

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

METROPOLITAN PIER & EXPOSITION	)	
AUTHORITY, a municipal corporation,	)	NO. 02 L 51299
	)	
Plaintiff,	)	CALENDAR
	)	
v.	)	PARCEL: 118-6; 118-1
	)	and 111-6
	)	
BRINK'S, INC., and UNKNOWN OWNERS,	)	FULL TAKING
	)	
	)	WEST EXPANSION
Defendants.	)	

STIPULATION FOR ENTRY OF AN AGREED FINAL JUDGMENT ORDER  
AND AGREED ORDER OF POSSESSION BETWEEN  
METROPOLITAN PIER & EXPOSITION AUTHORITY AND  
BRINK'S, INCORPORATED, A DELAWARE CORPORATION

This matter coming before the Court this \_\_\_\_ day of \_\_\_\_\_, 2003, upon the agreement of Metropolitan Pier & Exposition Authority (hereinafter the "Authority") and Brink's, Incorporated, a Delaware corporation (hereinafter "Brink's"), by their attorneys, Langdon D. Neal and Thomas W. Goedert of the law firm of Neal, Murdock & Leroy, LLC, and Mark R. Davis of the law firm of O'Keefe, Lyons & Hynes, LLC and the Authority and Brink's do hereby stipulate and agree as follows:

**WHEREAS**, the Authority is a political subdivision, unit of local government, body politic and municipal corporation of the State of Illinois created and existing under the laws of the State of Illinois, particularly the Metropolitan Pier and Exposition Authority Act, being 70 ILCS 210/1 et. seq. (the "Act");

and

**WHEREAS**, the Authority was created by law for certain purposes, including the purposes of promoting, operating and maintaining fairs, expositions, meetings and conventions in the County of Cook and to arrange, finance, operate, maintain and otherwise provide for industrial, commercial, cultural, educational, trade and scientific exhibits and events and to construct, equip and maintain grounds, buildings and facilities for such purposes; and

**WHEREAS**, in order to fulfill such purposes and in order to promote the general welfare of the people of the State of Illinois, the Authority is empowered by the Act to acquire certain land and has heretofore acquired land and constructed new fair, exposition, meeting and convention buildings and facilities, retrofitted certain existing buildings and facilities and financed certain infrastructure improvements all as generally described in the Act as the "Expansion Project"; and

**WHEREAS**, on July 18, 2001, the Authority authorized and passed MPEA Ordinance 01-1 in which the Authority determined that it is necessary, advantageous, desirable and in the best interest of the Authority to acquire all right, title and interest to and possession of certain property including the property currently owned by Brinks and legally described in Exhibit A attached hereto and incorporated herein by reference, which property was determined by the Authority to be necessary and required and needed for the Expansion Project; and

**WHEREAS**, Ordinance No. MPEA 01-1 further authorized the General Counsel of the Authority and empowered her to direct, negotiate and to make offers and enter into acquisition agreements on behalf of the Authority with the owner or owners of and other persons interested in the real estate described herein and personal property for the purchase thereof by the Authority and all actions and negotiations undertaken by the General Counsel for the Authority were ratified; and

**WHEREAS**, MPEA Ordinance 01-1 further provided that in the event the Authority was unable to agree with the owner or owners or other persons interested in the real and personal property as to the compensation to be paid therefore, then title to and possession of such real and personal property would be acquired by the Authority through condemnation, including the exercise of "Quick Take", and the General Counsel of the Authority was thereby authorized, empowered and directed to institute proceedings in a court of competent jurisdiction to acquire title to and possession of such real and personal property for the Authority in accordance with the eminent domain laws of the state and in the manner provided by Article VII of the Illinois Code of Civil Procedure; and

**WHEREAS**, this Court has the jurisdiction to enforce the covenants and the terms of this Stipulation concerning the acquisition, compensation for, and possession of the real estate legally described in Exhibit "A" attached hereto with common addresses of 200-236 E. 24<sup>th</sup> Place, 201-217 E. 24<sup>th</sup> Street and 2400 S. Prairie Avenue, Chicago (hereinafter the "Subject Property"); and

**WHEREAS**, the parties to this Stipulation have expressed their desire to enter into this Stipulation with regards to the acquisition, compensation for, and possession of the Subject Property.

**NOW THEREFORE**, in consideration of the foregoing and for good and sufficient cause the parties have stipulated and agreed,

**Permitted Term of Possession**

1. Brink's shall be permitted to occupy the Subject Property pursuant to the terms and conditions of this executed Stipulation through 11:59 p.m. on December 31, 2003 (the "Term of Possession"). Brink's shall remain in possession rent free during the Term of Possession.

2. During the Term of Possession hereunder, Brink's shall be responsible for:

A. Maintaining the property (including fixtures and equipment remaining with

the property) in the same condition as of the time of execution of this Stipulation.

B. Brink's shall be responsible to maintain the Subject Property in full compliance with Federal, state and local statutes, regulations, ordinances and building codes and shall be responsible for any costs, penalties or fines or any violations of such statutes, regulations, ordinances or building code violations, subject to the provisions of Paragraph 5 below.

C. Brink's shall continue to pay for utility service for the property.

D. Brink's shall maintain general (public) liability insurance, in the minimum amount of \$10,000,000 and all-risk property damage insurance for the Property in the minimum amount of \$1,500,000. The Metropolitan Pier and Exposition Authority must be named as additional insured on the general liability policy and loss payee on the property damage policy. An original copy of the Certificate of Insurance and any renewals thereof, evidencing the referenced coverage, including the Metropolitan Pier and Exposition Authority as additional insured and loss payee must be tendered to the Metropolitan Pier and Exposition Authority upon entry of the agreed final order vesting title. The insurance provided by Brink's herewith shall be primary with respect to any liability or loss associated with the Subject Property during the Term of Possession.

E. It shall be Brink's responsibility to maintain and secure the Subject Property until possession of the Subject Property is transferred to the Authority. Brink's, at its sole cost and expense shall properly dispose of any personal property, or Brink's at its option shall remove such personal property, and shall dispose of all chemicals and other hazardous materials on the Subject Property, subject to the provisions of Paragraph 5 below, prior to tendering possession to the Authority.

F. Brink's shall be responsible for delivery of possession of the property on the date specified herein in good and clean condition subject to the provisions of Paragraph 5 below, free and clear of all personal property and free and clear of any liens or encumbrances affecting title.

**Final Just Compensation**

3. The parties hereby agree and stipulate that on or before August 5, 2003, the parties shall enter an Agreed Order of Final Just Compensation and Possession of Real Estate in the amount of Ten Million and No/100 (\$10,000,000.00) Dollars ("Final Just Compensation") for the acquisition of the Subject Property. The Authority shall deposit with the Cook County Treasurer's office the Final Just Compensation within 30 days after entry of the agreed order. Upon deposit of the award of Final Just Compensation, an order vesting title in the Authority shall be entered. Upon deposit, Brink's may file a Petition to Withdraw the award of Final Just Compensation subject to the possession escrow amount and terms set forth in Paragraph 6 and Paragraph 7.

**Final Just Compensation Allocation and Removal of Fixtures and Equipment**

4. Brink's acknowledges that the Final Just Compensation includes the cost to acquire the Subject Property, including irremovable fixtures and equipment as well as relocation and re-establishment of the business, as well as entry of a Final Judgment Order in Metropolitan Pier & Exposition Authority vs. Brink's, Incorporated, Case No. 98 L 51018, pending in the Circuit Court of Cook County. Brink's at its option may remove any irremovable fixtures and equipment, regardless of their characterization as "irremovable," in addition to its movable fixtures, equipment and personal property by the date of possession turnover. Brink's further acknowledges that no specific amount(s) have been allocated for any component of the Final Just Compensation. Brink's agrees to make no further claims to the Authority for relocation assistance other than the Final Just

Compensation, provided that such agreement shall not prevent Brink's from applying to any governmental agency or entity other than the Authority for any available benefits or assistance, subject to Paragraph 5.

**Environmental Condition Representation and Agreement**

5. (A) The Authority, as of the date of this Stipulation:
- (i) has been made aware of the presence of petroleum contamination in soil and groundwater and the presence of underground piping and multiple underground storage tanks ("USTs") at the Subject Property;
  - (ii) has been provided by Brink's with the environmental reports referenced on Exhibit B describing the USTs and related site conditions;
  - (iii) has retained the services of an environmental consultant, who in turn has (a) reviewed the environmental information referred to on Exhibit B provided by Brink's pertaining to the Subject Property, and (b) has confirmed to the Authority the existence of the site conditions referred to in 5(A)(i) above, and (c) has confirmed to the Authority the status of the existing contamination removal system approved by the Illinois Environmental Protection Agency ("IEPA");
  - (iv) acknowledges that the Final Just Compensation to be paid to Brink's reflects (a) the environmental conditions on the Subject Property, whether known or unknown, and (b) the Authority's obligations for implementing an IEPA approved remedy as set forth in this Paragraph 5 and applicable law.

(B) The parties agree that until such time as Brink's vacates the Subject Property, Brink's shall bear the cost of complying with all applicable environmental laws, including, without limitation to operating the existing IEPA approved action relating to the continuing removal of free petroleum product contamination from soil and groundwater. Brink's shall have the right to apply for reimbursement of such cost incurred during its possession (provided, such application(s) for reimbursement shall not prejudice the Authority's ability to seek reimbursement for its remedial activities after the date of possession) to any appropriate governmental agency or entity other than the Authority. Brink's has advised the Authority that it intends to seek reimbursement while it remains in possession and operates the existing IEPA approved action, and it is agreed this does not prejudice the Authority's ability to seek reimbursement for its own later remedial activities, provided that such remedial action by Brink's shall not include any soil vapor extraction (SVE) or similar system, or any further enhancement or supplement to the existing remediation process, unless it is required by the IEPA, without the prior written consent of the Authority.

(C) After Brink's vacates the Subject Property, the Authority shall remediate, and shall assume all costs and obligations relating to the remediation of, any contamination on the Subject Property or adjacent property owned by the Authority, as required by the IEPA in order to obtain a "No Further Remediation Letter" appropriate for the Authority's use of the Subject Property; provided, however, that the Authority shall not assume or otherwise bear any cost, expense, liability or obligation, other than may be required by law, relating to (i) the remediation of any contamination extending beyond or adjacent to the Subject Property to property not owned by the Authority; (ii) closure of Brink's existing LUST incident(s) obligation to the extent it requires the assessment or remediation of contamination extending beyond or adjacent to the Subject Property to property not

owned by the Authority; or (iii) liability to any third (3<sup>rd</sup>) parties relating to damages to persons or property as the result or consequence of, or arising from the contamination resulting from Brink's operations at the Subject Property, unless such liability arises from the failure of the Authority to remediate the Subject Property in accordance with the terms of this paragraph.

(D) The Authority agrees to assume legal responsibility to governmental authorities, and the Authority hereby releases Brink's from legal responsibility to governmental authorities, for all costs the Authority incurs as the result of the remediation of any contamination on the Subject Property or adjacent property owned by the Authority, after Brink's vacates the Subject Property, as described in Paragraph 5(C) herein.

(E) Brink's or its designated environmental consultants shall have the right, upon reasonable notice to the Authority, to monitor the Authority's implementation of any IEPA approved remedy after Brink's vacates the Subject Property, including but not limited to the right of reasonable access to the Subject Property and observation of remediation work and technology, and the right to reasonable review of any contracts or contract provisions and the right to obtain in a timely manner any consultant reports and analytical data which relate directly to implementing the IEPA approved remedy. The Authority shall notify Brink's when it submits its plans for remediation to the IEPA.

(F) Brink's agrees to assign to the Authority, if required by the IEPA, the right to apply for and receive all LUST Fund Reimbursements for costs incurred by the Authority after its possession of the Subject Property.



**Possession Escrow**

6. The parties hereby agree that the sum of Seven and One-Half Percent (7½ %) of the Final Just Compensation award shall remain on deposit with the Cook County Treasurer as a Possession Escrow subject to the terms of this Stipulation to guarantee:

A. Timely delivery of possession; and

B. That at the time possession is delivered the condition of the property is in accordance with the terms of this Stipulation.

**Transfer of Possession**

7. Possession shall be deemed to have been properly delivered when Brink's has completely vacated the Subject Property and delivered all of the Subject Property's keys to the Authority or the Authority's designated agent in accordance with the terms and conditions in Paragraph 3. If possession is properly delivered on a timely basis, the Authority shall release any interest it may have in the Possession Escrow within fourteen (14) business days after notice of the delivery of possession, and Brink's may then immediately withdraw such funds. If possession is not delivered to the Authority on or before 11:59 p.m. on December 31, 2003, Brink's shall be deemed to be in breach of the possession condition and liable to the Authority in the amount of \$2,500 per day for each day after December 31, 2003 through January 31, 2004 that Brink's fails to deliver possession of the Subject Property, which per diem amount shall increase for the period February 1, 2004 through February 29, 2004 to \$ 5,000 per day. If possession is still not tendered to the Authority by March 1, 2004, Brink's shall be liable to the Authority for an additional amount of \$500,000.00. The per diem amounts referenced herein shall be deducted from the Possession Escrow and shall be retained by the Authority as its only damages for breach of the possession

condition. After deduction of such per diem charges payable to the Authority, any remaining balance on deposit with the Cook County Treasurer shall be remitted to Brink's.

**Right of Entry/Inspection**

8. Purposes and Uses. Brink's hereby grants to the Authority and the Authority Designees, a Right of Entry to enter upon the property legally described herein and any portion or portions thereof for purposes associated with developing, improving and constructing the Project subject to execution of an acceptable Confidentiality Agreement. Such purposes include, but are not limited to,

- a. inspection, preparing surveys, studies, plats, and reports with regard to the geological and environmental condition of the soil;
- b. overseeing remediation of any adverse environmental conditions that may exist on the property; and
- c. staging, developing, constructing and improving the Project and any other work necessary to complete the Project, without material interference to Brink's right to operate.

The Authority recognizes the secure and confidential nature of Brink's operations, and will not disclose plans, specifications or other material concerning the facility or its operations except pursuant to a Confidentiality Agreement, which shall be executed in the form that has been agreed to by the parties simultaneously with the execution of this Stipulation. Nothing contained in Paragraphs 8 (a-c) shall create a right for the Authority to disrupt Brink's right to operate its business during the Term of Possession provided by this Stipulation. The Authority or the Authority's designees will provide Brink's and its attorneys notice of its intention to enter the Subject Property

forty-eight (48) hours prior to such entry, and the Authority and its designees shall comply with all security procedures requested by Brink's.

**Permits and Authorizations**

9. The Authority agrees that it will secure all necessary permits and authorizations in order to undertake the above-referenced tests and construction activities; provided, however, that Brink's shall cooperate with the Authority and the Authority Designees in obtaining any and all approvals pertaining to the use of the property and execute any applications for permit or the like as may be required in order to develop and construct the Project.

**Indemnification and Insurance By the Authority**

10. (A) The Authority shall require the Authority Designees entering upon the property pursuant to this Right of Entry to protect, defend, indemnify and save harmless Brink's, and the Authority, their officers, officials, employees and agents, from all loss, costs or expenses because of injury to or death of any person or persons or damage to any property resulting from the granting of this Right of Entry or arising directly or indirectly from the performance of any work pursuant to this Right of Entry. The Authority shall require the Authority Designees entering upon the property pursuant to this Right of Entry to provide comprehensive general liability insurance in the amount of \$10,000,000.00, naming the Authority and Brink's as additional insured.

(B) To the extent that insurance providing for the defense of and indemnity for third party claims arising from environmental conditions at the Subject Property can be provided to Brink's by naming it as an additional insured on a policy applicable to the Subject Property without additional cost to the Authority, then Brink's shall be so named as an additional insured.

**Liens and Encumbrances**

11. The Authority shall require the Authority Designees to keep the property free from any and all liens and encumbrances arising out of any tests conducted, work performed, materials furnished or obligations incurred in connection with the development, construction and improvement of the Project.

**Real Estate Taxes**

12. Brink's agrees that it shall be responsible for all real estate taxes due and owing on the Subject Property prior to the date of filing of the complaint to condemn and for the period Brink's remains in possession pursuant to this Stipulation if a tax exemption is not approved by the appropriate governmental authority for its extended possession period. However, the Authority will timely apply for a property tax exemption for the Subject Property and provide Brink's counsel with a copy of such request upon filing. Should the application for exemption for the Subject Property be denied, Brink's shall be responsible for any taxes assessed until possession is tendered. Provided, however, that Brink's shall have the right to pursue review of any adverse decision on the Authority's exemption application should the Authority elect not to do so, to the extent the application relates to the period for which the Subject Property would be taxable to Brink's, and Brink's shall also have the right at its sole option to challenge by any appropriate legal proceedings the legality, basis or amount of any taxes which might be imposed on the Subject Property at any time during that period.

**Inspection of the Subject Property By the Authority**

13. The Authority shall inspect the Subject Property and the adjacent areas prior to the start of any construction-related activities to ensure that the construction of the Project will in no way

damage Brink's surrounding structures and/or utility lines or any other surface or sub-surface lines or cables. Brink's shall have the right to oversee or accompany the Authority or Authority Designees while they have access to the Subject Property for the purposes authorized by this Right of Entry.

**Indemnification**

14. Brink's hereby agrees to defend, indemnify and hold the Authority harmless from any and all claims, demands, actions, causes of action, damages, expenses, losses, attorneys' fees and other liabilities arising in any way from or out of Brink's possession of the property after execution of this Stipulation subject to the balance of the provisions in this Stipulation.

**No Landlord Tenant Relationship**

15. This Stipulation is intended solely to permit a period of extended occupancy to Brink's after execution of the Stipulation and entry of an order vesting title and should not be construed to create a landlord/tenant relationship. If Brink's fails for any reason whatsoever to vacate the Subject Property on or before 11:59 p.m. on December 31, 2003, the Authority shall, in addition to all other remedies, have the right to dispossess Brink's or to commence any legal action or proceeding to evict and remove Brink's from the Subject Property, including the right to seek a writ of assistance to place the Authority in possession of the property.

16. Brink's hereby agrees to waive all notices required by the Forcible Entry and Detainer Act or any other statute and hereby waives any defenses thereunder to a judgment for possession and consents to an immediate judgment for possession to be entered by this Court, provided that Brink's shall be given notice of any action pursuant to the Forcible Entry and Detainer Act or any other statute in the form provided in Paragraph 17. Brink's further agrees to reimburse the Authority for all reasonable attorneys' fees and expenses incurred in the enforcement of possession rights under

this Stipulation.

**Notices**

17. All notices hereunder shall be served via facsimile and regular mail upon the parties listed herein: Renee Benjamin, General Counsel, Metropolitan Pier and Exposition Authority, 301 E. Cermak Road, Chicago, IL 60616; Langdon D. Neal and Thomas W. Goedert, Neal, Murdock & Leroy, LLC, 203 North LaSalle Street, Suite 2300, Chicago, IL 60601; Mark R. Davis, O'Keefe, Lyons & Hynes, LLC, 30 N. LaSalle Street, Suite 4100, Chicago, IL 60602; and Lori A. Hitz, Senior Counsel, U.S. Operations, Brink's Incorporated, 555 Dividend Drive, Suite 100, Coppell, TX 75019.

**Enforcement**

18. Brink's expressly acknowledges and agrees that the terms of this Stipulation may be enforced by this Court.

19. In the event of any unresolved disputes between the parties regarding the terms of this Stipulation, this Court shall have continued jurisdiction to enforce the terms and provisions of this Stipulation.

**Confidentiality**

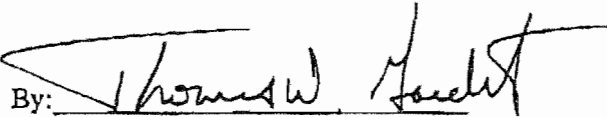
20. Brink's acknowledges and agrees that it, its officers, directors, employees, or agents shall not disclose the amount of Final Just Compensation and the Term of Possession set forth in this Stipulation and in an Agreed Final Judgment Order and Order of Possession unless otherwise required by law or a court of competent jurisdiction. Brink's further agrees to jointly request with the Authority that this Stipulation be sealed by the Court.

21. The parties shall request that the terms of this Stipulation shall remain sealed by the Court until December 31, 2003 or until possession of the Subject Property is delivered to the

Authority at which time the confidentiality requirement set forth in Paragraph 20 will expire.

Stipulated to by:

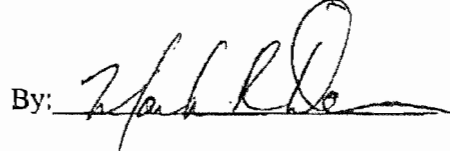
METROPOLITAN PIER & EXPOSITION AUTHORITY

By: 

Thomas W. Goedert, Esq.  
Neal, Murdock & Leroy, LLC  
203 N. LaSalle Street, Suite 2300  
Chicago, IL 60601

Stipulated to by:

BRINK'S, INCORPORATED

By: 

Mark R. Davis, Esq.  
O'Keefe, Lyons & Hynes, LLC  
30 N. LaSalle Street, Suite 4100  
Chicago, IL 60602

**EXHIBIT A**  
**PARCEL N<sup>o</sup> 111-6; 118-1 & 118-6**  
**Brink's, Incorporated**

**PROPERTY ADDRESS(S):**

200-236 E. 24th Place  
201-217 E. 24th Street  
2400 S. Prairie Ave.

**PERMANENT INDEX NUMBER(S):**

17-27-111-011  
17-27-111-022  
17-27-118-001  
17-27-118-002  
17-27-118-003  
17-27-118-004  
17-27-118-005  
17-27-118-016  
17-27-118-017

**LEGAL DESCRIPTION:**

**PARCEL 1:**

LOTS 1, 2, 3, 4, 5 AND 6 IN ASSESSORS DIVISION OF BLOCK 36 IN CANAL TRUSTEES SUBDIVISION OF THE WEST ½ OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PARCEL 2:**

LOTS 1 THROUGH 5 INCLUSIVE IN ASSESSOR'S SECOND DIVISION OF THE WEST ½ AND THE SOUTHEAST 1/4 OF BLOCK 43 IN CANAL TRUSTEES SUBDIVISION OF THE WEST ½ OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



PARCEL 3:

LOTS 1 AND 2 IN BLOCK 43 IN RESUBDIVISION OF LOTS 1 AND 2 IN BUSBY'S SUBDIVISION OF THE NORTH 100 FEET OF THE EAST ½ OF BLOCK 43 IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST ½ OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**EXHIBIT B**

**Environmental Related Materials Provided to MPEA  
by Brink's, Incorporated (July 26, 2002)**

- Site Classification Work Plan and Budget (Secor International, Inc., April 7, 1999)
- IEPA LUST Program 45-Day Report (1998)
- Notification to IEPA (December 14, 1998)
- Status Report to IEPA (November 23, 1999)
- IEPA Free Product Recovery Progress Report (April 2, 2002)



Office of the Illinois  
**State Fire Marshal**

General Office  
217-785-0969  
FAX  
217-782-1062  
Divisions  
ARSON INVESTIGATION  
217-782-9116  
BOILER and PRESSURE  
VESSEL SAFETY  
217-782-2696  
FIRE PREVENTION  
217-785-4714  
MANAGEMENT SERVICES  
217-782-9689  
INFIRS  
217-785-5826  
HUMAN RESOURCES  
217-785-1026  
PERSONNEL STANDARDS  
and EDUCATION  
217-782-4542  
PETROLEUM and  
CHEMICAL SAFETY  
217-785-5878  
PUBLIC INFORMATION  
217-785-1021  
WEB SITE  
[www.state.il.us/osfm](http://www.state.il.us/osfm)

CERTIFIED MAIL - RECEIPT REQUESTED # Z 082 408 404

ORIGINAL TO:

JACK SHANNON  
2-11-99

February 8, 1999

Brink Inc  
234 E 24Th St  
Chicago, IL 60616

In Re: Facility No. 2-015933  
IEMA Incident No. 98-0841  
Brinks Incorporated  
234 E 24Th St  
Chicago, Cook Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductibility Application, received on December 21, 1998, for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek corrective action costs in excess of \$10,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

Tank 8 10,000 gallon Diesel  
Tank 9 10,000 gallon Gasoline

You must contact the Illinois Environmental Protection Agency to receive a packet of Agency billing forms for submitting your request for payment.

It has been determined that you are ineligible to seek payment of costs of corrective action or indemnification associated with the following tanks:

Tank 1 5,000 gallon Heating Oil  
Tank 2 5,000 gallon Heating Oil  
Tank 3 5,000 gallon Heating Oil  
Tank 4 5,000 gallon Heating Oil  
Tank 5 5,000 gallon Gasoline  
Tank 6 1,200 gallon Diesel  
Tank 7 5,000 gallon Gasoline

An owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements are satisfied:

1. Neither the owner nor the operator is the United States Government;

2. The tank does not contain fuel which is exempt from the Motor Fuel Tax Law,
3. The costs were incurred as a result of a confirmed release of any of the following substances:
  - "Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law
  - Aviation fuel
  - Heating oil
  - Kerosene
  - Used oil, which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.
4. The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.
5. The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were not for a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.
6. The costs have not already been paid to the owner or operator under a policy, other written agreement, or court order.
7. The costs were associated with "corrective action".

You are ineligible for reimbursement from the fund for the following reason(s):

Tank 1 5,000 gallon Heating Oil - Not in operation at any time since 1/1/74 - (430 ILCS 5/57.9)  
Tank 2 5,000 gallon Heating Oil - Not in operation at any time since 1/1/74 - (430 ILCS 5/57.9)  
Tank 3 5,000 gallon Heating Oil - Not in operation at any time since 1/1/74 - (430 ILCS 5/57.9)  
Tank 4 5,000 gallon Heating Oil - Not in operation at any time since 1/1/74 - (430 ILCS 5/57.9)  
Tank 5 5,000 gallon Gasoline - Tank abandoned property in place - (41 Ill. Adm. Code 170.400)  
Tank 6 1,200 gallon Diesel - Tank abandoned property in place - (41 Ill. Adm. Code 170.400)  
Tank 7 5,000 gallon Gasoline - Tank abandoned property in place - (41 Ill. Adm. Code 170.400)

This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision to the Illinois Pollution Control Board (Board), pursuant to Section 57.9 (c) (2). An owner or

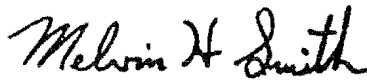
operator who seeks to appeal the decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the final decision (35 Illinois Administrative Code 105.102(a) (2)).

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312)814-3620

If you have any questions regarding the eligibility or deductibility determinations, please contact our Office at (217)785-1020 or (217)785-5878 between 3:00 - 4:00 p.m.

Sincerely,

A handwritten signature in black ink that reads "Melvin H. Smith". The signature is written in a cursive, flowing style.

Melvin H. Smith  
Division Director  
Division of Petroleum and Chemical Safety

MHS:

cc: IEPA  
Facility File



June 30, 2005

Illinois Environmental Protection Agency  
Leaking Underground Storage Tank Section #24  
1021 N. Grand Avenue, East  
P.O. Box 19276  
Springfield, IL 62794-9276

Re: **LPC #0316335065 – Cook County**  
**Chicago/Brinks, Inc.**  
**234 E. 24<sup>th</sup> St.**  
**LUST Incident No. 980841**  
**LUST Technical File**

Dear Mr. Wheeler:

Per our discussion this morning, ownership of the Brink's, Inc. site has changed to the Metropolitan Pier and Exposition Authority (MPEA). All future correspondence should be mailed to the attention of Tim McHugh at the following address:

Metropolitan Pier and Exposition Authority  
Development Department  
301 East Cermak  
Chicago, Illinois 60616

Please change your records to reflect this change in ownership. Please feel free to contact me directly at 312-697-7240 if you should have any questions or comments.

Sincerely,

**URS Corporation**

Patricia M. Bryan, P.G.  
Senior Project Manager

cc: Tim McHugh (MPEA) 1 copy  
McCormick Place West Project File

RECEIVED

JUL 01 2005

DEVELOPMENT DEPT.  
MPEA

EXHIBIT

3



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397

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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

JAN 23 2008

7007 0220 0000 0151 3053

Metropolitan Pier and Exposition Authority  
Attn: Tim McHugh  
301 East Cermak  
Chicago, Illinois 60616

Re: LPC #0316335065 -- Cook County  
Chicago/Brinks, Inc.  
234 East 24<sup>th</sup> Street  
Leaking UST Incident No. 980841  
Leaking UST Technical File

Dear Mr. McHugh:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Amended High Priority Corrective Action Plan (plan) submitted for the above-referenced incident. This plan, dated December 6, 2007, was received by the Illinois EPA on December 7, 2007. Citations in this letter are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 732.405(c), the plan is approved. The activities proposed in the plan are appropriate to demonstrate compliance with Title XVI of the Act and 35 Ill. Adm. Code 732. Please note that all activities associated with the remediation of this release proposed in the plan must be executed in accordance with all applicable regulatory and statutory requirements, including compliance with the proper permits.

In addition, the budget for the High Priority Corrective Action Plan is modified pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 732.405(c). Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A are approved. Please note that the costs must be incurred in accordance with the approved plan. Be aware that the amount of payment from the Fund may be limited by Sections 57.8(e), 57.8(g) and 57.8(d) of the Act, as well as 35 Ill. Adm. Code 732.604, 732.606(s), and 732.611.

All future correspondence must be submitted to:

Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

PRINTED ON RECYCLED PAPER

EXHIBIT

4

Page 2

Please submit all correspondence in duplicate and include the Re: block shown at the beginning of this letter.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

If you have any questions or need further assistance, please contact Scott McGill at (217) 524-5137.

Sincerely,

*Clifford L. Wheeler*

Clifford L. Wheeler  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

Attachments: Appeal Rights

cc: URS Corporation  
Division File



Attachment A

Re: LPC # 0316335065 -- Cook County  
Chicago/Brinks, Inc.  
234 East 24<sup>th</sup> Street  
Leaking UST Incident No. 980841  
Leaking UST Technical File

**SECTION 1**

As a result of the Illinois EPA's modification(s) in Section 2 of this attachment, the following amounts are approved:

\$10,865.00	Investigation Costs
\$6,345.00	Analysis Costs
\$113,497.00	Personnel Costs
\$584.00	Equipment Costs
\$263,319.00	Field Purchases and Other Costs

Handling charges will be determined at the time a billing package is reviewed by the Illinois EPA. The amount of allowable handling charges will be determined in accordance with Section 57.8(f) of the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 732.607.

**SECTION 2**

1. \$3,200.00 for costs for RCRA metals, which exceed the minimum requirements necessary to comply with the Act. Costs associated with corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act are not eligible for payment from the Fund pursuant to Section 57.7(c)(4)(C) of the Act and 35 Ill. Adm. Code 732.606(o).

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

JAN 23 2008

7007 0220 0000 0151 3060

Metropolitan Pier and Exposition Authority  
Attn: Tim McHugh  
301 East Cermak  
Chicago, Illinois 60616

RECEIVED

Re: LPC #0316335065 -- Cook County  
Chicago/Brinks, Inc.  
234 East 24<sup>th</sup> Street  
Leaking UST Incident No. 980841  
Leaking UST Technical File

JAN 23 2008  
DEPARTMENT OF ENVIRONMENT  
CHICAGO, ILL.

Dear Mr. McHugh:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report submitted for the above-referenced incident. This information is dated December 6, 2007 and was received by the Illinois EPA on December 7, 2007. Citations in this letter are from the Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The High Priority Corrective Action Completion Report and associated Professional Engineer Certification indicate corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(c)(1)(E) of the Act and 35 Ill. Adm. Code 732.409(a)(2) have been satisfied.

Based upon the certification by Daniel J. Banaszek, a Licensed Professional Engineer, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

Page 2

1. Metropolitan Pier and Exposition Authority, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. In addition, the Groundwater Ordinance (photocopy attached) must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

#### **CONDITIONS AND TERMS OF APPROVAL**

##### **LEVEL OF REMEDIATION AND LAND USE LIMITATIONS**

1. This site was classified as High Priority in accordance with Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 732.304. In accordance with 35 Ill. Adm. Code 732.404(a), the owner or operator has remediated or eliminated each of the criteria that caused the site to be classified as High Priority. The remediation objectives have been established in accordance with an industrial/commercial land use limitation. The remediation

Page 3

objectives for the above-referenced site described in the Leaking Underground Storage Tank Environmental Notice of this Letter were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: The land use shall be industrial/commercial.
3. The land use limitation 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 No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: A building and/or concrete/asphalt barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media must remain over the contaminated soil as outlined in the attached Site Base Map. This building and/or concrete/asphalt barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

Groundwater Use Ordinance

Section 11-8-390 of the Municipal Code of Chicago effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the City of Chicago must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been

approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- a. The name and address of the unit of local government;
- b. The citation of the ordinance used as an institutional control in this Letter;
- c. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f. A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a. Modification of the referenced ordinance to allow potable uses of groundwater.
- b. Approval of a site-specific request, such as a variance, to allow use of groundwater at the site.
- c. Violation of the terms of a recorded institutional control.

As a part of its corrective action, the leaking underground storage tank site has relied upon Section 11-8-390 of the Municipal Code of Chicago that prohibits potable uses of groundwater as defined therein.

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan, if applicable, may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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

8. Pursuant to 35 Ill. Adm. Code 732.704, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide Notice of Voidance to the owner or operator of the leaking underground storage tank system(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
  - a. Any violation of institutional controls or industrial/commercial 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 Corrective Action Plan or Completion Report;
  - d. The failure to comply with the recording requirements for the Letter;
  - e. Obtaining the Letter by fraud or misrepresentation; or
  - 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.

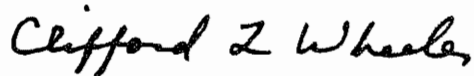
Page 6

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Scott McGill, at (217) 524-5137.

Sincerely,

A handwritten signature in black ink that reads "Clifford L. Wheeler". The signature is written in a cursive style with a large initial 'C' and 'L'.

Clifford L. Wheeler  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

CLW:SAM/mls/0835016.doc

Attachments: Leaking Underground Storage Tank Environmental Notice  
Site location map depicting the extent of the engineering barrier  
Copy of the City of Chicago groundwater ordinance and MOU

cc: URS Corporation  
BOL File

PREPARED BY:

Name: Metropolitan Pier and Exposition Authority

Address: 234 E. 24<sup>th</sup> Street  
Chicago, Illinois 60616

RETURN TO:

Name: Metropolitan Pier and Exposition Authority

Address: 301 East Cermak  
Chicago, Illinois 60616

**(THE ABOVE SPACE FOR RECORDER'S OFFICE)**

**LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE**

**THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.**

Illinois EPA Number: 0316335065

LUST Incident No.: 980841

Metropolitan Pier and Exposition Authority, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 301 East Cermak, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: Lots 1,2,3,4,5 and 6 in assessors division of block 36 in Canal Trustees subdivision of the W½ of Section 27, T39N, R14E of the Third Principal Meridian, in Cook County, Illinois
2. Common Address: 234 East 24<sup>th</sup> Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 17-27-111-011 and 17-27-111-022
4. Site Owner: Metropolitan Pier and Exposition Authority
5. Land Use Limitation: The land use shall be industrial/commercial.
6. See the attached No Further Remediation Letter for other terms.

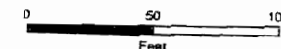
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Electronic Filing - Received, Clerk's Office, June 25, 2010



1 inch equals 50 feet

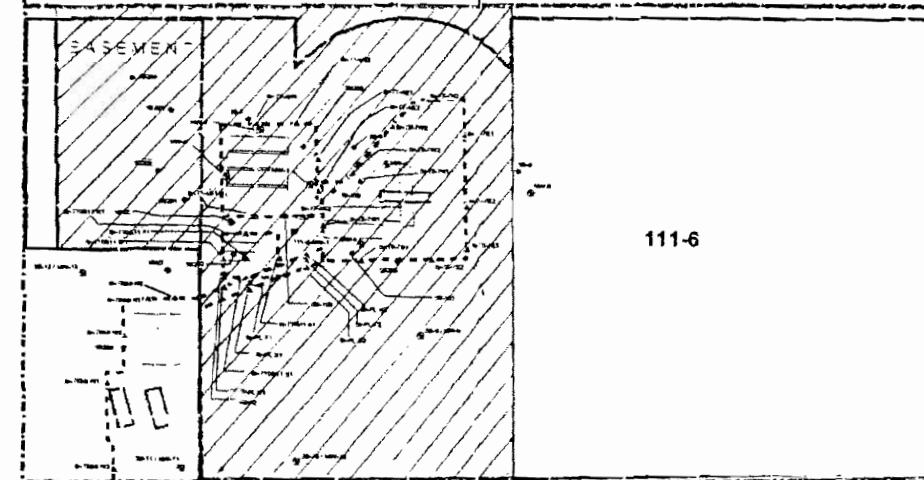


### Legend

- Confirmation Sample
- Former Monitoring Well (SECOR)
- Boring (CCA)
- Boring and Monitoring Well Location
- Boring (SECOR)
- Former Overhead Fill Pipes and Product Lin
- Former Underground Pipes
- [Dashed Line] Parcel Boundaries
- [Hatched Box] Former Pump Island
- [White Box] Former Underground Storage Tank Location
- [Dotted Line] Caisson Grid
- [Dashed Circle] Excavated Area
- [Diagonal Hatching] Areas Requiring Engineered Barrier

SOUTH INDIANA AVENUE

EAST 24TH STREET



**URS**

100 South Wacker Drive Suite 500  
Chicago, Illinois 60606

AREAS REQUIRING AN ENGINEERED BARRIER  
PARCEL 111-6 (FORMER BRINK'S PROPER)  
McCORMICK PLACE WEST EXPANSION  
CHICAGO, ILLINOIS

DESIGN	NDP	DRAWN	BY	PROJECT NO.
REVIEW	MMT	DATE	10/1/08	25364997



City of Chicago  
Richard M. Daley, Mayor

Department of Law  
Susan S. Sher  
Corporation Counsel

Suite 900  
30 North LaSalle Street  
Chicago, Illinois 60602  
(312) 744-9010  
(312) 744-6198 (FAX)

July 2, 1997

**BY EXPRESS MAIL**

**RECEIVED**

**JUL 03 1997**

**I.E.P.A. / B.O.L.**

Mr. Gary P. King  
Manager, Division of Remediation Management  
Bureau of Land  
Illinois Environmental Protection Agency  
1001 N. Grand Avenue, East  
Springfield, IL 62702

Re: Memorandum of Understanding Between City of Chicago and  
IEPA

Dear Mr. King:

Enclosed please find two executed copies of the Memorandum of Understanding ("MOU") between the City of Chicago and the Illinois Environmental Protection Agency, pursuant to 35 Ill. Adm. Code 742.1015. As I discussed earlier with Mark Wight, the version of the MOU that is enclosed varies from the one you and he approved only in that there are two exhibits rather than three, since the new groundwater ordinance also includes a provision authorizing the City of Chicago's Commissioner of Environment to enter into this MOU, thus simultaneously satisfying the requirements of 35 Ill. Adm. Code 742.1015(i)(3) and 742.1015(i)(1), relating to required MOU attachments. As to the remaining attachment (identification of the legal boundaries within which the Potable Water Supply Well Ordinance is applicable), Mr. Wight said that a letter from a City official stating that the ordinance applied throughout the City would satisfy the requirements of 35 Ill. Adm. Code 742.1015(i)(2). A letter to that effect is attached as Exhibit B.

Please execute both documents and return the one marked "City Copy" to me for our files. If you have any questions, do not hesitate to contact me at 312-744-6904.

Sincerely,

Mort P. Ames  
Assistant Corporation Counsel

Encl.

cc w/o encl.: Henry L. Henderson  
Jessica Rio  
Jill Wineman



FEB-20-98 THU 03:41 PM

FILE NO.

1. 00

1. The City will notify the Illinois EPA Bureau of Land of any changes to or requests for variance from the Potable Water Supply Well Ordinance 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));
2. The City will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA pursuant to specific programs (35 Ill. Adm. Code 742.1015(i)(5));
3. If the City determines to install a new potable water supply well(s), the City will review the registry of sites established under paragraph II.A.2. prior to siting such potable water supply well(s) within the area covered by the Potable Water Supply Well Ordinance, pursuant to 35 Ill. Adm. Code 742.1015(i)(6)(A);
4. If the City determines to install a new potable water supply well(s), the City 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.A.2. and 3. (35 Ill. Adm. Code 742.1015(i)(6)(B)); and
5. If the City determines to install a new potable water supply well(s), the City 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));
6. If the City enters into intergovernmental agreements under Section 11-8-390 of the Municipal Code of Chicago to allow other units of local government to install new potable water supply well(s) within the corporate limits of the City, the City will require compliance with the procedures set forth in paragraphs II.A.3., 4., and 5. as a part of such agreements.
7. Notification under paragraph II.A.1. above, or other communications concerning this MOU directed to the Illinois EPA, shall be addressed to:

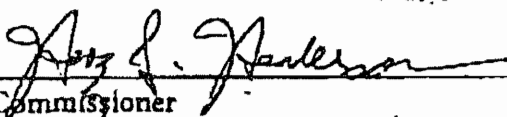
Manager, Division of Remediation Management  
Bureau of Land  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, IL 62794-9276

- B. In order to ensure the long-term integrity of the Potable Water Supply 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 Potable Water Supply Well Ordinance or other specific programs can be effectively managed, the Illinois EPA hereby assumes

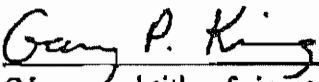
FEB 20 30 THU 03:42 PM

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

FOR: The City of Chicago, Illinois

BY:  DATE: July 1, 1997  
Commissioner  
Department of Environment  
City of Chicago

FOR: Illinois Environmental Protection Agency

BY:  DATE: July 3, 1997  
(Name and title of signatory)  
Division of Remediation Management  
Bureau of Land

Version 6/27/97

all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes and other equipment to any drainage pipes or sewers. *No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental agreement with the City of Chicago.*

SECTION 2. Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language in brackets and inserting the language in italics, as follows:

**2-30-030 Commissioner -- Powers And Duties Designated.**

The commissioner of the environment shall have the following powers and duties:

\* \* \* \* \*

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs; *and agreements to implement the State of Illinois Site Remediation Program;*

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.



City of Chicago  
Richard M. Daley, Mayor

Department of Environment

Henry L. Henderson  
Commissioner

Twenty-fifth Floor  
30 North LaSalle Street  
Chicago, Illinois 60602-2575  
(312) 744-7606 (Voice)  
(312) 744-6451 (FAX)  
(312) 744-3586 (TTY)  
<http://www.ci.chi.il.us>

July 1, 1997

Mr. Gary P. King  
Manager, Division of Remediation Management  
Bureau of Land  
Illinois Environmental Protection Agency  
1001 N. Grand Avenue, East  
Springfield, IL 62702

Re: Chicago Ordinance No. 097990

RECEIVED

JUL 03 1997

I.E.P.A. / B.O.L.

Dear Mr. King:

Pursuant to 35 Ill. Adm. Code 742.1015(l)(2), Section 11-8-385 and 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, apply to all areas within the corporate limits of the City of Chicago.

Sincerely,

  
Henry L. Henderson  
Commissioner

cc: Mort Ames  
Asst. Corp. Counsel



Please  
Recycle

EXHIBIT

B





## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397

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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

### RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

#### Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with, (2) all corrective action concerning the remediation of the occurrence has been completed, and (3) no further corrective action concerning the occurrence is necessary so long as the site is used in accordance with the terms and conditions of the NFR Letter.

#### Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA *will* take steps to void the NFR Letter in accordance with the regulations.

#### Duty to Record

**The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.**

#### For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on the Illinois EPA Web site at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.



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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL #

7007 2560 0003 2086 4057

OCT 30 2008

Metropolitan Pier and Exposition Authority  
Tim McHugh  
301 E. Cermak  
Chicago, Illinois 60616

Re: LPC #0316335065 -- Cook County  
Chicago / Brinks, Inc.  
234 E. 24<sup>th</sup> Street  
Leaking UST Incident No. 980841  
Claim No. 53410  
Leaking UST Fiscal File

Dear Mr. McHugh:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code 732.Subpart F. This application for payment is dated December 14, 2007 and was received by the Illinois EPA on December 17, 2007. It covers the period from March 1, 2004 to December 9, 2005. The amount requested is \$389,224.57.

As a result of the Illinois EPA's review of the application for payment, a voucher cannot be prepared for submission to the Comptroller's Office for payment. Subsequent applications for payment that have been or are submitted will be processed based upon the date of receipt by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application for payment.

Following are costs that are not approved for payment and the reasons the costs are not approved:

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120 • MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

PRINTED ON RECYCLED PAPER

EXHIBIT

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1. \$389,224.57, deduction for costs associated with any corrective action activities, services, or materials that were not accompanied by a copy of the eligibility and deductibility decision(s) made for the above-referenced occurrence(s) for accessing the Fund pursuant to Section 57.8 of the Act and 35 Ill. Adm. Code 732.110(a), 732.601(b)(3), and 732.606(s).

Metropolitan Pier and Exposition Authority has submitted this request for reimbursement however, they are not the owner or operator of the USTs (35 Ill. Adm. Code 732.103) nor do they have an eligibility and deductibility decision.

2. In addition, \$385.00 of the above amount was withheld from your payment. Pursuant to Section 57.8(a)(1) of the Act, in no event shall payment from the UST Fund be made for an amount greater than the amount approved in the budget. The line-item amount for Investigation Costs was reduced to that approved in the budget.
3. In addition, \$237,426.99 of the above amount for costs that require an apportionment of costs pursuant to 35 Ill. Adm. Code 732.608. Pursuant to Section 57.8(m) of the Act, the Illinois EPA may apportion payment of costs for plans submitted under Section 57.7 of the Act if:
  - a. The owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and
  - b. The owner or operator failed to justify all costs attributable to each underground storage tank at the site.

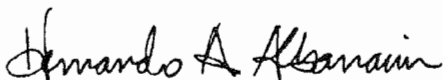
This is your notification that payment of costs is being apportioned based on the total gallons eligible for payment from the UST Fund.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

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If you have any questions or require further assistance, please contact Brian Bauer of my staff at 217/782-3335.

Sincerely,

A handwritten signature in black ink, appearing to read "Hernando A. Albarracin". The signature is fluid and cursive, with the first name being the most prominent.

Hernando A. Albarracin, Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAA:BB

c: URS Corporation – Patricia Bryan  
Leaking UST Claims Unit

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#### Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.8(i) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601  
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544



November 19, 2008

Office of the State Fire Marshal  
103 5 Stevenson Drive  
Springfield, Illinois 62703

Re: Eligibility and Deductible Application for LUST  
OSFM ID No. 02-01 5933  
LUST Incident 98-0841  
Former Brinks Incorporated Site  
243 E. 24th Street  
Chicago, Cook County, Illinois

Dear Sir/Madam:

On behalf of the Metropolitan Pier & Exposition Authority (MPEA), URS is sending this Eligibility and Deductible Application for LUST. MPEA acquired the subject former Brinks property in January 2004.

The following information details the events surrounding Illinois Environmental Protection Agency (IEPA) LUST Incident No. 98-0841, for which the enclosed Underground Storage Tank Fund Eligibility and Deductible Application applies. The site is currently owned by the Metropolitan Pier & Exposition Authority (MPEA) and is referred as Parcel 111-6. The site is part of the McCormick Place West Expansion. MPEA acquired the property in January 2004. Liability and responsibility regarding this LUST incident were transferred to MPEA with the property.

## BACKGROUND

On April 15, 1998 Brink's Incorporated ("Brink's") reported the presence of petroleum in the basement of their facility formerly located at 234 East 24th Street in Chicago, Illinois. Upon inspection of the facility, petroleum product and groundwater were observed to be leaking into the basement through the eastern basement wall. Four 5,000-gallon fuel oil USTs were located behind the basement wall, beneath the first floor of the building. These USTs were formerly used to store fuel oil for the boiler located in the basement of the building. The boiler was no longer in use at the time. Up to 12 inches of petroleum product was observed in each of the USTs. The existing basement connection to the public sewer system was cut off to prevent the discharge of any petroleum to the sanitary sewer system.

Based on the close proximity of the USTs to the basement seepage, the age of the USTs (60 plus years), and the presence of petroleum product in the USTs, it was determined that a release had likely occurred from one or more of the fuel oil USTs. On April 16, 1998, the Illinois Emergency Management Agency (IEMA) was contacted to report a release of petroleum.

On April 17, 1998, SECOR International Incorporated (SECOR), consultant to Brink's Incorporated (Brink's) removed approximately 600 gallons of residual petroleum product from the USTs and transported off-site for disposal. A sump pump was placed in the basement in order to pump out the oily water from the basement to a portable holding tank outside of the building. The portable tank is periodically pumped out by North Branch Environmental Services, a licensed waste hauler, and is transported to a proper disposal facility. The sump pump was later replaced by a pneumatic pump



system. The basement wall was temporarily patched with epoxy putty in order to slow the influx of groundwater and petroleum product into the basement.

SECOR installed three temporary piezometers in the vicinity of the fuel oil USTs to determine soil conditions, depth to groundwater, and the presence of free product. Free product was identified in two of the three locations in the form of a sheen or droplets. Water samples taken from the piezometers/wells indicated the presence of petroleum products in the gasoline, diesel, and oil ranges (Method 8015), along with BETX and PNA compounds. A sample of the collected water/product from the basement seep indicated the presence of low boiling point hydrocarbons (gasoline).

These results indicated that additional releases were likely to have occurred from other USTs and/or associated product piping that had been located on the site. Three former gasoline and diesel fuel USTs and an associated pump island were also located east of the four fuel oil USTs. These USTs were taken out of service in approximately 1981. At the time of the release, the pump island area was still in use for dispensing from in service 10,000-gallon USTs (installed in 1981) located outside the buildings. The dispensing island inside the building was reportedly taken out of service in the early 1990s when the outside 10,000-gallon UST area was upgraded. At the time of the release, all fueling was performed outside the building from the two 10,000-gallon USTs (gasoline and diesel).

On July 2, 1998, Tanknology, under the direction of SECOR, performed UST tank, line, and leak detector tests on the two outside, in-use, 10,000-gallon gasoline and diesel USTs. It was determined that the lines running from the 10,000-gallon USTs to the former, out-of-service pump islands inside the building failed. It was discovered that these old lines were still connected to the submersible pump for the current fueling system. Subsequently, the product was removed from these lines, and they were cut and capped off in the submersible pit. The abandoned dispensers inside the building were then removed, and the lines were capped at that end. Based on this information, product was released from the old lines into the soil and groundwater below the building.

Metropolitan Pier & Exposition Authority acquired the Brink's property in January 2004. A Corrective Action Plan (CAP) was presented to the IEPA in December 2004 with revisions in March, May and June 2005. Pursuant to the CAP, the corrective action (CA) was completed in two phases. Phase 1 CA was conducted in August and September 2004 and included source removal via excavation and disposal of USTs and impacted soil. Source removal was achieved by the removal of twelve USTs from the Property (eleven known and one unknown) along with impacted soil surrounding the USTs, fuel islands, and product pipelines. Phase 2 of the CA involved the assessment of groundwater conditions on and downgradient of the Property post source removal. Six monitoring wells were installed on and downgradient of the Property in January 2005. IEPA issued a No Further Remediation Letter (NFR) on January 23, 2008.

Please contact me directly should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Morris Bryan".

Patricia Morris Bryan  
Senior Project Manager

Cc: Laura Tagler, MPEA

Attachments: Eligibility and Deductible Application for LUST

Dear Tank Owner/Operator:

Enclosed is an Eligibility and Deductible (E & D) Application for the Leaking Underground Storage Tank (LUST) Fund with instructions for completing this application. Please read these instructions first. If you have any questions regarding the application, please call the E & D Section at (217) 785-5878 or (217) 785-1020.

For a determination of both your eligibility to seek reimbursement from the LUST fund and your applicable deductible, submit the completed application to:

Office of the Illinois State Fire Marshal  
Division of Petroleum and Chemical Safety  
Eligibility and Deductible Determinations Section  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259

Only one original application, typed or completed in ink, is required; DO NOT submit additional copies of the application.

**A detailed site map showing the location and distance between tanks, including surrounding buildings, streets and structures, should be submitted to assist in the review process of your application. Do not submit the application with copies of IEPA technical reports or bills.** Technical reports, including bills, must be submitted to the Illinois Environmental Protection Agency (IEPA); contact the Leaking Underground Storage Tank (LUST) Section at (217) 782-6760 for information.

**INSTRUCTIONS FOR COMPLETING**  
**The Leaking Underground Storage Tank Fund Eligibility and Deductible Application**

**DEFINITIONS**

**IEMA** - Illinois Emergency Management Agency.

**Lessee** - One that has possession of land pursuant to a lease.

**Occurrence** – Any release from an UST, including an accident, or continuous and repeated exposure to conditions that results in a sudden or non-sudden release from an UST.

**Overfill** - A release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance into the environment.

**Release** - Any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an UST into groundwater, surface water or subsurface soils.

**Tank Operator** - Any person in control of, or having responsibility for, the daily operation of the UST system.

**Tank Owner** - In the case of an UST system in use on November 8, 1984 or brought into use after that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; in the case of any UST system in use before November 8, 1984, but no longer in use on that date, or any person who owned such a UST immediately before the discontinuation of its use.

**UST** - Any tank or combination of tanks (and pipes connected thereto) used to contain an accumulation of regulated substances, the volume of which (including the underground pipes connected thereto) is ten percent or more beneath the surface of the ground. Refer to 35 Illinois Administrative Code, Subtitle G, Part 731 and 732 for exclusions from this definition. For purposes of the LUST Fund, the definition of an UST includes those serving other than farms or residential units used exclusively to store heating oil for consumptive use on the premises where stored.

**EXPLANATION OF QUESTIONS ON THE APPLICATION**

**Item 1**

Enter the required information regarding the **applicant** and a person we may contact if there are questions regarding the application.

**Item 2**

Enter the required information regarding the **current tank owner**. If the exact date the facility property was purchased/leased is unknown, please enter the month and year the facility property was purchased/leased.

**Item 3**

Enter the required information regarding the previous UST owner/operator and the previous UST owner/operator's current mailing address.

**Item 4**

Enter the required information regarding the facility.

**Item 5**

Enter the incident number for which you intend to seek reimbursement.

**Item 6**

Date reported and name and official title of person who notified IEMA of the release for which you intend to seek reimbursement.

**Item 7**

If there are multiple occurrences at the site, you must enter all incident numbers and the date reported. **If you wish to seek reimbursement for more than one incident number, a separate application must be filed for each occurrence.**

**Item 8**

Enter the total number of USTs at the site. This number should include USTs presently at the site and USTs that have been removed or abandoned in place.

**Item 9**

Enter the total number of USTs at the site that have had a release, including USTs that incurred a release under another IEMA number. *(refer to the definitions of an UST and a release)*

**Item 10**

Indicate the type of release at the site. Indicate the date and how the release was discovered at the site. Check all that apply. *(refer to the definitions of an UST and a release)*

**Item 11**

Indicate whether the owner/operator of an UST at the site is the United States Government.

**Item 12**

Indicate whether the owner or operator of an UST at the site is or is not a rail carrier registered pursuant to Section 18c-7201 of the Illinois Vehicle Code.

**Item 13**

Indicate whether an UST at the site is or is not located at an airport with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants.

**Item 14**

Indicate the date corrective action work began or is scheduled to begin.

**Item 15**

Indicate the date corrective action work was completed.

**Certification**

Complete the certification: the certification must be signed by the UST owner, operator or designated agent. **The date signed and date notarized must match. All signatures and seals of the certification and notarization must be originals, signed in ink.**

**UST Information Sheet**

Enter the required information regarding each UST at the facility. *(present USTs and USTs that have been removed or abandoned)* This page may be copied if more room is needed.

**OSFM Facility ID #** - Enter the Office of the State Fire Marshal's (OSFM) facility identification number. This is the number the OSFM assigns when notified of USTs. The number is seven digits in the following format: X-XXXXXX *(if more than one number has been assigned include all of them)*



**Product Code** - Enter the following codes for the last stored product in each UST. At the time of the release, if the product was other than the last stored product, please provide the product code and date the product changed.

**G - Gasoline, D - Diesel, A - Aviation fuels, K - Kerosene, M - New Motor Oil, or U - Used oil.**

For purposes of this application, "used oil," means any oil that has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law, and as a result of that use, is contaminated by physical or chemical impurities.

**H - Heating Oil**

For purposes of this application, "heating oil," means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy, or No 6 technical grades of fuel oil; or other residual fuel oils including Navy Special Fuel Oil and Bunker C.

**HAZ - Hazardous Substance (description required)**

For purposes of this application, "hazardous substance" means any substance as defined in Section 3.14 of the Illinois Environmental Protection Act.

**M - New Motor Oil**

For purposes of this application, "new motor oil" means virgin motor oil that has never been used.

**N** - Any product not included under another code. If N is indicated, you must state the tank and product name in the comment section on the UST Information Sheet. *(description required)*

**Size** - Enter the size of the UST *(gallon capacity)*

**Date Installed** - You must enter the complete date each UST was installed. If the exact date is unknown, you must enter the year the UST was installed.

**Date Out of Service** - You must enter the date each UST was last used. If the exact date is unknown, you must enter the year each UST was last used. You may be asked to provide proof or do additional research to obtain correct data.

**Date Removed** - Enter the date each UST was removed from the ground. If the exact date is unknown, you must enter the month and year in which each UST was removed from the ground. Please enter "not removed" if an UST is still in the ground. If scheduled for removal, list which tanks are to be removed and the schedule date.

**Date Registered** - Enter the date each UST was registered with the Office of the State Fire Marshal. Please enter "not registered" if an UST is not registered.

**Date IEMA Notified** - Enter the date IEMA was notified of the release associated with each UST. In some instances, there may be more than one release reported for an UST.

**Registration Fees Paid** - Circle "Y" if UST registration fees have been paid. If registration fees have not been paid, circle "N".

**Has UST Had a Release?** - Circle "Y" if there has been a release from the UST *(including associated underground piping)* or if there has been an overfill of the UST. If there has not been a release from the UST, circle "N". *(refer to the definitions of an UST and a release)*

**Is UST Legally Abandoned in Place?** - Circle "Y" if the UST has been legally abandoned or closed in place, as permitted by OSFM. If the UST is not legally abandoned or closed in place as permitted by OSFM, circle "N". Circle "N" if the UST has been removed.

**Leaking Underground Storage Tank Fund  
Eligibility and Deductible Application**

All underground storage tank owners or operators planning to seek reimbursement of corrective action costs from the Leaking Underground Storage Tank (LUST) Fund must submit this application. Instructions and definitions to aid in completing the application are attached.

The application must be completed in its entirety. Answers of unknown are not accepted and may be grounds for returning your application. All signatures and seals must be originals signed in ink. Incomplete applications will be returned to the Applicant. Any revisions to the original application must be dated and initialed by the person entering the new information. This must be the same person who signs the application. If a facility is not in compliance with registration requirements, the application will be returned.

Do not submit IEPA reports or bills with the application. A duplicate copy of the application is not required. Following the review of the application, the Applicant will receive a certified letter of eligibility stating the deductible amount.

OSFM Facility ID #: 2-015933

1. Name of Applicant: Metropolitan Pier & Exposition Authority

Current Tank Owner: x Current Tank Operator \_\_\_\_\_ Former Tank Owner: \_\_\_\_\_ Former Tank Operator: \_\_\_\_\_

Mailing Address of Applicant: 301 East Cermak

City: Chicago State: IL Zip: 60616

Contact Person: Laura Chorle

2. Current Owner: Metropolitan Pier Exposition Authority

Tank x Property: x Lessee: \_\_\_\_\_ (check all that currently apply)

Mailing Address: 301 East Cermak

City: Chicago State: IL Zip: 60616

Phone: ( 312 ) 791-6289

a) Date Facility Property Purchased: 1/7/2004 Leased: \_\_\_\_\_

b) Were tanks in the ground on date of purchase/lease? Yes x No \_\_\_\_\_

c) If answer to 2b is no, were tanks installed after your purchase/lease? Yes \_\_\_\_\_ No \_\_\_\_\_

d) Have you ever operated these tanks; pumped product in or out during the ordinary course of operation?  
Yes \_\_\_\_\_ No x

The OSFM is requesting disclosure of information to process your Eligibility and Deductible Application in order to accomplish the statutory purpose as stated in 415 ILCS, Act 5, Environmental Protection Act. This is REQUIRED because failure to provide the requested information will result in this form not being processed, and there will be no eligibility or deductible determination for purposes of the LUST Fund. This form has been approved by the Forms Management Center.

3. Previous owner/operator: Brinks Incorporated

Tank: ☒ Property: ☒ Lessee: \_\_\_\_\_ (check all that apply)

Current mailing address: 919 S. California Avenue

City: Chicago State: IL Zip: 60612

Phone: (773) 475-2600

4. Facility Name: Brinks Incorporated

Facility Address: 234 E. 24th Street

City: Chicago County: Cook

5. Incident # for the occurrence under which you intend to seek reimbursement: 98-0841

6. Name and official title of the person who notified IEMA of the occurrence and the date reported:

Name/Title: William Elwell (SECOR), Geologist Date Reported: April 16, 1998  
Leonard Dudzinaki (Brinks), Security

7. Other incident numbers reported at the site: (A separate application must be filed for each occurrence which you intend to seek reimbursement. Please indicate if any of the additional incident numbers are erroneously reported incidents, or a second reporting of the same occurrence for which you intend to seek reimbursement.)

<u>Other Incident Numbers</u>	<u>Date Reported</u>
1) _____	_____
2) _____	_____
3) _____	_____

8. Total number of USTs at the site: 12 (include USTs presently at the site and USTs that have been removed or abandoned in place)

9. Total number of USTs at the site that have had a release: 1-9 (An UST release includes a leak from an underground tank, a release from underground piping associated with the tank, plus overfills of the UST during filling.)

10. Type of release: (check all that apply) Answers of unknown will not be accepted.

☒ UST leak ☐ Overfill of an UST during filling  
☒ Underground piping leak ☐ Other (detailed description required)

a) How was the release discovered? (check all that apply)

☐ Inventory Loss ☐ Subsurface Investigation  
☒ Product in Observation Well ☐ Significant Event (i.e., overfill, vandalism, etc.)  
☐ Subsurface Work/Repair ☒ Other (detailed description required)  
(A detailed description can be found in the attached cover letter)

b) Date release discovered: April 15, 1998

11. Is the UST owner or operator the U.S. government? Yes \_\_\_\_\_ No x
12. Is the UST owner or operator a rail carrier registered pursuant to Section 18c-7201 of the Illinois Vehicle Code? Yes \_\_\_\_\_ No x
13. Is the UST located at an airport with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants? Yes \_\_\_\_\_ No x
14. Date corrective action work began or scheduled to begin: August 23, 2004
15. Date corrective action work completed: September 8, 2004

**The following certification must be completed by the UST owner/operator:**

I, Laura Chorle (circle the following that apply) the Owner, Operator or designated agent of Metropolitan Pier & Exposition Authority leaking underground storage tank site, do hereby certify under penalty of law, that this application and the supporting documentation attached hereto were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted therein. I affirm that the information is, to the best of my knowledge and belief, true, accurate and complete. Such affirmation is made under penalty of perjury as defined in Section 32-2 of the Criminal Code, 720 ILCS 5/32-2. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly committing violations. The "Eligibility and Deductible Determination" decided pursuant to this document is subject to the costs defined in Title 35: Environmental Protection Illinois Administrative Code (IAC) 731, 732, 742 and Public Act 92-0554.

Signature (owner, operator or designated agent)

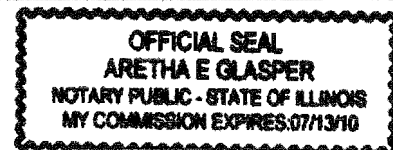
Laura Chorle

Title: SENIOR DEVELOPMENT MANAGER

Date: Nov. 20, 2008

Subscribed and sworn to before me this 20th day of November, 2008  
(application must be notarized when the certificate is signed)

Aretha E. Glasper  
Notary Public



Seal

**Note:** Original signatures in ink and seals are required for the certification and notarization. Attach the UST information sheet behind this page. This form may be copied on a photocopier but may not be altered in any way. DO NOT reproduce on a computer; this will be grounds for rejection.

## UST Information Sheet

The information below must be provided for each UST at the site. (USTs presently at the site and USTs that have been removed or abandoned)

All spaces must be completed for each tank. Answers of unknown will not be accepted.

You may photocopy this page if more space is needed.

OSFM Facility ID #: 2-015933

Circle one under each column.

Tank ID #	Product Code	Size (Gallons)	Date Installed	Date Registered	Date Out of Service	Date Removed	IEMA Number	Date IEMA Notified	Registration Fees Paid	Has UST Had a Release	Is UST Legally Abandoned In-Place?
1	H	5,000	c. 1930	4-9-1986	c. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
2	H	5,000	c. 1930	4-9-1986	c. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
3	H	5,000	c. 1930	4-9-1986	c. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
4	H	5,000	c. 1930	4-9-1986	c. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
5	G	5,000	c. 1953	4-9-1986	1981	8-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
6	D	1,200	c. 1953	4-9-1986	1981	8-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
7	G	5,000	c. 1953	4-9-1986	1981	8-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
8	D	10,000	c. 1981	4-9-1986	2004	8-25-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
9	G	10,000	c. 1981	4-9-1986	2004	8-25-2004	n.a.	n.a.	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
10	G	1,000	c. 1930	Not registered	1953	8-25-2004	n.a.	n.a.	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N

**Product Codes** - (refer to instructions for definitions): G - Gas, D - Diesel, A - Aviation fuels, K - Kerosene, M - New Motor Oil or U - Used oil; H - Heating oil; HAZ - Hazardous Substance (description required); N - Any product not included under another code. (description required)

Comments: \_\_\_\_\_

## UST Information Sheet

The information below must be provided for each UST at the site. (USTs presently at the site and USTs that have been removed or abandoned)

All spaces must be completed for each tank. Answers of unknown will not be accepted.

You may photocopy this page if more space is needed.

OSFM Facility ID #: 2-015933

Circle one under each column.

Tank ID #	Product Code	Size (Gallons)	Date Installed	Date Registered	Date Out of Service	Date Removed	IEMA Number	Date IEMA Notified	Registration Fees Paid	Has UST Had a Release	Is UST Legally Abandoned In-Place?
11	N	500	c. 1930	Not registered	1953	8-25-2004	n.a.	n.a.	Y <input checked="" type="radio"/>	Y <input checked="" type="radio"/>	Y <input checked="" type="radio"/>
12	H	5,000	n.a.	Not registered	1970	8-30-2004	n.a.	n.a.	Y <input checked="" type="radio"/>	Y <input checked="" type="radio"/>	Y <input checked="" type="radio"/>
									Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
									Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
									Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
									Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
									Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
									Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
									Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>
									Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>	Y <input type="radio"/> N <input type="radio"/>

**Product Codes** - (refer to instructions for definitions): **G** - Gas, **D** - Diesel, **A** - Aviation fuels, **K** - Kerosene, **M** - New Motor Oil or **U** - Used oil; **H** - Heating oil; **HAZ** - Hazardous Substance (description required); **N** - Any product not included under another code. (description required)

Comments: N - Lubricating oil/Motor oil



Office of the Illinois  
**State Fire Marshal**

*"Partnering With the Fire Service to Protect Illinois"*

CERTIFIED MAIL - RECEIPT REQUESTED #7008 1140 0004 7348 4524

December 22, 2008

Metropolitan Pier & Exposition Authority  
301 E. Cermak Rd.  
Chicago, IL 60616

In Re: Facility No. 2-015933  
IEMA Incident No. 98-0841  
Brinks, Inc.  
234 E. 24<sup>th</sup> Street  
Chicago, Cook Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on December 5, 2008, for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek corrective action costs in excess of **\$10,000**. The costs must be in response to the occurrence referenced above and associated with the following tanks:

Eligible Tanks

Tank 8 10,000 gallon Diesel Fuel

You must contact the Illinois Environmental Protection Agency to receive a packet of Agency billing forms for submitting your request for payment.

It has been determined that you are ineligible to seek payment of costs of corrective action or indemnification associated with the following tanks:

Ineligible Tanks

Tank 1 5,000 gallon Heating Oil  
Tank 2 5,000 gallon Heating Oil  
Tank 3 5,000 gallon Heating Oil  
Tank 4 5,000 gallon Heating Oil  
Tank 5 5,000 gallon Gasoline  
Tank 6 1,200 gallon Diesel Fuel  
Tank 7 5,000 gallon Gasoline

An owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements are satisfied:

## Electronic Filing - Received, Clerk's Office, June 25, 2010

1. Neither the owner nor the operator is the United States Government,
2. The tank does not contain fuel which is exempt from the Motor Fuel Tax Law,
3. The costs were incurred as a result of a confirmed release of any of the following substances:
  - “Fuel”, as defined in Section 1.19 of the Motor Fuel Tax Law
  - Aviation fuel
  - Heating oil
  - Kerosene
  - Used oil, which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.
4. The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.
5. The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.
6. The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.
7. The costs were associated with “corrective action”.

You are ineligible for reimbursement from the fund for the tanks:

Tank 1 5,000 gallon Heating Oil - Tank abandoned properly in place prior to Sept. 24, 1987 - (41 Ill. Adm. Code 170.400); Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 2 5,000 gallon Heating Oil - Tank abandoned properly in place prior to Sept. 24, 1987- (41 Ill. Adm. Code 170.400); Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 3 5,000 gallon Heating Oil - Tank abandoned properly in place prior to Sept. 24, 1987- (41 Ill. Adm. Code 170.400); Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 4 5,000 gallon Heating Oil - Tank abandoned properly in place prior to Sept. 24, 1987- (41 Ill. Adm. Code 170.400); Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 5 5,000 gallon Gasoline - Tank abandoned properly in place prior to Sept. 24, 1987- (41 Ill. Adm. Code 170.400)

Tank 6 1,200 gallon Diesel Fuel - Tank abandoned properly in place prior to Sept. 24, 1987 - (41 Ill. Adm. Code 170.400)

Tank 7 5,000 gallon Gasoline - Tank abandoned properly in place prior to Sept. 24, 1987- (41 Ill. Adm. Code 170.400)

This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision to the Illinois Pollution



# Electronic Filing - Received, Clerk's Office, June 25, 2010

Control Board (Board), pursuant to Section 57.9 (c) (2). An owner or operator who seeks to appeal the decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the final decision, (35 Illinois Administrative Code 105.102(a) (2)).

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620

The following tanks are also listed for this site:

Tank 9 10,000 gallon Gasoline  
Tank 10 1,000 gallon Gasoline  
Tank 11 500 gallon Lube Oil  
Tank 12 5,000 gallon Diesel Fuel  
Tank 13 500 gallon None

Your application indicates that there has not been a release from these tanks under this incident number. You may be eligible to seek payment of corrective action costs associated with these tanks if it is determined that there has been a release from one or more of these tanks. Once it is determined that there has been a release from one or more of these tanks you may submit a separate application for an eligibility determination to seek corrective action costs associated with this/these tanks.

If you have any questions, please contact our Office at (217) 785-1020 or (217) 785-5878.

Sincerely,



Deanne Lock  
Administrative Assistant  
Division of Petroleum and Chemical Safety

cc: IEPA  
Facility File



February 3, 2009

Office of the State Fire Marshal  
Division of Petroleum and Chemical Safety  
Eligibility and Deductible Determinations Section  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259

Re: Eligibility and Deductible Application for LUST  
OSFM ID No. 02-01 5933  
LUST Incident 98-0841  
Former Brinks Incorporated Site  
243 E. 24th Street  
Chicago, Cook County, Illinois

Dear Sir/Madam:

On behalf of the Metropolitan Pier & Exposition Authority (MPEA), URS is sending this Eligibility and Deductible Application for LUST. MPEA acquired the subject former Brinks property in January 2004.

The following information details the events surrounding Illinois Environmental Protection Agency (IEPA) LUST Incident No. 98-0841, for which the enclosed Underground Storage Tank Fund Eligibility and Deductible Application applies. The site is currently owned by the Metropolitan Pier & Exposition Authority (MPEA) and is referred as Parcel 111-6. The site is part of the McCormick Place West Expansion. MPEA acquired the property in January 2004. Liability and responsibility regarding this LUST incident were transferred to MPEA with the property.

#### **BACKGROUND**

On April 15, 1998 Brink's Incorporated ("Brink's") reported the presence of petroleum in the basement of their facility formerly located at 234 East 24th Street in Chicago, Illinois. Upon inspection of the facility, petroleum product and groundwater were observed to be leaking into the basement through the eastern basement wall. Four 5,000-gallon fuel oil USTs were located behind the basement wall, beneath the first floor of the building. These USTs were formerly used to store fuel oil for the boiler located in the basement of the building. The boiler was no longer in use at the time. Up to 12 inches of petroleum product was observed in each of the USTs. The existing basement connection to the public sewer system was cut off to prevent the discharge of any petroleum to the sanitary sewer system.

Based on the close proximity of the USTs to the basement seepage, the age of the USTs (60 plus years), and the presence of petroleum product in the USTs, it was determined that a release had likely occurred from one or more of the fuel oil USTs. On April 16, 1998, the Illinois Emergency Management Agency (IEMA) was contacted to report a release of petroleum.

On April 17, 1998, SECOR International Incorporated (SECOR), consultant to Brink's Incorporated (Brink's) removed approximately 600 gallons of residual petroleum product from the USTs and transported off-site for disposal. A sump pump was placed in the basement in order to pump out the oily water from the basement to a portable holding tank outside of the building. The portable tank is periodically pumped out by North Branch Environmental Services, a licensed waste hauler, and is

URS Corporation  
100 S. Wacker Drive, Suite 500  
Chicago, IL 60606  
Tel: 312.939.1000  
Fax: 312.939.4198  
www.urscorp.com

**EXHIBIT**

**9**



Office of the State Fire Marshal  
February 3, 2009  
Page 2

transported to a proper disposal facility. The sump pump was later replaced by a pneumatic pump system. The basement wall was temporarily patched with epoxy putty in order to slow the influx of groundwater and petroleum product into the basement.

SECOR installed three temporary piezometers in the vicinity of the fuel oil USTs to determine soil conditions, depth to groundwater, and the presence of free product. Free product was identified in two of the three locations in the form of a sheen or droplets. Water samples taken from the piezometers/wells indicated the presence of petroleum products in the gasoline, diesel, and oil ranges (Method 8015), along with BETX and PNA compounds. A sample of the collected water/product from the basement seep indicated the presence of low boiling point hydrocarbons (gasoline).

These results indicated that additional releases were likely to have occurred from other USTs and/or associated product piping that had been located on the site. Three former gasoline and diesel fuel USTs and an associated pump island were also located east of the four fuel oil USTs. These USTs were taken out of service in approximately 1981. At the time of the release, the pump island area was still in use for dispensing from in service 10,000-gallon USTs (installed in 1981) located outside the buildings. The dispensing island inside the building was reportedly taken out of service in the early 1990s when the outside 10,000-gallon UST area was upgraded. At the time of the release, all fueling was performed outside the building from the two 10,000-gallon USTs (gasoline and diesel).

On July 2, 1998, Tanknology, under the direction of SECOR, performed UST tank, line, and leak detector tests on the two outside, in-use, 10,000-gallon gasoline and diesel USTs. It was determined that the lines running from the 10,000-gallon USTs to the former, out-of-service pump islands inside the building failed. It was discovered that these old lines were still connected to the submersible pump for the current fueling system. Subsequently, the product was removed from these lines, and they were cut and capped off in the submersible pit. The abandoned dispensers inside the building were then removed, and the lines were capped at that end. Based on this information, product was released from the old lines into the soil and groundwater below the building.

Metropolitan Pier & Exposition Authority acquired the Brink's property in January 2004. A Corrective Action Plan (CAP) was presented to the IEPA in December 2004 with revisions in March, May and June 2005. Pursuant to the CAP, the corrective action (CA) was completed in two phases. Phase 1 CA was conducted in August and September 2004 and included source removal via excavation and disposal of USTs and impacted soil. Source removal was achieved by the removal of twelve USTs from the Property (eleven known and one unknown) along with impacted soil surrounding the USTs, fuel islands, and product pipelines. Phase 2 of the CA involved the assessment of groundwater conditions on and downgradient of the Property post source removal. Six monitoring wells were installed on and downgradient of the Property in January 2005. IEPA issued a No Further Remediation Letter (NFR) on January 23, 2008.

Please contact me directly should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Morris Bryan".

Patricia Morris Bryan  
Senior Project Manager

Cc: Laura Tagler, MPEA

Attachments: Eligibility and Deductible Application for LUST

Dear Tank Owner/Operator:

Enclosed is an Eligibility and Deductible (E & D) Application for the Leaking Underground Storage Tank (LUST) Fund with instructions for completing this application. Please read these instructions first. If you have any questions regarding the application, please call the E & D Section at (217) 785-5878 or (217) 785-1020.

For a determination of both your eligibility to seek reimbursement from the LUST fund and your applicable deductible, submit the completed application to:

Office of the Illinois State Fire Marshal  
Division of Petroleum and Chemical Safety  
Eligibility and Deductible Determinations Section  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259

Only one original application, typed or completed in ink, is required; DO NOT submit additional copies of the application.

**A detailed site map showing the location and distance between tanks, including surrounding buildings, streets and structures, should be submitted to assist in the review process of your application. Do not submit the application with copies of IEPA technical reports or bills.** Technical reports, including bills, must be submitted to the Illinois Environmental Protection Agency (IEPA); contact the Leaking Underground Storage Tank (LUST) Section at (217) 782-6760 for information.

**INSTRUCTIONS FOR COMPLETING**  
**The Leaking Underground Storage Tank Fund Eligibility and Deductible Application**

**DEFINITIONS**

**IEMA** - Illinois Emergency Management Agency.

**Lessee** - One that has possession of land pursuant to a lease.

**Occurrence** - Any release from an UST, including an accident, or continuous and repeated exposure to conditions that results in a sudden or non-sudden release from an UST.

**Overfill** - A release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance into the environment.

**Release** - Any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an UST into groundwater, surface water or subsurface soils.

**Tank Operator** - Any person in control of, or having responsibility for, the daily operation of the UST system.

**Tank Owner** - In the case of an UST system in use on November 8, 1984 or brought into use after that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; in the case of any UST system in use before November 8, 1984, but no longer in use on that date, or any person who owned such a UST immediately before the discontinuation of its use.

**UST** - Any tank or combination of tanks (and pipes connected thereto) used to contain an accumulation of regulated substances, the volume of which (including the underground pipes connected thereto) is ten percent or more beneath the surface of the ground. Refer to 35 Illinois Administrative Code, Subtitle G, Part 731 and 732 for exclusions from this definition. For purposes of the LUST Fund, the definition of an UST includes those serving other than farms or residential units used exclusively to store heating oil for consumptive use on the premises where stored.

**EXPLANATION OF QUESTIONS ON THE APPLICATION**

**Item 1**

Enter the required information regarding the **applicant** and a person we may contact if there are questions regarding the application.

**Item 2**

Enter the required information regarding the **current tank owner**. If the exact date the facility property was purchased/leased is unknown, please enter the month and year the facility property was purchased/leased.

**Item 3**

Enter the required information regarding the previous UST owner operator and the previous UST owner operator's current mailing address.

**Item 4**

Enter the required information regarding the facility.

**Item 5**

Enter the incident number for which you intend to seek reimbursement.

**Item 6**

Date reported and name and official title of person who notified IEMA of the release for which you intend to seek reimbursement.

**Item 7**

If there are multiple occurrences at the site, you must enter all incident numbers and the date reported. **If you wish to seek reimbursement for more than one incident number, a separate application must be filed for each occurrence.**

**Item 8**

Enter the total number of USTs at the site. This number should include USTs presently at the site and USTs that have been removed or abandoned in place.

**Item 9**

Enter the total number of USTs at the site that have had a release, including USTs that incurred a release under another IEMA number. *(refer to the definitions of an UST and a release)*

**Item 10**

Indicate the type of release at the site. Indicate the date and how the release was discovered at the site. Check all that apply. *(refer to the definitions of an UST and a release)*

**Item 11**

Indicate whether the owner/operator of an UST at the site is the United States Government.

**Item 12**

Indicate whether the owner or operator of an UST at the site is or is not a rail carrier registered pursuant to Section 18c-7201 of the Illinois Vehicle Code.

**Item 13**

Indicate whether an UST at the site is or is not located at an airport with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants.

**Item 14**

Indicate the date corrective action work began or is scheduled to begin.

**Item 15**

Indicate the date corrective action work was completed.

**Certification**

Complete the certification: the certification must be signed by the UST owner, operator or designated agent. **The date signed and date notarized must match. All signatures and seals of the certification and notarization must be originals, signed in ink.**

**UST Information Sheet**

Enter the required information regarding each UST at the facility. *(present USTs and USTs that have been removed or abandoned)* This page may be copied if more room is needed.

**OSEM Facility ID #** - Enter the Office of the State Fire Marshal's (OSEM) facility identification number. This is the number the OSEM assigns when notified of USTs. The number is seven digits in the following format: X-XXXXXX *(if more than one number has been assigned include all of them)*

**Product Code** - Enter the following codes for the last stored product in each UST. At the time of the release, if the product was other than the last stored product, please provide the product code and date the product changed.

**G - Gasoline, D - Diesel, A - Aviation fuels, K - Kerosene, M - New Motor Oil, or U - Used oil.**

For purposes of this application, "used oil," means any oil that has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law, and as a result of that use, is contaminated by physical or chemical impurities.

**H - Heating Oil**

For purposes of this application, "heating oil," means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy, or No 6 technical grades of fuel oil; or other residual fuel oils including Navy Special Fuel Oil and Bunker C.

**HAZ - Hazardous Substance (description required)**

For purposes of this application, "hazardous substance" means any substance as defined in Section 3.14 of the Illinois Environmental Protection Act.

**M - New Motor Oil**

For purposes of this application, "new motor oil" means virgin motor oil that has never been used.

**N** - Any product not included under another code. If N is indicated, you must state the tank and product name in the comment section on the UST Information Sheet. *(description required)*

**Size** - Enter the size of the UST *(gallon capacity)*

**Date Installed** - You must enter the complete date each UST was installed. If the exact date is unknown, you must enter the year the UST was installed.

**Date Out of Service** - You must enter the date each UST was last used. If the exact date is unknown, you must enter the year each UST was last used. You may be asked to provide proof or do additional research to obtain correct data.

**Date Removed** - Enter the date each UST was removed from the ground. If the exact date is unknown, you must enter the month and year in which each UST was removed from the ground. Please enter "not removed" if an UST is still in the ground. If scheduled for removal, list which tanks are to be removed and the schedule date.

**Date Registered** - Enter the date each UST was registered with the Office of the State Fire Marshal. Please enter "not registered" if an UST is not registered.

**Date IEMA Notified** - Enter the date IEMA was notified of the release associated with each UST. In some instances, there may be more than one release reported for an UST.

**Registration Fees Paid** - Circle "Y" if UST registration fees have been paid. If registration fees have not been paid, circle "N".

**Has UST Had a Release?** - Circle "Y" if there has been a release from the UST *(including associated underground piping)* or if there has been an overfill of the UST. If there has not been a release from the UST, circle "N". *(refer to the definitions of an UST and a release)*

**Is UST Legally Abandoned in Place?** - Circle "Y" if the UST has been legally abandoned or closed in place, as permitted by OSEFM. If the UST is not legally abandoned or closed in place as permitted by OSEFM, circle "N". Circle "N" if the UST has been removed.

### Leaking Underground Storage Tank Fund Eligibility and Deductible Application

All underground storage tank owners or operators planning to seek reimbursement of corrective action costs from the Leaking Underground Storage Tank (LUST) Fund must submit this application. Instructions and definitions to aid in completing the application are attached.

The application must be completed in its entirety. Answers of unknown are not accepted and may be grounds for returning your application. All signatures and seals must be originals signed in ink. Incomplete applications will be returned to the **Applicant**. Any revisions to the original application must be dated and initialed by the person entering the new information. This must be the same person who signs the application. If a facility is not in compliance with registration requirements, the application will be returned.

**Do not submit IEPA reports or bills with the application.** A duplicate copy of the application is not required. Following the review of the application, the **Applicant** will receive a certified letter of eligibility stating the deductible amount.

OSFM Facility ID #: 2-015933

1. Name of Applicant: Metropolitan Pier & Exposition Authority

Current Tank Owner: ☒ Current Tank Operator \_\_\_\_\_ Former Tank Owner: \_\_\_\_\_ Former Tank Operator: \_\_\_\_\_

Mailing Address of Applicant: 301 East Cermak

City: Chicago State: IL Zip: 60616

Contact Person: Laura Chorle

2. Current Owner: Metropolitan Pier Exposition Authority

Tank ☒ Property: ☒ Lessee: \_\_\_\_\_ (check all that currently apply)

Mailing Address: 301 East Cermak

City: Chicago State: IL Zip: 60616

Phone: ( 312 ) 791-6289

a) Date Facility Property Purchased: 1/7/2004 Leased: \_\_\_\_\_

b) Were tanks in the ground on date of purchase/lease? Yes ☒ No \_\_\_\_\_

c) If answer to 2b is no, were tanks installed after your purchase/lease? Yes \_\_\_\_\_ No \_\_\_\_\_

d) Have you ever operated these tanks; pumped product in or out during the ordinary course of operation?  
Yes \_\_\_\_\_ No ☒

The OSFM is requesting disclosure of information to process your Eligibility and Deductible Application in order to accomplish the statutory purpose as stated in 415 H.C.S. Act 5, Environmental Protection Act. This is REQUIRED because failure to provide the requested information will result in this form not being processed, and there will be no eligibility or deductible determination for purposes of the LUST Fund. This form has been approved by the Forms Management Center.



3. Previous owner/operator: Brinks Incorporated

Tank: ☒ Property: ☒ Lessee: ☐ (check all that apply)

Current mailing address: 919 S. California Avenue

City: Chicago State: IL Zip: 60612

Phone: (773) 475-2600

4. Facility Name: Brinks Incorporated

Facility Address: 234 E. 24th Street

City: Chicago County: Cook

5. Incident # for the occurrence under which you intend to seek reimbursement: 98-0841

6. Name and official title of the person who notified IEMA of the occurrence and the date reported:

Name/Title: William Elwell (SECOR), Geologist Date Reported: April 16, 1998  
Leonard Dudzinski (Brinks), Security

7. Other incident numbers reported at the site: (A separate application must be filed for each occurrence which you intend to seek reimbursement. Please indicate if any of the additional incident numbers are erroneously reported incidents, or a second reporting of the same occurrence for which you intend to seek reimbursement.)

**Other Incident Numbers**

**Date Reported**

1) \_\_\_\_\_  
 2) \_\_\_\_\_  
 3) \_\_\_\_\_

8. Total number of USTs at the site: 12 (include USTs presently at the site and USTs that have been removed or abandoned in place)

9. Total number of USTs at the site that have had a release: 1-9 (An UST release includes a leak from an underground tank, a release from underground piping associated with the tank, plus overfills of the UST during filling.)

10. Type of release: (check all that apply) Answers of unknown will not be accepted.

☒ UST leak ☐ Overfill of an UST during filling  
☒ Underground piping leak ☐ Other (detailed description required)

a) How was the release discovered? (check all that apply)

☐ Inventory Loss ☐ Subsurface Investigation  
☒ Product in Observation Well ☐ Significant Event (i.e., overfill, vandalism, etc.)  
☐ Subsurface Work Repair ☒ Other (detailed description required)

A detailed description can be found in the attached cover letter.

b) Date release discovered: April 16, 1998

11. Is the UST owner or operator the U.S. government? Yes \_\_\_\_\_ No x
12. Is the UST owner or operator a rail carrier registered pursuant to Section 18c-7201 of the Illinois Vehicle Code? Yes \_\_\_\_\_ No x
13. Is the UST located at an airport with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants? Yes \_\_\_\_\_ No x
14. Date corrective action work began or scheduled to begin: August 23, 2004
15. Date corrective action work completed: September 8, 2004

**The following certification must be completed by the UST owner/operator:**

I, Laura Chorle (circle the following that apply) the Owner, Operator or designated agent of Metropolitan Pier & Exposition Authority leaking underground storage tank site, do hereby certify under penalty of law, that this application and the supporting documentation attached hereto were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted therein. I affirm that the information is, to the best of my knowledge and belief, true, accurate and complete. Such affirmation is made under penalty of perjury as defined in Section 32-2 of the Criminal Code, 720 ILCS 5/32-2. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly committing violations. The "Eligibility and Deductible Determination" decided pursuant to this document is subject to the costs defined in Title 35: Environmental Protection Illinois Administrative Code (IAC) 731, 732, 742 and Public Act 92-0554.

Signature (owner, operator or designated agent)

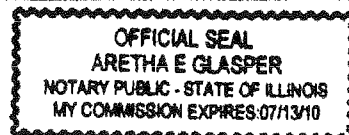
Laura Chorle

Title: SENIOR DEVELOPMENT MANAGER

Date: Nov. 20, 2008

Subscribed and sworn to before me this 20th day of November, 2008  
(application must be notarized when the certificate is signed)

Aretha E. Glasper  
Notary Public



Seal

Note: Original signatures in ink and seals are required for the certification and notarization. Attach the UST information sheet behind this page. This form may be copied on a photocopier but may not be altered in any way. DO NOT reproduce on a computer; this will be grounds for rejection.

## UST Information Sheet

The information below must be provided for each UST at the site. (USTs presently at the site and USTs that have been removed or abandoned)

All spaces must be completed for each tank. Answers of unknown will not be accepted.

You may photocopy this page if more space is needed.

OSFM Facility ID #: D-015933

Circle one under each column.

Tank ID #	Product Code	Size (Gallons)	Date Installed	Date Registered	Date Out of Service	Date Removed	IEMA Number	Date IEMA Notified	Registration Fees Paid	Has UST Had a Release	Is UST Legally Abandoned In-Place?
1	H	5,000	c. 1930	4-9-1986	c. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
2	H	5,000	c. 1930	4-9-1986	c. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
3	H	5,000	c. 1930	4-9-1986	c. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
4	H	5,000	c. 1930	4-9-1986	c. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
5	H	5,000	c. 1953	4-9-1986	1981	8-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
6	H	1,100	c. 1953	4-9-1986	1981	8-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
7	H	5,000	c. 1953	4-9-1986	1981	8-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
8	H	10,000	c. 1981	4-9-1986	2004	8-25-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
9	H	10,000	c. 1981	4-9-1986	2004	8-25-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	Y <input checked="" type="radio"/> N
10	H	1,000	c. 1930	Not registered	1953	8-25-2004	n.a.	n.a.	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N

Product Codes - (refer to instructions for definitions): G - Gas, D - Diesel, A - Aviation fuels, K - Kerosene, M - New Motor Oil or U - Used oil; H - Heating oil; HAZ - Hazardous Substance (description required); N - Any product not included under another code. (description required)

Comments:

## UST Information Sheet

The information below must be provided for each UST at the site. (USTs presently at the site and USTs that have been removed or abandoned)

All spaces must be completed for each tank. Answers of unknown will not be accepted.

You may photocopy this page if more space is needed.

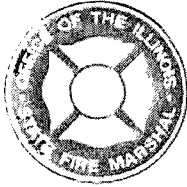
OSFM Facility ID #: 2-015933

Circle one under each column.

Tank ID #	Product Code	Size (Gallons)	Date Installed	Date Registered	Date Out of Service	Date Removed	IEMA Number	Date IEMA Notified	Registration Fees Paid	Has UST Had a Release	Is UST Legally Abandoned In-Place?
1.	H	500	c. 1930	Not registered	1953	8-25-2004	n.a.	n.a.	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N
2.	H	5,000	n.a.	Not registered	1970	8-30-2004	n.a.	n.a.	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N
									Y N	Y N	Y N
									Y N	Y N	Y N
									Y N	Y N	Y N
									Y N	Y N	Y N
									Y N	Y N	Y N
									Y N	Y N	Y N
									Y N	Y N	Y N
									Y N	Y N	Y N

Product Codes - (refer to instructions for definitions): G - Gas, D - Diesel, A - Aviation fuels, K - Kerosene, M - New Motor Oil or U - Used oil; H - Heating oil; HAZ - Hazardous Substance (description required); N - Any product not included under another code. (description required)

Comments: N - Lubricating oil/Motor oil



Office of the Illinois  
**State Fire Marshal**

*"Partnering With the Fire Service to Protect Illinois"*

CERTIFIED MAIL - RECEIPT REQUESTED # 7008 1140 0004 7348 4937

**AMENDED**

March 9, 2009

Metropolitan Pier & Exposition Authority  
301 E. Cermak Rd.  
Chicago, IL 60616

In Re: Facility No. 2-015933  
IEMA Incident No. 98-0841  
Brinks, Inc.  
234 E. 24<sup>th</sup> Street  
Chicago, Cook Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on February 6, 2009, for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek corrective action costs in excess of **\$10,000**. The costs must be in response to the occurrence referenced above and associated with the following tanks:

**Eligible Tanks**

Tank 8 10,000 gallon Diesel Fuel  
Tank 9 10,000 gallon Gasoline

You must contact the Illinois Environmental Protection Agency to receive a packet of Agency billing forms for submitting your request for payment.

It has been determined that you are ineligible to seek payment of costs of corrective action or indemnification associated with the following tanks:

**Ineligible Tanks**

Tank 1 5,000 gallon Heating Oil  
Tank 2 5,000 gallon Heating Oil  
Tank 3 5,000 gallon Heating Oil  
Tank 4 5,000 gallon Heating Oil  
Tank 5 5,000 gallon Gasoline  
Tank 6 1,200 gallon Diesel Fuel  
Tank 7 5,000 gallon Gasoline

An owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements are satisfied:

1. Neither the owner nor the operator is the United States Government,
2. The tank does not contain fuel which is exempt from the Motor Fuel Tax Law,
3. The costs were incurred as a result of a confirmed release of any of the following substances:
  - "Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law
  - Aviation fuel
  - Heating oil
  - Kerosene
  - Used oil, which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.
4. The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.
5. The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.
6. The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.
7. The costs were associated with "corrective action".

**You are ineligible for reimbursement from the fund for the following tanks for the following reason(s):**

Tank 1 5,000 gallon Heating Oil - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400); UST Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 2 5,000 gallon Heating Oil - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400); UST Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 3 5,000 gallon Heating Oil - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400); UST Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 4 5,000 gallon Heating Oil - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400); UST Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 5 5,000 gallon Gasoline - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400)

Tank 6 1,200 gallon Diesel Fuel - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400)

Tank 7 5,000 gallon Gasoline - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400)

This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision to the Illinois Pollution Control Board (Board), pursuant to Section 57.9 (c) (2). An owner or operator who seeks to appeal the decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the final decision, (35 Illinois Administrative Code 105.102(a) (2)).

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620

The following tanks are also listed for this site:

Tank 10 1,000 gallon Gasoline  
Tank 11 500 gallon Lube Oil  
Tank 12 5,000 gallon Diesel Fuel  
Tank 13 500 gallon None

Your application indicates that there has not been a release from these tanks under this incident number. You may be eligible to seek payment of corrective action costs associated with these tanks if it is determined that there has been a release from one or more of these tanks. Once it is determined that there has been a release from one or more of these tanks you may submit a separate application for an eligibility determination to seek corrective action costs associated with this/these tanks.

If you have any questions, please contact our Office at (217) 785-1020 or (217) 785-5878.

Sincerely,



Deanne Lock  
Administrative Assistant  
Division of Petroleum and Chemical Safety

cc: IEPA  
Facility File



November 18, 2009

Illinois Environmental Protection Agency  
Bureau of Land  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
Attention: Hernando A. Albarracin

Re: LPC #0316335065 -- Cook County  
Chicago/Brinks, Inc.  
234 East 24th Street  
Leaking UST Incident No. 980841  
Leaking UST Technical File

Dear Mr. Albarracin:

Please find attached the Amended Reimbursement Eligibility and Deductible decision received by the Office of the Illinois State Fire Marshall (OSFM) regarding the above referenced site (**Attachment 1**). On behalf of Metropolitan Pier & Exposition Authority (MPEA), URS Corporation (URS) submitted the Reimbursement Eligibility and Deductible Application on February 3, 2009 (**Attachment 2**). This submittal was made because the Illinois Environmental Protection Agency (IEPA) did not approve the application for payment from the Underground Storage Tank (UST) Fund that was received by the IEPA on December 17, 2007 as outlined in the October 30, 2008 letter from IEPA (**Attachment 3**). The basis for not approving the application for payment was because the application was not accompanied by a copy of the eligibility and deductibility decision.

The OSFM has deemed MPEA eligible for USTs No. 8 and 9. Please review the portion of the application pertaining to the eligible USTs.

Note that IEPA previously completed a review of the application for payment submitted in December 2007 (**Attachment 4**).

Please contact me directly at 312-697-7240 with any questions or comments.

Sincerely,

Patricia M. Bryan  
Senior Project Manager

Attachment 1: March 9, 2009 from OSFM Eligibility and Deductible decision.  
Attachment 2: February 3, 2009 from URS Eligibility and Deductible Application  
Attachment 3: October 3, 2008 from IEPA Application for payment from UST Fund not approved  
Attachment 4: Application for Payment

cc: Laura Chorle', MPEA

URS Corporation  
100 S. Wacker Drive  
Suite 500  
Chicago, IL 60606  
Tel: 312.939.1000  
Fax: 312.939.4198

EXHIBIT

11



**URS**

**ATTACHMENT I**

March 9, 2009 from OSFM Eligibility and Deductible decision



Office of the Illinois  
**State Fire Marshal**

*"Partnering With the Fire Service to Protect Illinois"*

CERTIFIED MAIL - RECEIPT REQUESTED # 7008 1140 0004 7348 4937

**AMENDED**

March 9, 2009

Metropolitan Pier & Exposition Authority  
301 E. Cermak Rd.  
Chicago, IL 60616

In Re: Facility No. 2-015933  
IEMA Incident No. 98-0841  
Brinks, Inc.  
234 E. 24<sup>th</sup> Street  
Chicago, Cook Co., IL

Dear Applicant:

The Reimbursement Eligibility and Deductible Application received on February 6, 2009, for the above referenced occurrence has been reviewed. The following determinations have been made based upon this review.

It has been determined that you are eligible to seek corrective action costs in excess of \$10,000. The costs must be in response to the occurrence referenced above and associated with the following tanks:

**Eligible Tanks**

Tank 8 10,000 gallon Diesel Fuel  
Tank 9 10,000 gallon Gasoline

You must contact the Illinois Environmental Protection Agency to receive a packet of Agency billing forms for submitting your request for payment.

It has been determined that you are ineligible to seek payment of costs of corrective action or indemnification associated with the following tanks:

**Ineligible Tanks**

Tank 1 5,000 gallon Heating Oil  
Tank 2 5,000 gallon Heating Oil  
Tank 3 5,000 gallon Heating Oil  
Tank 4 5,000 gallon Heating Oil  
Tank 5 5,000 gallon Gasoline  
Tank 6 1,200 gallon Diesel Fuel  
Tank 7 5,000 gallon Gasoline

## Electronic Filing - Received, Clerk's Office, June 25, 2010

An owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements are satisfied:

1. Neither the owner nor the operator is the United States Government,
2. The tank does not contain fuel which is exempt from the Motor Fuel Tax Law,
3. The costs were incurred as a result of a confirmed release of any of the following substances:
  - "Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law
  - Aviation fuel
  - Heating oil
  - Kerosene
  - Used oil, which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.
4. The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.
5. The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.
6. The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.
7. The costs were associated with "corrective action".

**You are ineligible for reimbursement from the fund for the following tanks for the following reason(s):**

Tank 1 5,000 gallon Heating Oil - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400); UST Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 2 5,000 gallon Heating Oil - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400); UST Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 3 5,000 gallon Heating Oil - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400); UST Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 4 5,000 gallon Heating Oil - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400); UST Not in operation at any time since 1/1/74 - (430 ILCS 15/4), (415 ILCS 5/57.9)

Tank 5 5,000 gallon Gasoline - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400)

Tank 6 1,200 gallon Diesel Fuel - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400)

Tank 7 5,000 gallon Gasoline - Tank abandoned in place prior to 9/24/87 - (41 Ill. Adm. Code 170.400)

Electronic Filing - Received, Clerk's Office, June 25, 2010

This constitutes the final decision as it relates to your eligibility and deductibility. We reserve the right to change the deductible determination should additional information that would change the determination become available. An underground storage tank owner or operator may appeal the decision to the Illinois Pollution Control Board (Board), pursuant to Section 57.9 (c) (2). An owner or operator who seeks to appeal the decision shall file a petition for a hearing before the Board within 35 days of the date of mailing of the final decision, (35 Illinois Administrative Code 105.102(a) (2)).

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620

The following tanks are also listed for this site:

Tank 10 1,000 gallon Gasoline  
Tank 11 500 gallon Lube Oil  
Tank 12 5,000 gallon Diesel Fuel  
Tank 13 500 gallon None

Your application indicates that there has not been a release from these tanks under this incident number. You may be eligible to seek payment of corrective action costs associated with these tanks if it is determined that there has been a release from one or more of these tanks. Once it is determined that there has been a release from one or more of these tanks you may submit a separate application for an eligibility determination to seek corrective action costs associated with this/these tanks.

If you have any questions, please contact our Office at (217) 785-1020 or (217) 785-5878.

Sincerely,



Deanne Lock  
Administrative Assistant  
Division of Petroleum and Chemical Safety

cc: IEPA  
Facility File

**URS**

**ATTACHMENT 2**

February 3, 2009 from URS Eligibility and Deductible Application



February 3, 2009

Office of the State Fire Marshal  
Division of Petroleum and Chemical Safety  
Eligibility and Deductible Determinations Section  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259

Re: Eligibility and Deductible Application for LUST  
OSFM ID No. 02-01 5933  
LUST Incident 98-0841  
Former Brinks Incorporated Site  
243 E. 24th Street  
Chicago, Cook County, Illinois

Dear Sir/Madam:

On behalf of the Metropolitan Pier & Exposition Authority (MPEA), URS is sending this Eligibility and Deductible Application for LUST. MPEA acquired the subject former Brinks property in January 2004.

The following information details the events surrounding Illinois Environmental Protection Agency (IEPA) LUST Incident No. 98-0841, for which the enclosed Underground Storage Tank Fund Eligibility and Deductible Application applies. The site is currently owned by the Metropolitan Pier & Exposition Authority (MPEA) and is referred as Parcel 111-6. The site is part of the McCormick Place West Expansion. MPEA acquired the property in January 2004. Liability and responsibility regarding this LUST incident were transferred to MPEA with the property.

## **BACKGROUND**

On April 15, 1998 Brink's Incorporated ("Brink's") reported the presence of petroleum in the basement of their facility formerly located at 234 East 24th Street in Chicago, Illinois. Upon inspection of the facility, petroleum product and groundwater were observed to be leaking into the basement through the eastern basement wall. Four 5,000-gallon fuel oil USTs were located behind the basement wall, beneath the first floor of the building. These USTs were formerly used to store fuel oil for the boiler located in the basement of the building. The boiler was no longer in use at the time. Up to 12 inches of petroleum product was observed in each of the USTs. The existing basement connection to the public sewer system was cut off to prevent the discharge of any petroleum to the sanitary sewer system.

Based on the close proximity of the USTs to the basement seepage, the age of the USTs (60 plus years), and the presence of petroleum product in the USTs, it was determined that a release had likely occurred from one or more of the fuel oil USTs. On April 16, 1998, the Illinois Emergency Management Agency (IEMA) was contacted to report a release of petroleum.

On April 17, 1998, SECOR International Incorporated (SECOR), consultant to Brink's Incorporated (Brink's) removed approximately 600 gallons of residual petroleum product from the USTs and transported off-site for disposal. A sump pump was placed in the basement in order to pump out the oily water from the basement to a portable holding tank outside of the building. The portable tank is periodically pumped out by North Branch Environmental Services, a licensed waste hauler, and is



transported to a proper disposal facility. The sump pump was later replaced by a pneumatic pump system. The basement wall was temporarily patched with epoxy putty in order to slow the influx of groundwater and petroleum product into the basement.

SECOR installed three temporary piezometers in the vicinity of the fuel oil USTs to determine soil conditions, depth to groundwater, and the presence of free product. Free product was identified in two of the three locations in the form of a sheen or droplets. Water samples taken from the piezometers/wells indicated the presence of petroleum products in the gasoline, diesel, and oil ranges (Method 8015), along with BETX and PNA compounds. A sample of the collected water/product from the basement seep indicated the presence of low boiling point hydrocarbons (gasoline).

These results indicated that additional releases were likely to have occurred from other USTs and/or associated product piping that had been located on the site. Three former gasoline and diesel fuel USTs and an associated pump island were also located east of the four fuel oil USTs. These USTs were taken out of service in approximately 1981. At the time of the release, the pump island area was still in use for dispensing from in service 10,000-gallon USTs (installed in 1981) located outside the buildings. The dispensing island inside the building was reportedly taken out of service in the early 1990s when the outside 10,000-gallon UST area was upgraded. At the time of the release, all fueling was performed outside the building from the two 10,000-gallon USTs (gasoline and diesel).

On July 2, 1998, Tanknology, under the direction of SECOR, performed UST tank, line, and leak detector tests on the two outside, in-use, 10,000-gallon gasoline and diesel USTs. It was determined that the lines running from the 10,000-gallon USTs to the former, out-of-service pump islands inside the building failed. It was discovered that these old lines were still connected to the submersible pump for the current fueling system. Subsequently, the product was removed from these lines, and they were cut and capped off in the submersible pit. The abandoned dispensers inside the building were then removed, and the lines were capped at that end. Based on this information, product was released from the old lines into the soil and groundwater below the building.

Metropolitan Pier & Exposition Authority acquired the Brink's property in January 2004. A Corrective Action Plan (CAP) was presented to the IEPA in December 2004 with revisions in March, May and June 2005. Pursuant to the CAP, the corrective action (CA) was completed in two phases. Phase 1 CA was conducted in August and September 2004 and included source removal via excavation and disposal of USTs and impacted soil. Source removal was achieved by the removal of twelve USTs from the Property (eleven known and one unknown) along with impacted soil surrounding the USTs, fuel islands, and product pipelines. Phase 2 of the CA involved the assessment of groundwater conditions on and downgradient of the Property post source removal. Six monitoring wells were installed on and downgradient of the Property in January 2005. IEPA issued a No Further Remediation Letter (NFR) on January 23, 2008.

Please contact me directly should you have any questions or comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patricia Morris Bryan".

Patricia Morris Bryan  
Senior Project Manager

Cc: Laura Tagler, MPEA

Attachments: Eligibility and Deductible Application for LUST

Dear Tank Owner/Operator:

Enclosed is an Eligibility and Deductible (E & D) Application for the Leaking Underground Storage Tank (LUST) Fund with instructions for completing this application. Please read these instructions first. If you have any questions regarding the application, please call the E & D Section at (217) 785-5878 or (217) 785-1020.

For a determination of both your eligibility to seek reimbursement from the LUST fund and your applicable deductible, submit the completed application to:

Office of the Illinois State Fire Marshal  
Division of Petroleum and Chemical Safety  
Eligibility and Deductible Determinations Section  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259

Only one original application, typed or completed in ink, is required; DO NOT submit additional copies of the application.

**A detailed site map showing the location and distance between tanks, including surrounding buildings, streets and structures, should be submitted to assist in the review process of your application. Do not submit the application with copies of IEPA technical reports or bills.** Technical reports, including bills, must be submitted to the Illinois Environmental Protection Agency (IEPA); contact the Leaking Underground Storage Tank (LUST) Section at (217) 782-6760 for information.



**INSTRUCTIONS FOR COMPLETING**  
**The Leaking Underground Storage Tank Fund Eligibility and Deductible Application**

**DEFINITIONS**

**IEMA** - Illinois Emergency Management Agency.

**Lessee** - One that has possession of land pursuant to a lease.

**Occurrence** – Any release from an UST, including an accident, or continuous and repeated exposure to conditions that results in a sudden or non-sudden release from an UST.

**Overfill** - A release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance into the environment.

**Release** - Any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an UST into groundwater, surface water or subsurface soils.

**Tank Operator** - Any person in control of, or having responsibility for, the daily operation of the UST system.

**Tank Owner** - In the case of an UST system in use on November 8, 1984 or brought into use after that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; in the case of any UST system in use before November 8, 1984, but no longer in use on that date, or any person who owned such a UST immediately before the discontinuation of its use.

**UST** - Any tank or combination of tanks (and pipes connected thereto) used to contain an accumulation of regulated substances, the volume of which (including the underground pipes connected thereto) is ten percent or more beneath the surface of the ground. Refer to 35 Illinois Administrative Code, Subtitle G, Part 731 and 732 for exclusions from this definition. For purposes of the LUST Fund, the definition of an UST includes those serving other than farms or residential units used exclusively to store heating oil for consumptive use on the premises where stored.

**EXPLANATION OF QUESTIONS ON THE APPLICATION**

**Item 1**

Enter the required information regarding the **applicant** and a person we may contact if there are questions regarding the application.

**Item 2**

Enter the required information regarding the **current tank owner**. If the exact date the facility property was purchased/leased is unknown, please enter the month and year the facility property was purchased/leased.

**Item 3**

Enter the required information regarding the previous UST owner/operator and the previous UST owner/operator's current mailing address.

**Item 4**

Enter the required information regarding the facility.

# Electronic Filing - Received, Clerk's Office, June 25, 2010

## Item 5

Enter the incident number for which you intend to seek reimbursement.

## Item 6

Date reported and name and official title of person who notified IEMA of the release for which you intend to seek reimbursement.

## Item 7

If there are multiple occurrences at the site, you must enter all incident numbers and the date reported. **If you wish to seek reimbursement for more than one incident number, a separate application must be filed for each occurrence.**

## Item 8

Enter the total number of USTs at the site. This number should include USTs presently at the site and USTs that have been removed or abandoned in place.

## Item 9

Enter the total number of USTs at the site that have had a release, including USTs that incurred a release under another IEMA number. *(refer to the definitions of an UST and a release)*

## Item 10

Indicate the type of release at the site. Indicate the date and how the release was discovered at the site. Check all that apply. *(refer to the definitions of an UST and a release)*

## Item 11

Indicate whether the owner/operator of an UST at the site is the United States Government.

## Item 12

Indicate whether the owner or operator of an UST at the site is or is not a rail carrier registered pursuant to Section 18c-7201 of the Illinois Vehicle Code.

## Item 13

Indicate whether an UST at the site is or is not located at an airport with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants.

## Item 14

Indicate the date corrective action work began or is scheduled to begin.

## Item 15

Indicate the date corrective action work was completed.

## Certification

Complete the certification: the certification must be signed by the UST owner, operator or designated agent. **The date signed and date notarized must match. All signatures and seals of the certification and notarization must be originals, signed in ink.**

## UST Information Sheet

Enter the required information regarding each UST at the facility. *(present USTs and USTs that have been removed or abandoned)* This page may be copied if more room is needed.

**OSFM Facility ID #** - Enter the Office of the State Fire Marshal's (OSFM) facility identification number. This is the number the OSFM assigns when notified of USTs. The number is seven digits in the following format: X-XXXXXX *(if more than one number has been assigned include all of them)*

## Electronic Filing - Received, Clerk's Office, June 25, 2010

**Product Code** - Enter the following codes for the last stored product in each UST. At the time of the release, if the product was other than the last stored product, please provide the product code and date the product changed.

**G - Gasoline, D - Diesel, A - Aviation fuels, K - Kerosene, M - New Motor Oil, or U - Used oil.**

For purposes of this application, "used oil," means any oil that has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law, and as a result of that use, is contaminated by physical or chemical impurities.

**H - Heating Oil**

For purposes of this application, "heating oil," means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy, or No 6 technical grades of fuel oil; or other residual fuel oils including Navy Special Fuel Oil and Bunker C.

**HAZ - Hazardous Substance (description required)**

For purposes of this application, "hazardous substance" means any substance as defined in Section 3.14 of the Illinois Environmental Protection Act.

**M - New Motor Oil**

For purposes of this application, "new motor oil" means virgin motor oil that has never been used.

**N** - Any product not included under another code. If N is indicated, you must state the tank and product name in the comment section on the UST Information Sheet, *(description required)*

**Size** - Enter the size of the UST *(gallon capacity)*

**Date Installed** - You must enter the complete date each UST was installed. If the exact date is unknown, you must enter the year the UST was installed.

**Date Out of Service** - You must enter the date each UST was last used. If the exact date is unknown, you must enter the year each UST was last used. You may be asked to provide proof or do additional research to obtain correct data.

**Date Removed** - Enter the date each UST was removed from the ground. If the exact date is unknown, you must enter the month and year in which each UST was removed from the ground. Please enter "not removed" if an UST is still in the ground. If scheduled for removal, list which tanks are to be removed and the schedule date.

**Date Registered** - Enter the date each UST was registered with the Office of the State Fire Marshal. Please enter "not registered" if an UST is not registered.

**Date IEMA Notified** - Enter the date IEMA was notified of the release associated with each UST. In some instances, there may be more than one release reported for an UST.

**Registration Fees Paid** - Circle "Y" if UST registration fees have been paid. If registration fees have not been paid, circle "N".

**Has UST Had a Release?** - Circle "Y" if there has been a release from the UST *(including associated underground piping)* or if there has been an overfill of the UST. If there has not been a release from the UST, circle "N". *(refer to the definitions of an UST and a release)*

**Is UST Legally Abandoned in Place?** - Circle "Y" if the UST has been legally abandoned or closed in place, as permitted by OSEPM. If the UST is not legally abandoned or closed in place as permitted by OSEPM, circle "N". Circle "N" if the UST has been removed.

**Leaking Underground Storage Tank Fund  
Eligibility and Deductible Application**

All underground storage tank owners or operators planning to seek reimbursement of corrective action costs from the Leaking Underground Storage Tank (LUST) Fund must submit this application. Instructions and definitions to aid in completing the application are attached.

The application must be completed in its entirety. Answers of unknown are not accepted and may be grounds for returning your application. All signatures and seals must be originals signed in ink. Incomplete applications will be returned to the **Applicant**. Any revisions to the original application must be dated and initialed by the person entering the new information. This must be the same person who signs the application. If a facility is not in compliance with registration requirements, the application will be returned.

**Do not submit IEPA reports or bills with the application.** A duplicate copy of the application is not required. Following the review of the application, the **Applicant** will receive a certified letter of eligibility stating the deductible amount.

OSFM Facility ID #: 2-015933

1. Name of Applicant: Metropolitan Pier & Exposition Authority

Current Tank Owner: ☒ Current Tank Operator \_\_\_\_\_ Former Tank Owner: \_\_\_\_\_ Former Tank Operator: \_\_\_\_\_

Mailing Address of Applicant: 301 East Cermak

City: Chicago State: IL Zip: 60616

Contact Person: Laura Chorle

2. Current Owner: Metropolitan Pier Exposition Authority

Tank ☒ Property: ☒ Lessee: \_\_\_\_\_ (check all that currently apply)

Mailing Address: 301 East Cermak

City: Chicago State: IL Zip: 60616

Phone: ( 312 ) 791-6289

a) Date Facility Property Purchased: 1-7-2004 Leased: \_\_\_\_\_

b) Were tanks in the ground on date of purchase lease? Yes ☒ No \_\_\_\_\_

c) If answer to 2b is no, were tanks installed after your purchase lease? Yes \_\_\_\_\_ No \_\_\_\_\_

d) Have you ever operated these tanks: pumped product in or out during the ordinary course of operation?  
Yes \_\_\_\_\_ No ☒

The OSFM is requesting disclosure of information to process your Eligibility and Deductible Application in order to accomplish the statutory purpose as stated in 415 HCS, Act 5, Environmental Protection Act. This is REQUIRED because failure to provide the requested information will result in this form not being processed, and there will be no eligibility or deductible determination for purposes of the LUST Fund. This form has been approved by the Forms Management Center.

Electronic Filing - Received, Clerk's Office, June 25, 2010

3. Previous owner/operator: Brinks Incorporated

Tank: ☒ Property: ☒ Lessee: ☐ (check all that apply)

Current mailing address: 919 S. California Avenue

City: Chicago State: IL Zip: 60612

Phone: (773) 475-2600

4. Facility Name: Brinks Incorporated

Facility Address: 234 E. 24th Street

City: Chicago County: Cook

5. Incident # for the occurrence under which you intend to seek reimbursement: 98-0841

6. Name and official title of the person who notified IEMA of the occurrence and the date reported:

Name/Title: William Elwell (SECOR), Geologist Date Reported: April 16, 1998  
Leonard Dudzinski (Brinks), Security

7. Other incident numbers reported at the site: *(A separate application must be filed for each occurrence which you intend to seek reimbursement. Please indicate if any of the additional incident numbers are erroneously reported incidents, or a second reporting of the same occurrence for which you intend to seek reimbursement.)*

**Other Incident Numbers**

**Date Reported**

1) _____	_____
2) _____	_____
3) _____	_____

8. Total number of USTs at the site: 12 (include USTs presently at the site and USTs that have been removed or abandoned in place)

9. Total number of USTs at the site that have had a release: 1-9 (An UST release includes a leak from an underground tank, a release from underground piping associated with the tank, plus overfills of the UST during filling.)

10. Type of release: (check all that apply) Answers of unknown will not be accepted.

☒ UST leak ☐ Overfill of an UST during filling  
☒ Underground piping leak ☐ Other (detailed description required)

a) How was the release discovered? (check all that apply)

☐ Inventory Loss ☐ Subsurface Investigation  
☒ Product in Observation Well ☐ Significant Event (i.e., overfill, vandalism, etc.)  
☐ Subsurface Work Repair ☒ Other (detailed description required)

*(A detailed description can be found in the attached cover letter.)*

b) Date release discovered: April 16, 1998

11. Is the UST owner or operator the U.S. government? Yes \_\_\_\_\_ No x
12. Is the UST owner or operator a rail carrier registered pursuant to Section 18c-7201 of the Illinois Vehicle Code? Yes \_\_\_\_\_ No x
13. Is the UST located at an airport with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants? Yes \_\_\_\_\_ No x
14. Date corrective action work began or scheduled to begin: August 23, 2004
15. Date corrective action work completed: September 8, 2004

**The following certification must be completed by the UST owner/operator:**

I, Laura Chorle' (circle the following that apply) the Owner, Operator or designated agent of Metropolitan Pier & Exposition Authority leaking underground storage tank site, do hereby certify under penalty of law, that this application and the supporting documentation attached hereto were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted therein. I affirm that the information is, to the best of my knowledge and belief, true, accurate and complete. Such affirmation is made under penalty of perjury as defined in Section 32-2 of the Criminal Code, 720 ILCS 5/32-2. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly committing violations. The "Eligibility and Deductible Determination" decided pursuant to this document is subject to the costs defined in Title 35: Environmental Protection Illinois Administrative Code (IAC) 731, 732, 742 and Public Act 92-0554.

Signature (owner, operator or designated agent)

Laura Chorle'

Title: SENIOR DEVELOPMENT MANAGER

Date: Nov. 20, 2008

Subscribed and sworn to before me this 20th day of November, 2008  
(application must be notarized when the certificate is signed)

Aretha E. Glasper  
Notary Public

Seal



Note: Original signatures in ink and seals are required for the certification and notarization. Attach the UST information sheet behind this page. This form may be copied on a photocopier but may not be altered in any way. DO NOT reproduce on a computer; this will be grounds for rejection.

## UST Information Sheet

The information below must be provided for each UST at the site. (USTs presently at the site and USTs that have been removed or abandoned)

All spaces must be completed for each tank. Answers of unknown will not be accepted.

You may photocopy this page if more space is needed.

OSFM Facility ID #: 2-015933

Circle one under each column.

Tank ID #	Product Code	Size (Gallons)	Date Installed	Date Registered	Date Out of Service	Date Removed	HEMA Number	Date HEMA Notified	Registration Fees Paid	Has UST Had a Release	Is UST Legally Abandoned In-Place?
1		5,000	C. 1930	4-9-1986	C. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
2		5,000	C. 1930	4-9-1986	C. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
3		5,000	C. 1930	4-9-1986	C. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
4		5,000	C. 1930	4-9-1986	C. 1970	8-23-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
5		5,000	C. 1953	4-9-1986	1981	9-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
6		1,000	C. 1953	4-9-1986	1981	8-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
7		4,000	C. 1953	4-9-1986	1981	8-24-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
8		10,000	C. 1981	4-9-1986	2004	8-25-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
9		10,000	C. 1981	4-9-1986	2004	8-25-2004	980841	4-16-1998	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N
10		1,000	C. 1930	Not registered	1953	8-25-2004	n.a.	n.a.	<input type="radio"/> Y <input checked="" type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N

Product Codes - (click to instructions for definitions): G - Gas, D - Diesel, A - Aviation fuels, K - Kerosene, M - New Motor Oil or U - Used oil; H - Heating oil; HAZ - Hazardous Substance (description required); N - Any product not included under another code. (description required)

Comments:

## UST Information Sheet

The information below must be provided for each UST at the site. (USTs presently at the site and USTs that have been removed or abandoned)

All spaces must be completed for each tank. Answers of unknown will not be accepted.

You may photocopy this page if more space is needed.

OSFM Facility ID #: 00-11871

Circle one under each column.

Tank ID #	Product Code	Size (Gallons)	Date Installed	Date Registered	Date Out of Service	Date Removed	IEMA Number	Date IEMA Notified	Registration Fees Paid	Has UST Had a Release	Is UST Legally Abandoned In-Place?
1	G	500	3-1930	Not registered	1953	8-25-2004	n.a.	n.a.	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N
2	H	5,000	n.a.	Not registered	1970	8-30-2004	n.a.	n.a.	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N	Y <input checked="" type="radio"/> N
									Y <input type="radio"/> N	Y <input type="radio"/> N	Y <input type="radio"/> N
									Y <input type="radio"/> N	Y <input type="radio"/> N	Y <input type="radio"/> N
									Y <input type="radio"/> N	Y <input type="radio"/> N	Y <input type="radio"/> N
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									Y <input type="radio"/> N	Y <input type="radio"/> N	Y <input type="radio"/> N
									Y <input type="radio"/> N	Y <input type="radio"/> N	Y <input type="radio"/> N
									Y <input type="radio"/> N	Y <input type="radio"/> N	Y <input type="radio"/> N
									Y <input type="radio"/> N	Y <input type="radio"/> N	Y <input type="radio"/> N

Product Codes - refer to instructions for definitions: G - Gas, D - Diesel, A - Aviation fuels, K - Kerosene, M - New Motor Oil or U - Used oil; H - Heating oil; HAZ - Hazardous Substance (description required); N - Any product not included under another code. (description required)

Comments: N - interesting oil/Motor oil



**URS**

**ATTACHMENT 3**

October 30, 2008 from IEPA Application for payment from UST Fund not approved



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

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL #

7007 2560 0003 2086 4057

OCT 30 2008

Metropolitan Pier and Exposition Authority  
Tim McHugh  
301 E. Cermak  
Chicago, Illinois 60616

Re: LPC #0316335065 -- Cook County  
Chicago / Brinks, Inc.  
234 E. 24<sup>th</sup> Street  
Leaking UST Incident No. 980841  
Claim No. 53410  
Leaking UST Fiscal File

Dear Mr. McHugh:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code 732.Subpart F. This application for payment is dated December 14, 2007 and was received by the Illinois EPA on December 17, 2007. It covers the period from March 1, 2004 to December 9, 2005. The amount requested is \$389,224.57.

As a result of the Illinois EPA's review of the application for payment, a voucher cannot be prepared for submission to the Comptroller's Office for payment. Subsequent applications for payment that have been or are submitted will be processed based upon the date of receipt by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application for payment.

Following are costs that are not approved for payment and the reasons the costs are not approved:

Page 2

1. \$389,224.57, deduction for costs associated with any corrective action activities, services, or materials that were not accompanied by a copy of the eligibility and deductibility decision(s) made for the above-referenced occurrence(s) for accessing the Fund pursuant to Section 57.8 of the Act and 35 Ill. Adm. Code 732.110(a), 732.601(b)(3), and 732.606(s).

Metropolitan Pier and Exposition Authority has submitted this request for reimbursement however, they are not the owner or operator of the USTs (35 Ill. Adm. Code 732.103) nor do they have an eligibility and deductibility decision.

2. In addition, \$385.00 of the above amount was withheld from your payment. Pursuant to Section 57.8(a)(1) of the Act, in no event shall payment from the UST Fund be made for an amount greater than the amount approved in the budget. The line-item amount for Investigation Costs was reduced to that approved in the budget.
3. In addition, \$237,426.99 of the above amount for costs that require an apportionment of costs pursuant to 35 Ill. Adm. Code 732.608. Pursuant to Section 57.8(m) of the Act, the Illinois EPA may apportion payment of costs for plans submitted under Section 57.7 of the Act if:
  - a. The owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and
  - b. The owner or operator failed to justify all costs attributable to each underground storage tank at the site.

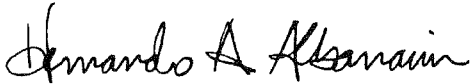
This is your notification that payment of costs is being apportioned based on the total gallons eligible for payment from the UST Fund.

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

Page 3

If you have any questions or require further assistance, please contact Brian Bauer of my staff at 217/782-3335.

Sincerely,

A handwritten signature in black ink, reading "Hernando A. Albarracin". The signature is written in a cursive style with a large initial "H".

Hernando A. Albarracin, Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAA:BB

c: URS Corporation – Patricia Bryan  
Leaking UST Claims Unit

Page 4

### Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.8(i) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601  
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544

**URS**

**ATTACHMENT 4**  
Application for Payment



## 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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL #

FEB 18 2010

7008 1830 0001 4716 7186

Metropolitan Pier and Exposition Authority  
Tim McHugh  
301 E. Cermak  
Chicago, Illinois 60616

Re: LPC #0316335065 -- Cook County  
Chicago / Brinks, Inc.  
234 E. 24<sup>th</sup> Street  
Leaking UST Incident No. 980841  
Claim No. 57713  
Leaking UST Fiscal File

Dear Mr. McHugh:

The Illinois Environmental Protection Agency (Illinois EPA) has completed the review of your application for payment from the Underground Storage Tank (UST) Fund for the above-referenced Leaking UST incident pursuant to Section 57.8(a) of the Illinois Environmental Protection Act (Act) in effect prior to June 24, 2002, and 35 Illinois Administrative Code 732.Subpart F. This application for payment is dated November 18, 2009 and was received by the Illinois EPA on November 23, 2009. It covers the period from March 1, 2004 to December 9, 2005. The amount requested is \$389,224.57.

As a result of the Illinois EPA's review of the application for payment, a voucher cannot be prepared for submission to the Comptroller's Office for payment. Subsequent applications for payment that have been or are submitted will be processed based upon the date of receipt by the Illinois EPA. This constitutes the Illinois EPA's final action with regard to the above application for payment.

Following are costs that are not approved for payment and the reasons the costs are not approved:

RECEIVED

FEB 18 2010

DEVELOPMENT DEPT  
MPE 4

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Egin • 595 S. State, Egin, IL 60123 • (847) 608-3131

Bureau of Land - Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

Page 2

1. The No Further Remediation Letter for the above-referenced incident was issued on January 23, 2008. The application for payment for \$389,224.57 was received by the Illinois EPA on November 23, 2009, more than one year after said date. It covers the billing period from March 1, 2004 to December 9, 2005.

Pursuant to 35 Ill. Adm. Code 732.601(j), all applications for payment of corrective action costs must be submitted no later than one year after the date the Illinois EPA issues a No Further Remediation Letter pursuant to Subpart G of 35 Ill. Adm. Code 732. For releases for which the Illinois EPA issued a No Further Remediation Letter prior to March 1, 2006, all applications for payment must be submitted no later than March 1, 2007. Pursuant to 35 Ill. Adm. Code 732.606(rr), these costs are ineligible for payment from the UST Fund.

2. In addition, \$385.00 of the above amount was withheld from your payment. Pursuant to Section 57.8(a)(1) of the Act, in no event shall payment from the UST Fund be made for an amount greater than the amount approved in the budget. The line-item amount for Investigation Costs was reduced to that approved in the budget.
3. In addition, \$237,426.99 of the above amount for costs that require an apportionment of costs pursuant to 35 Ill. Adm. Code 732.608. Pursuant to Section 57.8(m) of the Act, the Illinois EPA may apportion payment of costs for plans submitted under Section 57.7 of the Act if:
  - a. The owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and
  - b. The owner or operator failed to justify all costs attributable to each underground storage tank at the site.

This is your notification that payment of costs is being apportioned based on the total gallons eligible for payment from the UST Fund.

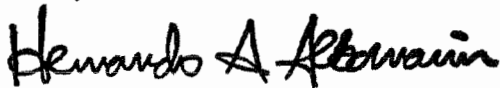
An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.



Page 3

If you have any questions or require further assistance, please contact Brian Bauer of my staff at 217/782-3335.

Sincerely,

A handwritten signature in black ink that reads "Hernando A. Albarracin". The signature is written in a cursive style with a large initial 'H'.

Hernando A. Albarracin, Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

  
HAA:BB

c: URS Corporation – Patricia Bryan  
Leaking UST Claims Unit  
Brian Bauer

Page 4

#### Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.8(i) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

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Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276  
217/782-5544