

PREPARED BY:

Name: Somali Tomczak
Nicor Gas

Address: 1844 Ferry Road
Naperville, Illinois 60563

STATE OF ILLINOIS
COUNTY OF Stephenson
DOC NUMBER 201300134587
Filed for record
7/23/2013 13:13:41
Doc. Type: EPAD
Book Page 1
Fee Paid \$52.00
Vici Otte
County Clerk and Recorder
State imposed RHPF surcharge \$0.00

RETURN TO:

Name: Somali Tomczak
Nicor Gas

Address: 1844 Ferry Road

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 Stephenson County.

Illinois State EPA Number: 1770205095

Nicor Gas, the Remediation Applicant, whose address is 1844 Ferry Road, Naperville, Illinois 60563 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: Lots 6,7,8,9 and 10, of Block 20 of Carter's resurvey of Original Town of Freeport, Illinois. All being part of the East half of the Northeast Quarter of Section 31, Township 27 North, Range 8 East of the Fourth Principal Meridian, in Stephenson County, Illinois.
2. Common Address: 216 South Liberty Street, Freeport, Illinois
3. Real Estate Tax Index/Parcel Index Number: 14-31-278-001
4. Remediation Site Owner: Nicor Gas
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

June 11, 2013

CERTIFIED MAIL

7012 0470 0001 2999 4302

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

Re: 1770205095/Stephenson County
Freeport/Northern Illinois Gas-Gas Holder Parcel
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Ms. Tomczak:

The *Remedial Action Completion Report* (received February 19, 2013/13-53078) and the *Response to Illinois EPA Comments* (received May 23, 2013-13-53905), as prepared by Black & Veatch for the above referenced Remediation Site, have been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). These Reports demonstrate the approved remediation objectives for the Site in accordance with 35 IAC Part 742 are equal to or are above the concentrations of regulated substances and that the remedial action was completed in accordance with the *Remedial Action Plan* (received August 19, 2009/09-42278) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.83 acres, is located at 216 South Liberty Street, Freeport, 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 (December 9, 1997), 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)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., Arbor 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 0000161

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.

Preventive Controls:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below the engineered barrier must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

Engineering Controls:

- 5) The asphalt barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.
- 6) The building, as shown on the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional Controls:

- 7) Ordinance 2004-12, adopted by the City of Freeport on March 16, 2004, effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:

- a) The Remediation Applicant shall provide written notification to the City of Freeport 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 2004-12;
 - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
 - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
 - vi) A statement as to where more information may be obtained regarding the ordinance.
- b) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to.

Mr. 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

- c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced ordinance to allow potable uses of groundwater;
 - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
 - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the City of Freeport and affected property owner(s) of the intent to use Ordinance 2004-12, as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 8) 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.
- 9) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 7 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 10) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 11) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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

- 12) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the 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.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Nicor Gas (acting on behalf of Nicor Gas and Commonwealth Edison);
 - 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.

- 14) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Stephenson 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 Stephenson County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Northern Illinois Gas – Gas Holder Parcel property.
- 15) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Stephenson 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

- 16) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding the Northern Illinois Gas – Gas Holder Parcel property, you may contact the Illinois EPA project manager, Jennifer M. Seul at 217-785-9399.

Sincerely,



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

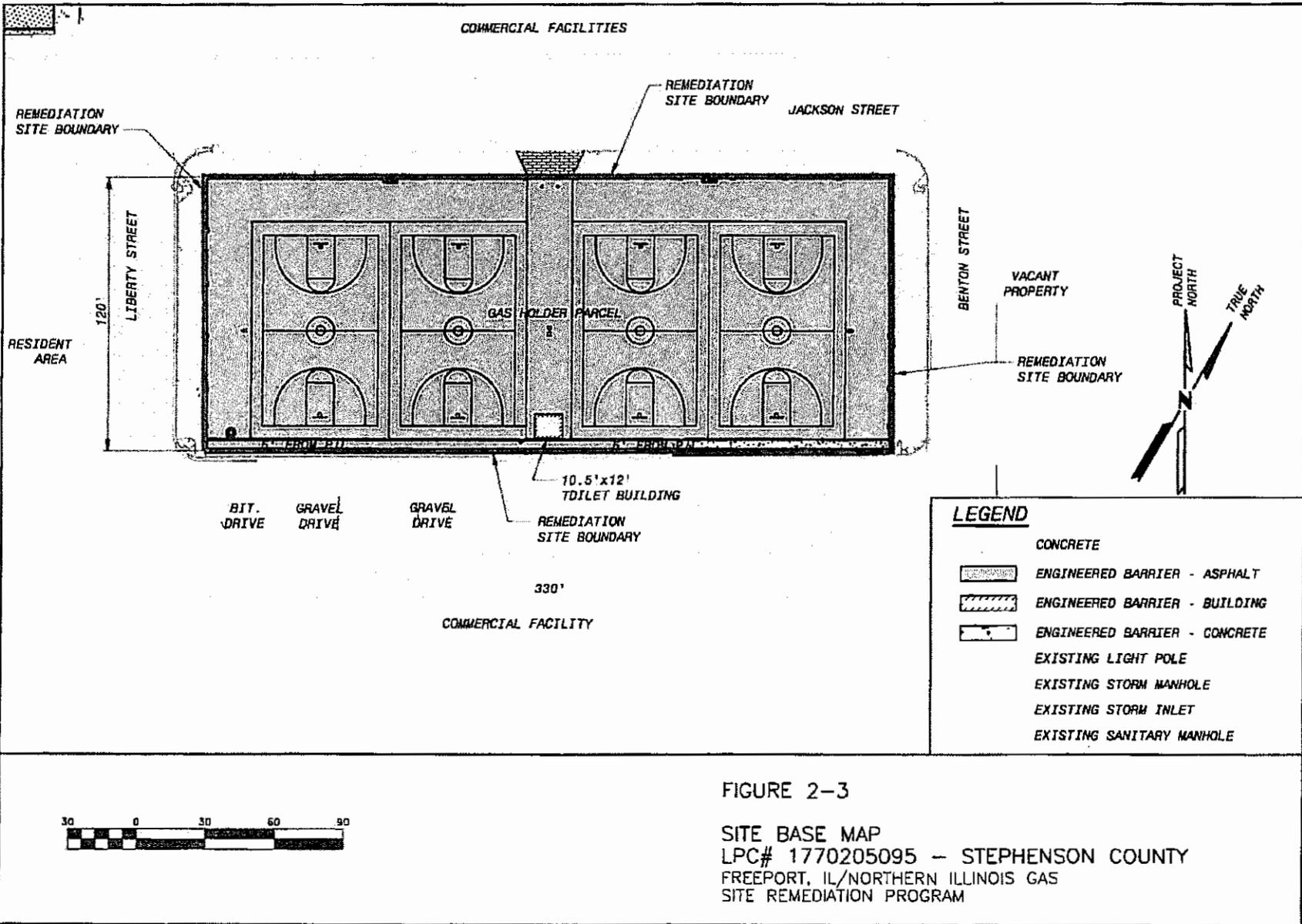
Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Nancy Huston
Nicor Gas
1844 Ferry Road
Naperville, Illinois 60563-9600

Jay Basso
Black & Veatch
101 North Wacker Drive
Suite 1100
Chicago, Illinois 60606

Mark White
Black & Veatch
101 North Wacker Drive
Suite 1100
Chicago, Illinois 60606

Bureau of Land File
Mr. Robert O'Hara

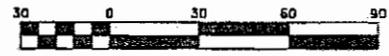


LEGEND

- CONCRETE
- ENGINEERED BARRIER - ASPHALT
- ENGINEERED BARRIER - BUILDING
- ENGINEERED BARRIER - CONCRETE
- EXISTING LIGHT POLE
- EXISTING STORM MANHOLE
- EXISTING STORM INLET
- EXISTING SANITARY MANHOLE

FIGURE 2-3
SITE BASE MAP
 LPC# 1770205095 -- STEPHENSON COUNTY
 FREEPORT, IL/NORTHERN ILLINOIS GAS
 SITE REMEDIATION PROGRAM

P2520 - A.I. Macerette, I.A. Dufft - Appr/13/13/13 - 09/15/2013
 145859.0710 ACAD 2008 ORIGINAL DWG SIZE B, 5 x 11
 CHEMICAL OUTLINE CAD DWG NO. Fig 2-3.dwg
 04/15/2013



AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

ORDINANCE NO. 2004-12

WHEREAS, certain properties in the City of Freeport, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set for the in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Freeport desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. Use of groundwater as a potable water supply prohibited. Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use as a potable water supply groundwater from certain areas within the corporate limits of the City of Freeport, specifically described in Attachment A hereto, by the installation or drilling of wells or by any other method is hereby prohibited, except at points of withdrawal by the City of Freeport.

Section 2. Any person violating the provisions of this ordinance shall be subject to a fine of up to \$ 700.00 for each violation.

Section 3. Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Section 4. Memorandum of Understanding.

The Mayor of the City of Freeport is hereby authorized and directed to enter into a Memorandum of Understanding with the Illinois Environmental

201300134567
Filed 7/23/2013 Page 11

Protection agency ("Illinois EPA") in which the City of Freeport assumes responsibility for tracking remediated sites, notifying the Illinois EPA of changes to this ordinance, and taking certain precautions when siting public potable water supply wells.

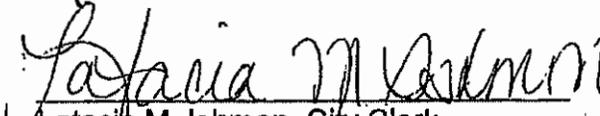
Section 5. This Ordinance shall be effective immediately upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 6. This Ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 7. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 8. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this 13th day of March, 2004.


Latacia M. Ishmon, City Clerk

YEAS: 8
NAYS: 0
ABSTAIN: 0
PRESENT: 8

APPROVED by the Mayor of the City of Freeport this 10th day of March, 2004.


James L. Gitz, Mayor

Date Published: 3-15-04
Date Effective: 3-16-04

CITY OF FREEPORT
STEPHENSON COUNTY, ILLINOIS

ORDINANCE NO. 2004-12

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A
POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE
WATER SUPPLY WELLS OR BY ANY OTHER METHOD

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF FREEPORT, ILLINOIS

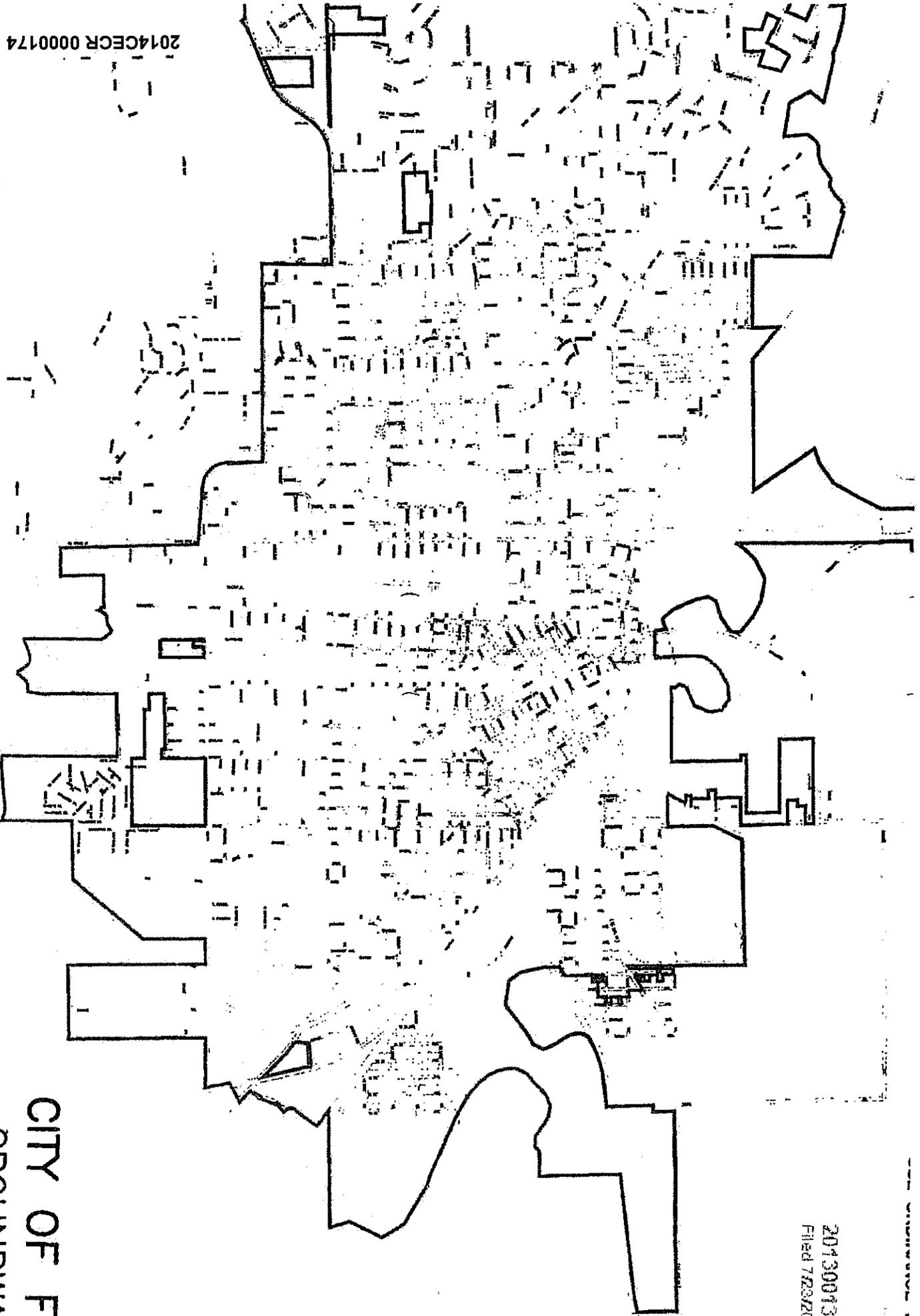
THIS 15th DAY OF March, 2004

Published in pamphlet form by authority of the
City Council of the City of Freeport,
Stephenson County, Illinois, this
15th day of March, 2004.

ATTACHMENT A

MAP

2014CECR 0000174



201300134
Filed 7/23/2011

CITY OF FF
GROUNDWAT
ORDINANC

FFUD_CDAUVA

PREPARED BY:

Name: Mr. Thomas Larson
Toyal America, Inc.

Address: 17401 South Broadway
Lockport, Illinois 60441



R2013049753

Receipt # T20130045034

Karen A. Stukel Will County Recorder 13P
DT Date 04/24/2013. Time 14:49:19
Recording Fees: \$33.75
IL Rental Hsng. Support Program: \$10.00

RETURN TO:

Name: Mr. Thomas Larson
Toyal America, Inc.

Address: 17401 South Broadway
Lockport, Illinois 60441



I certify that this is a
copy of an instrument
recorded in my office.
Karen A. Stukel
Karen A. Stukel
Will County Recorder
Date: 4-24-13
of pages: 13
Deputy: dt.

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 Will County.

Illinois State EPA Number: 1970500014

Toyal America Inc., the Remediation Applicant, whose address is 17401 South Broadway, Lockport, Illinois 60441 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 I

The North 80 feet (measured at right angles to the North line) of that part of the Northeast 1/4 of Section 33, Township 36 North, Range 10 East of the Third Principal Meridian, described as follows: beginning at a point 7.89 chains West of the Northeast corner of said Section, and running thence South (at right angles) 15.80 chains; thence West to a point in the original easterly right of way line of Chicago and Illinois Western Railroad; thence northeasterly along said original easterly right of way line to the North line of said Section, thence East along said North line of said Section to the point of beginning;

PARCEL II

That part of the Southwest 1/4 of Section 27 and the Southeast 1/4 of Section 28, Township 36 North, Range 10 East of the Third Principal Meridian, described as follows: beginning at a point 1820 feet North and 296.47 feet East of the Southwest corner of said Section 27 and running thence North 89 degrees and 52 minutes West, 296.47 feet to a point on the North and South Section line between said Sections 27 and 28, said point being 827.27 feet South of the East and

1813

2014CECR 0000175

R2013049753

West half Section line in said Sections 27 and 28; thence north 89 degrees and 54 minutes West 512.75 feet; thence southwestwardly to a point in the South line of said Section 28 which is 1005.5 feet West of the Southeast corner of said Section 28; thence East along the South line of said Section 28 to a point 200 feet West of the Southeast corner of said Section 28; thence North 15 degrees 12 minutes East, to the point of beginning:

PARCEL III

A perpetual easement, 33 feet in width, for existing roadway for the purpose of ingress and egress to the Chicago and Joliet Road, described as follows: a strip of land, 33 feet wide, situate in the Southeast 1/4 of Section 28, Township 36 North, Range 10 East of the Third Principal Meridian, which strip of land is located and described as follows: commencing on the South line of said Southeast 1/4 of Section 28, to a point thereon which is 1005.50 feet West from the Southeast corner of said Southeast 1/4, and running thence northeastwardly along a straight line, (the northeasterly terminus of said straight line being a point which is North 89 degrees 54 minutes West 512.75 feet from a point on the east line of said south East 1/4 of Section 28, which is 827.27 feet South from the Northeast corner of said Southeast 1/4) a distance of 683.19 feet to the Southeast corner of said strip of land, hereinafter described, and the point of beginning, for the description thereof; thence continuing northeastwardly along said straight line, a distance of 36.92 feet; thence southwestwardly along the arc of a circle, convex to the Northwest and having a radius of 171.80 feet, a distance of 92.66 feet to a point which is 70.96 feet, measured perpendicularly, northwesterly from the hereinbefore described straight line; thence southwestwardly along a second straight line, a distance of 116.96 feet to a point on the southeasterly right of way line of a highway known as alternate U.S. Route 66, which point is 604.11 feet, measured along said southeasterly right of way line, from the point of intersection of said southeasterly line with the South line of said Southeast 1/4 of Section 28; thence southwestwardly along said southeasterly right of way line, a distance of 57.01 feet; thence northeastwardly along a straight line being 33 feet southeasterly from and parallel with the hereinbefore described second straight line, a distance of 163.45 feet; and thence northeastwardly along the arc of a circle, convex to the Northwest, having a radius of 138.80 feet, and being 33 feet southeasterly from and concentric with the first herein described arc, a distance of 59.98 feet to the point of beginning, all in Will County, Illinois.

EXCEPTING

The north-central RCRA area, which is excluded from the site is as follows: That part of the Southwest Quarter of Section 27 and the Southeast Quarter of Section 28, Township 36 North, Range 10 East of the Third Principal Meridian, described as commencing at a point 1820 feet North and 296.47 feet East of the Southwest corner of said Section 27; thence West, on a line which intersects the West line of the Southwest Quarter of said Section 27 at a point 827.27 feet South of the Northwest corner of the Southwest Quarter of said Section 27, a distance of 275.00 feet, to the point of beginning; thence southwesterly, on a line which forms an angle of 105 degrees 30 minutes 06 seconds to the right with the last described course, 355.99 feet; thence westerly, on a line which forms an angle of 104 degrees 16 minutes 34 seconds to the left with the last described course, 182.05 feet; thence northwesterly on a line which forms an angle of 165 degrees 50 minutes 18 seconds to the left with the last described course, 90.26 feet; thence northerly, on a line which forms an angle of 90 degrees to the left with the last described course, 32.20 feet; thence north, on a line which forms an angle of 184 degrees 35 minutes 26 seconds to the left with the last described course, 289.11 feet, to a point 280 feet West of the East line of the Southeast Quarter of said Section 28; thence East, on a line which forms an angle of 100 degrees

R2013049753

49 minutes 49 seconds to the left with the last described course, 280.00 feet, to a point on the East line of said Southeast Quarter which is 827.27 feet South of the Northeast corner of said Southeast Quarter; thence East, 21.47 feet, to the point of beginning, all in Will County, Illinois, and containing 2.22 acres more or less.

2. Common Address: 17401 South Broadway, Lockport, Illinois

3. Real Estate Tax Index/Parcel Index Number: 11-04-27-300-002-0000
11-04-27-300-003-0004
11-04-28-400-004-0000
11-04-33-208-005-0000

4. Remediation Site Owner: Toyal America, Inc.

5. Land Use: Industrial/Commercial

6. Site Investigation: Focused

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

R2013049753



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 14, 2013

CERTIFIED MAIL

7012 0470 0001 2998 0817

Mr. Thomas Larson
Toyal America, Inc.
17401 South Broadway
Lockport, Illinois 60441

Re: 1970500014 /Will County
Lockport / Toyal America, Inc.
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Larson:

R2013049753

The Remedial Action Completion Report for the Toyal America Site Lockport Illinois (received June 21, 2010/Log Number 10-45121), as prepared by Weston Solutions, Inc. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates the approved remediation objectives at the Site are equal to or are above the existing level of regulated substances and that the remedial action was completed in accordance with the Remedial Action Plan (received June 12, 2007/Log Number 07-34049) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 37 acres, is located at 17401 South Broadway, Lockport, 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 May 4, 1998 is Toyal America, Inc. (on behalf of Toyal America, Inc., Commonwealth Edison Company and Nicor Gas Company and Novelis Corporation (formerly Alcan Aluminum Corporation)).

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

4302 N. Main 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 Main St., Collinsville, IL 62234 (618)346-5120

4

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 110, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312)814-6026

PLEASE PRINT ON RECYCLED PAPER

2014CECR 0000178

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

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

Preventive, Engineering, and Institutional Controls

- 4) 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:

- 5) 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 beneath the engineered barriers as indicated on the site base map. 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 beneath the engineered barriers 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:

- 6) The Transformer and Solvent Loading Engineered Barrier area, as shown in the attached Site Base Map, must remain over the identified coal tar contaminated soils in this area as designated on the attached Site Base Map. This asphalt/concrete barrier must be properly maintained as an engineered barrier to inhibit inhalation or ingestion exposure to the contaminated media. In the event of construction within this barrier that results in the excavation of soils, coal tar contaminated soils in this area shall be disposed of in accordance with applicable state and federal regulations.
- 7) The asphalt barriers, as shown on the attached Site Base Map, must remain over the contaminated soils. These asphalt barriers must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.

- 8) The concrete cap barriers, as shown on the attached Site Base Map, must remain over the contaminated soils. These concrete cap barriers must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.
- 9) The buildings, as shown on the attached Site Base Map, must remain over the contaminated soils. These buildings must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.

Institutional Controls:

- 10) No person shall construct, install, maintain, or operate a potable well at the Remediation Site: **THE ON-SITE PRODUCTION WELL WATER IS PROHIBITED FOR USE FOR POTABLE PURPOSES.** The on-site production wells, as well as all faucets, showers, and water spigots in use at the Remediation Site must be posted "NON-POTABLE WATER; DO NOT DRINK". All potable water must be obtained by bottled water or a public water system. A signed certification from the property owner stating that the on-site production wells will not be used for potable purposes and that a separate source of drinking water is available, must be available at the Remediation Site. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

Other Terms

- 11) 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.
- 12) 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

- 13) 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;

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- 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.

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

- a) Toyal America, Inc. (on behalf of Toyal America, Inc., Commonwealth Edison Company and Nicor Gas Company and Novelis Corporation (formerly Alcan Aluminum Corporation));
- 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;

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- 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.

15) 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 Will 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 Will County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Toyal America, Inc. property.

16) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Will 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

17) 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 Toyal America, Inc. property, you may contact the Illinois EPA project manager, Jim Mergen at 217-524-1659.

Sincerely,


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

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

cc: Mr. John Tillman
Novelis Corporation
Two Alliance Center
3560 Lenox Road
Atlanta, Georgia 30326

Mr. Kevin M. Axe
Weston Solutions, Inc.
750 East Bunker Court, Suite 500
Vernon Hills, Illinois 60061

Mr. Marc J. Dent
O'Brien & Gere Engineers, Inc.
333 West Washington Street
P.O. Box 4873
Syracuse, New York 13221-4873

Mr. Peter McCauley
Commonwealth Edison Company
25000 Governors Highway
University Park, Illinois 60466

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

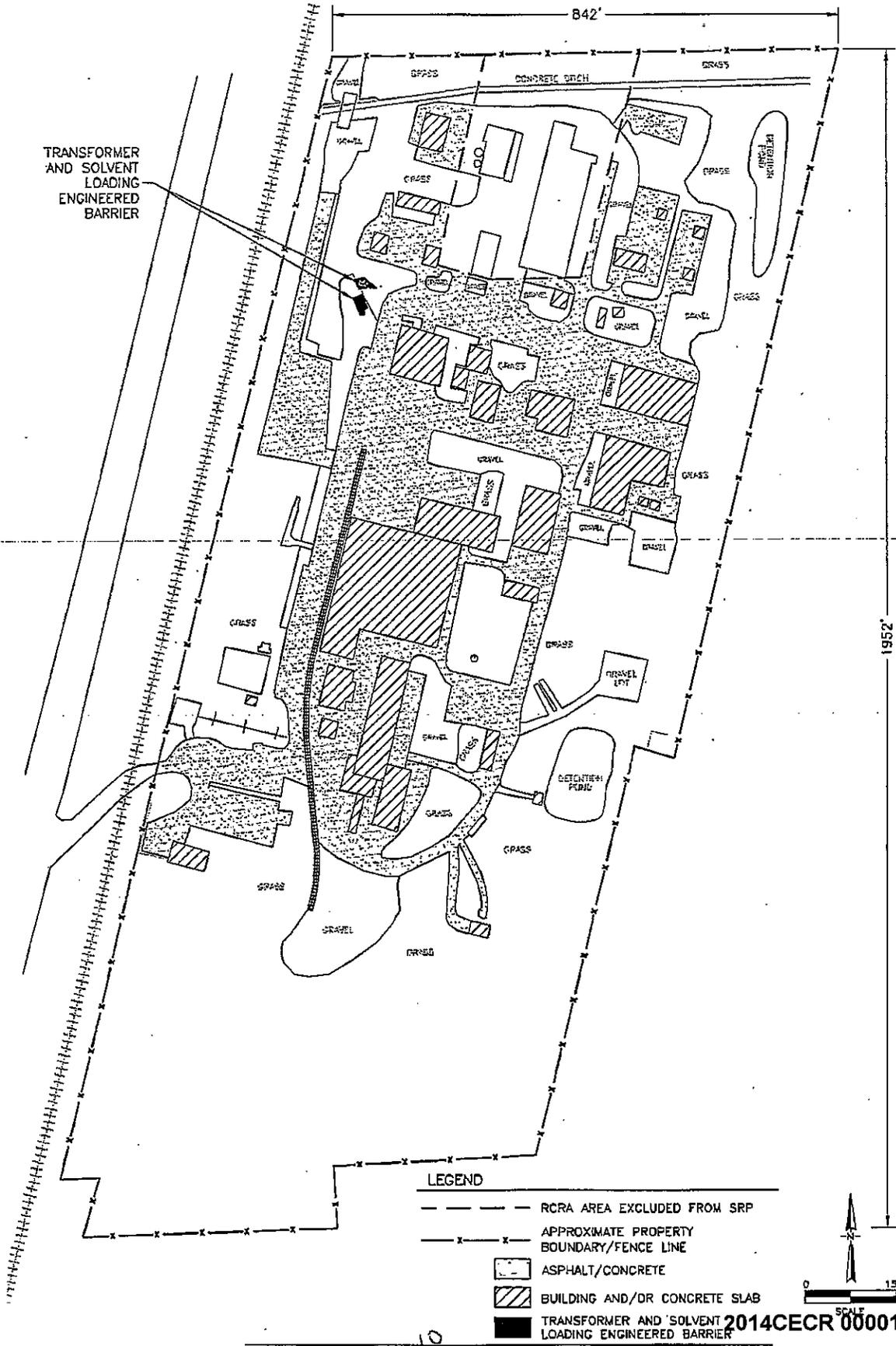
Bureau of Land File
Mr. Robert O'Hara

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Site Base Map
1970500014 /Will County
Lockport / Toyal America, Inc.
Site Remediation Program

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2014CECR 0000184

TABLE A: Regulated Substances of Concern

1970500014 /Will County
Lockport / Toyal America, Inc.
Site Remediation Program

Volatile Organic Compounds

CAS No.	Compound Name
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylenes (total)

Semivolatile Organic Compounds

CAS No.	
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
191-24-2	Benzo(g,h,i)perylene
207-08-9	Benzo(k)fluoranthene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
132-64-9	Dibenzo furan
105-67-9	2,4-Dimethylphenol
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-57-6	2-Methylnaphthalene
95-48-7	2-Methylphenol (<i>o</i> -Cresol)
106-44-5	4-Methylphenol (<i>p</i> -Cresol)
91-20-3	Naphthalene
85-01-8	Phenanthrene
108-95-2	Phenol
129-00-0	Pyrene

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Metals

CAS No.	Chemical Name
	Ammonia - N
7440-36-0	Antimony
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium (Total)
7440-50-8	Copper
57-12-5	Cyanide (total and amenable)
7439-97-6	Mercury
7440-02-0	Nickel
14797-55-8	Nitrates as N
7782-49-2	Selenium
7440-22-4	Silver
14808-79-8	Sulfide
71048-69-6	Thiocyanate
7440-62-2	Vanadium
7440-66-6	Zinc

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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.

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Property Owner Information	
Owner's Name:	<u>Barry Van Hoose</u>
Title:	<u>Senior Vice President Operations</u>
Company:	<u>Toyal America, Inc</u>
Street Address:	<u>17401 S Broadway</u>
City:	<u>Lockport</u> State: <u>IL</u> Zip Code: <u>60441</u> Phone: <u>815(740) 3000</u>
Site Information	
Site Name:	<u>Toyal America, Inc</u>
Site Address:	<u>17401 S. Broadway</u>
City:	<u>Lockport</u> State: <u>IL</u> Zip Code: <u>60441</u> County: <u>Will</u>
Illinois inventory identification number:	<u>1970500014</u>
Real Estate Tax Index/Parcel Index No.	<u>11-04-27-300-002-0000; 11-04-27-300-003-0004; 11-04-28-400-004-0000; 11-04-33-208-005-0000</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>Barry Van Hoose</u> Date: <u>April 22, 2013</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>22nd</u> day of <u>April</u> , 20 <u>13</u>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <u>Bonnie E. Delrose</u> Notary Public </div> <div style="width: 35%; border: 1px dashed black; padding: 5px; text-align: center;"> OFFICIAL SEAL BONNIE E DELROSE NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES JUNE 08, 2013 </div> </div>	

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.

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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

7010 2780 0002 1164 6966

January 30, 2013

Mr. Peter McCauley
Commonwealth Edison Company
25000 Governors Highway
University Park, Illinois 60466

Re: 1970505205/Will County
Lockport/ MWRD Parcel 14.03
Site Remediation/Technical Reports
Section 4(y) of the Environmental Protection Act Letter

Dear Mr. McCauley:

The Illinois Environmental Protection Agency (Illinois EPA) has completed review of the *Removal Action Completion Report* (dated October 23, 2012/Log Number 12-52125) (Report) submitted by URS Corporation for MWRD Parcel 14.03 Removal Site.

Illinois EPA has determined, based upon the information submitted, that Commonwealth Edison Company and Nicor Gas Company have successfully demonstrated the removal of the tarry materials and blue-tinted wood chips and other material with blue tint, in accordance with the *Removal Action Workplan* (dated November 16, 2010 Log Number 10-46363) and *Pre-Excavation Confirmation Sampling Databook* (received June 24, 2011/Log Number 11-4792) approved by Illinois EPA in a letter dated September 7, 2011. Therefore, pursuant to Section 4(y) of the Illinois Environmental Protection Act, the Illinois EPA releases Commonwealth Edison Company and Nicor Gas Company from further responsibility for removal of the above materials.

If you have any questions, contact Project Manager, Jim Mergen at 217-524-1659.

Sincerely,

A handwritten signature in black ink, appearing to read "Joyce L. Munie". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

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

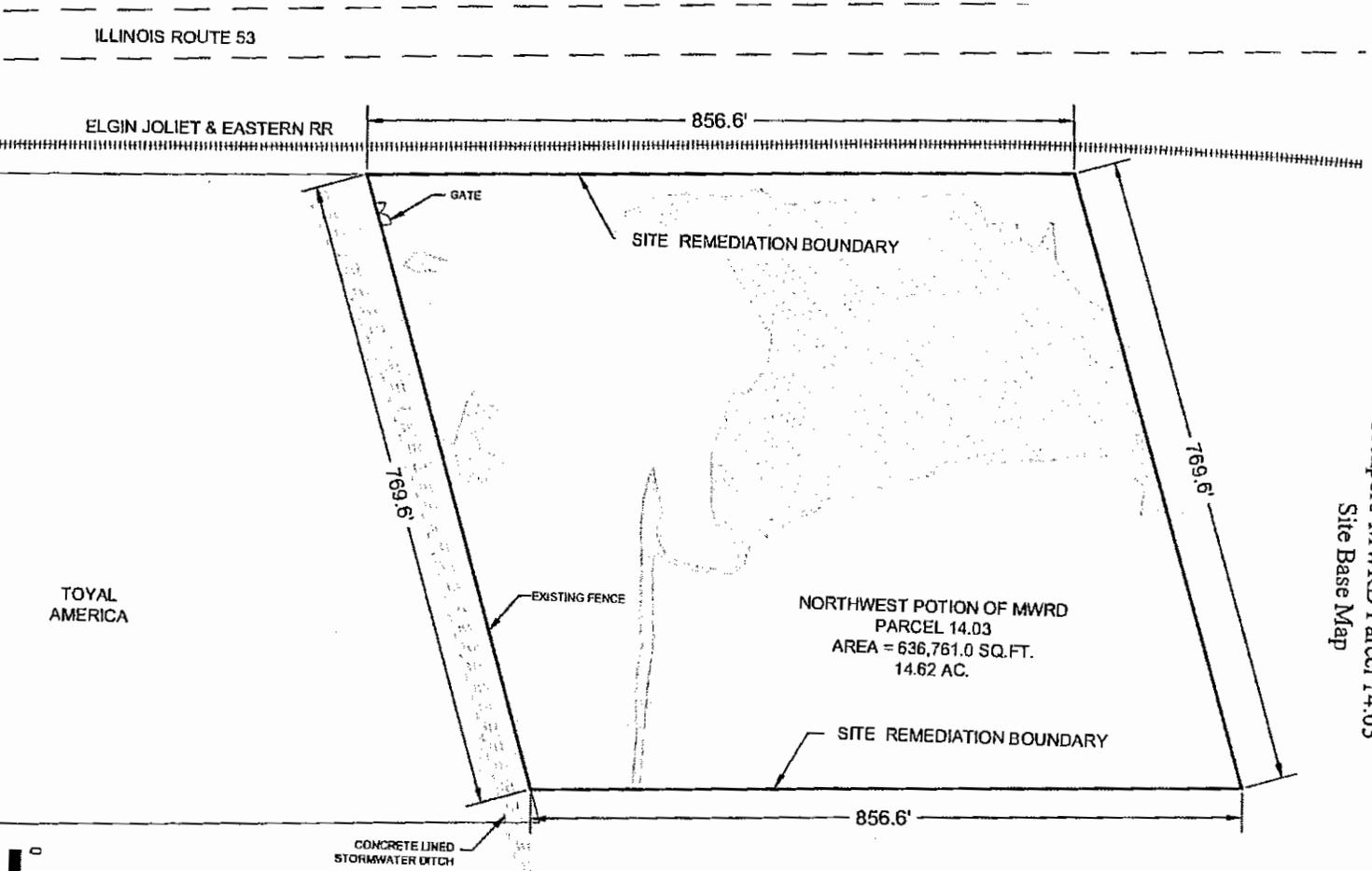
Attachment: Site Base Map
Legal Description of Parcel 14.03

cc: Bureau of Land File

Robert O'Hara

Mark Leibrock, Engineer of Site Remediation, Metropolitan Water Reclamation
District of Chicago, 7601 S. LaGrange Rd., Willow Springs, IL 60480

Somali Tomczak, Director, Regional EHS, Nicor Gas Company, 1844 Ferry Road,
Naperville, Illinois 60563



1970505205/Will County
 Lockport/ MWRD Parcel 14.03
 Site Base Map

TOYAL
 AMERICA

NORTHWEST PORTION OF MWRD
 PARCEL 14.03
 AREA = 636,761.0 SQ. FT.
 14.62 AC.

LEGEND

-  WETLAND
-  NORTHWEST PORTION OF MWRD PARCEL 14.03 (SITE)
-  DITCH
-  RAILROAD

0 50 100 200
 APPROXIMATE SCALE IN FEET



LEGAL DESCRIPTION OF MWRD PARCEL 14.03

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 27 AND THE SOUTHEAST QUARTER OF SECTION 28 IN TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN WILL COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION OF SECTION 28; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, HAVING AN ILLINOIS COORDINATE SYSTEM (EAST ZONE) GRID BEARING OF SOUTH 88 DEGREES 07 MINUTES 41 SECONDS WEST, 295.14 FEET; THENCE SOUTH 13 DEGREES 15 MINUTES 04 SECONDS WEST, 856.51 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1820 FEET OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE NORTH 88 DEGREES 11 MINUTES 13 SECONDS EAST, 769.81 FEET ALONG SAID NORTH LINE; THENCE NORTH 13 DEGREES 15 MINUTES 14 SECONDS EAST, 856.62 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 27; THENCE SOUTH 88 DEGREES 12 MINUTES 34 SECONDS WEST, 474.75 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

Property Tax Identification Numbers

11-04-27-300-001-0000 - 1/2 M. S. of Division Street, Lockport
Part of 11-04-34-100-002-0000 - 1/2 M. S. of Division Street, Lockport
Part of 11-04-27-300-004-0000 - Des Plaines River @ Lockport Powerhouse

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 2.04:

Describe how the Company monitors the actual on-site investigation and remediation activities.

RESPONSE:

Person responsible for response: Peter McCauley

ComEd objects to this request as overbroad, vague and ambiguous. Without waiving these objections, ComEd states as follows.

ComEd uses a number of tools to monitor on-site investigation and remediation activities at the manufactured gas plant ("MGP") sites. Although environmental consultants are primarily responsible for the day-to-day coordination of field activities at the MGP sites, ComEd personnel (*i.e.*, Project Managers) also periodically visit the sites and regularly monitor the work being performed. To this end, ComEd has put in place various monitoring and reporting procedures (*e.g.*, status reports and scheduled conference calls) to closely monitor field activities. Specifically, 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.

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, called "dashboards", from consultants for each project, which 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). This information is useful to ComEd's internal remediation team in identifying potential problem areas early in the remediation process. ComEd also holds periodic program meetings and conference calls with project consultants to allow for program uniformity and sharing of lessons learned. Key performance indicators also are reported to senior management on a monthly basis.

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 2.05:

This request pertains to the Company's forecasting of MGP environmental cleanup costs for the reconciliation period.

- a. Explain the forecasting methods used by the Company to determine MGP environmental cleanup costs for the reconciliation period.
- b. Describe how the forecasted cost amounts were determined.
- c. Include explanations for each instance where the actual costs, by site or account code, deviated from the forecast costs by 10% or more.
- d. Explain how these cost forecasts were used by the Company for the reconciliation period.

RESPONSE:

Person responsible for response: Peter McCauley

- a. ComEd employed the following methods to forecast manufactured gas plant ("MGP") environmental cleanup costs for the reconciliation period. During the fourth quarter of 2012, ComEd developed its cost forecasts for the reconciliation period. The forecasts were developed for general program expenses and each individual MGP site by the project team, which consists of the ComEd Project Manager and assigned environmental consultant personnel for the site. The cumulative total for all sites was added to the forecast for general program expenses to arrive at the total forecasted amount for the reconciliation period.
- b. The forecasts of MGP environmental cleanup costs during the reconciliation period were derived from an initial determination of the project steps and activities that had a reasonable likelihood of occurring during the reconciliation period. Costs then were developed for these activities based on professional experience and site-specific factors. Because environmental remediation projects involve inherent uncertainties, ComEd developed its forecasts assuming a reasonable schedule for completion that considered project-specific factors such as site ownership and site complexity. Nicor Gas Company also provided cost estimates to ComEd, developed in a similar manner, for the projects where the two companies share responsibility. (*See McCauley Dir., ComEd Ex. 2.0 at 5-6.*)

- c. Set forth in the chart below is a list of MGP sites where the actual costs incurred for environmental activities during the reconciliation period deviated from the forecast costs by 10% or more, with an explanation for each deviation.

SITE NAME	PRIMARY REASON FOR DEVIATION
Aurora Excelsior	Under-estimated forecast
Aurora Hurds Island	Deferral of site activities
Belvidere	Over-estimated forecast
Blue Island	Under -estimated forecast
Chicago Crawford	Unanticipated site activities
Chicago Heights	Deferral of site activities
DeKalb	Deferral of site activities
Elgin	Under-estimated forecast
Evanston	Deferral of site activities
Geneseo FNB	Deferral of site activities
Geneseo SuperValu	Under-estimated forecast
Joliet Station B	Under-estimated forecast
Lincoln	Deferral of site activities
Lockport Alcan	Under-estimated forecast
Lockport Canal	Deferral of site activities
Mendota Fifth Street	Deferral of site activities
Mendota Main Street	Deferral of site activities
Morris	Unanticipated site activities
Murphysboro Big Muddy	Deferral of site activities
Murphysboro CIPS	Over-estimated forecast
Ottawa School	Unanticipated site activities
Rockford Library	Unanticipated site activities
Sterling	Under-estimated forecast
Streator	Under-estimated forecast
Contracted MGP General Services	Under-estimated forecast

- d. ComEd's initial cumulative cost forecast of \$50,626,000 was used to calculate the 2012 Rider ECR – Environmental Cost Recovery Adjustment charge. McCauley Dir., ComEd Ex. 2.0 at 12-13; *see also* Kozel Dir., ComEd Ex. 3.0 at 5-7, 10-11.

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

Purchasing and Contracting

REQUEST NO. JMO 2.06:

Provide a copy of all written procedures for MGP environmental cleanup purchasing and contracting that were in effect during the reconciliation period or that were in effect when past MGP environmental cleanup purchases and contracts were made that extended into the reconciliation period.

RESPONSE:

Person responsible for response: Peter McCauley

In 2010-2011, ComEd participated in environmental remediation sourcing initiatives as described in ComEd's Response to Staff Data Request JMO 2.11 and JMO 2.16 in ICC Docket No. 12-0063. The version of the Services Procurement Procedure (SM-AC-402) attached to ComEd's Response to Staff Data Request SDR 1.06 in ICC Docket No. 11-0116 was in effect during this sourcing initiative.

Subsequently, two (2) revisions (Revisions 9 and 10) to Procedure SM-AC-402 were issued in 2011 after the initiative was complete. Revision 9 and the two (2) attachments to Revision 9 that contained revisions (Attachment 2 and Attachment 4) were attached to ComEd's Response to Staff Data Request JMO 2.06 in ICC Docket No. 12-0063 as JMO 2.06_Attach 1 (CONFIDENTIAL AND PROPRIETARY), JMO 2.06_Attach 2 (CONFIDENTIAL AND PROPRIETARY), and JMO 2.06_Attach 3 (CONFIDENTIAL AND PROPRIETARY), respectively. Revision 10 was attached to ComEd's Response to Staff Data Request JMO 2.06 in ICC Docket No. 12-0063 as JMO 2.06_Attach 4 (CONFIDENTIAL AND PROPRIETARY). None of the attachments to Revision 10 contained revisions.

In 2012, Procedure SM-AC-402 was combined with another procedure and renumbered as SM-AC-400. Subsequently, two (2) revisions (Revision 1 and 2) to Procedure SM-AC-400 were issued in 2012. SM-AC-400 was attached to ComEd's Response to Staff Data Request JMO 2.06 in ICC Docket No. 13-0030 as JMO 2.06_Attach 1 (CONFIDENTIAL AND PROPRIETARY). Revision 1 and Revision 2 to SM-AC-400 were also attached to this same response by ComEd to Staff Data Request JMO 2.06 and labeled as JMO 2.06_Attach 2 (CONFIDENTIAL AND PROPRIETARY), and JMO 2.06_Attach 3 (CONFIDENTIAL AND PROPRIETARY), respectively.

In 2013, Revision 3 to Procedure SM-AC-400 was issued. Revision 3 is attached hereto and labeled JMO 2.06_Attach 1 (CONFIDENTIAL AND PROPRIETARY).

JMO 2.06_Attach 1 is

CONFIDENTIAL AND PROPRIETARY in its entirety

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

Purchasing and Contracting

REQUEST NO. JMO 2.07:

Provide the date when the MGP environmental cleanup purchasing and contracting procedures were most recently changed, identify each procedure that was changed, and explain why each change was made.

RESPONSE:

Person responsible for response: Peter McCauley

During the reconciliation period, Materials and Services Procurement Procedure SM-AC-400 was revised once on May 6, 2013 (Revision 3). Please see the attachment labeled as JMO 2.07_Attach 1 (CONFIDENTIAL AND PROPRIETARY) for the Procedure Change Summary Form reflecting these revisions and the reason for the revisions.