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PREPARED BY:

Jack Bodman  
Vienna Beef, Ltd  
2501 North Damen Avenue  
Chicago, IL 60647

Doc# 2205622000 Fee \$88.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 02/25/2022 09:21 AM PG: 1 OF 24

RETURN TO:

Jack Bodman  
Vienna Beef, Ltd  
2501 North Damen Avenue  
Chicago, IL 60647

**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: 0316225023

Vienna Beef, Ltd, the Remediation Applicant, whose address is 2501 North Damen Avenue, Chicago, IL, 60647 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

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST AND SOUTH OF THE NORTH BRANCH OF THE CHICAGO RIVER, NORTH OF W. FULLERTON AVENUE, NORTHEAST OF N. ELSTON AVENUE AND EAST OF THE EAST LINE OF N. DAMEN AVENUE, PREVIOUSLY KNOWN AS N. ROBEY STREET, AS NOW LOCATED; AND PART OF LOTS 15 THROUGH 21, ALL INCLUSIVE, IN BLOCK 8 AND THAT PART OF THE VACATED EAST-WEST 16 FOOT WIDE PUBLIC ALLEY LYING NORTH OF AND ADJOINING LOTS 15 TO 21 IN BLOCK 8 AND PART OF VACATED WOLCOTT AVENUE, ALSO KNOWN AS BRAND STREET, ACCORDING TO THE DOCUMENT RECORDED JULY 10, 2018 AS DOCUMENT 1819116025, ALL IN FULLERTON'S ADDITION TO CHICAGO, SAID FULLERTON ADDITION BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE NORTH BRANCH OF THE CHICAGO RIVER AND THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CHICAGO RIVER AND WEST OF THE CHICAGO AND NORTHWESTERN RAILROAD, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1879 AS DOCUMENT NUMBER 221101, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE ON AN ASSUMED BEARING OF NORTH 01 DEGREES, 49 MINUTES 39 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 15, ALSO BEING THE WEST LINE OF SAID VACATED N. WOLCOTT AVENUE,

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PREVIOUSLY KNOWN AS N. BRAND STREET, A DISTANCE OF 1.70 FEET TO A POINT ON THE NORTH LINE OF W. FULLERTON AVENUE AS CONVEYED BY SPECIAL WARRANTY DEED RECORDED DECEMBER 9, 2013 AS DOCUMENT NUMBER 1334339074, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 36 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID W. FULLERTON AVENUE, A DISTANCE OF 173.96 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 12 SECONDS WEST, A DISTANCE OF 207.05 FEET TO A POINT ON THE SOUTH LINE OF PARCEL OJ80002-A, PER SPECIAL WARRANTY DEED RECORDED DECEMBER 9, 2013 AS DOCUMENT NUMBER 1334339074, ALSO KNOWN AS RE-LOCATED N. ELSTON AVENUE; THENCE NORTH 87 DEGREES 34 MINUTES 04 SECONDS EAST ALONG SAID SOUTH LINE OF PARCEL OJ80002-A, A DISTANCE OF 85.99 FEET, TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID PARCEL OJ80002-A AND IT'S SOUTHEASTERLY EXTENSION A DISTANCE OF 317.53 FEET, SAID LINE BEING THE ARC OF A TANGENT CIRCLE TO THE RIGHT HAVING A RADIUS OF 206.50 FEET AND WHOSE CHORD BEARS SOUTH 48 DEGREES 22 MINUTES 54 SECONDS EAST, A DISTANCE OF 287.16 FEET TO A POINT; THENCE SOUTH 40 DEGREES 57 MINUTES 08 SECONDS WEST, A DISTANCE OF 17.15 FEET, TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID W. FULLERTON AVENUE AS CONVEYED BY SPECIAL WARRANTY DEED RECORDED DECEMBER 9, 2013 AS DOCUMENT NUMBER 1334339074; THENCE SOUTH 88 DEGREES 36 MINUTES 10 SECONDS WEST ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 114.26 FEET THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

Together with Parcel 2

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST AND SOUTH OF THE NORTH BRANCH OF THE CHICAGO RIVER, NORTH OF W. FULLERTON AVENUE, NORTHEAST OF N. ELSTON AVENUE AND EAST OF THE EAST LINE OF, N. DAMEN AVENUE, PREVIOUSLY KNOWN AS N. ROBEY STREET, AS NOW LOCATED; AND PART OF LOTS 21 THROUGH 32, ALL INCLUSIVE, IN BLOCK 8 AND THAT PART OF THE VACATED EAST-WEST 16 FOOT WIDE PUBLIC ALLEY LYING NORTH OF AND ADJOINING LOTS 21 TO 31 IN BLOCK 8, ALL IN FULLERTON'S ADDITION TO CHICAGO, SAID FULLERTON ADDITION BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE NORTH BRANCH OF THE CHICAGO RIVER AND THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CHICAGO RIVER AND WEST OF THE CHICAGO AND NORTHWESTERN RAILROAD, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1879 AS DOCUMENT NUMBER 221191, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE ON AN ASSUMED BEARING OF NORTH 01 DEGREES 49 MINUTES 39 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 15, ALSO BEING THE WEST LINE OF VACATED N. WOLCOTT AVENUE, PREVIOUSLY KNOWN AS N. BRAND STREET, ACCORDING TO THE DOCUMENT RECORDED JULY 10, 2018 AS DOCUMENT 1819116025, A DISTANCE OF 1.70 FEET TO A POINT ON THE NORTH LINE OF W. FULLERTON AVENUE AS CONVEYED BY SPECIAL WARRANTY DEED RECORDED DECEMBER 9, 2013 AS DOCUMENT NUMBER 1334339074; THENCE SOUTH 88 DEGREES 36 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID W. FULLERTON AVENUE, A DISTANCE OF 173.96 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 36 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID W. FULLERTON AVENUE, A DISTANCE OF 288.89 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF VACATED N. ELSTON

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AVENUE, ACCORDING TO THE DOCUMENT RECORDED JULY 10, 2018 AS DOCUMENT 1819116025; THENCE NORTH 46 DEGREES 44 MINUTES 02 SECONDS WEST ALONG THE LAST DESCRIBED LINE 28.44 FEET TO A POINT ON THE WESTERLY LINE OF SAID VACATED N. ELSTON AVENUE, ALSO BEING A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF N. DAMEN AVENUE AS CONVEYED TO THE CITY OF CHICAGO PER DEED RECORDED AS DOCUMENT NUMBER 1334339074; THENCE NORTH 01 DEGREE 59 MINUTES 09 SECONDS WEST ALONG THE LAST DESCRIBED LINE 136.50 FEET; THENCE NORTH AND EAST THE FOLLOWING THREE COURSES ALONG THE EASTERLY AND SOUTHERLY LINE OF SAID PROPERTY CONVEYED TO THE CITY OF CHICAGO PER DEED RECORDED AS DOCUMENT NUMBER 1334339074; 1) NORTH 05 DEGREES 41 MINUTES 38 SECONDS WEST 35.91 FEET; 2) NORTH 40 DEGREES 56 MINUTES 13 SECONDS EAST 12.37 FEET; 3) NORTH 87 DEGREES 34 MINUTES 04 SECONDS EAST 308.76 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 12 SECONDS EAST, A DISTANCE OF 207.05 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

2. Common Address: 2501 North Damen, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 14-30-401-027-0000, 14-30-401-028-0000
4. Remediation Site Owner: Vienna Beef, Ltd
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)**

Property of Cook County Clerk's Office

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North Damen Avenue

Remediation Site Boundary

Site Base Map  
 0316225023 / Cook County  
 Chicago / Vienna Sausage Co.  
 Site Remediation / Technical Reports

North Parcel associated with this SRP Project

North Elston Avenue

Remediation Site Boundary

Remediation Site Boundary

West Fullerton Avenue

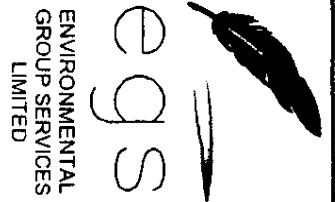
Commercial/Residential

1. 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.
2. The installation and use of potable water supply wells is prohibited at the Remediation Site.
3. A construction worker safety plan should be developed to address possible worker exposure during excavation or construction activities in accordance with NIOSH, OSHA, CFA, and other regulations.


Vacant Land

North Elston Avenue

Remediation Site Boundary



Legend:  
 Subject Property

 Concrete Bldg Foundation Barrier

 Asphalt Barrier

 Grass

Subject Property:  
 2415, 2420, 2425  
 N. Elston, Chicago  
 EGSL Project No.  
 1608647

Drawing Title  
 Site Base Map South  
 Parcel  
 Date  
 Feb. 9, 2021

Scale:  
 0' 20' 40' 80'  
 1"=80'



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

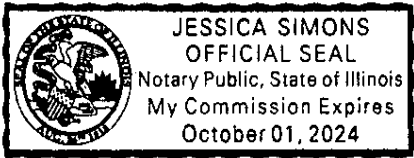
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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>Vienna Beer, Ltd.</u>
Title:	<u>John Bodman - President &amp; C.E.O.</u>
Company:	
Street Address:	<u>2501 W. Fulton St.</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60612</u> Phone: <u>773-278-7800</u>
Site Information	
Site Name:	<u>South Parcel</u>
Site Address:	<u>2501 N. Damen Ave</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60647</u> County: <u>Cook</u>
Illinois inventory identification number:	
Real Estate Tax Index/Parcel Index No.	
<p>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.</p>	
Owner's Signature:	<u>[Signature]</u> Date: <u>1.20.22</u>
<p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>20th</u> day of <u>January</u> 20 <u>22</u></p>	
<p><u>[Signature]</u> Notary Public</p>	

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3300

January 11, 2022

CERTIFIED MAIL

7020 1810 0001 8769 1960

Vienna Beef, Ltd  
Attn: Jack Bodman  
2501 W. Fulton Street  
Chicago, IL 60612

Re: 0316225023/Cook County  
Chicago/Vienna Sausage Co - South Parcel  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. Bodman:

The *Remedial Action Completion Report* (received May 6, 2021/Log No. 21-73063), as prepared by Environmental Group Services Limited 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 November 14, 2016/Log No. 16-63405) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 2.39 acres, is located at 2501 North Damen, 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 August 16, 2016/Log No. 16-62874), is Vienna Beef, Ltd.

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.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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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 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 inhalation and ingestion of the contaminated media.
- 5) The alternative engineered barrier, which is comprised of Mirafi 180N and 18" of clean fill in the areas shown on the attached Site Base Map, must remain over the contaminated soils. This alternative engineered barrier must be properly maintained as an engineered barrier to inhibit Ingestion of the contaminated media.

#### Institutional Controls:

- 6) 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.

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- 7) 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).

## Other Terms

- 8) 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 2019-0970 has been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incident.
- 9) 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.
- 10) 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
- 11) 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;



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- 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.
- 12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Vienna Beef, Ltd;
  - 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

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- 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.
- 13) 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 Vienna Sausage Co property.
- 14) 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

- 15) 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 Vienna Sausage Co property, you may contact the Illinois EPA project manager, Patricia Silva at 217-524-3285.

Sincerely,



✓ Jeron Schultz, 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 the NFR Letter under the Site Remediation Program Form  
 Instructions for Filing the NFR Letter

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cc: Mary Cappellini  
Environmental Group Services Limited  
Mary@EGSL.com

Bureau of Land File  
Mr. Jim Scott

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

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*James J. Laski*  
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 11-8-390 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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**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: *Abel 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 25<sup>th</sup> 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 LaSalle Street  
Chicago, Illinois 60602-2575

By the signatures of their authorized representatives below, the IBPA 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 C. Kim  
Interim Director

Date: 02/02/12

Date: 2/22/12

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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  
REMEDIAION" DETERMINATIONS BY THE ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY TO THE CITY OF CHICAGO

This agreement is made and entered into by and between the Illinois Environmental Protection Agency ("Illinois EPA") and the City of Chicago ("City") with the sole purpose to amend the notice provisions within the above referenced Memorandum of Understanding dated July 1997 ("1997 MOU") and the February 2012 amendment ("2012 Amendment") thereto.

WHEREAS, the Illinois EPA 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 the City will be provided copies of all "No Further Remediation" letters or determinations issued by Illinois EPA 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);

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 25<sup>th</sup> Floor, 30 North LaSalle Street, Chicago, Illinois 60602 and the 2012 Amendment identified the address as the City's Department of Fleet and Facility Management at 30 North LaSalle Street, Suite 300, Chicago, Illinois 60602;

WHEREAS, a portion of the City's Department of Fleet and Facility Management has been merged into the City's Department of Assets, Information and Services as of January 1, 2020, and the 1997 MOU is now being administered by the City under its Department of Assets, Information and Services;

WHEREAS, the Illinois EPA 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 as amended by the 2012 Agreement;

WHEREAS, the Illinois EPA and City desire for all other provisions of the 1997 MOU to remain the same. Further, the Illinois EPA and City agree to revoke the 2012 Agreement and upon execution by signature below replace it with this 2020 Agreement for purposes of notice; and

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NOW, THEREFORE, Illinois EPA 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 as follows:

By e-mail address to:

AIS NFR LETTERS@CITYOFCHICAGO.ORG


All other determinations, or other communications to the City as follows, with all other parts of Section II B. 2. to:


Commissioner  
City of Chicago Department of Assets, Information and Services  
Bureau of Environmental, Health and Safety Management  
2 North LaSalle Street  
Suite 200  
Chicago, Illinois 60602

By the signatures of their authorized representatives below, the Illinois EPA 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 Assets, Information and Services

Illinois Environmental Protection Agency,

  
\_\_\_\_\_  
David J. Reynolds  
Commissioner  
Department of Assets, Information and Services  
11/20/2020

  
\_\_\_\_\_  
John J. Kim  
Director  
Illinois EPA

Clerk's Office of Cook County