

UNOFFICIAL COPY



0010355585



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

Corrected Copy

(217) 782-6761

April 20, 2001

CERTIFIED MAIL

7099 3400 0016 0133 5331

Thomas Morabito
Ridge-Wentworth, LLC
141 W. Jackson St., Suite 3540
Chicago, IL 60604

0010355585

1861/0108 38 001 Page 1 of 12

2001-04-30 15:53:39

Cook County Recorder 83.00

Re: 0311595122/Cook
Lansing/Walgreens Development
Site Remediation Program/Technical Reports

Dear Mr. Morabito:

The closure letter and pictures received on March 15, 2001 (01-0945) as prepared by Challenge Contractors Inc. for the Walgreens Development property has been reviewed by the Illinois Environmental Protection Agency (Illinois EPA) and demonstrates that the remedial action was completed in accordance with the *Environmental Investigation/Remediation Objectives report* (March 3, 2000/00-1900) and the *Response to IEPA Comments* (July 18, 2000/00-2940).

The Remediation Site, consisting of 0.238 acres, is located at 18209 Wentworth Avenue, Lansing, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 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's DRM-1 Form (May 16, 2000/00-1900), is Thomas Morabito.

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

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 attached Table A.
- 2) The contaminants of concern that remain at the areas described in the attached Site Remediation Program Environmental Notice and as shown on the attached Site Base Map(s) of this Letter are:

<u>Location</u>	<u>CAS Number</u>	<u>Chemical Name</u>
Beneath the asphalt parking lot	71-43-2	Benzene

- 3) The Remediation Site is restricted to Industrial/Commercial usage.
- 4) 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

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

Preventive Controls:

- 6) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated from within the remediation site area must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

Engineering Controls:

- 7) The asphalt parking lot and the Portland type flowable grout in the landscaped areas, as shown in the attached Site Base Map(s), must remain over the contaminated soils. The asphalt barrier and Portland type flowable grout must be properly maintained as engineered barriers to inhibit inhalation of the contaminated media.

Institutional Controls:

- 8) Village of Lansing, agrees through the use of a highway authority agreement (35 IAC 742.1020), to allow contaminated groundwater (under the portion of Wentworth Ave. adjacent to the site property) to remain beneath its highway right-of-way. The highway owner also agrees that the contaminated groundwater shall not be utilized as a potable or other domestic supply water.
- 9) No person shall construct, install, maintain, or operate a water system or well on the property identified in the Environmental Notice. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

Other Terms

- 10) Where an institutional control is used to assure long-term protection of human health (as identified under paragraph 9 of this Letter), the Remediation Applicant must record a copy of this legal mechanism (e.g., ordinance adopted and administered by a unit of local government; or agreement between a property owner and a highway authority) along with this Letter.
- 11) 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.
- 12) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

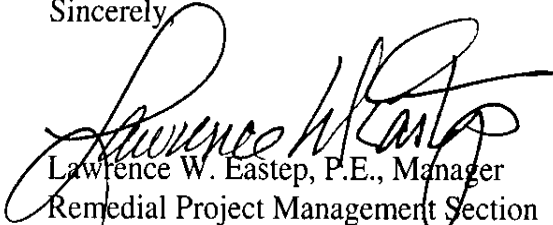
Illinois Environmental Protection Agency
Attn: Freedom of Information Act Officer
Bureau of Land-#24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

- 13) 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.
- 14) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Ridge-Wentworth, LLC;
 - 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 thereof; 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.
- 15) 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 Walgreens Development property.
- 16) 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
- 17) 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, Steve McCaslin at 217-557-8085.

Sincerely,



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: Richard C. Thomas
Challenge Contractors, Inc.
2612 Flossmoor Road
Flossmoor, IL 60422

bcc: Records Unit
Bob O'Hara
Ginger Miller

Property of Cook County Clerk's Office

SITE REMEDIATION PROGRAM

TABLE A: REGULATED SUBSTANCES OF CONCERN

0311595122 - WALGREENS DEVELOPMENT

Volatile Organic Compounds

CAS No.	Compound Name
74-87-3	Chloromethane
74-83-9	Bromomethane
75-01-4	Vinyl Chloride
75-00-3	Chloroethane
75-09-2	Methylene Chloride
67-64-1	Acetone
75-15-0	Carbon Disulfide
75-35-4	1,1-Dichloroethene
75-34-3	1,1-Dichloroethane
540-59-0	1,2-Dichloroethene (total)
67-66-3	Chloroform
107-06-2	1,2-Dichloroethane
78-93-3	2-Butanone
71-55-6	1,1,1-Trichloroethane
56-23-5	Carbon Tetrachloride
75-27-4	Bromodichloromethane
78-87-5	1,2-Dichloropropane
10061-01-5	cis-1,3-Dichloropropene
79-01-6	Trichloroethene
124-48-1	Dibromochloromethane
79-00-5	1,1,2-Trichloroethane
71-43-2	Benzene
10061-02-6	trans-1,3-Dichloropropene
75-25-2	Bromoform
108-10-1	4-Methyl-2-Pentanone
591-78-6	2-Hexanone
127-18-4	Tetrachloroethene
108-88-3	Toluene
79-34-5	1,1,2,2-Tetrachloroethane
108-90-7	Chlorobenzene
100-41-4	Ethylbenzene
100-42-5	Styrene
1330-20-7	Xylenes (total)

Semivolatile Organic Compounds

CAS No.	Compound Name
108-95-2	Phenol
111-44-4	bis(2-Chloroethyl)ether
95-57-8	2-Chlorophenol
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene

106-46-7	1,4-Dichlorobenzene
95-48-7	2-Methylphenol
108-60-1	2,2'-oxybis(1-chloropropane)
106-44-5	4-Methylphenol
621-64-7	N-Nitroso-di-n-propylamine
67-72-1	Hexachloroethane
98-95-3	Nitrobenzene
78-59-1	Isophorone
88-75-5	2-Nitrophenol
105-67-9	2,4-Dimethylphenol
111-91-1	bis(2-Chloroethoxy)methane
120-83-2	2,4-Dichlorophenol
120-82-1	1,2,4-Trichlorobenzene
91-20-3	Naphthalene
106-47-8	4-Chloroaniline
87-68-3	Hexachlorobutadiene
59-50-7	4-Chloro-3-methylphenol
91-57-6	2-Methylnaphthalene
77-47-4	Hexachlorocyclopentadiene
88-06-2	2,4,6-Trichlorophenol
95-95-4	2,4,5-Trichlorophenol
91-58-7	2-Chloronaphthalene
88-74-4	2-Nitroaniline
131-11-3	Dimethylphthalate
208-96-8	Acenaphthylene
606-20-2	2,6-Dinitrotoluene
99-09-2	3-Nitroaniline
83-32-9	Acenaphthene
51-28-5	2,4-Dinitrophenol
100-02-7	4-Nitrophenol
132-64-9	Dibenzofuran
121-14-2	2,4-Dinitrotoluene
84-66-2	Diethylphthalate
7005-72-3	4-Chlorophenyl-phenyl ether
86-73-7	Fluorene
100-01-6	4-Nitroaniline
534-52-1	4,6-Dinitro-2-methylphenol
86-30-6	N-Nitrosodiphenylamine
101-55-3	4-Bromophenyl-phenyl ether
118-74-1	Hexachlorobenzene
87-86-5	Pentachlorophenol
85-01-8	Phenanthrene
120-12-7	Anthracene
84-74-2	Di-n-butylphthalate
206-44-0	Fluoranthene
129-00-0	Pyrene
85-68-7	Butylbenzylphthalate
91-94-1	3,3'-Dichlorobenzidine
56-55-3	Benzo(a)anthracene

UNOFFICIAL COPY

10355285

218-01-9	Chrysene
117-81-7	bis(2-Ethylhexyl)phthalate
117-84-0	Di-n-octylphthalate
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
50-32-8	Benzo(a)pyrene
193-39-5	Indeno(1,2,3-cd)pyrene
53-70-3	Dibenzo(a,h)anthracene
191-24-2	Benzo(g,h,i)perylene

Pesticides and Aroclors

<u>CAS No.</u>	<u>Compound Name</u>
319-84-6	alpha-BHC
319-85-7	beta-BHC
319-86-8	delta-BHC
58-89-9	gamma-BHC
76-44-8	Heptachlor
309-00-2	Aldrin
1024-57-3	Heptachlor epoxide
959-98-8	Endosulfan I
60-57-1	Dieldrin
72-55-9	4,4'-DDE
72-20-8	Endrin
33213-65-9	Endosulfan II
72-54-8	4,4'-DDD
1031-07-8	Endosulfan sulfate
50-29-3	4,4'-DDT
72-43-5	Methoxychlor
7421-93-4	Endrin aldehyde
8001-35-2	Toxaphene

Metals

<u>CAS No.</u>	<u>Compound Name</u>
7440-36-0	Antimony
7440-38-2	Arsenic
7440-41-7	Beryllium
7440-43-9	Cadmium
7440-47-3	Chromium
7440-50-8	Copper
7439-92-1	Lead
7439-97-6	Mercury
7440-02-0	Nickel
7440-22-4	Silver
7440-28-0	Thallium
7440-66-6	Zinc

UNOFFICIAL COPY

PREPARED BY:

10355285

Name: Thomas Morabito
Ridge-Wentworth, LLC

Address: 141 W, Jackson St., Suite 3540
Chicago, IL 60604

RETURN TO:

Name: Thomas Morabito
Ridge-Wentworth, LLC

Address: 141 W, Jackson St., Suite 3540
Chicago, IL 60604



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: 0311595122

Thomas Morabito, the Remediation Applicant, whose address is 141 W, Jackson St., Suite 3540 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:

PARCEL 3:

LOT 2 (EXCEPT THE NORTH 120 FEET THEREOF) AND LOT 1 (EXCEPT THE NORTH 120 FEET THEREOF) AND EXCEPT THOSE PARTS OF LOTS 1 AND 2 (TAKEN AS TRACT) IN AXTELL'S ADDITION TO LANSING A SUBDIVISION OF THE EAST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF SAID LOT 1 WITH A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 1;
THENCE ON AN ASSUMED BEARING OF NORTH 79 DEGREES 48 MINUTES 36 SECONDS WEST ON THE SOUTH LINE OF SAID LOTS 1 AND 2 A DISTANCE OF 35.61 FEET; THENCE SOUTH 88 DEGREES 12 MINUTES 59 SECONDS EAST 23.19 FEET; THENCE NORTH 82 DEGREES 17 MINUTES 36 SECONDS EAST 7.66 FEET; THENCE NORTH 7 DEGREES 16 MINUTES 05 SECONDS EAST 5.53 FEET TO A POINT ON A LINE 33.02 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 1; THENCE SOUTH 0 DEGREES 05 MINUTES 14 SECONDS WEST ON THE LAST DESCRIBED LINE 20.41 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

(Illinois EPA Site Remediation Program Environmental Notice)

UNOFFICIAL COPY

PARCEL 4:

LOT 3 (EXCEPT THE NORTH 120 FEET THEREOF) IN AXTELL'S ADDITION TO LANSING, A SUBDIVISION OF THE EAST ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

2. Common Address: 18209 Wentworth Avenue, Lansing, IL

3. Real Estate Tax Index/Parcel Index Number: PIN #s 30-32-126-016
30-32-126-018

10355285

4. Remediation Site Owner: Ridge-Wentworth, LLC

5. Land Use: Industrial/Commercial

6. Site Investigation: Focused

See NFR letter for other terms.

