

UNOFFICIAL COPY

PREPARED BY:

Name: Alpha Baking Company

Address: 4545 West Lyndale Avenue
Chicago, Illinois 60106



Doc#: 0519546149
Eugene "Gene" Moore Fee: \$42.00
Cook County Recorder of Deeds
Date: 07/14/2005 01:54 PM Pg: 1 of 10

RETURN TO:

Name: Alpha Baking Company
Attention: Mr. Michael Rosen,
Safety and Human Resources Director

Address: 4545 West Lyndale Avenue
Chicago, Illinois 60106

(THE ABOVE SPACE FOR RECORDER'S OFFICE) 10

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0316195200

LUST Incident No.: 20010431

Alpha Baking Company, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 4545 West Lyndale Avenue, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: attached
2. Common Address: 4545 West Lyndale Avenue, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Numbers: 13-34-112-013, 13-34-112-014, 13-34-112-015, 13-34-112-016, 13-34-112-019, 13-34-112-020, 13-34-112-021, 13-34-112-022, 13-34-112-023, 13-34-112-024, 13-34-112-025, 13-34-112-026, 13-34-112-027, 13-34-112-028, 13-34-112-029, 13-34-112-031, 13-34-112-037, 13-34-112-038, and 13-34-112-039
4. Site Owner: Alpha Baking Company
5. Land Use Limitation: The land use shall be industrial/commercial.
6. See the attached No Further Remediation Letter for other terms.

mh

Leaking Underground Storage Tank Environmental Notice

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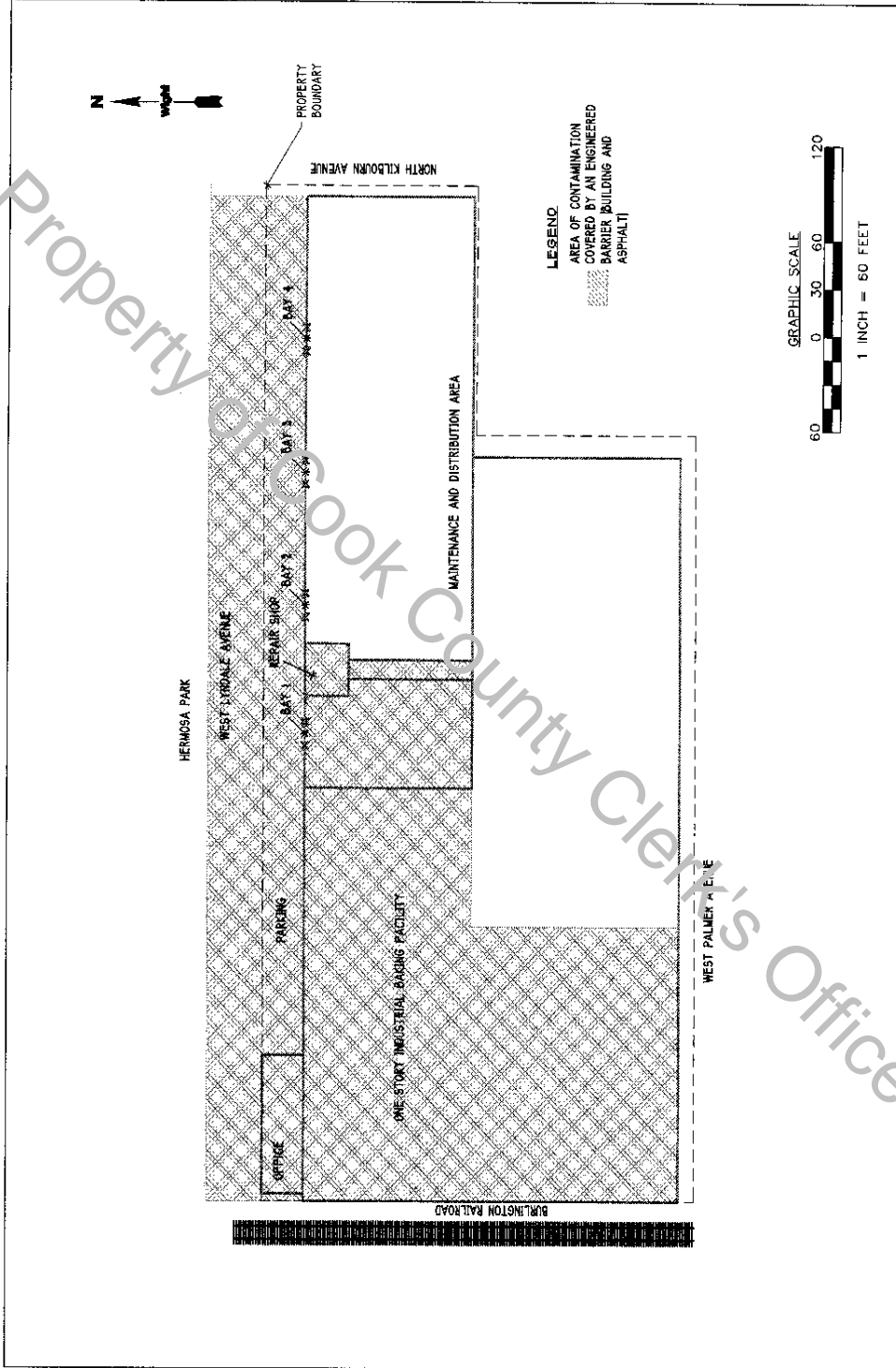


Wight
 Wight & Company
 814 Ogden Avenue
 Downers Grove, IL 60515
 630.988.7000
 Design Firm Registration
 184-000451

DATE: _____ ISSUE: _____
 ALPHA BAKING COMPANY
 4845 W. MADISON AVENUE
 CHICAGO, ILLINOIS 60639

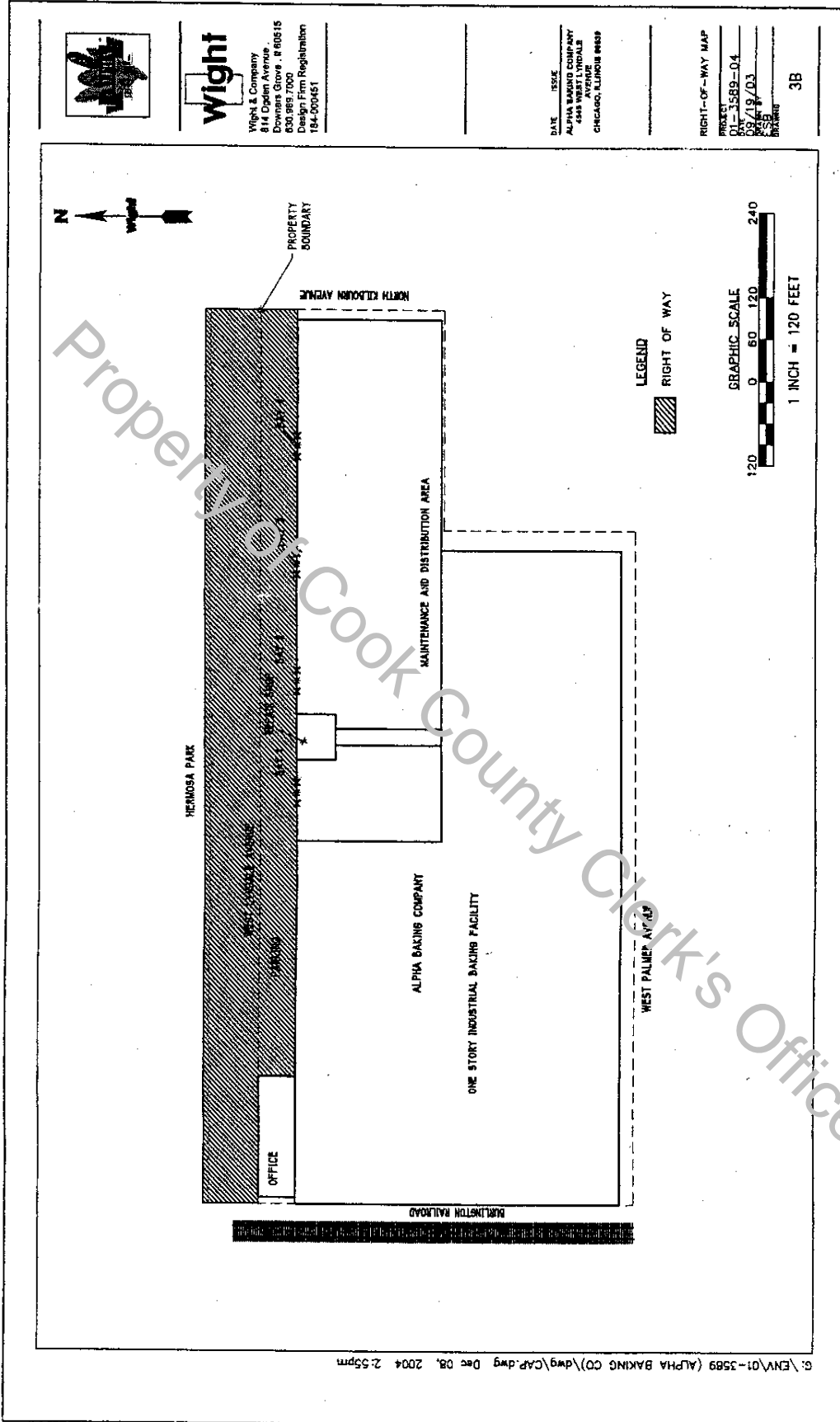
ENGINEERED
 BARRIER
 MAP
 PROJECT
 DATE: 03/19/03
 DRAWN BY:
 CHECKED BY:
 DRAWING

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Alpha Baking Company Legal Description By Parcel

PARCEL 1: LOTS 19 TO 30, INCLUSIVE, IN BLOCK 2 IN PATTERSON'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: ALL OF VACATED PUBLIC ALLEY LYING SOUTH OF AND ADJOINING LOTS 21 TO 25 AND NORTH OF AND ADJOINING LOTS 26 TO 30, IN BLOCK 2 IN PATTERSON'S SUBDIVISION AS VACATED BY ORDINANCE RECORDED APRIL 1, 1954 AS DOCUMENT NUMBER 15870595, IN COOK COUNTY, ILLINOIS.

PARCEL 3: LOTS 11 TO 18, INCLUSIVE, IN BLOCK 2 IN PATTERSON'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4: LOT 7 (EXCEPT THE EAST 18 FEET THEREOF AND EXCEPT THE NORTH 69 FEET OF THE EAST 2 FEET THEREOF) AND ALL OF LOTS 8, 9, AND 10 IN BLOCK 2 IN PATTERSON'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5: THAT PART OF BLOCK 2 OF PATTERSON'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

("A"):

LOTS 1, 2 AND 3 IN PATTERSON'S SUBDIVISION AS AFORESAID DESCRIBED:

("B"):

LOTS 4, 5, 6 AND THAT PART OF LOT 7 IN PATTERSON'S SUBDIVISION AS AFORESAID, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH LINE OF SAID LOT 7; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 7, 2 FEET; THENCE SOUTHERLY IN A LINE RUNNING PARALLEL TO THE EAST LINE OF SAID LOT 7, 69 FEET; THENCE EASTERLY IN A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 7, 2 FEET TO THE EAST LINE OF SAID LOT; THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 7, 69 FEET TO THE POINT OF BEGINNING.

("C"):

LOTS 33 TO 37 AND THE EAST 5 FEET OF LOT 32 IN PATTERSON'S SUBDIVISION AS AFORESAID DESCRIBED:

("D"):

THE EAST 3 FEET OF LOT 39, ALL OF LOT 40, AND THE WEST HALF OF LOT 41 IN PATTERSON'S SUBDIVISION AS AFORESAID DESCRIBED:

("E"):

THE EAST HALF OF LOT 41 AND ALL OF LOT 42 IN PATTERSON'S SUBDIVISION AS AFORESAID DESCRIBED:

("F"):

LOTS 43 AND 44 IN PATTERSON'S SUBDIVISION AS AFORESAID DESCRIBED, ALL IN COOK COUNTY, ILLINOIS.

("G"):

LOT 31 AND LOT 32 (EXCEPT THE EAST 5 FEET OF LOT 32) IN PATTERSON'S SUBDIVISION AS AFORESAID DESCRIBED.

UNOFFICIAL COPY**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

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1108 8013

JUL 01 2005

Alpha Baking Company
 Attention: Mr. Michael Rosen, Safety and Human Resources Director
 4545 West Lyndale Avenue
 Chicago, Illinois 60106

Re: LPC #0316195200 -- Cook County
 Chicago / Alpha Baking Company
 4545 West Lyndale Avenue
 LUST Incident No. 2001-0431
 LUST Technical File

Dear Mr. Rosen :

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report submitted for the above-referenced incident. This information is dated January 24, 2005 and was received by the Illinois EPA on March 4, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The High Priority Corrective Action Completion Report and associated Professional Engineer Certification indicate corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(c)(1)(E) of the Act and 35 Ill. Adm. Code 732.409(a)(2) have been satisfied.

Based upon the certification by Mr. Jinan Yan, a Licensed Professional Engineer, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

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Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

1. Alpha Baking Company, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

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CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives have been established in accordance with an industrial/commercial land use limitation. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.
2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: The land use shall be industrial/commercial.
3. The land use limitation 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 No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. **Preventive:** Prior to commencement of any future excavation and/or construction in or near the contaminated zone of the remediation site, a safety plan for this remediation site is required that is consistent with National Institute for Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities; Occupational Safety and Health Administration regulations, particularly in 29 CFR 1910 and 1926; state and local regulations; and other U.S. EPA guidance as provided. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.
- Engineering:** A building and concrete/asphalt barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media must remain over the contaminated soil as outlined in the attached Site Base Map. This building and concrete/asphalt barrier is to be properly

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maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

Highway Authority Agreement

City of Chicago agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soil to remain beneath its highway right-of-way adjacent to the site located at 4545 West Lyndale Avenue, Chicago, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Lyndale Avenue. The Highway Authority agrees to: (a) prohibit the use of groundwater under the highway right-of-way that is contaminated above Tier 1 groundwater remediation objectives as a potable or other domestic supply of water, and (b) limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 soil remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this Letter. Questions regarding the Highway Authority Agreement should be directed to:

Commissioner
 Department of Environment
 30 North LaSalle Street
 35th Floor
 Chicago, Illinois 60602

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan, if applicable, may result in avoidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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Illinois Environmental Protection Agency
Attention: Freedom of Information Act Officer
Bureau of Land - #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

8. Pursuant to 35 Ill. Adm. Code 732.704, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank system(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
- a. Any violation of institutional controls or industrial/commercial 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 Corrective Action Plan or Completion Report;
 - d. The failure to comply with the recording requirements for the Letter;
 - e. Obtaining the Letter by fraud or misrepresentation; or
 - 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.

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Michael A. Heaton, at 217/524-3312.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:mh\010431f3.doc

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map depicting extent of Engineered Barrier
Site Base Map depicting extent of Highway Authority
Site Legal Description

cc: Erin S. Burke -- Wight & Company (Darien, Illinois)
Division File

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