

UNOFFICIAL COPY

PREPARED BY:

Name: Frank Cozzi
Illinois Scrap Processing, Inc.

Address: 9331 South Ewing Avenue
Chicago, Illinois 60633



Doc#: 0416219085
Eugene "Gene" Moore Fee: \$40.00
Cook County Recorder of Deeds
Date: 06/10/2004 11:14 AM Pg: 1 of 9

RETURN TO:

Name: Frank Cozzi
Metal Management Midwest, Inc.

Address: 12701 South Doty Avenue
Chicago, Illinois 60633

(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: #0316255001

LUST Incident No.: #982748

Illinois Scrap Processing, Inc., the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 12701 South Doty Avenue, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: see Legal Description
2. Common Address: 9331 South Ewing Avenue, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 26-05-117-012-0000, 26-05-301-007-0000,
4. Site Owner: Illinois Scrap Processing, Inc.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

EK

AP
MTX
Ⓟ

UNOFFICIAL COPY

9331 S. Ewing

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:**PARCEL 1:**

THAT PART OF DOCK 3, LYING WEST OF CHICAGO LAKE SHORE AND EASTERN RAILROAD IN SUBDIVISION OF THAT PART EAST OF EWING AVENUE OF THE NORTHWEST FRACTIONAL 1/4, SOUTH OF THE INDIAN BOUNDARY LINE OF FRACTIONAL SECTION 5, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF DOCK 112, LYING EAST OF THE EAST LINE OF EWING AVENUE IN SOUTH CHICAGO SUBDIVISION OF PART OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE NORTHERLY 138.00 FEET OF THAT PART EAST OF THE EAST LINE OF EWING AVENUE, SOUTH OF DOCK 3 AND WEST OF DOCK 2 IN SECTION 5, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING FROM SAID PARCELS OF LAND THE FOLLOWING PARCELS OF LAND, DESCRIBED AS TRACT "A" AND TRACT "B". TO WIT:

TRACT "A":

THAT PART OF THE NORTHWEST FRACTIONAL 1/4 OF FRACTIONAL SECTION 5, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING ALL THAT TRACT OF LAND LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE OLD CALUMET AND BLUE ISLAND RAILWAY COMPANY, (NOW THE CHICAGO, LAKE SHORE AND EASTERN RAILWAY COMPANY) NORTHEASTERLY OF A LINE DRAWN PARALLEL TO AND 4.40 FEET FROM THE TANGENT PORTION OF SAID SOUTHWESTERLY RIGHT OF WAY LINE, PRODUCED NORTHWESTERLY AND SOUTHEASTERLY OF THE CALUMET RIVER ACROSS DOCK LOT NO. 3, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT WHERE THE SOUTHEASTERLY LINE OF DOCK LOT NO. 3 OF CALUMET AND CHICAGO CANAL AND DOCK COMPANY SUBDIVISION INTERSECTS THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE OLD CALUMET AND BLUE ISLAND RAILWAY COMPANY, (NOW THE CHICAGO LAKE SHORE AND EASTERN RAILWAY COMPANY); THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID DOCK LOT NO. 3, 4.40 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A LINE DRAWN PARALLEL TO AND 4.40 FEET SOUTHWESTERLY FROM THE TANGENT PORTION OF SAID SOUTHWESTERLY RIGHT OF WAY LINE AND SAID RIGHT OF WAY LINE PRODUCED NORTHWESTERLY, A DISTANCE OF 631.36 FEET, MORE OR LESS TO A POINT IN THE NORTHWESTERLY LINE OF SAID DOCK LOT NO. 3; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID DOCK LOT NO. 3 (SAID LOT LINE LAST DESCRIBED MAKING A NORTHEASTERLY ANGLE OF 85 DEGREES, 40 MINUTES, 20 SECONDS FROM THE LAST DESCRIBED COURSE PRODUCED), A DISTANCE OF 89.65 FEET, MORE OR LESS TO THE INTERSECTION OF LAST DESCRIBED LOT LINE, WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE RAILWAY; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE RAILWAY, WHICH IS ON A CURVE CONVEX TO THE NORTHEAST HAVING A RADIUS OF 556.2 FEET, 192.77 FEET, MORE OR LESS TO A POINT 47.9 FEET DISTANT NORTHEASTERLY FROM THE

UNOFFICIAL COPY

AFOREMENTIONED LINE DRAWN PARALLEL TO THE AFOREMENTIONED TANGENT PORTION OF THE SAID SOUTHWESTERLY RIGHT OF WAY LINE PRODUCED NORTHWESTERLY (MEASURED AT RIGHT ANGLES THERETO); THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF RAILWAY, WHICH IS ON A CURVE CONVEX TO THE SOUTHWEST HAVING A RADIUS OF 591.2 FEET, 228.19 FEET, MORE OR LESS TO A POINT; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE, 228.00 FEET TO THE POINT OF BEGINNING, BEING THE PREMISES CONVEYED BY UNIVERSAL ATLAS CEMENT COMPANY TO THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY BY DEED DATED MARCH 31, 1939.

TRACT "B".:

THOSE PARTS OF DOCK NO. 3, LOTS 1 AND 2 AND THE VACATED ALLEYS ADJOINING SAID LOTS 1 AND 2, ALL IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY'S SUBDIVISION OF THE NORTHWEST FRACTIONAL 1/4 OF FRACTIONAL SECTION 5, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE INDIAN BOUNDARY LINE AND EAST OF EWING AVENUE DESCRIBED AS FOLLOWS:

BEGINNING AT THAT POINT OF INTERSECTION OF THE WESTERLY LINE OF DOCK NO. 2 IN SAID SUBDIVISION, WITH A LINE DRAWN 138.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF DOCK NO. 3 AFORESAID; THENCE NORTH 31 DEGREES, 31 MINUTES, 30 SECONDS WEST ALONG SAID WESTERLY LINE OF SAID DOCK NO. 2, A DISTANCE OF 138.00 FEET TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF DOCK NO. 3; THENCE SOUTH 58 DEGREES, 28 MINUTES, 30 SECONDS WEST ALONG SAID SOUTHERLY LINE OF DOCK NO. 3, A DISTANCE OF 4.40 FEET; THENCE NORTH 31 DEGREES, 31 MINUTES, 30 SECONDS WEST ALONG A LINE PARALLEL, WITH A NORTHWESTERLY EXTENSION OF SAID WESTERLY LINE OF DOCK NO. 2, A DISTANCE OF 329.65 FEET; THENCE SOUTH 05 DEGREES, 59 MINUTES, 55 SECONDS EAST, A DISTANCE OF 120.06 FEET; THENCE SOUTH 21 DEGREES, 03 MINUTES, 05 SECONDS EAST, A DISTANCE OF 41.00 FEET; THENCE SOUTH 35 DEGREES, 59 MINUTES, 55 SECONDS EAST, A DISTANCE OF 320.51 FEET TO A POINT ON THE AFOREMENTIONED LINE DRAWN PARALLEL, WITH THE SOUTH LINE OF DOCK NO. 3; THENCE NORTH 58 DEGREES, 28 MINUTES, 30 SECONDS EAST ALONG THE SAID SOUTH LINE, A DISTANCE OF 38.66 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, BEING THE PREMISES CONVEYED BY UNIVERSAL ATLAS CEMENT COMPANY TO CARNEGIE ILLINOIS STEEL CORPORATION BY DEED DATED APRIL 3, 1939, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 4:

LOTS 8, 9, 10 AND 11 IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY'S SUBDIVISION OF THAT PART OF THE NORTHWEST FRACTIONAL 1/4 OF FRACTIONAL SECTION 5, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE INDIAN BOUNDARY LINE AND EAST OF EWING AVENUE, SITUATED IN THE CITY OF CHICAGO, ALL IN COOK COUNTY, ILLINOIS.

UNOFFICIAL COPY

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

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1257 2030

MAY 19 2004

Metal Management Midwest, Inc.
 Attention: Frank Cozzi
 12701 South Doty Avenue
 Chicago, Illinois 60633

received
 5-25-04

Re: LPC #0316255001 -- Cook County
 Chicago / Illinois Scrap Processing, Inc.
 9331 South Ewing Avenue
 LUST Incident No. #982748
 LUST Technical File

Dear Mr. Hays:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted for the above-referenced incident. This report is dated January 23, 2004 and was received by the Illinois EPA on February 2, 2004. Citations in this letter are from the Environmental Protection Act (Act) 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 Rita Dolan, 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:

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

UNOFFICIAL COPY

Page 2

1. *Metal Management Midwest, Inc.*, 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. 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. The remediation objectives for the above-referenced site, more particularly 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

UNOFFICIAL COPY

Page 3

attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: There are no land use limitations.

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: None.
 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.
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

UNOFFICIAL COPY

Page 4

8. Pursuant to 35 Ill. Adm. Code 732.704, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice 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 avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance 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.

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

UNOFFICIAL COPY

Page 5

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Eric Kuhlman, at 217/785-5715.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:EK:EKA

Attachments: Leaking Underground Storage Tank Environmental Notice
Legal Description of the Site
Site Base Map

c: CPI Environmental Services, Inc.
Division File

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT

ATTACHED TO

DOCUMENT

SEE PLAT INDEX

Property of Cook County Clerk's Office