

UNOFFICIAL COPY

AFF # 1707309

575

PREPARED BY:

Doc# 1806757140 Fee: \$54.00

Karen A. Yarbrough

Cook County Recorder of Deeds

Date: 03/08/2018 01:16 PM Pg: 1 of 9

Name: T&B Tube Company, Inc.
Attn: Mr. Jack Jones

Address: 4000 East 7th Avenue
Gary, Indiana 46403

RETURN TO:

Name: T&B Tube Company, Inc.
Attn: Mr. Jack Jones

Address: 4000 East 7th Avenue
Gary, Indiana 46403

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: 0312975047

T&B Tube Company, Inc., the Remediation Applicant, whose address is 4000 East 7th Avenue, Gary, Indiana 46403, 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.

PARCEL 1:

LOT 18 (EXCEPT THE NORTH 60.00 FEET THEREOF), TOGETHER WITH THE NORTH 15.00 FEET OF LOT 17, ALL IN SIMBORG'S COLLEGE INDUSTRIAL PARK SUBDIVISION 2ND ADDITION, BEING A SUBDIVISION OF PART OF LOTS D, E, F AND G OF OWNER'S DIVISION (A SUBDIVISION OF TWO TRACTS OF LAND IN SECTIONS 9 AND 16, IN TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN) AND OF PART OF LOT 3 OF SUBDIVISION OF THE EAST 10 ACRES OF LOT 2 IN SCHOOL TRUSTEE'S SUBDIVISION (A SUBDIVISION OF SAID SECTION 16) IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOT 17 (EXCEPT THE NORTH 15.00 FEET THEREOF), TOGETHER WITH THE NORTH 95.00 FEET OF LOT 16, ALL IN SIMBORG'S COLLEGE INDUSTRIAL PARK SUBDIVISION 2ND ADDITION, BEING A SUBDIVISION OF PART OF LOTS D, E, F AND G OF OWNER'S DIVISION (A SUBDIVISION OF TWO TRACTS OF

UNOFFICIAL COPY

LAND IN SECTIONS 9 AND 16, IN TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN) AND OF PART OF LOT 3 OF SUBDIVISION OF THE EAST 10 ACRES OF LOT 2 IN SCHOOL TRUSTEE'S SUBDIVISION (A SUBDIVISION OF SAID SECTION 16) IN COOK COUNTY, ILLINOIS.

2. Common Address: 15525 South LaSalle Street, South Holland, Illinois 60473
3. Real Estate Tax Index/Parcel Index Numbers (3): 29-16-205-170; 29-16-205-171; and 29-16-205-177
4. Remediation Site Owner: T&B Tube Company, Inc.
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

Property of Cook County Clerk's Office

UNOFFICIAL COPY



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, DIRECTOR

217/524-3300

August 15, 2017

CERTIFIED MAIL

7014 2120 0002 3285 3435

T&B Tube Company, Inc.
 Attn: Mr. Jack Jones
 4000 East 7th Avenue
 Gary, Indiana 46403

Re: 0312975047/Cook County
 South Holland/T&B Tube
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Jones:

The combined *Site Investigation Report/Remediation Objectives Report/Remedial Action Plan* (received April 10, 2017/Log No.17-64496), as prepared by Environmental Protection Industries (EPI) for the above-referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). 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 the above report shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 4.20 acres, is located at 15525 South LaSalle Street, South Holland, 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 April 10, 2017/Log No.17-64496), is T&B Tube Company, Inc.

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of this Letter.

4302 N. Main St., Rockford, IL 61103 (815)997-7760
 595 S. State, Elgin, IL 60120 (847)608-3131
 2125 S. First St., Chicago, IL 60607 (312)278-5803
 2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4800
 412 S.W. Washington St., Suite D, Peoria, IL 61602 (309)671-3022
 2309 W. Main St., Suite 116, Morton, IL 62959 (618)993-7200
 100 W. Randolph, Suite 10-300, Chicago, IL 60601

UNOFFICIAL COPY

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

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

Preventive, Engineering, and Institutional Controls:

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

Engineering Controls:

- 3) The concrete pavement barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This concrete pavement barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 4) The concrete building slab, as shown on the attached Site Base Map, must remain over the contaminated soils. This concrete slab floor must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

Institutional Controls:

- 5) 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 sump(s).

Other Terms

- 6) 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.
- 7) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

UNOFFICIAL COPY

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

- 8) 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.
- 9) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) T&B Tube Company, Inc.;
 - b) The owner and operator of the Remediation Site;

UNOFFICIAL COPY

- Property of Cook County Office
- 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.
- 10) 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 T&B Tube property.
- 11) 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:

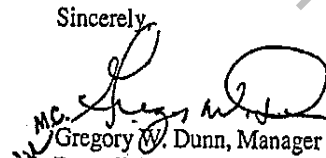
Mr. Jim Scott
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

UNOFFICIAL COPY

12) 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 T&B Tube property, you may contact the Illinois EPA project manager, Russell H. Irwin at (217) 524-2084.

Sincerely,

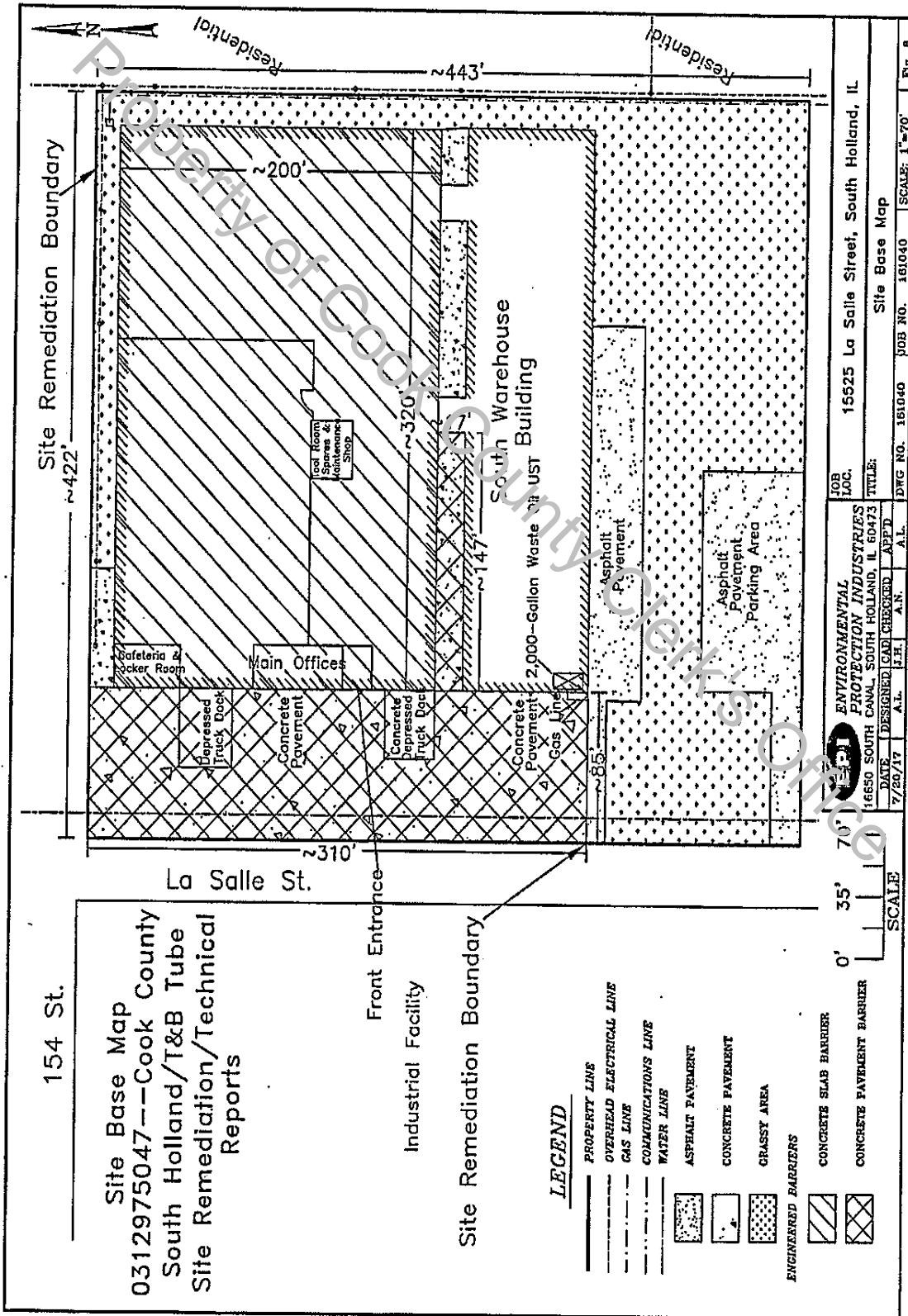

NW MC. Gregory W. Dunn, Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments (4): Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Mr. Austin List; Environmental Protection Industries (EPI)
alist@environmental-epi.com

Illinois EPA, Bureau of Land (BOL) File
Mr. Jim Scott; Illinois EPA/BOL/RPMS

UNOFFICIAL COPY



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 a corporation, 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 and dated certification for each. All property owner certifications must be recorded along with the attached NFR Letter.

Property Owner Information	
Owner's Name: <u>First Midwest Bank Trust #89-3870</u>	
Title: <u>Trustee</u>	
Company: _____	
Street Address: <u>2801 W. Jefferson Street</u>	
City: <u>Joliet</u> State: <u>IL</u> Zip Code: <u>60473</u> Phone: <u>815.773.2606</u>	
Site Information	
Site Name: <u>Former T&B Tube property</u>	
Site Address: <u>15525 S. LaSalle Street</u>	
City: <u>South Holland</u> State: <u>IL</u> Zip Code: <u>60473</u> County: _____	
Illinois inventory identification number: <u>0312975047</u>	
Real Estate Tax Index/Parcel Index No. <u>29-16-205-170; 171; 177</u>	
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: <u>[Signature]</u> Date: <u>Sept 19, 2017</u>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>Jack Jones, as agent for First Midwest Bank Trust #89-3870, and not individually, pursuant to power of attorney granted to him by the beneficiaries of said trust.</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>19</u> day of <u>Sept.</u>, 2017</p> </div> <div style="width: 50%; text-align: center;"> <p>OFFICIAL SEAL IRENE THIERJUNG NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES: 08/04/18</p> </div> </div>	
<p><u>[Signature]</u> Notary Public</p>	

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.