

# UNOFFICIAL COPY



PREPARED BY:

Name: Mark Weiss  
1421 Howard, LLC

Address: 1421 West Howard Street  
Evanston, Illinois 60202

Doc#: 0628934111 Fee: \$34.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 10/16/2006 02:06 PM Pg: 1 of 6

RETURN TO:

Name: Mark Weiss  
1421 Howard, LLC  
Address: 2442 North Lincoln Avenue  
Chicago, Illinois 60614

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

## 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: 0310815288

LUST Incident No.: 20060583

1421 Howard, LLC, Mark Weiss, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 2442 North Lincoln Avenue, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

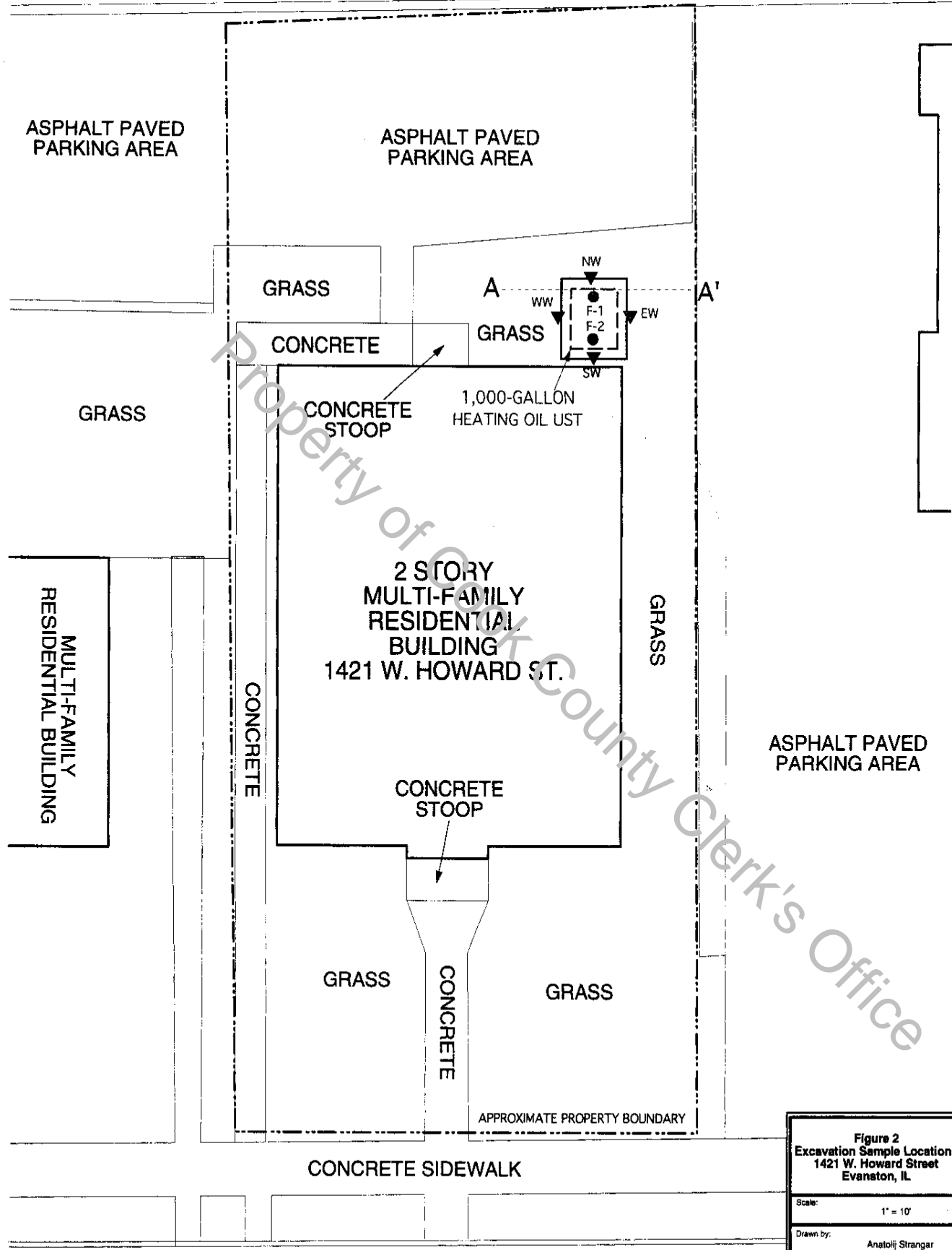
1. Legal Description or Reference to a Plat Showing the Boundaries: Lots 37 and 38 in Arthur Dunas Howard Avenue Subdivision of that part of the South 1/2 of the Northeast 1/4 of Section 25, Township 41 North, Range 13, East of the Third Principal Meridian, Lying South of the South Line of North 45 Acres Thereof and East of the East Line of the West 6.358 Acres of the East 16.358 Acres of the South 32.506 Acres of the Northeast 1/4 of Section 25, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.
2. Common Address: 1421 West Howard Street, Evanston, Illinois
3. Real Estate Tax Index/Parcel Index Number: 10-25-226-022 & 23
4. Site Owner: 1421 Howard, LLC, Mark Weiss
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

BJD

Attachment: Site Base Map

ALLEY

# UNOFFICIAL COPY



Property of Cook County Clerk's Office

<b>Figure 2</b> Excavation Sample Locations 1421 W. Howard Street Evanston, IL	
Scale:	1" = 10'
Drawn by:	Anatolij Strangar
Job No:	06-0250-1103
Date:	July 2006
Checked by:	Troy Woodtke
Legend:	<ul style="list-style-type: none"> <li>— Excavation Limits</li> <li>▼ Excavation Wall Sample</li> <li>● Excavation Floor Sample</li> </ul>
<b>PIONEER</b> Engineering & Environmental Services, Inc.	

## WEST HOWARD STREET

**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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

7004 2510 0001 8587 3216

**SEP 05 2006**

1421 Howard, LLC  
 Mark Weiss  
 2442 North Lincoln Avenue  
 Chicago, Illinois 60614

Re: LPC # 0310815238 -- Cook County  
 Evanston/ 1421 Howard, LLC  
 1421 West Howard Street  
 Leaking UST Incident No. 20060583  
 Leaking UST Technical File

Dear Mr. Weiss:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-Day Report/ Corrective Action Completion Report submitted for the above-referenced incident. This information was dated July 31, 2006 and was received by the Illinois EPA on August 9, 2006. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to Section 57.6 of the Act indicate the remediation objectives have been met.

Based upon the certification by Jeffrey McClelland, 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.

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. 1421 Howard, LLC, Mark Weiss, 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.

# UNOFFICIAL COPY

Page 2

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.

## CONDITIONS AND TERMS OF APPROVAL

### LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. 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: There are no land use limitations.
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.

# UNOFFICIAL COPY

Page 3

## PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.  
  
Engineering: None.  
  
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.
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:  
  
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 of Avoidance 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 avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance 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;

# UNOFFICIAL COPY

Page 4

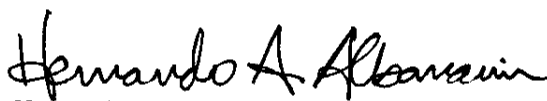
- d. The failure to comply with the recording requirements for the Letter;
- e. Obtaining the Letter by fraud or misrepresentation; or
- f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Brad Dilbaitis, at (217) 785-8378.

Sincerely,



Hernando A. Albarracin  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAA:BJD\NFR.doc

Attachments: Leaking Underground Storage Tank Environmental Notice  
Site Base Map

c: Pioneer Engineering & Environmental Services, Inc.  
BOL File