

# UNOFFICIAL COPY

Prepared by:  
Hollace C. Murphy  
Deutsch, Levy & Engel  
225 W. Washington Street  
Suite 1700  
Chicago, Illinois 60606



**Doc#:** 0903331115 **Fee:** \$58.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 02/02/2009 03:35 PM Pg: 1 of 12

**FOR RECORDING PURPOSES ONLY – COVER PAGE FOR  
ENNVIRONMENTAL NO FURTHER REMEDIATION LETTER**

Illinois State EPA Number 036335072

From Illinois Environmental Protection Agency  
To

International Union of Operating Engineers Local 399  
2260 S. Grove St  
Chicago, Illinois, 60616

Permanent Index Number: 17-28-103-013-0000 (Part of)

[Formerly 17-28-103-008-0000 (Lot 4 and part of Lot 3), 17-28-103-011-0000  
(Lots 5 through 9), 17-28-103-012-0000 (Lots 10 through 13)]

**TO CORRECT PERMANENT INDEX NUMBER**

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**PREPARED BY:**

Name: Mr. Roger McGinty  
International Union of  
Operating Engineers Local 399

Address: 3763 West Jackson Boulevard  
Chicago, Illinois 60661

**RETURN TO:**

Name: Mr. Roger McGinty  
International Union of  
Operating Engineers Local 399

Address: 3763 West Jackson Boulevard  
Chicago, Illinois 60661

**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: 0316335072

International Union of Operating Engineers Local 399, the Remediation Applicant, whose address is 30 North 3763 West Jackson Boulevard, Chicago, Illinois 60661, 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 LOTS 3 THROUGH 13, BOTH INCLUSIVE, IN SOUTH BRANCH ADDITION TO CHICAGO, IN SECTION 28, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PLAT BEING ANTE-FIRE, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE BOUNDARY LINE BETWEEN SAID LOTS 3 AND 4 WITH THE NORTHWESTERLY LINE OF GROVE STREET; THENCE NORTH 25 DEGREES 48 MINUTES 29 SECONDS EAST, ALONG SAID NORTHWESTERLY LINE OF SAID GROVE STREET, A DISTANCE OF 22.31 FEET; THENCE NORTH 63 DEGREES 46 MINUTES 24 SECONDS WEST ALONG A LINE PASSING THROUGH THE MOST SOUTHERLY POINT OF THE MOST SOUTHERLY PILASTER OF THE SOUTHERLY WALL OF A GARAGE WAREHOUSE BUILDING OF SAID LOT 3, A DISTANCE OF 227.64 FEET, TO THE EASTERLY LINE OF THE SANITARY DISTRICT OF CHICAGO PROPERTY, AS DESCRIBED IN WARRANTY DEED RECORDED JULY 24, 1904, AS DOCUMENT NUMBER 3571373, SAID INTERSECTION BEING 24 FEET 4 1/4 INCHES NORTH OF THE BOUNDARY LINE BETWEEN SAID LOTS 3 AND 4; THENCE SOUTH 27 DEGREES 20 MINUTES 48 SECONDS WEST, ALONG SAID EAST LINE AND THE EAST LINE OF PREMISES CONVEYED BY WARRANTY DEED RECORDED DECEMBER 20, 1904, AS DOCUMENT NUMBER 3634733, A DISTANCE OF 123.42 FEET; THENCE SOUTH 30 DEGREES 50 MINUTES 35 SECONDS WEST, ALONG SAID EAST LINE AND THE EAST LINE OF PREMISES CONVEYED BY WARRANTY DEED RECORDED OCTOBER 3, 1902, AS DOCUMENT NUMBER 3302651, A DISTANCE OF 405.86 FEET, MORE OR LESS, TO THE

**(Illinois EPA Site Remediation Program Environmental Notice)**

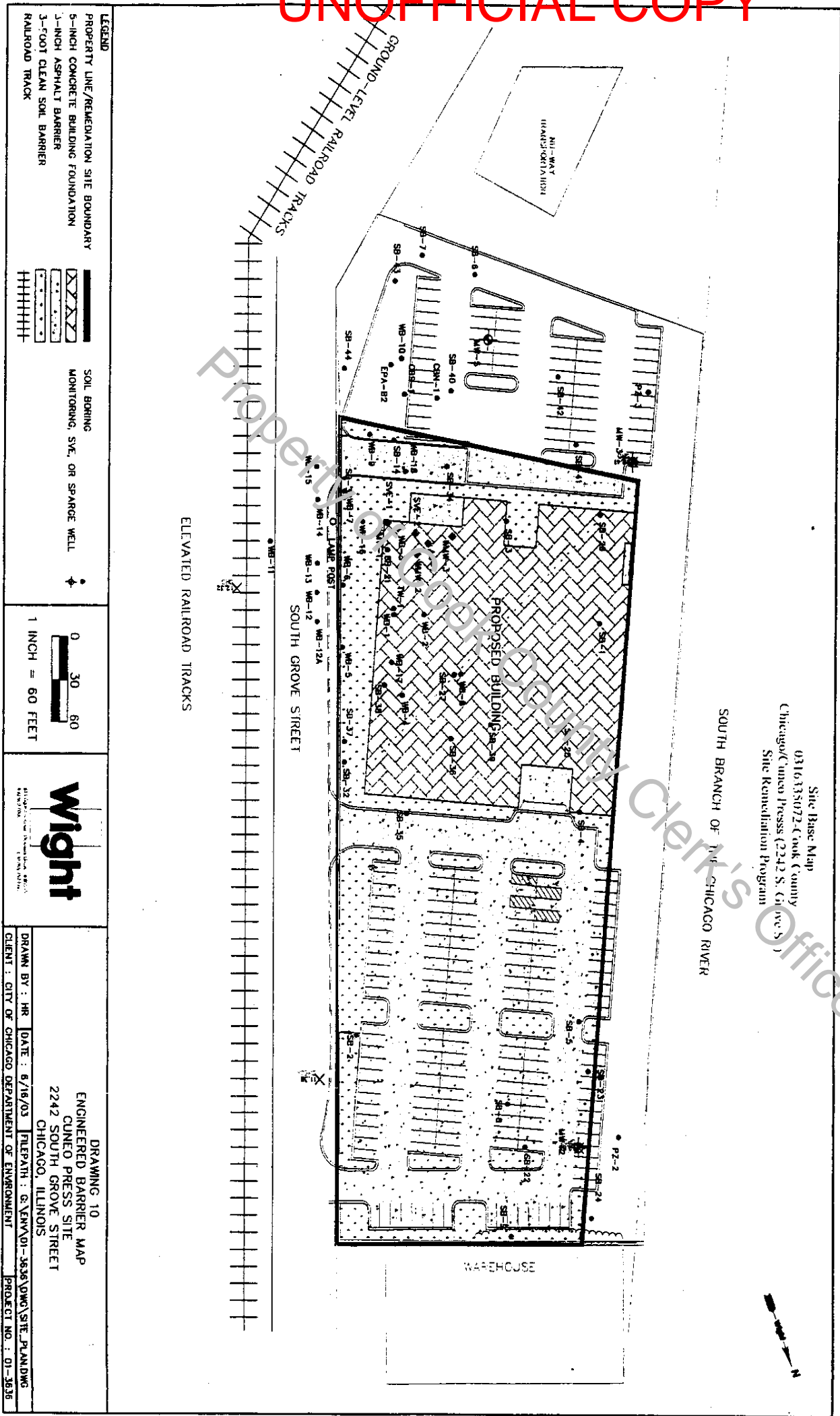
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SOUTHWESTERLY LINE OF SAID LOT 13; THENCE SOUTHEASTERLY, ALONG SAID SOUTHWESTERLY LINE OF LOT 13, TO THE SOUTHERLY MOST POINT OF SAID LOT 13, A DISTANCE OF 272.36 FEET, MORE OR LESS; THENCE NORTH 25 DEGREES 48 MINUTES 29 SECONDS EAST, A DISTANCE OF 559.39 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

2. Common Address: 2242 South Grove Street, Chicago, Illinois
3. Parcel Index Number: 17-28-103-008 (Lot 4 and part of Lot 3), 17-28-103-011 (Lots 5 through 9), 17-28-103-012 (Lots 10 through 13)
4. Remediation Site Owner: International Union of Operating Engineers Local 399
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

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Site Base Map  
 03161335072-Cook County  
 Chicago/Cuney Press (2242 S. Grove St.)  
 Site Remediation Program

SOUTH BRANCH OF THE CHICAGO RIVER

ELEVATED RAILROAD TRACKS

SOUTH GROVE STREET

WAREHOUSE

PROPOSED BUILDING

**LEGEND**

PROPERTY LINE/REMEDIATION SITE BOUNDARY  
 5-INCH CONCRETE BUILDING FOUNDATION  
 3-INCH ASPHALT BARRIER  
 3-FOOT CLEAN SOIL BARRIER  
 RAILROAD TRACK

SOIL BORING  
 MONITORING, SVE, OR SPARGE WELL

0 30 60  
 1 INCH = 60 FEET

**wight**

DRAWING 10  
 ENGINEERED BARRIER MAP  
 CUNEO PRESS SITE  
 2242 SOUTH GROVE STREET  
 CHICAGO, ILLINOIS

DRAWN BY : HR DATE : 6/16/03 FILEPATH : G:\ENV\01-3636\DWG\SITE\_PLAN.DWG  
 CLIENT : CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT PROJECT NO. : 01-3636

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829

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

January 6, 2009

CERTIFIED MAIL7007 0220 0000 0040 4123

Mr. Roger McGinty  
 International Union of Operating Engineers, Local 399  
 763 West Jackson Boulevard  
 Chicago, Illinois 60661

Re: 0316335072-Cook County  
 Chicago/Cunco Presss (2242 S. Grove St.)  
 Site Remediation/Tech. Files  
 No Further Remediation Letter

Dear Mr. McGinty:

The completion report titled "*Request for Final NFR Letter*" (September 30, 2008/Log No.08-39129), as prepared by K+ Environmental Services for the Cunco Press property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with the *Revised Remedial Action Plan (RAP)*(July 6, 2004/Log No. 04/20988).

The Remediation Site, consisting of 2.5 acres, is located at 2242 South Grove 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 (June 6, 2007/Log No. 07-34580), is International Union of Operating Engineers, Local 399.

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.

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The Remediation Site is restricted to 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

- 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. Contaminated soils are located below the designated engineered barriers (concrete sidewalks, asphalt parking lot, building and three feet of clean soil in green spaces) identified on the attached site base map. 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 the designated engineered barriers 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 3 feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion 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.

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- 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.

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 of this Letter 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 of this Letter 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 a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 9 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.
- 11) 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.
- 12) 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
- 13) 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;



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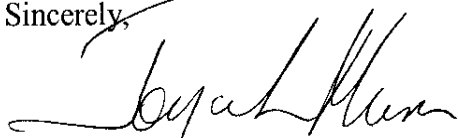
- e) Obtaining the Letter by fraud or misrepresentation;
  - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
  - g) The failure to pay the No Further Remediation Assessment Fee within 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.
- 14) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) International Union of Operating Engineers, Local 399
  - 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

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- 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.
- 15) 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 Cuneo Press property.
- 16) 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
- 17) 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, Andrew Frierdich at 217-785-8724.

Sincerely,



Joyce Munie, 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

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

Property of Cook County Clerk's Office



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

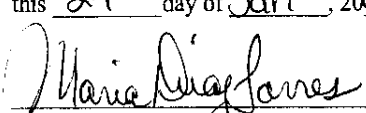
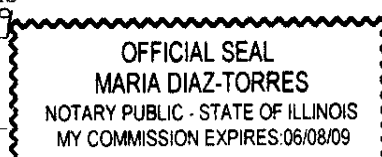
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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>Brian E. Hickey</u>	
Title: <u>President</u>	
Company: <u>International Union of Operating Engineers Local 399 Building Corporation</u>	
Street Address: <u>2260 S. Grove Street</u>	
City: <u>Chicago</u>	State: <u>IL</u> Zip Code: <u>60616</u> Phone: <u>312-372-9870</u>
Site Information	
Site Name: <u>Chicago/Former Cuneo Press (2242 S. Grove)</u>	
Site Address: <u>2260 S. Grove</u>	
City: <u>Chicago</u>	State: <u>IL</u> Zip Code: <u>60616</u> County: <u>Cook</u>
Illinois inventory identification number: <u>0316335072 - Cook County</u>	
Real Estate Tax Index/Parcel Index No. <u>17-28-103-011 (lots 3 through 13)</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. IUOE Local 399 Building Corp. Owner	
Owner's Signature: By: <u>Brian E. Hickey</u>	Date: <u>1-29-09</u>
Its: <u>President</u>	
SUBSCRIBED AND SWORN TO BEFORE ME	
this <u>29</u> day of <u>Jan</u> , 2009	
 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.