

# UNOFFICIAL COPY

PREPARED BY:

Name: Warren Baker  
Elston Development L.L.C.

Address: 2222 N. Elston Avenue  
Chicago, IL 60614



Doc#: 0519218014  
Eugene "Gene" Moore Fee: \$48.50  
Cook County Recorder of Deeds  
Date: 07/11/2005 10:13 AM Pg: 1 of 13

MAIL TO: Attn: Brian Cohen  
DLA Piper Rudnick Gray  
203 N. LaSalle, #1908  
Chicago IL 60601-1293  
RETURN TO:

Name: Warren Baker  
Elston Development L.L.C.

Address: 2222 N. Elston Avenue  
Chicago, IL 60614

## THE ABOVE SPACE FOR RECORDER'S OFFICE

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316075186

Elston Development L.L.C., the Remediation Applicant, whose address is 2222 N. Elston Avenue, Chicago, IL 60614, 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:

### Parcel A

That part of Lot "A" in the Consolidation of parts of Original Block 21 in Sheffield's Addition to Chicago in the East 1/2 of the Northeast 1/4 of Section 31, Township 40 North, Range 14 East of the Third Principal Meridian, lying Easterly of the following described as follows:

Beginning at the intersection of the Northwestern line of North Hobson Avenue with the Southwesterly line of North Elston Avenue; thence Southwesterly along Westerly line of Hobson Avenue to the intersection with the Southerly line of North Holly Avenue a distance of 168.8 feet; thence Northwesterly along a line parallel with Southwesterly line of North Elston Avenue a distance of 99.94 feet; thence deflecting 89 degrees 12 minutes 44 seconds right from the prolongation of the preceding course for a distance of 22.35 feet; thence Northeasterly 146.52 feet along a line deflected 0 degrees 50 minutes 16 seconds right from last described course, said line being parallel with Northeasterly line of North Hobson Avenue to the intersection with Southerly line of Elston Avenue; thence Southeasterly along said Southerly line of Elston Avenue a distance of 11.27 feet to the point of beginning in Cook County, Illinois.

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## Parcel B

Lot 8 (except the Northeasterly 10 feet thereof and except the Southeasterly 34 feet of the said Lot 8 lying Southwesterly of the Northeasterly 10 feet thereof) Lots 9 and 10 (except the Southeasterly 34 feet of said Lots) and Lots 11 and 12 in Killick's Subdivision of Lots 29, 30, and 31 in the Resubdivision of Lots 2 to 5, lots 7 to 11 and Lots 13 to 18 in Block 21 in Sheffield's Addition to Chicago in the Southeast Quarter of the Northeast Quarter of Section 31, Township 40 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Also

That part of real estate lying Southwesterly of the adjoining Lot 12 in Killick's Subdivision aforesaid and bounded as follows: (1) on the Northwest by a line commencing at the most Westerly corner of the said Lot 12; thence running Southwesterly along Northwesterly line of Said Lot 12, extended Southwesterly, 34 feet 7 ¼ inches, more or less, to the Northeasterly line of the Right of Way of the Chicago and Northwestern Railroad; (2) on the Southwest by said Northeasterly line of Railroad Right of Way; (3) on the Southeast by the Southeasterly line of said Lot 12, extended Southwesterly to said Northeasterly line of Railroad Right of Way; and (4) on the Northeast by the Southwesterly line of said Lot 12, in Cook County, Illinois.

Also

That part of real estate lying Southeasterly of and adjoining the above described property and bounded as follows: (1) on the Northwest by the Southeasterly line of Lot 12 in Killick's Subdivision aforesaid, extended Southwesterly to the Northeasterly line of the Right of Way of the Chicago and Northwestern Railroad; (2) on the Southwest by said Northeasterly line of Railroad Right of Way; (3) on the Southeast by a line drawn parallel to and 2 ½ feet Northwesterly on the Southeasterly line of 16 foot alley lying Southeasterly of and adjoining Lots 7 and 12 in Killick's Subdivision aforesaid, and said line extended Southwesterly to the aforesaid Northeasterly line of Railroad Right of Way; and (4) on the Northeast by the Southwesterly line of said Lot 12 in Killick's Subdivision, extended Southeasterly to said Southeasterly boundary line of said Parcel or real estate, in Cook County, Illinois.

All that part of vacated North Hobson Avenue lying Northwesterly of and adjoining the Northwesterly lines of Lot 8 and 12, and the Northwesterly line of said Lot 12, produced Southwesterly to the Northeasterly line of the Right of Way of Chicago and Northwestern Railway, in J. E. Killick's Subdivision of Lots 29, 30 and 31 of Block 21 aforesaid, and lying Southeasterly of and adjoining the Southeasterly line of Lot "A" in the Consolidation of parts of Original Block 21 and lying Southwesterly of and adjoining the Southwesterly line of the Northeasterly 10 feet of said Lot 8 in Killick's Subdivision, produced Northwesterly to the Southeasterly line of Lot "A" in the Consolidation aforesaid and lying Northeasterly of and adjoining the Northeasterly line of Right of Way of the Chicago and Northwestern Railroad, in Cook County, Illinois.

Also

That part of Lot "A" in the Consolidation of parts of Original Block 21 in Sheffield's Addition to Chicago in the East 1/2 of the Northeast 1/4 of Section 31, Township 40 North, Range 14 East of the Third Principal Meridian, lying East of the following described lines: Commencing at the intersection of the Northwesterly line of North Hobson Avenue with the Southwesterly line of North Elston Avenue; thence North 45 degrees 45 minutes 02 seconds West along said Southwesterly line 100.27 feet to the point of beginning; thence South 44 degrees 17 minutes 58 seconds West 146.52 feet; thence South 43 degrees 27 minutes 42 seconds West 167.81 feet, excepting therefrom that part of said Lot "A" described as follows:

That part of Lot "A" in the Consolidation of parts of Original Block 21 in Sheffield's Addition to Chicago in the East 1/2 of the Northeast 1/4 of Section 31, Township 40 North, Range 14 East of the Third Principal Meridian described as follows:

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Beginning at the intersection of Northwesterly line of North Hobson Avenue with Southwesterly line of North Elston Avenue; thence Southwesterly along Westerly line of Hobson Avenue to the intersection with the Southerly Line of North Holly Avenue a distance of 168.8 feet, thence Northwesterly along a line parallel with Southwesterly line of North Elston Avenue a distance of 99.94 feet; thence deflecting 89 degrees 12 minutes 44 seconds right from the prolongation of the preceding course for a distance of 22.35 feet; thence Northeasterly 146.52 feet along a line deflected 0 degrees 50 minutes 16 seconds right from last described course, said line being parallel with Northeasterly line of North Hobson Avenue to the intersection with Southerly line of Elston Avenue; thence Southeasterly along said Southerly line of Elston Avenue a distance of 100.27 feet to the point of beginning in Cook County, Illinois.

Said Area contains 1.233 acres, more or less.

## 2. Engineered Barrier Legal Descriptions

### Engineered Barrier Area 'C'

That part of various lots, vacated streets and alleys, public streets and alleys in various subdivisions in the East Half of the Northeast Quarter of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Commencing at the intersection of the south line of West Webster Avenue and the southwesterly line of North Elston Avenue; thence South 44 degrees 59 minutes 59 seconds East along the southwesterly line of North Elston Avenue, 862.69 feet; thence South 45 degrees 00 minutes 01 seconds West, 117.59 feet to the point of beginning of Area "C"; thence South 46 degrees 42 minutes 17 seconds East, 34.36 feet; thence South 44 degrees 00 minutes 00 seconds West, 53.44 feet; thence South 46 degrees 00 minutes 00 seconds East, 31.67 feet; thence South 44 degrees 13 minutes 25 seconds West, 72.16 feet; thence North 45 degrees 38 minutes 11 seconds West, 65.75 feet; thence North 44 degrees 00 minutes 00 seconds East, 124.76 feet to the point of beginning.

Said Engineered Barrier Area 'C' contains 0.151 acres, more or less.

### Engineered Barrier Area 'D'

That part of various lots, vacated streets and alleys, public streets and alleys in various subdivisions in the East Half of the Northeast Quarter of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Commencing at the intersection of the south line of West Webster Avenue and the southwesterly line of North Elston Avenue; thence South 44 degrees 59 minutes 59 seconds East along the southwesterly line of North Elston Avenue, 1048.54 feet; thence South 45 degrees 00 minutes 01 seconds West, 200.88 feet to the point of beginning of Area "D"; thence South 44 degrees 59 minutes 59 seconds East, 44.73 feet; thence South 46 degrees 31 minutes 22 seconds West, 16.36 feet; thence South 50 degrees 36 minutes 34 seconds East, 22.97 feet; thence South 45 degrees 00 minutes 01 seconds West, 35.09 feet; thence North 44 degrees 59 minutes 59 seconds West, 24.83 feet; thence North 46 degrees 50 minutes 02 seconds East, 18.50 feet; thence North 44 degrees 59 minutes 59 seconds West, 42.92 feet; thence North 45 degrees 00 minutes 01 seconds East, 30.71 feet to the point of beginning.

Said Area "D" contains 0.050 acres, more or less.

3. Common Address: 2100 North Elston Avenue, Chicago, Illinois 60614
4. Real Estate Tax Index/Parcel Index Number: Block 21 Lots 8 through 12, and Part of Lot "A" /

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14-31-219-039, 14-31-211-028, and 14-31-211-029

5. Remediation Site Owner: Elston Development L.L.C.
6. Land Use: Industrial/Commercial
7. Site Investigation: Comprehensive

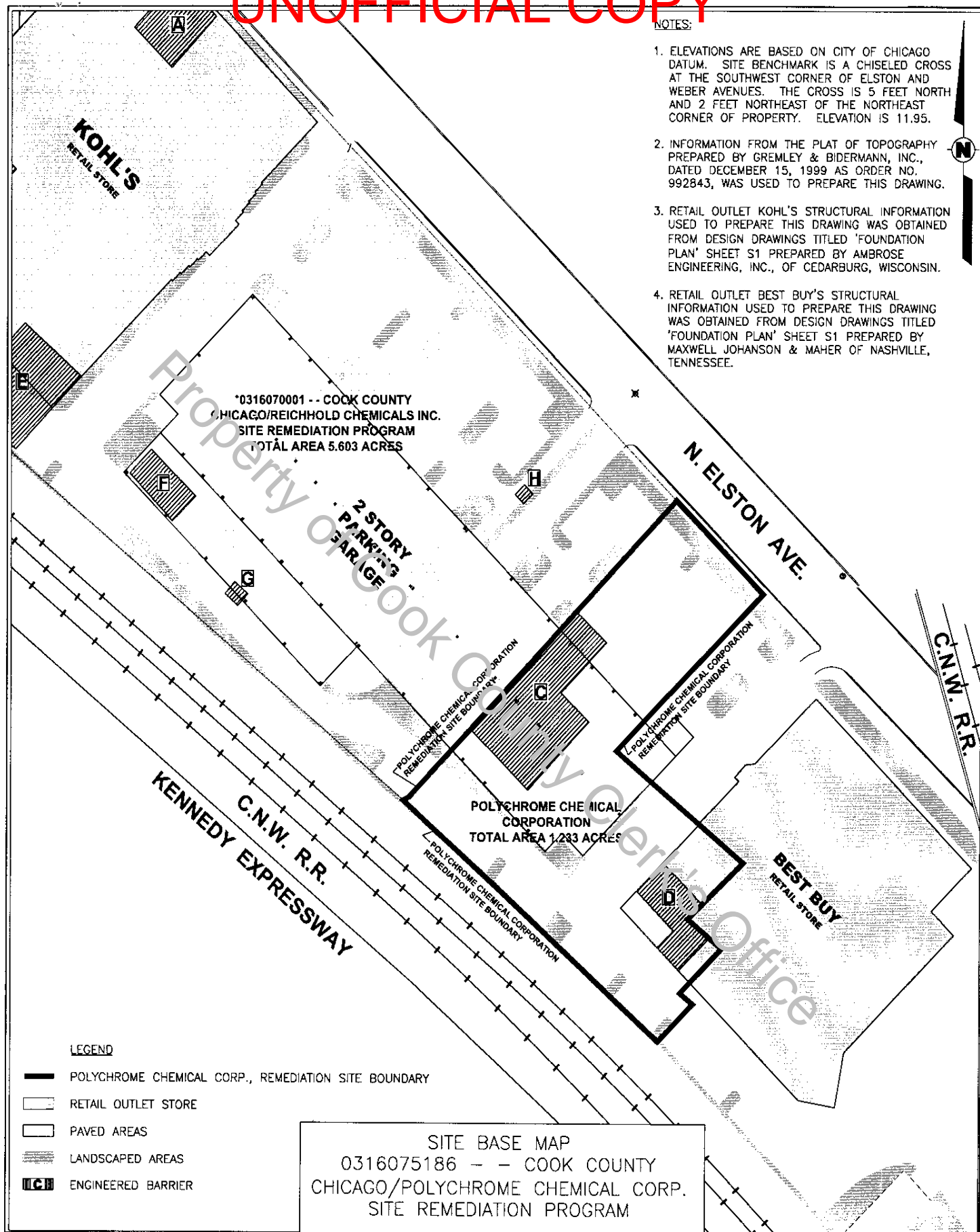
See NFR letter for other terms.

Property of Cook County Clerk's Office

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## NOTES:

1. ELEVATIONS ARE BASED ON CITY OF CHICAGO DATUM. SITE BENCHMARK IS A CHISELED CROSS AT THE SOUTHWEST CORNER OF ELSTON AND WEBER AVENUES. THE CROSS IS 5 FEET NORTH AND 2 FEET NORTHEAST OF THE NORTHEAST CORNER OF PROPERTY. ELEVATION IS 11.95.
2. INFORMATION FROM THE PLAT OF TOPOGRAPHY PREPARED BY GREMLEY & BIDERMAN, INC., DATED DECEMBER 15, 1999 AS ORDER NO. 992843, WAS USED TO PREPARE THIS DRAWING.
3. RETAIL OUTLET KOHL'S STRUCTURAL INFORMATION USED TO PREPARE THIS DRAWING WAS OBTAINED FROM DESIGN DRAWINGS TITLED 'FOUNDATION PLAN' SHEET S1 PREPARED BY AMBROSE ENGINEERING, INC., OF CEDARBURG, WISCONSIN.
4. RETAIL OUTLET BEST BUY'S STRUCTURAL INFORMATION USED TO PREPARE THIS DRAWING WAS OBTAINED FROM DESIGN DRAWINGS TITLED 'FOUNDATION PLAN' SHEET S1 PREPARED BY MAXWELL JOHANSON & MAHER OF NASHVILLE, TENNESSEE.



GRAPHIC SCALE

100 FT 0 100 FT



Corporate Remediation Group  
An Alliance between  
DuPont and URS Diamond Group

Barley Mill Plaza, Building 27  
Wilmington, Delaware 19880-0027

## SITE BASE MAP

POLYCHROME CHEMICAL CORP.  
2100 N. ELSTON AVE  
CHICAGO, ILLINOIS

SCALE 1" = 100 FT	DESIGNED R.N.S.	DRAWN D.H.E.	GAD FILE NO. 407506
DATE 08/18/2005	CHECKED R.N.S.	APPROVED R.N.S.	FIGURE 5



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## 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>Elston Development, Inc.</u>	
Title: <u>Debra Baker, Baker Development Corp. - Manager</u>	
Company: _____	
Street Address: <u>2222 N. Elston Avenue</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>Best Buy Retail Store formerly Polychemie Chemical</u>	
Site Address: <u>2100 N. Elston 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>14-31-219-039, 14-31-211-028, 14-31-211-029</u>	
<p>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.</p> <p>Owner's Signature: <u>[Signature]</u> Date: <u>6-27-05</u></p>	
<p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>27</u> day of <u>June</u>, 20<u>05</u></p> <p><u>[Signature]</u> Notary Public</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto;"> <p style="text-align: center; margin: 0;">OFFICIAL SEAL CAROL LYNN WHITTAKER NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 6-23-2009</p> </div>	

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.

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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

(217) 782-6761

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

June 21, 2005

CERTIFIED MAIL7004 2510 0001 8651 7706

Warren Baker  
Elston Development L.L.C.  
2222 N. Elston Avenue  
Chicago, IL 60614

Re: 0316075186 - -Cook County  
Chicago/Polychrome Chemical  
Site Remediation Program/Technical Reports

Dear Mr. Baker:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the *Remedial Action Completion Report* (RACR dated December 14, 2004, Log No. 04-23019), the *Remedial Action Completion Report Addendum* (RACR Addendum dated January 13, 2005, Log No. 05-23368) and the *Response Letter* (Response dated May 16, 2005, Log No. 05-24882), for the former Reichhold Chemical site and the adjacent property, the former Polychrome Chemical (0316075186) site in Chicago, Illinois. The RACR, RACR Addendum and Response demonstrate that the remedial action was completed in accordance with the *Remedial Objectives Report and Remedial Action Plan (ROR & RAP)* dated December 2000; log # 01-0037), the *Additional Site Information Report* (dated November 14, 2001; log # 01-5172) and the *Remedial Action Plan Addendum Letter* (RAP Addendum dated February 12, 2003, Log No. 03-0582).

The Remediation Site, consisting of 1.233-acres, is located at 2100 North Elston 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 October 25, 1999), is Elston Development L.L.C.

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.

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 Remediation Site is restricted to 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 fill materials that lie beneath the engineered barriers that cover the site. Any excavation within the contaminated fill materials 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. Materials excavated below the barriers must be returned to the same depth from which they were excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### Engineering Controls:

The engineered barrier provided by the retail outlet building (Best Buy) is designated as Engineered Barrier 'D' on the Site Base Map consists of a minimum 5-inch floor slab on a 6 mil. Polyethylene Vapor Barrier atop a minimum of a 3 feet thick building pad consisting of structural fill material (Illinois DOT designation: CA6). The paved area engineered barrier is designated as Engineered Barrier 'C' on the Site Base Map. This barrier consists of a minimum 12-inch thick asphalt paving placed over a minimum 2 feet thick clean aggregate sub-base. Both of these designated Engineered Barriers must be properly maintained to effectively inhibit the ingestion of the contaminated media. Temporary breaches of the engineered barriers are acceptable if conducted in accordance with Paragraph 4 and the Illinois EPA is notified 14 days prior to breaches of the engineered barriers.



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## Institutional Controls:

- 5) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:
- a) The Remediation Applicant shall provide written notification to the City of Chicago and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
    - i) The name and address of the local unit of government;
    - ii) The citation of Section 11-8-390
    - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
    - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
    - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
    - vi) A statement as to where more information may be obtained regarding the ordinance.
  - b) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date of this Letter 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
- c) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
    - i) Modification of the referenced ordinance to allow potable uses of groundwater;
    - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;

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- iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date of this Letter of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter.

## Other Terms

- 6) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 9 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 7) 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.
- 8) 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
- 9) 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;

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- 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.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Elston Development L.L.C.;
  - 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;

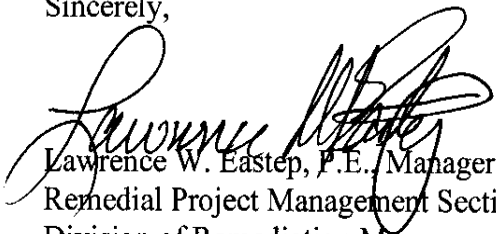
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- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through 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.
- 11) 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 Polychrome Chemicals Corporation property.
- 12) 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
- 13) 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.

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If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Timothy J. Murphy at 217-524-4823.

Sincerely,



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

Attachments: 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: Hugh Campbell  
DuPont Corporate Remediation Group  
Barley Mill Plaza-Building 12  
4417 Lancaster Pike  
Wilmington, DE 19805

Commissioner  
Chicago Department of Environment  
25<sup>th</sup> Floor  
30 North LaSalle Street  
Chicago, Illinois 60602-2575

Property of Cook County Clerk's Office