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PREPARED BY:

Name: Steven Matuszak
The Peoples Gas Light and Coke Company

Address: 130 East Randolph Drive
Chicago, Illinois 60601



Doc#: 0613231034 Fee: \$46.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 05/12/2006 10:43 AM Pg: 1 of 12

RETURN TO:

Name: Steven Matuszak
The Peoples Gas Light and Coke Company

Address: 130 East Randolph Drive
Chicago, Illinois 60601

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: 0316310036

The Peoples Gas Light and Coke Company, the Remediation Applicant, whose address is 130 East Randolph Drive, Chicago, Illinois 60601 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

Legal description or Reference to a Plat Showing the Boundaries: That part of original Lot 3 in Block 24 in Canal Trustees' Subdivision of South fractional Section 29, Township 39 North, Range 14 East of the Third Principal Meridian, and of that part of Lot 1 in Healy Brothers' Subdivision of part of Lots 1 and 2 in Block 24, of Canal Trustees' Subdivision of South fractional Section 29, Township 39 North, Range 14 East of the Third Principal Meridian, bounded and described as follows: commencing at the intersection of the West line of S. Peoria Street and the North line of W. 27th Street; thence North along said West line of S. Peoria Street, having a bearing of the North 02° 10' 01" East, a distance of 150.0 feet to the point of beginning; thence North 40° 25' 14" West, a distance of 131.70 feet to a point; thence South 59° 43' 07" West, a distance of 198.84 feet to a point; thence North 90° 00' 00" East, a distance of 257.11 feet to the point of beginning, all in Cook County, Illinois.

Easement to Department of Transportation of State of Illinois:
(Document No. 96788537)

That portion of a tract of land being part of Original Lot 3 in Block 24 in Canal Trustees' Subdivision of South fractional Section 29, Township 39 North, Range 14 East of the Third Principal Meridian, and of that part of Lot 1 in Healy Brothers' Subdivision of part of Lots 1 and 2 in Block 24, of Canal Trustees' Subdivision of South fractional Section 29, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois: described as follows:

(Illinois EPA Site Remediation Program Environmental Notice)

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Commencing at a point in the Westerly Right of Way line of said Peoria Street 150 feet (45.720 meters) North of the Northerly Right of Way line of 27th Street, being also the Northeast Corner of Richland Gardens III Subdivision per plat recorded April 20, 1994 as Document Number 94351602; thence on an assumed bearing of North 43° 38' 20 seconds west along the Southerly boundary of a parcel of land conveyed to the County of Cook per deed recorded August 20, 1963 as Document Number 18889573, a distance of 95.95 feet (29.245 meters) to a point of beginning; thence continuing North 43° 38' 20" West along the Southerly line 35.78 feet (10.898 meters) to the most Northerly corner of said tract; thence South 56° 31' 54" West along the Northwesterly line of said tract 60.19 feet (18.345 meters); thence North 84° 25' 07" East 75.24 feet (29.933 meters) to the point of beginning.

2. Common Address: 2600 South Peoria Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 17-29-417-002
4. Remediation Site Owner: Philip Ou and Kenneth Wong
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Comprehensive

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

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

May 9, 2006

CERTIFIED MAIL

Fed Ex # 79147434 8000

Steven Matuszak
 The Peoples Gas Light and Coke Company
 130 East Randolph Drive
 Chicago, Illinois 60601

Re: 0316310036/Cook County
 Chicago/Peoples Gas and Light – Parcel B
 2600 South Peoria Street
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Matuszak:

The *Remedial Action Completion Report* (November 12, 2004/04-22585), as prepared by Burns & McDonnell Engineering Company, Inc. for the Peoples Gas and Light property, has been reviewed by the Illinois Environmental Protection Agency (“Illinois EPA”) and demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (December 1, 2000/00-4651).

The Remediation Site, consisting of 0.295 acres, is located at 2600 South Peoria Street, 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 8, 2000/00-1769), is The Peoples Gas Light and Coke Company.

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 approved for Residential and/or 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 below 3.5 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:

- 5) The clean soil barrier, which is comprised of a minimum of three feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

Institutional Controls:

- 6) 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;

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- 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 this Letter is recorded 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;
 - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded 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

- 7) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 7 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.

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- 8) 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.
- 9) 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

- 10) 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;
 - 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.

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

- a) The Peoples Gas Light and Coke Company;
- 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.

12) 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 Peoples Gas and Light property.

13) 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:

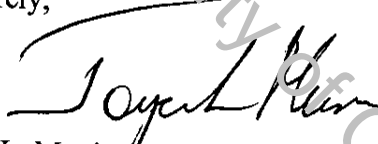
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Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

14) 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, Jennifer M. Seul at 217/785-9399.

Sincerely,



Joyce L. Munie, 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: Philip Ou
 Kenneth Wong
 3454 South Oakley
 Chicago, Illinois 60608

Joan V. Gonzalez
 Burns & McDonnell
 2601 West 22nd Street
 Oak Brook, Illinois 60523-1229

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

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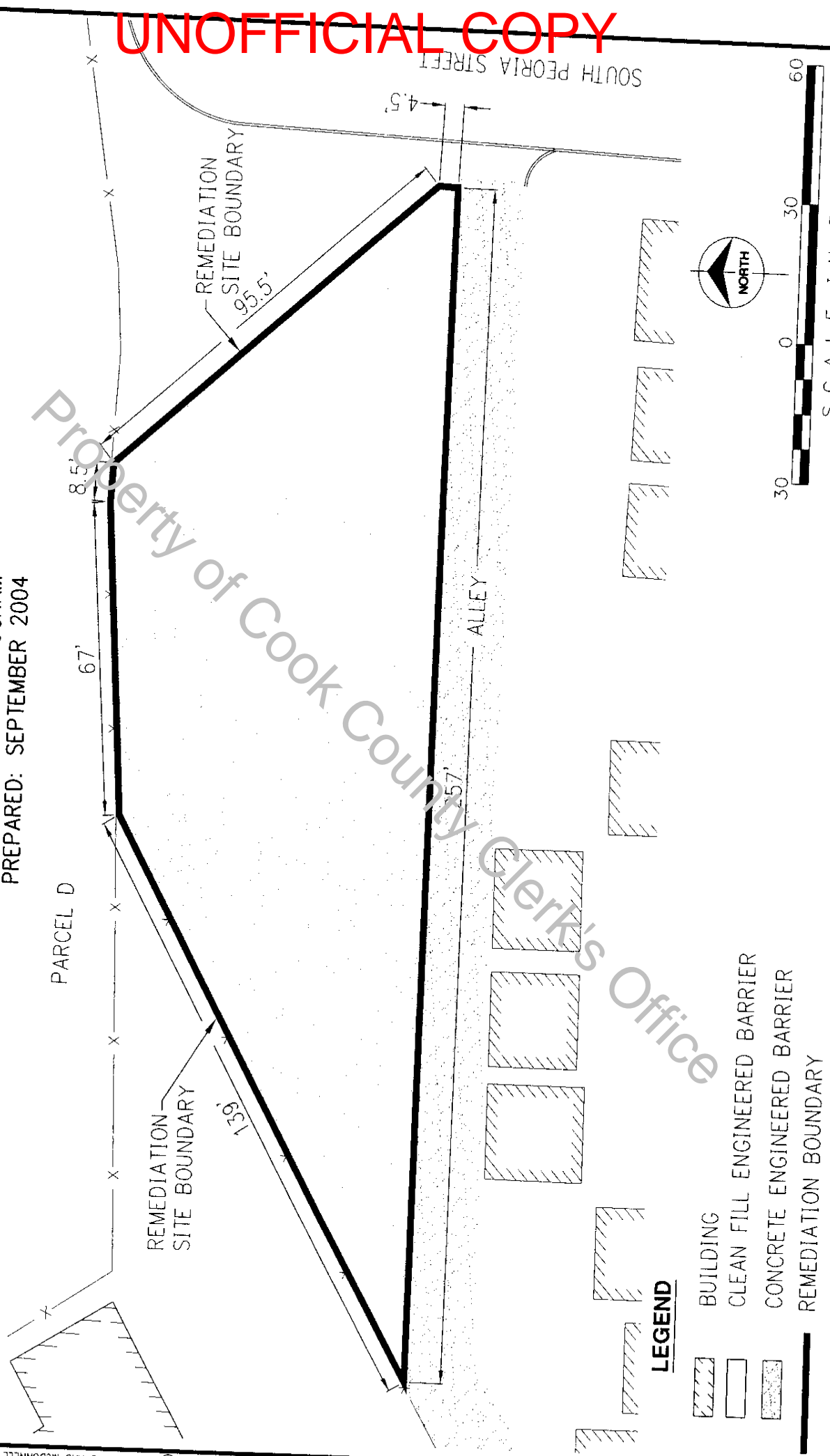
bcc: Records Unit
Bob O'Hara
Sherri Oxencis
Rick Lucas

Property of Cook County Clerk's Office



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SITE BASE MAP
0316310036-COOK COUNTY
2600 SOUTH PEORIA STREET-CHICAGO/THE PEOPLES GAS LIGHT AND COKE COMPANY
SITE REMEDIATION PROGRAM
PREPARED: SEPTEMBER 2004



- LEGEND**
- BUILDING
 - CLEAN FILL ENGINEERED BARRIER
 - CONCRETE ENGINEERED BARRIER
 - REMEDIATION BOUNDARY

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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>Philip Ou and Kenneth Wong</u>	
Title: _____	
Company: _____	
Street Address: <u>3454 South Oakley Street</u> <u>523 W. 26th ST.</u>	
City: <u>Chicago</u> State: <u>Illinois</u> Zip Code: <u>60608</u> Phone: _____	
Site Information	
Site Name: <u>Peoples Gas and Light - Former Equitable Distribution Station</u>	
Site Address: <u>2600 South Peoria Street</u>	
City: <u>Chicago</u> State: <u>Illinois</u> Zip Code: <u>60608</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0316310036</u>	
Real Estate Tax Index/Parcel Index No. <u>17-29-417-002</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><i>[Signature]</i></u>	Date: <u>5-11-06</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>11th</u> day of <u>May</u> , 2006	
<u><i>Carol B O'Reilly</i></u> Notary Public	<div style="border: 2px dashed black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">"OFFICIAL SEAL" CAROL B. O'REILLY NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 4/5/2010</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.

UNOFFICIAL COPY**Chapter 11-8****WATER SUPPLY AND DISTRIBUTION
SYSTEMS***

11-8-390 Potable water wells.

11-8-390 Potable water wells.

For purposes of this section, "potable water" is any water used for human consumption, including but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown. No groundwater well, cistern or other groundwater collection device installed after May 14, 1997, may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by a unit of local government pursuant to inter-governmental agreement with the City of Chicago.

(Added Coun. J. 11-28-01, p. 72895, § 1)

*Editor's note: Coun. J. 3-28-01, p. 55444, § 1, repealed Ch. 11-8, in its entirety, which pertained to water supply and distribution systems. Subsequently, Amend Coun. J. 11-28-01, p. 72895, § 1 added provisions designated as § 11-8-390. Former Ch. 11-8 (title) has been restored at the discretion of the editor to accommodate inclusion of provisions designated as 11-8-390. See the Code Comparative Table.