

UNOFFICIAL COPY

PREPARED BY:

Name: The Valspar Corporation
Attn: Allen Stegman

Address: 1101 South Third Street
Minneapolis, Minnesota 55415



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1231/0050 15 005 Page 1 of 10

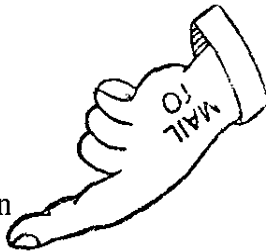
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Cook County Recorder 42.50

RETURN TO:

Name: The Valspar Corporation
Attn: Allen Stegman

Address: 1101 South Third Street
Minneapolis, Minnesota 55415



**COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
ROLLING MEADOWS**

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: 0316280001

The Valspar Corporation, the Remediation Applicant, whose address is 1101 South Third Street, Minneapolis, Minnesota, 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: Legal description-
PARCEL 1: THAT PART OF ILLINOIS MICHIGAN CANAL PROPERTY LYING SOUTH OF THE MAIN CANAL AND WEST OF THE SOUTH BRANCH OF THE CHICAGO RIVER AND KNOWN AS BLOCK 13 IN CANAL COMMISSIONERS SUBDIVISION OF THE SOUTH WEST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS ALSO
THE NORTH ½ OF THE VACATED PART OF HILLOCK (FORMERLY HICKORY) STREET OF THE TRACT OF LAND LYING BETWEEN BLOCKS 13 AND 14 EAST OF ASHLAND AVENUE IN THE CANAL TRUSTEES' SUBDIVISION OF SOUTH WEST ¼ OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2: THAT PART OF BLOCK 14 IN CANAL TRUSTEES SUBDIVISION OF SOUTH FRACTIONAL SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE NORTHERLY BOUNDARY LINE OF THE LAND CONVEYED TO CHICAGO, MADISON AND NORTHERN RAILROAD COMPANY BY DEED RECORDED APRIL 5, 1902 AS DOCUMENT 3226191 ALSO THE SOUTHERLY 33 FEET OF A TRACT OF LAND FORMERLY HICKORY STREET (NOW VACATED) LYING NORTH OF AND ADJOINING BLOCK 14 AFORESAID, IN COOK COUNTY, ILLINOIS
2. Common Address: 2841 South Ashland Avenue, Chicago, Illinois

(Illinois EPA Site Remediation Program Environmental Notice)

3. Real Estate Tax Index/Parcel Index Numbers: 17-29-308-001, 17-29-308-002, & 17-29-308-003
4. Remediation Site Owner: The Valspar Corporation
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

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Property of Cook County Clerk's Office



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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

0030256146

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

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

(217) 782-6761

30256146

February 7, 2003

CERTIFIED MAIL

7002 2030 0001 1874 6823

The Valspar Corporation
Attn: Allen Stegman
1101 South Third Street
Minneapolis, Minnesota 55415

Re: 0316280001/Cook County
Chicago/Federal International Chemical (aka-The Valspar Corporation)
2841 South Ashland Avenue
Site Remediation Program/Technical Reports

Dear Mr. Stegman:

The Remedial Action Completion Report (July 17, 2002/Log No. 02-2738), as prepared by Clayton Group Services, Inc. for the Federal International Chemical property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 2.70 acres, is located at 2841 South Ashland Avenue, Chicago, 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 (September 29, 1998/Log No. 98-1367), is The Valspar Corporation.

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.

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for Industrial/Commercial land use.
- 2) 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

- 3) 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:

- 4) 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 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:

- 5) The asphalt and concrete barriers, as shown in the attached Site Base Map, must remain over the contaminated soils. The asphalt and concrete barriers must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.
- 6) The barriers consisting of Building Numbers 1, 1A, 6, 6W, 6E, 7, 8, and 9, as shown in the attached Site Base Map, must remain over the contaminated soils. These buildings must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.
- 7) The barrier consisting of Building Number 12A and the surrounding concrete, as shown in the attached Site Base Map, must remain over the contaminated soils. The building and the surrounding concrete must be properly maintained as an engineered barrier to inhibit inhalation of the contaminated media.

Institutional Controls:

- 8) No person shall construct, install, maintain, or operate a 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

- 9) 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.

- 10) 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

- 11) 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 voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance 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:
- Any violation of institutional controls or the designated land use restrictions;
 - The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - 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;
 - The failure to comply with the recording requirements for this Letter;
 - 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.

12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons.

- a) The Valspar Corporation;
- 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.

13) 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 Federal International Chemical property.

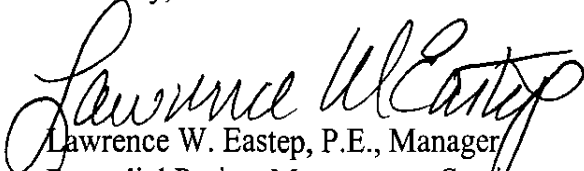
14) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

15) 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, Russell H. Irwin at (217) 524-2084.

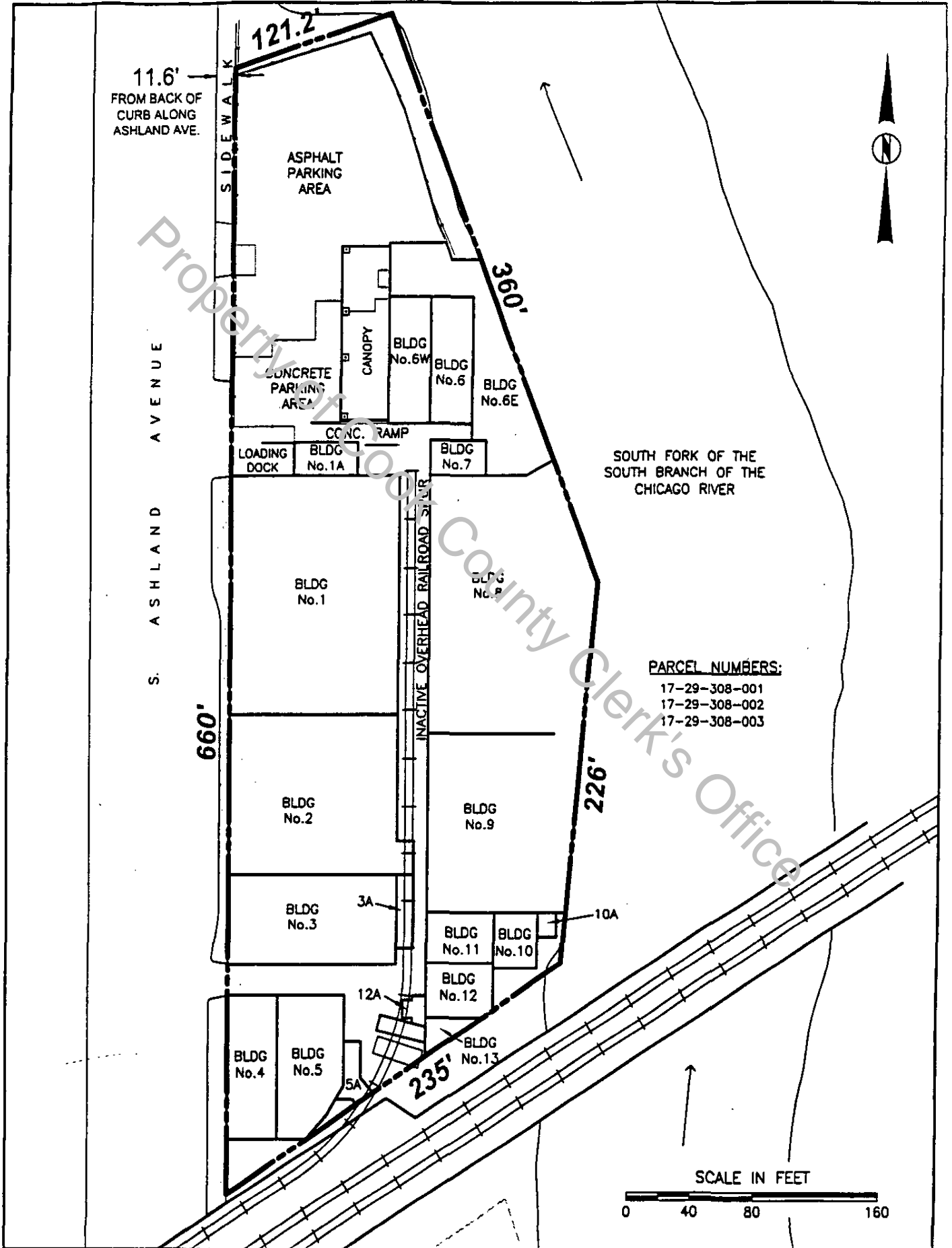
Sincerely,



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 Maps (3)
Property Owner Certification of No Further Remediation Letter under the Site Remediation Program Form

cc: Gary Perkowitz, Clayton Group Services, Inc.



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Site Base Map

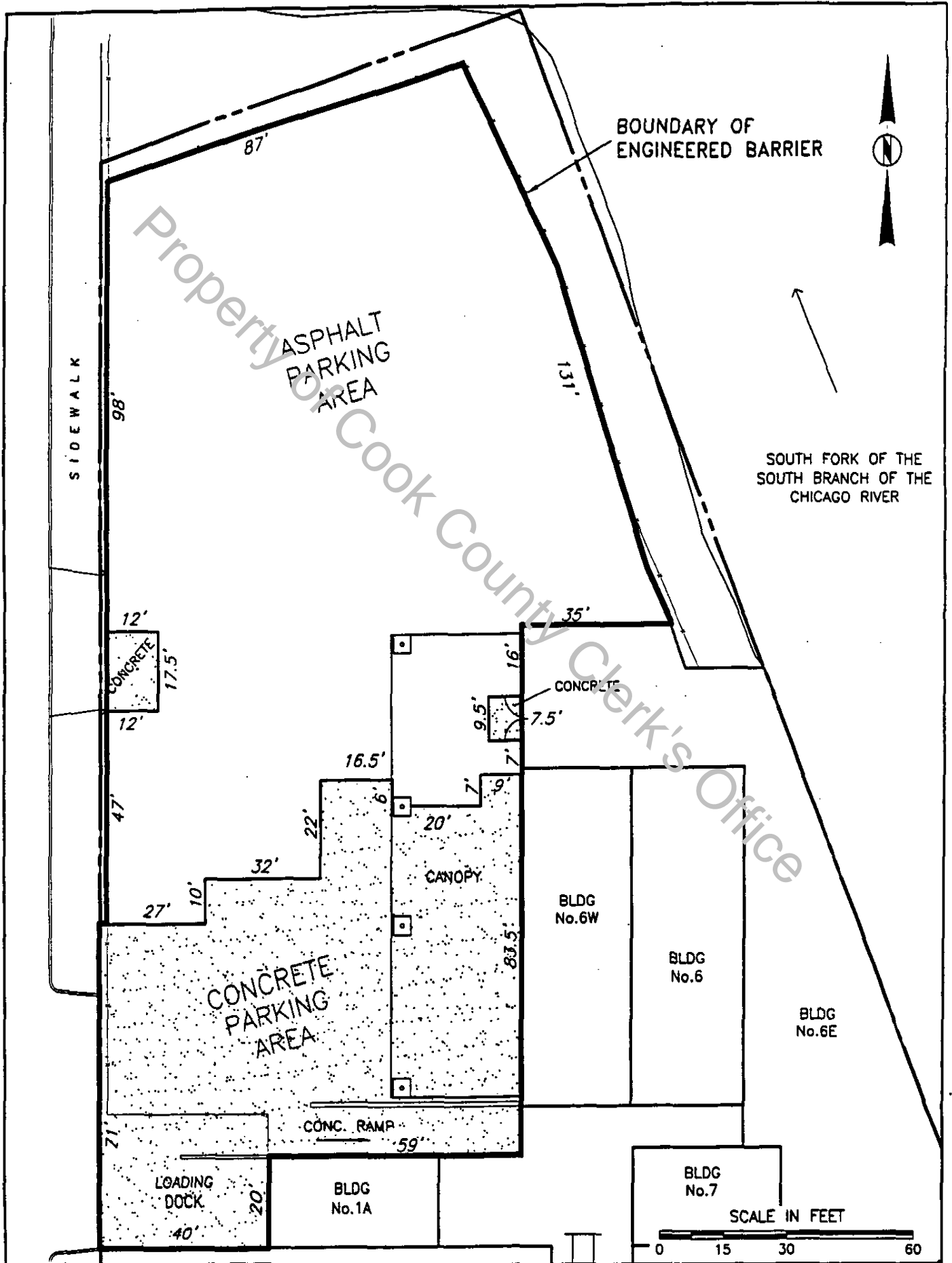
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0316280001 - Cook County

Chicago/Federal International Chemical (aka-Valspar Corporation)

Site Remediation Program

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Site Base Map

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0316280001 - Cook County

Chicago/Federal International Chemical (aka-Valspar Corporation)

Site Remediation Program

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