



Doc#: 1117255000 Fee: \$56.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/21/2011 08:43 AM Pg: 1 of 11

PREPARED BY:

Name: Mr. Trey Smallwood
AutoZone, Inc.

Address: 123 South Front Street
Third Floor
Memphis, TN 38103

RETURN TO:

Name: Mr. Trey Smallwood
AutoZone, Inc.

Address: 123 South Front Street
Third Floor
Memphis, TN 38103

THE ABOVE SPACE FOR RECORDER'S OFFICE

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0313065079

AutoZone, Inc., the Remediation Applicant, whose address is 123 South Front Street Third Floor, Memphis, TN 38103- 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.

PARCEL 1

THAT TRACT OF LAND SITUATED IN WEST 1/2 OF NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT NORTHWEST CORNER OF SAID SECTION 26, THENCE EASTERLY ALONG NORTHLINE OF NORTHWEST 1/4 OF SAID SECTION 26 A DISTANCE OF 267.11 FEET TO A POINT IN BARTLETT ROAD (AS NOW PLATTED AND RECORDED), SAID POINT ALSO BEING NORTH WEST CORNER OF WOODLAND HEIGHTS UNIT NUMBER 1 SUBDIVISION IN SAID SECTION 26, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE SOUTHWESTERLY ALONG BARTLETT ROAD (AS NOW PLATTED AND RECORDED), SAID LINE BEING THE WEST LINE OF WOODLAND HEIGHTS UNIT NUMBER 1 SUBDIVISION, A DISTANCE OF 1037.91 FEET TO A POINT ON SAID WEST LINE WHICH IS 175 FEET NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK ROAD (CHICAGO-ELGIN ROAD, STATE ROUTE 19), FOR A POINT OF BEGINNING, THENCE CONTINUING SOUTHERLY ALONG SAID WEST LINE OF WOODLAND HEIGHTS UNIT NUMBER 1 SUBDIVISION, A DISTANCE OF 175 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK ROAD (CHICAGO-ELGIN ROAD, STATE ROUTE 19), AS DOCUMENTED BY PLAT OF DEDICATION, RECORDED FEBRUARY



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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

May 12, 2011

CERTIFIED MAIL

7009 2820 0001 7486 4217

Mr. Trey Smallwood
AutoZone, Inc.
123 South Front Street
Third Floor
Memphis, TN 38103

Re: 0313065079 /Cook
Streamwood /Express Care of Streamwood
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Smallwood:

The *Focused Site Investigative Report, Remedial Objectives and Remedial Action Completion Report* (Dated November 18, 2010/Log Number 10/46606), as prepared by ECS Illinois, LLC for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (November 18, 2010/Log Number 10/46606) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 1.0 acres, is located at 948 South Bartlett Road, Streamwood, 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 on the Illinois EPA's Site Remediation Program DRM-1 Form received December 10, 2010 is AutoZone, Inc.

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 and conditions of this Letter.

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) 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.
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is restricted to Industrial/Commercial land use.
- 3) 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.

Institutional Controls:

- 4) No person shall construct, install, maintain, or operate a 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 (e.g., domestic, industrial/commercial uses and outdoor watering).

Other Terms

- 5) 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 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. Excavated soil 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.
- 6) 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.
- 7) 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

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Bureau of Land-#24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

- 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 titleholder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the avoidance 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 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 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 Review and Evaluation Services Agreement within forty-five (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) AutoZone, Inc.;
 - 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;

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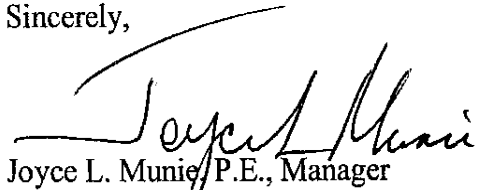
- f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
- g) Any successor-in-interest of the owner of the Remediation Site;
- h) Any transferee of the owner of the Remediation Site whether the transfer was 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;
- 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 forty-five (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 Remediation Site.
- 11) 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
- 12) 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.

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If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. Max Twum at (217) 558-0932.

Sincerely,



Joyce L. Munie, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments (2): Property Owner Certification of No Further Remediation Letter under the
 Site Remediation Program Form
 Notice to Remediation Applicant

cc:

Dorothea Fengle Trust
Ms. Dorothea Fengler
11170 Wilshire Chase Drive
Duluth, GA 30097-1767

David Kwasiborski
ECS Illinois, LLC
1575 Barclay Boulevard
Buffalo Grove, IL 60089

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16, 1933 AS DOCUMENT NUMBER 11200332; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY OF IRVING PARK ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2098.79 FEET, A DISTANCE OF 167.33 FEET TO A POINT ON THE WEST LINE OF NORTHWEST 1/4 OF SAID SECTION; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID INTERSECTION A DISTANCE OF 187.62 FEET TO A POINT; THENCE SOUTHEASTERLY 184.184.97 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART DEDICATED FOR HIGHWAY PURPOSES AND EXCEPT THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 41 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS; BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF BARTLETT ROAD WITH THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK ROAD (CHICAGO-ELGIN ROAD, STATE ROUTE 19), AS DEDICATED BY PLAT OF DEDICATION RECORDED FEBRUARY 16, 1933 AS DOCUMENT NUMBER 11200332; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY OF IRVING PARK ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2098.79 FEET, A DISTANCE OF 20 FEET; THENCE NORTHEASTERLY TO A POINT OF SAID WESTERLY RIGHT OF WAY LINE OF BARTLETT ROAD, SAID POINT 35 FEET NORTHERLY OF THE PLACE OF BEGINNING; THENCE SOUTHERLY ALONG SAID WESTERLY LINE 35 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE SOUTH 125.00 FEET AS MEASURED PERPENDICULAR TO THE SOUTHERLY LINE OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 26: THENCE NORTH 89 50' 03" E ALONG THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 233.98 FEET TO THE WEST SIDE OF BARTLETT ROAD BEING 33 FEET WEST OF THE CENTERLINE OF SAID BARTLETT ROAD; THENCE S 05 01' 20" W ALONG SAID WEST SIDE OF BARTLETT ROAD, A DISTANCE OF 1028.91 FEET TO A LINE THAT IS 177.62 FEET (AS MEASURED ALONG SAID WEST SIDE OF BARTLETT ROAD THEREOF) NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROUTE 19 (CHICAGO-ELGIN ROAD); THENCE N 74 38' 32" W, A DISTANCE OF 151.50 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE N 00 08' 31" E ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 984.16 FEET TO THE POINT OF BEGINNING.

2. Common Address: 948 South Bartlett Road, Streamwood, IL
3. Real Estate Tax Index/Parcel Index Number: 06-26-100-004-0000 and 06-26-100-003
4. Remediation Site Owner: Dorothea Fengler
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

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SITE REMEDIATION PROGRAM
TABLE A: REGULATED SUBSTANCES OF CONCERN
0313065079/Express Care of Streamwood

Volatile Organic Compounds

CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-2	2-Butanone (MEK)
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
124-48-1	Chlorodibromomethane (Dibromochloromethane)
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
156-60-5	<i>trans</i> -1,2-Dichloroethene
156-59-2	<i>cis</i> -1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	<i>trans</i> -1,3-Dichloropropene
10061-01-5	<i>cis</i> -1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone (MIBK)
1634-04-4	Methyl Tertiary Butyl Ether (MTBE)
100-42-5	Styrene
127-18-4	Tetrachloroethene
630-20-6	1,1,1,2-Tetrachloroethane
79-34-5	1,1,2,2-Tetrachloroethane
109-99-9	Tetrahydrofuran
79-01-6	Trichloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
108-88-3	Toluene
108-05-4	Vinyl Acetate
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

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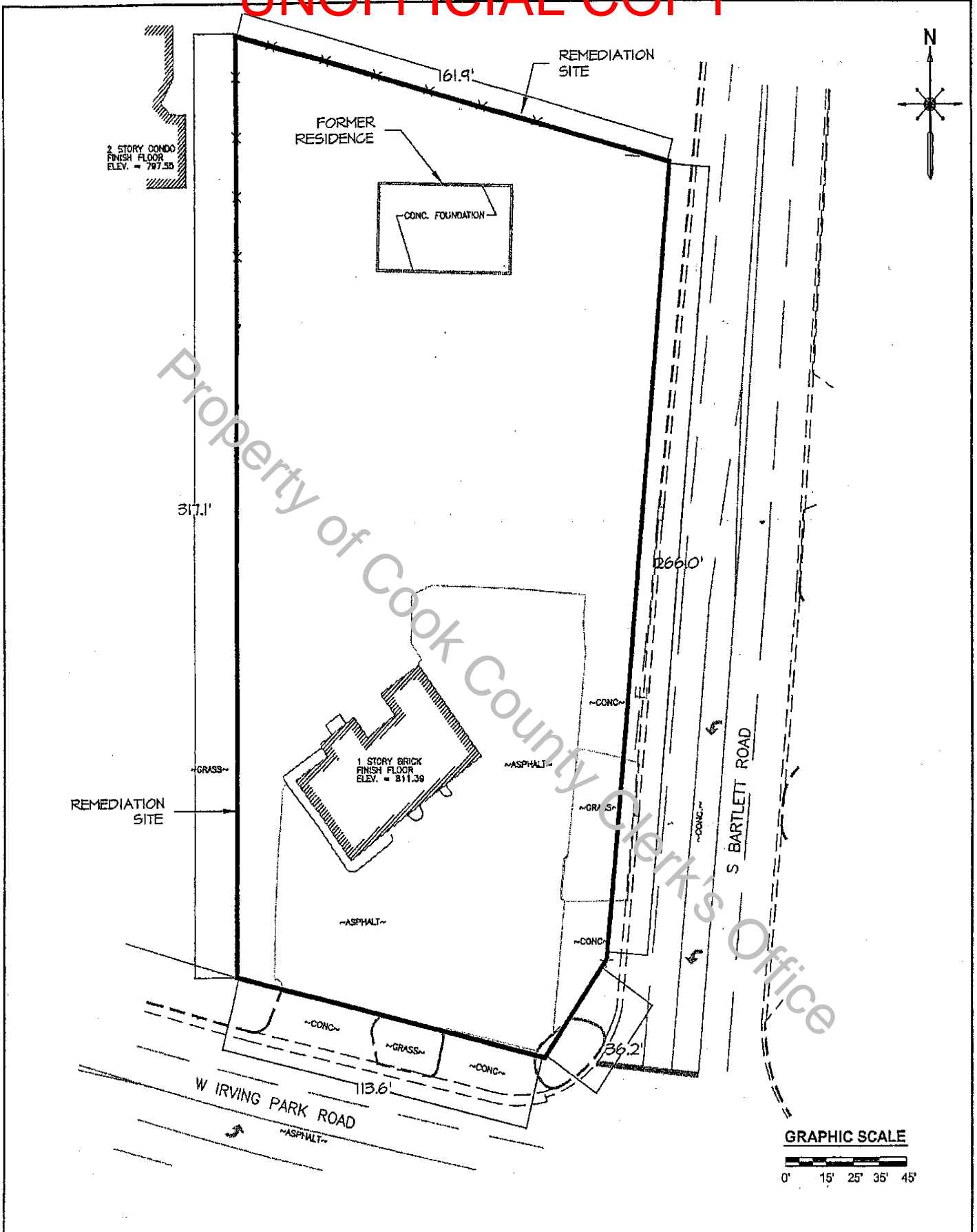
Semivolatile Organic Compounds

CAS No.	Compound Name
91-20-3	Naphthalene
208-96-8	Acenaphthylene
83-32-9	Acenaphthene
86-73-7	Fluorene
85-01-8	Phenanthrene
120-12-7	Anthracene
206-44-0	Fluoranthene
129-00-0	Pyrene
56-55-3	Benzo(a)anthracene
219-01-9	Chrysene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
50-32-8	Benzo(a)pyrene
193-39-5	Indeno(1,2,3-cd)pyrene
53-70-3	Dibenzo(a,h)anthracene
191-24-2	Benzo(g,h,i)perylene

Metals

CAS No.	Compound Name
7439-92-1	Lead

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SITE BASE MAP

LPC# 0313065079 - Cook County
Streamwood/AutoZone Streamwood
Site Remediation/Technical Reports

ENGINEER	SCALE
DTK	1" = 45'
DRAFTING	PROJECT NO.
LGM	7745-E
REVISIONS	SHEET
	FIGURE 2
	DATE
	3/04/11

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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 authorized 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 sole 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 additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name:	<u>Dorothea Fengler, Trustee</u>
Title:	<u>Dorothea Fengler Trust dated October 1, 1993</u>
Company:	<u>N/A</u>
Street Address:	<u>11170 Wilshire Case Drive</u>
City:	<u>Duluth</u> State: <u>GA</u> Zip Code: <u>30097</u> Phone: <u>770-410-9558</u>
Site Information	
Site Name:	<u>None</u>
Site Address:	<u>948 South Bartlett Road</u>
City:	<u>Streamwood</u> State: <u>IL</u> Zip Code: <u>60107</u> County: <u>Cook</u>
Illinois inventory identification number:	<u>0313065079</u>
Real Estate Tax Index/Parcel Index No.	<u>06 26 100 004 0000 and 06 26 100 003 0000</u>
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature:	<u>Dorothea Fengler</u> Date: <u>5-18-11</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>18</u> day of <u>May</u> , 20 <u>11</u>	
<u>Khalecia Chambers</u> Notary Public	

The Illinois EPA is authorized to require this information under Section 107 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 Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.