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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



0622032079

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60661

Doc#: 0622032079 Fee: \$86.50
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 08/08/2008 04:30 PM Pg: 1 of 12

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, C

(217) 782-6761

May 31, 2006

CERTIFIED

7004 2510 0001 8594 0628

Allan C. Fernandes
ComEd, an Exelon Company
3 Lincoln Center - Environmental Department, Third Floor
Oakbrook Terrace, IL 60181

Re: 0312255235/Cook County
Oak Park/ComEd Barrie Park Residential #36
1003 South Lyman Avenue
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Fernandes:

The *Remedial Action Completion Report* (January 25, 2006 Log No. 06/28089), as prepared by Jacques Whitford Company, Inc. for the ComEd Barrie Park Residential #36 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 Site (or "Property"), consisting of 0.05 acres, is located at 1003 South Lyman Avenue, Oak Park, 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 (October 4, 2005/Log No. 05/25683), is ComEd, an Exelon 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 and is acceptable for residential use.

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 Property is approved as being safe for Residential or Industrial/Commercial land use.
- 2) The land use specified in this Letter may be revised (e.g., Agricultural, Conservation) 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.

Institutional Controls:

- 4) Ordinance Number 2001-0-107, adopted by the Village of Oak Park on December 3, 2001, effectively prohibits the installation and use of potable water supply wells in the Village of Oak Park. This ordinance provides an acceptable institutional control.

Other Terms

- 5) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 4 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.
- 6) Where the Remediation Applicant is not the sole owner of the Property, 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 Property or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 7) Further information regarding this Property 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

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- 8) 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) Violation of the terms and conditions of this No Further Remediation letter;
 - b) Any violation of institutional controls or the designated land use restrictions;
 - c) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - d) The disturbance or removal of contamination, if any, that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination, if any, may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
 - e) The failure to comply with the recording requirements for this Letter;
 - f) Obtaining the Letter by fraud or misrepresentation;
 - g) 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;
 - h) 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;
 - i) 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.
- 9) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) ComEd, an Exelon Company and Nicor Gas Company;
 - b) The owner and operator of the Property;
 - c) If the owner is a corporation or other business, any parent corporation or subsidiary of the owner of the Property;
 - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Property;
 - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Property;

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- f) Any mortgagee or trustee of a deed of trust of the owner of the Property or any assignee, transferee, or any successor-in-interest thereto;
 - g) Any successor-in-interest of the owner of the Property;
 - h) Any transferee of the owner of the Property 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 Property;
 - 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 Property 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.
- 10) 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 ComEd Barrie Park Residential #36 property.
- 11) 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

- 12) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Property 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 the ComEd Barrie Park Residential #36 property, you may contact the Illinois EPA project manager, Jason Crompton at (217) 557-8859.

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: Izabela Strzemzalska
1003 South Lyman Avenue
Oak Park, IL 60304

Eric Hogleund
Conestoga-Rovers & Associates
1801 Old Highway 8 N.W., Suite 114
St. Paul, MN 55112

Nancy Huston
Environmental Affairs
Nicor Gas Company
1844 Ferry Road
Naperville, IL 60563-9600

Karen Sole
Jacques Whitford Company, Inc.
1920 South Highland Avenue
Suite 114
Lombard, IL 60148

UNOFFICIAL COPY**PREPARED BY:**

Name: Allan C. Fernandes
ComEd, an Exelon Company

Address: 3 Lincoln Center – Environmental Department, Third Floor
Oakbrook Terrace, Illinois 60181

RETURN TO:

Name: Allan C. Fernandes
ComEd, an Exelon Company

Address: 3 Lincoln Center – Environmental Department, Third Floor
Oakbrook Terrace, Illinois 60181

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: 0312255235

ComEd, An Exelon Company, the Remediation Applicant, whose address is 3 Lincoln Center – Environmental Department, Third Floor, Oakbrook Terrace, Illinois 60181, 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: THAT PART OF LOTS 1 TO 4 INCLUSIVE LYING NORTH OF A STRAIGHT LINE DRAWN FROM A POINT IN THE EAST LINE OF SAID LOT 1 WHICH IS 90.242 FEET NORTH OF THE SOUTHEAST CORNER THEREOF TO A POINT IN THE WEST LINE OF SAID LOT 4 WHICH IS 72.972 FEET NORTH OF THE SOUTHWEST CORNER THEREOF, AND LYING SOUTH OF A STRAIGHT LINE DRAWN FROM A POINT IN THE EAST LINE OF LOT 1 WHICH IS 106.075 FEET NORTH OF THE SOUTHEAST CORNER THEREOF TO A POINT IN THE WEST LINE OF SAID LOT 4 WHICH IS 90.805 FEET NORTH OF THE SOUTHWEST CORNER THEREOF IN BLOCK 6 IN AUSTIN PARK, BEING A SUBDIVISION IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY ILLINOIS.
2. Common Address: 1003 South Lyman Avenue Oak Park, Illinois 60304
3. Real Estate Tax Index/Parcel Index Number: 16-17-313-036-0000
4. Remediation Site Owner: Izabela Strzemzalska
5. Land Use: Residential and/or Industrial/Commercial

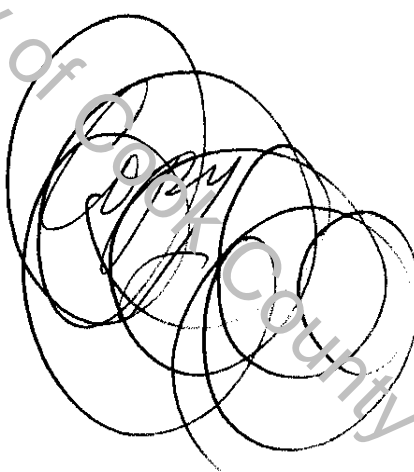
(Illinois EPA Site Remediation Program Environmental Notice)

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6. Site Investigation: Comprehensive

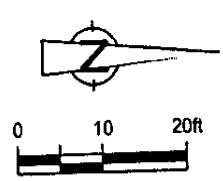
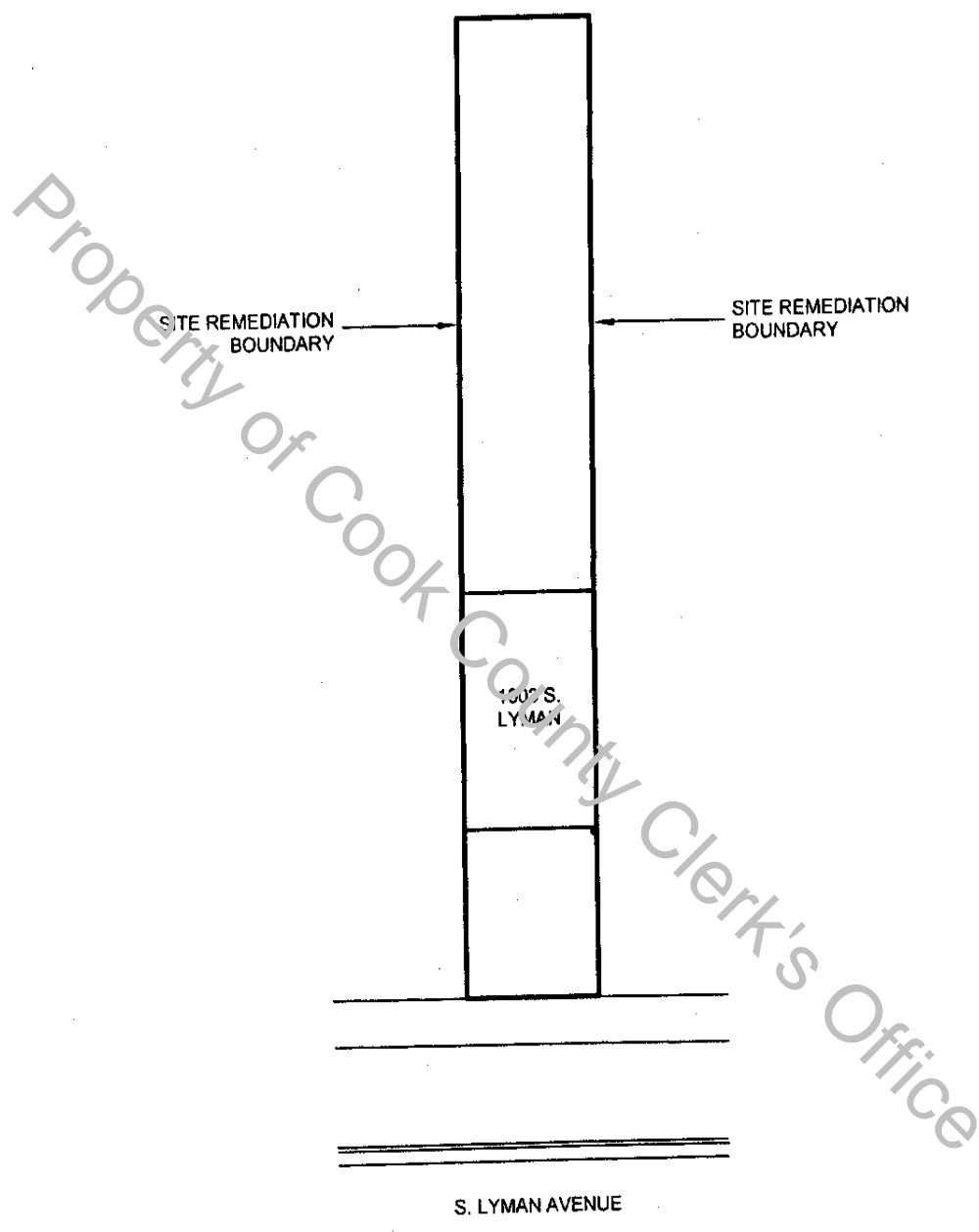
See NFR letter for other terms.

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0312255235/COOK COUNTY
OAK PARK/COMED BARRIE PARK RESIDENTIAL
SITE REMEDIATION PROGRAM



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2001-0-10

Item 0

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, various properties throughout the Village of Oak Park, Illinois have been used over a period of time for commercial/industrial purposes or are near properties which have been so used; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the Village of Oak Park may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village of Oak Park (hereinafter "the Village") desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, County of Cook, State of Illinois as follows:

SECTION ONE: ADOPTION OF FINDINGS.

The findings set forth hereinabove are incorporated herein and are made apart hereof.

SECTION TWO: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED.

The use or attempt to use as a potable water supply, groundwater from within the corporate limits of the Village of Oak Park, by the installation or drilling of wells or by

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any other method is hereby prohibited, including at points of withdrawal by the Village of Oak Park.

SECTION THREE: VILLAGE PROHIBITION.

Except for the provisions contained in Section Four, all restrictions contained in this Ordinance shall be binding upon the Village of Oak Park, Illinois.

SECTION FOUR: PENALTIES.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation.

SECTION FIVE: DEFINITIONS.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION SIX: REPEALER.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION SEVEN: SEVERABILITY.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

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2001-0-107

SECTION EIGHT: EFFECTIVE DATE.

THIS ORDINANCE shall be in full force and effect from and after its passage, approval and publication as required by law.

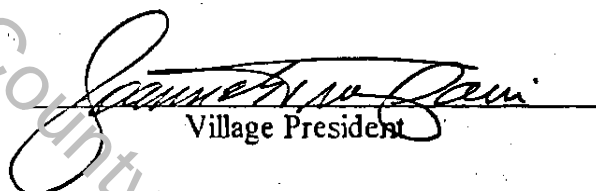
ADOPTED this 3rd day of December, 2001, pursuant to a roll call vote as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

NAYS: None

ABSENT: None

APPROVED by me this 3rd day of December, 2001.


Village President

ATTEST:


Village Clerk

BY: 
Deputy Village Clerk

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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

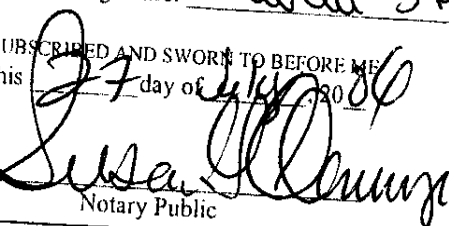
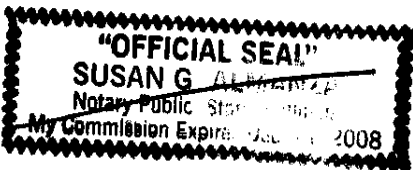
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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:	IZABELA STRZENZALSKA
Title:	
Company:	
Street Address:	1003 SOUTH LYMAN AVENUE
City:	OAK PARK State: IL Zip Code: 60304 Phone: 708-383-8156
Site Information	
Site Name:	OAK PARK / COMED BARRIE PARK RESIDENTIAL #36
Site Address:	1003 SOUTH LYMAN AVENUE
City:	OAK PARK State: IL Zip Code: 60304 County: COOK
Illinois inventory identification number:	3122 55 235
Real Estate Tax Index/Parcel Index No.:	16-17-313-036-0000
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:	Isabela Strzenzalska Date: 07-27-06
SUBSCRIBED AND SWORN TO BEFORE ME this 27 day of July, 2006	
 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.

