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1043/0109 35 001 Page 1 of 9
2002-01-29 16:19:08
Cook County Recorder 37.50

PREPARED BY:

Name: Sheldon Friedman
BNB Land Ventures

Address: 1020 N. Milwaukee Avenue
Deerfield, IL 60015



RETURN TO: Andrew W. Lapin

Name: Much Shelist Freed et al
200 North LaSalle, Suite 2100
Chicago, Illinois 60601

Address:

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.

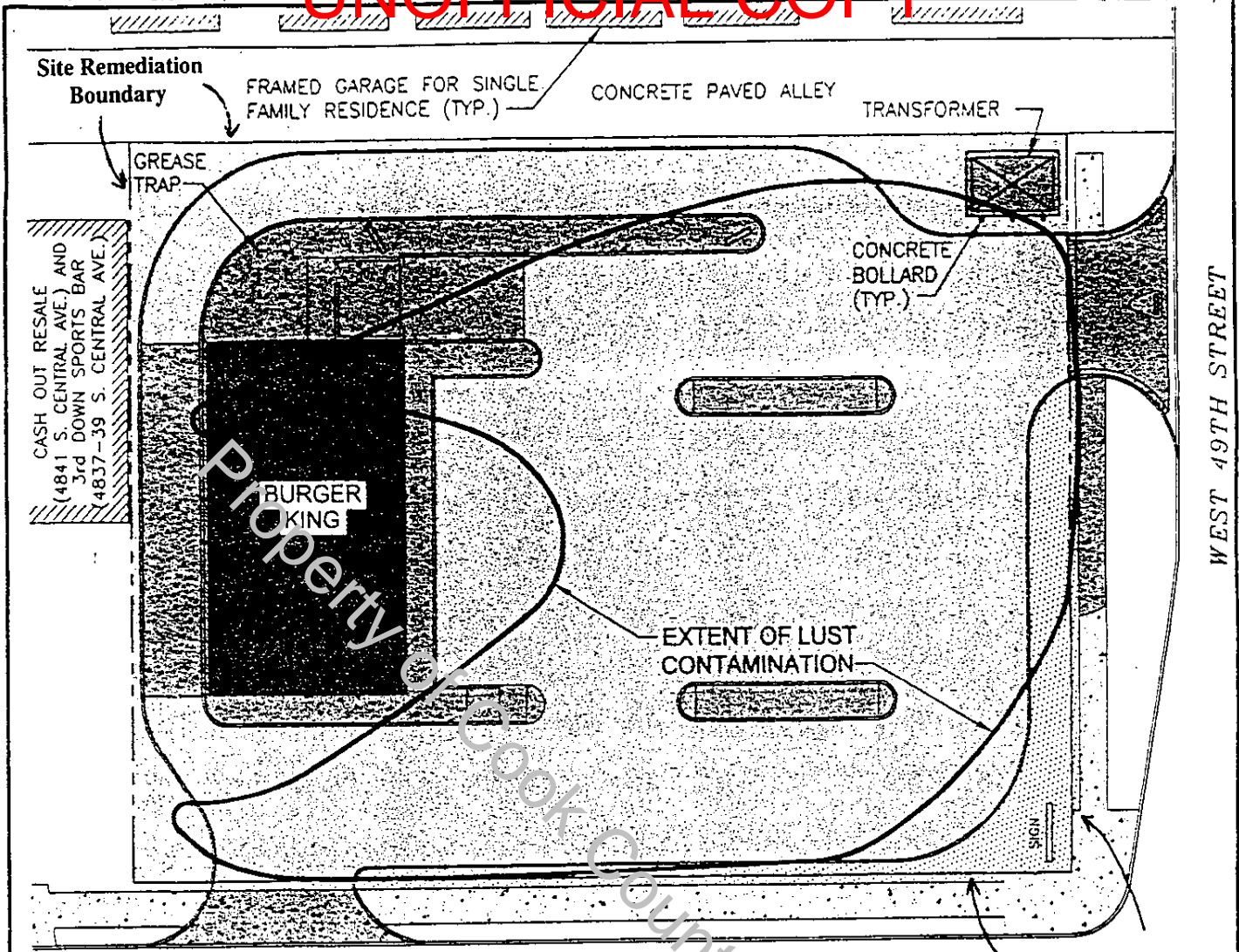
Illinois State EPA Number: 0318215001

BNB Land Ventures, the Remediation Applicant, whose address is 1020 N. Milwaukee Avenue, Deerfield, Illinois, 60015, 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:
Lots 25, 26, 27, 28, 29 and 30 in Block 5 in Crane View Archer Avenue Home Addition to Chicago, a subdivision in the West Quarter of Section 9, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois
2. Common Address: 4851 South Central Avenue, Stickney Township, Illinois
3. Real Estate Tax Index/Parcel Index Number: 19-09-108-054
4. Remediation Site Owner: BNB Land Ventures
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

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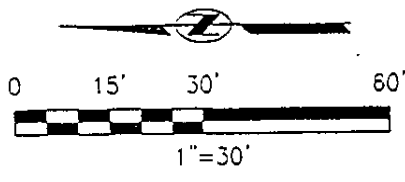
CASH OUT RESALE
(4841 S. CENTRAL AVE.) AND
3rd DOWN SPORTS BAR
4837-39 S. CENTRAL AVE.)

WEST 49TH STREET

BURGER KING

SOUTH CENTRAL AVE.

Site Remediation Boundary



Site Base Map
0318215001 - Cook County
Deerfield / Burger King
Site Remediation Program

- LEGEND**
- PROPERTY LINE
 - [Stippled Box] BARRIER - BUILDING
 - [Dotted Box] BARRIER - CONCRETE DRIVES, CURBS, SIDEWALKS AND PAVEMENT
 - [White Box] BARRIER - ASPHALT PAVEMENT
 - [Cross-hatched Box] BARRIER - LOW PERMIBILITY SOILS IN LANDSCAPED AREAS

NOTE:
ENGINEERED BARRIERS DEPICTED AS OF 10/18/01.

FIGURE 6
ENGINEERED BARRIERS
BURGER KING
4951 S. CENTRAL AVENUE
Stickney Township, Illinois
Advanced Environmental Corporation
Bartlett, Illinois

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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) 782-6761

January 4, 2002

CERTIFIED MAIL

7099 3400 0014 9527 1555

Sheldon Friedman
BNB Land Ventures
1020 N. Milwaukee Avenue
Deerfield, IL 60015

Re: 0318215001 / Cook County
Stickney Township / Burger King
Site Remediation Program / Technical Reports

Dear Mr. Friedman:

The *Proposed Investigation Plan and Attachments* (dated March 13, 2001 / Log No. 01-0879), as prepared by Advanced Environmental Corporation for the Burger King property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances and the *Corrective Action Proposal* (received September 17, 2001 / Log No. 01-3475) and *Supplemental Corrective Action Proposal* (received December 3, 2001 / Log No. 01-5406) shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 0.4963 acres (21,620 sq ft), is located at 4851 South Central Avenue, Stickney Township, 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 (received March 13, 2001 / Log No. 01-0879), is BNB Land Ventures.

This comprehensive 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 and does not require further remediation under the Act if 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 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 of this Letter are:

<u>Location</u>	<u>CAS Number</u>	<u>Chemical Name</u>
Entire property	71-43-2	Benzene
	100-41-4	Ethylbenzene

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

Preventive Controls:

- 5) 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 below two (2) feet 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:

- 6) The asphalt barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation of the contaminated media.
- 7) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit inhalation of the contaminated media.

- 8) The building as shown in the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit inhalation of the contaminated media.

Institutional Controls:

- 9) No person shall construct, install, maintain, or operate a water system or well at the Remediation Site. 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 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

- 11) 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

- 12) 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.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) BNB Land Ventures / Sheldon Friedman-President;
 - 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.

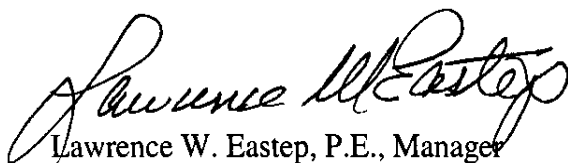
- 14) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first 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 Burger King property.
- 15) 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

- 16) 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, James L. Baldwin at 271-524-7207.

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: Joel M. Lome
Sarfatty Associates, LTD.
3201 Old Glenview Road, Suite 301
Wilmette, IL 60091-2999

Raymond H. Deyne
Advanced Environmental Corp.
P.O. Box 8292
Bartlett, IL 60103

Property of Cook County Clerk's Office

PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

If the Remediation Applicant is not the sole owner of the remediation site, include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

- 1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information: Sheldon T. Friedman, PRES., BNB LAND VENTURE INC., 1020 N. MILWAUKEE AVE #360, DEERFIELD, IL 60015, Phone: 847-215-0190. Site Information: Burger King, 4851 S. Central Ave, Stickney, IL 60638, Cook County. I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter. Owner's Signature: Sheldon T. Friedman, Date: 1/14/02. SUBSCRIBED AND SWORN TO BEFORE ME this 14 day of January 2002. Notary Public: Kathleen D Gilentine. OFFICIAL SEAL: KATHLEEN D GILENTINE, NOTARY PUBLIC, STATE OF ILLINOIS, MY COMMISSION EXPIRES: 05/09/03.

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.