

# UNOFFICIAL COPY

PREPARED BY:

Arnold Kozys  
Wolfsburg Properties, LLC  
2202 West 166th Street  
Markham, IL 60428



Doc# 2225749014 Fee \$93.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 09/14/2022 10:29 AM PG: 1 OF 15

RETURN TO:

Arnold Kozys  
Wolfsburg Properties, LLC  
2202 West 166th Street  
Markham, IL 60428

### 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: 0311775030

Wolfsburg Properties, LLC, the Remediation Applicant, whose address is 2202 West 166th Street, Markham, IL 60428 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 3 AND 6 AND THE SOUTH HALF OF LOTS 2 AND 5 ALL IN BLOCK 6 AND LOT 3 AND THE SOUTH FIFTY (50) FEET OF LOT 2 ALL IN BLOCK 7 TOGETHER WITH ALL THAT PART OF VACATED LEAVITT STREET LYING BETWEEN AND ADJOINING THE AFORESAID LOTS IN BLOCKS 6 AND 7 IN ANDERSON'S DIXIE HIGHWAY SUBDIVISION OF THE SOUTH 60.65 ACRES LYING WEST OF OLD VINCENNES ROAD OF THE WEST HALF OF THE NORTH HALF OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

2. Common Address: 2125 West 162nd Street, Markham, IL

3. Real Estate Tax Index/Parcel Index Number: 29-19-129-003-0000, 29-19-129-006-0000, 29-19-129-007-0000, 29-19-129-009-0000, 29-19-130-003-0000, 29-19-130-008-0000

4. Remediation Site Owner: Wolfsburg Properties, LLC

5. Land Use: Industrial/Commercial

6. Site Investigation: Comprehensive

See NFR letter for other terms.

S  
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S  
M  
SC  
E  
INT



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3300

August 11, 2022

CERTIFIED MAIL

7021 2720 0002 0463 8330

Wolfsburg Properties, LLC  
 Attn: Arnold Kozys  
 2202 West 166th Street  
 Markham, IL 60428

Re: 0311775030/Cook County  
 Markham/Superior Bulk Logistics, Inc.  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Mr. Kozys:

The *Comprehensive Site Investigation Report, Remediation Objectives Report, Remedial Action Plan, Remedial Action Completion Report* (received February 7, 2022/Log No. 22-74236), as prepared by Environmental Group Services Limited 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 are above the existing concentrations of regulated substances and the remedial action was completed in accordance with the *Remedial Action Plan* (received February 7, 2022/Log No. 22-74236) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 6.3 acres, is located at 2125 West 162nd Street, Markham, 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 July 13, 2021/Log No. 21-73329), is Wolfsburg Properties, LLC.

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.

1225 S. First Street, Champaign, IL 61820 (217) 278-5800  
 1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
 9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
 595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
 412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
 4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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## 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.

#### Preventive Controls:

- 3) 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. 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 below the ground surface 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:

There are no engineering controls required.

#### 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 Number 98-O-1644 adopted by the City of Markham on June 17, 1998 effectively prohibits the installation and use of potable water supply wells in the City of Markham. 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:

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- 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 the City of Markham 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 98-O-1644 ;
  - 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.
- c) 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. Mike Killen  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 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 City of Markham and affected property owner(s) of the intent to use Ordinance 98-O-1644 as an institutional control at the Remediation Site; and'

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iv) Violation of the terms and conditions of this No Further Remediation letter.

## Other Terms

- 6) 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.
- 7) 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.
- 8) 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
- 9) 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 avoidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the avoidance 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;

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- 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.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Wolfsburg Properties, 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;
  - 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.

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- 11) 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 Superior Bulk Logistics, Inc. property.
- 12) 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. Mike Killen  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276

- 13) 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 Superior Bulk Logistics, Inc. property, you may contact the Illinois EPA project manager, Robin Ambrose at 217/558-6046.

Sincerely,



Jeron Schultz, Manager  
 Remedial Project Management Section  
 Division of Remediation Management  
 Bureau of Land

Attachments: Illinois EPA Site Remediation Program Environmental Notice  
 Site Base Map  
 City of Markham Groundwater Ordinance  
 Property Owner Certification of the NFR Letter under the Site Remediation Program Form  
 Instructions for Filing the NFR Letter



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cc: Mary Cappellini  
Environmental Group Services Limited (EGSL)  
mary@egsl.com

Bureau of Land File  
Mr. Mike Killen

Property of Cook County Clerk's Office

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387



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ENVIRONMENTAL  
GROUP SERVICES  
LIMITED

Legend:



Subject  
Property

-Existing building and all  
future buildings must contain  
full concrete slab-on-grade  
floors or full concrete basement  
walls with no sumps.

-Construction Worker Caution  
will be applied across the entire  
Subject Property.

Subject Property:  
2125 W. 162nd Street,  
Markham, Illinois

EGSL Project No.  
2101104

Drawing Title  
Site Base Map  
Date  
June 13, 2022

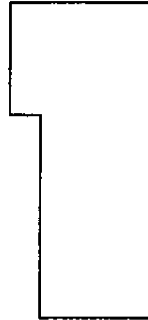
Scale:



Site Base Map  
LPC# 0311775030/Cook County  
Markham/Superior Bulk Logistics, Inc.  
Site Remediation Program

Commercial Property

Remediation Site Boundary



Remediation Site Boundary

Commercial Property

Truck Parking

Remediation Site Boundary

Remediation Site Boundary

Commercial Property

Oakley Avenue

Property of Cook County Clerk's Office

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**Municipality: Markham**

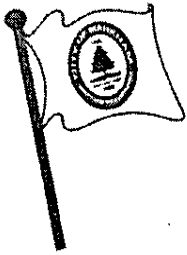
**County: Cook**

**LPC Number:**

**OC: 98042302**

**COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387**

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Phone: 708.331.4905

Fax: 708.331.8667

Police: 708.331.2171

**ROGER A. AGPAWA**  
*Mayor*

**LESLIE TRIMUEL**  
*City Clerk*

**BELINDA RICHARDSON**  
*City Treasurer*

### CERTIFICATION

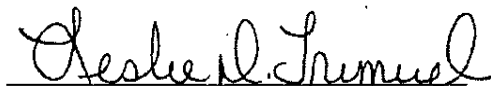
I, Leslie D. Trimuel, do hereby certify that I am the duly elected and qualified City Clerk of the City of Markham, Illinois, County of Cook.

I further certify that the attached is a true and correct copy of: **Ordinance 98-O-1644**  
**An Ordinance Prohibiting The Use Of Ground Water As A Potable Water Supply**  
**By The Installation Or Use Of Potable Water Supply Wells Or By Any Other**  
**Method**

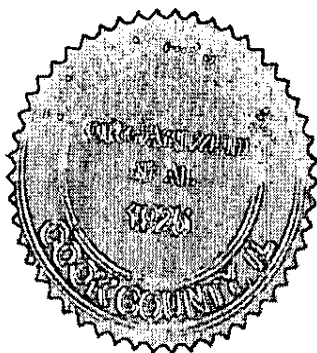
Passed by the City Council of the City of Markham, on the

17<sup>th</sup> Day of June, 1998

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Markham, this 18<sup>th</sup> day of July, 2022 at Markham, Illinois.

  
Leslie D. Trimuel, City Clerk

(SEAL)



Property of Cook County Clerk's Office

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Jun 18 1998 12:55 No.002 P.01

CURRENCY MANAGEMENT CO. TEL: 3122252546

TELEPHONE: 708-3  
FAX: 708-3  
POLICE DEPT: 708-3



## City of Markham

16313 KEDZIE PARKWAY • MARKHAM, ILLINOIS • 60426

Evans R. Miller  
Mayor

Theresa M. Cannon  
City Clerk

Otto M. Bradford  
City Treasurer

### CERTIFICATION

I, THERESA M. CANNON, do hereby certify that I am the duly elected and qualified City Clerk of the City of Markham, Cook County, Illinois.

I FURTHER CERTIFY that the attached is a true and correct copy of  
Ordinance 98-O-1644

passed by the City Council of the City of Markham at their  
Regular meeting on the 17th day of June  
19 98.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City this 18th day of June, 19 98, at Markham, Illinois.

  
Theresa M. Cannon, City Clerk

[ S E A L ]

A4 to A4

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**Municipality: Markham**

**County: Cook**

**LPC Number:**

**OC: 98042302**

Property of Cook County Clerk's Office

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

**UNOFFICIAL COPY**

CURRENCY MANAGEMENT CO. TEL: 312-252546

Jun 18.98 12:55 No.002 P.02

**THE CITY COUNCIL OF THE CITY OF MARKHAM, ILLINOIS**Ordinance No. 98-0-1644**AN ORDINANCE PROHIBITING THE USE OF GROUND WATER  
AS A POTABLE WATER SUPPLY BY THE INSTALLATION  
OR USE OF POTABLE WATER SUPPLY WELLS  
OR BY ANY OTHER METHOD**

WHEREAS, the City of Markham, Illinois obtains sufficient water to meet current needs through a contract with the City of Chicago as outlined in Ordinance No. 483 and a contract between the Midlothian-Markham Water Commission and the City of Chicago, dated March 3, 1969; and,

WHEREAS, certain properties in the City of Markham, Illinois have been used over a period of time for commercial industrial purposes; and,

WHEREAS, the City of Markham desires to limit potential threats to human health from these past commercial industrial activities while facilitating the redevelopment and productive use of said properties; Now, Therefore,

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARKHAM, ILLINOIS, as follows:

Section One. Use of groundwater as a potable water supply prohibited.

(Except for such uses or methods in existence before the effective date of this ordinance) The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Markham, by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the City of Markham.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to one hundred (\$ 00.00) dollars for each violation.

Section Three. Definitions.

"Person" is any individual partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision or any other legal entity or their legal representatives, agents or assigns.

Ordinance No. 98-0-1644

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A4 to A4

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CURRENCY MANAGEMENT CO. TEL: 3122252546

Jun 18 98 12:55 No. 002 P. 03

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods.

**Section Four: Repealer.**

All ordinance or parts of ordinances in conflict with this ordinance, and specifically Ordinance No. 414, dated August 4, 1960, are hereby repealed insofar as they are in conflict with this ordinance.

**Section Five: Severability.**

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

**Section Six: Effective date.**

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARKHAM, ILLINOIS ON THE 17<sup>th</sup> DAY OF JUNE, 1998 ON THE MOTION OF ALDERMAN

Steven Chubb AND THE SECOND OF ALDERMAN  
David Huber, Jr. AND THE FOLLOWING ROLL CALL:

VOTE:

3 AYES, 0 NAYS, 1 ABSTENTIONS and 1 ABSENT (Peters)

APPROVED BY ME THIS 17<sup>th</sup> DAY OF JUNE, 1998

EVANS R. MILLER, Mayor

ATTEST:

Theresa M. Cannon  
THERESA M. CANNON, Clerk

Ordinance No. 98-0- 1644

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