

SPECIAL CONDITIONS FOR MWRD PERMIT NO. 06-015

1. The issuance of this permit does not grant authority to 600 Waukegan Road LLC (“Sole-Permittee/Co-Permittee”), its individual members, or any other individual or entity the right to discharge stormwater, treatment plant effluent, wastes, or other water onto any properties that are adjacent to the subject property (600 Waukegan Road), nor does it grant them any right to build or encroach upon such adjacent properties. Such rights must be obtained separately by Sole-Permittee/Co-Permittee from each adjacent landowner, to the extent required by law. Sole-Permittee/Co-Permittee, its individual members, and any concurrent or successive owner (whether in part or in full) of the subject property shall assume all responsibilities for any claims or damages that may arise as a result of any such discharges, construction, or encroachments. They shall also be jointly and severally responsible for indemnifying the MWRD for any and all damages, penalties, costs, and attorneys’ fees that are assessed against, and/or incurred by, the MWRD in any legal proceedings initiated as a result of such discharges, construction, or encroachments. The failure, refusal, or claimed inability of the responsible parties to indemnify the MWRD entirely shall constitute a violation of these Special Conditions.
2. This permit is issued under the provisions of Section 2(H)5 of the MWRD Sewer Permit Ordinance and the sewerage system covered by this permit must be for the sole, exclusive and perpetual use of the owner.
3. This permit shall be recorded with the Recorder of Deeds, or the Registrar of Titles, Cook County, Illinois, and shall not become valid until evidence of recording is furnished to the MWRD. All expenses required for the recording shall be borne by Sole Permittee/Co-Permittee. The real estate for which this permit is used is legally described on the attached sheet which legal description is made a part hereof.
4. This permit does not serve as, substitute for, or preclude the need for any permit/permission/authorization which may be required for the project from the Illinois Environmental Protection Agency.
5. Sole Permittee/Co-Permittee shall obtain all construction and discharge permits required under local, state, and federal law for the construction, operation, and maintenance of the treatment facilities in question and all sewer outfalls to waterways in connection therewith, including, but not limited to, a National Pollution Discharge Elimination System (NPDES) permit and any other permit required by the Illinois Environmental Protection Agency (“IEPA”). Copies of each such permit must be submitted to the MWRD’s Chief Engineer no later than six months from

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the date of issuance of this MWRD permit. Each of these permits must be maintained and kept valid at all times. Otherwise, this MWRD permit shall automatically become null and void.

6. The Sole Permittee/Co-Permittee shall maintain and keep valid the required Illinois Department of Public Health permit and must comply with all its terms and conditions.
7. The sewer connections, lines, systems and treatment facilities constructed hereunder or serving the facilities constructed hereunder shall be properly maintained and operated by Sole Permittee/Co-Permittee as well as its concurrent or successive owners, at all times in accordance with all applicable requirements of the MWRD, the IEPA, the Cook County Department of Public Health, and any other state, county, federal, or local agency with jurisdiction. It is understood that the responsibility for maintenance and operation as provided herein shall run as a joint and several obligation against the property served, the owner and/or operator of the facilities, and said responsibility shall not be discharged nor in any way be affected by change of ownership of said property.
8. This permit is subject to the recording of a Declaration of Condominium Ownership and of Easements, Restrictions, Covenants, and By-Laws ("Declaration") for 600 Waukegan Road Condominium Association. The Declaration, which shall be made part of the permit, shall contain the following italicized language in the below specified paragraphs. Said language shall not be deleted or amended in any way without written permission from the MWRD's Chief Engineer:
 - 1.6 Common Elements: All portions of the Property, except the Units, and including the Limited Common Elements, unless otherwise expressly specified herein. The Common Elements include, without limitation, the Parcel, walls, roofs, foundations, hallways, stairways, cooling towers, windows, sliding glass doors, entrances and exits, management office, bicycle storage rooms, office center, hospitality room, the Recreational Facilities, security system, mechanical equipment areas, storage areas, storage lockers, elevators, elevator lobbies, elevator shafts, mailboxes, pipes, ducts, flues, shafts, electrical wiring and conduits (except pipes, ducts, flues, shafts, electrical wiring and conduits situated entirely within a Unit and serving only such Unit), central heating, cooling and ventilating systems, public utility lines, structural parts of the Building, *the sewer connections, lines, systems and treatment*

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facilities constructed in connection with Metropolitan Water Reclamation District of Greater Chicago Permit Number 06-015, and all other portions of the Property except the individual Units

- 4.1 Maintenance, Repairs and Replacements: The Association, at its expense, shall be responsible for the maintenance, repair, and replacement of those portions, if any, of each Unit which contribute to the support of the Building excluding, however, interior doors and interior surfaces of walls, ceilings and floors, *and shall further be responsible for the continued maintenance, repair, and replacement of the sewer connections, lines, systems and treatment facilities constructed in connection with Metropolitan Water Reclamation District of Greater Chicago Permit Number 06-015.* In addition, the Association shall maintain, repair, and replace all pipes, wires, conduits, cuts, flues, shafts, and other facilities for the furnishing of utility services which may be located within the Unit boundaries and forming part of any system servicing more than one Unit, exclusive of any portions of the foregoing which may be located at or beyond the wall outlets, or which may be the responsibility of an individual Unit Owner under Section 4.2 hereof, or any other provision of this Declaration
9. Discharge of treated wastes as proposed is permitted hereunder subject to compliance with the Sewage and Waste Control Ordinance as amended and under the User Charge Ordinance; discharge of industrial waste is forbidden.
10. Beginning 5 months from the date of issuance of the permit, the Sole Permittee/Co-Permittee shall submit to the MWRD Chief Engineer quarterly operation records to clearly demonstrate that the treatment plant is operating at design efficiency and in accordance with all applicable regulations of the MWRD, and any other State, county, federal, or local agency with jurisdiction.
11. With notice from the MWRD, Sole Permittee/Co-Permittee shall allow MWRD personnel with access to the subject property so that they may verify from time to time the proper maintenance and operation of the facilities under this permit. Notwithstanding this, nothing in this paragraph confers a duty on the MWRD to conduct such inspections.
12. Corrective measures and other conditions required relative to LSS Violation Case No. VC-20080020 are made a part of this permit.

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13. This permit is issued subject to compliance with the requirements of the MWRD Manual of Procedures. The affidavit (Schedule J) submitted by the owner relative to compliance is made a part of this permit.
14. This permit is issued in reliance upon the Affidavit of Disclosure of Property Interest (Schedule K) submitted by the owner, and said Affidavit is incorporated herein and made a part hereof.
15. All floor drains from the internal building areas in Building A shall be connected to the triple basin and upstream of the holding tank for pump and haul disposal as required by other regulator(s), and shall not be tributary to the on-site treatment plant nor to the storm sewer system.
16. All existing septic systems shall be abandoned. Abandoned tanks shall be filled with granular material or removed. Connections to the new sanitary system shall be made upstream of the septic tank. Prior to the connection of sanitary sewer(s) under this permit, Sole Permittee/Co-Permittee shall internally and externally inspect the sanitary, stormwater, and groundwater piping systems of each building and the grounds for potential faulty, illegal or improper connections. Any connections or piping arrangements that allow stormwater or groundwater to enter the sanitary sewer system shall be eliminated prior to connection of the building(s) to the sanitary sewer(s) under this permit.
17. Construction must conform with the floodplain requirements of the Northfield Township/Cook County.
18. In its discretion, the MWRD may void this permit in its entirety if any of the terms of these Special Conditions are violated. Unless otherwise stated above, the Sole Permittee/Co-Permittee shall have an opportunity to cure the violation(s) within 21 days of being notified by the MWRD of the MWRD's intention to void this permit. If notice is sent in writing by mail, the parties agree that the written notice will be addressed to Sole Permittee/Co-Permittee at its address listed on the permit and that the date of notice will be the date of mailing. Sole Permittee/Co-Permittee shall notify the MWRD's Chief Engineer in writing if the notice should be sent to a different party or address.

Failure to take such corrective action within the above stated time frame shall result in the permit being automatically voided, unless otherwise stated in writing by the MWRD's Chief Engineer or his designee. The act of voiding the permit does not excuse any of the indemnification obligations stated in paragraph 1 above.

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Nothing in this paragraph shall effect the MWRD's right to pursue any other legal or equitable remedy available to the MWRD, or exercise any other power conferred upon the MWRD, in a manner and to the extent authorized by law, whether pursuant to the MWRD's Sewer Permit Ordinance, its Manual of Procedures for the Administration of the Sewer Permit Ordinance, its Sewage and Waste Control Ordinance, or any other ordinance, regulation, statute, or right under common law. Also, the "right to cure" provisions of this paragraph do not apply to the General and Standard Conditions to the permit.