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13 07 003 30 001 Page 1 of 7
2001-04-06 11:28:48
Cook County Recorder 63.50

PREPARED BY:

Name: MuellerMist Irrigation Company
Attn: James Triska

Address: 2612 South 9th Ave.
Broadview, Illinois 60153



RETURN TO:

Name: MuellerMist Irrigation Company
Attn: James Triska

Address: 2612 South 9th Ave.
Broadview, Illinois 60153

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: 0310305133

LUST Incident No.: 982923

MuellerMist Irrigation Company, the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 2612 South 9th Ave., Broadview, Illinois, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached site base map:

1. Legal description or Reference to a Plat Showing the Boundaries: Parcel 1 – Lots 19 to 28 both inclusive, and the East 5 feet of Lots 11 to 16 both inclusive, all in Block 1 in Komarek's West 22nd Street Fourth Addition, being a Subdivision of that part of the East half of the Southeast Quarter of Section 22, Range 12, East of the Third Principal Meridian, lying North of the Illinois Central Railroad right-of-way in Cook County, Illinois. Parcel 2 – Lot 5 in the Resubdivision of Lots 1 to 5 inclusive and the East 8 feet of Lot 6 in Block 1 in Komarek's West 22nd Street Fourth Addition aforesaid, all in Cook County, Illinois.
2. Common Address: 2612 South 9th Ave., Broadview, Illinois
3. Real Estate Tax Index/Parcel Index Number: 15-22-404-023-0000 & 15-22-404-024-0000
4. Site Owner: MuellerMist Irrigation Company
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

HAA: JFG

Leaking Underground Storage Tank Environmental Notice



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

MAR 29 2001

0016 0131 938U

MuellerMist Irrigation Company
Attn: James Triska
2612 South 9th Ave.
Broadview, Illinois 60153

REC'D APR - 2 REC'D

Re: LPC # 0310305133 -- Cook County
Broadview/MuellerMist Irrigation Co.
2612 South 9th Ave.
Incident No. 982923
LUST Technical File

Dear Triska:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Corrective Action Completion Report and Supplemental TACO Tier 2 Evaluation submitted for the above-referenced incident. This information is dated February 18, 2000 and December 4, 2000; was received by the Illinois EPA February 22, 2000 and December 6, 2000; and was prepared by Capital Environmental Group, Inc. and Adept Environmental Solutions, Inc. Citations in this letter are from the Environmental Protection Act ("Act") and 35 Illinois Administrative Code ("35 IAC").

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 IAC Section 732.312(b) and Section 732.409(b) indicate the remediation objectives set forth in 35 IAC Section 742, Subpart E have been met.

Based upon the certification by David G. Yacko, 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:

GEORGE H. RYAN, GOVERNOR

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1. MuellerMist Irrigation Company;
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, 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. The remediation objectives for the above-referenced site, more particularly 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 (35 IAC Part 742) rules.

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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
 - 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: A building or asphalt/concrete barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media as well as to impede contaminant migration to the groundwater must remain over the contaminated soils as outlined in the attached Site Base Map. This building or asphalt/concrete barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media and/or to impede contaminant migration to the groundwater.

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 voidance 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.

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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 voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance 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.)


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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 Jay F. Gaydosh at 217/785-0231.

Sincerely,



Hernando A. Albarracin

Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA: JFG

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Capital Environmental Group, Inc
Adept Environmental Solutions, Inc.
Division File

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NOTES:

1. Drawing Source - Plat of Survey drawing dated August 26, 1989 by Kabal Engineering Company, Westchester, Illinois.
2. Utilities as located by J.U.L.I.E., the Village of Broadview, and/or as observed by the engineer in the field.
3. UST, Pump Island, and associated piping removed by Metro Environmental Contractors, Wheeling, Illinois on November 25, 1998.
4. Excavation Limits are for reference comparison purposes. Excavation Limits were reported in the 45-Day Report dated January 1999 by Capital Environmental Group. See 45-Day Report for detailed information regarding this data.
5. Investigative Borings designated "P", "W", "E", and "N" were performed by Capital Environmental on November 22, 1999.

Borings W-1, W-2, and W-3 were performed inside the garage area of the Muellermist building.

Borings designated "B" were performed by Capital Environmental on December 30, 1999 after obtaining approval from the Village of Broadview.



Indicates Boring Location B-1 Typical.

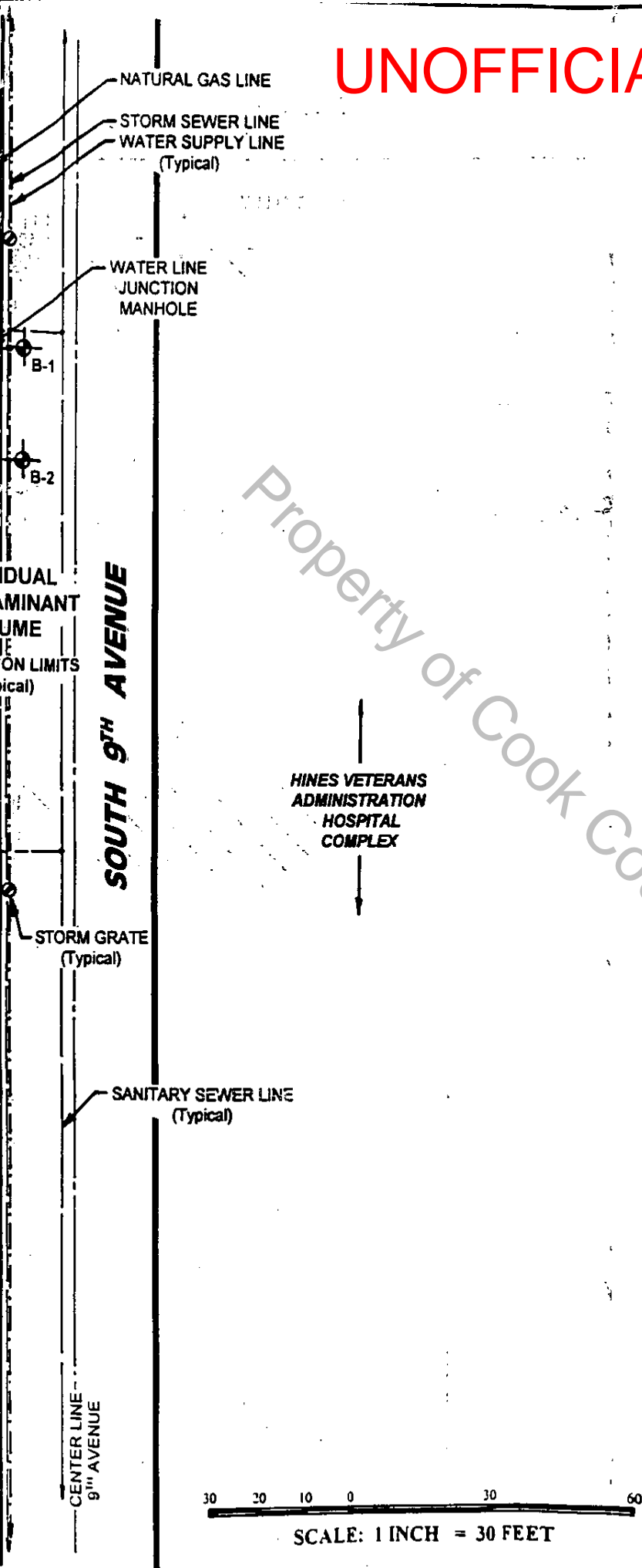


FIGURE 8
RESIDUAL CONTAMINANT PLUME
MUELLERMIST IRRIGATION COMPANY
2612 South 9TH Avenue
Broadview, Illinois
LUST Incident # 982923

Adept Environmental Solutions, Inc.
La Grange, Illinois

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ASPHALT
PAVEMENT 7

North

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PAVED ALLEY

N-2

N-1

MUELLERMIST BUILDING
1-STORY BRICK & BLOCK
OFFICES & GARAGE

FORMER LOCATION
PUMP ISLAND
6,000 GALLON UST

W-1

W-2

W-3

P-1

RE
CONT
P

EXCAVA
(T

ASPHALT
PAVEMENT 7

RESIDENTIAL
PROPERTIES

PAVED ALLEY

OVERHEAD
UTILITY
LINES

UTILITY POLE
(Typical)

WOODEN
FENCE

CHAIN-LINK
FENCE
(Typical)

ASPHALT
PAVEMENT 7

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