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PREPARED BY:

Name:

Timothy McHugh

Public Building Commission of Chicago

Address:

50 West Washington Street, Room 200

Chicago, IL 60602

Doc#: 1016113024 Fee: \$62.00

Eugene "Gene" Moore

Cook County Recorder of Deeds Date: 06/10/2010 12:21 PM Pg: 1 of 14

#### RETURN TO:

Name:

Timothy McHugh

Public Building Commission of Chicago

Address:

50 West Washington Street, Room 200

Chicago, IL 60602

### 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: 0316115158

Public Building Commission of Chicago, the Remedian Applicant, whose address is 50 West Washington Street, Room 200, Chicago, IL 60602 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:

PARCEL ONE: LOTS 9, 10, 11, AND 12 IN SVOBODA'S RESULDIVISION OF LOTS 12, 13, 16 TO 29 & 32 IN BLOCK 3 IN JOHN MILLER'S IRVING PARK ADDITION IN FITCH AND HEACOX'S SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL TWO: LOTS 14, 15, 30, 31, 34, 35, 38, 39 AND 42 IN BLOCK 3 IN JOHN MILLER'S IRVING PARK ADDITION, BEING LOTS 2, 3, 4, 5, 6, 16, 17, 18, 19, 20 AND PART OF THE SOUTHEAST ½ AND PART OF THE NORTHWEST ½ OF 21 OF THE NORTHEAST ¼ OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Common Address: 4636 to 4704 North Pulaski Road, Chicago, IL 60602 2.

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Real Estate Tax Index/Parcel Index Numbers: 3.

13-15-207-050-0000, 13-15-207-051-0000, 13-15-207-052-0000, 13-15-207-048-0000, 13-15-207-049-0000, 13-15-207-053-0000, 13-15-207-054-0000, 13-15-207-055-0000,

13-15-207-056-0000, 13-15-207-059-0000, 13-15-207-063-0000 & 13-15-207-064-0000

- Remediation Site Owner: Public Building Commission of Chicago 4.
- 5. Land Use: Industrial/Commercial
- 6. Site Investigation: Comprehensive ns.
  The Cook County Clark's Office

See NFR letter for other teams.

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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 some 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, att ich udditional 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.

Propert: Owner Information  Owner's Name: City of Chicago, Joe'Vieyra, as Agent  Title: Ass'T Commissioner  Company: Dept. of General Services  Street Address: 30 N. La Salle St. Suite 300  City: Chicago State: 1L Zip Code: 606 37. Phone:
Site Name: City of Chicago 17th District Police Station
Site Address 4636-4704 N. Pulaski  City: Chicago, State: L Zip Code: 60630 County: Cook  Illinois inventory identification number: 0316115158
Real Estate Tax Index/Parcel Index No. 13-15-207-048 through 056; 13-15-207-059, 13-15-207-063, and 13-15-207-064
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:
SUBSCRIBED AND SWORN TO BEFORE ME this 19 day of 10 day, 20 10 Official Seal Julie A Bengston
Notary Public State of Illinois  My Commission Expires 04/22/2012  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 the science of 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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# 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

April 12, 2010

CERTIFIED MAIL
7008 1830 0001 4716 1016

Timothy McHugh
Public Building Commission of Chicago
50 West Washington Street
Room 200
Chicago, IL 60602

Re:

0316115158/Cook County

Chicago/17<sup>th</sup> District Police Station Site Remediation/Technical Reports No Further Remediation Letter

Dear Mr. McHugh:

The Remedial Action Completion Report (October 18, 2005/Log No. 05/26893) and Remedial Action Completion Report-Revision 1 (January 13, 2003/Log No. 09/40101) and the response received February 8, 2010 (Log No. 10-43876), as prepared by Carnow, Conibear & Associates, Ltd., for the above referenced Remediation Site, have been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). These Reports demonstrate that the remedial action was completed in accordance with the Remedial Action Pran (November 17, 2003 /Log No. 03/17774) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 1 acre, is located at 4636 to 4704 North Pulaski Road 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 (November 3, 2003 /Log No. 03/17544), is the Public Building Commission of Chicago.

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 rev 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.

#### **Engineering Controls:**

- 4) The asphalt pavement barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt pavement barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 5) The clean soil barrier, which is comprised of a nonimum of three feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 6) The concrete pavement barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete pavement barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

#### **Institutional Controls:**

- 7) 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;

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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.
- b) Wrigen 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
Fost 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 e 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 City of Chicago and affected property owner(s) of the intent to use Section 11-3-399 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

- 8) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 9) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 20031046.
- 10) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 7 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.

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- 11) Where the Remediation Applicant is <u>not</u> 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 expeal, 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 5/53.10(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 it 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.

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- 14) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
  - a) Public Building Commission of Chicago;
  - 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 polder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irre vocable, involving the Remediation Site;
  - f) Any mortgages or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferce, 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 Remodiation 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.
- 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 17<sup>th</sup> District Police Station property.

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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 the 17th District Police Station property, you may contact the Illinois EPA project manager, 3arb Conner at (217) 782-5504.

Sincerely,

Joyce L. Munie, P.E., Manager

of County 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 Instructions for Filing the NFR Letter

**David Bremer** cc:

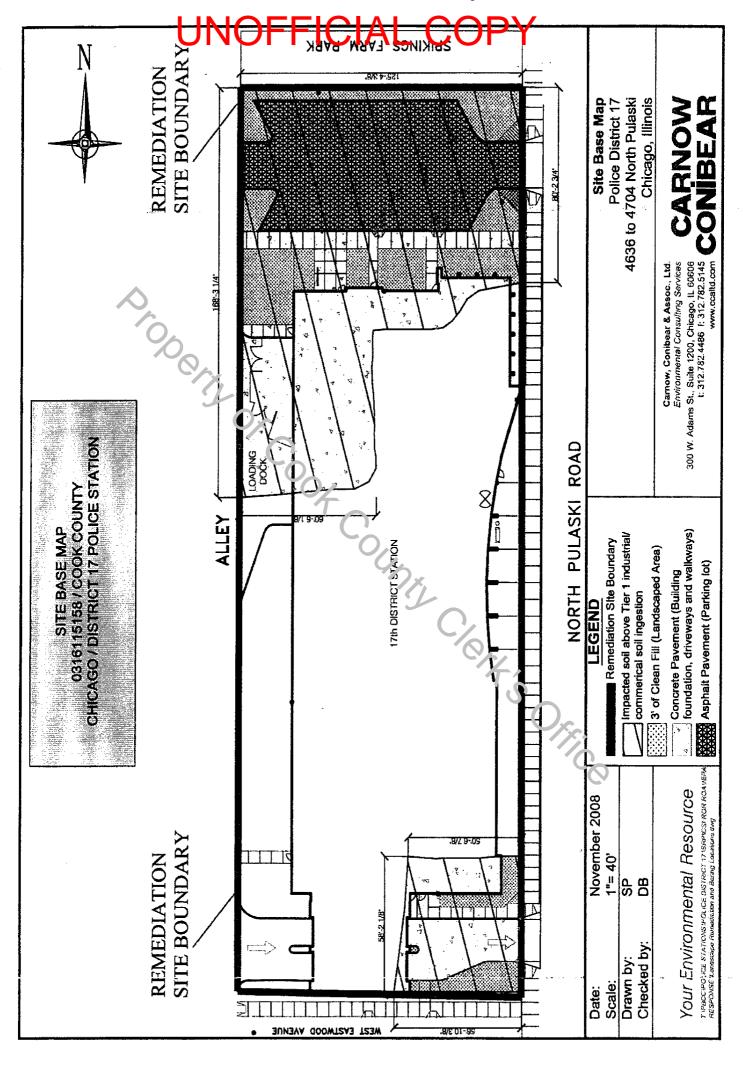
> Carnow, Conibear & Assoc., Ltd. 300 West Adams, Suite 1200

Chicago, IL 60606

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

Records Unit Bob O'Hara Rick Lucas

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Richard J. Daley Center 50 W. Washington Street **Room 200** Chicago, Illinois 60602 (312) 744-3090 Fax: (312) 744-8005 www.pbcchicago.com

Chairman RICHARD M. DALEY Mayor City of Chicago

**Executive Director** ERIN LAVIN CABONARGI

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May 18, 2010

Ms Leigh Peters Chicago Department of Environment 30 N. LaSalle Street, Suite 200 Chicago, IL 60602

RE: Use of Groundwater Ordinance

Dear Ms. Peters:

This letter is intended to notify the City of Chicago that the groundwater use restriction ordinance (Section 11-8-390 of the Municipal Code of Chicago) been invoked in conjunction with the Site Remediation Program "No Further Remediation" letter issued for the site at 4636-4704 North Pulaski Road, Chicago, Illinois, LPC #0316115158, as attached to this letter. Please call me at the number below if additional information is needed.

Sincerely,

County Clark's Office Harvey D. Pokorny, PG Project Manager II

Ph: 630/748-9799

Attachment

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The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 11-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-8-385 and by amending Section 11-8-390 by inserting the language in italics, as follows:

11-3-385 Potable Water Defined.

Potable water is any water used for human consumption, including, but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown.

11-8-390 Prohibited Use Of Secondary Water; Prohibited Installation Of New Potable Water Supply Wells.

No secondary water shall overflow into or be discharged into any surge tank, storage tank, or reservoir, or shall in any way be piped or conveyed into the water supply system of any building, structure, or premises to become a part of or be mixed with the iresh water supply from the mains of the Chicago Waterworks System enter inside of the premises or in the water service pipe. Secondary water sould not be piped to or used in any plumbing fixture, or for cooling crushers, collers, or mixers where foods, candies, liquids or materials are manufactured for human or animal consumption. No connection, tap, or opening shall be made in a water distribution system other than an approved water distribution system which will permit such water being used for drinking.

Wherever the fire-protective equipment in any building structure or premises has service from the Chicago Waterworks System, no pipe or other conduit which conveys secondary water shall be cross connected to the fire-protective equipment. All fire-protective equipment connected to the Chicago Waterworks System shall be constructed in such manner that

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all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes and other equipment to any drainage pipes or sewers. No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental appearent with the City of Chicago.

SECTION 2. Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language in brackets and inserting the language in italics, as follows:

2-30-030 Commissioner -- Powers And Duties Designated.

The commissioner of the environment shall have the following powers and duties:

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs; and agreements to implement the State of Illinois Site Remediation Program;

SECTION 3. This ordinance shall be in full torce and effect from and after its passage and approval.

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# \*\*\* 118 Form C.C. 19 3M J-14-64 (1726) UNOFFICIAL COPY