

# UNOFFICIAL COPY



Doc#: 1027810054 Fee: \$52.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 10/05/2010 12:30 PM Pg: 1 of 9

**ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY**

**LEAKING UNDERGROUND STORAGE  
TANK ENVIRONMENTAL NOTICE  
NUMBER 0316045071  
LUST INCIDENT NO. 982433**

**On Properties Owned by**

**Metropolitan Water Reclamation  
District of Greater Chicago,  
  
a municipal corporation**

**And legally described on a  
certain Plat showing the boundaries as  
Block 32 in Jackson's Subdivision of the  
SE ¼ Section 11 and SW ¼ of  
Section 12-40-13**

**Also commonly referred to as  
MWRDGC North Branch Pumping Station  
Located at 4860 N. Francisco Avenue  
Chicago, Illinois**

**PIN 13-12-316-017-0000  
2859 W. Lawrence Avenue  
Chicago, Illinois**

**&  
Part of PIN 13-12-316-022-0000  
4750 N. Francisco Avenue  
Chicago, Illinois**

**This document consists of 9 pages, this page included, and bears the date of October 5, 2010**

**This Instrument Prepared by Frederick M. Feldman, General Counsel**

**By: Carlton Lowe  
Head Assistant Attorney  
100 East Erie Street  
Chicago, Illinois 60611**

**EXEMPT FROM ILLINOIS TRANSFER TAX PURSUANT TO 35ILCS 200/31-45(b)**

**RETURN TO: RECORDERS BOX 369**

**UNOFFICIAL COPY****PREPARED BY:**

Name: Metropolitan Water Reclamation

Address: 4750 N. Francisco Avenue  
Chicago, IL 60625**RETURN TO:**

Name: Metropolitan Water Reclamation

Address: 3500 Howard  
Skokie, IL 60076**(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: 0316045071

LUST Incident No.: 982433

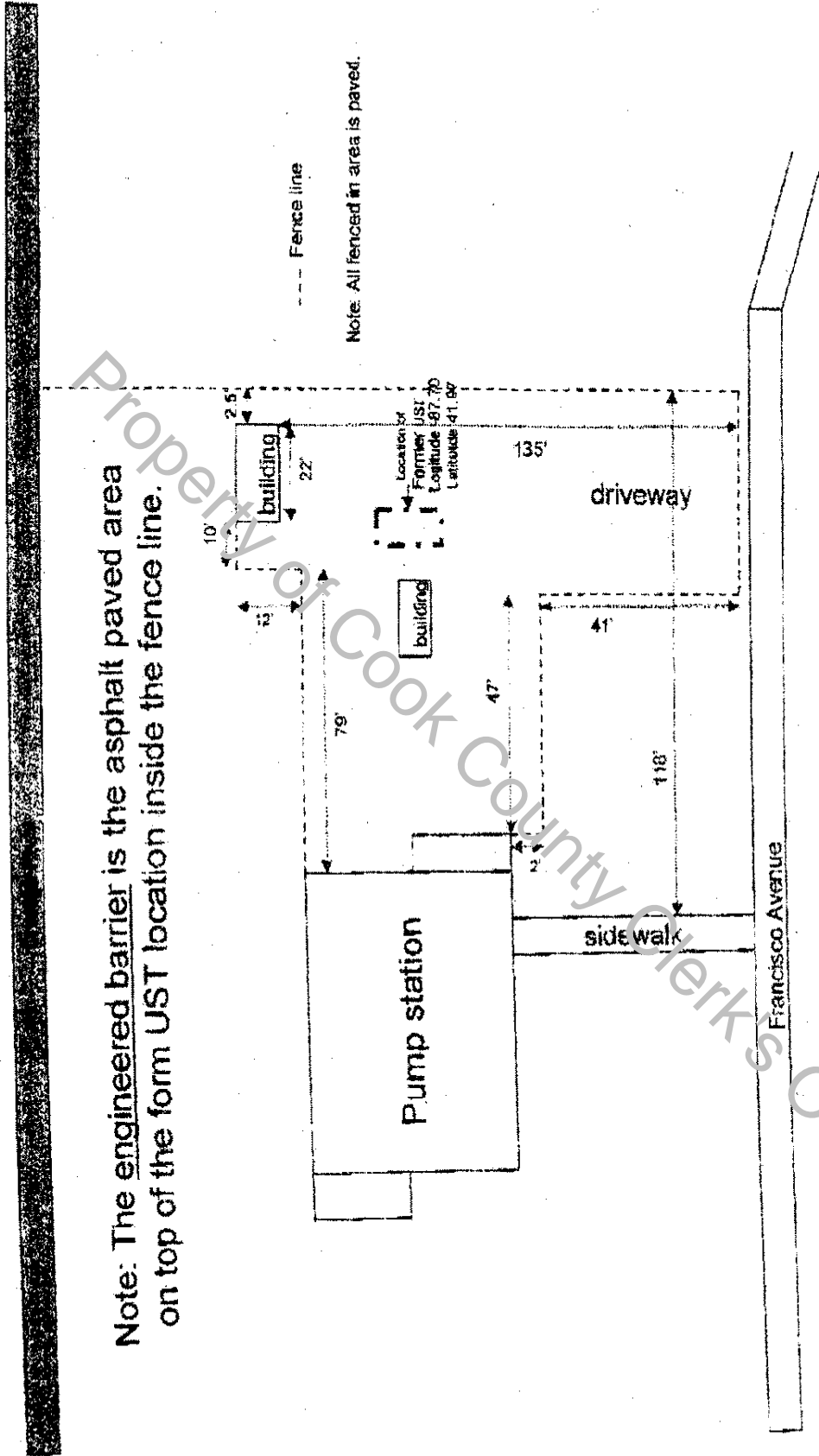
Metropolitan Water Reclamation, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 3500 Howard, Skokie, IL, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: Block 32 in Jackson's Subdivision of the SE ¼, Section 11 and SW ¼ of Section 12-26-13.
2. Common Address: 4750 N. Francisco Avenue, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 13-12-316-017-0000 and 13-12-316-022-0000
4. Site Owner: Metropolitan Water Reclamation District of Greater Chicago
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

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Note: The engineered barrier is the asphalt paved area on top of the form UST location inside the fence line.



DATE 02

LAW

1/18/2019 14:15

98/20/2019 14:15

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2620  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 614-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

AUG 26 2010

7009 2820 0001 7493 9207

Metropolitan Water Reclamation

Attn: Jim Vey

3501 Howard

Skokie, IL 60076

Re: LPT# 0316045071 -- Cook County  
Chicago Metropolitan Water Reclamation  
4750 N. Francisco Avenue  
Leaking UST Incident No. 982433 -- NFR Letter  
Leaking UST Technical File

Dear Mr. Vey:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated July 9, 2010 and July 29, 2010 and was received by the Illinois EPA on July 12, 2010 and August 2, 2010. Citations in this letter are from the Environmental Protection Act (Act) in effect prior to 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 35 Ill. Adm. Code 732.300(b) and 732.409(b) indicate the remediation objectives set forth in 35 Ill. Adm. Code 732.408 have been met.

Based upon the certification by Karl E. Mcier, 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. Metropolitan Water Reclamation, the owner or operator of the underground storage tank system(s).

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 907-7794  
Egion • 596 S. State, Egion, IL 60123 • (847) 505-3133  
Bureau of Land - Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 697-0462  
Collinsville • 2007 Mall Street, Collinsville, IL 62224 • (618) 246-5120

Des Plaines • 5511 W. Higgins St., Des Plaines, IL 60016 • (312) 294-4000  
Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 697-5463  
Champaign • 2135 S. First St., Champaign, IL 61820 • (217) 278-5009  
Marion • 2329 W. Main St., Suite 116, Marion, IL 62959 • (618) 982-7200

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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.
9. An owner of a parcel of real property to the extent that this Letter applies to the occurrence on that parcel.

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.

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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.

## PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.
- Engineering: A concrete/asphalt 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 concrete/asphalt barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.
- 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 voidance of this Letter.

## OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or discharged 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.

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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 Voidance 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 voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance 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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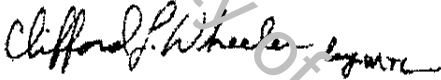
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Submit an accurate and official copy of this Letter, as recorded, to:

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, Scott McGill, at (217) 524-5137.

Sincerely,



Clifford L. Wheeler  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice  
Site map depicting the engineering barrier

cc: BOL File

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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

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>.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (647) 294-4000  
ELGIN - 550 South State, Elgin, IL 60123 - (847) 800-3731 • PEORIA - 547 S. University St., Peoria, IL 61614 - (309) 693-3463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 593-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-8800  
SPRINGFIELD - 4300 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLUMBIANA - 2009 Main Street, Collinsville, IL 62234 - (618) 346-3120  
MARION - 2309 W. Main St., Suite 115, Marion, IL 62959 - (618) 993-7200