

# UNOFFICIAL COPY

PREPARED BY:

Name: Warren Baker  
Baker Development Corporation

Address: 1156 W. Armitage  
Chicago, Illinois 60614



Eugene "Gene" Moore Fee: \$44.00  
Cook County Recorder of Deeds  
Date: 04/25/2003 01:28 PM Pg: 1 of 11

RETURN TO:

Name: Warren Baker  
Baker Development Corporation

Address: 1156 W. Armitage  
Chicago, Illinois 60614

### 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: 0316070017.

Baker Development, the Remediation Applicant, whose address is 1156 W. Armitage, Chicago, Illinois 60614 has performed investigative activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description: LOTS 31 TO 35 TAKEN TOGETHER AS A TRACT OF LAND (EXCEPTING THEREFROM THE NORTHWESTERLY 4.0 FEET AS MEASURED AT RIGHT ANGLES TO THE NORTHWESTERLY LINE OF SAID TRACT) TOGETHER WITH LOTS 32, 33 AND 34 ALL IN BLOCK 7 IN FULLERTON'S SECOND ADDITION TO CHICAGO, SAID ADDITION IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 SECTION 30, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 270913 IN BLOCK 15 OF PLATS, PAGE 10, IN COOK COUNTY, ILLINOIS
2. Common Address: 1650 W. Fullerton Avenue, Chicago, IL.
3. Parcel Index Number: 14-30-400-061-0000.
4. Remediation Site Owner: Baker Development Corporation.
5. Land Use: Industrial/Commercial.
6. Site Investigation: Focused.

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

RETURN

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ATTN: Spreng Suckles

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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

April 11, 2003

CERTIFIED MAIL

7002 2030 0001 1880 4769

Warren Baker, Owner  
 Baker Development Corporation  
 1156 W. Armitage Avenue  
 Chicago, Illinois 60614

Re: 0316070017/Cook County  
 Chicago/Walt's Automotive Service  
 Site Remediation Program/Technical Reports

Dear Mr. Baker:

The *Request for No Further Remediation Determination* (May 30, 2002/Log No. 02-2851), *Response to Comments* (October 1, 2002/Log No. 02-3849), *Response to Comments* (December 27, 2002/Log No. 02-5059), and *Amendment to Response to Comments* (March 17, 2003/Log No. 03-1033), as prepared by Environmental Forensic Investigations for the former Walt's Automotive 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 0.28 acres, is located at 1650 W. Fullerton 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 (May 17, 2002/Log No. 02-1940), is Baker Development 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.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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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.

#### 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 in the former underground storage tank excavations. 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 12.0 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 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 ingestion of the contaminated media.
- 7) 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 ingestion of the contaminated media.

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## Other Terms

- 8) Pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), all statutory and regulatory corrective action requirements applicable to the occurrence involving LUST Incident Number 902015 has been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced LUST incident.
- 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 titleholder 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:
- 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;

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- 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) Baker Development 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.

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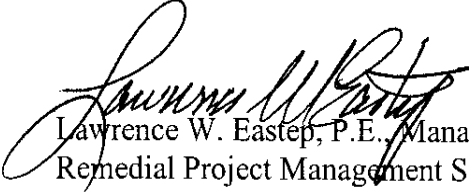
- 13) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first 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 Walt's Automotive Service 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 the Walt's Automotive Service site, you may contact the Illinois EPA project manager, Marc Cummings at (217) 732-9079.

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 Regulated Substances of Concern  
 Notice to Remediation Applicant

cc: Krishna Mayenkar, P. E.  
 Vice President, Engineering Services  
 Environmental Forensic Investigations  
 33 North LaSalle Street, Suite 2119  
 Chicago, Illinois 60602

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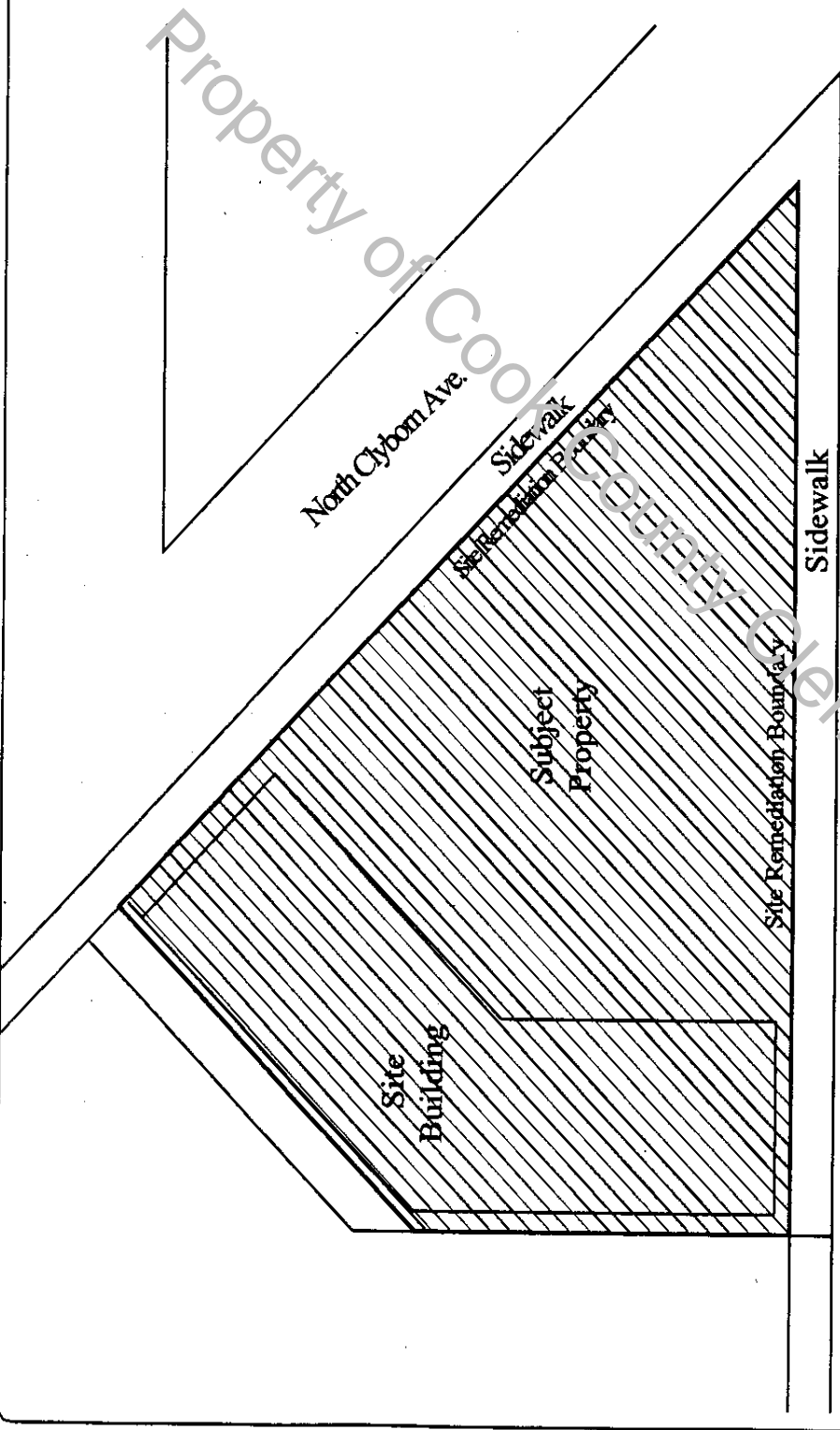
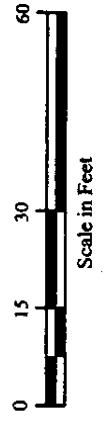
**Site Base Map**

**0316070017 -- Cook County  
Chicago/Walt's Automotive Service  
Site Remediation Program**



**Legend:**

- Engineering Barrier (concrete)
- Site remediation boundary



**LEGAL DESCRIPTION:**  
 LOTS 31 TO 35 TAKEN TOGETHER AS A TRACT OF LAND (EXCEPTING THEREFROM THE NORTHWESTERLY 4.0 FEET AS MEASURED AT RIGHT ANGLES TO THE NORTHWESTERLY LINE OF SAID TRACT) TOGETHER WITH LOTS 32, 33 AND 34 ALL IN BLOCK 7 IN FULLERTON'S SECOND ADDITION TO CHICAGO, SAID ADDITION IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 SECTION 30, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 270913 IN BLOCK 15 OF PLATS, PAGE 10, IN COOK COUNTY, ILLINOIS.

Property of Cook County

City of Chicago

No.	Date	Revision	Approved	 <b>ENVIRONMENTAL ASSOCIATES</b> THE HENSHAW GROUP <small>1900 West Cass Street, Suite 200 • Portland, OR 97216</small>				Date: 08/28/02 Design: KM Drawn: JH Checked: LB DWG file: 3182-02
								SITE REMEDIATION BOUNDARY MAP 1650 W. Fullerton Ave. Chicago, Illinois
							Figure: 3/A Project: 0316070017 353.A/01	

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SITE REMEDIATION PROGRAM  
**TABLE A: REGULATED SUBSTANCES OF CONCERN**  
 0316070017 - WALT'S AUTOMOTIVE SERVICE

## Volatil Organic Compounds

CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
108-86-1	Bromobenzene
74-97-5	Bromochloromethane
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone (MEK)
104-51-8	n-Butylbenzene
135-98-9	sec-Butylbenzene
98-06-6	tert-Butylbenzene
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
124-48-1	Chlorodibromomethane (Dibromochloromethane)
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
95-49-8	2-Chlorotoluene
106-43-4	4-Chlorotoluene
96-12-8	1,2-Dibromo-3-Chloropropane
74-95-3	Dibromomethane
106-93-4	1,2-Dibromomethane
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
110-57-6	trans-1,4-Dichloro-2-butene
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
156-59-2	cis-1,2-Dichloroethene
75-71-8	Dichlorodifluoromethane
78-87-5	1,2-Dichloropropane
142-28-9	1,3-Dichloropropane
594-20-7	2,2-Dichloropropane
563-58-6	1,1-Dichloropropene
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene



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591-78-6	2-Hexanone
99-87-6	p-Isopropyltoluene
98-82-4	Isopropylbenzene (Cumene)
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone (MIBK)
91-20-3	Naphthalene
103-65-1	n-Propylbenzene
100-42-5	Styrene
127-18-4	Tetrachloroethene
630-20-6	1,1,1,2-Tetrachloroethane
79-34-5	1,1,2,2-Tetrachloroethane
79-01-6	Trichloroethene
87-61-6	1,2,3-Trichlorobenzene
120-82-1	1,2,4-Trichlorobenzene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
75-69-4	Trichlorofluoromethane
96-18-4	1,2,3-Trichloropropane
95-63-6	1,2,4-Trimethylbenzene
99-35-4	1,3,5-Trimethylbenzene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

**Semivolatile Organic Compounds**

<u>CAS No.</u>	<u>Compound Name</u>
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
191-24-2	Benzo(g,h,i)perylene
207-08-9	Benzo(k)fluoranthene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
85-01-8	Phenanthrene
108-95-2	Phenol
129-00-0	Pyrene

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## Aroclors

<u>CAS No.</u>	<u>Compound Name</u>
12674-11-2	Aroclor - 1016
11104-28-2	Aroclor - 1221
11141-16-5	Aroclor - 1232
53469-21-9	Aroclor - 1242
12672-29-6	Aroclor - 1248
11097-69-1	Aroclor - 1254
11096-82-5	Aroclor - 1260

## Metals

<u>CAS No.</u>	<u>Compound Name</u>
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium (Total)
7439-92-1	Lead
7782-49-2	Selenium
7440-22-4	Silver

**UNOFFICIAL COPY****PROPERTY OWNER CERTIFICATION OF THE NFR LETTER  
UNDER THE SITE REMEDIATION PROGRAM**

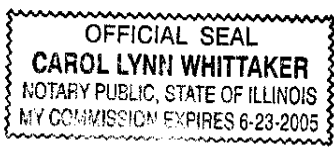
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

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.

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	
Owner's Name:	<u>W + A Baker Building Trust</u>
Title:	<u>Warren Baker - General Partner</u>
Company:	<u>Baker Development Corporation</u>
Street Address:	<u>2222 N. ELSTON AVE</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60614</u> Phone: <u>773-755-0600</u>
Site Information	
Site Name:	<u>Walt's Automotive Service</u>
Site Address:	<u>1650 W. Fullerton Avenue</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60614</u> County: <u>Cook</u>
Illinois inventory identification number:	
Real Estate Tax Index/Parcel Index No.	<u>14-30-400-061-0000</u>
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:	<u>[Signature]</u> Date: <u>4-23-03</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>23<sup>rd</sup></u> day of <u>April</u> , 20 <u>03</u>	
<u>[Signature]</u> Notary Public	

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.