

# UNOFFICIAL COPY



PREPARED BY:

Name: Blommer Chocolate Company

Address: 600 West Kinzie Street  
Chicago, Illinois 60610-3912

Doc#: 0717044073 Fee: \$58.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 06/19/2007 04:52 PM Pg: 1 of 18

RETURN TO:

Name: Blommer Chocolate Company

Address: 600 West Kinzie Street  
Chicago, Illinois 60610-3912

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

## LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

The owner and / or operator of the leaking underground storage tank systems 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: 0316085006

Leaking Underground Storage Tank Incident Number: 20031624

Blommer Chocolate Company, the owner and / or operator of the leaking underground storage tank systems associated with the above referenced incident, whose address is 600 West Kinzie Street, Chicago, Illinois, 60610-3912, 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: Please refer to Attachment 2.
2. Common Address: 600 West Kinzie Street, Chicago, Illinois, 60610-3912.
3. Real Estate Tax Index / Parcel Index Number: Please refer to Attachment 2.
4. Site Owner: Blommer Chocolate Company.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

Leaking Underground Storage Tank Environmental Notice

**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 8616 3583

**MAY 16 2007**

Blommer Chocolate Company  
 Attention: Joy Redford  
 600 West Kinzie Street  
 Chicago, Illinois 60610-3912

RE: LPC 0316085000 - Cook County  
 Chicago - Blommer Chocolate Company  
 600 West Kinzie Street  
 LUST Incident 20031624  
 LUST TECHNICAL FILE

Dear Ms. Redford:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the January 17, 2007 & May 7, 2007 Corrective Action Completion Reports submitted for the above referenced incident. This information was prepared by Versar. 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.

The Corrective Action Completion Report and the Licensed Professional Engineer Certification submitted pursuant to Section 57.7(b)(1) of the Act and 35 Illinois Administrative Code 734.135(d) indicate the remediation objectives have been met.

Based upon the certification by John T. Angstrom, 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 upon 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. Blommer Chocolate Company, the owner or operator of the underground storage tank systems.

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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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. In addition, the Groundwater Ordinance (photocopy attached) must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county. 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 Illinois Administrative Code 742) rules.
2. As a result of the release from the underground storage tank systems 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.

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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: None.

Engineering: A building or asphalt / concrete 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 or asphalt / concrete barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

### Institutional:

- a. 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.

- b. Highway Authority Agreement:

The City of Chicago agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and / or soils to remain beneath its highway right of way adjacent to the site located at 600 West Kinzie Street, Chicago, Illinois, 60610-3912. Specifically, as shown on the attached map, contamination will remain in the right of way for North Jefferson Street as indicated in the Highway Authority Agreement. 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:

City of Chicago  
 Department of Environment  
 30 North La Salle Street  
 Suite 2500  
 Chicago, Illinois 60602

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c. Groundwater Use Ordinance:

Section 11-8-390 of the Municipal Code of Chicago effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

The City of Chicago must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Illinois Administrative Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- i. The name and address of the unit of local government;
- ii. The citation of the ordinance used as an institutional control in this Letter;
- iii. A description of the property 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 was 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.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- i. Modification of the reference 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 site.
- iii. Violation of the terms of a recorded institutional control.

As a part of its corrective action, the leaking underground storage tank site has relied upon Section 11-8-390 of the Municipal Code of Chicago that prohibits potable uses of groundwater as defined therein.

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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 Illinois Administrative 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, Illinois 62794-0276

8. Pursuant to 35 Illinois Administrative Code 734.720, 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 systems 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;
  - 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.

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9. LUST Incident 20031624 applies to the reported releases from 1-15,000 gallon heating oil underground storage tank system. The indicator contaminants were the following: BETX & PNAs.

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

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

Any questions with regard to this letter should be directed to Michael Piggush via phone (217-782-3101), fax (217-524-4193), or e-mail ([michael.piggush@illinois.gov](mailto:michael.piggush@illinois.gov)).

Sincerely,



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

Attachments (3):

1. Leaking Underground Storage Tank Environmental Notice.
2. Site Information.
3. Groundwater Ordinance.

cc: Versar  
Winston & Strawn

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ATTACHMENT 1

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

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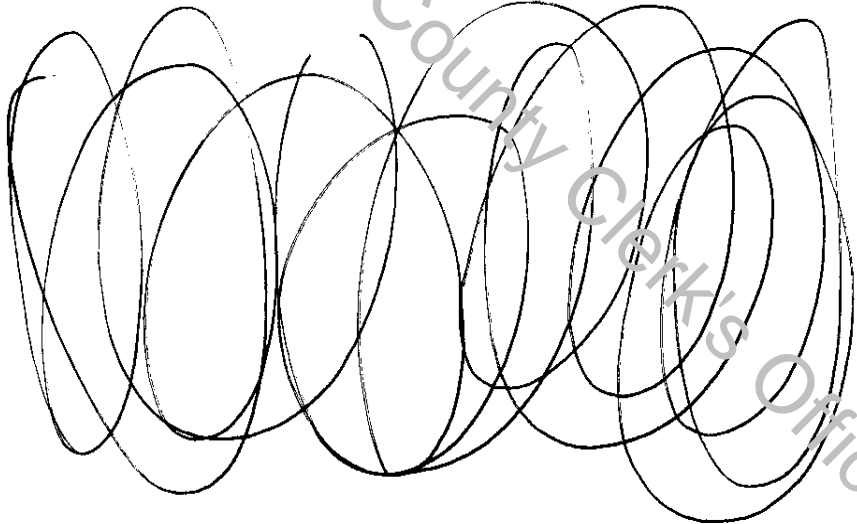


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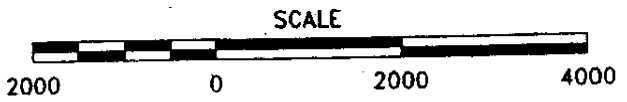
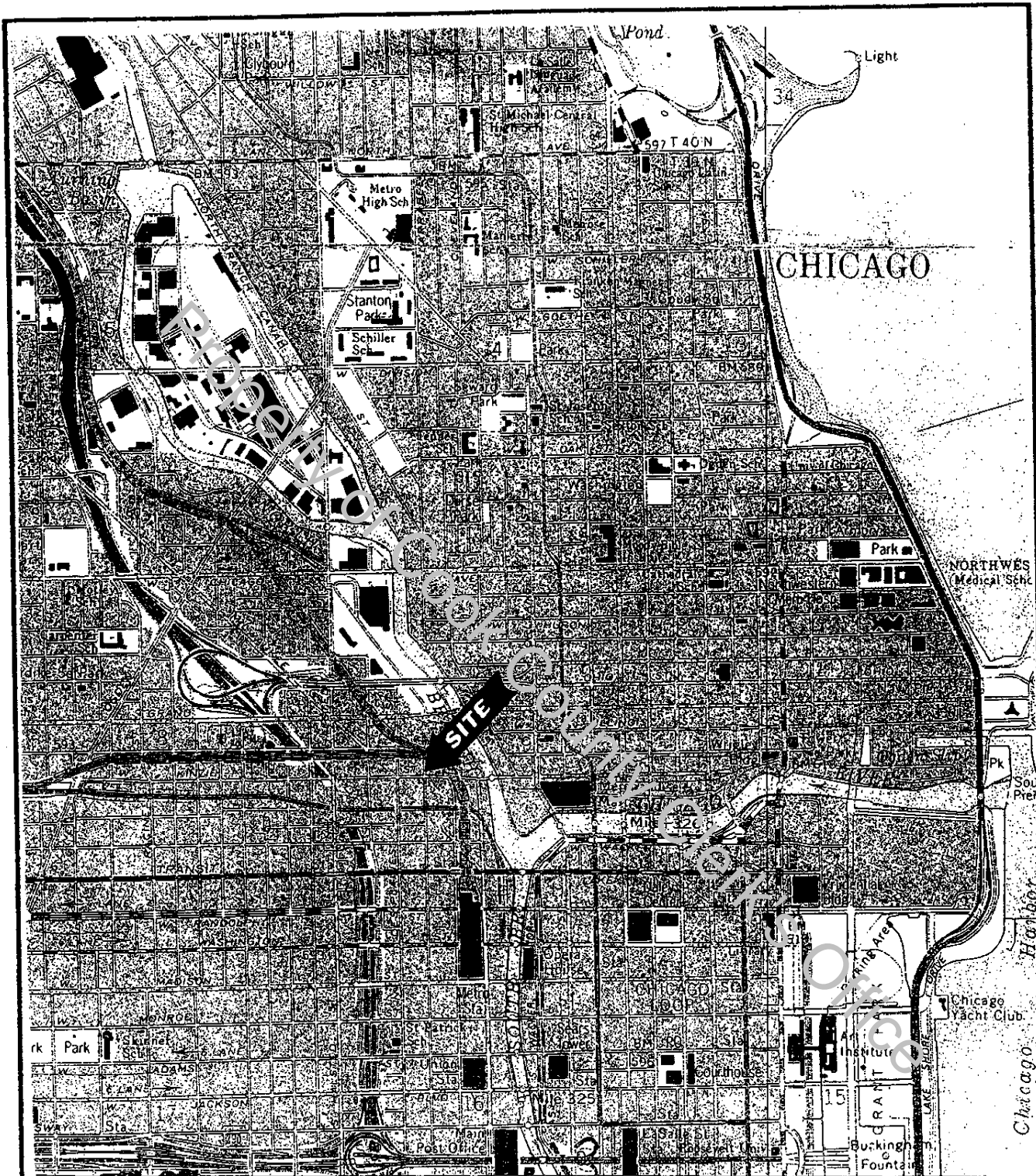
ATTACHMENT 2

SITE INFORMATION

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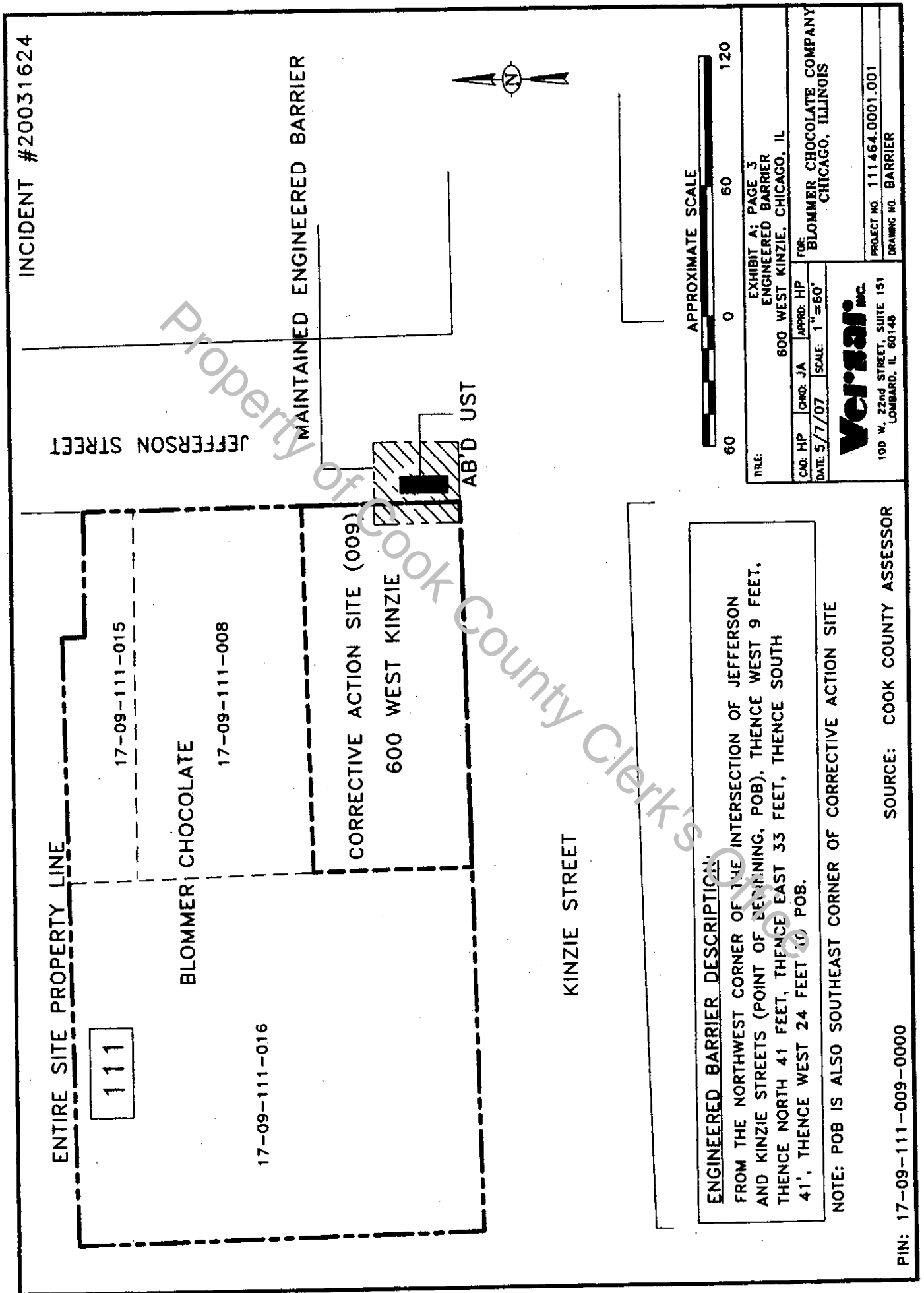
KEY:



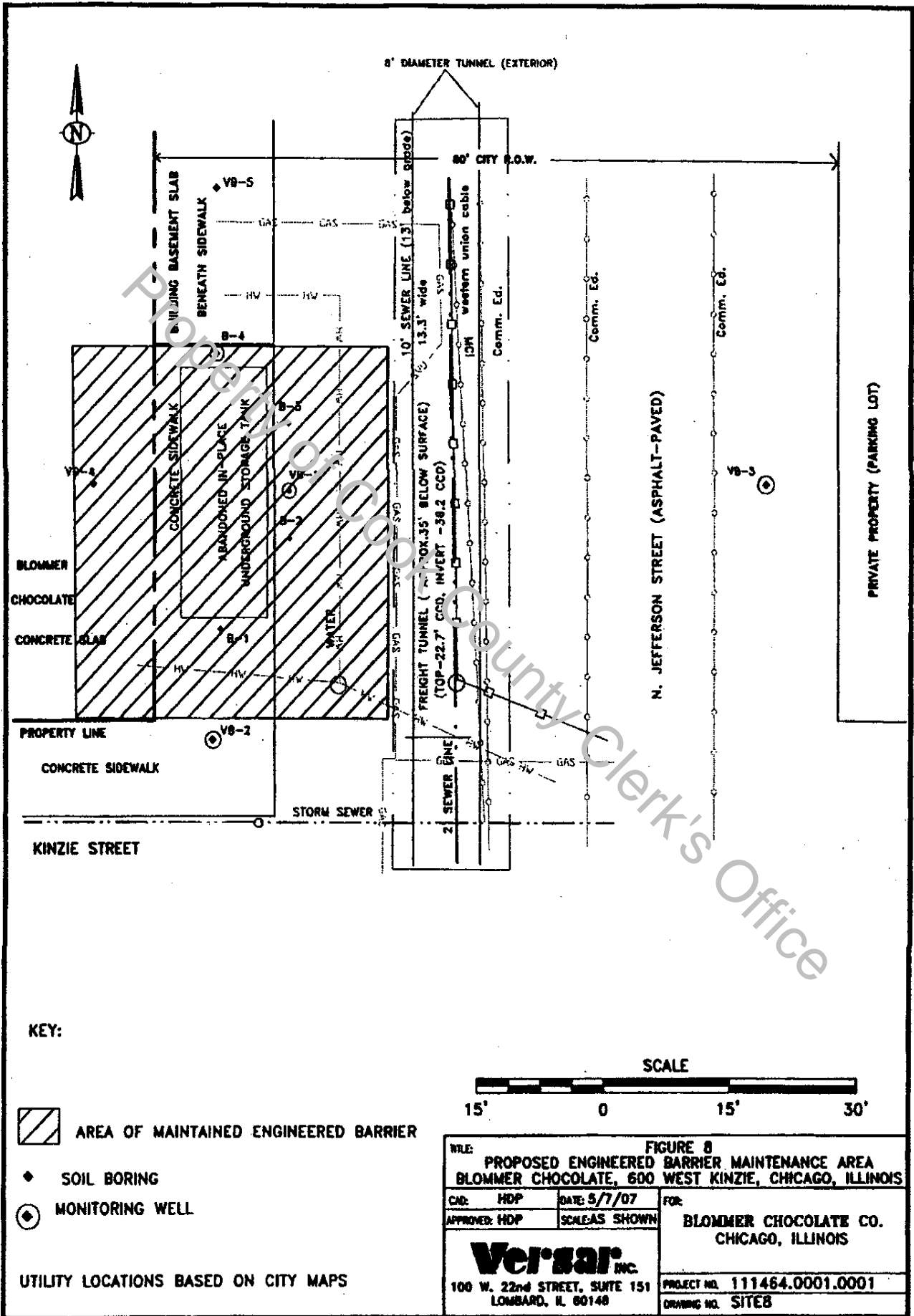
CHICAGO LOOP, USGS 1993

TITLE: <b>FIGURE 1 TOPOGRAPHIC LOCATION MAP BLOMMER CHOCOLATE, 600 WEST KINZIE, CHICAGO, ILLINOIS</b>		
CAO: HDP	DATE: 8/23/06	FOR:
APPROVED: HDP	SCALE: 1" = 2000'	<b>BLOMMER CHOCOLATE CO. CHICAGO, ILLINOIS</b>
<b>Versar INC.</b> 100 W. 22nd STREET, SUITE 151 LOMBARD, IL 60148		PROJECT NO. 111464.0001.0001 DRAWING NO. FIG1

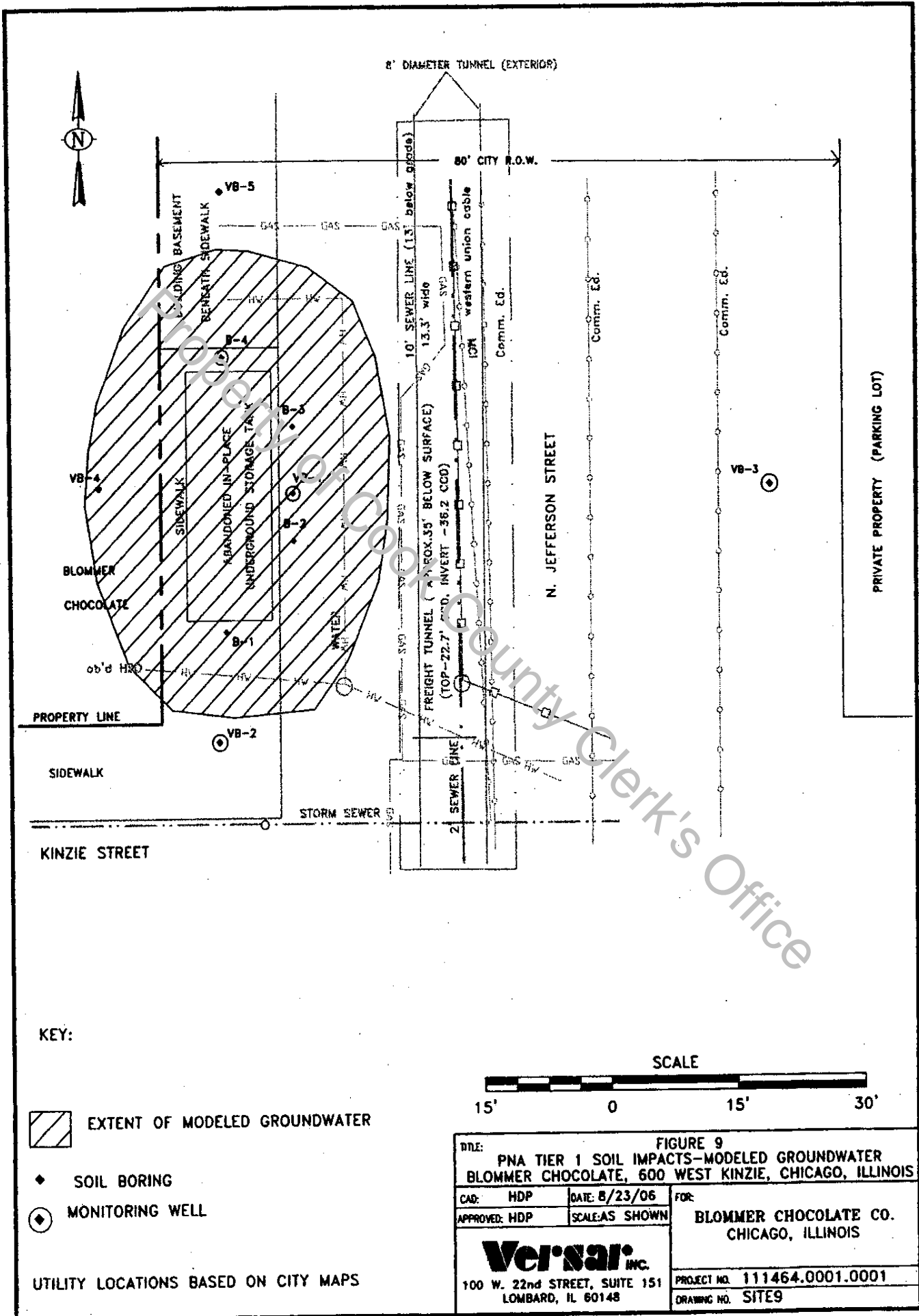
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KEY:

EXTENT OF MODELED GROUNDWATER

- SOIL BORING
- MONITORING WELL

UTILITY LOCATIONS BASED ON CITY MAPS

SCALE



<b>FIGURE 9</b> PNA TIER 1 SOIL IMPACTS—MODELED GROUNDWATER BLOMMER CHOCOLATE, 600 WEST KINZIE, CHICAGO, ILLINOIS		
DTE: CAD: HDP APPROVED: HDP	DATE: 8/23/06 SCALE: AS SHOWN	FOR: BLOMMER CHOCOLATE CO. CHICAGO, ILLINOIS
		PROJECT NO. 111464.0001.0001 DRAWING NO. SITES9
100 W. 22nd STREET, SUITE 151 LOMBARD, IL 60148		

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## ATTACHMENT A

### **IMPACTED PORTION OF SITE LEGAL DESCRIPTION**

Site PIN: 17-09-111-009-0000

#### **LEGAL DESCRIPTION:**

ONE OF FOUR TRACTS COMPRISING THE 600 WEST KINZIE PROPERTY,  
SPECIFICALLY:

CONTIGUOUS LOTS 1 THROUGH 7 AND THE ADJACENT VACATED ALLEYS,  
BEING A PORTION OF THE SOUTHWEST PART (EXCEPT THE NORTH 10 FEET  
OF THE EAST 55 FEET THEREOF) OF BLOCK 59 IN RUSSELL, MATHER AND  
ROBERT'S ADDITION TO CHICAGO IN THE NORTHWEST QUARTER OF SECTION  
9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPLE MERIDIAN,  
LYING SOUTH OF THE NORTH LINE OF THE SOUTH 32 FEET OF LOT 4 IN SAID  
BLOCK 59 AND SOUTH OF THE WESTERLY EXTENSION OF SAID NORTH LINE, IN  
COOK COUNTY, ILLINOIS.

#### **LEGAL DESCRIPTION OF ENTIRE BLOMMER CHOCOLATE SITE:**

Legal Description of the entire Blommer Chocolate Site is as follows, and comprises  
PIN #s: 17-09-111-008-0000; 17-09-111-009-0000; 17-09-111-015-0000; and 17-09-  
111-016-0000; as shown on the attached plats; otherwise known in its entirety as:

THAT PART (EXCEPT THE NORTH 10 FEET OF THE EAST 55 FEET THEREOF) OF  
BLOCK 59 IN RUSSELL, MATHER AND ROBERT'S ADDITION TO CHICAGO IN THE  
NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST  
OF THE THIRD PRINCIPLE MERIDIAN, LYING SOUTH OF THE NORTH LINE OF  
THE SOUTH 32 FEET OF LOT 4 IN SAID BLOCK 59 AND SOUTH OF THE  
WESTERLY EXTENSION OF SAID NORTH LINE, IN COOK COUNTY, ILLINOIS.

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ATTACHMENT 3

GROUNDWATER ORDINANCE

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A large, handwritten signature in black ink is written across the page, overlapping the diagonal watermark text. The signature is highly stylized and illegible.

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The following is said ordinance as passed:

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. The Municipal Code of the City of Chicago is hereby amended by adding a new Section 11-8-390, as follows:

*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*

**RECEIVED**  
Division of Legal Counsel

DEC 12 2001

Environmental Protection Agency

**RELEASABLE**

DEC 12 2001

**REVIEWER MM**



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11/28/2001

REPORTS OF COMMITTEES

72897

*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 intergovernmental agreement with the City of Chicago.*

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

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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

### RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

#### Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter 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 so long as the site is used in accordance with the terms and conditions of the NFR Letter.

#### Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA *will* take steps to void the NFR Letter in accordance with the regulations.

#### Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.

#### For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on the Illinois EPA Web site at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.