### **UNOFFICIAL COPY**

#### PREPARED BY:

Name:

Mr. Ross D. Carlson

Taubensee Steel & Wire Company

1307/34050

Doc#: 1307734050 Fee: \$68.00

RHSP Fee:\$10.00 Affidavit Fee:

Karen A. Yarbrough

Cook County Recorder of Deeds

Date: 03/18/2013 11:29 AM Pg: 1 of 16

Address:

600 Diens Drive

Wheeling, Illinois 60090

RETURN TO:

Name:

Mr. Ross D. Carlson

Taubensee Steel & Wire Company

Address:

600 Diens Drive

Wheeling, Illinois 60090

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: 0310275001

Taubensee Steel & Wire Company, the Remediation Applicant, whose address is 600 Diens Drive, Wheeling, Illinois 60090, has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: That part of the Northeast 1/4 of Section 12, Township 37 North, Range 12 East of the Third Principal Meridian bounded by a line described as follows:

Commencing at a point in the East line of the Northeast 1/4 of said Section 12, which is 1341.85 feet South of the Northeast corner of said Northeast 1/4; thence West at right angles to the said East line a distance of 190.0 feet for a point of beginning; thence continuing West along said line drawn at right angles to the East line of said Northeast 1/4 a distance o 545.16 feet; thence South a distance of 28.90 feet to a point on a line 300.00 feet Northeasterly, as measured at right angles, and parallel with the Northeasterly right of way line of that land conveyed to the Illinois State Toll Highway Commission in document 17286868; thence North 86 degrees 03 minutes 55 seconds West along a line which forms an angle of 45 degrees to the left with said parallel line a distance 424.26 feet to a point on the Northeasterly right of way line of the Illinois State Toll Highway; thence North 41 degrees 03 minutes 55 seconds West along the Northeasterly line of said right of way a distance of 400.00 feet; thence North 48 degrees 56 minutes 05 seconds East a distance of 132.77 feet to a point on a curved line the last described line being a radial line of said curve; thence Easterly along said curved line, convex to the South and having a radius of 70.0 feet a distance of 138.74 feet, arc measure; thence East a distance of 1015.06 feet to a point on a line 190.0 feet West, measured at right angles, and parallel with the East line of the

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Northeast 1/4 of said Section 12; thence South along said parallel line 405.0 feet to the place of beginning in Cook County, Illinois.

LESS AND EXCEPT THEREFROM all that certain property conveyed by Special Warranty deed dated July 24, 2006, from Sanbell Limited Partnership, as Grantor, to the Illinois State Toll Highway Authority, an Instrumentality and Administrative Agency, of the State of Illinois, as Grantee, recorded October 25, 2006, as Document # 0629847143, with the Recorder of Deeds, Cook County, Illinois, to-wit:

TW-2C-05-041

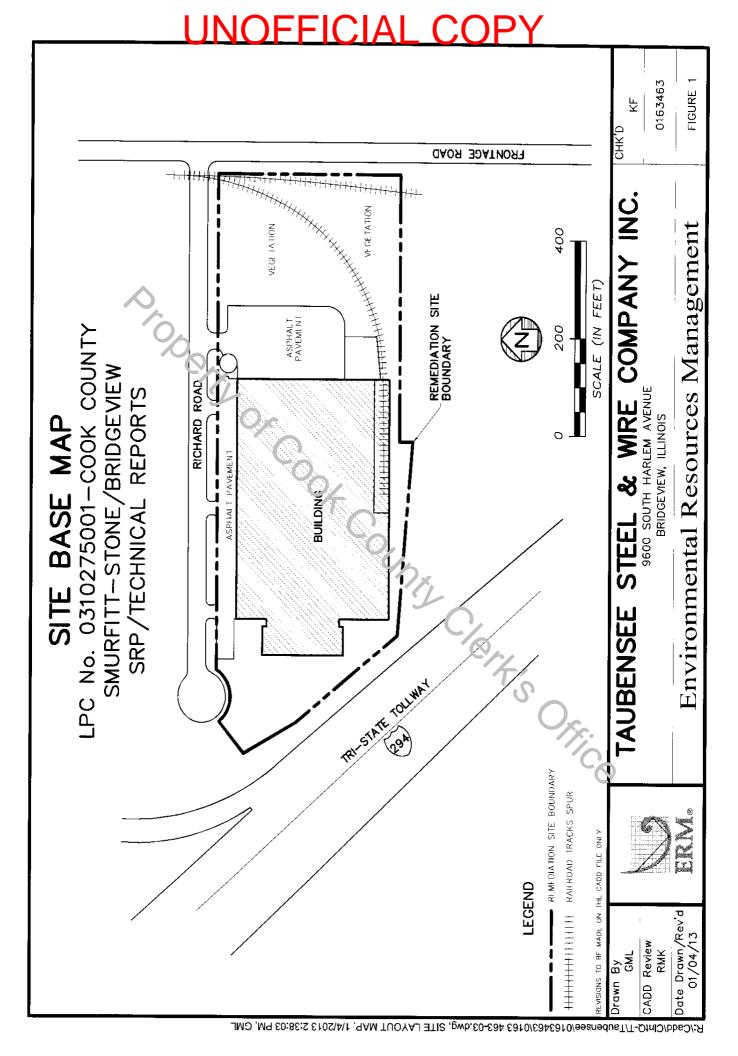
That part of the Northeast Quarter of Section 12, Township 37 North, Range 12 East of the Third Principal Meridian, Cook County, Illinois, also being a part of the parcel described to Sanbell Limited Partnership, a Delaware limited partnership, in a Warranty Deed recorded January 30, 1992, as Document Number 92062823 in the Office of the Recorder of Cook County, Illinois, more particularly described as follows:

Commencing at the Northeast corner of said Northeast Quarter as marked by an iron rod per document number 97493327 in said office of the Recorder; thence South 01 degree 58 minutes 22 seconds East (this and all subsequent bearings based on the Illinois Coordinate System of 1983, East Zone), 936.92 feet along the East line of said Northeast Quarter to the North line of said Sanbell Parcel extended East; thence South 88 degrees 02 minutes 16 seconds West, 1204.32 feet along said North line criended to the most Northerly curved line of said Sanbell parcel, being a non-tangent curve concarato the North; thence Westerly, 138.72 feet along said non-tangent curve, having a radius of 70.00 feet and a chord bearing South 80 degrees 12 minutes 23 seconds West, 117.12 feet to the most Westerly North line of said Sanbell parcel; thence South 46 degrees 59 minutes 12 seconds West 85.30 feet along said line to the point of beginning; thence South 34 degrees 51 minutes 02 seconds East, 132.24 feet; thence South 40 degrees 41 minutes 57 seconds East, 286.46 feet to the South line of said Sanbell parcel; thence North 88 degrees 00 minutes 48 seconds West, 24.22 feet and g said South line to the Easterly right of way line of the Tri-State Tollway; thence North 43 degrees 00 minutes 48 seconds West, 400.00 feet along said Easterly right of way line to the most Westerly North line of said Sanbell parcel; thence North 46 degrees 59 minutes 12 seconds East, 47.47 feet to the Point of Beginning; containing 11395 square feet, or 0.262 acres, more or less.

- 2. Common Address: 9600 South Harlem Avenue, Bridgeview, Illinois of 455
- 3. Real Estate Tax Index/Parcel Index Number: 23-12-210-006-0000
- 4. Remediation Site Owner: Taubensee Steel & Wire Company
- 5. Land Use: Industrial/Commercial
- 6. Site Investigation: Focused

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)



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## ILLINGIS ENTREMENTAL PROFECTION AGENCY

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

PAT QUINN, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 524-3300

March 7, 2013

CERTIFIED MAIL
7012 0470 0001 2998 0299

Mr. Ross D. Carlson Chief Financial Officer Taubensee Steer & Wire Company 600 Diens Drive Wheeling, Illinois 60090

Re:

0310275001-Cook County Smurfitt-Stone/Bridgev ew SRP/Technical Reports No Further Remediation Letter

Dear Mr. Carlson:

The Focused Site Investigation and Remedial Objectives Report, Log No. 12-51693, as prepared by Environmental Resources Management, Inc. for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Frotection Agency ("Illinois EPA"). The approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances and the Focused Site Investigation and Remedia: Objectives Report shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 10.5 acres, is located at 9600 South Harleng Avenue, Bridgeview, Illinois 60455. 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, Log No. 12-51693, is Taubensee Steel & Wire Company.

This focused 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 for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

4302 N. Main St., Rockford, JL 61103 (815)987-7760 595 S. State, Elgin, IL 60123 (847)608-3131 2125 S. First St., Champaign, IL 61820 (217)278-5800 2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000 5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462 2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200 100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

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### Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions characterized by the focused site investigation and successfully addressed, consist of the contaminants of concern detailed in the attached Table A.
- 2) The Remediation Site is restricted to industrial/commercial land use.
- 3) The land use specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

### Preventive, Engineering, and Ir stitutional Controls

4) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

### **Institutional Controls**

- 5) Ordinance 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 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.
  - 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 99-33;

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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.
- 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:

Mr. Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Vest Office Box 19276
Springfield, IL 62794-9276

- 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 ? 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 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

- 6) 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.
- 7) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 5 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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- 8) 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.
- 9) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency Attn: Freedom of Information Act Officer Division of Records Management #16 1021 North Grand Avenue East Post Office Box 19276 Springfield, IL 62794-9276

- 10) Pursuant to Section 38.10(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 Lette;
  - 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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- 11) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
  - a) Taubensee Steel & Wire Company;
  - 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 new vocable, involving the Remediation Site;
  - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, true feree, 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 R mediation 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 one in a fiduciary capacity, or a transferee of such party.
- 12) 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 Smurfitt-Stone property.
- 13) 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:

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Illinois Environmental Protection Agency Bureau of Land/RPMS #24 1021 North Grand Avenue East Post Office Box 19276 Springfield, IL 62794-9276

14) 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 Smurfitt-Stone property, you may contact the Illinois EPA project manager, Todd Gross, at 217/524-3300.

Sincerely.

Joyce L. Munid, 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

Table A: Regulated Substances of Concern

Property Owner Certification of No Further Remediation Letter under the Site in Clarks Office

Remediation Program Form Instructions for Filing the NFR Letter

Mr. Keith Fetzner, PG cc:

ERM, Inc.

1701 Golf Road, Suite 1-1000 Rolling Meadows, Illinois 60008

Bureau of Land File Mr. Robert O'Hara

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### TABLE A: Regulated Substances of Concern

### 0310275001-Cook County Smurfitt-Stone/Bridgeview Site Remediation Program

Volatile Organic Compounds	
(VOCs)	
CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibrorachloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
540-59-0	1,2-Dichloroethene (cotal)
156-59-2	cis-1,2-Dichloroethen
156-60-5	trans-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone
1634-04-4	Methyl tert-butyl ether
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

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Polynuclear Aromatic	
Compounds (PNAs)	
CAS No.	Compound Name
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-32-8	Benzo(a)pyrene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-20-3	Naphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene

Inorganics	94
CAS No.	Compound Name
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium
7439-92-1	· Lead
7439-97-6	Mercury
7782-49-2	Selenium
7440-22-4	Silver

Pesticides and Aroclors		, CO
CAS No.	Compound Name	
12674-11-2	Aroclor - 1016	
11104-28-2	Aroclor - 1221	
11141-16-5	Aroclor - 1232	
53469-21-9	Aroclor - 1242	
12672-29-6	Aroclor - 1248	
11097-69-1	Aroclor - 1254	
111096-82-5	Aroclor - 1260	

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	RD&A - S. :			ce Review			
		nt – T. Rettig	Type:				
To:	Enforceme	nt-B. Ingersoll	Deadline: 08/12/20		Interim Due Date:		
Date: 07	7/12/2000	A	ssignment/Project Docket No. 00071202				

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### 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 I FOHIBITING 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 fall force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of said Village this 8th day of June, 2000.

COPPRATE SEAL

Villago Clerk

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## INOFFICIA

### 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

'YN' STEVEN M. LANDEK Mayor

WAYNE F. GRABINSKI JEFFREY S. GUIDISH JOSEPH J. KAPUT NORMA J. PINION MICHAEL J. PTICEY. 16/4's Office Trustees

CLAUDETTE STRUZIK Village Clerk

Prepared by LOUIS F. CAINKAR, LTD. City Attorney

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### 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

The 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: WATEF, PERMIT; WELL WATER:

- (a) No person shift 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.

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### 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, 1939.

STEVEN M. LANDEK, Mayor

I DO HEREBY CERTIFY that 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, 1999.

CLAUDETTE STRUZIK, Village Clerk