

UNOFFICIAL COPY

0010265179



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

001 2085 4859

FEB 20 2001

Cometco
Attention: Deborah Lezin
1509 West Cortland
Chicago, Illinois 60622

0010265179

1265/6152 98 001 Page 1 of 7

2001-04-03 15:04:21

Cook County Recorder 33.00

Re: LPC # 0316005505 -- Cook County
Chicago/Cometco
.1509 West Cortland
LUST Incident No. 982117
LUST Technical File

Dear Ms. Lezin:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated October 31, 2000; was received by the Illinois EPA November 1, 2000; and was prepared by Andrews Environmental Engineering, Inc. Citations in this letter are from the Environmental Protection Act ("Act") and 35 Illinois Administrative Code ("35 IAC").

The Site Classification Completion Report and associated Professional Engineer Certification indicate this site is classified as "No Further Action" as identified in Section 57.7(b)(2) of the Act and 35 IAC Section 732.302(a).

Based upon the certification by Bryan C. Johnsrud, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the 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:

1. Cometco 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);

GEORGE H. RYAN, GOVERNOR

S-7
P-7
M-7
91K

Page 2

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, and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, 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 it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, 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 of 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, more particularly 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 Act and 35 IAC Section 732.302(a).
2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the above-referenced site, more particularly 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

UNOFFICIAL COPY

Page 3

- 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 above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this letter.

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan may result in avoidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed, or excavated from, or disturbed at the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations.

7. Further information regarding the above-referenced 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 owner or operator of the leaking underground storage tank(s) associated with the above referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. 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;

PREPARED BY:

Name: Cometco

Address: 1509 West Cortland
Chicago, Illinois 60622

RETURN TO:

Name: Cometco
Attention: Deborah Lezin

Address: 1509 West Cortland
Chicago, Illinois 60622



THE ABOVE SPACE FOR RECORDER'S OFFICE

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0316005505

LUST Incident No.: 982317

Cometco, the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 1509 West Cortland, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal description or Reference to a Plat Showing the Boundaries: PARCEL 1: SUB-LOT 1 OF ORIGINAL LOT 1, EXTENDING TO THE THREAD OF THE CHICAGO RIVER, IN BLOCK 17 OF SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2: LOTS 2, 3, 4 AND 5, EXTENDING TO THE THREAD OF THE CHICAGO RIVER, IN BLOCK 17 OF SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PART OF LOT 5, AFORESAID, CONVEYED TO JOHN M. WHITMAN, RECEIVER OF THE CHICAGO AND PACIFIC RAILROAD COMPANY, AND TO THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY BY DEEDS RECORDED BY DOCUMENT NOS. 227959 AND 2798073 IN BOOKS 891 AND 6590, PAGES 226 AND 348, RESPECTIVELY, AND EXCEPTING THEREFROM THE WEST 116.00 FEET OF SAID LOTS 2 AND 3 AND THE WEST 116.00 FEET OF THE NORTH 107.75 FEET OF SAID LOT 4, ALL IN COOK COUNTY, ILLINOIS

UNOFFICIAL COPY

Page 4

- 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, James S. Ransdell, at 217/557-6938.

Sincerely,



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

TAH:JSR:jk012393.doc

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Andrews Environmental Engineering, Inc.
Division File



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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 and environmental notice 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. Both 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 and environmental notice as recorded must be sent to the Illinois EPA. Failure to record the NFR Letter and environmental notice 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 by accessing it on our Agency's website directly at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

GEORGE H. RYAN, GOVERNOR

UNOFFICIAL COPY

Page 2

LOT 3: THE WEST 116.00 FEET OF LOTS 2 AND 3 AND THE WEST 116.00 FEET OF THE NORTH 62.00 FEET OF LOT 4 IN BLOCK 17 OF SHEFFIELD'S ADDITION TO CHICAGO IN THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

2. Common Address: 1509 West Cortland, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 14-32-302-005
4. Site Owner: Cometco Corporation
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

TAH:JSR:jk012393.doc

0010265179

Page 7 of 7

Leaking Underground Storage Tank Environmental Notice