

# UNOFFICIAL COPY

PREPARED BY:



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

Address: Alcoa Corporate Center  
201 Isabella Street  
Pittsburgh, PA 15212

Doc#: 0928845124 Fee: \$60.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 10/15/2009 03:36 PM Pg: 1 of 13

RETURN TO:

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

Address: Alcoa Corporate Center  
201 Isabella Street  
Pittsburgh, PA 15212

### 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 Metals Company, the Remediation Applicant, whose address is 201 Isabella Street, Pittsburgh, PA 15212 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 2 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: 8951 W. 47<sup>th</sup> Street, McCook, IL
3. Real Estate Tax Index/Parcel Index Number: 18-10-200-020
4. Remediation Site Owner: McCook Properties LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive



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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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

September 29, 2009

*Rec'd 10/2/09*  
CERTIFIED MAIL

7007 3020 0002 3213 3818

Reynolds Metals Company  
Mr. Robert Bear, Vice President  
Alcoa Corporate Center  
201 Isabella Street  
Pittsburgh, PA 15212

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 06/29/2009 /Log Number 09/41795), 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 2.7 acres, is located at 8951 W. 47th 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 Metals 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 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land — Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

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 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 clean soil barrier (clay), which is comprised of a minimum of 12 inches of clean compacted clay covering the areas 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.

### Institutional Controls:

- 4) 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.
  - 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;

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- 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

- 5) 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.

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- 6) 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

- 7) 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;
  - 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.
- 8) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Reynolds Metals Company;
  - b) The owner and operator of the Remediation Site;
  - c) Any parent corporation or subsidiary of the owner of the Remediation Site;

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- 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.
- 9) 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.
- 10) 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

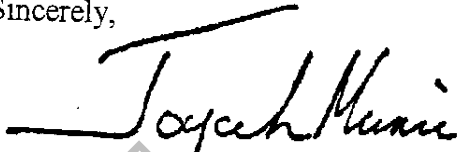
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11) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable 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. Murie, 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:

McCook Properties LLC  
c/o John Mengel  
2 Northfield Plaza  
Suite 217  
Northfield, Illinois 60093

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

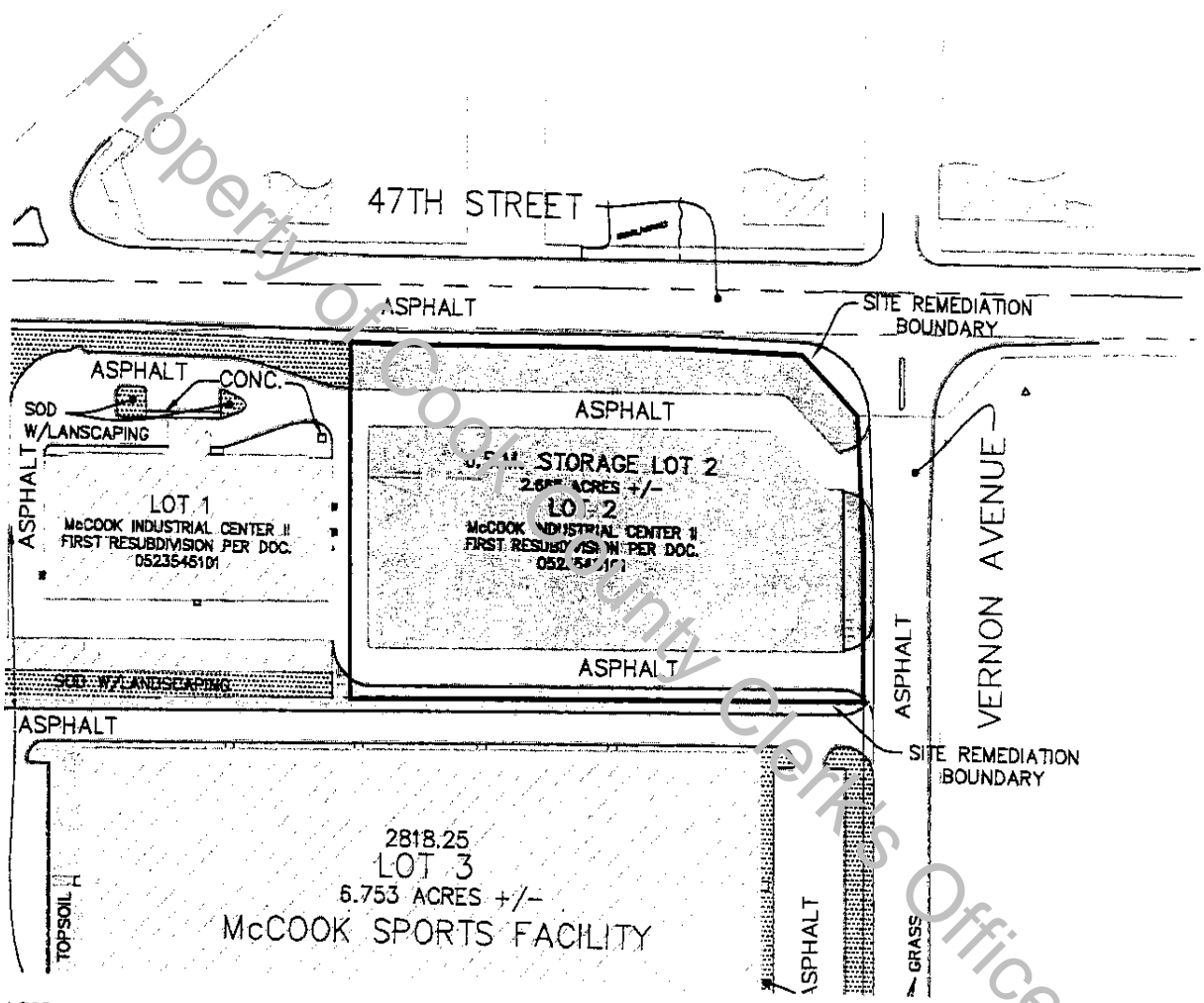
Gail Artrip, P.E.  
Carlson Environmental, Inc.  
65 East Wacker Place, Suite 1500  
Chicago, Illinois 60601

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

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

LOT 2 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.

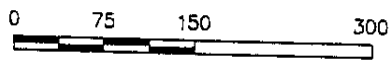


**LEGEND:**

- ENGINEERED BARRIER - ASPHALT/CONCRETE
- ENGINEERED BARRIER - "GREEN BELT" BARRIER
- ENGINEERED BARRIER - CONCRETE BUILDING FLOOR
- ENGINEERED BARRIER - CLAY CAP
- PARCEL BOUNDARY



NORTH



SCALE IN FEET

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

SITE EXHIBIT FOR  
 McCOOK INDUSTRIAL  
 CENTER II

J.S.M. STORAGE LOT 2

DATE Sep 23, 2009	
JOB NO. 25595495	
DRAWN BY KWH	CHECKED BY PD
SCALE 1"=150'	



100 S. WACKER DRIVE, SUITE 500  
 CHICAGO, ILLINOIS 60608  
 PHONE: (312) 939-1000  
 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>McCook Properties LLC c/o John S. Mengel</u>
Title:	<u>Manager</u>
Company:	<u>McCook Properties LLC</u>
Street Address:	<u>Two Northfield Plaza Suite 217</u>
City:	<u>Northfield</u> State: <u>IL</u> Zip Code: <u>60093</u> Phone: <u>847/441-9797</u>
Site Information	
Site Name:	<u>"JSM Storage" Lot 2</u>
Site Address:	<u>8951 W 49th Street</u>
City:	<u>MCCOOK</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>18-10-200-020-0000</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>10/6/09</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>6</u> day of <u>OCTOBER</u> 2009	
<u>Marla A. Stamer</u> 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.

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## Notice to Remediation Applicant

### Please follow these instructions when filing the NFR letter with the County Recorder's Office

#### Instructions for Filing the NFR Letter

The following documents must be filed:

- A. Body of the NFR Letter (contains appropriate terms and conditions, tables, etc.)
  - B. Attachments to NFR letter
    - Illinois EPA Site Remediation Program Environmental Notice (Legal Description and PIN of property)
    - Maps of the site
    - Table A: Regulated Substances of Concern (if applicable.)
    - Property Owner Certification
  - C. A copy of the ordinance, if applicable, used to address groundwater contamination
1. Place the Illinois EPA Site Remediation Program Environmental Notice on top of the NFR prior to giving it to the Recorder.
  2. If you are not the owner (record title holder) of the property on the date of filing of this NFR, you must attach a completed owner's certification form signed by the owner of the property at the time of filing (e.g., if the property recently sold, the new owner must sign).
  3. If any of the terms and conditions of the NFR letter references a groundwater ordinance, you must record a copy of the groundwater ordinance with the NFR letter.
  4. If any of the terms and conditions of the NFR letter references a highway agreement, you must record the highway agreement if specifically required by the municipality granting the agreement.
  5. Within thirty (30) days of this NFR Letter being recorded by the Office of the Recorder of the County in which the property is located, 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

6. **Remove this page from the NFR letter, prior to recording.**

If you have any questions call (217) 782-6761 and speak with the "project manager on-call" in the Site Remediation Program.

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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. MANDEKICH  
WAYNE MOLIS  
MICHAEL M. SAPAN  
Trustees

CHARLES SOBUS, SR.  
Village Clerk

LOUIS F. CAINKAR, LTD.  
Village Attorney

Property of Cook County Clerk's Office

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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