



Doc#: 0809810072 Fee: \$60.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 04/07/2008 12:20 PM Pg: 1 of 13

PREPARED BY:

Name: Reynolds Metals Company
Attn: Mr. Robert Bear, Vice President

Address: 6601 West Broad Street
Richmond, VA 23230-

RETURN TO:

Name: Reynolds Metals Company
Attn: Mr. Robert Bear, Vice President

Address: 6601 West Broad Street
Richmond, VA 23230-

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: 0310060006

Reynolds Metal Company, the Remediation Applicant, whose address is 6601 West Broad Street, Richmond, VA 23230 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:
LOT 3 IN McCOOK INDUSTRIAL CENTER II FIRST RESUBDIVISION, BEING A RESUBDIVISION IN THE NORTH EAST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 23, 2005 AS DOCUMENT 0523545101, IN COOK COUNTY, ILLINOIS.
2. Common Address: 4750 S. Vernon Avenue, McCook, IL
3. Real Estate Tax Index/Parcel Index Number: 18-10-200-021
4. Remediation Site Owner: CenterPoint Properties Trust
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

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 DOUGLAS P. SCOTT, DIRECTOR

Date: April 1, 2008

CERTIFIED MAIL

7007 0220 0000 0149 2440

Reynolds Metals Company
 Attn: Robert Bear, Vice President
 6601 West Broad Street
 Richmond, VA 23210

Re: 0310060006 /Cook
 McCook /McCook Metals, L.L.C.
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Bear:

The *Remedial Action Status Report* (Dated 12/3/2007 /Log Number 07/36015), as prepared by URS for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (Dated April 7, 2004) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 6.7 acres, is located at 4750 S. Vernon Avenue, McCook, 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 February 19, 2008 is Reynolds Metal Company.

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.

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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Page 2

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.

Engineering Controls:

- 3) The asphalt/concrete 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 (sod w/landscaping or top soil), which is comprised of a minimum of 1.5 feet of clean soil and geotextile membrane covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 5) The building (concrete floor), 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 exposure to the contaminated media.

Institutional Controls:

- 6) Ordinance 97-14 adopted June 16, 1997 by the Village of McCook effectively prohibits the installation and use of potable water supply wells in the Village of McCook. This ordinance provides 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 a unit of local government along with this Letter.
 - b) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:
 - i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
 - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.

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Page 3

- c) The Remediation Applicant shall provide written notification to the Village of McCook 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 the ordinance used as an institutional control in this Letter;
 - 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.
- d) 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

- e) 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 Village of McCook and affected property owner(s) of the intent to use Ordinance 97-14 as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

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Page 4

- 7) 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.
- 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;

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Page 5

- 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.

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

- a) Reynolds Metal Company;
- 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.

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Page 6

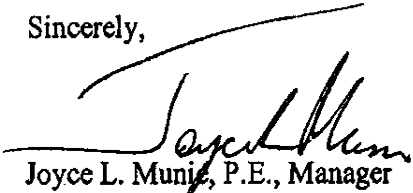
- 13) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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. Rick Lucas at (217) 782-0462.

Sincerely,


 Joyce L. Muniz, 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:

Mike Mullen (CenterPoint Properties, LLC)
 1808 Swift Rd.
 Oak Brook, IL 60523
 Bud Sturtzer
 Alcoa Davenport Works
 4879 State Street
 Riverdale, IA 52722

URS Corporation
 Patrick W. Dunne, P.G.
 100 South Wacker Drive, suite 500
 Chicago, IL 60606

Gail Artrip, P.E.
 Carlson Environmental, Inc.
 65 East Wacker Place, Suite 1500
 Chicago, Illinois 60601

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Page 7

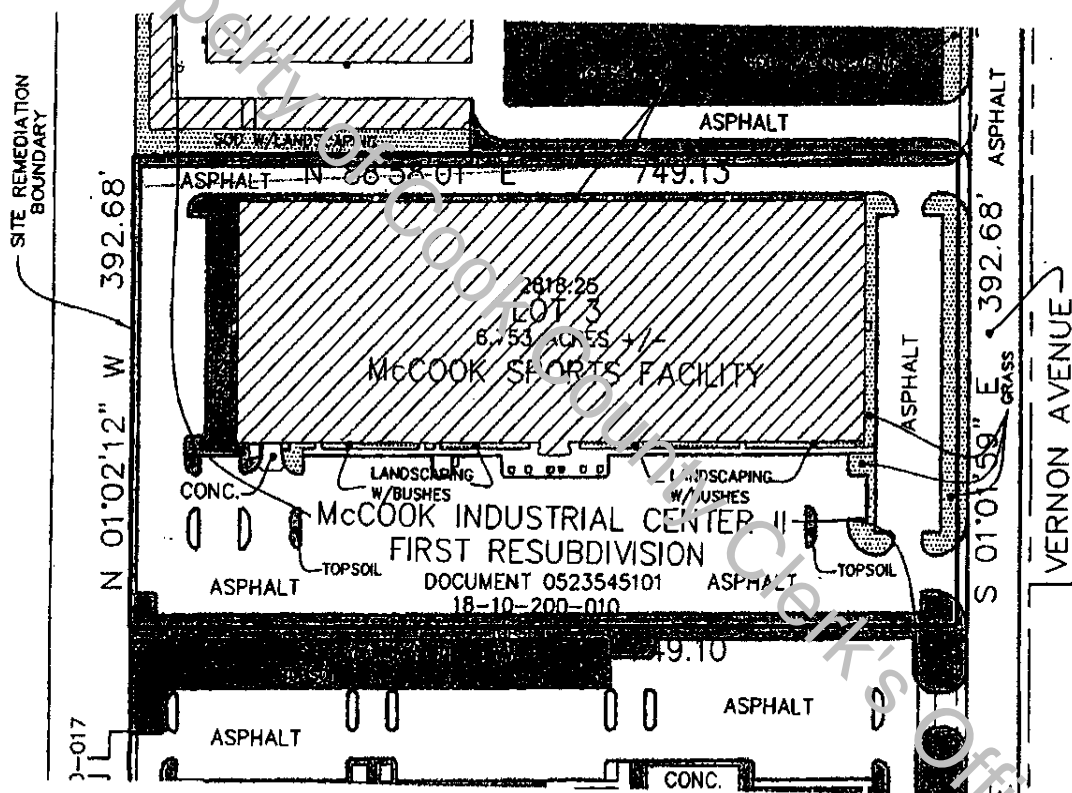
Jim S. Cross
CenterPoint Properties
1808 Swift Drive
Oak Brook, Illinois 60523-1501

Property of Cook County Clerk's Office

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SITE BASE MAP
 #0310060006 / COOK COUNTY
 SITE REMEDIATION / TECHNICAL REPORTS

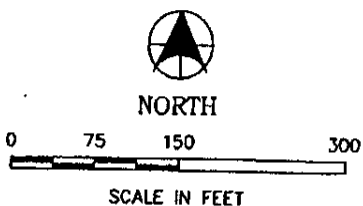
LOT 3 IN McCOOK INDUSTRIAL CENTER II FIRST RESUBDIVISION, BEING A RESUBDIVISION IN THE NORTH EAST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 23, 2005 AS DOCUMENT 0523545101, IN COOK COUNTY, ILLINOIS.



LEGEND:

- ENGINEERED BARRIER - ASPHALT/CONCRETE
- ENGINEERED BARRIER - SOD WITH LANDSCAPING
- ENGINEERED BARRIER - CONCRETE BUILDING FLOOR
- TOPSOIL
- PARCEL BOUNDARY

NOTE: ENGINEERED BARRIERS ARE SITE-WIDE. TYPES ARE AS SHOWN.



SITE EXHIBIT FOR McCOOK INDUSTRIAL CENTER II	
McCOOK SPORTS FACILITY	
DATE: Feb 11, 2008 JOB NO: 25595495 DRAWN BY: KWH SCALE: 1"=150'	100 S. WACKER DRIVE, SUITE 500 CHICAGO, ILLINOIS 60606 PHONE: (312) 938-1000 FAX: (312) 939-4198

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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>Centerpoint Property Trust</u>
Title:	<u>U.P. Development</u>
Company:	<u>Centerpoint Properties</u>
Street Address:	<u>1808 Swift Rd.</u>
City:	<u>Oak Brook</u> State: <u>IL</u> Zip Code: <u>60525</u> Phone: _____
Site Information	
Site Name:	<u>Mc Cook Sports</u>
Site Address:	<u>4750 S. Vernon Ave.</u>
City:	<u>Mc Cook</u> State: <u>IL</u> Zip Code: <u>60525</u> County: <u>Cook</u>
Illinois inventory identification number:	<u>0310060006</u>
Real Estate Tax Index/Parcel Index No.	<u>18-10-200-021</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>1-2-08</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>2</u> day of <u>January</u> , 2008	
<u>[Signature]</u> Notary Public	<div style="border: 2px dashed black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">OFFICIAL SEAL MONICA MENDOZA BERG NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES: 08/27/10</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.

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ORDINANCE NO. 97-14

AN ORDINANCE AMENDING SECTION 3-2-1 OF THE
MUNICIPAL CODE OF THE VILLAGE OF McCOOK BY
PROHIBITING THE USE OF WELL WATER

EMIL T. SERGO
Mayor

JOHN BUBASH
JOHN J. BUBASH, JR.
JOHN BUTKOVICH
ROBERT M. MANDKICH
WAYNE MOLIS
MICHAEL M. SABA
Trustees

CHARLES SOBUS, SR.
Village Clerk

LOUIS F. CAINKAR, LTD.
Village Attorney

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ORDINANCE NO. 97-14

AN ORDINANCE AMENDING SECTION 3-2-1 OF THE MUNICIPAL CODE OF THE VILLAGE OF MCCOOK BY PROHIBITING THE USE OF WELL WATER

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of McCook, Cook County, Illinois:

Section 1

That Section 3-2-1, Permit for Water, of Title III, Public Ways and Property, Chapter 2, Water and Sewer, of the Municipal Code of the Village of McCook be amended to read as follows:

3-2-1: WATER PERMIT; WELL WATER:

- (A) No person shall make any connection to or take any water from the McCook water system without a permit from the Village.
- (B) No person (including the Village and any other unit of government) shall install any potable water supply well or use any well for the purpose of obtaining a potable water supply in the Village.
- (C) No person shall drill a well in order to obtain a potable water supply for use in or outside of the Village.

Section 2

The penalty clause for this ordinance shall be Sec. 1-1-8 of the Municipal Code of the Village of McCook.

Section 3

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 4

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the Village of McCook.

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Section 5

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 6

This ordinance shall be in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of McCook this 16th day of June, 1997.

CHARLES SOBUS, SR.

Village Clerk

APPROVED by me this 16th day
of June, 1997.

EMIL T. SERGO

Mayor

I do hereby certify that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of McCook, in accordance with law, this 16th day of June, 1997.

CHARLES SOBUS, SR.

Village Clerk