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4402/0006 39 005 Page 1 of 8
2000-10-12 09:33:53
Cook County Recorder 35.50

PREPARED BY:

Name: Midwestco Enterprises, Inc.



Address: 2735 North Ashland Avenue
Chicago, Illinois 60614

RETURN TO:

Name: Midwestco Enterprises, Inc.

**COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
ROLLING MEADOWS**

Address: 2735 North Ashland Avenue
Chicago, Illinois 60614

THE ABOVE SPACE FOR RECORDER'S OFFICE

THIS ENVIRONMENTAL NO FURTHER REMEDIATION LETTER MUST BE SUBMITTED BY THE OWNER/OPERATOR, WITHIN 45 DAYS OF ITS RECEIPT, TO THE RECORDER OF DEEDS OF COOK COUNTY IN WHICH THE SITE (AS DESCRIBED BELOW) IS LOCATED.

Illinois EPA Number: 0316070010
LUST Incident No.: 951593

Midwestco Enterprises Inc. the owner and operator, whose address is 2735 North Ashland Avenue, Chicago, Illinois has performed investigative and/or remedial activities for the site that can be identified by the following:

LOTS 13 , 14 AND 15 EXCEPT THAT PART CONVEYED TO THE CITY OF CHICAGO BY QUIT CLAIM DEED. RECORDED AUGUST 27, 1930 AS DOCUMENT NUMBER 10732414, IN LEMBEKE'S ADDITION IN CHICAGO, A SUBDIVISION OF LOT 6 EXCEPT THE NORTH 50 FEET OF THE THE EAST 100 FEET OF THE NORTH 116 FEET THEREOF, IN BLOCK 45 IN SHEFFIELD'S ADDITION TO CHICAGO, IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 29 TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

THE WEST 262.33 FEET EXCEPT THE EAST 121.33 FEET THEREOF OF LOT 7 EXCEPT THAT PART OF LOT 7 LYING WEST OF A LINE 50.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 29, AS CONVEYED BY QUIT CLAIM DEED RECORDED AUGUST 1, 1930 AS DOCUMENT NUMBER 10729007, IN BLOCK 45 IN

Leaking Underground Storage Tank Environmental Notice

06/11/00

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SHEFFIELD'S ADDITION TO CHICAGO, IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOTS 1,2,3 AND 4 IN MUELLER'S SUBDIVISION OF THE WEST 141.0 FEET OF LOT 8 IN BLOCK 45 IN SHEFFIELD'S ADDITION TO CHICAGO, IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 17, 1902 AS DOCUMENT NUMBER 3196854 IN BOOK 82 OF PLATS, PAGE 18 THEREIN, IN COOK COUNTY, ILLINOIS, EXCEPT THAT PART OF PREMISES IN QUESTION LYING WEST OF A LINE 30.0 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 29 CONVEYED TO THE CITY OF CHICAGO, A MUNICIPAL CORPORATION, BY QUIT CLAIM DEED RECORDED AUGUST 19, 1930 AS DOCUMENT NUMBER 10729008.

- 2. Common Address: 2735 North Ashland Avenue
- 3. Real Estate Tax Index/Parcel Index Number: 489-14-29-300-071; -011; -010; -008; and -009.
- 4. Site Owner: Midwestco Enterprises Inc.
- 5. Land Use Limitation: There are no land use limitations
- 6. See the attached No Further Remediation Letter for other terms.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-6762

MAY 22 2000

CERTIFIED MAIL

2108 2565

Midwestco Enterprises
Attn: Christopher Porter
1619 West Colonial Parkway
Inverness, Illinois 60067-4732

Re: LPC #0316070010 -- Cook County
Chicago / Midwestco Enterprises
2735 North Ashland Avenue
LUST Incident No. 951592
LUST Technical File

Dear Mr. Porter:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated January 21, 2000; was received by the Agency January 28, 2000; and was prepared by Environmental Services Inc.

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Illinois Administrative Code Section 732.300(b)(1) and Section 732.409(b) indicate that the remediation objectives set forth in 35 Illinois Administrative Code Section 732.408 have been met.

Based upon the certification by Nicholas J. Cuzzone, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Environment Protection Act ("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 Registered 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 occurrence has been completed; and (3) no further remediation 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 persons:

GEORGE H. RYAN, GOVERNOR

1. Midwestco Enterprises Inc.
2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);
4. 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;
5. Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable;
6. Any mortgagee or trustee of a deed of trust of the owner of the site or any assignee, transferee, or any successor-in-interest of the owner of the site;
7. Any successor-in-interest of such owner or operator;
8. 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; or
9. Any heir or devisee of such owner or operator.

This Letter, including all attachments, must be filed within 45 days of its receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the County where the above-referenced site is located. 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 that it forms a permanent part of the chain of title for the above referenced property. Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Titles of the applicable county, a certified 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 attached to 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 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 (TACO, 35 Illinois Administrative Code Part 742) rules.
2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the site described in the attached Leaking Underground Storage Tank

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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 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 site described in the attached Leaking Underground Storage Tank Environmental Notice.
5. Failure to establish, operate, and maintain controls in full compliance with the Environmental Protection Act, applicable regulations, and the approved corrective action plan may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater that is removed, excavated, or disturbed from the above-referenced site must be handled in accordance with all applicable laws and regulations.
7. Further information regarding this 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, IL 62794-9276
8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the owner or operator 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.

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Specific acts or omissions that may result in the avoidance 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.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

Submit the certified copy of this letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois EPA's Bureau of Land (BOL) issues a No Further Remediation (NFR) Letter at the completion of site remediation activities under the LUST Program and the SRP. The letter signifies that 1) the person conducting remediation has satisfied the respective BOL laws and regulations, and 2) that no further remediation is necessary to protect human health and the environment for the property described in the letter, so long as the site is used in accordance with the terms of the NFR letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined in the Illinois Environmental Protection Act for the program in question. (See 415 ILCS 5/57.10(d) and 58.10(d)). However, if not properly recorded, the NFR Letter *holds no legal significance for anyone*. Furthermore, if not properly recorded, the Illinois EPA *will* take steps to void the NFR letter in accordance with the regulations pertaining to the program under which the remediation was performed.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the letter to the Office of the Recorder or the Registrar of Titles of the county where the site is located *within 45 days after receipt of the letter*. You must record both the NFR Letter and the Environmental Notice. The letter must be recorded 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 of the institutional controls. A certified copy of the letter as recorded must be sent to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the letter voidable.

For More Information

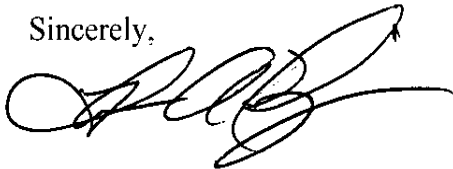
Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or contact the project manager whom you have been working with in the BOL.

TH:ct\991933.WPD

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If you have any questions or need further assistance, please contact Michael L. Eppley at 217/524-4653.

Sincerely,



Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation
Bureau of Land

cc: Environmental Services Inc.



Chris Porter
Midwestco Enterprises INC
1601 Colonial Parkway, Suite A
Inverness IL 60067

Property of Cook County Clerk's Office