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PREPARED BY:

Mr. Daniel Knafo
PODS Midwest Realty, LLC
13535 Feather Sound Drive
Clearwater, Florida 33762

Doc# 2310422026 Fee \$88.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 04/14/2023 11:39 AM PG: 1 OF 11

RETURN TO:

Mr. Daniel Knafo
PODS Midwest Realty, LLC
13535 Feather Sound Drive
Clearwater, Florida 33762

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: 0311115214

PODS Midwest Realty, LLC, the Remediation Applicant, whose address is 13535 Feather Sound Drive, Clearwater, Florida 33762 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:

LOTS 1,2,3,4, AND 5 IN SELECT SUBDIVISION, BEING A SUBDIVISION OF PART OF LOT 2 IN COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS IN THE NORTHEAST ¼ OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 22, 2000 AS DOCUMENT NO 00128070.

2. Common Address: 15220-15250 South Halsted Street, Harvey, IL 60426

3. Real Estate Tax Index/Parcel Index Number: 29-17-214-034-0000, 29-17-214-035-0000, 29-17-214-036-0000, 29-17-214-037-0000, and 29-17-214-038-0000

4. Remediation Site Owner: PODS Midwest Realty, LLC

5. Land Use: Industrial/Commercial

6. Site Investigation: Comprehensive

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)



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

Reissued March 23, 2023

February 17, 2023

CERTIFIED MAIL

7022 0410 0002 8260 7274

Daniel Knafo
PODS Midwest Realty, LLC
13535 Feather Sound Drive
Clearwater, Florida 33762

Re: 0311115214/Cook County
Harvey/15220-15250 South Halsted Street
Site Remediation/Technical
No Further Remediation Letter

Dear Mr. Knafo:

The *Comprehensive Site Investigation/Remediation Objectives/Remedial Action Completion Report* (received September 28, 2022/Log No. 22-75354), as amended by the *Response to Comments* (received January 6, 2023/Log No. 23-75841), both prepared by Weaver Consultants Group for the above referenced Remediation Site, have 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 are above the existing concentrations of regulated substances and the above reports shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 12.57 acres, is located at 15220-15250 South Halsted Street, Harvey, 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 March 10, 2021/Log No. 21-72808), is PODS Midwest Realty, 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.

2125 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. Excavated soil 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:

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

Institutional Controls:

- 5) Ordinance Number 3195, adopted by the City of Harvey on November 26, 2007, effectively prohibits the installation and use of potable water supply wells in the City of Harvey. 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 Harvey 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 3195;
 - 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:
- 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 Harvey and affected property owner(s) of the intent to use Ordinance 3195 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 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;

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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) PODS Midwest Realty, 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 15220-15250 South Halsted Street 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:

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 68.10(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 15220-15250 South Halsted Street property, you may contact the Illinois EPA project manager on call at the telephone number listed above.

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 Harvey Groundwater Ordinance 3195
 Property Owner Certification of the NFR Letter under the Site Remediation
 Program Form
 Instructions for Filing the NFR Letter

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cc: Colin Pannier
Weaver Consultants Group
cpannier@wcgrp.com

Bureau of Land File
Ms. Christina King

Property of Cook County Clerk's Office

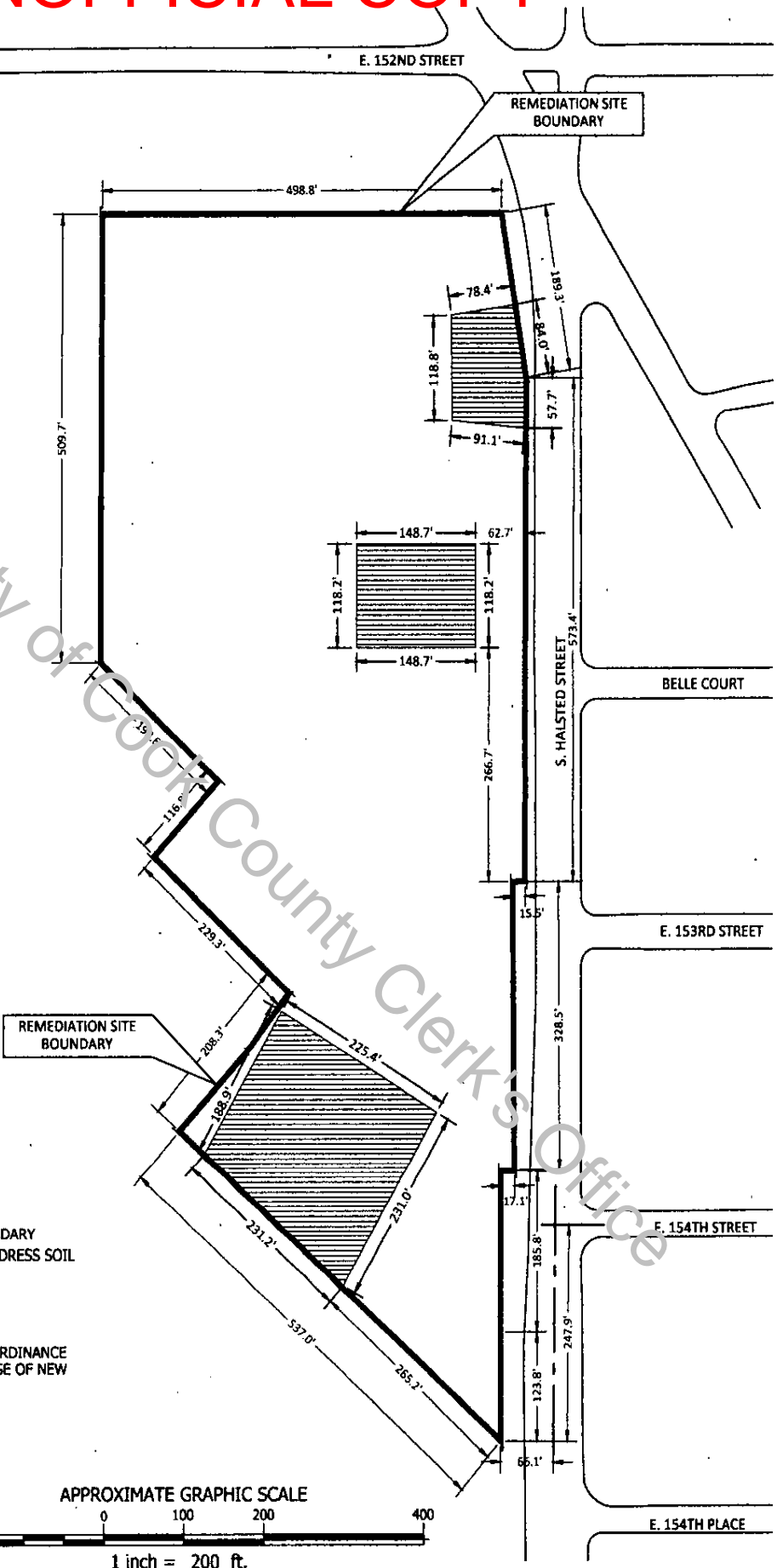
COOK COUNTY CLERK OFFICE
RECORDING DIVISION
118 N. CLARK ST. ROOM 120
CHICAGO, IL 60602-1387

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RECORDING DIVISION
118 N. CLARK ST. ROOM 120
CHICAGO, IL 60602-1387

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SITE BASE MAP
 LPC#: 0311115214 - COOK COUNTY
 15220-15250 S. HALSTED, HARVEY, IL
 SITE REMEDIATION/TECHNICAL REPORTS
 SECTION 17, TOWNSHIP 36N, RANGE 14W

Property of Cook County Clerk's Office

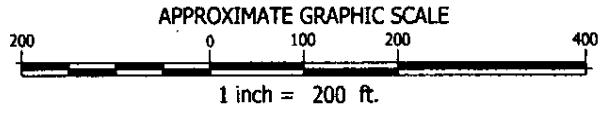


LEGEND

- APPROXIMATE SITE REMEDIATION BOUNDARY
- ENGINEERED BARRIER LOCATION TO ADDRESS SOIL INGESTION EXPOSURE ROUTE IMPACTS

PROPERTY-WIDE INSTITUTIONAL CONTROLS:

- INDUSTRIAL/COMMERCIAL LAND USE RESTRICTION.
- RELIANCE ON THE CITY OF HARVEY GROUNDWATER ORDINANCE NUMBER 3195 PROHIBITING THE INSTALLATION AND USE OF NEW POTABLE GROUNDWATER WELLS ON THE PROPERTY.
- CONSTRUCTION WORKER SAFETY PRECAUTION.



PREPARED FOR: PODS MIDWEST REALTY, LLC	SITE BASE MAP 15220-15250 S. HALSTED STREET HARVEY, IL <small>REUSE OF DOCUMENTS</small> THIS DOCUMENT, AND THE DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF WEAVER CONSULTANTS GROUP, AND IS NOT TO BE USED IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF WEAVER CONSULTANTS GROUP.	 Weaver Consultants Group CHICAGO, ILLINOIS (312) 922-1030 www.wcgrp.com	DRAWN BY: RMD REVIEWED BY: CP DATE: 2/6/2023 FILE: 0091-300-04 CAD: sitekocSRP.dwg FIGURE 2
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ORDINANCE NO. 3195

AN ORDINANCE OF THE CITY OF HARVEY, COOK COUNTY, ILLINOIS, PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, the City of Harvey within the purview of Article VII, section 6(a) of the Illinois Constitution (1970) provides that any municipality which has a population of more than 25,000 is a home rule unit, and the City of Harvey, County of Cook, Illinois, with a population of more than 25,000 is a home rule unit and as such may exercise any power and perform any function pertaining to its government and affairs; and

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

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier I remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Harvey desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Harvey, County of Cook and State of Illinois, as follows:

Section 1: 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 of, or attempted use of, groundwater from within the corporate limits of the City of Harvey, as a potable water supply, by the installation or drilling of wells or by any other method, is hereby prohibited. This prohibition expressly includes the City of Harvey.

Section 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$1,000.00 for each violation.

Section 3: 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.

"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 4: Repealed.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

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ORDINANCE # 1195

Section 5: 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 6: Effective date.

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

PASSED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HARVEY,
COOK COUNTY, ILLINOIS, THIS 26 DAY OF NOVEMBER, 2007.

VOTING AYE:

<u>Ald. Julius Patterson</u>	<u>Ald. Joseph Whittington</u>
<u>Ald. Daryl Crudup</u>	<u>Ald. Michael Bowens</u>
<u>Ald. Keith Price</u>	_____

VOTING NAY:

<u>None</u>	_____
_____	_____

ABSENT: Ald. Donald Nesbit

APPROVED by me this 26 DAY OF NOVEMBER, A.D., 2007.

Eric J Kellogg
Eric J Kellogg
Mayor

ATTEST:

Nancy L. Clark
Nancy L. Clark
City Clerk