

PREPARED BY:

UNOFFICIAL COPY 09189454

Name: Massachusetts Mutual Life
Insurance Company
c/o Cornerstone Real Estate
Advisers, Inc.



9797/0095 28 003 Page 1 of 9
1999-12-22 16:58:30
Cook County Recorder 37.00

Address: 311 South Wacker Drive
Suite 980
Chicago, IL 60606

RETURN TO: *Recorders Box -341*

Name: Massachusetts Mutual Life
Insurance Company
c/o Cornerstone Real Estate
Advisers, Inc.

Address: 311 South Wacker Drive
Suite 980
Chicago, IL 60606

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: 0311805010

Massachusetts Mutual Life Insurance Company, the Remediation Applicant, whose address is 311 South Wacker Drive, Suite 980, Chicago, IL 60606 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

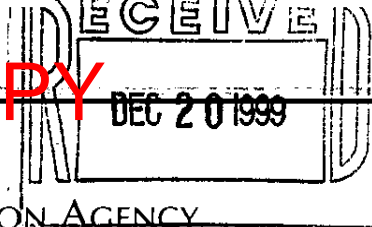
1. Legal description or Reference to a Plat showing the boundaries of the remediation site:

Beginning at Point A located 24.03 feet west of the east line of Parcel A in the Matteson Highlands Subdivision in the Northeast Quarter of Section 22, Township 35 North, Range 13 East of the Third Principal Meridian and 545.24 feet north of the south line of the Northeast Quarter of Section 22, Township 35 North, Range 13 East; then extending north 167 feet through sampling locations MW2S/D to the northeast corner; then west 140 feet through sampling location MW3D to the northwest corner; then south 167 feet through sampling locations MW7S/D to the southwest corner; and then east 140 feet through sampling location MW1S back to Point A.
2. Common Address: 4160 West 211th Street, Matteson, IL
3. Real Estate Tax Index/Parcel Index Number: 31-22-200-016, 31-22-201-014 (entire Marketplace Shopping Center property)
4. Remediation Site Owner: Massachusetts Mutual Life Insurance Company
5. Land Use Limitation: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

217/782-6761

THOMAS V. SKINNER, DIRECTOR

December 9, 1999

09189454 Page 2 of 9
Certified # 416 147 013

Thomas G. Fleming
Massachusetts Mutual Life Insurance Company
c/o Cornerstone Real Estate Advisors, inc.
311 South Wacker Drive, Suite 980
Chicago, IL 60606

Re: 0311805010 -- Cook
Matteson/Eagle Cleaners
Site Remediation/Technical Reports

Dear Mr. Fleming:

The *Remedial Action Completion Report* (Log No. 99-2066) dated October 7, 1999 as prepared by Boelter & Yates for the Eagle Cleaners remediation site (located in the Marketplace Shopping Center) has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the site are equal to or above the existing levels of regulated substances and the *Remedial Action Completion Report* shall serve as the approved Remedial Action Completion Report.

The remediation site, consisting of 0.54 acre(s), is located at 4160 West 211th Street, Matteson, Illinois. Pursuant to Section 58.10 of the Illinois Environment 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 DRM-1 Form (November 13, 1998) is Massachusetts Mutual Life Insurance Company.

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 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 of this Letter.

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:

Regulated substances of concern that have been successfully addressed are detailed in the attached Table A.

- 2. The remediation site is restricted to industrial/commercial uses.
- 3. 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

- 4. The implementation and maintenance of following controls are required as part of the approval of the remediation objectives for this site.

Preventive Controls:

At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities 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 the engineered barriers must be either returned to the same depth from which it was excavated or properly managed or disposed of in accordance with applicable state and federal regulations.

The contaminants of concern that remain at the areas described in the attached Site Remediation Program environmental notice and shown on the attached site base map of this Letter are:

<u>Location</u>	<u>CAS Number</u>	<u>Chemical Name</u>
Beneath the building and parking area	127-18-4	Tetrachloroethene
	79-01-6	Trichloroethene
	100-42-5	Styrene

Engineering Controls:

The building, asphalt parking lot and concrete sidewalks as shown in the site base map, must remain over the contaminated soils, subject to any temporary breeches allowed pursuant to Federal, State and Local regulations. The building, parking lot and sidewalks must be properly maintained as engineered barriers to inhibit inhalation and ingestion of the contaminated media.

Institutional Controls:

No person shall construct, install, maintain, or operate a water system or well at the remediation site. All water supplies and water services for the remediation site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage including, but not limited to, domestic, commercial, and industrial uses and water for outdoor purposes.

OTHER TERMS

- Where an institutional control is used to assure long-term protection of human health (as identified under 4 of this Letter), the Remediation Applicant must record a copy of this legal mechanism (e.g., restrictive covenant; deed restriction; negative easement; ordinance adopted and administered by a unit of local government; or agreement between a property owner and a highway authority) along with this Letter.
- 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.
- 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
P.O. 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 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 this 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) If applicable, 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 and the Preventative Controls in Section 4 above;
- 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 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 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) Massachusetts Mutual Life Insurance 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 of the owner of the remediation site;
 - 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.
10. This Letter, including all attachments, must be recorded as a single instrument within 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 Marketplace Shopping Center which contains the Eagle Cleaners remediation site.

Within 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:


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

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11. 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 final billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Andrew Catlin at 217/782-6761.

Sincerely,

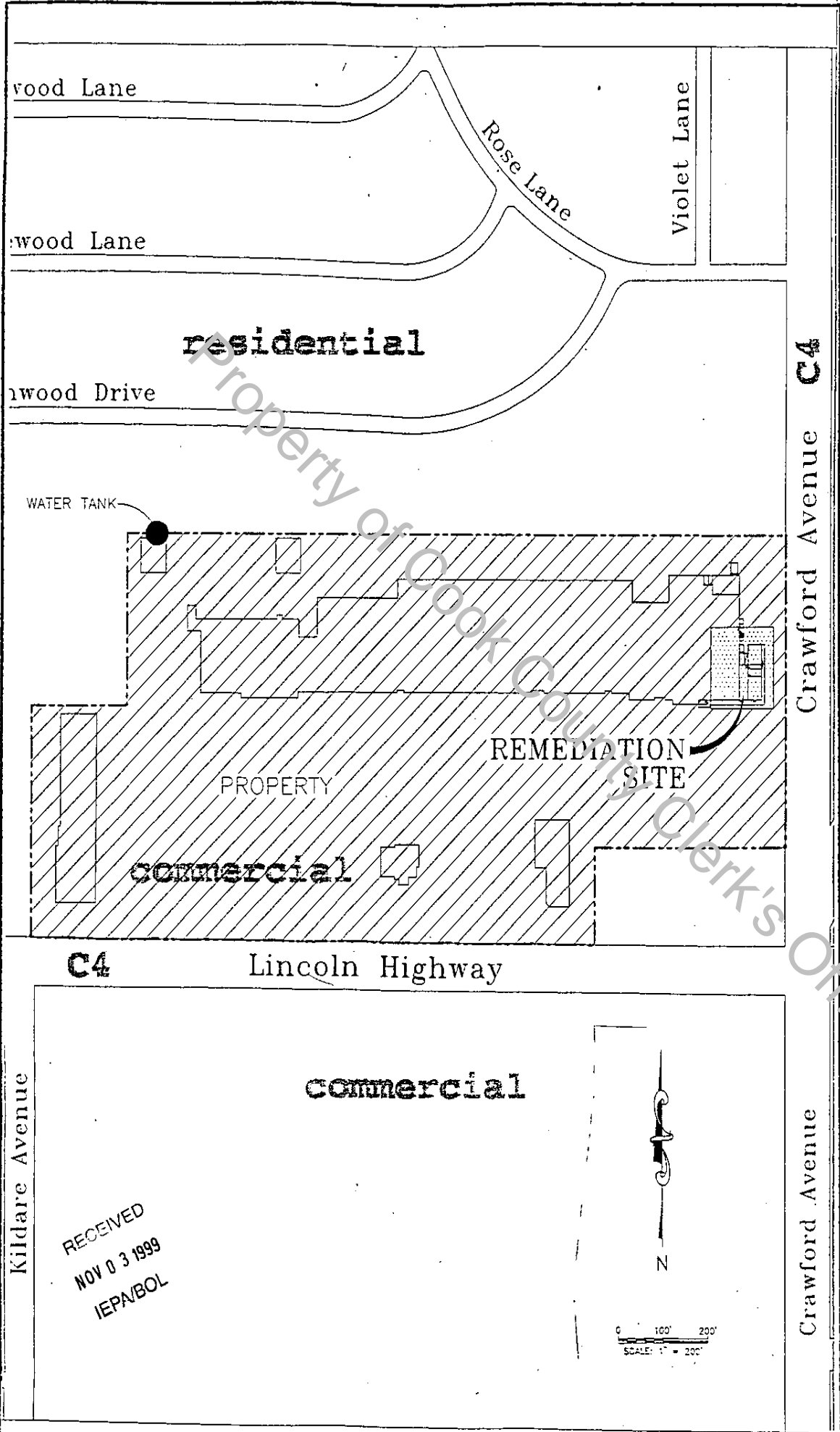


Lawrence W. Eastep, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

ML 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: Michael W. Reese
Boelter & Yates, Inc.
1300 Higgins Road, Suite 301
Park Ridge, IL 60068

H\CATLIN.SRP\EAGLE\LETTERS\FRLTR.WPD



REVISIONS	DATE	DESCRIPTION
	05/29/00	

Project Manager:	M. W. Recte
Drawn By:	
Checked By:	
M.W. Erecte	
Initial Date Drawn:	10/29/1999
Client-Project-Number:	1859b-5488-F010

CHAPEL CORPORATE CENTER
 1300 HIGGINS ROAD, MC300
 PARK RIDGE, IL 60068-5772
 MAIN: (847) 692-4700
 FAX: (847) 692-3127
 e-mail: info@boelter-yates.com
 www.boelter-yates.com



Boelter & Yates
environmental engineering & scientists

MARKETPLACE SHOPPING CENTER
 LINCOLN HIGHWAY
 MATTESON, ILLINOIS

REMEDIATION SITE
 BASE MAP
 Section 22, Township 35 N., Range 13 E.

FIG 1
 10/29/1999

E:\DWG\1859b\5488\zonedmap.dwg 10/29/1999

RECEIVED
 NOV 03 1999
 IEPABOL

TABLE A: REGULATED SUBSTANCES OF CONCERN
0311805010 -- COOK
MATTESON/EAGLE CLEANERS
SITE REMEDIATION PROGRAM

Volatile Organic Compounds

<u>CAS No.</u>	<u>Compound Name</u>
74-87-3	Chloromethane
74-83-9	Bromomethane
75-01-4	Vinyl Chloride
75-00-3	Chloroethane
75-09-2	Methylene Chloride
67-64-1	Acetone
75-15-0	Carbon Disulfide
75-35-4	1,1-Dichloroethene
75-34-3	1,1-Dichloroethane
540-59-0	1,2-Dichloroethene (total)
67-66-3	Chloroform
107-06-2	1,2-Dichloroethane
78-93-3	2-Butanone
71-55-6	1,1,1-Trichloroethane
56-23-5	Carbon Tetrachloride
75-27-4	Bromodichloromethane
789-87-5	1,2-Dichloropropane
10061-01-5	cis-1,3-Dichloropropene
79-01-6	Trichloroethene
124-48-1	Dibromochloromethane
79-00-5	1,1,2-Trichloroethane
71-43-2	Benzene
10061-02-6	trans-1,3-Dichloropropene
75-25-2	Bromoform
108-10-1	4-Methyl-2-Pentanone
591-78-6	2-Hexanone
127-18-4	Tetrachloroethene
108-88-3	Toluene
79-34-5	1,1,2,2-Tetrachloroethane
108-90-7	Chlorobenzene
100-41-4	Ethylbenzene
100-42-5	Styrene
1330-20-7	Xylenes (total)