

# UNOFFICIAL COPY

PREPARED BY:

Name: 1350 Lake Shore Associates, an Illinois Limited Partnership

Address: 1350 & 1360 North Lake Shore Drive  
Chicago, Illinois 60610



RETURN TO:

Name: 1350 Lake Shore Associates

Address: 1350 Lake Shore Associates  
55 East Monroe Street  
Suite 3900  
Chicago, Illinois 60603

Doc# 1634434007 Fee \$68.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 12/09/2016 09:22 AM PG: 1 OF 16

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

## LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND / OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEMS ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0316085200

LUST Incident Number: 932486

1350 Lake Shore Associates, an Illinois Limited Partnership, the owner and / or operator of the leaking underground storage tank systems associated with the above referenced incident, whose address is 1350 Lake Shore Associates, 55 East Monroe Street, Suite 3900, Chicago, Illinois, 60603, has performed investigative and / or remedial activities for the site identified as follows, and depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: Please refer to Attachment 2 of this letter.
2. Common Address: 1350 & 1360 North Lake Shore Drive, Chicago, Illinois, 60610.
3. Real Estate Tax Index / Parcel Index Numbers: 17-03-105-014-0000, 17-03-105-015-0000 & 17-03-105-016-0000.
4. Site Owner: 1350 Lake Shore Associates, an Illinois Limited Partnership.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

*Sm*



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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, ACTING DIRECTOR

217-524-3300

CERTIFIED MAIL

NOV 23 2016

7014 2120 0002 3292 0601

1350 Lake Shore Associates  
 Attention: Forrest Bailey  
 55 East Monroe Street  
 Suite 3900  
 Chicago, Illinois 60603

RE: LPC 0316085200 - Cook County  
 Chicago - 1350 Lake Shore Associates  
 1350 & 1360 North Lake Shore Drive  
 LUST Incident 932485 - NFR Letter  
 LUST TECHNICAL FILE

Dear Mr. Bailey:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the July 26, 2016 Corrective Action Completion Report. This information was prepared by Ramboll Environ, and was received by the Illinois EPA on July 27, 2016. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code.

The Corrective Action Completion Report and associated Professional Engineer Certification submitted pursuant to Section 57.7(b)(5) of the Act indicate corrective action for the above referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(b) of the Act have been satisfied.

Based upon the certification by David Schlott, a Licensed Professional Engineer, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based upon the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

4302 N. Main St., Rockford, IL 61103 (815)987-7760  
 595 S. State, Bgin, 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  
 412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022  
 2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
 100 W. Randolph, Suite 10-300, Chicago, IL 60601

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1. 1350 Lake Shore Associates, an Illinois Limited Partnership, the owner or operator of the underground storage tank systems.
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right of survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor in interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.
9. An owner of a parcel of real property to the extent that this Letter applies to the occurrence on that parcel.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above referenced site is located. In addition, the City of Chicago Groundwater Ordinance (photocopy attached) must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

## CONDITIONS AND TERMS OF APPROVAL

### LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Illinois Administrative Code 742) rules.

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2. As a result of the release from the underground storage tank systems associated with the above referenced incident, the above referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation:
  - a. There are no land use limitations.
3. The land use limitation 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 No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

## PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive:
  - a. Prior to commencement of any future excavation and / or construction in or near the contaminated zone of the remediation site, a safety plan for this remediation site is required that is consistent with the National Institute for Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities; Occupational Safety and Health Administration regulations, particularly in 29 CFR 1910 and 1926; state and local regulations; and other United States EPA guidance as provided. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.
5. Engineering:
  - a. An asphalt / concrete barrier & geotextile liner that are sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media must remain over the contaminated soil as outlined in the attached Site Base Map. This asphalt / concrete barrier & geotextile liner are to be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.
6. Institutional:
  - a. This Letter shall be recorded as a permanent part of the chain of title for the above referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

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b. Highway Authority Agreement:

The City of Chicago agrees, through the use of a Highway Authority Agreement dated July 8, 2016, to allow contaminated groundwater and / or soils to remain beneath its highway right of way adjacent to the site located at 1350 & 1360 North Lake Shore Drive, Chicago, Illinois, 60610. Specifically, as shown on the attached map, contamination will remain in the right of way for a portion of East Banks Street as indicated in the Highway Authority Agreement. The Highway Authority agrees to: (a) prohibit the use of groundwater under the highway right of way that is contaminated above Tier 1 groundwater remediation objectives as a potable or other domestic supply of water, and (b) limit access to soil contamination under the highway right of way that is contaminated above residential Tier 1 soil remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to:

City of Chicago  
333 South State Street  
Room 200  
Chicago, Illinois 60604

c. Groundwater Use Ordinance:

Section 11-8-390 of the Municipal Code of Chicago effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

- i. Each affected or potentially affected (as shown through contaminant modeling) property owner and the City of Chicago must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Illinois Administrative Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:
  - A. The name and address of the unit of local government;
  - B. The citation of the ordinance used as an institutional control in this Letter;
  - C. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;

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- D. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- E. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- F. A statement as to where more information may be obtained regarding the ordinance.

ii. The following activities shall be grounds for avoidance of the ordinance as an institutional control and this Letter:

- A. Modification of the reference ordinance to allow potable uses of groundwater.
- B. Approval of a site specific request, such as a variance, to allow use of groundwater at the site.
- C. Violation of the terms of a recorded institutional control.

iii. As a part of its corrective action, the leaking underground storage tank site has relied upon Section 11-8-090 of the Municipal Code of Chicago that prohibits potable uses of groundwater as defined therein.

- 7. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan, if applicable, may result in avoidance of this Letter.

## OTHER TERMS

- 8. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Illinois Administrative Code Subtitle G.
- 9. Further information regarding the above referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
 Attention: Freedom of Information Act Officer  
 Bureau of Land - #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276

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10. Pursuant to 35 Illinois Administrative Code 734.720, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank systems associated with the above referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
- a. Any violation of institutional controls or industrial / commercial 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 Corrective Action Plan or Completion Report;
  - d. The failure to comply with the recording requirements for the Letter;
  - e. Obtaining the Letter by fraud or misrepresentation; or
  - 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.

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency  
Bureau of Land - #24  
Division of Remediation Management  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

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Any questions with regard to this letter should be directed to Michael Piggush via phone (217-782-3101) or electronic mail ([michael.piggush@illinois.gov](mailto:michael.piggush@illinois.gov)).

Sincerely,

*Michael T. Lowder*

Michael T. Lowder

*SAC*

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

Attachments (3):

1. Leaking Underground Storage Tank Environmental Notice.
2. Site Information.
3. City of Chicago Groundwater Ordinance.

Electronic Copies:

1. Barbara Coughlin ([bcoughlin@ramboll.com](mailto:bcoughlin@ramboll.com)).

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ATTACHMENT 1

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

COOK COUNTY  
RECORDER OF DEEDS

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ATTACHMENT 2

SITE INFORMATION

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

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L:\Loop Project Files\00\_CAD FILES\21\1D&K\_LUST Closure Tech Assistance 2138774A\C\_Area of ROW Covered by HAA.dwg

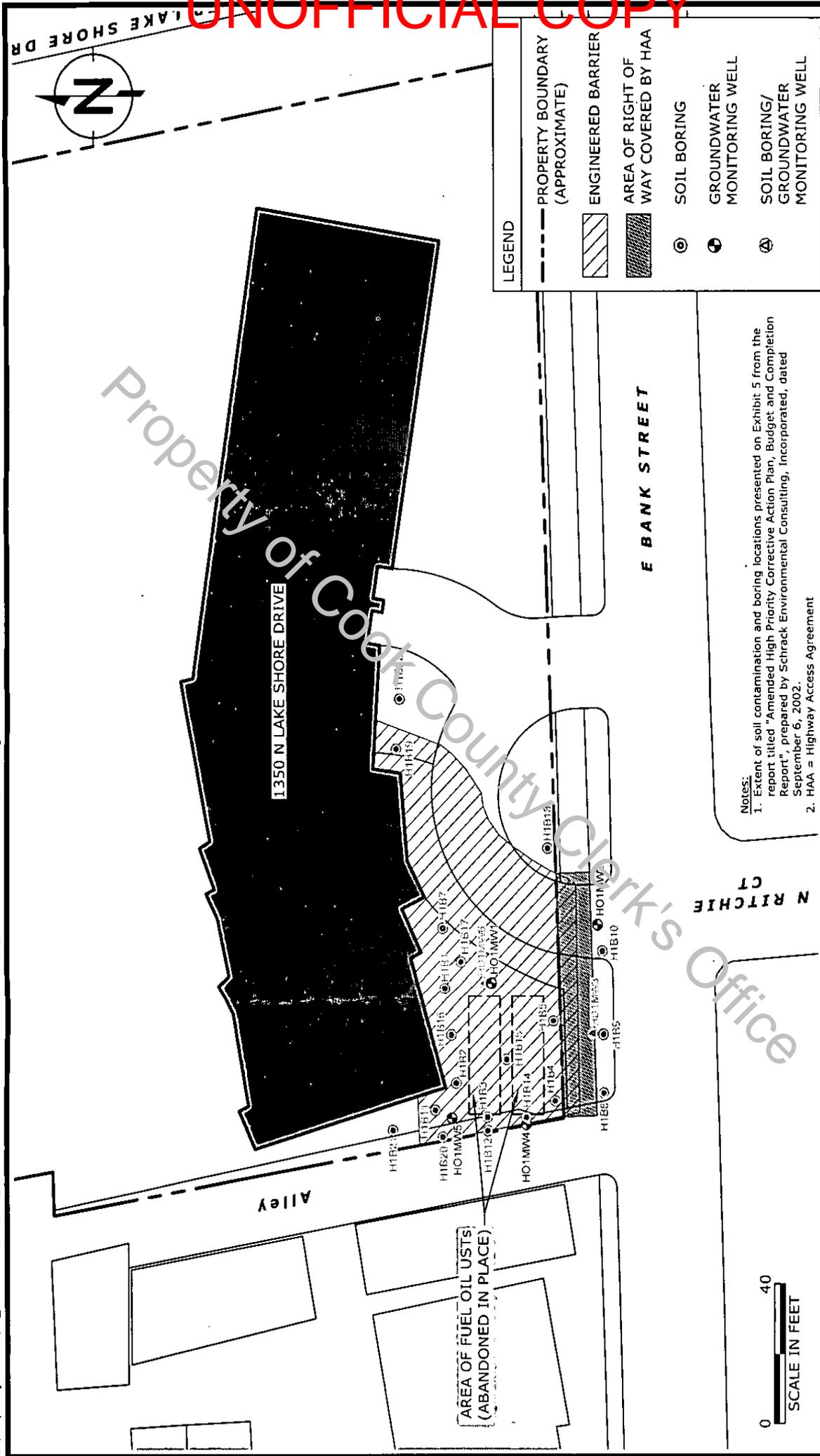


FIGURE C

**AREA OF RIGHT OF WAY COVERED BY HAA**  
 1350 NORTH LAKE SHORE DRIVE  
 CHICAGO, ILLINOIS  
 LUST INCIDENT NUMBER: 932486

RAMBOLL ENVIRON

DRAFTED BY: CKJ/ELS

DATE: 6/10/16

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## LEGAL DESCRIPTION

1350 Lake Shore Associates, an Illinois limited partnership  
1350 and 1360 North Lake Shore Drive  
Chicago, Illinois

<b>Property Index Numbers:</b>	17-03-105-014-0000
1350 North Lake Shore Drive	17-03-105-015-0000
Chicago, Illinois	17-03-105-016-0000

THE POTTER PALMER HOMESTEAD, BEING A SUBDIVISION OF LOT 35 (EXCEPT THE WEST 125 FEET THEREOF) LOT 36 (EXCEPT THE WEST 150 FEET THEREOF) AND LOTS 37 AND 38 (EXCEPT THE WEST 144 FEET THEREOF) IN JOHN JACOB ASTOR'S ADDITION TO CHICAGO IN THE NORTH FRACTIONAL QUARTER OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED AS DOCUMENT 773296 IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

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ATTACHMENT 3

CITY OF CHICAGO GROUNDWATER ORDINANCE

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

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The following is said ordinance as passed:

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. Chapter 11-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-8-385 and by amending Section 11-8-390 by inserting the language in italics, as follows:

*11-8-385 Potable Water Defined.*

*Potable water is any water used for human consumption, including, but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown.*

*11-8-390 Prohibited Use Of Secondary Water; Prohibited Installation Of New Potable Water Supply Wells.*

No secondary water shall overflow into or be discharged into any surge tank, storage tank, or reservoir, or shall in any way be piped or conveyed into the water supply system of any building, structure, or premises to become a part of or be mixed with the fresh water supply from the mains of the Chicago Waterworks System either inside of the premises or in the water service pipe. Secondary water shall not be piped to or used in any plumbing fixture, or for cooling crushers, rollers, or mixers where foods, candies, liquids or materials are manufactured for human or animal consumption. No connection, tap, or opening shall be made in a water distribution system other than an approved water distribution system which will permit such water being used for drinking.

Wherever the fire-protective equipment in any building, structure or premises has service from the Chicago Waterworks System, no pipe or other conduit which conveys secondary water shall be cross-connected to the fire-protective equipment. All fire-protective equipment connected to the Chicago Waterworks System shall be constructed in such manner that

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all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes and other equipment to any drainage pipes or sewers. *No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental agreement with the City of Chicago.*

SECTION 2. Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language in brackets and inserting the language in italics, as follows:

2-30-030 Commissioner -- Powers And Duties Designated.

The commissioner of the environment shall have the following powers and duties:

\* \* \* \* \*

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs; *and agreements to implement the State of Illinois Site Remediation Program;*

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

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