



K-PLUS ENGINEERING SERVICES, LLC

Sent by UPS Next Day Air

July 9, 2019

Hobson Oaks Homeowners
P.O. Box 5700
Naperville, IL 60567

RE: Notification of Request for a Groundwater Ordinance
LPC #0434675530/DuPage County
Market Meadows Shopping Center and adjacent properties

Dear Hobson Oaks Homeowners:

On June 28, 2019, I sent notice to you regarding the ground water ordinance that the Owner of the Market Meadows Shopping Center has requested from the City of Naperville in order to satisfy IEPA requirements for a No Further Remediation (“NFR”) and address residual contamination that was found on the Market Meadows property as a result of a dry cleaner that operated there from 1981 – 1986. Included as an attachment to my letter was a Draft copy of the proposed ground water ordinance. Earlier this week, it was determined that there were a few administrative errors in the wording of that ordinance, so attached to the letter is a redline version of the proposed ordinance showing exactly what has been added, deleted, or otherwise changed from the previous version I sent to you. This ordinance will be considered by the Naperville Board at its 7 PM meeting next Tuesday, July 16, 2019.

Also, I wanted to restate that the testing that was completed and submitted for review and approval by the Illinois EPA shows that contamination from the former dry cleaner is only located under and adjacent to the former retail space. Subsurface soil, ground water, and soil gas samples have been collected on multiple occasions to define the vertical and horizontal extents of the contamination and all of the data indicates that the contaminants are located only on the Market Meadows property.

You have been notified of the proposed ordinance and your property will be covered by that ordinance because conservative modeling required by the Illinois EPA shows that under certain conditions it may be possible for some of the contamination to reach shallow ground water that is occasionally present in the area and that water could potentially migrate under your property. To date however, that has never happened.

Off-Site Notice Letter
July 9, 2019
Page 2 of 2

Finally, I wanted to clarify that the proposed ground water ordinance will only restrict you from installing wells on your property and using those wells for drinking water purposes. The ground water ordinance does not prevent or restrict in any way your current use of water in our outside of your home. The water in your home is from Lake Michigan and is supplied to you through the City of Naperville municipal water supply system; it is not impacted in any way by the proposed ground water ordinance.

If you have any questions, you may attend the City Council meeting on July 16th and/or you may email or call me at dan@kplus.com/312-207-5700. Also feel free to call or email William Novack, City of Naperville Director of Transportation, Engineering, and Development at novackw@naperville.il.us/630-420-6704, or Pat Lord, Senior Assistant City Attorney, at lordp@naperville.il.us/630-420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Hannah Fyfe at Hannah.Fyfe@illinois.gov/217-524-7207.

Yours truly,



Daniel M. Caplice, P.E
On behalf of Mid-America Asset Management, Inc.

Attached – Proposed City of Naperville Groundwater Ordinance

**P.I.N.s/Common Addresses:
See attached Exhibit A**

**PREPARED BY AND
RETURN TO:**

CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 19 - _____

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A
POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF
POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD WITHIN
THE SPECIFIED LIMITS FOR THE PROPERTY AT 1201-1309 NAPER BOULEVARD
(ODD-NUMBERED ADDRESSES ONLY), 1230, 1236, 1248, 1250, 1252,
AND 1256 NAPER BOULEVARD, AND 1236-1276 HOBSON OAKS DRIVE (EVEN-
NUMBERED ADDRESSES ONLY), NAPERVILLE, ILLINOIS 60540,
INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE**

WHEREAS, certain properties described on Exhibit A and depicted on Exhibit B in the City of Naperville, Illinois have been used over a period for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

Formatted: Font: Bold

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("Other Properties") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, (hereinafter "**Properties**") may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code ("**Ill. Adm. Code**") 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

Formatted: Font: Bold

Formatted: Font: Bold

WHEREAS, the owner/operator of ~~said~~ the Commercial Properties is seeking issuance of a No Further Remediation (“NFR”) letter from the Illinois Environmental Protection Agency (“IEPA”) pursuant to the IEPA’s Site Remediation Program; and

WHEREAS, in order to obtain an NFR for the Commercial Properties, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as described and depicted on Exhibit A and Exhibit B which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply prohibited. Except for such uses or methods in existence before the effective date of this Ordinance, the use or attempt to use, as a potable water supply groundwater from within the specified limits described and

depicted on Exhibit A and Exhibit B, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: Definitions. "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns. "Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 5: Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance.

SECTION 6: 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.

SECTION 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the [Commercial Properties](#) described in **Exhibit A**, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

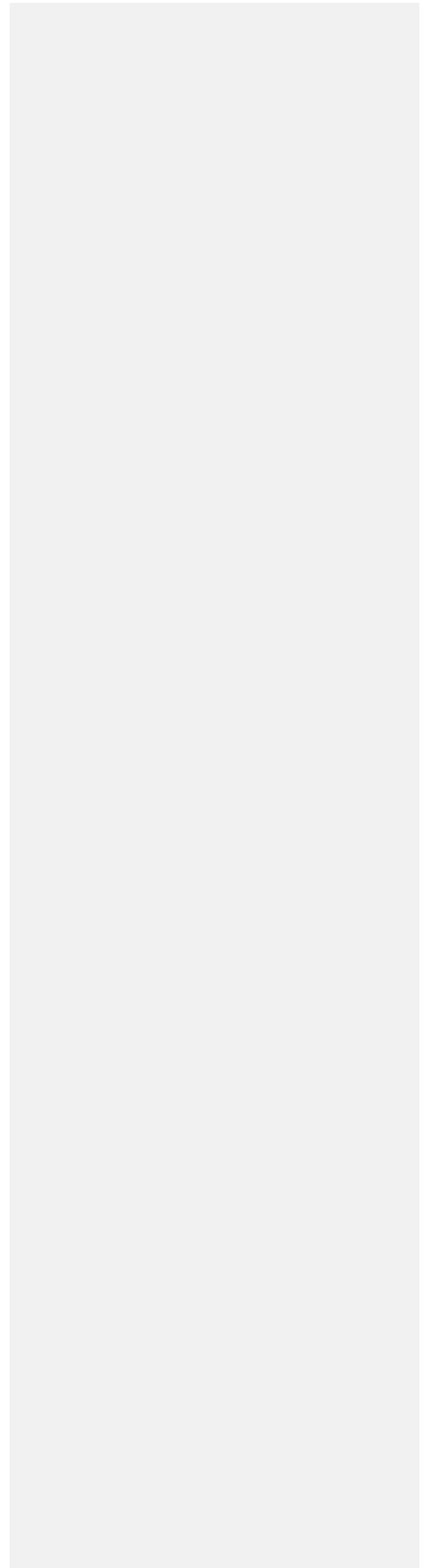


EXHIBIT A

“Commercial Properties”:

Formatted: Font: Bold

Mid-America Asset Management, Inc. is the owner of the Commercial Properties referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following two PINs, and the common addresses associated with each, which is seeking issuance of a No Further Remediation Letter (“NFR”) to be recorded on the Commercial Properties listed below:

PIN 08-29-203-005/Common addresses: 1225, 1227, 1230, 1231, 1233, 1235, 1236, 1237, 1239, 1243, 1248, 1249, 1250, 1251, 1252, 1255, 1256, 1257 S. Naper Blvd., Naperville, IL 60540

PIN 08-29-203-007/Common addresses: 1259, 1261, 1263, 1265, 1271, 1273, 1275, 1277, 1279, 1283, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309 S. Naper Blvd, Naperville, IL 60540

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

PIN 08-29-203-005/Common addresses: 1225, 1227, 1230, 1231, 1233, 1235, 1236, 1237, 1239, 1243, 1248, 1249, 1250, 1251, 1252, 1255, 1256, 1257 S. Naper Blvd., Naperville, IL 60540

PIN 08-29-203-007/Common addresses: 1259, 1261, 1263, 1265, 1271, 1273, 1275, 1277, 1279, 1283, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309 S. Naper Blvd, Naperville, IL 60540

and

PIN 08-29-203-022/Common address: 1236 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-203-023/Common address: 1238 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-001/Common address: 1240 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-002/Common address: 1242 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-003/Common address: 1244 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-004/Common address: 1254 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-005/Common address: 1256 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-006/Common address: 1258 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-007/Common address: 1260 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-008/Common address: 1262 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-010/Common address: 1268 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-011/Common address: 1270 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-012/Common address: 1272 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-013/Common address: 1274 Hobson Oaks Drive, Naperville, IL 60540

PIN 08-29-115-014/Common address: 1276 Hobson Oaks Drive, Naperville, IL 60540




PIN 08-29-115-015/Common address: Lot 67

PIN 08-29-115-016/Common address: Lot 67

PIN 08-29-115-009/Common address: Lot 64

*Note: PINs and Addresses listed above are those in place as of June 27, 2019

Legend

-  Groundwater Prohibition Area
-  Roads & Parking Lots
-  Buildings

PIN	Common Address	
1	08-29-203-005	1225 S. Naper Blvd., Naperville, IL 60540
		1227 S. Naper Blvd., Naperville, IL 60540
		1230 S. Naper Blvd., Naperville, IL 60540
		1231 S. Naper Blvd., Naperville, IL 60540
		1232 S. Naper Blvd., Naperville, IL 60540
		1235 S. Naper Blvd., Naperville, IL 60540
		1236 S. Naper Blvd., Naperville, IL 60540
		1237 S. Naper Blvd., Naperville, IL 60540
		1239 S. Naper Blvd., Naperville, IL 60540
		1243 S. Naper Blvd., Naperville, IL 60540
		1248 S. Naper Blvd., Naperville, IL 60540
		1249 S. Naper Blvd., Naperville, IL 60540
		1250 S. Naper Blvd., Naperville, IL 60540
		1251 S. Naper Blvd., Naperville, IL 60540
		1252 S. Naper Blvd., Naperville, IL 60540
	1255 S. Naper Blvd., Naperville, IL 60540	
	1256 S. Naper Blvd., Naperville, IL 60540	
	1257 S. Naper Blvd., Naperville, IL 60540	
2	08-29-203-007	1259 S. Naper Blvd, Naperville, IL 60540
		1261 S. Naper Blvd, Naperville, IL 60540
		1263 S. Naper Blvd, Naperville, IL 60540
		1265 S. Naper Blvd, Naperville, IL 60540
		1271 S. Naper Blvd, Naperville, IL 60540
		1273 S. Naper Blvd, Naperville, IL 60540
		1275 S. Naper Blvd, Naperville, IL 60540
		1277 S. Naper Blvd, Naperville, IL 60540
		1279 S. Naper Blvd, Naperville, IL 60540
		1283 S. Naper Blvd, Naperville, IL 60540
		1291 S. Naper Blvd, Naperville, IL 60540
		1293 S. Naper Blvd, Naperville, IL 60540
		1295 S. Naper Blvd, Naperville, IL 60540
		1297 S. Naper Blvd, Naperville, IL 60540
		1299 S. Naper Blvd, Naperville, IL 60540
	1301 S. Naper Blvd, Naperville, IL 60540	
	1303 S. Naper Blvd, Naperville, IL 60540	
	1305 S. Naper Blvd, Naperville, IL 60540	
	1307 S. Naper Blvd, Naperville, IL 60540	
	1309 S. Naper Blvd, Naperville, IL 60540	
3	08-29-203-022	1236 Hobson Oaks Drive, Naperville, IL 60540
4	08-29-203-023	1238 Hobson Oaks Drive, Naperville, IL 60540
5	08-29-115-001	1240 Hobson Oaks Drive, Naperville, IL 60540
6	08-29-115-002	1242 Hobson Oaks Drive, Naperville, IL 60540
7	08-29-115-003	1244 Hobson Oaks Drive, Naperville, IL 60540
8	08-29-115-004	1254 Hobson Oaks Drive, Naperville, IL 60540
9	08-29-115-005	1256 Hobson Oaks Drive, Naperville, IL 60540
10	08-29-115-006	1258 Hobson Oaks Drive, Naperville, IL 60540
11	08-29-115-007	1260 Hobson Oaks Drive, Naperville, IL 60540
12	08-29-115-008	1262 Hobson Oaks Drive, Naperville, IL 60540
13	08-29-115-010	1268 Hobson Oaks Drive, Naperville, IL 60540
14	08-29-115-011	1270 Hobson Oaks Drive, Naperville, IL 60540
15	08-29-115-012	1272 Hobson Oaks Drive, Naperville, IL 60540
16	08-29-115-013	1274 Hobson Oaks Drive, Naperville, IL 60540
17	08-29-115-014	1276 Hobson Oaks Drive, Naperville, IL 60540
18	08-29-115-015	Lot 67
19	08-29-115-016	Lot 67
20	08-29-115-009	Lot 64

