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Cook County Recorder 41.50

PREPARED BY:

Name: Mr. Michael Goldstein  
Gold Realty Group Corp.

Address: 3057 North Rockwell St.  
Chicago, Illinois 60618



RETURN TO:

Name: Mr. Michael Goldstein  
Gold Realty Group Corp.

Address: 3057 North Rockwell St.  
Chicago, Illinois 60618



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: 0316315020 - Cook County

Mr. Michael Goldstein, the Remediation Applicant, whose address is: Gold Realty Group Corporation, 3057 North Rockwell Street, Chicago, Illinois 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: That part of the Sub-Division named SJ Walker Northeast ¼, Subdivision of the Northeast ¼ of Section 25-39-17 Anti Fire.  
Recorded Date: February 9, 1894 Document No. 01993906
2. Common Address: 2445 South Rockwell Avenue, Chicago Illinois
3. Real Estate Tax Index/Parcel Index Number: PIN: 16-25-214-001-0000
4. Remediation Site Owner: Mr. Michael Goldstein, Gold Realty Group Corporation
5. Land Use Limitation: Industrial/commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

217/782-6761

THOMAS V. SKINNER, DIRECTOR

October 5, 1999

Certified # 416 154 976

Mr. Michael Goldstein  
Gold Realty Group Corporation  
3057 North Rockwell Avenue  
Chicago, IL 60615

Re: 0316315020 -- Cook County  
Chicago/Mack-Chicago Corporation  
Site Remediation/Technical Reports

Dear Mr. Goldstein:

The Remedial Action Completion Plan dated September 10, 1999 (Log #99-1811) as prepared by Gabriel Environmental Services for the Mack-Chicago Corporation 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, dated September 10, 1999 (Log#99-1811).

The remediation site, consisting of seven and nine-tenths (7.9) acres, is located at 2445 South Rockwell Avenue, Illinois. Pursuant to Section 58.10 of the Illinois Environment 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 is Gold Realty Group Corporation.

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action and 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.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

- 1. The contaminants of concern that remain at the former paint storage area described in the attached Site Remediation Program environmental notice and shown on the attached site base map of this Letter are:

<u>Location</u>	<u>CAS Number</u>	<u>Chemical Name</u>
Former Paint	7440-38-2	Arsenic
Storage Area	75-01-4	Vinyl chloride

- 2. The remediation site is restricted to Industrial/commercial uses.
- 3. 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

- 4. The implementation and maintenance of following controls are required as part of the approval of the remediation objectives for this site.

**Preventive Controls:**

Prior to commencement of any future excavation and/or construction in or near the contaminated zone on the site, a safety plan for this remediation site should be prepared 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. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.

**Engineering Controls:**

A concrete cap, as shown in the site base map, must remain over the contaminated soils. This 1,200 square foot 6 inch thick concrete cap must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media. This engineered barrier is located from a point beginning 255 feet east and 123 feet south of the northwestern corner of the property (the corner of 24<sup>th</sup> Street and Rockwell Avenue), running west for 45 feet, then running north at a right angle for 30 feet, then running east at a right angle for 45 feet, then running south for 30 feet and comprising of a rectangle of an area of 1,200 square feet.

**Institutional Controls:**

Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago as amended by Ordinance Number 097990 ("Potable Water Supply Well Ordinance") effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

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 applicable groundwater remediation objectives that groundwater remediation objectives have been approved by the Illinois EPA. The notification shall include:

- a) The name and address of the local unit of government;
- b) The citation of the ordinance used as an institutional control in this Letter.
- c) A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f) A statement as to where more information may be obtained regarding the ordinance.

Written proof of this notification shall be submitted to the Illinois EPA within 45 days from

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the date of this Letter.

The following activities shall be grounds for avoidance of the ordinance as an institutional control and this Letter:

- a) Modification of the reference ordinance to allow potable uses of groundwater;
  - b) Approval of a site-specific request, such as a variance, to allow use of groundwater at the site;
  - c) Failure to provide written proof to the Illinois EPA within 45 days from the date of this Letter of written notification to the City of Chicago and affected property owner(s) of the intent to use Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago as amended by Ordinance Number 097990 ("Potable Water Supply Well Ordinance") as an institutional control at the remediation site; and
  - d) Violation of the terms of an institutional control recorded.
5. Failure to manage the controls in full compliance with the terms of the Remedial Action Plan (dated September 10, 1999, Log#99-1811) may result in avoidance of this Letter.

OTHER TERMS

6. Areas outside of former paint storage area (i.e., the concrete cap remaining over the contaminated soils) shown in the site base map are not subject to any other institutional or engineered barrier controls.
7. Where an institutional control is used to assure long-term protection of human health (as identified under 4 of this Letter), the Remediation Applicant must record a copy of this legal mechanism (e.g., restrictive covenant; deed restriction; negative easement; ordinance adopted and administered by a unit of local government; or agreement between a property owner and a highway authority) along with this Letter.
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 or 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.

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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  
P.O. 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 this 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) If applicable, the disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
  - d) The failure to comply with the recording requirements for this Letter;
  - e) Obtaining the Letter by fraud or misrepresentation;
  - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
  - g) The failure to pay the No Further Remediation Assessment Fee within 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 45 days after receiving a request for payment from the

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Illinois EPA.

11. Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Mr. Michael Goldstein, Gold Realty Group Corporation;
  - 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 of the owner of the remediation site;
  - 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;

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- 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 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 Mack-Chicago Corporation property.

Within 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:

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

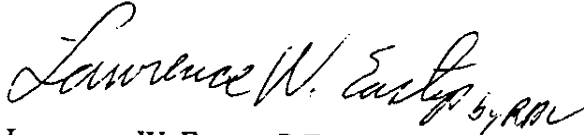
13. In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the remediation site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement.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



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If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Jim Mergen at 217/524-1659.

Sincerely,



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

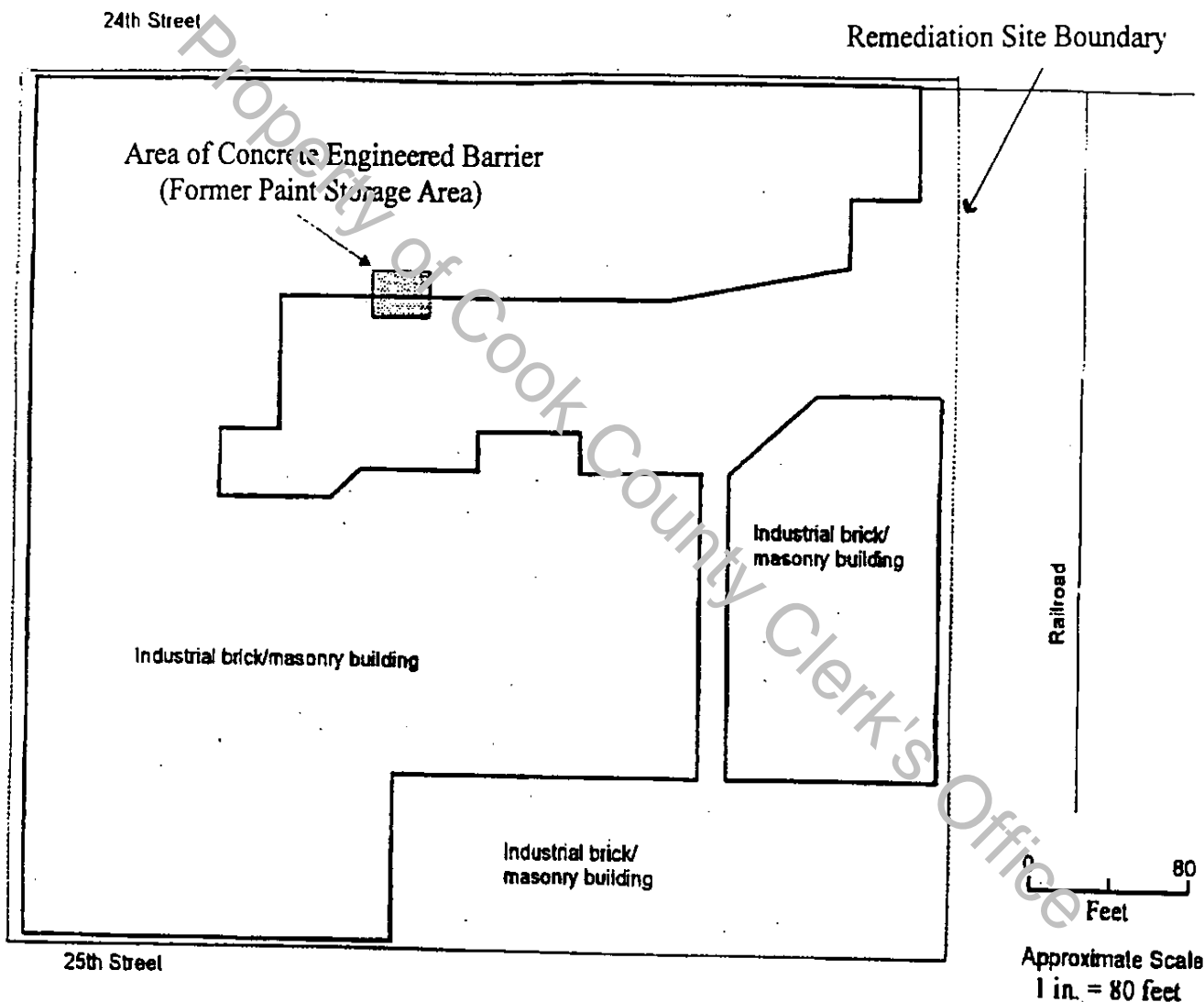
Attachments: Illinois EPA Site Remediation Program environmental notice  
Site base map  
Property owner Certification of No Further Remediation Letter under the Site  
Remediation Program form

cc: Mr. Robert Wayner, Gabriel Environmental Services, 1421 North Elston Ave.  
Chicago, IL 60622

Property of Cook County Clerk's Office



SITE BASE MAP  
0316315020 - COOK COUNTY  
CHICAGO/MACK-CHICAGO CORPORATION  
SITE REMEDIATION PROGRAM



A concrete cap, as shown in the site base map, must remain over the contaminated soils. This 1,200 square feet 6 inch thick concrete cap must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media. This engineered barrier is located from a point beginning 255 feet east and 123 feet south of the northwestern corner of the property (the corner of 24<sup>th</sup> Street and Rockwell Avenue), running west for 45 feet, then running north at a right angle for 30 feet, then running east at a right angle for 45 feet, then running south for 30 feet and comprising of a rectangle of an area of 1,200 square feet.

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

If the Remediation Applicant is not the sole owner of the remediation site, 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. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below.

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.

<b>Property Owner Information</b>	
Owner's Name: _____	
Title: _____	
Company: _____	
Street Address: _____	
City: _____	State: _____ Zip Code: _____ Phone: _____
<b>Site Information</b>	
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>	
Owner's Signature: _____	Date: _____
SUBSCRIBED AND SWORN TO BEFORE ME	
this _____ day of _____, 19__	
_____ Notary Public	

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.