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003/0005 33 001 Page 1 of 10
2000-01-05 10:10:59
Cook County Recorder 39.50

PREPARED BY:

Name: K-Construction Corporation
Attn: Mark R. Banaszak

Address: 1801 Main Street
Lemont, Illinois 60439



RETURN TO:

Name: K-Construction Corporation
Attn: Mark R. Banaszak

Address: 1801 Main Street
Lemont, Illinois 60439

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: 0311623010

LUST Incident No.: 982259

K-Five Construction Corporation, the owner and operator, whose address is 1801 Main Street, Lemont, Illinois, has performed investigative and/or remedial activities for the site that can be identified by the following legal description:

1. Legal description or Reference to a Plat Showing the Boundaries:

Part 1 of Lot 3 in "Joseph N. Pew's Division" (excepting the West 100.5 feet of the East 120.5 feet and except the Northeasterly 25.0 feet thereof) of that part of Section 15, Township 37 North, Range 11 East of the Third Principal Meridian, lying South of the Illinois and Michigan Canal, according to the Plat thereof recorded April 21, 1911 as Document No. 473735, in Cook County, Illinois, described as follows: Beginning at the point of intersection of the Southeasterly Right-of-Way line of the Gulf Mobile and Ohio Railroad with the South line of the Southeast Quarter of said Section 15; thence North 66° 36' 48" East along the Southeasterly Right-of-Way line of said Gulf Mobile and Ohio Railroad 1515.59 feet; thence South 23° 23' 12" East, 234.00 feet; thence North 66° 36' 48" East, 344.09 feet; thence South 16° 37' 01" East, 365.75 feet to the Northerly Right-of-Way line of the Sag Lemani Highway; thence Southwesterly along the said Northerly Right-of-Way line on a curve convex to the North moving a radius of 1452.40 feet to an arc distance of 254.30 feet to a point of tangent; thence continuing along said Right-of-Way line South

Leaking Underground Storage Tank Environmental Notice

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65° 37' 09" West, 123.07 feet to the South line of the Southeast Quarter of said Section 15; thence South 88° 53' 42" West along said South line, 1557.42 feet to the place of beginning, all in Cook County, Illinois.

2. Common Address: 1801 Main Street, Lemont, Illinois
3. Real Estate Tax Index/Parcel Index Number: 36-29-15-545
4. Site Owner: K-Five Construction Corporation
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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Leaking Underground Storage Tank Environmental Notice

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1020 NORTH GRAND AVENUE EAST, ROOM 9276, SPRINGFIELD, ILLINOIS 62762-9276

THOMAS V. SKINNER, DIRECTOR

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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.

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SW-846 Method 5035: Closed-System Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples

What is SW-846 Method 5035?

The United States Environmental Protection Agency's (U. S. EPA) "Test Methods for Evaluating Solid Waste" describes procedures to be used in collecting and preserving samples of waste, soil, sediments, and groundwater. Method 5035, referred to as the "Closed-System Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples" was included in SW-846 as part of Final Update III. This update was published in the *Federal Register* on June 13, 1997.

SW-846 Method 5035 identifies the procedures used to collect and prepare soil samples for volatile organic compound (VOC) analysis. The procedures are outlined in the method's Subsection 4.5 (Field Sampling Equipment), Section 5.0 (Reagents), and Section 6.0 (Sample Collection, Preservation, and Handling). The soil samples must be preserved with one of two preservatives prior to analysis, either in the field at the time of collection, or in the laboratory within 48 hours of collection. A sodium bisulfate preservative is added to soils anticipated to contain volatile organic compounds (VOCs) at concentrations less than 200 parts per billion (ppb), while a methanol preservative is used for soils anticipated to contain VOCs at concentrations greater than 200 ppb. If the soil samples are to be preserved in the laboratory, the samples must be collected in a Purge-and-Trap Soil Sampler (Model 3780PT) or equivalent, or in an EnCore™ sampler or equivalent, and must then be delivered to the lab for preservation within 48 hours of sample collection.

Why did U. S. EPA change the method of VOC soil sampling?

Method 5035 more accurately identifies the types and concentrations of volatile organic compounds in soils than the previously used method, which was susceptible to errors due to evaporative losses of volatiles and microbial degradation prior to sample analysis.

Is SW-846 Method 5035 incorporated into Illinois regulations?

Yes. On June 4, 1998, the Illinois Pollution Control Board adopted amendments to 35 Illinois Administrative Code Part 742: Tiered Approach to Corrective Action Objectives (TACO). As part of the changes to TACO, SW-846 was incorporated by reference to include Update III, which contains Method 5035.

What remedial programs use Method 5035?

Several of Illinois' remedial programs are incorporating Method 5035.

Resource Conservation and Recovery Act (RCRA): SW-846 Method 5035 is required and currently being implemented. Attachment A contained within the RCRA closure guidance will meet the requirements of Method 5035.

Leaking Underground Storage Tank (LUST): Sites that report a release on or after June 4, 1998 and are classified as high priority, or for which the owner or operator has elected to conduct corrective action pursuant to Section 732.300(b), 732.400(b), or 732.400(c) must use SW-846 Method 5035 for volatile organic soil sampling. Prior to the LUST site being classified as high priority, the Illinois EPA recommends the use of SW-846 Method 5035. If the LUST release was reported before June 4, 1998, the owner/operator may use either SW-846 Method 5035 or Method 5030 when soil sampling for VOCs.

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JOSEPH A. SCHUDT & ASSOCIATES

Civil Engineers Surveyors Land Planners
3920 W. 216th ST. MATTESON, ILL. 60443
Area Code 312 - PI8-1683 - PLS-6162



George C.R



Plat of Survey

Part of Lot 3, in "Joseph N. Pew's Division" (excepting the West 100.5 feet of the East 120.5 feet and except the Northwesterly 25.0 feet thereof) of that part of Section 15, Township 37 North, Range 11 East of the Third Principal Meridian, lying South of the Illinois and Michigan Canal, according to the Plat thereof recorded April 2, 1911 as Document No. 4743736, in Cook County, Illinois, described as follows: Beginning at the point of intersection of the Southeastly Right-of-Way line of the Gulf Mobile and Ohio Railroad with the South line of the Southeast Quarter of said Section 15; thence North 66°36'48" East along the Southeastly Right-of-Way line of said Gulf Mobile and Ohio Railroad 1516.59 feet; thence South 23°23'12" East, 243.00 feet; thence North 66°36'48" East, 344.09 feet; thence South 16°37'01" East, 365.75 feet to the Northerly Right-of-Way line of the Sag Lemont Highway; thence Southwesterly along the said Northerly Right-of-Way line on a curve convex to the North having a radius of 1452.40 feet an arc distance of 254.30 feet to a point of tangent; thence continuing along said Right-of-Way line South 65°37'09" West, 123.07 feet to the South line of the Southeast Quarter of said Section 15; thence South 88°53'42" West along said South line, 1557.42 feet to the place of beginning, all in Cook County, Illinois.

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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

CERTIFIED MAIL

P344 297123

AUG - 5 1999

K-Five Construction Corporation
 Attn: Mark R. Banaszak
 1801 Main Street
 Lemont, Illinois 60439

Re: LPC #0311623010 -- Cook County
 Lemont/K-Five Construction Corp.
 1801 Main Street
 LUST Incident No. 982259
 LUST Technical File

Dear Mr. Banaszak:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Site Classification Completion Report Addendum submitted for the above-referenced incident. This information was dated July 28, 1999; was received by the Agency July 28, 1999 by fax copy; and was prepared by Marlin Environmental, Inc.

The Site Classification Completion Report and associated Professional Engineer Certification indicate that this site is classified as "No Further Action" as identified in Section 57.7(b)(2) of the Environmental Protection Act and 35 Illinois Administrative Code Section 32.302(a).

Based upon the certification by Suadad s. Mahmoud, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Environmental 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:

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1. K-Five Construction Corporation;
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. Remediation objectives for the above-referenced site described in the Leaking Underground Storage Tank Environmental Notice of this Letter were not established because the site is classified as "No Further Action" as identified in Section 57.7(b)(2) of the Environmental Protection Act and 35 Illinois Administrative Code Section 732.302(a).

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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 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 avoidance 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:

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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 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 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:

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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Bill Haskins, at 217/782-6762.

Sincerely,



Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

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Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Marlin Environmental, Inc., Robert Renguso