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2290/0025 40 001 Page 1 of 11
2001-07-17 12:12:32
Cook County Recorder 41.00

PREPARED BY:

Name: John A. French
Nissan Motor Acceptance Corporation

Address: 990 W. 190th Street
Torrance, CA 90502



RETURN TO:

Name: John A. French
Nissan Motor Acceptance Corporation

Address: 990 W. 190th Street
Torrance, CA 90502

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: 0312015003

Nissan Motor Acceptance Corporation, the Remediation Applicant, whose address is 990 W. 190th Street, Torrance, CA 90502, has performed investigative and/or remedial activities for the remediation sites depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries:

Parcel 1: A tract of land being part of the East 30 acres of the Northeast fractional 1/4 of the fractional Section 32, Township 41 North, Range 13 East of the Third Principal Meridian. All of the East 17 acres of the West 19 1/2 acres of the East fractional 1/2 of the Northeast 1/4 of said fractional Section 32 bounded and described as follows:

Commencing at the Northeast corner of said 17 acres and running thence North 89 degrees 09 minutes 30 seconds East on the North line of said Northeast 1/4, 102.55 feet to a point 612.16 feet, more or less, West of the Northeast corner of said fractional section; thence South 00 degrees 48 minutes 37 seconds East, a distance of 50.0 feet to a point on the South right of way line of Touhy Avenue, being also the point of beginning; thence South 00 degrees 48 minutes 37 seconds East, a distance of 526.35 feet; thence along a line being parallel with the North line of said Northeast fractional 1/4 of the fractional Section 32, South 89 degrees 09 minutes 30 seconds West, a distance of 310.58 feet; thence North 00 degrees 41 minutes 00 seconds East, a distance of 526.54 feet to a point on said South right of way line of Touhy Avenue; thence along said South right of way line of Touhy Avenue 89 degrees 09 minutes 30 seconds East, a distance of 296.85 feet to the point of beginning;

Return to
Box 407

To: R. Bulger

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containing 159,861.8 square feet or 3.67 acres, more or less, all in Cook County, Illinois. Known as 5701 West Touhy Avenue, Niles, Illinois.

The Remediation Sites are a subset of Parcel 1 and described as follows:

Area 1: The Northwest corner of Area 1 lies 399 feet South of the curb of Touhy Avenue and 56 feet East of the West property line. Area 1 measures 37' (N/S) by 57' (E/W) or 2109 square feet.

Area 4: The Northwest corner of Area 4 lies 467 feet South of the South curb of Touhy Avenue and 250 feet East of the West property line. Area 4 measures 47' (N/S) by 36' (E/W) or 1692 square feet.

Total Remediation Sites acreage is 3801 square feet or 0.087 acres.

2. Common Address: 5701 W. Touhy Avenue, Niles IL
3. Real Estate Tax Index/Parcel Index Number: 10-32-203-036
4. Remediation Site Owner: Nissan Motor Acceptance Corporation
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

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TABLE A: REGULATED SUBSTANCES OF CONCERN

0312015003 - COOK COUNTY

Niles/Casting Engineering (Circuit City Parcel)

SITE REMEDIATION PROGRAM

Volatile Organic Compounds

CAS No.

67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
540-59-0	1,2-Dichloroethene (total)
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

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Semivolatile Organic Compounds

CAS No.	Compound Name
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-32-8	Benzo(a)pyrene
111-91-1	bis(2-Chloroethoxy)methane
111-44-4	bis(2-Chloroethyl)ether
117-81-7	bis(2-Ethylhexyl)phthalate
101-55-3	4-Bromophenyl-phenyl ether
85-68-7	Butylbenzylphthalate
59-50-7	4-Chloro-3-methylphenol
91-58-7	2-Chloronaphthalene
95-57-8	2-Chlorophenol
7005-72-3	4-Chlorophenyl-phenyl ether
218-01-9	Carysene
53-70-3	Dibenzo(a,h)anthracene
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
91-94-1	3,3'-Dichlorobenzidine
120-83-2	2,4-Dichlorophenol
84-66-2	Diethylphthalate
105-67-9	2,4-Dimethylphenol
131-11-3	Dimethylphthalate
534-52-1	4,6-Dinitro-2-methylphenol
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
84-74-2	Di-n-butylphthalate
117-84-0	Di-n-octylphthalate
206-44-0	Fluoranthene
86-73-7	Fluorene
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
193-39-5	Indeno(1,2,3-cd)pyrene
78-59-1	Isophorone
91-20-3	Naphthalene

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98-95-3

88-75-5

100-02-7

621-64-7

86-30-6

87-86-5

85-01-8

108-95-2

129-00-0

120-82-1

88-06-2

Nitrobenzene

2-Nitrophenol

4-Nitrophenol

N-Nitroso-di-n-propylamine

N-Nitrosodiphenylamine

Pentachlorophenol

Phenanthrene

Phenol

Pyrene

1,2,4-Trichlorobenzene

2,4,6-Trichlorophenol

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Metals

CAS No.	Compound Name
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium
57-12-5	Cyanide
7439-92-1	Lead
7439-97-6	Mercury
7782-49-2	Selenium
7440-22-4	Silver

BTEX Indicator Contaminants

CAS No.	Compound Name
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylene (totals)

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

(217) 782-6761

June 27, 2001

CERTIFIED MAIL

7000 1670 0004 1553 1860

John A. French
Nissan Motor Acceptance Corporation
990 W. 190th Street
Torrance, CA 90502

Refer to: # 0312015003 -- Cook County
Niles/Casting Engineers
Site Remediation/Technical Reports

Dear Mr. French:

The *Remediation Action Completion Report* (Log No. 00-4059/ September 2000), as prepared by K-Plus Environmental for the Casting Engineering (Circuit City) property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed.

The Remediation Sites, consisting of 0.087 acres, are located at 5701 West Touhy Avenue, Niles, 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 DRM-1 Form (May 22, 2000/ Log No. 00-2011), is Nissan Motor Acceptance Corporation.

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 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 attached Table A.
- 2) The Remediation Site is restricted to Industrial/Commercial land use.
- 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.

Institutional Controls:

- 5) 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

- 6) Where an institutional control is used to assure long-term protection of human health (as identified under Paragraph 5 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.
- 7) 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.

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- 8) 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

- 9) 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.

- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) Nissan Motor Acceptance Corporation
- b) The owner and operator of the Remediation Site;
- c) Any parent corporation or subsidiary of the owner of the Remediation Site;

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- 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.
- 11) 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 Casting Engineering (Circuit City) property.
- 12) 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
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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13) 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 billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Barbara Landers at 217-557-6939.

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
Table A

cc: Stacey Kasprzyk
K-Plus Environmental, Inc.
921 West Van Buren / Suite 100
Chicago, IL 60607

Mr. Richard Bulger
Mayer, Brown & Platt
Suite 3900
190 S. LaSalle Street
Chicago, IL 60603-3441

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