, the site owner/operator shall notify building occupants and workers to implement protective measures. In addition, any sump located within the building with the BCT shall be sealed with an approved cap and vent system. A caution label must be affixed to the vent pipe indicating that the system cannot be dismantled without proper consultation. A vacuum pressure gauge must be installed on the system to provide a clear indication of when the system is operating properly and when maintenance is required. The sump cover must be resealed if it is ever removed for sump pump inspection, replacement, maintenance or for any other reason. The vent system must also be correctly maintained under such circumstances. Failure to maintain the BCT or the sealed sump shall be grounds for voidance of this No Further Remediation letter.
- 8) Ordinance Number 32-O-98 adopted by the City of Evanston on March 23, 1998 effectively prohibits the installation and use of potable water supply wells in the City of Evanston. 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 City of Evanston 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 32-O-98;
    - 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.

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- 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. Jim Scott  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 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 City of Evanston and affected property owner(s) of the intent to use Ordinance 32-O-98 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) 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.
- 10) 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.
- 11) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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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

- 12) 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 avoidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the avoidance 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.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Albion at Evanston, LLC;
  - b) The owner and operator of the Remediation Site;
  - c) Any parent corporation or subsidiary of the owner of the Remediation Site;

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- 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.
- 14) 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 Albion at Evanston, LLC property.
- 15) 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

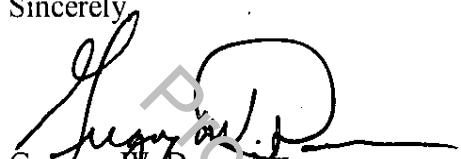


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16) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable 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 Albion at Evanston, LLC property, you may contact the Illinois EPA project manager, Rhett M. Rossi at 217 524 3300.

Sincerely,

*nu*  
  
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  
Table A: Regulated Substances of Concern  
City of Evanston Groundwater Ordinance  
Property Owner Certification of No Further Remediation Letter under the Site  
Remediation Program Form  
Instructions for Filing the NFR Letter

cc: Richard O'Brien rmobrien@terracon.com

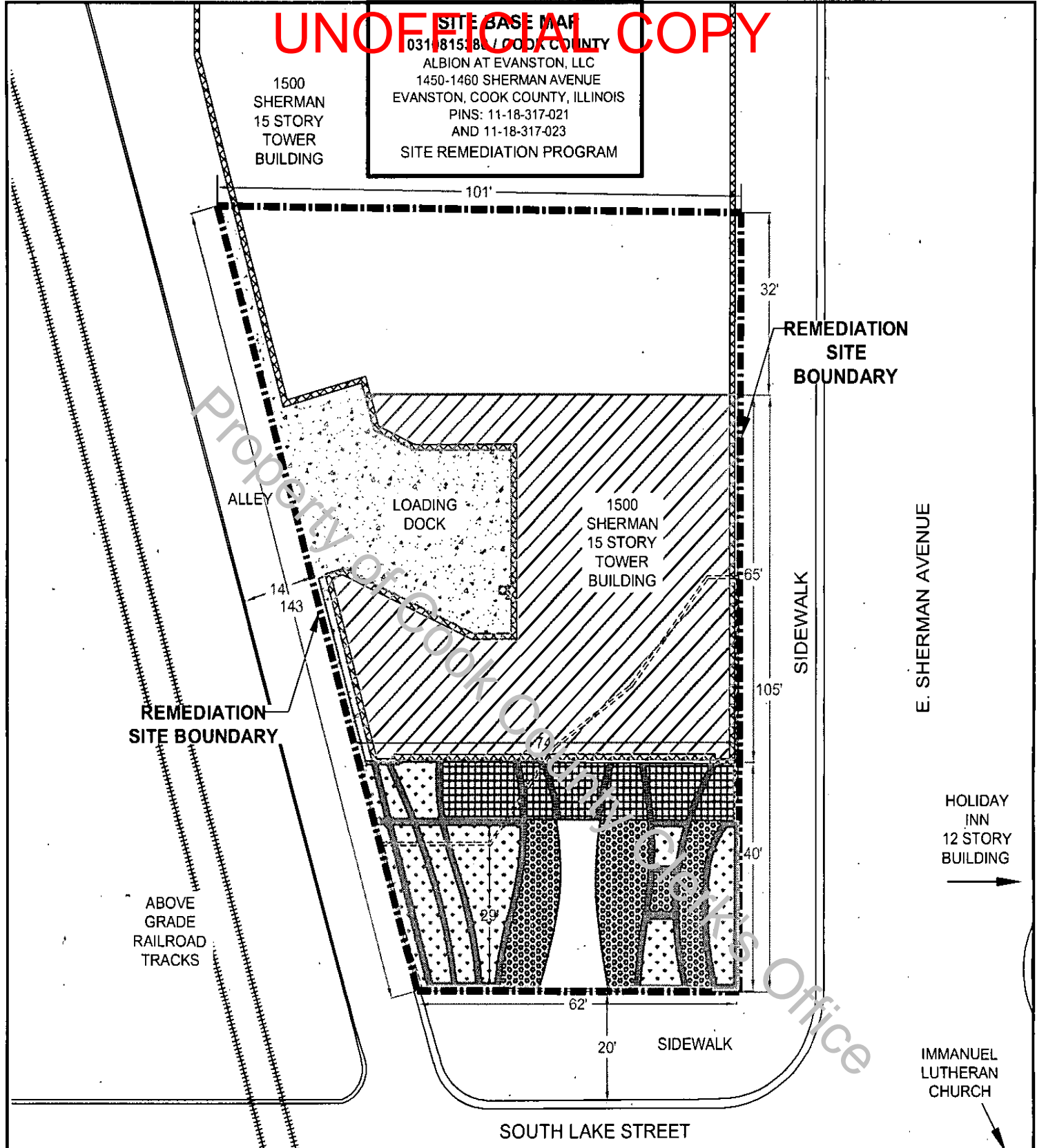
Bureau of Land File  
Mr. Jim Scott

PROPERTY OF COOK COUNTY CLERK'S OFFICE

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**SITE BASE MAP**  
 03181538 / COOK COUNTY  
 ALBION AT EVANSTON, LLC  
 1450-1460 SHERMAN AVENUE  
 EVANSTON, COOK COUNTY, ILLINOIS  
 PINS: 11-18-317-021  
 AND 11-18-317-023  
 SITE REMEDIATION PROGRAM

1500  
 SHERMAN  
 15 STORY  
 TOWER  
 BUILDING



**REMEDIA-  
 TION  
 SITE  
 BOUNDARY**

**REMEDIA-  
 TION  
 SITE  
 BOUNDARY**

ALLEY

LOADING  
 DOCK

1500  
 SHERMAN  
 15 STORY  
 TOWER  
 BUILDING

SIDEWALK

E. SHERMAN AVENUE

HOLIDAY  
 INN  
 12 STORY  
 BUILDING

ABOVE  
 GRADE  
 RAILROAD  
 TRACKS

IMMANUEL  
 LUTHERAN  
 CHURCH

SOUTH LAKE STREET

**LEGEND:**



REMEDIA-  
 TION  
 SITE  
 BOUNDARY



CONCRETE BUILDING FOUNDATION: FULL CONCRETE BUILDING SLAB IS REQUIRED FOR BUILDINGS CONSTRUCTED WITHIN PROPERTY BOUNDARY. THE BUILDING HAS NO SUMP PITS.



CONSTRUCTION WORKER CAUTION AREA: APPROXIMATE EXTENT OF SOIL EXCEEDING TIER 1 SRO FOR CONSTRUCTION WORKERS. A SAFETY PLAN IS REQUIRED FOR WORK BENEATH ENGINEERED BARRIERS TO ADDRESS THE CONSTRUCTION WORKER EXPOSURE ROUTE.

**ENVIRONMENTAL ENGINEERED BARRIERS:**



OUTDOOR AMENITY AREA - 4" DECOMPOSED GRANITE (UNDERLAIN BY STONE AND CONCRETE ENGINEERED BARRIER)



OUTDOOR AMENITY AREA - ARTIFICIAL TURF (UNDERLAIN BY STONE AND CONCRETE ENGINEERED BARRIER)



OUTDOOR AMENITY AREA - PLANTER WALL (UNDERLAIN BY STONE AND CONCRETE ENGINEERED BARRIER)



OUTDOOR AMENITY AREA - PRECAST CONCRETE PAVERS (UNDERLAIN BY STONE AND CONCRETE ENGINEERED BARRIER)



BUILDING CONTROL TECHNOLOGY (BCT) & CONCRETE ENGINEERED BARRIER: EXCEEDANCES OF TIER 1 ROs FOR INDOOR INHALATION EXPOSURE PATHWAY WERE EXCLUDED THROUGH INSTALLATION OF BCT IN THE SOUTHERN PORTION OF THE BUILDING. A GEO-SEAL MEMBRANE MIN. 60 MILS THICKNESS MEETING THE REQUIREMENT OF 35 (AC 742 1210 C)3) WAS INSTALLED IN THE SOUTHERN PORTION OF THE BUILDING. CONCRETE SLAB AND GRADE BEAMS EXCLUDE THE RESIDENTIAL INGESTION AND OUTDOOR INHALATION EXPOSURE ROUTES.



DATE: SEPTEMBER 2019

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**TABLE A: Regulated Substances of Concern**

**LPC# 0310815380/ Cook County  
Evanston/Albion at Evanston, LLC  
Site Remediation Program**

Volatile Organic Compounds (VOCs)	
CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
540-59-0	1,2-Dichloroethene (total)
156-59-2	cis-1,2-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone
1634-04-4	Methyl tert-butyl ether
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

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<b>Polynuclear Aromatic Compounds (PNAs)</b>	
<b>CAS No.</b>	<b>Compound Name</b>
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-32-8	Benzo(a)pyrene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-20-3	Naphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene
<b>Inorganics</b>	
<b>CAS No.</b>	<b>Compound Name</b>
7439-92-1	Lead

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0310815380-Cook  
Evanston/Albion @ Evanston LLC  
SR/TECH

**Municipality:** Evanston

**County:** Cook

**LPC Number:** 0310815380

**OC:** 98062401

COOK COUNTY  
RECORDER OF DEEDS

Property of Cook County Clerk's Office

**RECEIVED**

DEC 20 2019

**IEPA/BOL**

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EXHIBIT A

32-O-98

2/27/98

**An Ordinance  
Amending Section 7-12-3  
of the City Waterworks System Ordinance  
Regarding Connection to the Public Water System**

NOW, THEREFORE, Be It Ordained by the City Council of the City of Evanston, Cook County, Evanston, Illinois:

**SECTION 1:** That Section 7-12-3 of the Evanston City Code of 1979, as amended, be and it hereby is further amended by renumbering existing subsections 7-12-3 (A) through 7-12-3 (C) as 7-12-3 (B) through 7-12-3 (D) respectively, and by adding a new subsection 7-12-3 (A), to read as follows:

7-12-3 (A) **Public Water Main Connection Required:** The water distribution of any building in which plumbing fixtures are installed shall be connected to a public water main. The drilling of wells for use as a potable or non-potable water source, including for irrigation, is prohibited within the City.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 9, 1998

Adopted: March 23, 1998

Approved: March 26, 1998

Lorraine H. Martin  
Mayor

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

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Certificate as Keeper of  
Records, Files and Seals

STATE OF ILLINOIS )  
  )§  
COUNTY OF COOK )

I, Eduardo Gomez, Deputy City Clerk of the City of Evanston in the County of Cook and State aforesaid, United States of America and Keeper of the Records, Files and Seal of said City, do hereby certify that attached hereto is a true and correct copy of **32-O-98 an Ordinance Amending Section 7-12-3 of the City Waterworks System Ordinance Regarding Connection to the Public Water System certified on December 19, 2019.**

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*Property of Cook County Clerk's Office*

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All of which appear from the records and files presented in my office

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the City of Evanston this

19th day of December, 2019

*Eduardo Gomez*

Hon. Eduardo Gomez, Deputy City Clerk



**UNOFFICIAL COPY****MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF EVANSTON****AND THE****ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
REGARDING THE USE OF A LOCAL GROUNDWATER OR  
WATER WELL ORDINANCE AS AN ENVIRONMENTAL  
INSTITUTIONAL CONTROL****I. PURPOSE AND INTENT**

- A. This Memorandum of Understanding ("MOU") is entered into between the City of Evanston and the Illinois Environmental Protection Agency ("Illinois EPA") for the purpose of satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of groundwater or water well ordinances as environmental institutional controls. The Illinois EPA has reviewed the groundwater or water well ordinance of the City of Evanston adopted on March 26, 1998 "An ordinance amending section 7-12-3 of the City Waterworks System Ordinance regarding connection to the Public Water System" (Attachment A) and determined that the ordinance prohibits the use of groundwater for potable purposes and/or the installation and use of new potable water supply wells by private entities but does not expressly prohibit those activities by the unit of local government itself. In such cases, 35 Ill. Admin. Code 742.1015(a) provides that the unit of local government may enter into an MOU with the Illinois EPA to allow the use of the ordinances as an institutional control.
- B. The intent of the Memorandum of Understanding is to specify the responsibilities that must be assumed by the unit of local government to satisfy the requirements for MOU as set forth at 35 Ill. Adm. Code 742.1015(i).

**II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY**

In order to ensure the long-term integrity of the groundwater or water 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 groundwater or water well ordinance is effectively managed, the City of Evanston hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(i);

- A. City of Evanston will notify the Illinois EPA Bureau of Land of any proposed ordinance changes or requests for variance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35



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Ill. Adm. Code 742.1015(I)(4));

- B. City of Evanston will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA (35 Ill. Adm. Code 742.1015(I)(5)), provided that Illinois EPA provides notice to the City of Evanston of such determinations. Notices should be sent to: Dennis Marino, Assistant Director for Planning, 2100 Ridge Avenue, Evanston, Illinois 60201.
- C. City of Evanston will review the registry of sites established under paragraph II.B. prior to siting public potable water supply wells within the area covered by the ordinance (35 Ill. Adm. Code 742.1015(I)(6)(A));
- D. City of Evanston 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.B. and C. (35 Ill. Adm. Code 742.1015(I)(6)(B)); and
- E. City of Evanston 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)).

NOTE: Notification under paragraph II.A. above or other communications concerning this MOU should be directed to:

Manager, Division of Remediation Management  
 Bureau of Land  
 Illinois Environmental Protection Agency  
 P. O. Box 19276  
 Springfield, IL 62794-9276

### 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 groundwater or water well ordinance certified by the City clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(I)(3));
- B. Attachment B: Identification of the legal boundaries within which the ordinance is applicable (certification by city clerk or other official that the ordinance is applicable everywhere within the corporate limits; if ordinance is not applicable throughout the entire city or village, legal description and map of area showing sufficient detail to determine where ordinance is applicable) (35 Ill. Adm. Code 742.1015(I)(2));

IN WITNESS WHEREOF, the lawful representatives of the parties have caused this MOU

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to be signed as follows:

FOR: City of Evanston  
(Name of city or village)

BY: *R D Crum*

DATE: 6/11/98

BY: Roger D. Crum, City Manager  
(Name and title of signatory)

DATE: 6/11/98

FOR: Illinois Environmental Protection Agency

BY: *Gary B King*  
(Name and title of signatory)

DATE: 7/29/98

*Manager, Remediation Management*

C.MUP

**COOK COUNTY  
RECORDER OF DEEDS**

*Deputy Clerk's Office*

# UNOFFICIAL COPY

## EXHIBIT B

