

# UNOFFICIAL COPY

PREPARED BY:

Name: Robert Markey, Managing Partner  
Water Tower on Lake II, LLC



Address: 1819 Grand Avenue  
Chicago, Illinois 60622

Doc#: 1416813056 Fee: \$62.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 06/17/2014 03:14 PM Pg: 1 of 13

RETURN TO:

Name: Robert Markey, Managing Partner  
Water Tower on Lake II, LLC

Address: 1819 Grand Avenue  
Chicago, Illinois 60622

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: 0316265005

Water Tower on Lake II, LLC, the Remediation Applicant, whose address is 1819 Grand Avenue, Chicago, Illinois 60622 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:  
  
Lots 7 to 18, both inclusive, in the subdivision of Block 14 in West Chicago Land Company's subdivision of the South 1/2 of Section 10, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.
2. Common Address: 4215-4243 West Lake Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 16-10-409-003-0000; 16-10-409-004-0000; 16-10-409-005-0000; 16-10-409-006-0000
4. Remediation Site Owner: Water Tower on Lake II, LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)



# 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

April 24, 2014

CERTIFIED MAIL

7011 1150 0001 0862 4791

Robert Markey, Managing Partner  
Water Tower on Lake II, LLC  
1819 Grand Avenue  
Chicago, Illinois 60622

Re: LPC #0516265005 – Cook County  
Chicago - Multi Electric Manufacturing, Inc.  
(Property at 4215-4243 West Lake Street)  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. Markey:

The *Focused Site Investigation Report/Remediation Objectives Report/Remedial Action Plan* (dated September 14, 2012, and received November 13, 2012/Log 12-52309), the *Remedial Action Completion Report Addendum & Response to Comments* (dated November 25, 2013, and received November 27, 2013/Log 13-55412), and the *January 23, 2014, Response to Comments* (received January 27, 2014/Log 14-55824), all of which were prepared by Pioneer Environmental Services, LLC for the above referenced Remediation Site, have been reviewed and approved by the Illinois Environmental Protection Agency (“Illinois EPA”). Taken together, the referenced documents demonstrate that the remediation objectives approved for the site in accordance with 35 Illinois Administrative Code Part 742, including the indoor inhalation pathway, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the *Remedial Action Plan* (received November 13, 2012/Log 12-52309) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of approximately 1.1 acres, is located at 4215-4243 West Lake 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 13, 2012/Log 12-52309), is Water Tower on Lake II, LLC.

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.

# UNOFFICIAL COPY

## 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 identified 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 Institutional 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.

#### Preventive Controls:

- 5) 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. The safety plan is to apply to the entire Remediation Site, as indicated on the attached Site Base Map. 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:

- 6) The asphalt barrier, as shown on 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.
- 7) The concrete cap 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 inhalation and ingestion of the contaminated media.
- 8) The building, as shown on the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

# UNOFFICIAL COPY

soils. This building must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

## Institutional Controls:

- 9) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sumps.
  - 10) 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, Illinois 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;

# UNOFFICIAL COPY

- 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

- 11) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown on the Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 12) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 903795.
- 13) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 10 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.
- 14) 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.
- 15) 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, Illinois 62794-9276
- 16) 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;

# UNOFFICIAL COPY

- 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.
- 17) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Water Tower on Lake II, LLC;
  - 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;
  - i) Any heir or devisee of the owner of the Remediation Site;



# UNOFFICIAL COPY

- 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.
- 18) 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 Multi Electric Manufacturing, Inc. property.
- 19) 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, Illinois 62794-9276
- 20) 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 Multi Electric Manufacturing, Inc. property, you may contact the Illinois EPA project manager, Mr. Tim Zook at (217) 557-8085.

Sincerely,



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

# UNOFFICIAL COPY

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  
Remediation Program Form  
Instructions for Filing the NFR Letter

cc: Mark Santangelo, Project Manager  
Pioneer Environmental Services, LLC  
700 North Sacramento Boulevard, Suite 101  
Chicago, Illinois 60612

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

Bureau of Land File  
Mr. Robert O'Hara

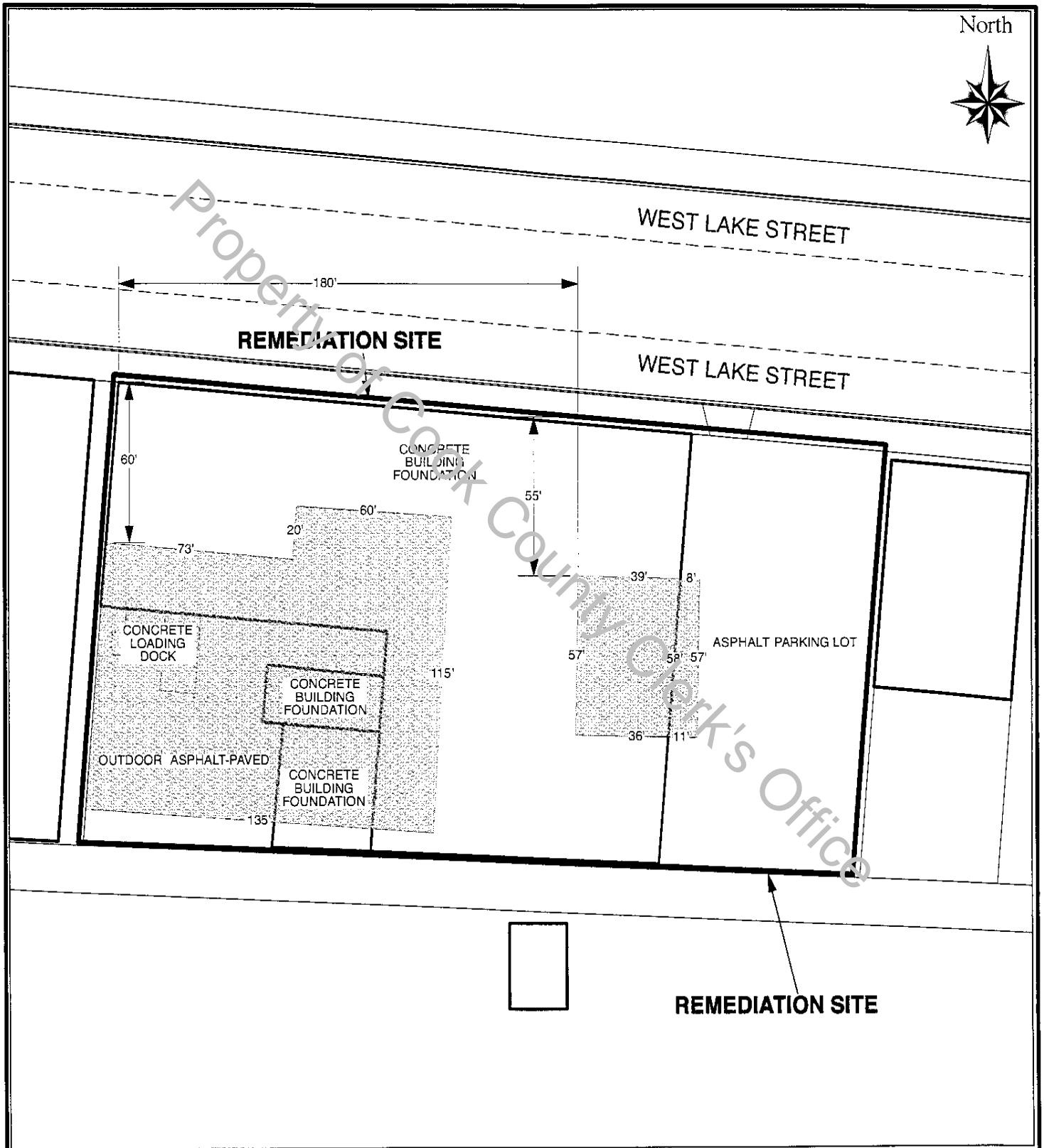
Property of Cook County Clerk's Office



# UNOFFICIAL COPY

Site Base Map  
0316265005 – Cook County  
Chicago – Multi Electric Manufacturing, Inc.  
(Property at 4215-4243 West Lake Street)  
Site Remediation Program

North



Legend:  
Remediation Site Boundary

Area Requiring Engineered Barrier

Scale: 1"=50'  
0' 50'

Address:  
4215 West Lake Street  
Chicago, IL

NOTE: Entire Remediation Site Requires A Construction Worker Caution

# UNOFFICIAL COPY

**TABLE A: Regulated Substances of Concern**

**0316265005 – Cook County  
Chicago – Multi Electric Manufacturing, Inc.  
(Property at 4215-4243 West Lake Street)  
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	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
156-59-2	cis-1,2-Dichloroethene
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)

# UNOFFICIAL COPY

<b>Polynuclear Aromatic Compounds (PNAs)</b>	
<b>CAS No.</b>	<b>Compound Name</b>
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

<b>Inorganics</b>	
<b>CAS No.</b>	<b>Compound Name</b>
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

# 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.

<b>Property Owner Information</b>
Owner's Name: _____ Title: _____ Company: _____ Street Address: _____ City: _____ State: _____ Zip Code: _____ Phone: _____
<b>Site Information</b>
Site Name: _____ Site Address: _____ City: _____ State: _____ Zip Code: _____ County: _____ Illinois inventory identification number: _____ Real Estate Tax Index/Parcel Index No. _____
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: _____  SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__  _____ Notary Public

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

# UNOFFICIAL COPY

## Notice to Remediation Applicant

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

### Instructions for Filing the NFR Letter

The following documents must be filed:

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

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

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

If you have any questions call (217) 524-3300 and speak with the "project manager on-call" in the Site Remediation Program.