#### PREPARED BY:

Name:

Chicago Metallic Corporation

Attn: Mr. John Medio

Address:

4849 South Austin Avenue

Chicago, Illinois 60638



Doc#: 1103813067 Fee: \$64.00

Eugene "Gene" Moore

Cook County Recorder of Deeds

Date: 02/07/2011 03:03 PM Pg: 1 of 15

#### **RETURN TO:**

Name:

Chicago Metallic Corporation

Attr., Mr. John Medio

Address:

4849 Soute Austin Avenue

Chicago, Iliirois 60638

#### THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediat on 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: 0310275010

Chicago Metallic Corporation, the Remediation Applicant, whose address is 4849 South Austin Avenue, Chicago, Illinois 60638, has performed investigative and/or 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: Legal description-LOT 3 IN CHICAGO METALLIC RESUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 2009, AS DOCUMENT NO. 0933718000, IN THE VILLAGE OF BRIDGEVIEW, COOK COUNTY, ILLINOIS.
- 2. Common Address: 9900 Industrial Drive, Bridgeview, Illinois
- Real Estate Tax Index/Parcel Index Number(s): 23-12-211-035-0000 3.

4. Remediation Site Owner:

Chicago Metallic Corporation

Attn: Mr. John Medio 4849 South Austin Avenue Chicago, Illinois 60638

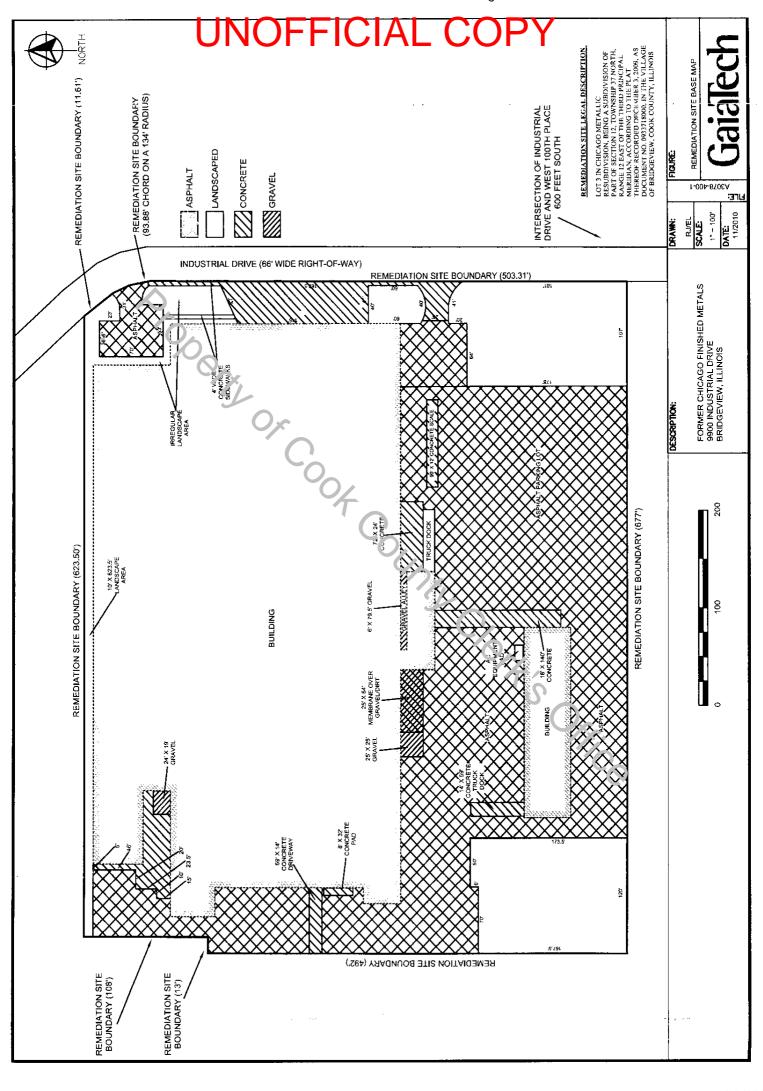
5. Land Use: Industrial/Commercial

6. Site Investigation: Comprehensive

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

Page 1



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### **UNOFFICIAL COPY**

## 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 consent or by law to act on behalf of a property consent or by law to act on behalf

- 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;
- 3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, a tack 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: John MEDIO		
Title: VP		
Company: CHICAGO METALLIC CORPORA TON		
Street Address: 4849 & AuSTIN Ave		
City: (HICAGO State: IL Zip Co	de: 60/35 Phone: 70856	3 4549
Site Information		
Site Name: Chicago Finished Metals Site Address: 9900 Fadostrial DC		
Site Address: 9900 GdvStrial DC		
City: Recider on State: IL Zip Code: 60455 County COOK		
Illinois inventory identification number: 0310275010		
Real Estate Tax Index/Parcel Index No. 25-12-211-035-000		
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: Date:		
Owner's Signature: 1/1 C Date. 1/1 Date.		
SUBSCRIBED AND SWORN TO BEFORE ME		
this 19th day of January, 2011		
OFFICIAL SEAL		
	BARBARA J SELENIK	
Occhara Jelenik Notary Public	NOTARY PUBLIC - STATE OF ILLINOIS	
Notary Poblic	MY COMMISSION EXPIRES:07/28/13	
		Fand ramilations promulantes

The Illinois EPA is authorized to require this information under Sections 415 ILCS 3.54 Co.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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### **UNOFFICIAL COPY**

## 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: John Medio		
Title: VP		
Company: Cwc Bridgeriew Inc		
Street Address: 4844 5 HUSED HOP		
City: Chicago State: IL Zip Code: 6/58 Phone: 768 565 45-49		
Site Information		
Site Name: Chicago Finished Motals Site Address: 9900 Tralustrial Dr		
City: Balles State: IL Zip Code: 60455 County Cocic		
Illinois inventory identification number: 03/02/750/0		
Real Estate Tax Index/Parcel Index No. $\frac{25}{2}$ $\frac{(2-2)(-0.55-\alpha x^2)}{2}$		
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.		
. //// 20		
Owner's Signature: Date:		
SUBSCRIBED AND SWORN TO BEFORE ME		
this 19th day of January, 2011		
OFFICIAL SEAL SEAL BARBARA J SELENIK		
NOTARY PUBLIC - STATE OF ILLINOIS		
Notary Public Notary Public - STATE OF ILLINOIS MY COMMISSION EXPIRES:07/28/13		
\$		

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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# ILLINIO ETERNAL PROPERTION 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

January 13, 2011

CERTIFIED MAIL
7009 3410 0002 3807 8141

Chicago Metallic Corporation Attn: Mr. John Medio 4849 South Austin Avenue Chicago, Illinois 60636

Re:

0310275010-Cook County

Bridgeview/Chicago Finished Metals, Inc.

9900 Industrial Drive

Site Remediation Program/Tec.m.cal Reports

No Further Remediation Letter

Dear Mr. Medio:

The Comprehensive Site Investigation Report (received April 30, 2010/Log No. 10-44647), as prepared by GaiaTech, Inc. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances and the Comprehensive Site Investigation Report shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 10.0 acres, is located at 9900 Industrial Drive, Bridgeview, 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 March 4, 2010/Log No. 10-44117), is Chicago Metallic 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. 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, Enginee ing. 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. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### **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 inhalation and ingestion of the contaminated media.
- 6) 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 inhalation and ingestion of the contaminated media.
- 7) The landscaped area barriers, which are comprised of a minimum of three (3') feet of clean soil covering the areas shown in the attached Site Base Map, must remain over the contaminated soils. These landscaped area barriers must be properly maintained as engineered barriers to inhibit ingestion of the contaminated media.
- 8) The buildings, as shown in the attached Site Base Map, must remain over the contaminated soils. These buildings must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.

#### Institutional Controls:

- 9) Ordinance Number 99-33, adopted by the Village of Bridgeview on July 21, 1999, effectively prohibits the installation and use of potable water supply wells in the Village of Bridgeview. This ordinance provides an acceptable institutional control under the following conditions:
  - a) 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 Remodiation Site; and
    - ii) Notify the Ulinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
  - b) The Remediation Applicant shall provide written notification to the Village of Bridgeview 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 Ordinance Number 99-33,
    - 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.
  - c) 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

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### **UNOFFICIAL COPY**

- d) 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 Bridgeview and affected property owner(s) of the intent to use Ordinance Number 99-33 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) Areas outside the Remed at on 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.
- 11) 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.
- 12) 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.
- 13) 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

14) 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;
- 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.
- 15) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons: Clerts
  - a) Chicago Metallic 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 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;

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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-ininterest 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.
- 16) 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 LPA 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 Chicago Finished Metals, Inc. property.
- 17) 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

18) 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 to 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 Chicago Finished Metals, Inc. property, you may contact the Illinois EPA project manager, Russell H. Irwin, at (217) 524-2084.

Sincerely.

Joyce L. Munie, P.E., Manager

Remedial Project Management Section Division of Remediation Management

Bureau of Land

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Attachments (4):

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

cc: Mr. John H. Yang; GaiaTech, Inc. Bureau of Land Records Unit

ert & Lucas

Column Clark's Office Mr. Robert O'Hara Mr. Rick Lucas

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## **UNOFFICIAL COPY**

#### CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Bridgeview, a municipal corporation, Cook County, Illinois, and, as such, I am the keeper of the records and files and am custodian of the seal of said Village.

I do further certify that the foregoing or attached is a complete, true, and correct copy of Ordinance No. 99-33 entitled:

AN ORDINANCE ADDING SECTION 13-1-19 OF THE MUNICIPAL CODE OF BRIDGEVIEW BY PROHIBITING THE USE OF WELL WATER FOR POTABLE PURPOSES

and was duly passed by not less than a three-fourths vote of the members of the Board of Trustees at its regular meeting held on July 21, 1999, approved by the Mayor on said date, and now in tull force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of said Village this oth day of June, 2000.

COPPRATE SEAL SEAL CONTINUE OF COUNTINUE OF

llage Clerk

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## UNOFFICIAL CO

ORDINANCE NO. 99-33

AN ORDINANCE ADDING SECTION 13-1-19 OF THE MUNICIPAL CODE OF BRIDGEVIEW BY PROHIBITING THE USE OF WELL WATER FOR POTABLE PURPOSES

DOOR THE COL STEVEN M. LANDEK Mayor

WAYNE F. GRABINSKI JEFFREY S. GUIDISH JOSEPн  $\delta$ . KAPUT NORMA J. PIMION MICHAEL J. PTICEK Cort's Office Trustees

CLAUDETTE STRUZIK Village Clerk

Prepared by LOUIS F. CAINKAR, LTD. City Attorney

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### UNOFFICIAL COPY

#### ORDINANCE NO. 99-33

AN ORDINANCE ADDING SECTION 13-1-19 OF THE MUNICIPAL CODE OF BRIDGEVIEW BY PROHIBITING THE USE OF WELL WATER FOR POTABLE PURPOSES

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

#### Section 1

That Section 13-1-19, Water Permit; Well Water, of Article 1, Water Connection Regulations and Charges, Chapter 13, Water and Sewer Regulations, of the Municipal Code of Bridgeview be amended to read as follows:

#### 13-1-19: WATER FERMIT; WELL WATER:

- (a) No person shall make any connection to or take any water from the Bridgeview 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 Section 1-1-11 of the Municipal Code of Bridgeview.

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

#### Section 5

This ordinance shall be immediately 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 Bridgeview this 21st day of July, 1999.

CLAUDETTE STRUZIK, Village Clerk

APPROVED by me this 21st day of July, 1929.

STEVEN M. LANDIK, Mayor

I DO HEREBY CERTIFY thru this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Bridgeview, in accordance with law, this 21st day of July, 1909.

CLAUDETTE STRUZIK, Village Clerk