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PREPARED BY:

Name: Houston Akin
AutoZone, Inc.

Address: 123 S. Front St., Dept. 8340
Memphis, Tennessee 38103-3607



Doc#: 0430122240
Eugene "Gene" Moore Fee: \$42.50
Cook County Recorder of Deeds
Date: 10/27/2004 11:29 AM Pg: 1 of 10

RETURN TO:

~~Name: Houston Akin
AutoZone, Inc.~~

~~Address: 123 S. Front St., Dept. 8340
Memphis, Tennessee 38103-3607~~

Erin Curley
MES
4243 W. 166th St.
Oak Forest, IL 60452

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 Recorder of Deeds of Cook County.

Illinois State EPA Number: 0316195089

AutoZone, Inc., the Remediation Applicant, whose address is 123 South Front Street, Memphis, Tennessee 38103-3607 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:

LOT 18 IN BLOCK 1 IN DIVERSEY HIGHLANDS BEING A SUBDIVISION OF THE NORTH ¼ OF THE NORTH ½ OF THE EAST ½ OF THE SOUTHEAST QUARTER OF SECTION 29 TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 1923 AS DOCUMENT 6215735, IN COOK COUNTY, ILLINOIS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 18 SAID POINT BEING THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF CENTRAL STREET AND THE SOUTH RIGHT OF WAY LINE OF DIVERSEY STREET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST R.O.W. LINE OF CENTRAL STREET, 125.00 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 140.43 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 50 SECONDS EAST, 125.00 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, 140.00 FEET TO THE POINT OF BEGINNING.

2. Common Address: 5601 West Diversey Avenue, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 13-29-407-006-000

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4. Remediation Site Owner: AutoZone, Inc.
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

(217) 782-6761

September 2, 2004

RECEIVED
SEP - 7 2004

CERTIFIED MAIL

7002 3150 0000 1113 3621

AutoZone, Inc.
Attn: Houston Akin
123 South Front Street, Dept. 8340
Memphis, Tennessee 38103-3607

Re: 0316195089- Cook County
Chicago/Mobil Oil Corporation 99CCW
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Akin:

The *Comprehensive Site Investigation Report/Remedial Objectives Report/Remedial Action Plan/Remedial Action Completion Report* (dated November 10, 2003/Log No. 03-18211), as prepared by Midwest Engineering Services, Inc. for the Mobil Oil Corporation 99CCW 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 above-referenced report shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 0.4 acres, is located at 5601 West Diversey 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 (received May 15, 2003/Log No. 03-2106), is AutoZone, Inc.

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
U 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) Two (2) 5,000-gallon and one (1) 8,000-gallon gasoline USTs removed in 1981;
 - b) One (1) 550-gallon waste oil and one (1) 550-gallon fuel oil USTs removed in 1991;
 - c) One (1) 750-gallon heating oil UST removed in 2001;
 - d) Two (2) former waste oil ASTs; and
 - e) Former in-ground hydraulic lifts.

The 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 at the site. 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. All excavated soil 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 and ingestion of the contaminated media.

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

Institutional Controls:

- 9) 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

- 10) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 11) The Remediation Applicant has remediated releases associated with Leaking Underground Storage Tank (LUST) Incident Numbers 911568 and 20011983.
- 12) 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.
- 13) 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
- 14) 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:
 - a) Any violation of institutional controls or the designated land use restrictions;

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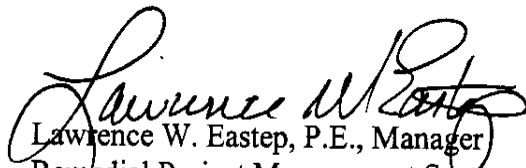
- b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed 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.
- 15) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) AutoZone, Inc.;
 - 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;

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- 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.
- 16) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Recorder of Deeds 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 Recorder of Deeds of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Mobil Oil Corporation 99CCW property.
- 17) Within thirty (30) days of this Letter being recorded by the Recorder of Deeds 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
- 18) 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 Mobil Oil Corporation 99CCW property, you may contact the Illinois EPA project manager, Scott Hacke at 217/782-6761.

Sincerely,


Lawrence W. Eastep, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

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Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Table A: Regulated Substances of Concern
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form

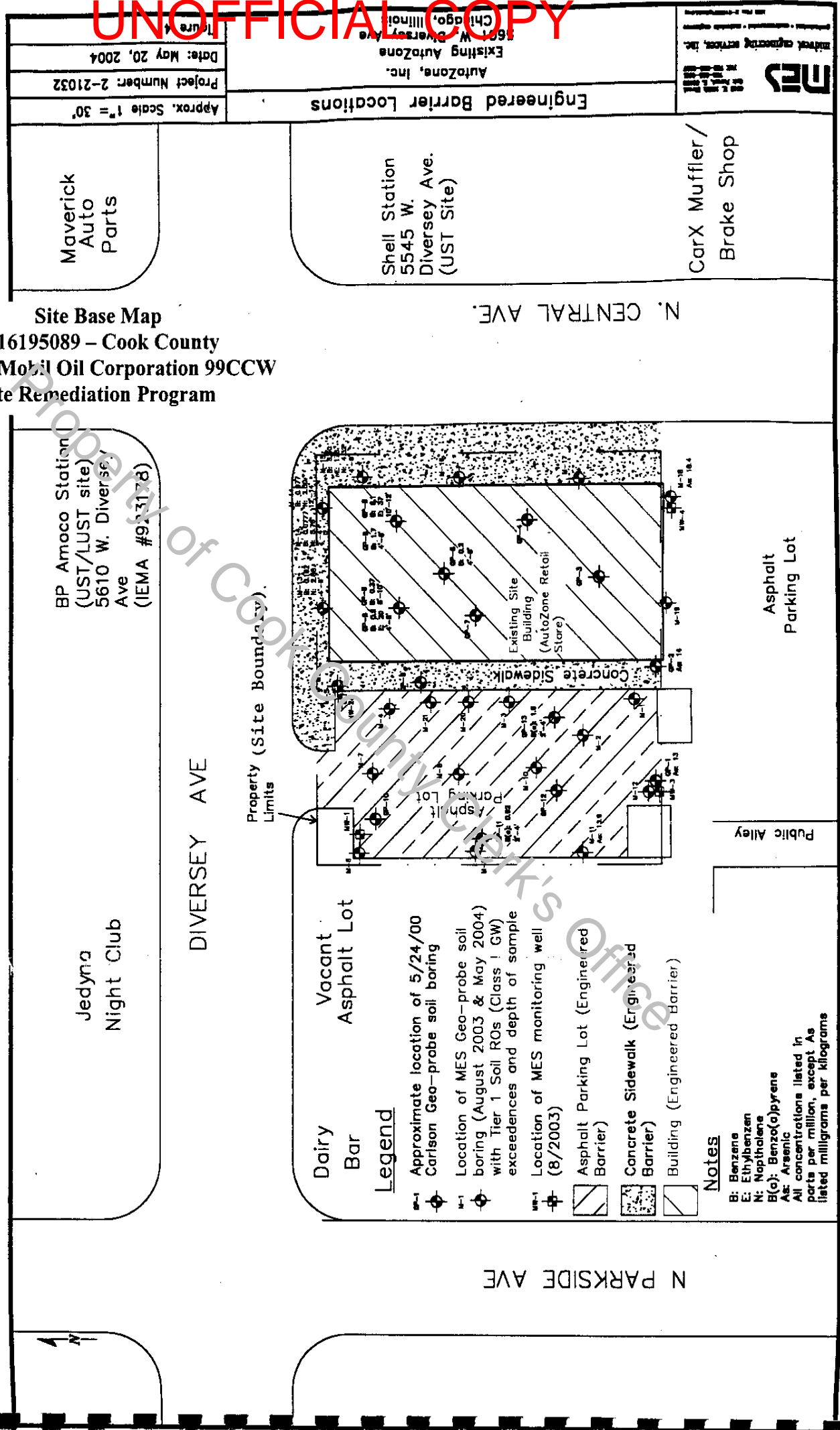
cc: Donald Lamb
Midwest Engineering Services
4243 West 166th Street
Oak Forest, Illinois 60452

bcc: Records Unit
Bob O'Hara
Ginger Miller
Rick Lucas
LUST Technical File

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Site Base Map
 0316195089 – Cook County
 Chicago/Mobil Oil Corporation 99CCW
 Site Remediation Program



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SITE REMEDIATION PROGRAM
TABLE A: REGULATED SUBSTANCES OF CONCERN
0316195089- MOBIL OIL CORPORATION 99CCW

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
129-00-0	Pyrene
91-20-3	Naphthalene

Metals

<u>CAS No.</u>	<u>Chemical Name</u>
7440-38-2	Arsenic
7439-92-1	Lead

BTEX Indicator Contaminants

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