

PREPARED BY:

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Name: Carl Byrd, Director
The Chicago Housing Authority



Doc#: 0732039104 Fee: \$46.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 11/16/2007 11:10 AM Pg: 1 of 12

Address: 60 East Van Buren Street
Chicago, Illinois 60605

RETURN TO:

Name: Carl Byrd, Director
The Chicago Housing Authority

Address: 60 East Van Buren Street
Chicago, Illinois 60605

THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316355065

The Chicago Housing Authority, the Remediation Applicant, whose address is 60 East Van Buren Street, Chicago, Illinois 60605, 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:

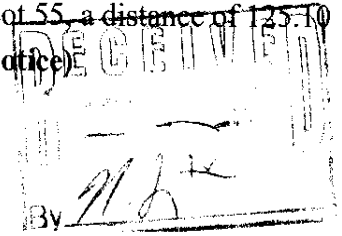
3836 South Cottage Grove

Lot 54 in Madden-Wells subdivision, being a subdivision in the Southeast Quarter of Section 34 and Fractional Section 35, Township 39 North, Range 14 East of the Third Principal Meridian, according to the Plat thereof recorded March 24, 2004 as Document Number 0408445058, (except that part thereof, described as follows: Beginning at the Southwest Corner of said Lot 54; Thence North 20°03'30" West, along the Westerly line of said Lot 54, a distance of 0.94 feet; Thence North 69°57'03" East, 125.18 feet to the Easterly line of said Lot 54; Thence South 19°58'00" East, 2.59 feet to the Southeast corner of said Lot 54; thence South 70°42'26" West, along the Southerly line of said Lot 54, a distance of 125.19 feet to the point of beginning), In Cook County, Illinois.

3842 South Cottage Grove

Lot 55 in Madden-Wells subdivision, being a subdivision in the Southeast Quarter of Section 34 and Fractional Section 35, Township 39 North, Range 14 East of the Third Principal Meridian, according to the Plat thereof recorded March 24, 2004 as Document Number 0408445058, (except that part thereof, described as follows: Beginning at the Southwest Corner of said Lot 55; Thence North 20°03'30" West, along the Westerly line of said Lot 55, a distance of 0.95 feet; Thence North 69°57'06" East, 125.10 feet to the Easterly line of said Lot 55; Thence South 19°58'00" East, 1.13 feet to the Southeast corner of said Lot 55; thence South 70°01'59" West, along the Southerly line of said Lot 55, a distance of 125.10

(Illinois EPA Site Remediation Program Environmental Notice)



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feet to the point of beginning, together with that part of Lot 54, described as follows: Beginning at the Southwest corner of said Lot 54; thence North 20°03'30" West, along the Westerly line of said Lot 54, a distance of 0.94 feet; Thence North 69°57'06" East, 125.18 feet to the Easterly line of said Lot 54; Thence South 19°58'00" East, 2.59 feet to the Southeast corner of said Lot 54; thence South 70°42'26" West, along the Southerly line of said Lot 54, a distance of 125.19 feet to the point of beginning, In Cook County, Illinois.

3846 South Cottage Grove

Lot 56 in Madden-Wells subdivision, being a subdivision in the Southeast Quarter of Section 34 and Fractional Section 35, Township 39 North, Range 14 East of the Third Principal Meridian, according to the Plat thereof recorded March 24, 2004 as Document Number 0408445058, together with that part of Lot 55, described as follows: Beginning at the Southwest Corner of said Lot 55; Thence North 20°03'30" West, along the Westerly line of said Lot 55, a distance of 0.95 feet; Thence North 69°57'06" East, 125.10 feet to the Easterly line of said Lot 55; Thence South 19°58'00" East, 1.13 feet to the Southeast corner of said Lot 55; thence South 70°01'59" West, along the Southerly line of said Lot 55, a distance of 125.10 feet to the point of beginning, In Cook County, Illinois.

3833, 3835, and 3837 South Evans Street

Lot 52 in Madden-Wells subdivision, being a subdivision in the Southeast Quarter of Section 34 and Fractional Section 35, Township 39 North, Range 14 East of the Third principal Meridian, according to the Plat thereof recorded March 24, 2004 as Document Number 0408445058, together with that part of Lot 53 in Madden-Wells Subdivision, aforesaid, described as follows: Beginning at the Northwest Corner of said Lot 53; Thence North 73°52'10" East, along the Northerly line of said Lot 53, a distance of 109.91 feet to the Northeast corner thereof; Thence South 20°03'30" East, along the easterly line of said lot 53 a distance of 9.21 feet; Thence South 73°52'10" West, 110.54 feet to the Westerly line of said Lot 53; thence North 16°07'50" West, along the Westerly line of said Lot 53, a distance of 9.19 feet to the point of beginning, In Cook County, Illinois.

2. Common Address: 3836, 3842 and 3846 South Cottage Grove and 3833, 3835 and 3837 South Evans Street, Chicago, Illinois 60653
3. Real Estate Tax Index/Parcel Index Number: 17-34-425-001, 17-34-425-003 and 17-34-425-004 and 17-34-425-005
4. Remediation Site Owner: The Chicago Housing Authority
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.



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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) 782-6761

October 22, 2007

CERTIFIED MAIL

7007 0220 0000 0152 5513

Carl Byrd, Director
 The Chicago Housing Authority
 60 East Van Buren Street
 Chicago, Illinois 60605

Re: 0316355065/Cook County
 Chicago/Madden/Wells/Darrow Redevelopment – Phase One Area 21
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Byrd:

The *Remedial Action Completion Report* (August 29, 2005/06-30854) and the *September 21, 2007 Letter* (September 24, 2007/07-35265), as prepared by Carnow Conibear & Assoc., LTD. for the Madden/Wells/Darrow Redevelopment – Phase One Area 21 property, have been reviewed by the Illinois Environmental Protection Agency (“Illinois EPA”) and demonstrate that the remedial action was completed in accordance with the *Remedial Action Plan* (August 1, 2005/05-25840).

The Remediation Site, consisting of 0.61 acres, is located at 3836, 3842 and 3846 South Cottage Grove and 3833, 3835 and 3837 South Evans 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 (July 5, 2002 /02-2638), is The Chicago Housing Authority.

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 of this Letter.

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

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 2) 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; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

Preventive, Engineering, and Institutional Controls

The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Preventive Controls:

- 3) 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 Sites Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below the ground surface 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:

- 4) 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 of the contaminated media.
- 5) The clean soil barrier, which is comprised of a minimum of three 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 of the contaminated media.
- 6) The concrete cap barrier (sidewalks), 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 of the contaminated media.
- 7) 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 ingestion of the contaminated media.

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Institutional Controls:

- 8) 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) 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.
 - b) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded 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
 - c) 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 this Letter is recorded 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

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iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 9) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph eight (8) of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 10) 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.
- 11) 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
- 12) 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 title holder 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;

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- 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.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) The Chicago Housing Authority;
 - 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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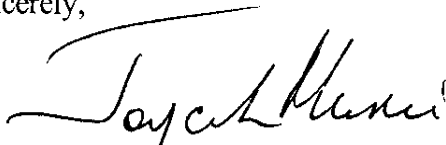
- 14) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first 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 Madden/Wells/Darrow Redevelopment – Phase One Area 21 property.
- 15) 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

- 16) 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, Jennifer M. Seal at 217/785-9399.

Sincerely,



Joyce L. Munie, P.E., Manager
 Remedial Project Management Section
 Division of Remediation Management
 Bureau of Land

Attachments(3): Illinois EPA Site Remediation Program Environmental Notice
 Site Base Map
 Property Owner Certification of No Further Remediation Letter under the
 Site Remediation Program Form

cc: Kristy Carlstrom
 Carnow, Conibear & Assoc., LTD.
 300 West Adams Street
 Suite 1200
 Chicago, Illinois 60606

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

Property of Cook County Clerk's Office

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over the diagonal watermark text.

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SUBSTITUTE

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

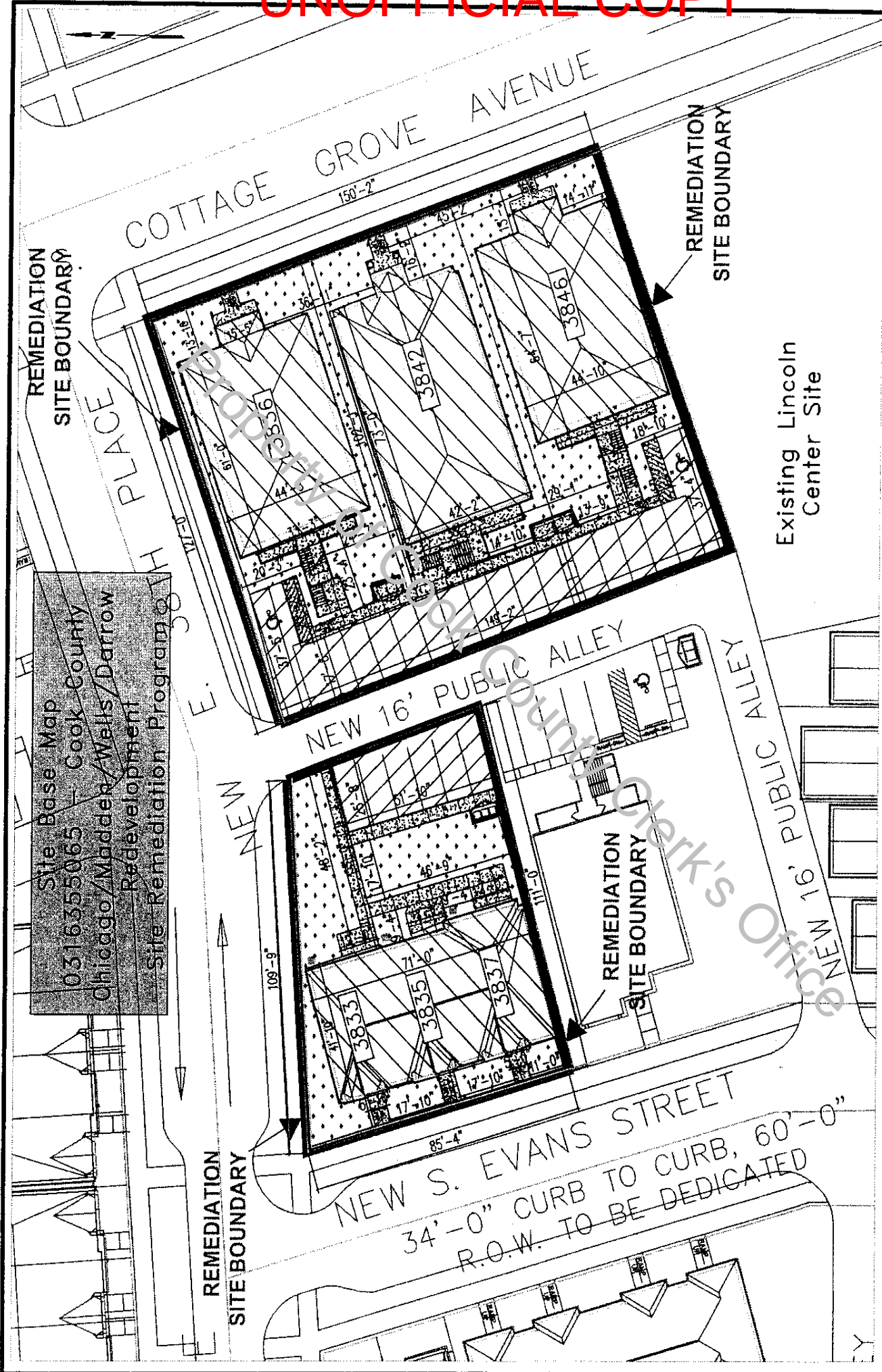
SECTION 1. The Municipal Code of the City of Chicago is hereby amended by adding a new Section 11-8-390, as follows:

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.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

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Site Base Map
 0316355065 - Cook County
 Chicago/Madden/Wells/Darrow
 Redevelopment
 Site Remediation Program

Existing Lincoln
 Center Site

EXHIBIT V: Site Base Map
 3836-3846 S. Cottage Grove Ave. and 3833-3837 S. Evans St.
 Remediation Site Area: 21
 Madden/Wells/Darrow Redevelopment-Phase One Area
 Chicago, Illinois

LEGEND:

- Remediation Site Area 21 Boundary
- REMEDIATION SITE BOUNDARY
- CLEAN SOIL BARRIER
- BUILDING
- SIDEWALKS
- ASPHALT PAVEMENT

Scale 0 40 Feet

CCA
 CANNON, CONNOR & ASSOC., LTD.
 ENGINEERING SERVICES DEPT.
 300 West Adams Street, Suite 1200
 Chicago, IL 60608
 PHONE (312)782-4488
 FAX # (312)782-5145

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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: _____	
Street Address: _____	
City: _____ State: _____ Zip Code: _____	Phone: _____
Site Information	
Site Name: _____	
Site Address: _____	
City: _____ State: _____ Zip Code: _____	County: _____
Illinois inventory identification number: _____	
Real Estate Tax Index/Parcel Index No.: _____	
<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> <p>Owner's Signature: _____ Date: _____</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__</p> <p>_____ Notary Public</p>	

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.