

**Northern Illinois Gas Company d/b/a Nicor Gas Company**  
**Response to: Illinois Commerce Commission**  
**Ill.C.C. Docket No. 14-0071**  
**SDR First Set of Data Requests**

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SDR-001 Q. 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 Dockets Nos. 91-0080 through 91-0095 (Consolidated).

SDR-001 A. The four prudence standards contained in the Commission's Order in Dockets 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 Company believes that its MGP program meets the four prudence standards in all respects. The following are some examples, albeit not an all inclusive list, of certain actions the Company takes in satisfaction of each of the four prudence standards:

- 1) The Company used reasonable and appropriate business standards to select professional service providers including, but not limited to, conducting research into the firms and interviews with key personnel of those firms. In addition, the Company monitors and oversees the work of these service providers on an ongoing basis to ensure that they conform to reasonable and appropriate business standards.
- 2) The Company works cooperatively with the Illinois Environmental Protection Agency in managing its MGP sites.
- 3) The Company negotiated consulting contracts for professional services and competitively bid the vast majority of all other goods and services in order to minimize costs. The contracts for professional services were evaluated based on several factors including fee schedules. The consultants that provided the best value were selected. In addition, the Company negotiated and entered into the Interim Cooperative Agreement and the subsequent Final Allocation Agreement with ComEd to ensure the efficient investigation and remediation of certain sites, and has aggressively pursued insurance recovery.

- 4) The Company researched the history of MGPs within its service territory, utilized outside experts to supplement its research and utilized insurance archeologists to research potential insurance policies.

*Witness:* Nancy J. Huston

**Northern Illinois Gas Company d/b/a Nicor Gas Company**  
**Response to: Illinois Commerce Commission**  
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- SDR-002      Q.      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.
- SDR-002      A.      a. Cleanup levels for all or portions of 22 sites have been proposed to Illinois EPA. The levels proposed are consistent with Illinois EPA's Site Remediation Program's *Tiered Approach to Corrective Action Objectives (TACO)*. The level of environmental cleanup required, if any, at the remainder of the sites has not been determined at this time.
- b. Illinois EPA regulations require, at a minimum, removal of source material, as defined in the regulations. This is one of the steps involved in cleanup of a site. Because each site is unique, the cleanup steps necessary, if any, are site specific and can only be determined after establishing the cleanup levels.
  - c. Illinois EPA guidance allows sites to be classified as "residential" or "commercial/industrial" for setting cleanup objectives. As sites move to the remediation phase, necessary cleanup levels at each site will be individually evaluated based on the current and future uses of the site. Site specific cleanup levels will be established. For example, the Ottawa site is classified as "residential" based on the fact that it is a school athletic field, while the LaGrange site is a "commercial/industrial" site. Generally, "residential" sites require more stringent cleanups than "commercial/industrial" sites.

*Witness:*      Nancy J. Huston

**Northern Illinois Gas Company d/b/a Nicor Gas Company**  
**Response to: Illinois Commerce Commission**  
**Ill.C.C. Docket No. 14-0071**  
**SDR First Set of Data Requests**

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SDR-003      Q.      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.

SDR-003      A.      Yes. Six NFR letters were issued during 2013. Copies are attached as Exhibit 1.

*Witness:*      Nancy J. Huston

SDR-003 Exhibit 1



\* 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°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; 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 easterly along said southerly waters edge to the east line of the Northwest Quarter of said Section 35; thence South 0°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°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 96.21 feet along the east line of said Castro property to the northeast corner thereof, the POINT OF BEGINNING; thence South 80°45'33" West 116.61 feet along the northerly line of Lot 3 in said Assessor's Survey; thence North 53°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°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°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 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

SDR-003 Exhibit 1

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)



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:

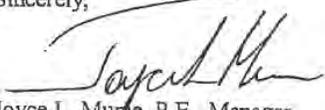
Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

- 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.

SDR-003 Exhibit 1

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

Sincerely,

  
Joyce L. Murhe, 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



SDR-003 Exhibit 1

**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>Arlan 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>Arlan 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.

Property Owner Information	
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>

Site Information	
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: *Daniel Roddewig* Date: 4-16-13

SUBSCRIBED AND SWORN TO BEFORE ME  
this 16<sup>th</sup> day of April, 2013

*Debbie E. Kent*  
Notary Public

"OFFICIAL SEAL"  
DEBBIE E. KENT  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 11-04-2014

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.



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 ½ of the Southeast ¼ 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 ½ of the Southeast ¼ 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*

SDR-003 Exhibit 1

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)**

SDR-003 Exhibit 1

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.

1

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

PLEASE PRINT AND RETURN PAGE

14ECR 000343

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:

- 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.

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;

- 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.

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. Seal at 217/785-9399.

Sincerely,

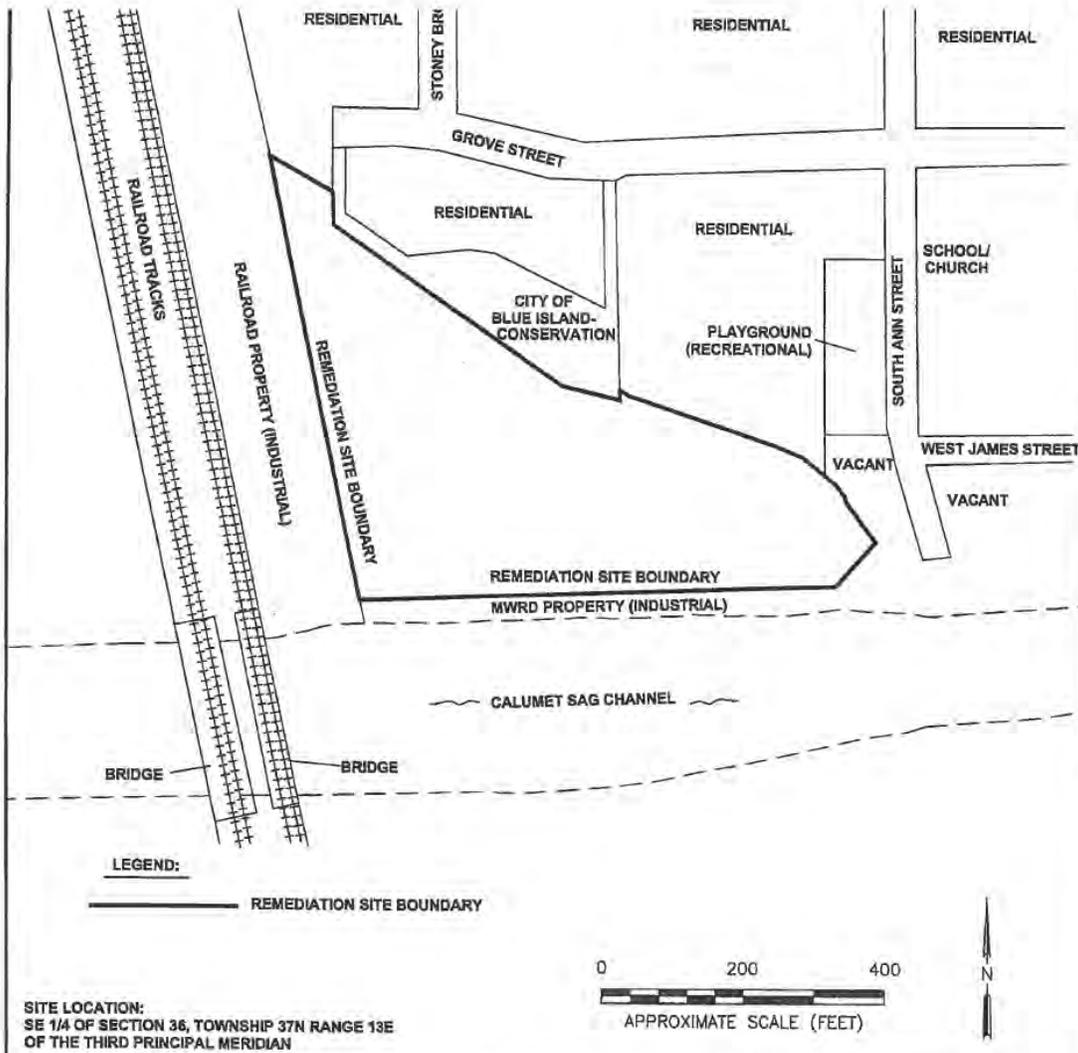


Joyce L. Munje, P.E., Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land

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

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

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



**SITE LOCATION:**  
 SE 1/4 OF SECTION 36, TOWNSHIP 37N RANGE 13E  
 OF THE THIRD PRINCIPAL MERIDIAN

 <b>Stantec</b> 446 EISENHOWER LANE NORTH LOMBARD, ILLINOIS 60148 PHONE: (630) 792-1980 FAX: (630) 762-1691	FOR: <b>COMMONWEALTH EDISON COMPANY</b> 26000 GOVERNORS HIGHWAY UNIVERSITY PARK, ILLINOIS 60466		<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	DATE: 02/18/13

FILEPATH:W:\2012 LOMBARD\BLUE ISLAND\182602115-A.dwg(jmitchell)Feb 26, 2013 at 9:59/Layout/Layout1

**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

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.

they were set forth herein verbatim and are made a part of this ordinance as the findings and determination of the City Council upon which the prohibition set forth in this ordinance are based.

**SECTION TWO**

It shall be unlawful for any person, firm, partnership, limited liability company, corporation or other entity of any kind to use, continue to use, install, drill or attempt to install or drill a well to supply ground water for commercial, industrial, agricultural, residential or any other purpose or use within the corporate limits of the City of Blue Island. All persons, firms, partnerships, limited liability companies, corporations or any other entities presently using a well to supply ground water for commercial, industrial, agricultural, residential or any other purpose shall immediately cease and desist from continuing to do so and shall also immediately cap the well to prevent further use.

**SECTION THREE**

Any person, firm, partnership, limited liability company, corporation or other entity, who shall violate any provision of this ordinance shall, upon conviction by a court, be subject to a fine of Seven Hundred Fifty Dollars (\$750.00) for each violation. Each day that a violation continues after due notice has been served in writing by the City of Blue Island Water Department to cease and desist drilling, installation or use of a well to supply ground water shall be deemed a separate offense.

law to exact the penalty provided in Section Three, and in addition thereto, may proceed at law or in equity against the party responsible for the violation for the purpose of ordering the person or entity:

- 1) to restrain, correct or remove the violation or refrain from any further use of the well;
- 2) to restrain or correct the installation, drilling or use of the well;
- 3) to require the removal of the well, or;
- 4) to prevent the occupation or use of the premises where the well has been installed or drilled.

**SECTION FIVE**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION SIX**

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law. A full, true and complete copy of this ordinance shall be published in pamphlet form, by authority of the City Council as corporate authorities.

SDR-003 Exhibit 1

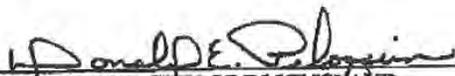
**VOTING AYE:** Ald. Ostling, Jackson, Vasquez, Vargas, Mindeman, Koehler,  
Fegorin, Seibert, Rita, Stone, Poulsen.

**VOTING NAY:** None

**ABSENT:** Ald. Elton, Disabato, Glasgow.

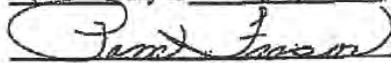
**ABSTAIN:** None

**APPROVED:** this 8th day of February, 2000.

  
MAYOR OF THE CITY OF BLUE ISLAND,  
COUNTY OF COOK AND STATE OF ILLINOIS

**ATTESTED** and Filed in my office this

8th day of February, 2000.

  
CITY CLERK

**PUBLISHED** in pamphlet form this

8th day of February, 2000.

  
CITY CLERK

SDR-003 Exhibit 1

STATE OF ILLINOIS )  
                          ) ss.  
COUNTY OF COOK   )

CERTIFICATE

I, Pam Frason, certify that I am the duly elected and acting municipal clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on FEB 8, 2000 the Corporate Authorities of such municipality passed and approved Ordinance No. 2000-295, entitled ORDINANCE PROHIBITING THE INSTALLATION OR DRILLING OF WELLS WITHIN THE CITY OF BLUE ISLAND which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2000-295, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building commencing on FEB. 8, 2000 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this 8TH day of FEB. 2000.

(SEAL)

  
Municipal Clerk

**ENVIRONMENTAL INSTITUTIONAL CONTROL**

**I. PURPOSE AND INTENT**

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

**II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY**

In order to ensure the long-term integrity of the groundwater or water well ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the groundwater or water well ordinance is effectively managed; the City of Blue Island hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(i):

- A. The City of Blue Island will notify the Illinois EPA Bureau of Land of any proposed ordinance changes or requests for variance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35 Ill. Adm. Code 742.1015(i)(4));
- B. The City of Blue Island will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA (35 Ill. Adm. Code 742.1015(i)(5)), provided the Illinois EPA has informed the City of the location of these sites.

742.1015(i)(6)(B)); and

- E. The City of Blue Island will take action as necessary to ensure that the potential source of potable water is protected from contamination or treated before it is used as a potable water supply (35 Ill. Adm. Code 742.1015(i)(6)(C)).

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

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

### III. SUPPORTING DOCUMENTATION

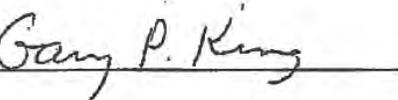
The following documentation is required by 35 Ill. Adm. Code 742.1015(i) and is attached to this MOU:

- A. Attachment A: A copy of the groundwater or water well ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(i)(3));
- B. Attachment B: Identification of the legal boundaries within which the ordinance is applicable (certification by city clerk or other official that the ordinance is applicable everywhere within the corporate limits; if ordinance is not applicable throughout the entire city or village, legal description and map of area showing sufficient detail to determine where ordinance is applicable) (35 Ill. Adm. Code 742.1015(i)(2));
- C. Attachment C: A statement of the authority of the unit of local government to enter into the MOU (council resolution, code of ordinances, inherent powers of mayor or other official signing MOU-attach copies) (35 Ill. Adm. Code 742.1015(i)(1)).

SDR-003 Exhibit 1

BY:   
Donald E. Peloquin, Mayor

FOR: Illinois Environmental Protection Agency    DATE: 6/12/00

BY: 



## 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

PLEASE PRINT ON RECYCLED PAPER

14ECR 000360

## **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.