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2833933061

PREPARED BY:

Mr. Eric Helfand
Fairpoint Development
120 North Racine
Chicago, Illinois 60607

Doc# 2833933061 Fee \$93.00

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

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 12/04/2020 11:58 AM PG: 1 OF 23

RETURN TO:

Mr. Eric Helfand
Fairpoint Development
120 North Racine
Chicago, Illinois 60607

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: 0316715272

Fairpoint Development, the Remediation Applicant, whose address is 120 North Racine, Chicago, Illinois 60607 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:

Parcel 1:

Lots 15, 16, 17 and 18 all in Walsh's subdivision in the East 1/2 of the Southeast 1/4 of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 1a:

The north and south 16-foot vacated alley lying between lots 15, 16, 17 and 18 all in Walsh's subdivision in the East 1/2 of the Southeast 1/4 of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

The South half of the East 2 1/2 acres of the North 5 acres of the South 40 acres of the East 1/2 of the Southeast 1/4 of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, lying west of a line that is 370 feet (measured perpendicularly) west of and parallel to the east line of said Section 33, in Cook County, Illinois.

Parcel 3:

That part of the West 2 1/2 acres of the North 5 acres of the South 40 acres of the East 1/2

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of the Southeast 1/4 of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, more particularly described as follows:

Beginning at the intersection of the north line of the South 40 acres of the East half of said Southeast quarter and the east line of the West 2 1/2 acres of the North 5 acres of the South 40 acres of the East half of said Southeast Quarter; thence South 01 degrees 34 minutes 20 seconds East, along said east line, 164.55 feet to a point on the south line of the North 5 acres of the South 40 acres of the East half of said Southeast Quarter; thence South 87 degrees 45 minutes 01 seconds West, along said south line, 198.91 feet to a point on the northerly extension of a line 1.00 feet west of and parallel to the west line of the existing building; thence North 02 degrees 17 minutes 03 seconds West, along said parallel line, 164.47 feet to a point on the north line of the South 40 acres of the East half of said Southeast Quarter; thence North 87 degrees 43 minutes 49 seconds East, along said north line 200.96 feet to the point of beginning, in Cook County, Illinois.

Parcel 4:

That part of the South 35 acres (except that part thereof lying south of the north line of the South 351.50 feet of the North 25 acres of said South 35 acres) of the East 1/2 of the Southeast 1/4 of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, lying west of a line that is 370 feet (measured perpendicularly) west of and parallel to the East line of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, more particularly described as follows:

Beginning at the intersection of the north line of said South 35 acres and the west line of South Lafayette Avenue; thence South 01 degrees 37 minutes 07 seconds East, along the west line of South Lafayette Avenue, 78.07 feet to the easterly extension of the centerline of a demising wall; thence South 87 degrees 43 minutes 46 seconds West, along the centerline of said demising wall and its easterly extension, 85.65 feet; thence continuing along the centerline of said demising wall for the next six courses; thence South 02 degrees 16 minutes 14 seconds East, perpendicular to the last course, 97.67 feet; thence South 87 degrees 43 minutes 46 seconds West, perpendicular to the last course, 14.80 feet; thence South 02 degrees 16 minutes 14 seconds East, perpendicular to the last course, 14.72 feet; thence South 87 degrees 43 minutes 46 seconds West, perpendicular to the last course, 86.20 feet to a point of tangency; thence southwesterly 7.25 feet, along the arc of a tangent circle to the left, having a radius of 5.50 feet and whose chord bears South 42 degrees 33 minutes 08 seconds West, 6.53 feet to a point on a tangent line; thence South 87 degrees 43 minutes 46 seconds West, along the centerline of said demising wall and its westerly extension, 299.09 feet to a point on the on a line 1.00 feet west of and parallel to the west line of the existing building and its northerly extension; thence North 02 degrees 17 minutes 03 seconds West, along said last described line, 195.26 feet to a point on the north line of said South 35 acres; thence North 87 degrees 45 minutes 01 seconds East, along said north line, 491.29 feet to the point of beginning, in Cook County, Illinois.

Parcel 5:

All that part of vacated south Perry Avenue 33 feet wide lying west of and adjoining the west line of lots 17 and 18 which lies north of the south line of lot 17 and south of the north line of lot 18 extended west and also lying south of 85th street all in Walsh's subdivision in the East 1/2 of the Southeast 1/4 of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

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Parcels 1, 1a, 2, 3, 4, and 5 also described as:

Parcel A:

That part of lots 15, 16, 17, 18, the north and south 16-foot vacated alley lying between lots 15, 16, 17 and 18 and all that part of vacated South Perry Avenue 33 feet wide lying west of and adjoining the west line of lots 17 and 18 which lies north of the south line of lot 17 and south of the north line of lot 18 extended west and also lying south of 85th Street all in Walsh's subdivision in the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Beginning at the Northeast corner of lot 15; thence South 02 degrees 02 minutes 36 seconds East, along the east lines of said lots 15 and 16, a distance of 64.72 feet to the southeast corner of said lot 16; thence South 87 degrees 45 minutes 01 seconds West, along the south line of said lot 16, its westerly extension, the south line of said lot 17 and its westerly extension, 298.40 feet to a point on the west line of said vacated South Perry Avenue; thence North 01 degrees 34 minutes 20 seconds West, along said west line, 66.22 feet to a point on the westerly extension of the north line of said lot 18, also being the south line of said 85th Street; thence North 88 degrees 02 minutes 16 seconds East, along the south line of said 85th Street, 297.85 feet to the point of beginning, in Cook County, Illinois.

Parcel B:

That part of the south 40 acres of the east half of the Southeast Quarter of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, more particularly described as follows:

Beginning at the intersection of the north line of the South 35 acres of the East half of the Southeast Quarter of said Section 33 and the west line of South Lafayette Avenue; thence South 01 degrees 37 minutes 07 seconds East, along the west line of South Lafayette Avenue, also being the west line of the east 370 feet of the east half of the Southeast Quarter of said Section 33, a distance of 78.07 feet to the easterly extension of the centerline of a demising wall; thence south 87 degrees 43 minutes 46 seconds West, along the centerline of said demising wall and its easterly extension, 85.65 feet; thence continuing along the centerline of said demising wall for the next six courses; thence South 02 degrees 16 minutes 14 seconds east, perpendicular to the last course, 27.67 feet; thence South 87 degrees 43 minutes 46 seconds West, perpendicular to the last course, 14.80 feet; thence South 02 degrees 16 minutes 14 seconds East, perpendicular to the last course, 14.72 feet; thence South 87 degrees 43 minutes 46 seconds West, perpendicular to the last course, 86.20 feet to a point of tangency; thence southwesterly 7.25 feet, along the arc of a tangent circle to the left, having a radius of 5.50 feet and whose chord bears South 42 degrees 33 minutes 08 seconds West, 6.53 feet to a point on a on tangent line; thence South 87 degrees 43 minutes 46 seconds West, along the centerline of said demising wall and its westerly extension, 299.09 feet to a point on a line 1.00 feet west of and parallel to the west line of the existing building and its northerly extension; thence North 02 degrees 17 minutes 03 seconds West, along said last described line, 359.73 feet to a point on the north line of said South 40 acres; thence North 87 degrees 43 minutes 49 seconds East, along said north line, 200.96 feet to a point on the east line of the West $2\frac{1}{2}$ acres of the North 5 acres of the South 40 acres of the East half of the Southeast Quarter

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of said Section 33, said line also being the west line of vacated South Perry Avenue; thence South 01 degrees 34 minutes 20 seconds East, along said last described line, 82.18 feet to a point on the westerly extension of lot 17 in Walsh's subdivision; thence North 87 degrees 45 minutes 01 seconds East, along the westerly extension of the south Line of lot 17, the south line of lot 17, the westerly extension of the south line of lot 16 and the south line of lot 16 in Walsh's subdivision, 292.31 feet to a point on the west line of South Lafayette Avenue; thence South 01 degrees 37 minutes 07 seconds East, along said west line, 82.38 feet to the point of beginning, in Cook County, Illinois.

Parcel 6:

Easement for the benefit of Parcels 1, 2, 3, 4, and 5 as created by Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions dated August 10, 2018 and recorded August 13, 2018 as Document No. 1822506267 for utility purposes over the land described as follows:

That part of the South 35 Acres (except that part thereof lying South of the North Line of the South 351.50 feet of the North 25 Acres of said south 35 Acres) of the East ½ of the Southeast ¼ of Section 33, Township 38 North, Range 14, East of the Third Principal Meridian, lying West of a line that is 370 feet (measured perpendicularly) West of and parallel to the East Line of Section 33, Township 38 North, Range 14, East of the Third Principal meridian, more particularly described as follows:

Commencing at the intersection of the North Line of said South 35 Acres and the West Line of South Lafayette Avenue; thence South 01 Degrees 37 Minutes 07 Seconds East, along the West Line of South Lafayette Avenue, 78.07 feet to the easterly extension of the centerline of a demising wall; thence South 87 Degrees 43 Minutes 46 Seconds West, along the easterly extension of the centerline of said demising wall, 48.40 feet to the point of beginning; thence South 02 Degrees 16 Minutes 14 Seconds East, perpendicular to the last course, 42.50 feet; thence South 87 Degrees 43 Minutes 46 Seconds West, perpendicular to the last course, 37.25 feet; thence North 02 Degrees 16 Minutes 14 Seconds West, perpendicular to the last course, 42.50 to a point on the centerline of said demising wall; thence North 87 Degrees 43 Minutes 46 Seconds East, along said demising wall and its easterly extension, 37.25 feet to the point of beginning, all in Cook County, Illinois.

2. Common Address: 57 West 85th Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 20-33-411-001-0000, 20-33-411-024-0000, 20-33-411-026-0000, 20-33-411-027-0000, and 20-33-411-035-0000
4. Remediation Site Owner: FairPoint Development
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.



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

August 7, 2020

CERTIFIED MAIL

7019 1640 0001 6142 6660

Fairpoint Development
Attn: Mr. Eric Helfand
120 North Racine
Chicago, Illinois 60607

Re: 0316715272/Cook County
Chicago/South Lafayette Self Storage LLC
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Helfand:

The *Remedial Action Completion Report* (received January 31, 2020/Log No. 20-70861), as prepared by Pioneer Engineering & Environmental Services, LLC for the above-referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates that the remediation objectives approved for the site, in accordance with 35 Illinois Administrative Code Part 742, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the *Remedial Action Plan* (received January 31, 2020/Log No. 20-70861) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 3.7 acres, is located at 57 West 85th Street, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et. seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received January 31, 2020/Log No. 20-70861), is Fairpoint Development.

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

4302 N. Main 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 Remediation Site is restricted to industrial/commercial land use.
- 2) The land use specified in this Letter may be revised if:
 - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

Preventive, Engineering, and Institutional Controls

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. Excavated soil 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 asphalt/concrete barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This asphalt/concrete barrier must be properly maintained as an engineered barrier to inhibit 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 unsealed sumps.
- 6) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells) effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:

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- a) The Remediation Applicant shall provide written notification to the City of Chicago and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
- i) The name and address of the local unit of government;
 - ii) The citation of Section 11-8-390;
 - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
 - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
 - vi) A statement as to where more information may be obtained regarding the ordinance.
- b) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to:

Mr. Jim Scott
Illinois Environmental Protection Agency
Bureau of Land/RPM'S #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

- c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced ordinance to allow potable uses of groundwater;
 - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
 - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter.

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Other Terms

- 7) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Item 6 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.
- 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) Fairpoint Development;
- b) The owner and operator of the Remediation Site;
- c) Any parent corporation or subsidiary of the owner of the Remediation Site;
- d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
- e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
- f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
- g) Any successor-in-interest of the owner of the Remediation Site;
- h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
- i) Any heir or devisee of the owner of the Remediation Site;
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.

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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 South Lafayette Self Storage 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 South Lafayette Self Storage LLC property, you may contact the Illinois EPA project manager, Max Twum at (217) 558-0932.

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
 City of Chicago Groundwater Ordinance
 Property Owner Certification of No Further Remediation Letter under the Site
 Remediation Program Form
 Instructions for Filing the NFR Letter

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cc: Mr. Scott Splittgerber
Pioneer Engineering & Environmental Services
ssplittgerber@pioneerees.com

Commissioner, Urban Management and Brownfields Redevelopment Division
Department of Fleet and Facility Management
2FM_NFR_Letters@cityofchicago.org

Bureau of Land File
Mr. Jim Scott

COOK COUNTY
RECORDER OF DEEDS

COOK COUNTY
RECORDER OF DEEDS

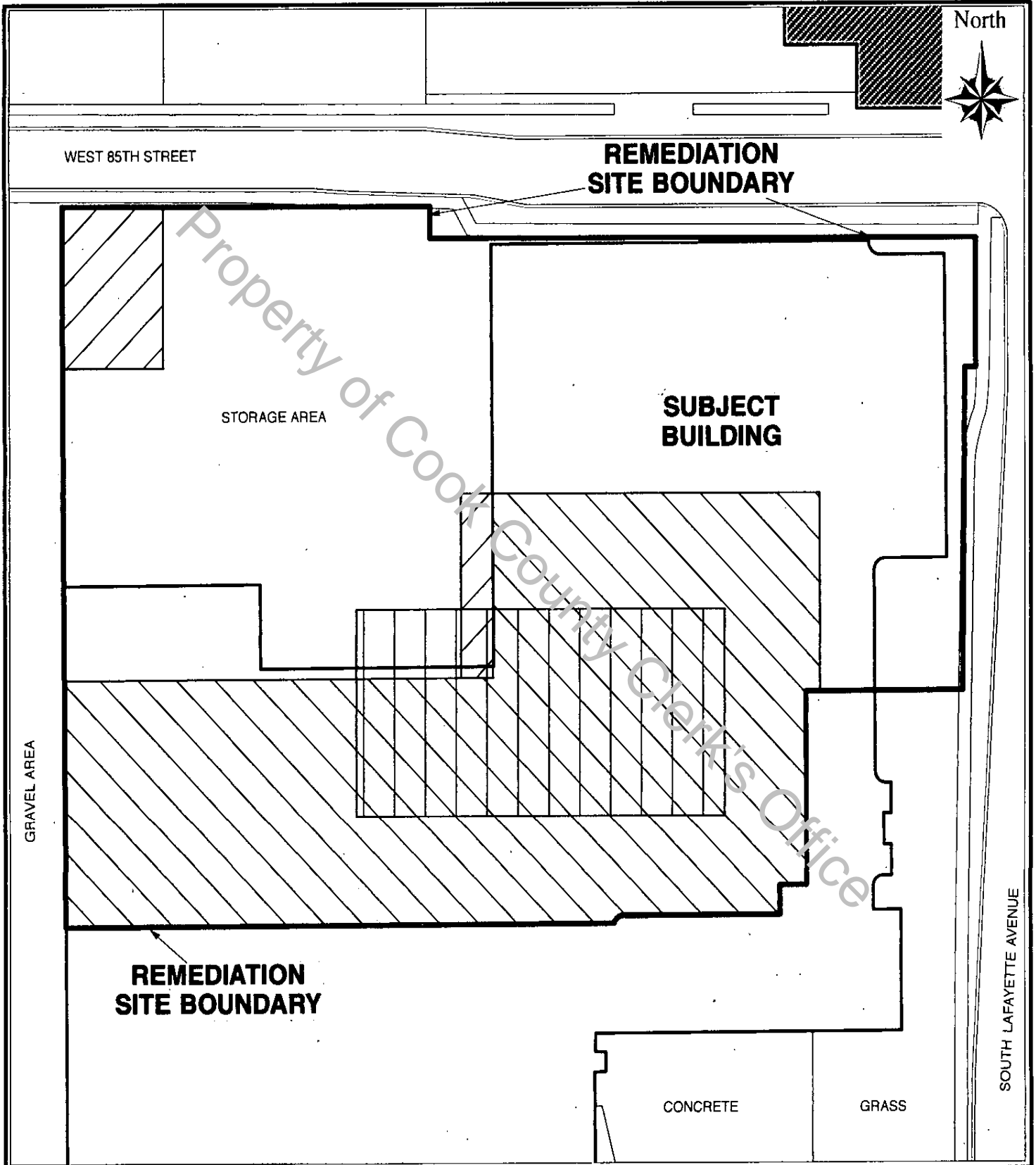
COOK COUNTY
RECORDER OF DEEDS

Property of Cook County Clerk's Office

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SITE BASE MAP

LPC# 0316715272 - COOK COUNTY
CHICAGO / S LAFAYETTE SELF STORAGE, LLC
SITE REMEDIATION / TECHNICAL REPORTS



Legend: Remediation Site Boundary

Notes: All future buildings must meet the requirements of 35 IAC 742, Appendix B, Table H.
A groundwater use restriction applies to the entire site.

Scale: 1"=70'

0' 70'

Area Requiring Concrete Barrier

Area Requiring Asphalt Barrier

Area Requiring Construction Worker Caution

Address: 57 West 85th Street
Chicago, IL

Date: May 2020

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The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 11-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-8-385 and by amending Section 11-8-390 by inserting the language in italics, as follows:

11-8-385 Potable Water Defined.

Potable water is any water used for human consumption, including, but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown.

11-8-390 Prohibited Use Of Secondary Water; Prohibited Installation Of New Potable Water Supply Wells.

No secondary water shall overflow into or be discharged into any surge tank, storage tank, or reservoir, or shall in any way be piped or conveyed into the water supply system of any building, structure, or premises to become a part of or be mixed with the fresh water supply from the mains of the Chicago Waterworks System either inside of the premises or in the water service pipe. Secondary water shall not be piped to or used in any plumbing fixture, or for cooling crushers, rollers, or mixers where foods, candies, liquids or materials are manufactured for human or animal consumption. No connection, tap, or opening shall be made in a water distribution system other than an approved water distribution system which will permit such water being used for drinking.

Wherever the fire-protective equipment in any building, structure or premises has service from the Chicago Waterworks System, no pipe or other conduit which conveys secondary water shall be cross-connected to the fire-protective equipment. All fire-protective equipment connected to the Chicago Waterworks System shall be constructed in such manner that

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all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes and other equipment to any drainage pipes or sewers. *No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental agreement with the City of Chicago.*

SECTION 2. Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language in brackets and inserting the language in italics, as follows:

2-30-030 Commissioner -- Powers And Duties Designated.

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

* * * * *

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs, *and agreements to implement the State of Illinois Site Remediation Program;*

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

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STATE OF ILLINOIS, }
County of Cook. } ss.

I, JAMES J. LASKI City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office amending Title 11, Chapter 8 and Title 2, Chapter 30 of Municipal Code of Chicago by establishing the definition and regulation of the potable water supply system and Empowerment of Commissioner of Environment for Implementation of State of Illinois Site Remediation Program.

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the fourteenth (.14th) day of May, A.D. 1997 and deposited in my office on the fourteenth (.14th) day of May, A.D. 1997.

I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit: Yeas 47, Nays none.

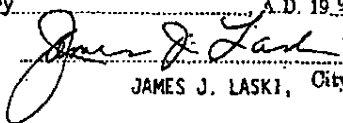
I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor did approve and sign the said ordinance on the fourteenth (.14th) day of May, A.D. 1997.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the

[L.S.] County and State aforesaid, this third (.3rd) day of February, A.D. 1998.

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JAMES J. LASKI, City Clerk

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July 1, 1997

City of Chicago
Richard M. Daley, Mayor

Department of Environment

Henry L. Henderson
Commissioner

Twenty-fifth Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575

(312) 744-7606 (Voice)

(312) 744-6451 (FAX)

(312) 744-3586 (TTY)

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

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

Re: Chicago Ordinance No. 097990

Dear Mr. King:

Pursuant to 35 Ill. Adm. Code 742.1015(l)(2), Section 11-8-385 and 11-8-350 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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MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICAGO, ILLINOIS AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING (A) THE USE OF A LOCAL POTABLE WATER SUPPLY WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL AND (B) THE PROVISION OF INFORMATION RELATING TO "NO FURTHER REMEDIATION" DETERMINATIONS BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO THE CITY OF CHICAGO

I. PURPOSE AND INTENT

- A. This Memorandum of Understanding ("MOU") is entered into between the City of Chicago, Illinois ("the City") and the Illinois Environmental Protection Agency ("Illinois EPA") for the purpose of (a) satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of potable water supply well ordinances as environmental institutional controls and (b) ensuring that the City will be provided with copies of all "No Further Remediation" letters or determinations issued by the Illinois EPA pursuant to specific programs for sites located within the boundaries of Chicago, Illinois, in order to enable the City to maintain a complete and up-to-date registry of sites as required by 35 Ill. Adm. Code 742.1015(i)(5). The Illinois EPA has reviewed Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago as amended by Ordinance Number 097990 ("Potable Water Supply Well Ordinance"), attached as Attachment A, and has determined that the Municipal Code of Chicago prohibits the installation and use of new potable water supply wells by private entities but will allow the installation of potable water supply wells by the City and other units of local government pursuant to intergovernmental agreements with the City. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the City may enter into an MOU with the Illinois EPA to allow the use of the ordinance as an institutional control.
- B. The intent of this Memorandum of Understanding is to (a) specify the responsibilities that must be assumed by the City to satisfy the requirements for MOUs as set forth at 35 Ill. Adm. Code 742.1015(i), and (b) require the Illinois EPA to provide the City with copies of all "No Further Remediation" letters or determinations that the Illinois EPA issues for sites located within the City of Chicago to enable the City to maintain a registry of sites pursuant to 35 Ill. Adm. Code 742.1015(i)(5).

II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY

- A. In order to ensure the long-term integrity of the Potable Water Supply Well Ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the Potable Water Supply Well Ordinance is effectively managed, the City hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(i):

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1. The City will notify the Illinois EPA Bureau of Land of any changes to or requests for variance from the Potable Water Supply Well Ordinance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35 Ill. Adm. Code 742.1015(i)(4));
2. The City will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA pursuant to specific programs (35 Ill. Adm. Code 742.1015(i)(5));
3. If the City determines to install a new potable water supply well(s), the City will review the registry of sites established under paragraph II.A.2. prior to siting such potable water supply well(s) within the area covered by the Potable Water Supply Well Ordinance, pursuant to 35 Ill. Adm. Code 742.1015(i)(6)(A);
4. If the City determines to install a new potable water supply well(s), the City will determine whether the potential source of potable water has been or may be affected by contamination left in place at the sites tracked and reviewed under paragraphs II.A.2. and 3. (35 Ill. Adm. Code 742.1015(i)(6)(B)); and
5. If the City determines to install a new potable water supply well(s), the City will take action as necessary to ensure that the potential source of potable water is protected from contamination or treated before it is used as a potable water supply (35 Ill. Adm. Code 742.1015(i)(6)(C));
6. If the City enters into intergovernmental agreements under Section 11-8-390 of the Municipal Code of Chicago to allow other units of local government to install new potable water supply well(s) within the corporate limits of the City, the City will require compliance with the procedures set forth in paragraphs II.A.3., 4., and 5. as a part of such agreements.
7. Notification under paragraph II.A.1. above, or other communications concerning this MOU directed to the Illinois EPA, shall be addressed to:

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

- B. In order to ensure the long-term integrity of the Potable Water Supply Well Ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the Potable Water Supply Well Ordinance or other specific programs can be effectively managed, the Illinois EPA hereby assumes

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the following responsibilities:

1. The Illinois EPA will provide the City with copies of all "No Further Remediation" letters or determinations that it issues pursuant to 35 Ill. Adm. Code 742, and other specific programs, for sites located within the boundaries of the City at the time said letters or determinations are provided to remediation applicants.
2. Copies of "No Further Remediation" letters or determinations provided to the City pursuant to paragraph II.B.1. above, or other communications concerning this MOU directed to the City, shall be addressed to:

Commissioner
Chicago Department of Environment
25th Floor
30 North LaSalle Street
Chicago, IL 60602-2575

III. SUPPORTING DOCUMENTATION

The following documentation is required by 35 Ill. Adm. Code 742.1015(i) and is attached to this MOU:

- A. Attachment A: A copy of the Potable Water Supply Well Ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(i)(3)) and a statement of the authority of the City to enter into the MOU (35 Ill. Adm. Code 742.1015(i)(1));
- B. Attachment B: Identification of the legal boundaries within which the Potable Water Supply Well Ordinance is applicable (35 Ill. Adm. Code 742.1015(i)(2)); and

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IN WITNESS WHEREOF, the lawful representatives of the parties have caused this MOU to be signed as follows:

FOR: The City of Chicago, Illinois

BY: *Aras L. Henderson* DATE: *July 1, 1997*
Commissioner
Department of Environment
City of Chicago

FOR: Illinois Environmental Protection Agency

BY: *Gary P. King* DATE: *July 3, 1997*
(Name and title of signatory)
Mgr, Division of Remediation Management
Bureau of Land

Version 6/27/97

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DEPARTMENT OF FLEET AND FACILITY MANAGEMENT
CITY OF CHICAGO

March 2, 2012

Kyle Rominger
Deputy Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

Dear Mr. Rominger:

Enclosed is the executed original of the amendment to the agreement between the Illinois Environmental Protection Agency and the City of Chicago regarding the Use of a Local Potable Water Supply Well Ordinance.

Thank you for your assistance with these changes.

Sincerely,

Kimberly Worthington, P.E., LEED AP
Deputy Commissioner
Bureau of Environmental Management

Enclosure

RECEIVED
Division of Legal Counsel

MAR 14 2012

Environmental Protection
Agency

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**AGREEMENT TO AMEND THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF CHICAGO ILLINOIS AND THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY REGARDING (A) THE USE OF A LOCAL POTABLE WATER
SUPPLY WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL
AND (B) THE PROVISION OF INFORMATION RELATING TO "NO FURTHER
REMEDICATION" DETERMINATIONS BY THE ILLINOS ENVIRONMENTAL
PROTECTION AGENCY TO THE CITY OF CHICAGO**

This agreement is made and entered into by and between the Illinois Environmental Protection Agency ("IEPA") and the City of Chicago ("CITY") to amend the above referenced Memorandum of Understanding dated July 1997 ("1997 MOU").

WHEREAS, the IEPA and CITY entered into the 1997 MOU for the purpose of (a) satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of potable water supply well ordinances as environmental institutional controls and (b) ensuring that CITY will be provided copies of all "No Further Remediation" letters or determinations issued by IEPA pursuant to specific programs for sites located within the boundaries of Chicago, Illinois, in order to enable CITY to maintain a complete and up-to-date registry of sites as required by 35 Ill. Adm. Code 742.1015(i)(5); and

WHEREAS, the 1997 MOU provided at Section II B. 2. the address for copies of "No Further Remediation" letters, determinations, or other communications concerning the MOU to be directed to the CITY's Department of Environment at 25th Floor, 30 North LaSalle Street, Chicago, Illinois 60602; and

WHEREAS, a portion of the CITY's Department of Environment has been merged into the CITY's Department of Fleet and Facility Management as of January 1, 2012, and the 1997 MOU is now being administered by the CITY under its Department of Fleet and Facility Management; and

WHEREAS, the IEPA and CITY desire to correct the address to send copies of "No Further Remediation" letters, determinations, or other communications to the CITY listed at Section II B. 2. of the 1997 MOU; and

WHEREAS, the IEPA and CITY desire for all other provisions of the 1997 MOU to remain the same.

NOW, THEREFORE, IEPA and CITY hereby agree to amend that part of Section II B. 2. of the 1997 MOU that provides the address to send copies of "No Further Remediation" letters, determinations, or other communications to the CITY as follows, with all other parts of Section II B. 2. to remain the same:

Commissioner
Chicago Department of Fleet and Facility Management
30 North LaSalle Street
Suite 300
Chicago, Illinois 60602


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Commissioner
Chicago Department of Environment
25th Floor
30 North La Salle Street
Chicago, Illinois 60602-2575

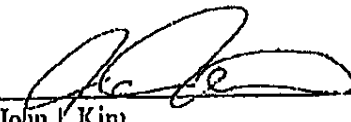
By the signatures of their authorized representatives below, the IEPA and CITY acknowledge they have read and understand this agreement and intend for this agreement to take effect upon execution.

City of Chicago, by and through the
Department of Fleet and Facility Management;

Illinois Environmental Protection Agency



David J. Reynolds
Commissioner
Department of Fleet and Facility Management



John L. Kim
Interim Director

Date: 03/02/12

Date: 2/22/12

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