

UNOFFICIAL COPY
ENVIRONMENTAL DISCLOSURE DOCUMENT
FOR TRANSFER OF REAL PROPERTY

The following information is provided pursuant to the Responsible Property Transfer Act of 1988
Seller: Allied Waste Transportation, Inc.
Buyer: Meljay Partners, L.L.C.
Document No.: _____

For Use By County Recorder's Office
County _____
Date _____
Doc. No. _____
Vol. _____
Page _____
Rec'd By: _____



I. PROPERTY IDENTIFICATION

A. Address of Property: 320 North Racine, Chicago, Illinois 39 North
Permanent Real Estate Index No.: 17-08-314-003-0000, ~~17-08-314-004-0000~~,
~~17-08-314-005-0000~~, 17-08-314-006-0000,
17-08-314-007-0000, 17-08-314-008-0000,
17-08-314-009-0000, 17-08-314-024-0000

B. Legal Description: Parcel 1: The South 1/2 of Lots 1 and 2, all of Lot 3 and the North 1/2 of Lot 4 in Block 10 in Carpenter's Addition to Chicago, a subdivision of the Southeast 1/4 of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2: The South 84.50 Feet of Lot 1 in Block 3 in Magie and High's Addition to Chicago in Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Prepared by: James Lanenga
2608 South Damen
Chicago, Illinois

Return to: Edward W. Pirok, Esq.
734 North Wells
Chicago, Illinois 60601

7866607 CTIC ADe
10th No Abstract

NP
CE

0010453846
2504/0095 45 001 Page 1 of 7
2001-05-30 09:20:00
Cook County Recorder 63.00

BOX 333-CTI

UNOFFICIAL COPY

LIABILITY DISCLOSURE

Transferors and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

C. Property Characteristics:

Lot Size 75 by 110.88 Acreage _____

Check all types of improvement and uses that pertain to the property:

- Apartment building (6 units or less)
 Commercial apartment (over 6 units)
 Store, office, commercial building
 Industrial building
 Farm, with buildings
 Other (specify) _____

II NATURE OF TRANSFER:

- | | | Yes | No |
|----|---|-------------------------------------|--------------------------|
| 1. | (1) Is this a transfer by deed or other instrument conveyance? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? | <input type="checkbox"/> | <input type="checkbox"/> |
| | (3) A lease exceeding a term of 40 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| | (4) A mortgage or collateral assignment of beneficial interest? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | (1) Identify Transferor:
Allied Waste Transportation, Inc.
Name and Current Address of Transferor:
Allied Waste Transportation, Inc.
2608 South Damen, Chicago, Illinois
Name and Address of Trustee if this is a transfer of beneficial interest of a land trust. Trust No. | | |
| | (2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:
Name, Position (if any), and Address
James Lanenga, Vice-President 312-492-0014
2608 South Damen, Chicago, Illinois | | |
| 3. | Identify Transferee: Meljay Partners, L.L.C.
320 North Racine, Chicago, Illinois | | |

III NOTIFICATION

Under the Illinois Environmental Protection Act,¹ owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act² states in part:

"Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois or any unit of local government as a result of a release or substantial threat of a release of a hazardous substance or pesticide:

- (1) the owner and operator of a facility or vessel from which there is a release or

10453846

- UNOFFICIAL COPY**
- (2) any person who at the time of disposal, transport, storage or treatment of a hazardous substance or pesticide owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance or pesticide;
 - (3) any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances or pesticides owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous substances or pesticides; and
 - (4) any person who accepts or accepted any hazardous substances or pesticides for transport to disposal, storage or treatment facilities or sites from which facility there is a release or substantial threat of a release of such hazardous substances or pesticide.”

2. Section 4(g) of the Act³ states:

“The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance or pesticide. Such notice shall include the identified response action and an opportunity for such person to perform the response action.”

3. Section 22.2(k) of the Act states in part:

“If any person who is liable for a release or a substantial threat of a release of a hazardous substance or pesticide fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the Agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as a result of such failure to take such removal or remedial action. The punitive damages imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law.”

4. Section 57.12(a) of the Act⁴ states in part:

“Notwithstanding any other provision or rule of law, the owner or operator, or both, of an underground storage tank shall be liable for all costs of investigation, preventive action, corrective action and enforcement action incurred by the State of Illinois resulting from an underground storage tank.”

5. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

IV ENVIRONMENTAL INFORMATION

Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of “hazardous substances”, as defined by the Illinois Environmental Protection Act? This question shall not be applicable for consumer goods stored or handled by a retailer in the same form, approximate amount,

10453846

concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinging of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes
 No

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes
 No

3. Has the transferor ever conducted operations on the property which involved the processing, storage or disposal of "hazardous or special wastes", as defined by the federal Resource Conservation and Recovery Act⁵ and the Illinois Environmental Protection Act?

Yes
 No

4. Are there any of the following specific units (operation or closed) at the property which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

	YES	NO
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Pile	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incinerator	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Underground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Container Storage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wastewater Treatment Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Recycling Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Treatment Detoxification	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Land Disposal Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If there any "YES" answers to any of the above items and the transfer is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document.

5. Has the transferor ever held any of the following in regard to this real property:

- a. Permits for discharges of wastewater to waters of the State. Yes No
- b. Permits for emissions to the atmosphere. Yes No
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes No

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly

owned treatment works?

Yes

No

UNOFFICIAL COPY

7. Has the transferor taken any of the following actions relative to this property?

- a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act⁶. Yes No
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-To-Know Act of 1986⁷. Yes No
- c. Filed a Toxic Chemical Form pursuant to the federal Emergency Planning and Community Right-To-Know Act of 1986. Yes No

8. Has the transferor or any facility on the property or the property been the subject of any of the following State or federal governmental actions?

- a. Written notification regarding known, suspected or alleged contamination on or emanating from the property. Yes No
- b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a Final order or consent decree was entered. Yes No
- c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property. Yes No

9. Environmental Releases During Transferor's Ownership

a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws?

Yes

No

b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?

Yes

No

c. If the answers to questions (a) and (b) are Yes, have any of the following actions or events been associated with a release on the property?

- Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials.
- Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials.
- Designation, by the IEPA or the IEMA, of the release as "significant" under the Illinois Chemical Safety Act.
- Sampling and analysis of soils.
- Temporary or more long-term monitoring of groundwater at or near the site.
- Impaired usage of an on-site or nearby water well because of offensive characteristics of the water.
- Coping with fumes from subsurface storm drains or inside basements, etc.
- Signs of substances leaching out of the ground along the base of slopes or at other

10453846

low points on or immediately adjacent to the site.
10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board?

Yes ___
No X

11. Is there any explanation needed for clarification of any of the above answers or responses? NO

E. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to or otherwise contracted with for the management of the site or real property:

Name: BFI Industries (Owner)
Melanie Pomez (Leasee)
Type of business/
or property usage: Container Repair Commercial

2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, other contracts for management or use of the facilities or real property:

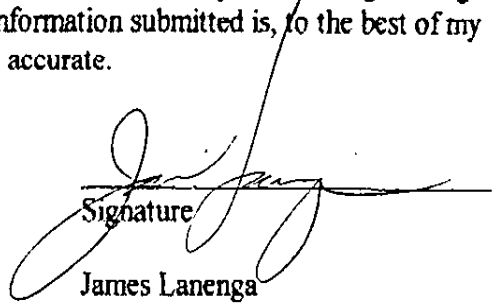
	YES	NO
Landfill	___	<u>X</u>
Surface Impoundment	___	<u>X</u>
Land Treatment	___	<u>X</u>
Waste Pile	___	<u>X</u>
Incinerator	___	<u>X</u>
Storage Tank (Above Ground)	___	<u>X</u>
Storage Tank (Underground)	___	<u>X</u>
Container Storage Area	___	<u>X</u>
Injection Wells	___	<u>X</u>
Wastewater Treatment Units	___	<u>X</u>
Septic Tanks	___	<u>X</u>
Transfer Stations	___	<u>X</u>
Waste Recycling Operations	___	<u>X</u>
Waste Treatment Detoxification	___	<u>X</u>
Other Land Disposal Area	___	<u>X</u>

UNOFFICIAL COPY

V. CERTIFICATION

- A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

Signature



James Lanenga
TRANSFEROR OR TRANSFERORS
(Or on behalf of Transferor)

- B. This form was delivered to me with all elements completed on October 8, 2000.

Signature

Mejay Partners, L.L.C.
TRANSFEEE OR TRANSFEEES
(Or on behalf of Transferee)

- C. This form was delivered to me with all elements completed on October 8, 2000.

Signature

LENDER

Amended by P.A. 90-655, § 183, eff. July 30, 1998; P.A. 91-357, § 270, eff. July 29, 1999
Formerly Ill. Rev. Stat. 1991, ch. 30 § 905.

10453846