

# UNOFFICIAL COPY

PREPARED BY:

Name: Ms. Kimberly Worthington  
City of Chicago, Department of Environment

Address: 30 North LaSalle Street  
25th Floor  
Chicago, IL 60602



Doc#: 0515918007  
Eugene "Gene" Moore Fee: \$42.50  
Cook County Recorder of Deeds  
Date: 06/08/2005 10:21 AM Pg: 1 of 10

RETURN TO:

Name: Ms. Kimberly Worthington  
City of Chicago, Department of Environment

Address: 30 North LaSalle Street  
25th Floor  
Chicago, IL 60602

### 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: 0316275210

City of Chicago, Department of Environment, the Remediation Applicant, whose address is 30 North LaSalle Street 25th Floor, Chicago, IL 60602 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 1, 3, 4, and 5 in Maypole Resubdivision being a resubdivision and consolidation in Blocks 2 and 3 in Page and Wood's Subdivision of Block's 50, 63, and 64, in the subdivision of Lots 5 and 6 in said Block 3 in Page and Wood's Subdivision, including east-west vacated alleys and vacated West Maypole Avenue, in the Canal Trustees' Subdivision of Section 7, Township 39 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded November 7, 2002 as Document Number 0021230668, in Cook County, Illinois.
2. Common Address: 105-109, 119-123, 147, 155, and 161 North Wood Street, 140-142 and 146-168 North Hermitage Avenue, 1738-1742 and 1751-1753 West Maypole Avenue, and 1752-1754 West Washington Boulevard in Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 17-07-423-018-0000;  
17-07-423-017-0000;  
17-07-423-016-0000; and  
17-07-423-014-0000
4. Remediation Site Owner: Chicago Housing Authority

**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

(217) 782-6761

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

MAY 27 2005

CN

May 24, 2005

CERTIFIED MAIL7004 2510 0001 8652 6043

Ms. Kimberly Worthington  
 City of Chicago, Department of Environment  
 30 North LaSalle Street  
 25th Floor  
 Chicago, IL 60602-

Re: 0316275210 /Cook  
 Chicago / Henry Horner Homes Area A East  
 (buildings 8A, 8B, 8C, 8E, 8F, 12A and 12C)  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Ms. Worthington:

The *Remedial Action Completion Report* (received May 9, 2005/Log Number 05-24697), as prepared by Carnow, Conibear & Associates, 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 the *Remedial Action Plan* (received January 21, 2003/03-0194).

The Remediation Site, consisting of 3.1 acres, is located at 105-109, 119-123, 147, 155, and 161 North Wood Street, 140-142 and 146-168 North Hermitage Avenue, 1738-1742 and 1751-1753 West Maypole Avenue, and 1752-1754 West Washington Boulevard in, 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 April 22, 2002 is the City of Chicago Department of Environment.

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This comprehensive 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 and does not require further remediation under the Act if utilized in accordance with the terms and conditions of this Letter.

## 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 approved for Residential land use.

### Engineering Controls:

- 3) The asphalt barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 4) The clean soil barrier (landscaped areas), which is comprised of a minimum of three (3) feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 5) The concrete cap barrier (sidewalk areas), 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 ingestion exposure to the contaminated media.
- 6) The buildings, as shown in the attached Site Base Map, must remain over the contaminated soils. These buildings must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.

### Institutional Controls:

- 7) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

**UNOFFICIAL COPY**Other Terms

- 8) 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. Lead is a concern for the construction worker under the engineered barriers in three locations, as shown on the attached site base map. Any excavation within the contaminated soil in these three areas 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 below the engineered barriers in any area of the site must either (i) be returned to the same area and covered with an engineered barrier complying with the requirements of this letter or (ii) be otherwise properly managed or disposed in accordance with applicable state and federal regulations.
- 9) 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.
- 10) 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
- 11) 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;

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- 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.

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

- a) City of Chicago Department of Environment;
- 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.

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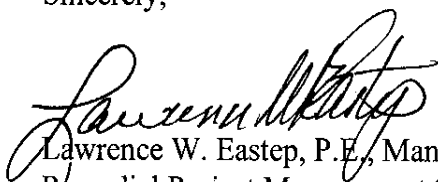
- 13) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first 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.
- 14) 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:

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

- 15) 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. Steve McCaslin at (217) 782-6760.

Sincerely,



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

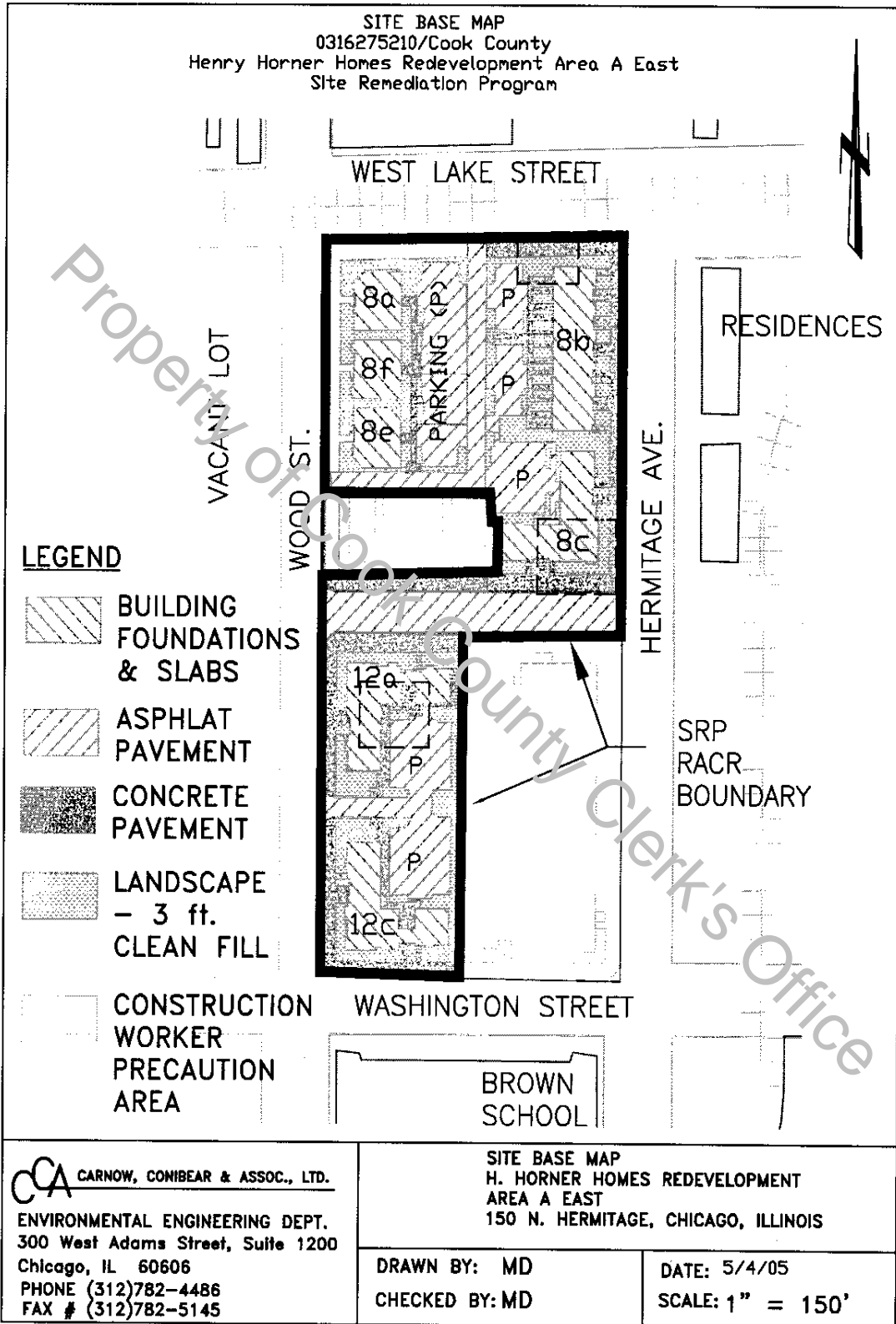
Attachments(2): Property Owner Certification of No Further Remediation Letter under the Site Remediation Program Form  
 Notice to Remediation Applicant

cc: Lisa Bongiovanni  
 Carnow, Conibear & Associates, Ltd.  
 300 West Adams Street, Suite 1200  
 Chicago, IL 60606

Chicago Housing Authority  
 Mr. Carl Byrd  
 626 West Jackson Boulevard  
 Chicago, IL 60620



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

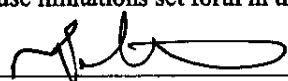
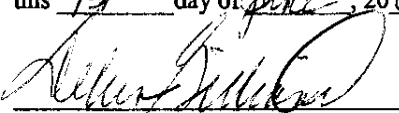
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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:	<u>Terry Peterson</u>
Title:	<u>Chief Executive Officer</u>
Company:	<u>Chicago Housing Authority</u>
Street Address:	<u>626 W Jackson</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60661</u> Phone: <u>312-742-8053</u>
Site Information	
Site Name:	<u>Chicago Housing Authority-Henry Horner Homes Area A West</u>
Site Address:	<u>See Attached Letter</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60612</u> County: <u>Cook</u>
Illinois inventory identification number:	<u>0316275169/Cook</u>
Real Estate Tax Index/Parcel Index No.	<u>17-07-321-037,038,039,040,043,044,046</u>
<p>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.</p>	
Owner's Signature:	<u></u> Date: <u>6-1-05</u>
<p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>1st</u> day of <u>June</u>, 20<u>05</u></p>	
<p><u></u> Notary Public</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">Official Seal Debra Gilliland Notary Public State of Illinois My Commission Expires 08/10/05</p> </div>

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 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.