



environmental engineers
and consultants

09-40365

**RECORDED
NFR**

915 Harger Road, Suite 330
Oak Brook, IL 60523
Phone: (630) 684-9100
Fax: (630) 684-9120
Website: <http://huffnhuff.com>

February 4, 2009

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

RECEIVED
FEB 09 2009
IEPA/BOL

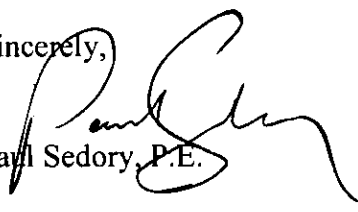
Re: 0894835534 - Kane County
City of St. Charles - First Street Redevelopment
Certified NFR **SR/TECH**

Dear Mr. O'Hara:

Enclosed please find a certified copy of the No Further Remediation letter received and recorded for the above referenced project.

If you have any questions, please do not hesitate to call.

Sincerely,


Paul Sedory, P.E.

RELEASABLE

FEB 09 2009

REVIEWER MD

PREPARED BY:



Name: Mr. Robert Rasmussen
First Street Redevelopment, LLC

Address: 409 Illinois Avenue, Unit 1D
St. Charles, IL 60174

2009K006600

SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 2/2/2009 9:01 AM
REC FEE: 39.00 RHSPS FEE: 10.00
PAGES: 18

RETURN TO:

Name: Mr. Robert Rasmussen
First Street Redevelopment, LLC

Address: 409 Illinois Avenue, Unit 1D
St. Charles, IL 60174

**RECORDED
NFR**

THE ABOVE SPACE FOR RECORDER'S OFFICE

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Kane County.

Illinois State EPA Number: 0894835534

First Street Redevelopment, LLC, the Remediation Applicant, whose address is 409 Illinois Avenue, Unit 1D, St. Charles, IL 60174 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:

LOT 3 OF PHASE 2 FIRST STREET REDEVELOPMENT SUBDIVISION OF PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 2007 AS DOCUMENT 2007K080494.

LOT 4 OF PHASE 2 FIRST STREET REDEVELOPMENT SUBDIVISION OF PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 2007 AS DOCUMENT 2007K080494.

2. Common Address: No common address at time of issuance

3. Real Estate Tax Index/Parcel Index Number: PINs: 09-34-126-023; 09-27-377-030; 09-34-126-022;
09-34-126-021

RELEASABLE

FEB 09 2009

(Illinois EPA Site Remediation Program Environmental Notice)

REVIEWER MD

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4. Remediation Site Owner: First Street Redevelopment, LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

RETURN TO
pl. SHAWN BILHSEL
915 HARGER
DAN BROOK, IL 60523

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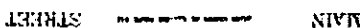
only 12 had been sent to the hospital for treatment. It was the last day of the epidemic. Doctors at various hospitals, however, were sent lists of the names of patients, all to have their names.

20071009 696

Page 9

MARCHESE AND SONS, Inc.

land - marine - construction activity



- (14) ~~_____~~ _____
- (15) ~~_____~~ _____
- (16) ~~_____~~ _____
- (17) ~~_____~~ _____

1704-1705
 1706-1707
 1708-1709
 1710-1711

- LEGAL SITE BOUNDARY

• EXCAVATED AREA

[illegible]

SITE BASE MAP
0894835534/KANE
SAINT CHARLES/FIRST STREET REDEVELOPMENT AREA 3
SITE REMEDIATION PROGRAM

SHEET : 2 of 3

WALL ONE INCH - TWENTY-FIVE FEET
CROSSING; CO-LOCATED (PH II)
CROSSING IS A MR. CARO CEMENTARY
FIRM THIS CITY OF ST. CHARLES

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

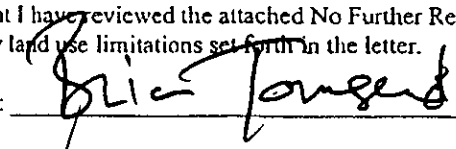
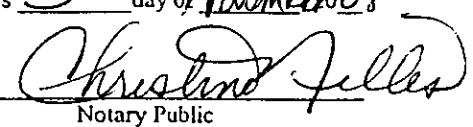
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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>Brian Townsend</u>	
Title: <u>City Administrator</u>	
Company: <u>City of Saint Charles, Illinois</u>	
Street Address: <u>2 E Main Street</u>	
City: <u>Saint Charles</u> State: <u>IL</u> Zip Code: <u>60174-1984</u> Phone: <u>630-377-4422</u>	
Site Information	
Site Name: <u>Saint Charles First Street Redevelopment - Phase II (Parking Deck)</u>	
Site Address: <u>100 Illinois Street</u>	
City: <u>Saint Charles</u> State: <u>IL</u> Zip Code: <u>60174</u> County: <u>Kane</u>	
Illinois inventory identification number: _____	
Real Estate Tax Index/Parcel Index No. <u>09-27-377-030; 09-34-126-021; 09-34-126-023 (generally the westerly 1/2 excepting that north of vacated Walnut St); 09-34-126-022 (generally the east 1/2.)</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u></u> Date: <u>11/3/08</u>	
SUBSCRIBED AND SWORN TO BEFORE ME this <u>3</u> day of <u>November</u> 2008	
<u></u> Notary Public	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"><p style="margin: 0;">"OFFICIAL SEAL"</p><p style="margin: 0;">CHRISTINE NILLES</p><p style="margin: 0;">NOTARY PUBLIC, STATE OF ILLINOIS</p><p style="margin: 0;">MY COMMISSION EXPIRES 9/21/2009</p></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.

Please return to
Tina Nilles
City of St. Charles
2 East Main St.
St. Charles, IL 60174

2008K009231

SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 2/5/2008 10:50 AM
REC FEE: 30.00
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State of Illinois)
) SS.
Counties of Kane & DuPage)

CERTIFICATION

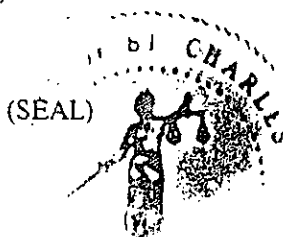
I, Christine Nilles, the undersigned, do hereby certify that I am the duly qualified and acting Deputy City Clerk of the city of St. Charles, Kane and DuPage Counties, Illinois, and as such City Clerk, I am the keeper of the records and files of the Mayor and City Council of the said city.

I do further certify that the foregoing constitutes a full, true and complete copy of an Ordinance 2008-M-11:

Ordinance Amending Title 13, "Public Utilities," Chapter 13.16, "Water," Section 13.16.310,
"Private Water Wells Limited" and Section 13.16.315, "Variations"
of the St. Charles Municipal Code

I do further certify that the deliberations of the Mayor and City Council on the adoption of said document were taken openly; that the vote on the adoption of said document was taken openly; that said meeting was a regular meeting of the Mayor and the City Council, at which time a quorum was present; that said meeting was held at a specified time and place convenient to the public; that said meeting was held in strict accordance with the provisions of the Open Meetings Act, as amended, and that the Mayor and City Council have complied with all of the provisions of said Act and its procedural rules in the adoption of said Ordinance.

IN WITNESS WHEREOF, I have hereto affixed my official signature and the corporate seal of said city of St. Charles, Kane and DuPage Counties, Illinois, this 31 day of January 2008.



Christine Nilles
Deputy City Clerk

City of St. Charles, Illinois

Ordinance No. 2008-M-11

**Ordinance Amending Title 13,
"Public Utilities," Chapter
13.16, "Water," Section
13.16.310, "Private Water Wells
Limited" and Section 13.16.315,
"Variations" of the St.
Charles Municipal Code**

**Adopted by the
City Council
of the
City of St. Charles
January 22, 2008**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, January 25, 2008**

Nancy Garrison

City Clerk



ORDINANCE NUMBER 2008-M-11

Amending Title 13, "Public Utilities", Chapter 13.16, "Water", Section 13.16.310, "Private water wells limited" and Section 13.16.315, "Variations" of the St. Charles Municipal Code

WHEREAS, certain properties in the City of St. Charles, 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 1 groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of St. Charles 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 ST. CHARLES, ILLINOIS:

1. Title 13, "Public Utilities", Chapter 13.16, "Water", Section 13.16.310, "Private water wells limited" and Section 13.16.315, "Variations" of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the following therefore:

13.16.310 - Prohibiting the use of groundwater as a potable water supply

A. Use of groundwater as a potable water supply prohibited.

Except for such uses or methods in existence before January 22, 2008, the use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of St. Charles, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition does not include the City of St. Charles nor the City of St. Charles Park District (upon approval from the City of St. Charles).

B. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$100.00 for each violation.

C. 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.

2. Memorandum of Understanding.

The Mayor of the City of St. Charles is hereby authorized and directed to enter into a Memorandum of Understanding with the Illinois Environmental Protection Agency ("Illinois EPA") (Attached as Exhibit A) in which the City of St. Charles assumes responsibility for tracking all sites that have received no further remediation determinations from the Illinois EPA, notifying the Illinois EPA of changes to this ordinance, and taking certain precautions when siting public potable water supply wells.

3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

4. Severability.

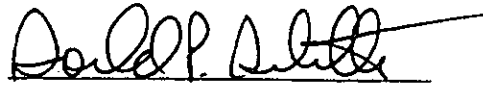
If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

5. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in a book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.


PRESENTED to the City Council of the city of St. Charles, Illinois, this 22nd day of January, 2008.

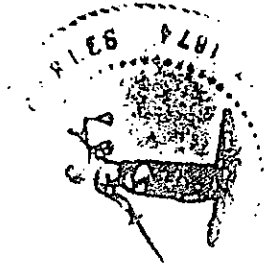
PASSED by the City Council of the city of St. Charles, Illinois, this 22nd day of January, 2008.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 22nd day of January, 2008.


Donald P. DeWitte, Mayor

ATTEST:


City Clerk



Voice Vote:

Ayes: 10

Nays: 0

Absent:

Abstain:

EXHIBIT A

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ST. CHARLES AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING THE USE OF A LOCAL GROUNDWATER OR WATER WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL.

I. PURPOSE AND INTENT

- A. This Memorandum of Understanding ("MOU") between the City of St. Charles 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 St. Charles (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. DECLARATION 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 St. Charles hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(d)(2) and (i):

- A. The City of St. Charles 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 St. Charles will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations in reliance on the ordinance from the Illinois EPA (35 Ill. Adm. Code 742.1015(i)(5));
- C. The City of St. Charles will review the registry of sites established under paragraph II. B. prior to siting public potable water supply wells within the area covered by the ordinance (35 Ill. Adm. Code 742.1015(i)(6)(A));

- D. The City of St. Charles will determine whether the potential source of potable water has been or may be affected by contamination left in place at the sites tracked and reviewed under paragraphs II. B. and C. (35 Ill. Adm. Code 742.1015(i)(6)(B)); and
- E. The City of St. Charles 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, IL 62794-9276

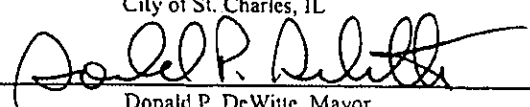
III. SUPPORTING DOCUMENTATION

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 – attached copies) (35 Ill. Adm. Code 742.1015(i)(1)).

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

FOR: _____
City of St. Charles, IL

BY:  _____
Donald P. DeWitte, Mayor

DATE: January 22, 2008

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on January 22, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-11, entitled

"Ordinance Amending Title 13,
"Public Utilities," Chapter
13.16, "Water," Section
13.16.310, "Private Water Wells
Limited" and Section 13.16.315,
"Variations" of the St.
Charles Municipal Code,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2008-M-11, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 25, 2008, 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 St. Charles, Illinois, this 22nd day of January 2008.



Nancy Garrison
Municipal Clerk

20



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

(217) 782-6761

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

October 8, 2008

CERTIFIED MAIL

Corrected Date: January 14, 2009

Mr. Robert Rasmussen
First Street Redevelopment, LLC
409 Illinois Avenue, Unit 1D
St. Charles, IL 60174

Re: 0894835534 /Kane
St. Charles /First Street Redevelopment Area 3
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Rasmussen:

The *Remedial Action Completion Report* (dated January, 2008/Log No. 08-36848), as prepared by Huff & Huff, Inc. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan for Remedial Area 3 First Street Redevelopment* (dated October 2006/Log No. 06-31487), and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 2.15-acres, is located at the Phase II First Street Redevelopment Subdivision in St. Charles, 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 February 25, 2008 is First Street Redevelopment LLC.

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 and conditions of this Letter.

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) 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.
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is restricted to Industrial/Commercial land use.

Institutional Controls:

- 3) Ordinance 2008-M-11 adopted January 22, 2008 by the City of St. Charles effectively prohibits the installation and use of potable water supply wells in the City of St. Charles. This ordinance provides an acceptable institutional control under the following conditions:
 - a) Where a groundwater ordinance is used to assure long-term protection of human health the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
 - b) 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.
 - c) The Remediation Applicant shall provide written notification to the City of St. Charles 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 the ordinance used as an institutional control in this Letter;
 - 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.
- d) 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.

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

- e) 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 St. Charles and affected property owner(s) of the intent to use Ordinance 2008-M-11 as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

- 4) 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.
- 5) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

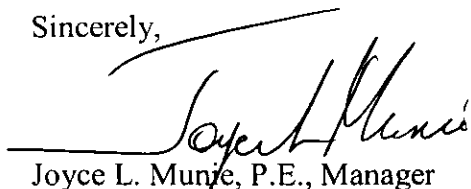
Illinois Environmental Protection Agency
Attn: Freedom of Information Act Officer
Bureau of Land-#24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

- 6) 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 titleholder 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.
- 7) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
 - a) First Street Redevelopment LLC;
 - 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.
- 8) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Kane County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Kane County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Remediation Site.
- 9) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Kane County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:
- 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
- 10) 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 this correspondence, you may contact the Illinois EPA project manager, Mr. Tim Murphy at (217) 524-4823.

Sincerely,



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

Attachments (2): Property Owner Certification of No Further Remediation Letter under the
 Site Remediation Program Form
 Notice to Remediation Applicant

cc: James E. Huff, P.E.
 Huff & Huff, Inc.
 915 Harger Road, Suite 330
 Oak Brook, IL 60523

John Lamb
Environmental Services Manager
City of St. Charles
Two East Main Street
St. Charles, IL 60174-1984