

PREPARED BY:

Name: Mr. Charles J. Wehrmeister
Assistant Vice President Safety & Environment
Norfolk Southern Railway Company

Address: 110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013



0010212574

RETURN TO:

Name: Mr. Charles J. Wehrmeister
Assistant Vice President Safety & Environment
Norfolk Southern Railway Company

Address: 110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

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: 0316700004

Norfolk Southern Railway Company, the Remediation Applicant, whose address is 110 Franklin Road, S.E., Roanoke, Virginia, 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: That part of the south half of the Southeast Quarter of Section 25, Township 38, Range 13 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the south line of 77th street and a line 16.0 feet east of and parallel with the east line of the Southwest Quarter of the Southeast Quarter of said Section 25; thence south along said east line, 350.0 feet, to the point of beginning; thence south along said east line, 144.0 feet; thence west parallel with the south line of said 77th street, 106.0 feet; thence north parallel with the east line of said Southwest Quarter, 144.0 feet; thence east parallel with the south line of said 77th street, 106.0 feet, to the point of beginning, in Cook County Illinois.
2. Common Address: 2543 West Columbus Avenue, Chicago, Illinois, 60629.
3. Real Estate Tax Index/Parcel Index Number: 19-25-411-015; 19-25-411-011; 19-25-502-003
4. Remediation Site Owner: Norfolk Southern Railway Company
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR Letter for other terms

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(217) 782-6761

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

10212574

March 12, 2001

CERTIFIED MAIL

7099 3400 0016 0133 6758

Mr. Charles J. Wehrmeister
Assistant Vice President Safety and Environment
Norfolk Southern Railway Company
110 Franklin Road, S.F.
Roanoke, Virginia 24042-0013

Re: 0316700004—Cook County
Chicago/Norfolk Southern
SRP/Technical Reports

Dear Mr. Wehrmeister:

The *Property A Corrective Action Completion Report*, Log No. 00-428, as prepared by Patrick Engineering Inc, for the Norfolk Southern Property A property has been reviewed by the Illinois Environmental Protection Agency (Illinois EPA) and demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan*, Log No. 97-981 and amendments included in Patrick Engineering's *Response to Illinois EPA Comments, Property A*, Log No. 97-1424.

The Remediation Site, consisting of approximately 0.35 acres, is located at 2543 West Columbus Avenue, Chicago, Illinois, 60629. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415ILCS 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 dated October 7, 1997, is Norfolk Southern Railway Company.

This focused 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(s) does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

GEORGE H. RYAN, GOVERNOR

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:
 - a) Regulated substances of concern that have been successfully addressed are detailed in the "Property A Corrective Action Completion Report", and consist of the following:

<u>CAS. No.</u>	<u>Chemical Name</u>
7440-38-2	Arsenic
7440-47-3	Chromium (Total)
7440-50-8	Copper
7664-41-7	Ammonia

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- 2) The Remediation Site is restricted to Industrial/Commercial usage.
- 3) 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

- 4) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Engineering Controls:

- 5) The 5-inch thick bituminous concrete barrier covering the area shown in the attached Site Base Map(s) must remain over the contaminated soils. This bituminous concrete pavement must be properly maintained as an engineered barrier to inhibit ingestion and inhalation of the contaminated media.

Other Terms

- 6) 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.
- 7) 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
Bureau of Land-#24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

- 8) 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 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 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;
 - 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.
- 9) Pursuant to Section 58.19(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Norfolk Southern Railway Company;
 - 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.
- 10) 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 Norfolk Southern Property A property.
- 11) 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:

Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276


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12) In accordance with Section 58.10(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 final billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Todd Gross at 217/524-4862.

Sincerely,

10212574


Lawrence W. Eastep, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments(3): Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Property Owner Certification of No Further Remediation Letter under the
Site Remediation Program Form

cc: Jerry B. Bowden, P.G.
Project Manger
Patrick Engineering, Inc.
4985 Varsity Drive
Lisle, Illinois 60532

DeKalb County Clerk's Office

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Site Base Map
031670004 - Cook County
Chicago/Norfolk Southern
Site Remediation Program

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W. 77TH STREET

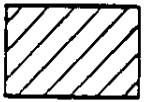
ST. RITA
HIGH SCHOOL

NORFOLK SOUTHERN RWY. CO.
LANDERS YARD
INTERMODAL FACILITY

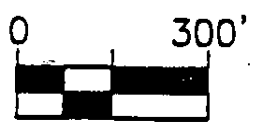
PROPERTY A
SITE BOUNDARY

79TH STREET

LEGEND



PROPERTY A ENGINEERED BARRIER MUST BE MAINTAINED TO VALIDATE CONDITIONS OF ILLINOIS EPA NO FURTHER REMEDIATION LETTER.



GRAPHIC SCALE

G:\GEO\5218\A0-7\EXHIBIT-1.DWG WRM 9/22/00

DATE: SEPT. 2000

NORFOLK SOUTHERN
RAILWAY COMPANY
PROPERTY A RESTORATION

PROJ. NO.: 5218.A0-7

APP. BY: JBB

EXHIBIT 1
SITE BASE MAP

PATRICK
ENGINEERING INC.
LISLE, ILLINOIS