### 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

September 13, 2006

CERTIFIED MAIL 7004 2510 0001 8585 3157

Arthur Lasser 1220 Manor Drive Wilmette, Illinois 6000

Refer to: # 0316605039—Cook County Chicago/Chicago Perforating Company Site Remediation/Technical Reports No Further Remediation Letter

Doc#: 0628431044 Fee: \$54.50

Eugene "Gene" Moore

Cook County Recorder of Deeds

Date: 10/11/2006 11:05 AM Pg: 1 of 16

Dear Mr. Lasser:

The Addendum to Remedial Action Completion Report (Ney 2, 2006/Log No. 0629685), as prepared by Pioneer Engineering & Environmental Services for the Chicago Perforating Company 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 (Response to Illinois EPA Letter dated May 17, 2005) (March 28, 2005/Log No. 05-24231).

The Remediation Site, consisting of 0.73 acres, is located at 2427 - 2445 W. 24th Place, 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 or the Illinois EPA's Site Remediation Program DRM-1 Form (December 14, 2004/Log No.04-22992),

This focused No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms

#### **Conditions and Terms of Approval**

#### Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:
  - a) Regulated substances of concern that have been successfully addressed are detailed in the attached Table A.
- 2) The contaminants of concern that remain at the areas described in the attached Site Remediation Program Environmental Notice and as shown on the attached Site Base Map of this Letter are:

Location Gravel/Soil Engineered Barrier Concrete Cap Engineered Barrier	Pathway Ingestion Ingestion, and Construction Worker Inhalation Caution (Naphthalene)	Chemical Name Polynuclear Aromatic Compounds (PNAs) Lead, PNAs
Building Engineered Barrier	Ingestion, and Construction Worker Liminalation Caution (Naphthalens)	PNAs

- 3) The Remediation Site is approved for Residential or Industrial/Commercial land use.
- 4) 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

5) 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:

6) 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 designated on the Site Base Map as a Construction Worker Caution area 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 surface grade 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:**

- 7) The clean soil and gravel barrier, which is comprised of a minimum of 3 feet of clean soil and gravel covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil and gravel barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 8) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 9) The building, as chown in the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

#### **Institutional Controls:**

- 10) 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 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 Percediation 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

- 11) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 10 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.
- 12) Where the Remediation Applicant is <u>not</u> the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 13) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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

- 14) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
  - a) Any violation of institutional controls or the designated land use restrictions;
  - 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 compiy with the recording requirements for this Letter;
  - e) Obtaining the Letter by frank or misrepresentation;
  - f) Subsequent discovery of contagrants, 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 Leview and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.
- 15) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
  - a) Arthur Lasser;
  - 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 c. a fiduciary (other than a land trustee), the estate, trust estate, or other interest in properly held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 16) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Cifice 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 chair of title for the Chicago Perforating Company property.
- 17) 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

18) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

#### Page 7

### **UNOFFICIAL COP**

If you have any questions regarding the Chicago Perforating Company property, you may contact the Illinois EPA project manager, Barbara Landers at 217-557-6939.

Sincerely,

Joyce L. Munie P.E., Manager

Remedial Project Management Section Division of Remediation Management

Bureau of Land

Attachments. Ulinois EPA Site Remediation Program Environmental Notice

Site Base Map

Table A: Regulated Substances of Concern

Property Owner Certification of No Further Remediation Letter under the Site

Remediation Program Form

cc: Mark Santangelo

Pioneer Engineering & Environmentai Services, Inc. County Clark's Office

700 North Sacramento Boulevard, Suite 101

Chicago, Illinois 60612

Commissioner

Chicago Department of Environment

25<sup>th</sup> Floor

30 North LaSalle Street

Chicago, Illinois 60602-2575

Michael Brough, Manager 2445 W. 24<sup>th</sup> Place, LLC

4848 N. Hamlin

Chicago, Illinois 60625

0628431044 Page: 8 of 16

## **UNOFFICIAL COPY**

#### PREPARED BY:

Name:

Arthur Lasser

Address:

1220 Manor Drive

Wilmette, Illinois 60091

RETURN TO

Name:

Aftir Lasser

Address:

1220 Manor Drive

Wilmette, Illinois 60021

#### THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediation I etter 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: # 0316605039

Arthur Lasser, the Remediation Applicant, whose address is 17.20 Manor Drive, Wilmette, Illinois 60091, 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:

LOTS 62 TO 70, INCLUSIVE, AND THE EAST 15.0 FEET OF LOT 71 IN THE SUBDIVISION OF BLOCK 9 IN S.J. WALKER'S SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COCK COUNTY, ILLINOIS.

also

THAT PART OF LOTS 57 TO 61, BOTH INCLUSIVE, IN THE SUBDIVISION AFORESAID, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 61; THENCE NORTH 00 DEGREES 01' 33" EAST ALONG THE WEST LINE THEREOF FOR A DISTANCE OF 24.79 FEET TO THE WESTERLY EXTENSION OF THE CENTERLINE OF A BRICK WALL OF A 1 STORY BRICK BUILDING; THENCE SOUTH 89 DEGREES 40' 28" EAST ALONG SAID CENTERLINE AND ITS WESTERLY EXTENSION FOR A DISTANCE OF 112.42 FEET; THENCE SOUTH 00 DEGREES 19' 32" WEST 24.38 FEET TO THE SOUTH LINE OF LOT 57, THENCE NORTH 89 DEGREES 52' 48" WEST ALONG THE SOUTH LINE OF LOTS 57 TO 61 FOR A DISTANCE OF 112.29 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

0628431044 Page: 9 of 16

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- 2. Common Address: 2427 2445 W. 24<sup>th</sup> Place, Chicago, Illinois
- 3. Real Estate Tax Index/Parcel Index Number: 16-25-216-029-0000
- 4. Remediation Site Owner: Michael Brough, Manager, 2445 W. 24<sup>th</sup> Place, LLC, 4848 N. Hamlin, Chicago, Illinois 60625
- 5. Land Use: Residential and/or Industrial/Commercial
- 6. Site Investigation: Focused

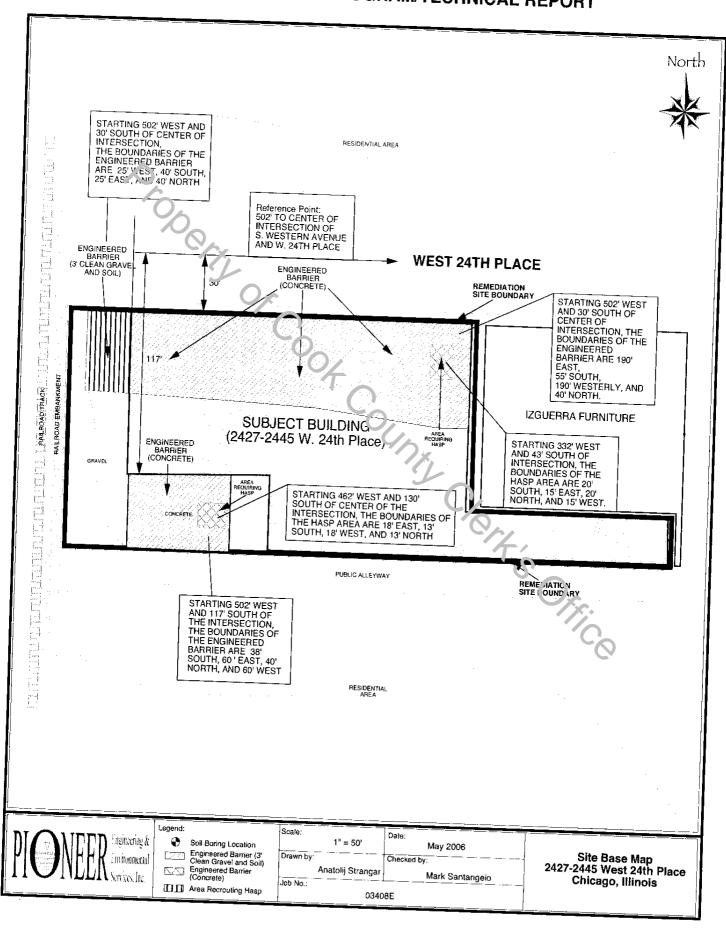
See NFR Letter for other terms.

(Heinois EPA Site Remediation Program Environmental Notice)

0628431044 Page: 10 of 16

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#### SITE BASE MAP LPC # 0316605039 - COUNTY 2427-2445 WEST 24th PLACE SITE REMEDIATION PROGRAM/TECHNICAL REPORT



0628431044 Page: 11 of 16

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#### TABLE A: REGULATED SUBSTANCES OF CONCERN

# 0316605039—Cook County Chicago/Chicago Perforating Company Site Remediation Program

Volatile Organic	Compounds
CAS No.	Compound Name
67-64-1	Acetone
71-43-2	
75-27-4	Benzene
75-25-2	Bromodichloromethane
74-83-9	Bromoform
78-93-3	Bromomethane
75-15-0	2-Butanone
56-23-5	Carbon Disulfide
108-90-7	Carbon Tetrachloride
75-00-3	Chlorobenzene
67-66-3	Chloroethane
74-87-3	Chloroform
124-48-1	Chloromethane
75-34-3	Oibi omochloromethane
107-06-2	1,1 Dichloroethane
75-35-4	1,2-Dicit or ethane
540-59-0	1,1-Dichlor je nene
78-87-5	1,2-Dichloroether e (total)
0061-02-6	1,2-Dichloropropane
0061-01-5	trans-1,3-Dichloroproper e
00-41-4	cis-1,3-Dichloropropene
91-78-6	Ethylbenzene
5-09-2	2-Hexanone
08-10-1	Methylene Chloride
00-42-5	4-Methyl-2-Pentanone
)-34-5	Styrene
27-18-4	1,1,2,2-Tetrachloroethane
-55-6	Tetrachloroethene
-00-5	1,1,1-Trichloroethane
-01-6	1,1,2-Trichloroethane
8-88-3	Trichloroethene
-01-4	Toluene
30-20-7	Vinyl Chloride
	Xylenes (total)

0628431044 Page: 12 of 16

CAGN	
CAS No.	Compound Name
208-96-8	
83-32-9	Acenaphthalene
120-12-7	Acenaphthene
56-55-3	Anthracene
205-99-2	Benzo(a)anthracene
207-08-9	Benzo(b)fluoranthene
191-24-2	Benzo(k)fluoranthene
50-32-8	Benzo(g,h,i)perylene
111-91-1	Benzo(a)pyrene
111-44-4	bis(2-Chloroethoxy)methane
117-81-7	bis(2-Chloroethyl)ether
101-55-3	bis(2-Ethylhexyl)phthalate
85-68-7	4-Bromophenyl-phenyl ether
86-74-8	Butylbenzylphthalate
106-47-8	Carbazole
59-50-7	4-Chloroaniline
91-58-7	4-Chloro-3-methlyphenol
95-57-8	2-Chloronaphthalene
7005-72-3	2-Chlorophenol
218-01-9	4-Chler ophenyl-phenyl ether
53-70-3	Chrysene
132-64-9	Dibenzo(a,h)anthracene
<b></b>	Dibenzofuran
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
06-46-7	1,4-Dichlorobenzene
1-94-1	3,3'-Dichlorobenzidine
20-83-2	2,4-Dichlorophenol
4-66-2	Diethylphthalate
05-67-9	2,4-Dimethylphenol
31-11-3	Dimethylphthalate
34-52-1	4,6-Dinitro-2-methylphenol
1-28-5	2,4-Dinitrophenol
21-14-2	2,4-Dinitrotoluene
06-20-2	2,6-Dinitrotoluene
1-74-2	Di-n-butylphthalate
7-84-0	Di-n-octylphthalate
6-44-0	Fluoranthene
<del>-</del> 73-7	Fluorene
8-74-1	Hexachlorobenzene
-68-3	Hexachlorobutadiene

0628431044 Page: 13 of 16

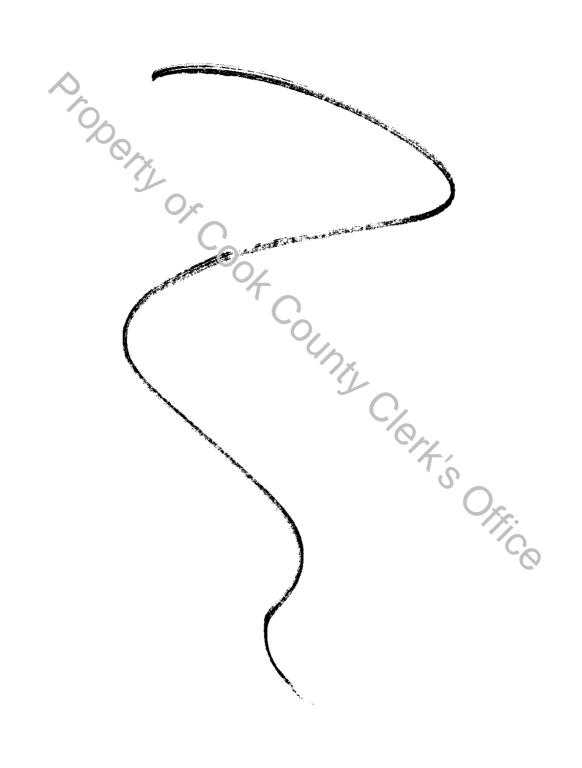
77-47-4 67-72-1	Hexachlorocyclopentadiene
193-39-5	Hexachloroethane
193-39-3 178-59-1	Indeno(1,2,3-cd)pyrene
91-57-6	Isophorone
	2-Methylnaphthalene
95-48-7	2-Methylphenol
106-44-5	4-Methylphenol
91-20-3	Naphthalene
88-74-4	2-Nitroaniline
99-09-2	3-Nitroanaline
100-01-6	4-Nitroaniline
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
621-64-7	N-Nitroso-di-n-propylamine
86-30-6	N-Nitrosodiphenylamine
108-60-1	2,2'-oxybis(1-chloropropane)
37-86 <b>-</b> 5	Pentachlorophenol
35-01-8	Phenanthrene
08-95-2	Phenol
29-00-0	Pyrene
20-82-1	1,2,4-Trichlorobenzene
5-96-4	
8-06-2	2,4,5 Prichlorophenol
	2,4,6-1 rich orophenol

Aroclors (PCBs)	
CAS No.	Compound Name
309-00-2	Aldrin
12674-11-2	Aroclor - 1016
11104-28-2 11141-16-5	Aroclor - 1221
53469-21-9	Aroclor - 1232
2672-29-6	Aroclor - 1242 Aroclor - 1248
1097-69-1	Aroclor - 1248  Aroclor - 1254
11096-82-5	Aroclor - 1260

RCRA Metals	
CAS No.	Compound Name
7440-38-2	
7440-39-3	Arsenic
	Barium

0628431044 Page: 14 of 16

7440-43-9	Cadmium
7440-47-3	
7439-92-1	Chromium
	Lead
7439-97-6	Mercury
7782-49-2	
7440-22-4	Selenium
7740-22-4	Silver



0628431044 Page: 15 of 16

## **UNOFFICIAL COP**

- Common Address: 2427 2445 W. 24th Place, Chicago, Illinois 2.
- Real Estate Tax Index/Parcel Index Number: 16-25-216-029-0000 3.
- 27 2445 W.

  2x/Parcel Index Numb.

  Owner: Michael Brough, Manae,
  , Illimois 60625

  Adential and/or Industrial/Commercial
  ation: Focused

  other terms.

  Allieois EPA Site Remediation Program Environmental Notice) Remediation Site Owner: Michael Brough, Manager, 2445 W. 24th Place, LLC, 4848 N. 4. Hamlin, Chicago, Illinois 60625
- Land Use: Residential and/or Industrial/Commercial 5.
- Site Investigation: Focused 6.

See NFR letter for other terms.

0628431044 Page: 16 of 16

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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 surborized 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 so'c 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 aud titened sheets containing the information described above, along with a signed, dated certification to each. All property owner certifications must be recorded along with the attached NFR letter.

	Owner's Name: 2445 W. 24th PLACE L.C.
	Street Address: 1422 W DICKEASE
	July 21p Code: 60614 Tione: 773-617-4996
	Site Name: 2445 W. 2413 PLACE Site Address: 2445 W. 2413 PLACE
	Site Address: 2445 W. 244 RACE  City: CHICAGO State: K. Zip Code: 60614 County: Cooli  Real Estate Tax Index/Parcel Index No. 16-25-216-029-0000
	I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and
	Owner's Signature: 10-11-00
ti	SUBSCRIBED AND SWORN TO REFORE ME his 11 L day of Octor, 2006
	Notary Public State Of ILLINOIS MY COMMISSION EXPIRES 02/17/08
pron	Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58 13 - 661 - 5

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 Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of guidelines.