

# UNOFFICIAL COPY



0734160000

## PREPARED BY:

Name: Carl Byrd  
Chicago Housing Authority

Address: 60 East Van Buren, 13<sup>th</sup> Floor  
Chicago, IL 60605

Doc#: 0734160000 Fee: \$52.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 12/07/2007 09:55 AM Pg: 1 of 15

## RETURN TO:

Name: Carl Byrd  
Chicago Housing Authority

Address: 60 East Van Buren, 13<sup>th</sup> Floor  
Chicago, IL 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: 0316003175

Chicago Housing Authority, the Remediation Applicant, whose address is 60 East Van Buren, Chicago, IL 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:

2428 – 2434 W. Van Buren – Lot 1 in EEE resubdivision recorded April 27, 2005 with the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 0511819084, being a resubdivision and consolidation of parts of Chapman Bros. Subdivision, B. W. Thomas's Subdivision, G. M. Bogues Subdivision and Circuit Court Partition, all in Blocks 6 and 7 of Rockwell's Addition to Chicago being the Northeast ¼ of Section 13, Township 39 North, Range 13 East of the Third Principal Meridian and the West ½ of the Northeast ¼ of Section 18, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

208 – 214 S. Western Avenue – Lot 10 in EEE resubdivision recorded April 27, 2005 with the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 0511819084, being a resubdivision and consolidation of parts of Chapman Bros. Subdivision, B. W. Thomas's Subdivision, G. M. Bogues Subdivision and Circuit Court Partition, all in Blocks 6 and 7 of Rockwell's Addition to Chicago being the Northeast ¼ of Section 13, Township 39 North, Range 13 East of the Third Principal Meridian and the

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West ½ of the Northeast ¼ of Section 18, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

2412 – 2418 W. Van Buren – Lot 3 in EEE resubdivision recorded April 27, 2005 with the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 0511819084, being a resubdivision and consolidation of parts of Chapman Bros. Subdivision, B. W. Thomas's Subdivision, G. M. Bogues Subdivision and Circuit Court Partition, all in Blocks 6 and 7 of Rockwell's Addition to Chicago being the Northeast ¼ of Section 13, Township 39 North, Range 13 East of the Third Principal Meridian, and the West ½ of the Northwest ¼ of Section 18, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

328 – 334 S. Western Avenue – Lot 5 in EEE resubdivision recorded April 27, 2005 with the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 0511819084, being a resubdivision and consolidation of parts of Chapman Bros. Subdivision, B. W. Thomas's Subdivision, G. M. Bogues Subdivision and Circuit Court Partition, all in Blocks 6 and 7 of Rockwell's Addition to Chicago being the Northeast ¼ of Section 13, Township 39 North, Range 13 East of the Third Principal Meridian, and the West ½ of the Northwest ¼ of Section 18, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

310 – 316 S. Western Avenue – Lot 7 in EEE resubdivision recorded April 27, 2005 with the Office of the Recorder of Deeds of Cook County, Illinois as Document Number 0511819084, being a resubdivision and consolidation of parts of Chapman Bros. Subdivision, B. W. Thomas's Subdivision, G. M. Bogues Subdivision and Circuit Court Partition, all in Blocks 6 and 7 of Rockwell's Addition to Chicago being the Northeast ¼ of Section 13, Township 29 North, Range 13 East of the Third Principal Meridian, and the West ½ of the Northeast ¼ of Section 18, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

2. Common Address: 2500 West Jackson Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 16-13-222-035-0000; 16-13-215-057-0000; 16-13-222-037-0000; 16-13-222-041-0000 and 16-13-221-043-0000
4. Remediation Site Owner: Chicago Housing Authority
5. Land Use: Residential
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

November 2, 2007

CERTIFIED MAIL

7007 0220 0000 0152 6077

Mr. Carl Byrd  
 Chicago Housing Authority  
 60 East Van Buren, 13<sup>th</sup> Floor  
 Chicago, IL 60605

11-03-11 10:20:00

Re: 0316003175 / Cook County  
 Chicago / Chicago Housing Authority – Rockwell Gardens Phase 1B zones 4, 5, 6 and 7  
 Site Remediation Program / Technical Reports  
 No Further Remediation Letter

Dear Mr. Byrd:

The *Rockwell Gardens Phase 1B Redevelopment NFR Zones 4, 5, 6, and 7 Remedial Action Completion Report* (received August 1, 2007 / Log No 07-34614), as prepared by Earth Tech for the Rockwell Gardens property, 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 December 23, 2002 / Log No 02-5023), and Revised Phase 1B *Remedial Action Plan* (received May 15, 2003 / Log No 03-1980).

The Remediation Site, consisting of 1.25 acres, is located at 2412-2418 W. Van Buren, 2428 – 2434 W. Van Buren, 208-214 S. Western Avenue, 310-316 S. Western Avenue and 328-334 S. Western Avenue, 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 August 1, 2005 / Log No. 05-25845), is 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 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

- 3) 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:

- 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 below three feet 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 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.
- 6) 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.
- 7) 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 ingestion of the contaminated media.
- 8) 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:

- 9) 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;



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

## Other Terms

- 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;

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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.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) 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 Rockwell Gardens 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 the Rockwell Gardens property, you may contact the Illinois EPA project manager, James L. Baldwin at (217)-524-7207.

Sincerely,

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

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



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Diane Martin  
CHA – Office of Development  
626 West Jackson Boulevard  
Chicago, IL 60620

Matthew Hildreth  
Earth Tech  
10 South Riverside Plaza, Suite 1900  
Chicago, IL 60606

Property of Cook County Clerk's Office



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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:

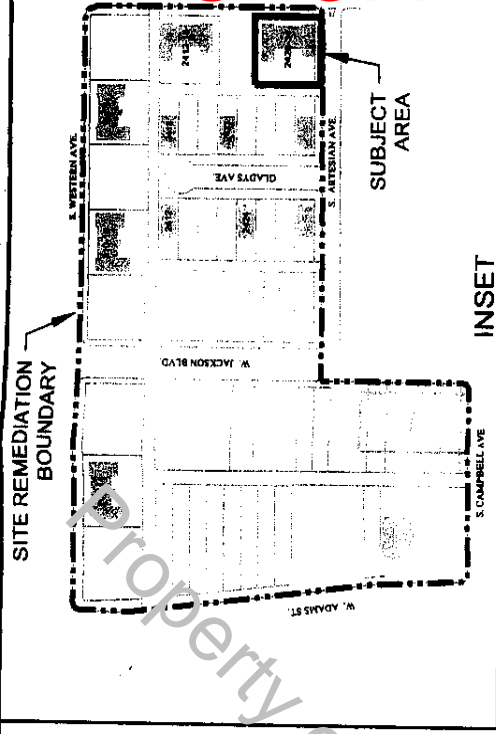
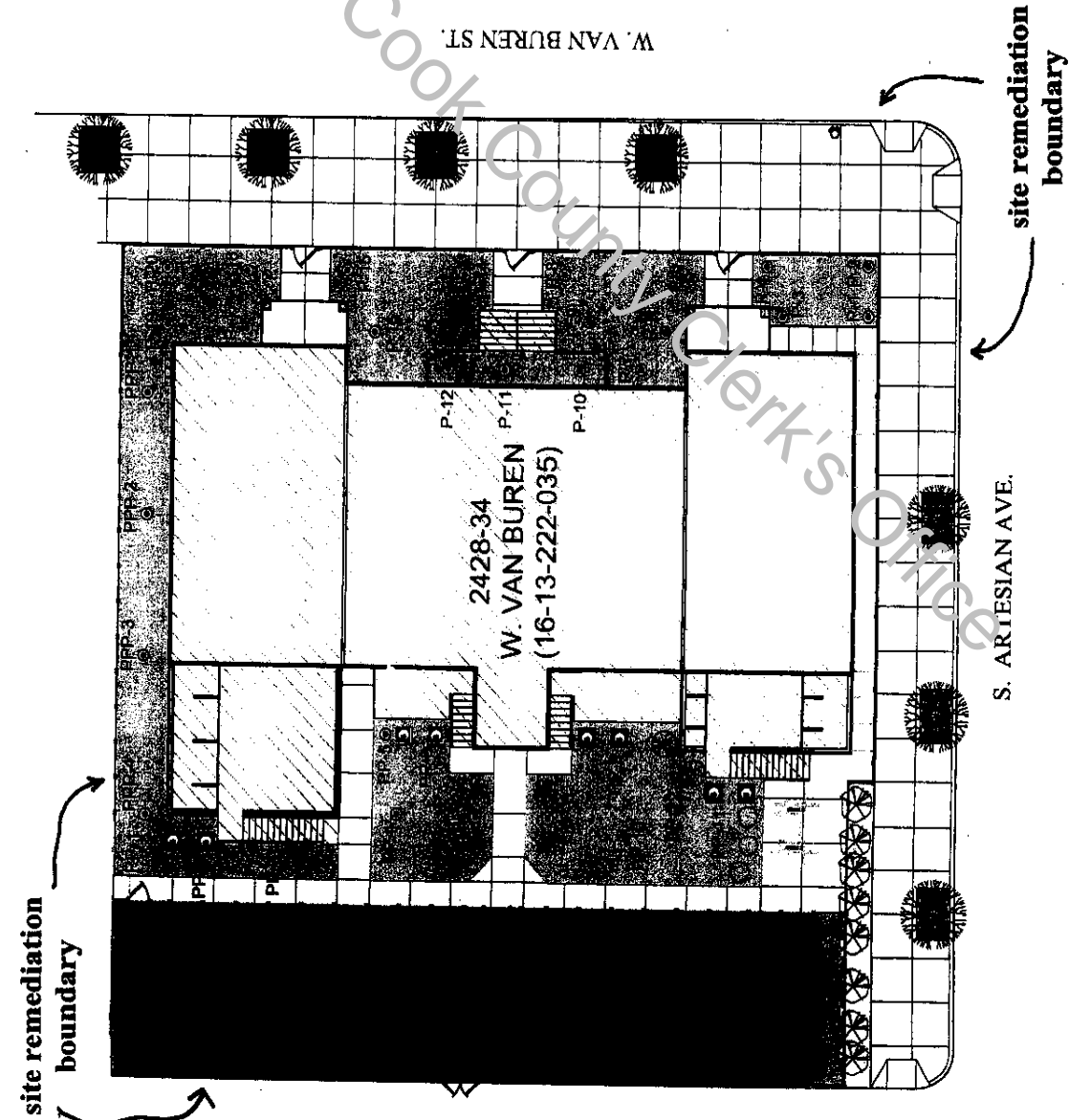
**11-8-390 Potable water wells.**

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.

**Site Base Map**  
**LPC# 0316003175 / Chicago Housing Authority**  
**Chicago / Rockwell Gardens - Zone 4**  
**Site Remediation Program**

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**Properties in Zone 4:**  
 2428 W. Van Buren  
 2430 W. Van Buren  
 2432 W. Van Buren  
 2434 W. Van Buren

**LEGEND**

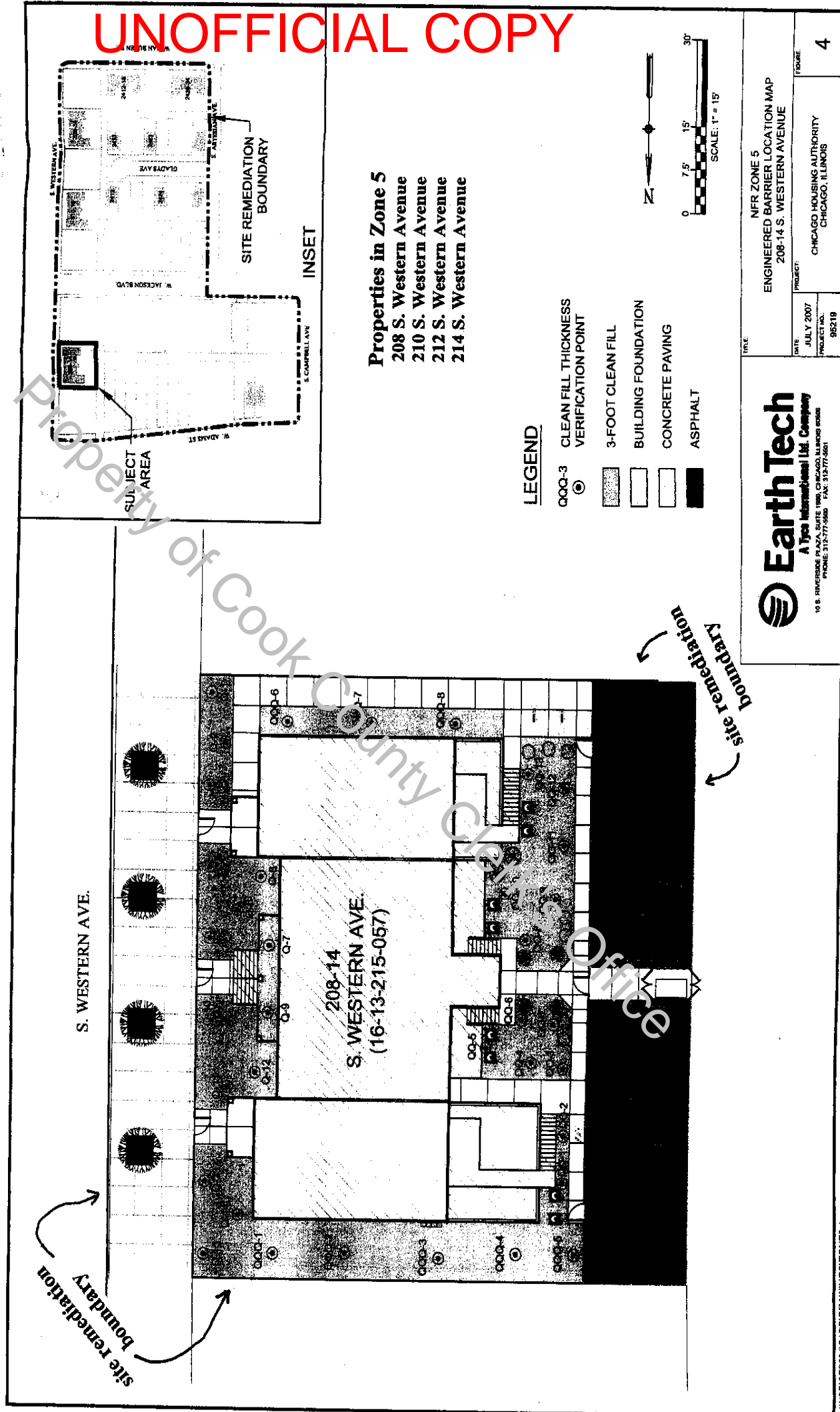
- PPP-3 CLEAN FILL THICKNESS VERIFICATION POINT
- 3-FOOT CLEAN FILL
- BUILDING FOUNDATION
- CONCRETE PAVING
- ASPHALT



TITLE: NFR ZONE 4 ENGINEERED BARRIER LOCATION MAP 2428-34 W. VAN BUREN		FIGURE: 3
DATE: JULY 2007	PROJECT NO: 96219	CHICAGO HOUSING AUTHORITY CHICAGO, ILLINOIS

**Site Base Map**  
**LPC# 0316003175 / Chicago Housing Authority**  
**Chicago / Rockwell Gardens – Zone 5**  
**Site Remediation Program**

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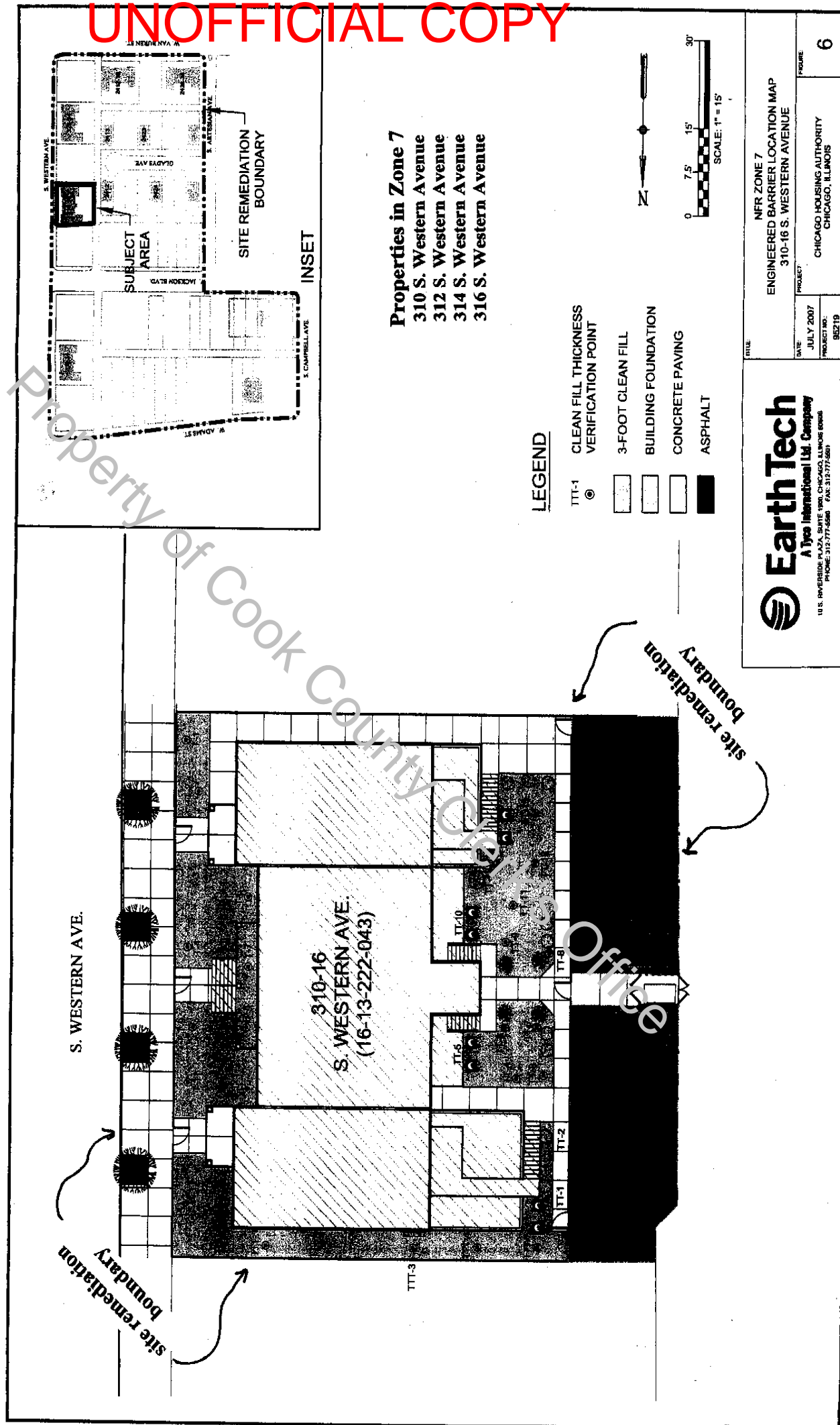






**Site Base Map**  
**LPC# 0316003175 / Chicago Housing Authority**  
**Chicago / Rockwell Gardens – Zone 7**  
**Site Remediation Program**

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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 style="text-align: center;">_____ 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.