

ICC Docket No. 14-0070

**Commonwealth Edison Company's Response to  
Illinois Commerce Commission ("STAFF") Data Requests  
JMO 2.01 – 2.22**

**Date Received: March 3, 2014**

**Date Served: March 28, 2014**

Cleanup Goals and Activities

**REQUEST NO. JMO 2.01:**

Describe with specificity how the actions undertaken by the Company comply with each of the four prudence standards contained in the Commission's Order in Docket Nos. 91-0080 through 91-0095 (Consolidated).

**RESPONSE:**

*Person responsible for response: Peter McCauley*

ComEd objects to this request as overbroad, vague and ambiguous. To the extent that this request is interpreted to require additional information, ComEd objects on the grounds that it is unreasonable and unduly burdensome. Without waiving these objections, ComEd states as follows:

The four (4) prudence standards in the Illinois Commerce Commission's Order in Docket Nos. 91-0080 through 91-0095 (Consolidated) are:

- 1) reasonable and appropriate business standards,
- 2) the requirements of other relevant state and/or federal authorities,
- 3) minimization of costs to ratepayers, consistent with safety, reliability and quality assurance, and
- 4) based on facts and knowledge the Company knew or reasonably should have known at the time the expenditures were made.

The costs incurred by ComEd in 2013 for environmental activities associated with manufactured gas plant ("MGP") sites were in compliance with the four (4) prudence standards identified above. Although ComEd's compliance with these standards is described in detail in the Direct Testimony of Peter McCauley (ComEd Ex. 2.0), set forth below are some examples (albeit not an exclusive list) of actions ComEd took during 2013 that demonstrate its compliance with each of the four (4) prudence standards.

**OFFICIAL FILE**

**ICC. DOCKET NO. 14-0070**

**Exhibit No.** *Group Com Ex. 7*

**Witness** \_\_\_\_\_

**Date** *9/17/14*

**Reporter** *JG*

- 1) ***Reasonable and Appropriate Business Standards.*** One of the areas in which ComEd employs reasonable and appropriate business standards is in the selection and oversight of project consultants. ComEd hires environmental consultants to assist in coordinating field activities and preparing the reports and related documents required by the Illinois Environmental Protection Agency's ("Illinois EPA") Site Remediation Program ("SRP"), and to perform a variety of other services. In particular, ComEd participates in a competitive bidding process that emphasizes experience and costs in selecting its environmental consultants and contractors. Moreover, in order to leverage the greatest savings, the bidding process for consultant activities includes work for both ComEd and PECO Energy Company, each of which is an energy delivery company that shares the same ultimate parent company, Exelon Corporation. Subcontracted work is also competitively bid as the need arises for each project.

ComEd also employs standardized approaches that ensure higher quality, cost savings, and consistency among the outside consultants it hires to perform such work. For example, ComEd has developed and uses standardized guidance documents and procedures. Guidance documents, such as those developed for ambient air monitoring, quality assurance and site management, set forth a uniform platform for bringing MGP sites to cost-effective closure.

Additionally, ComEd utilizes a number of project management tools to track and monitor the work performance of consultants, including milestone tracking, monthly project status reports and task-based authorization. These are discussed further below in subpart (3).

- 2) ***The Requirements of Other Relevant State and/or Federal Authorities:*** During 2013, ComEd continued to work closely with the Illinois EPA concerning remediation activities at ComEd's MGP sites under the SRP, including conducting site investigations, establishing clean-up and closure objectives according to the Illinois EPA's *Tiered Approach to Corrective Action Objectives* ("TACO") (35 Ill. Admin. Code Part 742), establishing remedial action plans, and obtaining regulatory closure of sites. Besides TACO, ComEd complies with all aspects of the Illinois SRP and the Illinois Environmental Protection Act. At the federal level, ComEd complies with such regulatory requirements as the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9601 *et seq.*) and the Resource Conservation and Recovery Act (42 U.S.C. § 6901 *et seq.*).
- 3) ***Minimization of Costs to Ratepayers, Consistent with Safety, Reliability and Quality Assurance:*** As explained above, the need for a consultant or contractor typically arises in response to a regulatory compliance need identified through ComEd's interaction with the Illinois EPA. Prior to and during 2013, ComEd participated in the competitive bidding process described above, resulting in consulting contracts for professional services. The selections of contractors were made to provide the greatest value to customers, and included evaluations of experience, safety history, and fee schedules. The competitive bidding process also leveraged the quantity of expected work for both ComEd and PECO to maximize savings. Additionally, subcontracts for remediation construction and other goods and services were competitively bid.

ComEd also has put in place a number of safeguards throughout the remediation process that are designed to keep contractor costs reasonable. In addition to the use of standardized approaches (e.g., guidance documents) described above, ComEd closely monitors the work being performed at each site to minimize costs. Because remediation projects can be difficult to define initially due to their location and contaminants, consultants are only authorized to perform project activities that are definable. Thus, as a project progresses, the consultant must request authorizations for tasks as they are defined. ComEd then reviews such requests, approving them only if appropriate. This phased approach is accomplished by requiring that the consultants submit Task Scope Documents (“TSDs”) specifying the detailed breakdown of expected costs, personnel, activities, schedule and deliverables for the upcoming project phase. In addition, ComEd and Northern Illinois Gas Company d/b/a Nicor Gas Company (“Nicor Gas”) share responsibility for environmental activities at certain sites, which reduces costs by avoiding duplication of efforts concerning site management, the hiring of consultants and contractors, and site remediation. (See ComEd Ex. 2.0 at 5-6.)

Once the remediation is underway, ComEd uses weekly project reports and on-site review meetings to track and monitor remedial activities. ComEd also requires monthly project status reports (“dashboards”) from consultants for each project. The dashboard reports provide an up-to-date status of the critical project components, including schedule, milestones, safety and budget (i.e., information set forth in the TSDs). In addition, ComEd holds periodic program meetings and conference calls with project consultants to allow for program uniformity and sharing of lessons learned. Key performance indicators are reported to senior management on a monthly basis.

Finally, ComEd’s Project Managers review the invoices submitted by the consultants and contractors to ensure the invoices reflect only those charges relating to work that has been authorized. To assist ComEd’s review of expenditures, ComEd requires that invoices include detailed backup documentation, including subcontractor invoices. ComEd also has been able to save costs by buying certain equipment used in site field activities and making such equipment available to its contractors, thus eliminating expensive equipment rental charges.

- 4) ***Based on Facts and Knowledge the Company Knew or Reasonably Should Have Known at the Time the Expenditures Were Made:*** Expenditures incurred by ComEd were based on decisions that considered all knowledge available at the time. Beginning in the late 1980’s and early 1990’s, ComEd conducted a process of identifying MGP sites for which it may be a potentially responsible party (“PRP”) under state or federal regulatory requirements. In particular, ComEd reviewed historical documents from predecessor companies, including Western United, Public Service Company of Northern Illinois and Illinois Northern Utilities, as well as materials available in libraries and historical societies. In addition to this information, ComEd considers the current and future property use and feedback from proactive communication with stakeholders such as property owners, local communities and the Illinois EPA. ComEd believes that it is critical to engage in proactive community outreach efforts, and engages local officials and community representatives throughout the remediation process.



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**Cleanup Goals and Activities**

**REQUEST NO. JMO 2.02:**

This request pertains to the level of environmental cleanup required at each MGP site.

- a. For each MGP site, describe the level of environmental cleanup required.
- b. List the steps that must be taken to obtain the level of environmental cleanup required.
- c. Explain and evaluate any alternative levels of environmental cleanup that may be applicable for each site.

**RESPONSE:**

*Person responsible for response: Peter McCauley*

ComEd objects to this request as overbroad, vague and ambiguous. To the extent that this request is interpreted to require additional information, ComEd objects on the grounds that it is unreasonable and unduly burdensome. Without waiving these objections, ComEd states as follows.

- a. To date, cleanup levels have been developed for all or part of 31 manufactured gas plant ("MGP") sites. The cleanup process following the activation of a site generally parallels the steps set forth by the Illinois EPA Site Remediation Program ("SRP"). Following the characterization of site conditions through a site investigation and submission of a *Site Investigation Report* to the Illinois EPA, site closure objectives are established through an evaluation that is based on the Illinois EPA's Tiered Approach to Corrective Action Objectives ("TACO"), as well as through consultation with the Illinois EPA, property owners and the community. One of the key considerations in establishing cleanup objectives is the current and expected future use of the property. The objectives are then presented to the Illinois EPA in a report entitled *Remedial Objectives Report*. The next step involves the development of a remediation plan that will meet the cleanup objectives, which is submitted to the Illinois EPA as the *Remedial Action Plan*. Once the Illinois EPA approves this *Plan*, ComEd then proceeds with selecting a contractor through a competitive bidding process, and the remediation work commences. (*See also* Direct Testimony of Peter McCauley, ComEd Ex. 2.0 at 6-8.) A description of the MGP sites and the work performed during 2013 is set forth in the Direct Testimony of Peter McCauley. (*See* ComEd Ex. 2.0 at 8-11; *see also* ComEd Ex. 2.1.) Work on the remaining MGP sites has not progressed to the point where cleanup objectives have been developed.

b. At a minimum, the steps generally required to develop cleanup objectives include:

- 1) Obtaining access and completing a characterization of site conditions.
- 2) Determining current and expected future uses of the property, which may include obtaining input from third-party property owners and the local community.
- 3) Evaluating technical considerations and limitations specific to performing a cleanup of the property.
- 4) Drafting applicable cleanup objectives through TACO guidelines, and submitting them to the Illinois EPA for review and approval.

Because each MGP site is unique, the cleanup steps necessary, if any, are site-specific, and can only be determined after establishing the cleanup levels through TACO.

Each MGP site is individually evaluated during the process of developing cleanup objectives. The evaluation includes a determination as to whether “residential” or “commercial/industrial” remediation standards are appropriate depending on the current and expected future use of the property. Generally, residential sites require more stringent remediation than commercial / industrial sites. Additionally, the evaluation considers whether engineered barriers and/or institutional controls should be used. Examples of ComEd MGP sites subject to residential standards include the Ottawa School and Pontiac sites; examples of sites using commercial / industrial objectives include Kenilworth and DuQuoin. In some cases, a site may involve multiple property owners, which can result in the application of both residential and commercial/industrial standards. The Joliet Bluff Street site is such an example.

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Cleanup Goals and Activities

**REQUEST NO. JMO 2.03:**

Has the Company ever received a site remediation letter from the Illinois Environmental Protection Agency indicating that no further remediation is required at a specific MGP site? If yes, provide a copy of each site remediation letter received.

**RESPONSE:**

*Person responsible for response: Peter McCauley*

Yes. "No Further Remediation Letters" ("NFR Letters") were provided in ComEd's Responses to Staff Data Request SDR 003 in ICC Docket Nos. 08-0155 and 09-0111, to Staff Data Request SDR 1.03 in ICC Docket Nos. 10-0133 and 11-0116, and to Staff Data Request JMO 2.03 in ICC Docket No. 12-0063. ComEd received seven (7) additional NFR Letters and one (1) Section 4(y) of the Environmental Protection Act Letter during 2013, which are attached hereto and labeled as JMO 2.03\_Attach 1.





PREPARED BY:

Name: Gail MacMillan  
Commonwealth Edison Company  
  
Address: Two Lincoln Center, 7<sup>th</sup> Floor  
Oakbrook Terrace, Illinois 60181-4260

2013K067301  
SANDY WEGMAN  
RECORDER - KANE COUNTY, IL

RECORDED: 9/16/2013 11:16 AM  
REC FEE: 38.00 RHSPS FEE: 9.00  
PAGES: 9

RETURN TO:

Name: Gail MacMillan  
Commonwealth Edison Company  
  
Address: Two Lincoln Center, 7<sup>th</sup> Floor  
Oakbrook Terrace, Illinois 60181-4260

**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 Kane County.

Illinois State EPA Number: 0894075980

Commonwealth Edison Company, the Remediation Applicant, whose address is Two Lincoln Center, 7<sup>th</sup> Floor, Oakbrook Terrace, Illinois 60181-4260 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. REMEDIATION SITE B LEGAL DESCRIPTION:

PART OF LOT 1 IN RIVEREDGE PARK PLAT OF RESUBDIVISION BEING A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AS PLATTED AND RECORDED AS DOCUMENT NUMBER 2010K034343, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE ALONG THE EASTERLY LINE OF SAID LOT 1 FOR THE FOLLOWING THREE (3) COURSES; 1) THENCE SOUTH 12 DEGREES 22 MINUTES 01 SECOND WEST, A DISTANCE OF 868.95 FEET; 2) THENCE SOUTH 13 DEGREES 50 MINUTES 04 SECONDS WEST, A DISTANCE OF 158.46 FEET; 3) THENCE NORTH 78 DEGREES 39 MINUTES 53 SECONDS WEST, A DISTANCE OF 105.41 FEET TO THE POINT OF BEGINNING: THENCE CONTINUING ALONG THE EAST LINE OF SAID LOT 1 FOR THE FOLLOWING TWO (2) COURSES; 1) THENCE SOUTH 02 DEGREE 58 MINUTES 00 SECONDS WEST, A DISTANCE OF 65.23 FEET; 2) THENCE SOUTH 14 DEGREES 40 MINUTES 11 SECONDS WEST, A DISTANCE OF 71.05 FEET; THENCE NORTH 78 DEGREES 45 MINUTES 39 SECONDS WEST,

9



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 524-3300

August 8, 2013

CERTIFIED MAIL

7011 1150 0001 0863 6251

Gail MacMillan  
Commonwealth Edison Company  
Two Lincoln Center, 7<sup>th</sup> Floor  
Oakbrook Terrace, Illinois 60181-4260

Re: 0894075980/Kane County  
Aurora/Excelsior Gas Company (Aurora Excelsior MGP Site B)  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Ms. MacMillan:

The June 6, 2013 *Remedial Action Completion Report* (received June 7, 2013; Log No. 13-54009), as prepared by ARCADIS 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 that the remedial action was completed in accordance with the April 2012 *Remediation Objectives Report/Remedial Action Plan* (received April 5, 2012; Log No. 12-50432) in addition to the May 1, 2012 *Remediation Objectives Report/Remedial Action Plan Addendum* (received May 3, 2012; Log No. 12-50672) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.42 acre, is located at 330 North Broadway, Aurora, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received October 28, 2008; Log No. 08-39420), is Commonwealth Edison Company.

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

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
5407 N. University St., Arbar 113, Peoria, IL 61614 (309)693-5462  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312)814-6026  
**2014CECR 000088**

## **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**

- 3) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

#### **Institutional Controls:**

- 4) 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**

- 5) 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.
- 6) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attn: Freedom of Information Act Officer  
Division of Records Management #16  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

- 7) 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.
- 8) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Commonwealth Edison Company;
  - 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;

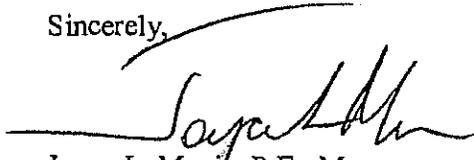
- f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
  - g) Any successor-in-interest of the owner of the Remediation Site;
  - h) Any transferee of the owner of the Remediation Site whether the transfer 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.
- 9) 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 Kane 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 Kane County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Excelsior Gas Company (Aurora Excelsior MGP Site B) property.
- 10) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Kane County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Mr. Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

- 11) 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 Excelsior Gas Company (Aurora Excelsior MGP Site B) property, you may contact the Illinois EPA project manager, Jeffrey J. Guy at (217) 558-6601.

Sincerely,



Joyce L. Munje, P.E., Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land

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

*pd*

cc: Jing Shen Gabriel  
ARCADIS  
10 South Riverside Plaza, Suite 1900  
Chicago, Illinois 60606

Stephanie A. Phifer AICP, Director  
City of Aurora Planning and Zoning Division  
1 South Broadway  
Aurora, Illinois 60507

Mr. Robert O'Hara  
Stan Black  
Bureau of Land File

Bureau of Land File

A DISTANCE OF 139.02 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE ALONG SAID WESTERLY LINE NORTH 02 DEGREES 37 MINUTES 54 SECONDS EAST, A DISTANCE OF 137.27 FEET; THENCE SOUTH 78 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 154.43 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

EXCEPTING THAT PART OF LAND LYING EAST OF THE FOLLOWING DESCRIBED LINE, SAID LINE BEING APPROXIMATELY 10 FEET WESTERLY OF THE CENTERLINE OF AN EXISTING SANITARY SEWER LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE ALONG THE EASTERLY LINE OF SAID LOT 1 FOR THE FOLLOWING THREE (3) COURSES; 1) THENCE SOUTH 12 DEGREES 22 MINUTES 01 SECOND WEST, A DISTANCE OF 868.95 FEET; 2) THENCE SOUTH 13 DEGREES 50 MINUTES 04 SECONDS WEST, A DISTANCE OF 158.46 FEET; 3) THENCE NORTH 78 DEGREES 39 MINUTES 53 SECONDS WEST, A DISTANCE OF 122.08 FEET TO A POINT ON A LINE THAT IS APPROXIMATELY 10 FEET WESTERLY OF THE CENTERLINE OF AN EXISTING SANITARY SEWER LINE, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID LINE FOR THE FOLLOWING THREE (3) COURSES: 1) THENCE SOUTH 04 DEGREES 56 MINUTES 08 SECONDS WEST, A DISTANCE OF 106.61 FEET; 2) THENCE SOUTH 01 DEGREES 42 MINUTES 47 SECONDS WEST, A DISTANCE OF 17.26 FEET; 3) THENCE SOUTH 00 DEGREES 32 MINUTES 37 SECONDS EAST, A DISTANCE OF 12.78 FEET TO THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL, SAID POINT BEING THE POINT OF TERMINUS.

2. Common Address: 330 North Broadway, Aurora, Illinois
3. Real Estate Tax Index/Parcel Index Number: 15-22-201-056
4. Remediation Site Owner: City of Aurora
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 OWNER CERTIFICATION OF THE NFR LETTER  
UNDER THE SITE REMEDIATION PROGRAM**

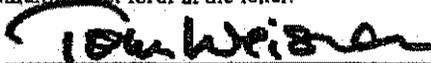
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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.

<b>Property Owner Information</b>			
Owner's Name: <u>THOMAS WEISNER</u>			
Title: <u>MAYOR</u>			
Company: <u>CITY OF AURORA</u>			
Street Address: <u>44 E DOWNER PL</u>			
City: <u>AURORA</u>	State: <u>IL</u>	Zip Code: <u>60507</u>	Phone: <u>630-250-3080</u>
<b>Site Information</b>			
Site Name: <u>Aurora/Excelsior Gas Company (Aurora Excelsior MGP Site B)</u>			
Site Address: <u>330 North Broadway</u>			
City: <u>Aurora</u>	State: <u>IL</u>	Zip Code: <u>60505</u>	County: <u>Kane</u>
Illinois inventory identification number: <u>0894075980</u>			
Real Estate Tax Index/Parcel Index No. <u>15-22-201-056</u>			
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.			
Owner's Signature: <u></u>			Date: <u>8/29/2013</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>29<sup>th</sup></u> day of <u>August</u> , 2013			
<u></u>			
Notary Public			

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



\* 2 0 1 3 R 0 3 2 5 1 \*

2013R03251

MARY S. STEURER  
BOONE COUNTY CLERK & RECORDER

RECORDED ON

04/23/2013 10:18:01AM

Number Of Pages: 11

REC FEE: 43.00

RHSP FEE: 9.00

PREPARED BY:

Name: Ms. Somali Tomczak  
Nicor Gas  
  
Address: 1844 Ferry Road  
Naperville, Illinois 60563-9600

RETURN TO:

Name: Ms. Somali Tomczak  
Nicor Gas  
  
Address: 1844 Ferry Road  
Naperville, Illinois 60563-9600

**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 Boone County.

Illinois State EPA Number: 0070050029

Nicor Gas, the Remediation Applicant, whose address is 1844 Ferry Road, Naperville, Illinois 60563-9600, 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 (State of Illinois)

Parts of Lots 1, 2 and 3 of the Assessor's Survey of the Northwest Quarter of Section 35, Township 44 North, Range 3, East of the Third Principal Meridian described as follows: Commencing at the intersection of the east line of the Northwest Quarter of said Section 35 with the north line of West Locust Street; thence South 76°35'00" West 185.51 feet along the north line of said West Locust Street to the east line of property, now or formerly, owned by Anselma H. Castro pursuant to instrument recorded as Document #95-2847 in the Boone County Public Registry; thence North 10°54'22" West 63.57 feet along the east line of said Castro property; thence North 11°05'48" West 65.76 feet along the east line of said Castro property to the POINT OF BEGINNING; thence North 88°47'12" East 146.58 feet; thence North 1°12'48" West 139.8 feet to the southerly waters edge of the Kishwaukee River; thence westerly along said southerly waters edge to the west line of property depicted in a Plat of Survey dated July 31, 1953 by Folkey E. Peterson, Illinois Land Surveyor No. 830; thence South 13°19'48" East 115.2 feet along the west line of said property depicted in Peterson Plat of Survey; thence South 31°25'48" East 63.00 feet along the west line of said property depicted in Peterson Plat of Survey to the northeast corner of earlier said Castro property; thence South 11°05'48" East 30.45

feet along the east line of said Castro property to the POINT OF BEGINNING; situated in City of Belvidere, County of Boone, State of Illinois.

**Parcel #2 (Belvidere Park District)**

Parts of Lots 1, 2 and 3 of the Assessor's Survey of the Northwest Quarter of Section 35, Township 44 North, Range 3, East of the Third Principal Meridian described as follows: BEGINNING at the intersection of the east line of the Northwest Quarter of said Section 35 with the north line of West Locust Street; thence South  $76^{\circ}35'00''$  West 185.51 feet along the north line of said West Locust Street to the east line of property, now or formerly, owned by Anselma H. Castro pursuant to instrument recorded as Document #95-2847 in the Boone County Public Registry; thence North  $10^{\circ}54'22''$  West 63.57 feet along the east line of said Castro property; thence North  $11^{\circ}05'48''$  West 65.76 feet along the east line of said Castro property; thence North  $88^{\circ}47'12''$  East 146.58 feet; thence North  $1^{\circ}12'48''$  West 139.8 feet to the southerly waters edge of the Kishwaukee River; thence easterly along said southerly waters edge to the east line of the Northwest Quarter of said Section 35; thence South  $0^{\circ}08'32''$  East 219.3 feet along the east line of said Northwest Quarter to the POINT OF BEGINNING; situated in City of Belvidere, County of Boone, State of Illinois.

**Parcel #3 (Belvidere Park District)**

Parts of Lots 1, 2 and 3 of the Assessor's Survey of the Northwest Quarter of Section 35, Township 44 North, Range 3, East of the Third Principal Meridian described as follows: Commencing at the intersection of the east line of the Northwest Quarter of said Section 35 with the north line of West Locust Street; thence South  $76^{\circ}35'00''$  West 185.51 feet along the north line of said West Locust Street to the east line of property, now or formerly, owned by Anselma H. Castro pursuant to instrument recorded as Document #95-2847 in the Boone County Public Registry; thence North  $10^{\circ}54'22''$  West 63.57 feet along the east line of said Castro property; thence North  $11^{\circ}05'48''$  West 96.21 feet along the east line of said Castro property to the northeast corner thereof, the POINT OF BEGINNING; thence South  $80^{\circ}45'33''$  West 116.61 feet along the northerly line of Lot 3 in said Assessor's Survey; thence North  $53^{\circ}32'00''$  West 42.12 feet along the northerly line of said Lot 3 to an existing iron pipe located at the northeast corner of property, now or formerly, owned by David D. & Kim M. Koelling pursuant to instrument recorded as document #93-9456 in the Boone County public registry; thence North  $0^{\circ}08'32''$  West 217.3 feet parallel with the east line of the Northwest Quarter of said Section 35 to the southerly waters edge of the Kishwaukee River; thence southeasterly along said southerly waters edge to the west line of property depicted in a Plat of Survey dated July 31, 1953 by Folkey E. Peterson, Illinois Land Surveyor No. 830; thence South  $13^{\circ}19'48''$  East 115.2 feet along the west line of said property depicted in Peterson Plat of Survey; thence South  $31^{\circ}25'48''$  East 63.00 feet along the west line of said property depicted in Peterson Plat of Survey to the POINT OF BEGINNING; situated in City of Belvidere, County of Boone, State of Illinois.

2. Common Address: 826 Locust Street, Belvidere, Illinois 61008
3. Real Estate Tax Index/Parcel Index Number: 05-35-101-014
4. Remediation Site Owner: Belvidere Park District and Illinois Department of Natural Resources

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)**



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397  
PAT QUINN, GOVERNOR JOHN J. KIM, DIRECTOR

(217) 524-3300

March 19, 2013

CERTIFIED MAIL

7012 0470 0001 2998 1043

Ms. Somali Tomczak  
Nicor Gas  
1844 Ferry Road  
Naperville, Illinois 60563-9600

Re: 0070050029/Boone County  
Belvidere/Northern Illinois Gas – Belvidere Park  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Ms. Tomczak:

The December 2012 *Remedial Action Completion Report* (received January 16, 2013/13-52799), as prepared by Black & Veatch for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates that the remedial action was completed in accordance with the February 2011 *Remedial Action Plan* (received April 8, 2011/11-47408) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 2.4 acres, is located at 826 Locust Street, Belvidere, 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 (May 18, 2009 /09-41433), is Nicor Gas.

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 St., Rockford, IL 61103 (815)987-7760  
595 S. State, Elgin, IL 60123 (847)808-3131  
2125 S. First St., Champaign, IL 61820 (217)278-5800  
2009 Main St., Carlinville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
5407 N. University St., Arbor Vitae, Peoria, IL 61614 (309)693-5462  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312)814-6026

PLEASE PRINT ON RECYCLED PAPER

2014CECR 0000099

## 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

- 3) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

#### Institutional Controls:

- 4) 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

- 5) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 6) 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.
- 7) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attn: Freedom of Information Act Officer  
Division of Records Management #16  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

- 8) 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.
- 9) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Nicor Gas;
  - 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.
- 10) 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 Boone 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 Boone accordance with Illinois law so that it forms a permanent part of the chain of title for the Northern Illinois Gas – Belvidere Park property.
- 11) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Boone County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:
- Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276
- 12) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding the Northern Illinois Gas – Belvidere Park property, you may contact the Illinois EPA project manager, Jennifer M. Seal at 217/785-9399.

Sincerely,



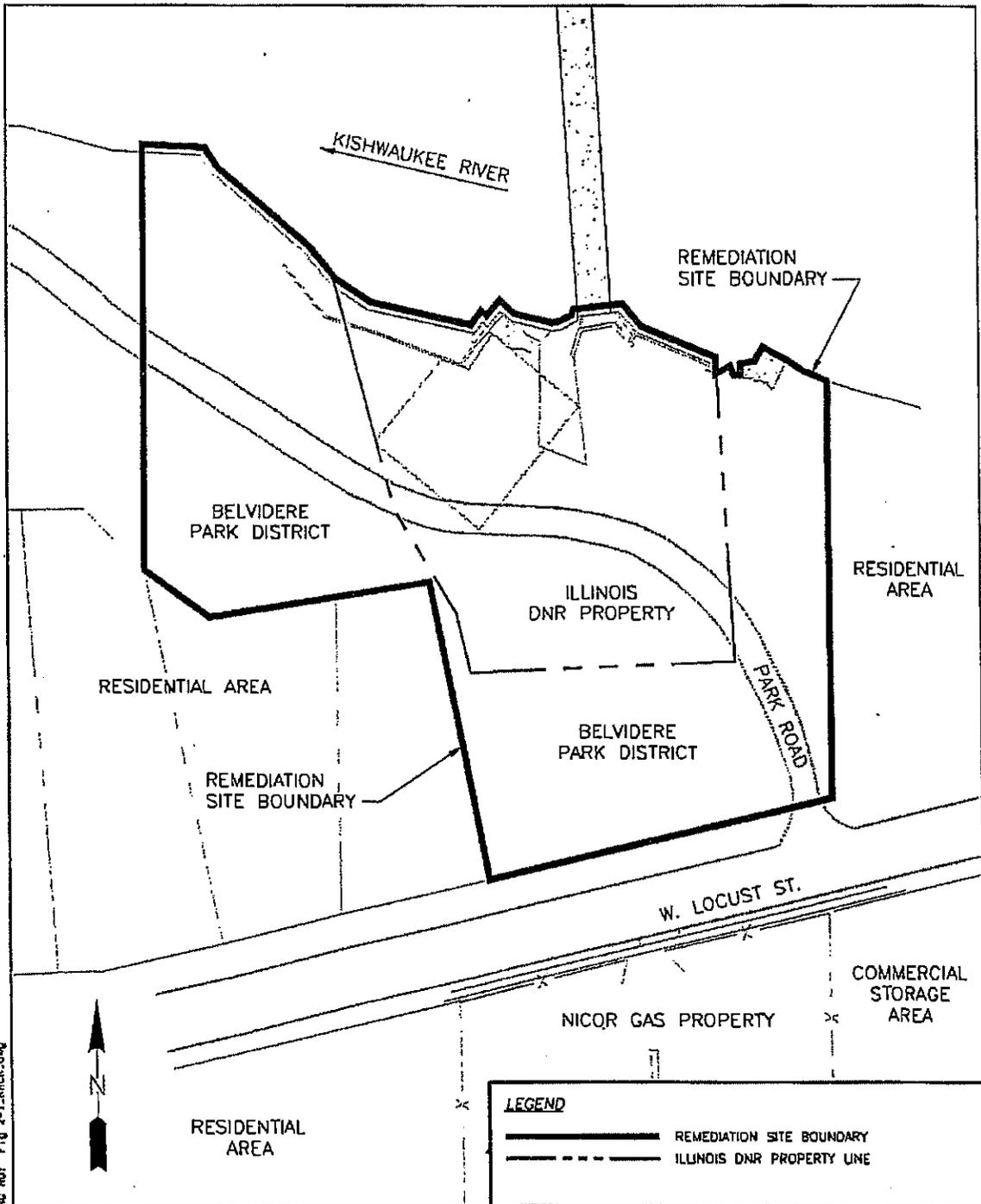
Joyce L. Murie, P.E., Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land

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

cc: Daniel Roddewig,  
Executive Director  
Belvidere Park District  
1006 West Lincoln Avenue  
Belvidere, Illinois 61008-0463

Arlan R. Juhl, P.E.  
Director of the Office of Water Resources  
Illinois Department of Natural Resources  
One Natural Resource Way  
Springfield, Illinois 62702-1271

Bureau of Land File  
Robert O'Hara  
Stan Black



145871.0710  
 AICAD 20108  
 ORIGINAL DWG SIZE 8.5 x 11  
 CAD DWG NO: FIG 2-1.RICR.dwg  
 GENSULT  
 OUTLINE  
 01/31/11

SOURCE: BELVIDERE MGP SITE SURVEYED BY  
 HERITAGE SURVEYING, LTD 1995

**LEGEND**  
 ————— REMEDIATION SITE BOUNDARY  
 - - - - - ILLINOIS DNR PROPERTY LINE

SITE BASE MAP  
 LPC# 0070050029-BOONE COUNTY  
 BELVIDERE, IL/NORTHERN ILLINOIS GAS  
 SITE REMEDIATION PROGRAM

01/31/2011

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

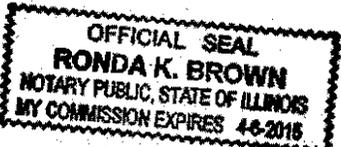
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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.

<b>Property Owner Information</b>	
Owner's Name: <u>Arjan R. Juhl, P.E.</u>	
Title: <u>Director of the Office of Water Resources</u>	
Company: <u>Illinois Department of Natural Resources</u>	
Street Address: <u>One Natural Resource Way</u>	
City: <u>Springfield</u>	State: <u>Illinois</u> Zip Code: <u>62702-1271</u> Phone: <u>217-785-3334</u>
<b>Site Information</b>	
Site Name: <u>Belvidere/Northern Illinois Gas - Belvidere Park</u>	
Site Address: <u>826 Locust Street</u>	
City: <u>Belvidere</u>	State: <u>Illinois</u> Zip Code: <u>61008</u> County: <u>Boone</u>
Illinois inventory identification number: <u>0070050029</u>	
Real Estate Tax Index/Parcel Index No. <u>05-35-101-014</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u><i>Arjan R. Juhl</i></u>	Date: <u>4-12-13</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>12th</u> day of <u>April</u> , 20 <u>13</u>	
<u><i>Ronda K. Brown</i></u> Notary Public	

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

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

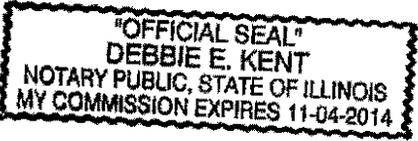
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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.

<b>Property Owner Information</b>	
Owner's Name: <u>Daniel Roddewig</u>	
Title: <u>Executive Director</u>	
Company: <u>Belvidere Park District</u>	
Street Address: <u>1006 West Lincoln Avenue</u>	
City: <u>Belvidere</u>	State: <u>Illinois</u> Zip Code: <u>61008-0463</u> Phone: <u>815-547-5711x12</u>
<b>Site Information</b>	
Site Name: <u>Belvidere/Northern Illinois Gas - Belvidere Park</u>	
Site Address: <u>826 Locust Street</u>	
City: <u>Belvidere</u>	State: <u>Illinois</u> Zip Code: <u>61008</u> County: <u>Boone</u>
Illinois inventory identification number: <u>0070050029</u>	
Real Estate Tax Index/Parcel Index No. <u>05-35-101-014</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u><i>Daniel Roddewig</i></u>	Date: <u>4-16-13</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>16<sup>th</sup></u> day of <u>April</u> , 2013	
<u><i>Debbie E. Kent</i></u> Notary Public	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/38 - 58.13 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.

PREPARED BY:



Name: Mr. Peter McCauley  
Commonwealth Edison Company

Address: 25000 Governors Highway  
University Park, Illinois 60466

Doc#: 1313048026 Fee: \$74.00  
RHSP Fee: \$10.00 Allidavit Fee:  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 05/10/2013 02:36 PM Pg: 1 of 19

RETURN TO:

Name: Mr. Peter McCauley  
Commonwealth Edison Company

Address: 25000 Governors Highway  
University Park, Illinois 60466

**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: 0310245097

Commonwealth Edison Company, the Remediation Applicant, whose address is 25000 Governors Highway, University Park, Illinois 60466 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 Block 13 in Robinson's addition to Blue Island in the east 1/2 of the Southeast 1/4 of Section 36, Township 37 North, Range 13 East of the Third Principal Meridian and that part of Lot 4 in Robinson's subdivision of the west 1/2 of the Southeast 1/4 of said Section 36, and also that part of Sublots 1 and 2 or Sublot 1 of Lot 3 in the subdivision of Lots 2 and 3 in said Robinson's subdivision, all taken as a tract lying:*

*(A) Northerly and westerly of the following described line: beginning at the northwest corner of Lot 8 in Dornhecker's subdivision of Block 12 of Robinson's addition to Blue Island, aforesaid; thence south along the west line of said Lot 8 for 40.0 feet; thence southwesterly along a line forming an angle of 136 degrees 16 minutes with the west line of Lot 8 as turned counterclockwise from north to southwest for a distance of 176.48 feet; thence extending west across the aforementioned lots in the aforesaid subdivision, along a straight line forming an angle of 133 degrees 38 minutes 46 seconds with the last described line as turned counterclockwise from northeast to west, for a distance of 672.13 feet to a point on the easterly right of way line of the Baltimore and Ohio Chicago terminal railroad;*

And

2014CECR 0000107

*(B) Easterly of a line running from a point in the north line of said Southeast ¼ of Section 36, a distance of 703.23 feet east of the northwest corner of said quarter section, to a point in the south line of said quarter section 1148.68 feet east of the southwest corner thereof;*

*Except therefrom that part, if any, lying northerly of the center line of Stony Creek, in Cook County, Illinois.*

2. Common Address: 2599 James Street, Blue Island, Illinois
3. Real Estate Tax Index/Parcel Index Number: 24-36-400-032, 24-36-40-034, and 24-36-400-036
4. Remediation Site Owner: Commonwealth Edison
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)**



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 524-3300

April 16, 2013

CERTIFIED MAIL

7012 0470 0001 2998 2149

Peter McCauley  
Commonwealth Edison Company  
25,000 Governors Highway  
University Park, Illinois 60466

Re: 0310245097/Cook County  
Blue Island/ Northwestern Gas, Light & Coke  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. McCauley:

The June 19, 2012 Remedial Action Completion Report (received June 20, 2012/12-51035) and the Response to Illinois EPA comments on the RACR (received March 18, 2013/13-53317), as prepared by Stantec Consulting Corporation for Commonwealth Edison, have been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances including the proposed levels pending before the Illinois Pollution Control Board, Docket No. R11-009, proposed by the Illinois Environmental Protection Agency in its filing dated November 5, 2010, including any applicable errata changes made after the initial filing date, with the Illinois Pollution Control Board in PCB Proceeding No. R11-009.

The Remediation Site, consisting of six (6) acres, is located at 2599 James Street, Blue Island, 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 (March 20, 2000/00-1059), is Commonwealth Edison Company.

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.

### 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

- 3) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

#### Institutional Controls:

- 4) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floors and walls with no sumps.
- 5) Ordinance 2000-295 adopted by the City of Blue Island on February 8, 2000 effectively prohibits the installation and use of potable water supply wells in the City of Blue Island. 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 Blue Island 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 2000-295;
  - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
  - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
  - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
  - vi) A statement as to where more information may be obtained regarding the ordinance.
- c) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to:

Mr. Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

- d) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced ordinance to allow potable uses of groundwater;
  - ii) 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 Blue Island and affected property owner(s) of the intent to use Ordinance 2000-295 as an institutional control at the Remediation Site; and
  - iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 6) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the Site Base Map, are not subject to any other institutional or engineered barrier controls.

- 7) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph five (5) 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, IL 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;
  - 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) Commonwealth Edison, on behalf of Commonwealth Edison and Nicor Gas;
- 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.

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 Northwestern Gas, Light & Coke 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. Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

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 Northwestern Gas, Light & Coke property, you may contact the Illinois EPA project manager, Jennifer M. Seul at 217/785-9399.

Sincerely,

  
Joyce L. Munte, P.E., Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land

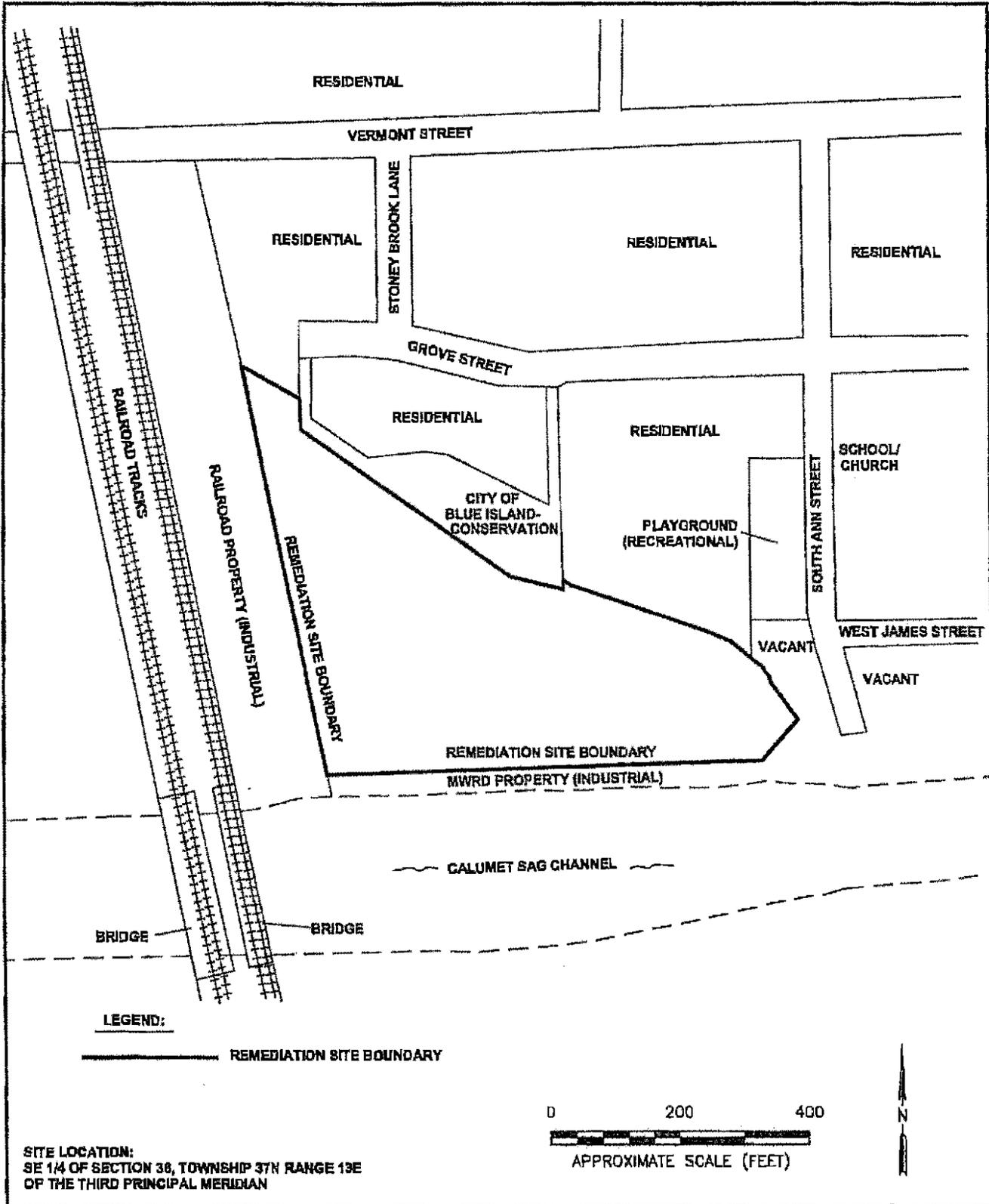
Attachments: Illinois EPA Site Remediation Program Environmental Notice  
Site Base Map  
Property Owner Certification of No Further Remediation Letter under the Site  
Remediation Program Form  
Instructions for Filing the NFR Letter

cc: Ms. Somali Tomczak  
Nicor Gas Company;  
1844 Ferry Road  
Naperville, Illinois 60563

John Griggs  
Stantec Consulting Services, Inc.  
446 Eisenhower Lane North  
Lombard, Illinois 60148

Bureau of Land File  
Mr. Robert O'Hara

Mayor, City of Blue Island  
13051 South Greenwood Avenue  
Blue Island, Illinois 60406



 <b>Stantec</b> 446 EIBENHOWER LANE NORTH LOMBARD, ILLINOIS 60148 PHONE: (630) 792-1690 FAX: (630) 792-1691	FOR: <b>COMMONWEALTH EDISON COMPANY</b> 25000 GOVERNORS HIGHWAY UNIVERSITY PARK, ILLINOIS 60488	<b>SITE BASE MAP</b> <b>0310245097 - COOK COUNTY</b> <b>BLUE ISLAND/</b> <b>NORTHWESTERN GAS LIGHT AND COKE</b> <b>SITE REMEDIATION PROGRAM</b>		FIGURE:
	JOB NUMBER: 182612115	DRAWN BY: KM	CHECKED BY: JPP	APPROVED BY: JG

STATE OF ILLINOIS        )  
                                  ) SS  
COUNTY OF COOK         )

**CERTIFICATION**

I, PAM FRASOR, DO HEREBY CERTIFY THAT I am the duly elected City Clerk of the City of Blue Island, Illinois, and as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of said City and have in my custody the ORDINANCES and BOOKS of the records of said City.

I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **ORDINANCE: AN ORDINANCE PROHIBITING THE INSTALLATION OF WELLS WITHIN THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS AND APPLIES TO THE ENTIRE CORPORATE LIMITS.**

**ORDINANCE NO. 2000-295** which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **8th day of February, 2000**; that at said meeting **11 Aldermen** were present; that at said meeting, on motion duly made and seconded that the Ordinance did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Ordinance was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of the proceedings of said City Council; that it appears from such record that **11 Aldermen and Mayor** voted Aye and **0 Aldermen** voted Nay and **3 Aldermen** Absent.

I DO FURTHER CERTIFY that the original Ordinance 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 **28th day of March, 2013.**

CORPORATE SEAL

  
\_\_\_\_\_  
CITY CLERK

**ORDINANCE NO. 2000-295**

**AN ORDINANCE PROHIBITING THE INSTALLATION  
OR DRILLING OF WELLS WITHIN THE  
CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS**

**WHEREAS**, the City of Blue Island adopted Ordinance 1783 on May 13, 1957; and

**WHEREAS**, this Ordinance 1783 prohibits the use of ground water or well supply ground water for use as potable water; and

**WHEREAS**, well water in the City of Blue Island has also been used over a period of time for commercial and industrial purposes; and

**WHEREAS**, the City of Blue Island now desires to further limit the threat to human health from ground water contamination to the city waterworks system because of the installation of wells to supply ground water for commercial, industrial, agricultural, residential and other purposes; and

**WHEREAS**, the attempt to install or drill wells to supply ground water for commercial, industrial, agricultural, residential and other purposes within the corporate limits of the City of Blue Island may have a deleterious effect on the city water supply due to the potential for back siphonage into the city waterworks system and contamination of the city water supply; and

**WHEREAS**, the potential risk of back siphonage and contamination of the city waterworks system and the ramifications of this to the public health, safety and welfare far outweighs the benefit of allowing the use of wells to supply ground water for commercial, industrial, agricultural, residential and other purposes.