

# UNOFFICIAL COPY

PREPARED BY:

Name: Douglas Grover, Vice President  
175 Jefferson LLC



Address: 20 North Wacker Drive  
Suite 3200  
Chicago, IL 60606

Doc#: 0432139148  
Eugene "Gene" Moore Fee: \$44.50  
Cook County Recorder of Deeds  
Date: 11/16/2004 03:51 PM Pg: 1 of 11

RETURN TO:

Name: Douglas Grover, Vice President  
175 Jefferson LLC

Address: 20 North Wacker Drive  
Suite 3200  
Chicago, IL 60606

## THE ABOVE SPACE FOR RECORDER'S OFFICE

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

Illinois State EPA Number: 0316286545

175 Jefferson, LLC, the Remediation Applicant, whose address is 20 North Wacker Drive, Suite 3200, Chicago, IL 60606 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries:  
  
LOTS 2, 3 AND 6 AND THE NORTH 41.3 FEET OF LOT 7 IN BLOCK 27 IN ORIGINAL TOWN OF CHICAGO IN SECTION 9, TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, THE NORTH 41.3 FEET OF LOT 7 IN BLOCK 27 ALSO BEING KNOWN AS LOT 9 IN THE SUBDIVISION OF LOTS 7 AND 10 IN BLOCK 27 AFORESAID, IN COOK COUNTY, ILLINOIS.
2. Common Address: 567 West Lake Street, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 17-19-107-021, 17-16-107-028 AND 17-16-107-032
4. Remediation Site Owner: 175 Jefferson, LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

**UNOFFICIAL COPY****ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

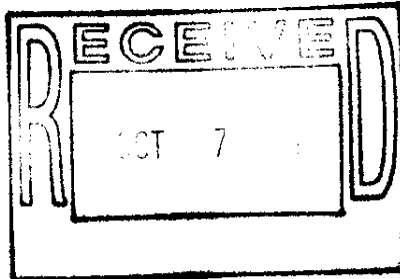
1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397  
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

(217) 782-6761

October 5, 2004

CERTIFIED MAIL

002 3150 0000 1111 5122

Douglas Grover, Vice President  
 175 Jefferson LLC  
 20 North Wacker Drive  
 Suite 3200  
 Chicago, IL 60606

Re: 0316286545/Cook  
 Chicago/Fifield Companies  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Mr. Grover:

The *Remedial Action Completion Report* (September 7, 2004/Log Number 04-21668), as prepared by STS Consultants, Ltd. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 0.9 acres, is located at 567 West Lake Street, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form received December 18, 2003 is 175 Jefferson LLC.

This focused No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms and conditions of this Letter.

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The land use specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use.
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is restricted to Industrial/Commercial land use.
- 3) The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:
  - a) Regulated substances of concern that have been successfully addressed are detailed in the attached Table A.

### Preventative Controls:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

### Engineering Controls:

- 5) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit inhalation or ingestion exposure to the contaminated media.
- 6) The building, as shown in the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit inhalation or ingestion exposure to the contaminated media.

### Institutional Controls:

- 7) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:
  - a) Where a groundwater ordinance is used to assure long-term protection of human health, the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by the City of Chicago along with this Letter.

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- b) The Remediation Applicant shall provide written notification to the City of Chicago and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
- i) The name and address of the local unit of government;
  - ii) The citation of Section 11-8-390
  - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
  - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
  - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
  - vi) A statement as to where more information may be obtained regarding the ordinance.
- c) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date of this Letter to.
- Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/REMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276
- d) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced ordinance to allow potable uses of groundwater;
  - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
  - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date of this Letter of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
  - iv) Violation of the terms and conditions of this No Further Remediation letter.

**UNOFFICIAL COPY**Other Terms

- 8) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 9) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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

- 10) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current titleholder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
- a) Any violation of institutional controls or the designated land use restrictions;
  - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
  - c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
  - d) The failure to comply with the recording requirements for this Letter;
  - e) Obtaining the Letter by fraud or misrepresentation;
  - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
  - g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
  - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.

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11) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) 175 Jefferson, LLC;
- b) The owner and operator of the Remediation Site;
- c) Any parent corporation or subsidiary of the owner of the Remediation Site;
- d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
- e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
- f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
- g) Any successor-in-interest of the owner of the Remediation Site;
- h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
- i) Any heir or devisee of the owner of the Remediation Site;
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.

12) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Remediation Site.

13) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

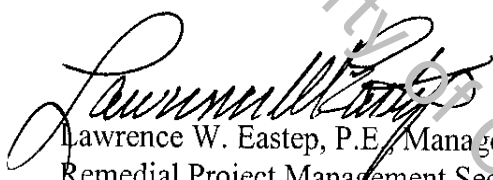
**UNOFFICIAL COPY**

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

14) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager Mr. Andrew Catlin at (217) 524-3290.

Sincerely,

  
Lawrence W. Eastep, P.E., Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land

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

cc:      Steven T. Newlin  
            STS Consultants, Ltd.  
            750 Corporate Woods Parkway  
            Vernon Hills, IL 60061

Commissioner  
Chicago Department of Environment  
25<sup>th</sup> Floor  
30 North LaSalle Street  
Chicago, Illinois 60602-2575

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## SITE REMEDIATION PROGRAM TABLE A: REGULATED SUBSTANCES OF CONCERN 0316286545/Fifield Companies

### BTEX Indicator Contaminants

CAS No.	Compound Name
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylene (totals)

### Semi-volatile Organic Compounds

CAS No.	Compound Name
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
56-55-3	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
191-24-2	Benzo(g,h,i)perylene
207-08-9	Benzo(k)fluoranthene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
129-00-0	Pyrene
91-20-3	Naphthalene
120-12-7	Anthracene
85-01-8	Phenanthrene

### Metals

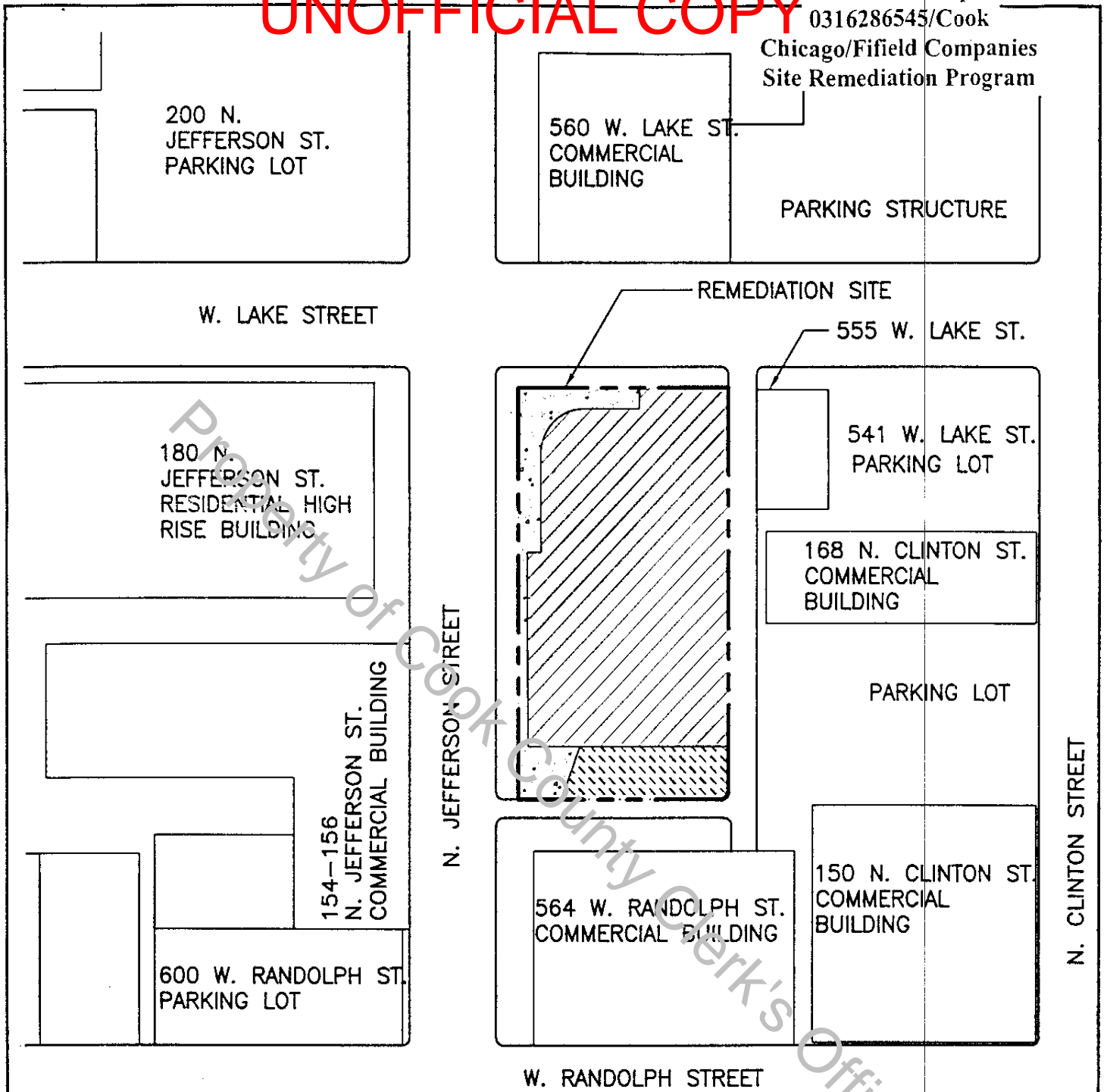
CAS No.	Chemical Name
7440-38-2	Arsenic
7439-92-1	Lead






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Site Base Map  
0316286545/Cook

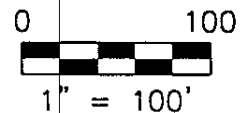
Chicago/Fifield Companies  
Site Remediation Program



**LEGEND**

-  - BUILDING FLOOR SLAB
-  - SIDEWALK
-  - CONCRETE TRUCK DOCK

--- PROPERTY BOUNDARY



X:\PROJECTS\131140ZH\140ZH-SITE02.dwg, 6/16/2004 12:35:43 PM, POUHALEVA



**STS CONSULTANTS**  
750 Corporate Woods Pkwy.  
Vernon Hills, IL 60061  
847-279-2500  
www.stsconsultants.com  
Copyright ©2004, By: STS Consultants, Ltd.

SITE PLAN SHOWING  
ENGINEERED BARRIERS AND  
SURROUNDING PROPERTY USE  
567 W. LAKE STREET  
CHICAGO, ILLINOIS

Drawn:	PVP 06/16/2004
Checked:	SGT 06/16/2004
Approved:	SGT 06/16/2004
PROJECT NUMBER	1-31140-ZH
FIGURE NUMBER	2

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


Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name: _____	
Title: _____	
Company: <u>Chicago Transit Authority</u>	
Street Address: <u>567 W. Lake Street</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60661</u> Phone: _____	
Site Information	
Site Name: <u>Chicago Transit Authority Headquarters Building</u>	
Site Address: <u>567 W. Lake Street</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60661</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0316286545</u>	
Real Estate Tax Index/Parcel Index No. <u>17-19-107-021, 17-16-107-028 &amp; 17-16-107-032</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u>[Signature]</u>	Date: <u>11/10/04</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>10</u> day of <u>Nov.</u> , 2004	
 Notary Public	

The Illinois EPA is authorized to require this information under Sections 415, 416, 417, 418, 419, 420, 421, 422 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

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## Chapter 11-8 WATER SUPPLY AND DISTRIBUTION SYSTEMS\*

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\***Editor's note:** Coun. J. 3-28-01, p. 55444, § 1, repealed Ch. 11-8, in its entirety, which pertained to water supply and distribution systems. Subsequently, Amend Coun. J. 11-28-01, p. 72895, § 1 added provisions designated as § 11-8-390. Former Ch. 11-8 (title) has been restored at the discretion of the editor to accommodate inclusion of provisions designated as 11-8-390. See the Code Comparative Table.

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11-8-390 Potable water wells.

### **11-8-390 Potable water wells.**

For purposes of this section, "potable water" is any water used for human consumption, including but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown. No groundwater well, cistern or other groundwater collection device installed after May 14, 1997, may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by a unit of local government pursuant to intergovernmental agreement with the City of Chicago.

(Added Coun. J. 11-28-01, p. 72895, § 1)

Property of Cook County Clerk's Office