

# UNOFFICIAL COPY

PREPARED BY:

Name: Mr. Robert Krause  
Krause Family Partnership

Address: 16N009 Healy Road  
Barrington Hills, IL 60010



Doc#: 1426049068 Fee: \$64.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 09/17/2014 03:56 PM Pg: 1 of 14

RETURN TO:

Name: Mr. Robert Krause  
Krause Family Partnership

Address: 16N009 Healy Road  
Barrington Hills, IL 60010

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: 0314405517

Krause Family Partnership, the Remediation Applicant, whose address is 16N009 Healy Road Barrington Hills, IL 60010 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 42, 43 AND 44 IN CENTEX INDUSTRIAL PARK UNIT 6, BEING A SUBDIVISION IN SECTIONS 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 8, 1961 AS DOCUMENT NO. 1835075.
2. Common Address: 2121 Touhy Avenue, Elk Grove Village, IL 60007
3. Real Estate Tax Index/Parcel Index Number: 08-35-102-016-0000; 08-35-102-017-0000; 08-35-102-018-0000
4. Remediation Site Owner: Krause Family Partnership c/o Mr. Robert Krause
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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## 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 11, 2014

CERTIFIED MAIL

7012 0470 0001 2975 9116

Mr. Robert Krause  
Krause Family Partnership  
16N009 Healy Road  
Barrington Hills, IL 60010

Re: 0314405517 / Cook County  
Elk Grove Village/Rolloy  
Site Remediation Program Technical Reports  
No Further Remediation Letter

Dear Mr. Krause:

The *Supplemental SI/ROR/RACR* (received May 14, 2014/Log No. 14-56608), as prepared by Carlson Environmental 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, including the indoor inhalation pathway, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 3-acres, is located at 2121 Touhy Avenue Elk Grove Village, 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 May 14, 2014/Log No. 14-56608), is Krause Family Partnership.

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, IL 61103 (815)987-7700  
698 S. State, Elgin, IL 60120 (847)608-3131  
2125 S. First St., Champaign, IL 61820 (217)275-5800  
2009 Main St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
5407 N. University St., Arden Hills, Peoria, IL 61614 (309)693-5462  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-2200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312)814-6076

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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 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

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:

- 4) 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.
- 5) Ordinance 1538 adopted by Elk Grove Village on September 28, 1982 effectively prohibits the installation and use of potable water supply wells in Elk Grove Village. 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 Elk Grove Village 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 1538;

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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.
- e) 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:

Ms. P.J. Gebhardt  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post 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 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 Elk Grove Village and affected property owner(s) of the intent to use Ordinance 1535 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 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.
- 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 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.

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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) Krause Family Partnership;
- 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;
- 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.

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 Rollex property.

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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:

Ms. P.J. Gebhardt  
 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 Rollex property, you may contact the Illinois EPA project manager, Timothy J. Murphy at 217-524-4823.

Sincerely,

*Joyce L. Mune*  
 NVL Joyce L. Mune, 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  
 Remediation Program Form  
 Instructions for Filing the NFR Letter

cc: Gail Artrip, P.E.  
 Carlson Environmental, Inc.  
 386 East St. Charles Road  
 Lombard, IL 60148

Bureau of Land File  
 Ms. P.J. Gebhardt

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**TABLE A: Regulated Substances of Concern**

0314405517 – Cook County  
Elk Grove Village/Rollex  
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
540-59-0	1,2-Dichloroethene (total)
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)



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<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	Benzofluoranthene
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	Dibenzofluoranthene
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>
7440-36-0	Antimony
7440-38-2	Arsenic
7440-39-3	Barium
7440-41-7	Beryllium
7440-43-9	Cadmium
7440-47-3	Chromium
7440-50-8	Copper
7439-92-1	Lead
7439-97-6	Mercury
7440-02-0	Nickel
7782-49-2	Selenium
7440-22-4	Silver
7440-66-6	Zinc

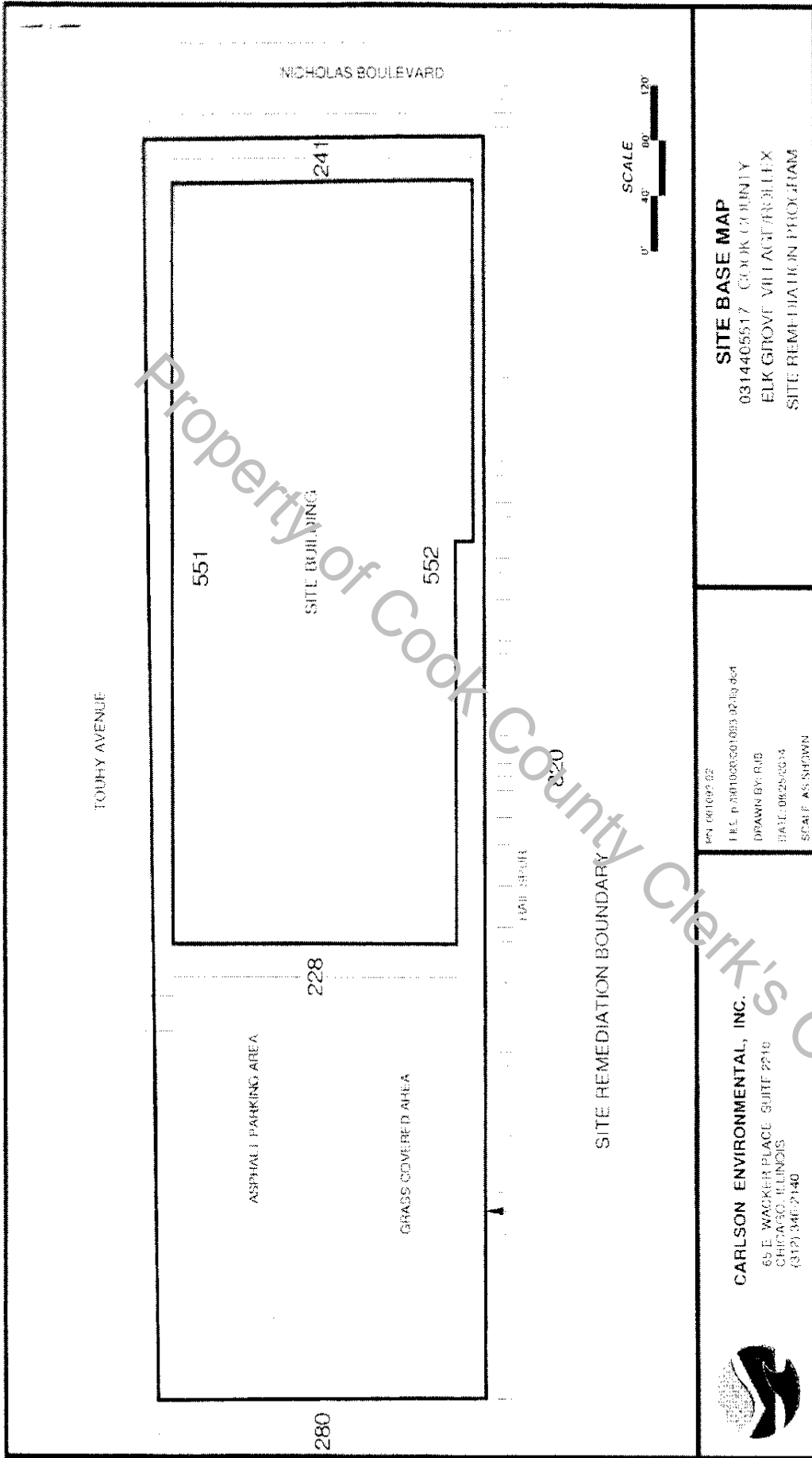
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## Pesticides and Aroclors

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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Mayor  
CRISP F. JOHNSON  
  
Village Clerk  
JUDITH M. KEEGAN  
  
Village Manager  
RAYMOND R. RUMMEL



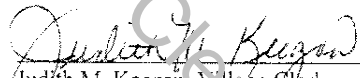
Village Trustees  
NANCY J. PARCEL  
DAVID F. REICHER  
JEFFREY C. FRANKS  
SAMUEL L. LINSFEB  
JAMES E. LEHR  
CHRISTOPHERINO

STATE OF ILLINOIS )  
 ) SS  
COUNTIES OF COOK AND DU PAGE)

### CERTIFICATE OF CLERK

This is to certify that I, Judith M. Keegan, am the Village Clerk of the Village of Elk Grove Village, Cook and DuPage Counties, Illinois, and as such official am the custodian of the records and seal of said Village; and that the attached is a true and correct copy of Ordinance No. 1538 passed by the President and Board of Trustees of said Village at a meeting duly held on the 28<sup>th</sup> day of September 1982, which Ordinance No. 1538 was approved by the President, all as appears from the official records which are in my custody. Ordinance No. 1538 is in full force and effect from and after its passage, approval and publication according to law. Ordinance No. 1538 was published on October 6, 1982 and to date is in full force and effect.

Witness my hand and the official seal of said Village of Elk Grove Village this 21<sup>st</sup> day of August 2014.

  
Judith M. Keegan, Village Clerk  
Village of Elk Grove Village  
Counties of Cook and DuPage, Illinois

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ORDINANCE NO. 1538

AN ORDINANCE AMENDING CHAPTER 22A WATER AND SEWER OF THE MUNICIPAL CODE TO PROHIBIT NON-VILLAGE WATER USE AND AMEND THE PENALTIES CONTAINED THEREIN

BE IT ORDAINED by the President and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois as follows:

SECTION 1. That Article I, General Provisions of Chapter 22A, Water and Sewer of the Municipal Code be and is hereby amended by deleting the present Section 22A112, Penalty, and substituting in its place the following:

22A112. Prohibition of Non-Village Water Use. It shall be unlawful for any person, firm or corporation to construct, install, maintain or utilize a water system or well other than the water supply and water services of the Village. The provisions of this Section shall be applicable to all water usage, including, but not limited to, domestic, commercial and industrial uses and water for outdoor purposes. The provisions of this Section shall not apply to private water systems installed prior to the effective date of this Ordinance, the use of which has been previously approved by the Village.

22A113. Penalty. Any person, firm, or corporation violating any provision of this Article I shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

In addition to any penalty which may be imposed herein, any person, firm or corporation violating the provisions of this Article shall be subject to having their water services terminated, suspended or revoked. Notice of the intent by the Village to terminate, suspend or revoke such service shall be given to any such person, firm or corporation at least fifteen (15) days in advance of the date established for termination, and a person so notified shall have an opportunity to request, in writing, a hearing before the Village Manager to show cause as to why his water service shall not be terminated, suspended or revoked. The notice request must be filed with the Village Manager no later than five (5) days from the proposed termination date and thereafter the Village Manager shall schedule a hearing within ten (10) days of the receipt of said notice request. Pending any such hearing, all water use privileges shall remain in full force and effect, subject to compliance with the provision of this Chapter. The Village Manager shall have the authority during the course of any such hearing to suspend or revoke water service or to impose such sanctions on the water user short of suspension, or revocation, including the collection of unpaid water usage, unpaid water bills, interest due thereon, and such other monetary fines or sanctions which the Village Manager deems in the best interest of the Village for the express purpose of enforcing the provisions of this Article.

SECTION 2. That Section 22A206, 22A706 and 22A904 are hereby amended to read as follows:

Penalty. Any person, firm or corporation violating any provision of this Article shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

VOTES: AYES: 6

NAYS: 0

ABSENT: 0

APPROVED:

Charles J. Zettek  
Village President

ATTEST:

Patricia S. Smith  
Village Clerk

PASSED this 28th day of September, 1982.

APPROVED this 28th day of September, 1982.

PUBLISHED this 6th day of October, 1982,

in the Elk Grove Daily Herald

Property of Cook County Clerk's Office