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PREPARED BY:

Name: LeeAnn Tomas-Foster
Public Building Commission of Chicago

Address: 50 West Washington Street, Suite 200
Chicago IL 60602



Doc#: 1326116035 Fee: \$58.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 09/18/2013 11:46 AM Pg: 1 of 11

RETURN TO:

Name: LeeAnn Tomas-Foster
Public Building Commission of Chicago

Address: 50 West Washington Street, Suite 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: 0316135016

Public Building Commission of Chicago, the Remediation Applicant, whose address is 50 West Washington Street, Suite 200, Chicago, Illinois 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:

NORTH PORTION/PARCEL (2101 West 47th Street) (5.0 Acres)

LOTS 1 TO 20, BOTH INCLUSIVE, THE VACATED ALLEY LYING SOUTH OF AND ADJACENT TO SAID LOTS 1 TO 20, AND LOTS 27 TO 46 BOTH INCLUSIVE, IN B.F. JACOBS SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 1891, AS DOCUMENT 1483774, TOGETHER WITH THAT PART OF THE NORTH 33 FEET OF VACATED WEST 47TH PLACE LYING SOUTH AND ADJOINING SAID LOTS 27 TO 46 AND THAT PART OF LOT 1 IN THE PLAT OF CONSOLIDATION RECORDED MARCH 12, 1920 AS DOCUMENT 6759690 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1: THENCE NORTH 89 DEGREES 59 MINUTES 02 SECONDS WEST, (BASIS OF BEARING ASSUMED) ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 500.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 13 MINUTES, 15 SECONDS EAST A DISTANCE OF 29.87 FEET; THENCE SOUTH 29 DEGREES 48 MINUTES 15 SECONDS EAST A DISTANCE OF 41.31 FEET; THENCE SOUTH 37 DEGREES 32

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MINUTES 15 SECONDS EAST A DISTANCE OF 49.44 FEET; THENCE SOUTH 50 DEGREES 22 MINUTES 15 SECONDS EAST A DISTANCE OF 23.67 FEET THENCE SOUTH 89 DEGREES 59 MINUTES 02 SECONDS EAST ALONG A LINE 120 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 431.47 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 00 DEGREES 12 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING, ALL IN SECTION 7, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

SOUTH PORTION/PARCEL (4752-4816 South Hoyne Avenue) (3.2 Acres)

PARCEL 1:

LOT 1, (EXCEPT THAT PART THERE OF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE WEST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 500.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 14 MINUTES EAST A DISTANCE OF 29.87 FEET; THENCE SOUTH 29 DEGREES 49 MINUTES EAST A DISTANCE OF 41.31 FEET; THENCE SOUTH 37 DEGREES 33 MINUTES EAST A DISTANCE OF 49.44 FEET; THENCE SOUTH 50 DEGREES 23 MINUTES EAST A DISTANCE OF 23.65 FEET; THENCE EAST ALONG A LINE 120 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 431.50 FEET TO THE EAST LINE OF SAID LOT 1, THENCE NORTH 00 DEGREES 14 MINUTES WEST ALONG THE EAST LINE OF SAID LOT 1 TO THE PLACE OF BEGINNING), IN THE CONSOLIDATION OF PART OF BLOCKS 14 AND 19 IN STONE AND WHITNEY'S SUBDIVISION OF PART OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 12, 1920 AS DOCUMENT NUMBER 6759690 IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOT 2 (EXCEPT THE SOUTH 155.65 FEET THEREOF) IN CONSOLIDATION OF PART OF BLOCKS 14 AND 19 IN STONE AND WHITNEY'S SUBDIVISION OF PART OF SECTION 7, TOWNSHIP 38, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MARCH 12, 1920 AS DOCUMENT NUMBER 6759690 IN COOK COUNTY, ILLINOIS.

2. Common Address: 2101 West 47th Street, Chicago, Illinois

3. Real Estate Tax Index/Parcel Index Number:

North Parcel 20-07-107-002 through and including 016 and 20-07-107-037
South Parcel 20-07-107-029, 20-07-107-034 and 20-07-107-036

New Consolidated Pin

North Parcel 20-07-107-038 and 20-07-107-039
South Parcel 20-07-107-038 and 20-07-107-039

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4. Remediation Site Owner: Public Building Commission of Chicago
5. Land Use: Residential
6. Site Investigation: Comprehensive

See NFR letter for other terms.

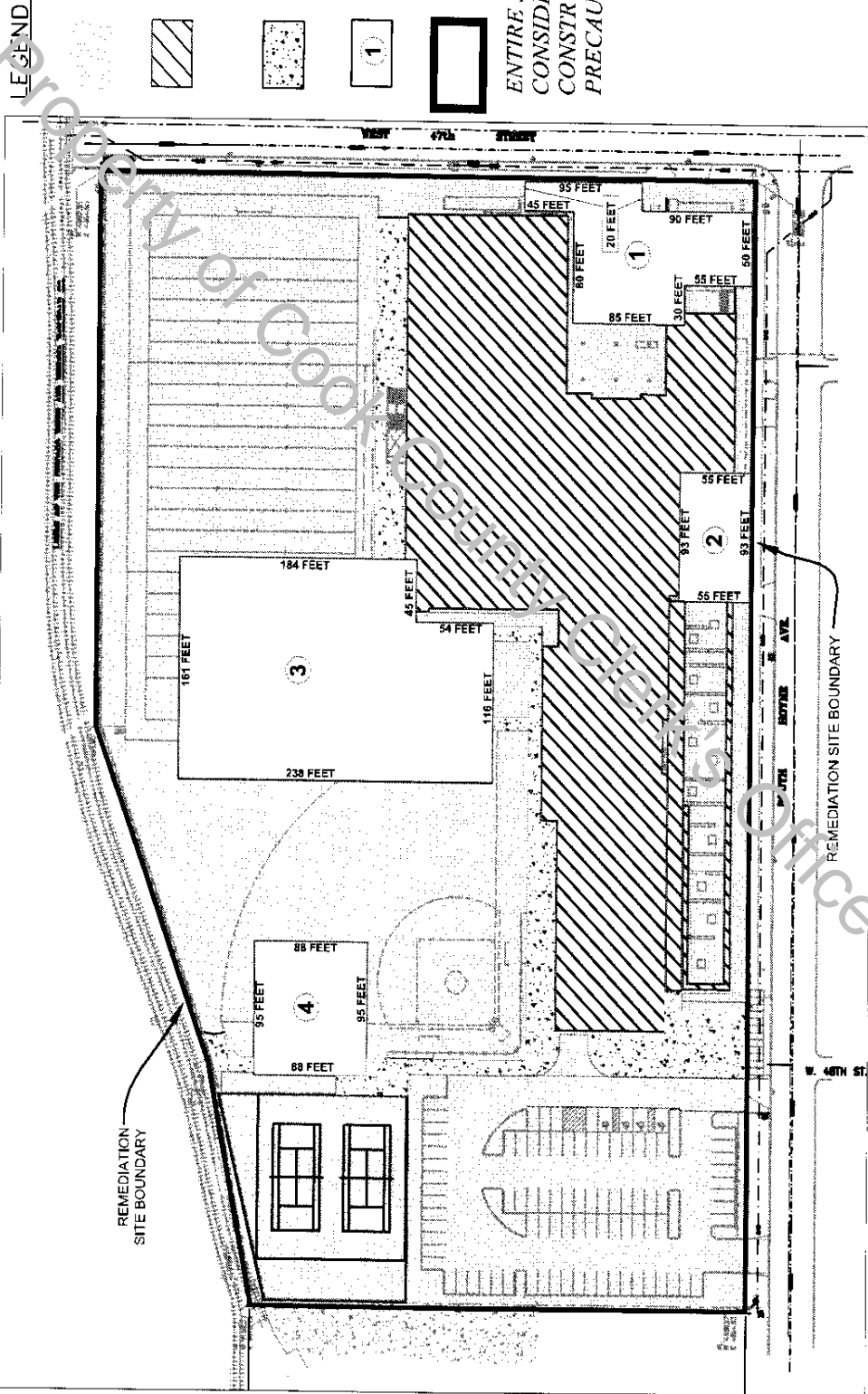
(Illinois EPA Site Remediation Program Environmental Notice)

Property of Cook County Clerk's Office






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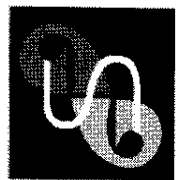


SITE BASE MAP
 LPC # 0316136016/ COOK COUNTY
 CHICAGO/ FERNANDEZ AUTO PARTS (BACK OF THE YARDS HIGH SCHOOL)
 SITE REMEDIATION PROGRAM



LEGEND

-  THREE (3) FEET MINIMUM OF CLEAN FILL
 -  CONCRETE BUILDING FOUNDATION AND SLAB
 -  CONCRETE SURFACES
 -  ENGINEERED BARRIER NOT REQUIRED IN AREAS 1,2,3 AND 4
 -  PROPERTY BOUNDARY
- ENTIRE SITE TO BE CONSIDERED AS CONSTRUCTION WORKER PRECAUTION AREA



GSG CONSULTANTS, INC.
 855 W. ADAMS, SUITE 200
 CHICAGO, IL 60607
 PHONE: (312) 733-6262
 FAX : (312) 733-5612

1"=120'

DM
 CHECKED BY: GK
 DATE: 8/26/13

SITE BASE MAP
 BACK OF THE YARDS HIGH SCHOOL
 2111 WEST 47TH STREET, CHICAGO, IL



UNOFFICIAL COPY ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829
PAT QUINN, GOVERNOR **LISA BONNETT, DIRECTOR**

(217) 524-3300

September 5, 2013

CERTIFIED MAIL

7011 1150 0001 0863 6930

Ms. LeeAnn Tomas-Foster
 Public Building Commission of Chicago
 50 West Washington Street, Suite 200
 Chicago, Illinois 60602

Re: 0316135016/Cook County
 Chicago/Fernandez Auto Parts (Back of the Yards High School)
 Site Remediation Program / Technical Reports
 No Further Remediation Letter

Dear Ms. Tomas-Foster:

The *Remedial Action Completion Report* (received July 12, 2013 / Log No 13-54297), as prepared by GSG Consultants for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates the remediation objectives approved for the site in accordance with 35 Illinois Administrative Code Part 742 are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the *Remedial Action Plan* (approved April 14, 2011 / Log No 11-47468) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 8.82 acres, is located at 2101 West 47th Street, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received November 3, 2010), is 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.

4302 N. Main St., Rockford, IL 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 10-300, Chicago, IL 60601 (312)814-6026

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 2) The land use specified in this Letter may be revised if:
 - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

Preventive, Engineering, and Institutional Controls

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

Preventive Controls:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below three (3) feet 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 clean soil barrier, which is comprised of a minimum of three (3) feet of clean soil covering the area shown on 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 surface engineered barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 7) The concrete building foundation, as shown on the attached Site Base Map, must remain over the contaminated soils. This building foundation must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

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Institutional Controls:

- 8) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:
- a) The Remediation Applicant shall provide written notification to the City of Chicago and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
 - i) The name and address of the local unit of government;
 - ii) The citation of Section 11-8-390;
 - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
 - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
 - vi) A statement as to where more information may be obtained regarding the ordinance.
 - b) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to.
- Mr. Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
- c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
 - i) Modification of the referenced ordinance to allow potable uses of groundwater;
 - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;

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- iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 9) Pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), all statutory and regulatory corrective action requirements applicable to the occurrence involving Leaking UST Incident Numbers 20110326 and 20110633 (referenced to LPC# 0316616496) have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incident.
- 10) The Remediation Applicant has remediated the release associated with Leaking UST Incident Numbers 900349 and 20100145 (referenced to LPC# 0316135016).
- 11) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under paragraph 13 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 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.
- 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
Division of Records Management #16
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:

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- 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:
- 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 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-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.
- 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 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 Fernandez Auto Parts 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:
- Mr. Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
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 the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

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If you have any questions regarding the Fernandez Auto Parts property, you may contact the Illinois EPA project manager, James L. Baldwin at (217)-524-7207.

Sincerely,



Joyce L. Muniz, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Ala E. Sassila, P.E.
GSG Consultants, Inc.
855 West Adams Street, Suite 200
Chicago, IL, 60602

Bureau of Land File

Mr. Robert O'Hara

Commissioner, Urban Management and Brownfields Redevelopment Division
Department of Fleet and Facility Management
30 North LaSalle Street, Suite 200
Chicago, Illinois 60602-2575