

**UNOFFICIAL COPY** 0011220258

9786/0001 50 001 Page 1 of 10  
2001-12-21 09:37:27  
Cook County Recorder 39.50

**PREPARED BY:**

Name: Dennis Kohl



Address: 6327 West Dempster Street  
Morton Grove, IL 60053

**RETURN TO:**

Name: Dennis Kohl

Address: 6327 West Dempster Street  
Morton Grove, IL 60053

**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: 0311955126

LUST Incident No.: 992106

Dennis Kohl, the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 6327 West Dempster Street, Morton Grove, IL 60053 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: Lot 7 of Block S in the Hennings Subdivision, a Resubdivision of Lots 42-44 in the County Clerk division, in Section 20, Township 41 North, Range 13 East, East of the Third Principal Meridian, all in Cook County, Illinois
2. Common Address: 6327 West Dempster Street, Morton Grove, IL 60053
3. Real Estate Tax Index/Parcel Index Number: 10-20-100-026
4. Site Owner: Dennis Kohl
5. Land Use Limitation: The groundwater under the site shall not be used as a potable water supply.
6. See the attached No Further Remediation Letter for other terms.

Leaking Underground Storage Tank Environmental Notice

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

RENEE CIPRIANO, DIRECTOR

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois EPA's Bureau of Land (BOL) issues a No Further Remediation (NFR) Letter at the completion of site remediation activities under the LUST Program and the SRP. The letter signifies that 1) the person conducting remediation has satisfied the respective BOL laws and regulations, and 2) that no further remediation is necessary to protect human health and the environment for the property described in the letter, so long as the site is used in accordance with the terms of the NFR letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined in the Illinois Environmental Protection Act for the program in question. (See 415 ILCS 5/57.10(d) and 58.10(c).) However, if not properly recorded, the NFR Letter holds no legal significance for anyone. Furthermore, if not properly recorded, the Illinois EPA will take steps to void the NFR letter in accordance with the regulations pertaining to the program under which the remediation was performed.

Duty to Record

The duty to record the NFR Letter is mandatory. You must submit the letter and Environmental Notice to the Office of the Recorder or the Registrar of Titles of the county where the site is located within 45 days after receipt of the letter. You must record both the NFR Letter and the Environmental Notice. Both must be recorded in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions of the institutional controls. A certified copy of the letter and Environmental Notice as recorded must be sent to the Illinois EPA. Failure to record the NFR Letter and the Environmental Notice in accordance with the regulations will make the letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on our Agency's website directly at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

GEORGE H. RYAN, GOVERNOR

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

RENEE CIPRIANO, DIRECTOR

217/782-6762

DEC 06 2001

CERTIFIED MAIL

7000-1670-0008-1672-3406

Mr. Dennis Kohl  
6327 West Dempster St.  
Morton Grove, IL 60053

Re: LPC # 0311955126--Cook  
Morton Grove/ Kohl, Dennis  
6327 West Dempster St.  
LUST Incident No. 992106  
LUST Technical File

Dear Mr. Kohl:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated September 27, 2001; was received by the Illinois EPA October 12, 2001; and was prepared by Benchmark Environmental Services, 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 732.300(b) and Section 732.409(b) indicate the remediation objectives set forth in 35 IAC Section 732.408 have been met.

Based upon the certification by Robert Cords, a Registered Professional Engineer of Illinois, and the certification by Dennis Kohl, the owner and operator of the underground storage tank(s), 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:

1. Mr. Dennis Kohl;
2. The owner and operator of the UST(s);

GEORGE H. RYAN, GOVERNOR

Page 2

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.
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: The groundwater under the site shall not be used as a potable water supply. It has been demonstrated that the

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groundwater under the site meets Class II (General Resource) groundwater criteria, rather than Class I (Potable Resource) groundwater. Groundwater classifications are defined at 35 IAC Part 620, Subpart B.

- 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: The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water. No person shall construct, install, maintain or utilize a potable water supply well. In accordance with Section 3.65 of the Act "potable" means generally fit for human consumption in accordance with accepted water supply principles and practices. Prior to commencement of any future excavation and/or construction in or near the contaminated zone on the remediation site, a safety plan for this remediation site is required that is 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 U.S. EPA guidance as provided. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.

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.

Highway Authority Agreement: State of Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated

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Page 4

groundwater or soils to remain beneath its highway right-of-way adjacent to the site located at 6327 West Dempster Street. Specifically, as shown in the attached map, contamination will remain in the right-of-way for Dempster Street as indicated in the Highway Authority Agreement. The Highway Authority agrees (a) to prohibit the use groundwater under the highway right-of-way that is contaminated above residential Tier 1 remediation objectives from the release as a potable or other domestic supply of water, and (b) to limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to Randy Schick of Illinois Department of Transportation at 217/782-3215.

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 avoidance 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.
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 avoidance, explain the

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Page 5

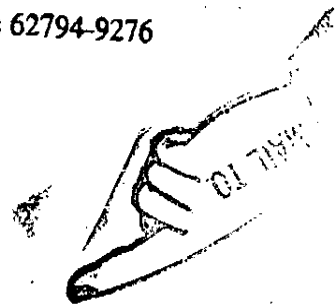
provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:

- 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.)

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



RICHARD JAFFE  
100 W. MONROE #714  
CHICAGO, IL 60603  
312-372-1245

Page 6

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Dave Myers, at 217/785-7491.

Sincerely,



Thomas A. Henninger  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

TAH: drm\NFR

Attachments: Leaking Underground Storage Tank Environmental Notice  
Site Base Map

cc: Benchmark Environmental Services, Inc.  
Division File

Property of Cook County Clerk's Office



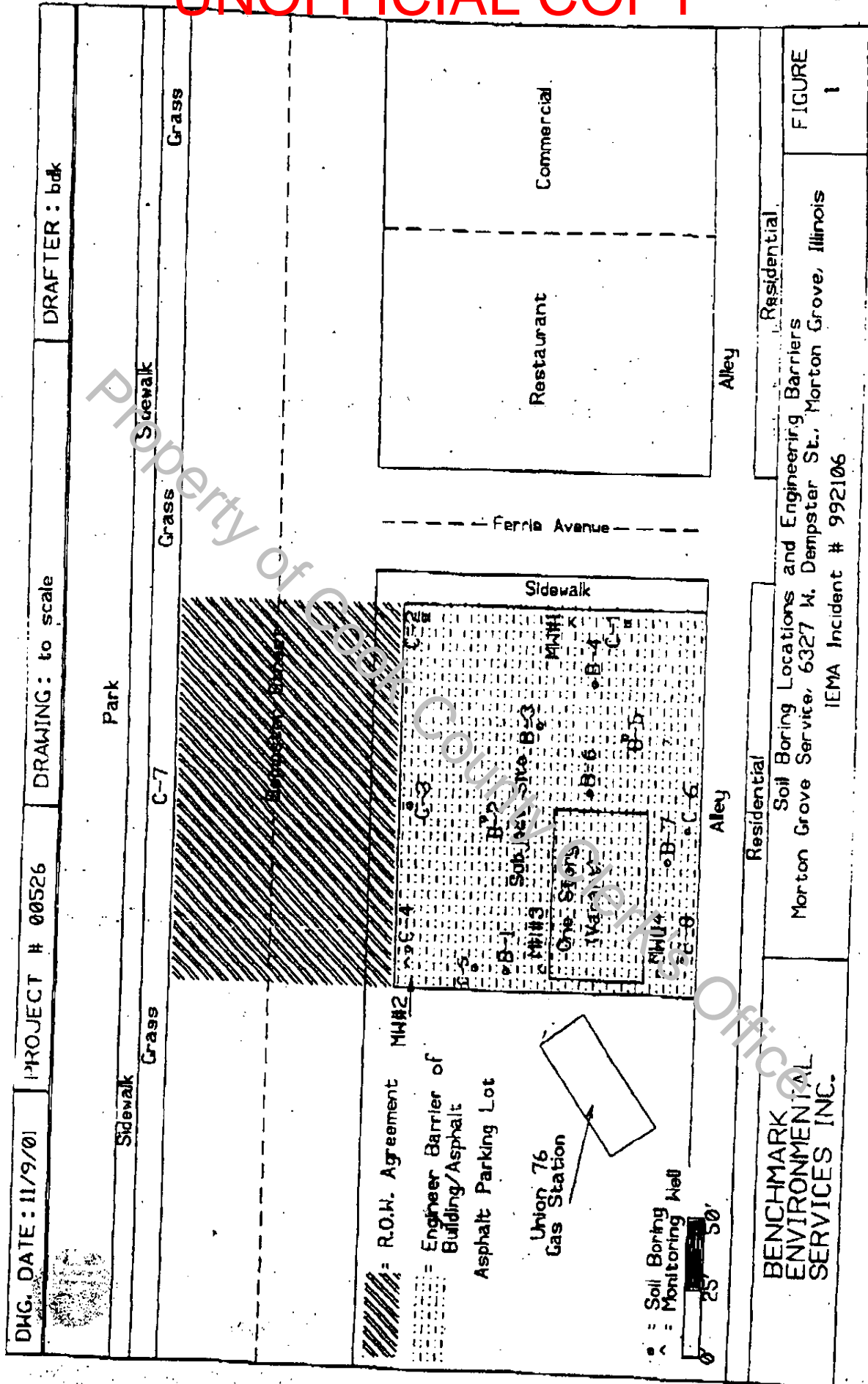
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**SITE BASE MAP FROM CORRECTIVE ACTION COMPLETION REPORT  
KOHL DENNIS  
LPC # 0311955126**

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DWG. DATE: 11/9/01 PROJECT # 00526 DRAWING: to scale DRAFTER: bdk

BENCHMARK ENVIRONMENTAL SERVICES INC.  
 Morton Grove Service, 6327 W. Dempster St., Morton Grove, Illinois  
 IEMA Incident # 992106  
 FIGURE 1