

UNOFFICIAL COPY

PREPARED BY:

Name: HP Ventures Group LLC-Kedzie Project

Address: John T. Comet, General Counsel
5000 W. Lawrence
Chicago, IL 60630

RETURN TO:

Name: HP Ventures Group LLC-Kedzie Project

Address: Attn: Annessa Parisi
1306 W. Anthony Drive
Champaign, IL 61821



Doc# 1725729051 Fee \$62.00

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

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/14/2017 11:47 AM PG: 1 OF 13

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

ILLINOIS EPA NO FURTHER REMEDIATION LETTER REQUIRED FILINGS

1. No Further Remediation Letter from Illinois EPA – Certified Mail #7014 2120 0002 3286 1454
2. Leaking Underground Storage Tank Environmental Notice Incident No. 20071011 IL EPA No. 0316095022
3. Plat Showing the Boundaries of Vacant Land Undergoing Redevelopment (Subject Parcel)
4. Legal Description/Real Estate Tax/Parcel Identification Number (13-13-125-024-0000)
5. Municipal Code of Chicago Groundwater Ordinance
6. Illinois EPA Recording Requirements for No Further Remediation Letters

Legal Description: LOTS 3, 4, 5, 6, 7, 8 AND 9 IN BLOCK 65 IN NORTHWEST LAND ASSOCIATION SUBDIVISION OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT RIGHT OF WAY OF THE NORTHWESTERN ELEVATED RAILROAD COMPANY) IN COOK COUNTY, ILLINOIS

Property Address: 4447 North Kedzie Avenue
Chicago, IL 60648

Permanent Index #: 13-13-125-024-0000

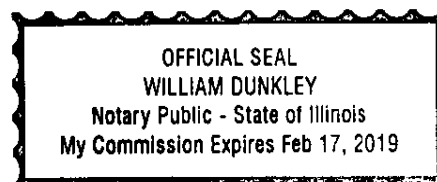
John T. Comet, General Counsel
HP Ventures Group LLC – Kedzie Project
1306 W. Anthony Dr.
Champaign, IL 61821
217-390-0398
jcomet@hpgvproperties.com

Sworn to and subscribed to me this 13th day
of September, 20 17.

X

(Notary Public)

My commission expires 2-17-19



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PREPARED BY:

Name: HP Ventures Group LLC-Kedzie Project

Address: 4447 North Kedzie Avenue
Chicago, IL 60648

RETURN TO:

Name: HP Ventures Group LLC-Kedzie Project

Address: 5000 West Lawrence Avenue
Chicago, IL 60630

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) 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 No.: 0316095022

Leaking UST Incident No.: 20071011

HP Ventures Group LLC-Kedzie Project, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 5000 West Lawrence Avenue, Chicago Illinois, 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: See attached
2. Common Address: 4447 North Kedzie Avenue, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 13-13-125-024-0000
4. Site Owner: HP Ventures Group, LLC-Kedzie Project
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

STP

Attachment: Site Base Map
Legal Description



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

7014 2120 0002 3286 1454

AUG 23 2017

HP Ventures Group LLC-Kedzie Project
Attn: Steve Cook
5000 West Lawrence Avenue
Chicago, IL 60630

Re: LPC #0316095022 -- Cook County
Chicago/Commercial Partners
4447 North Kedzie Avenue
Leaking UST Incident No. 20071011 -- NFR Letter
Leaking UST Technical File

Dear Mr. Cook:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated May 8, 2017 and was received by the Illinois EPA on May 10, 2017. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to Section 57.7(b)(1) of the Act indicate the remediation objectives have been met.

Based upon the certification by Nicholas J. Cuzzone, 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 on 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:

1. HP Ventures Group LLC-Kedzie Project, the owner or operator of the underground storage tank system(s).

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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 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 Ill. Adm. Code 742) rules.

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2. As a result of the release from the underground storage tank system(s) 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: 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: None.

Engineering: None.

Institutional: 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.

Highway Authority Agreement

The City of Chicago agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 4447 North Kedzie Avenue, Chicago, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for the alley east of the Site 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:

Department of Public Health – City of Chicago
Raul Valdivia, Chief Engineer

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333 South State Street, Suite 200
Chicago, IL 60604
(312) 745-3162

Groundwater Use Ordinance

Ordinance #097990 adopted by the City of Chicago, in conjunction with memorandum of understanding dated July, 1997 and amendment dated March 2, 2012 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:

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 Ill. Adm. 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;
- 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.

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

- a. Modification of the reference ordinance to allow potable uses of groundwater.

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- 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.

As a part of its corrective action, the leaking underground storage tank site has relied upon Ordinance #097990 adopted by the City of Chicago, in conjunction with memorandum of understanding dated July, 1997 and amendment dated March 2, 2012 that prohibits potable uses of groundwater as defined therein.

- 5. 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 voidance of this Letter.

OTHER TERMS

- 6. 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 Ill. Adm. Code Subtitle G.
- 7. 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
 Division of Records Management - #16
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

- 8. Pursuant to 35 Ill. Adm. 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 system(s) 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;

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- 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
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Steve Putrich, at 217-524-4827.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:STP:jk\

Attachments: Leaking Underground Storage Tank Environmental Notice
Groundwater Ordinance

- c: EPS Environmental Services, Inc. (electronic copy),
BOL File

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WEST SUNNYSIDE AVENUE

Commercial/residential building
4457-4459 North Kedzie Avenue

Vacant Land
Undergoing Redevelopment

Removed 1,500-
Gallon UST

Removed 500-
Gallon UST

Public Alley

Our Lady of Mercy School
4416 North Troy Street

NORTH KEDZIE AVENUE

Commercial/residential buildings
4440-4448 North Kedzie Avenue

Site Border

Our Lady of Mercy Catholic Church
4421 North Kedzie Avenue

Property of Cook County Clerk's Office

Figure 2 - Site Map

4447 North Kedzie Avenue
Chicago, Illinois



EPS Environmental Services, Inc.
7237 West Devon Avenue, Chicago, Illinois 60631

Approximate Scale:
1 inch = 40 feet

0 40'

Date: 05/08/17
IEMA #: 20071011

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LEGAL DESCRIPTION

4447 North Kedzie Avenue, Chicago, Illinois

LOTS 3, 4, 5, 6, 7, 8 AND 9 IN BLOCK 65 IN NORTHWEST LAND ASSOCIATION SUBDIVISION OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 13 TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT RIGHT OF WAY OF THE NORTHWESTERN ELEVATED RAILROAD COMPANY) IN COOK COUNTY, ILLINOIS

Parcel Identification Number (PIN): 13-13-125-024-0000

Property of Cook County Clerk's Office

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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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RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter 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 so long as the site is used in accordance with the terms and conditions of the NFR Letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA *will* take steps to void the NFR Letter in accordance with the regulations.

Duty to Record

The duty to record the NFR Letter is *mandatory*. *You must submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days after receipt of the NFR Letter. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.*

For More Information

Please refer to the Tiered Approach to Corrective Action Objectives (TACO) fact sheet entitled *No Further Remediation Letters*, which is available from the Illinois EPA by calling (217) 524-3300 or by accessing it on the Illinois EPA Web site at <http://www.epa.illinois.gov/topics/cleanup-programs/taco/fact-sheets/no-further-remediation-letters/index>.