

# UNOFFICIAL COPY

PREPARED BY:

Name: President Peter Testa  
Testa Properties, LLC

Address: 1501 South Blue Island Avenue  
Chicago, IL 60608

RETURN TO:

Name: President Peter Testa  
Testa Properties, LLC

Address: 1501 South Blue Island Avenue  
Chicago, IL 60608



Doc#: 1134816018 Fee: \$58.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 12/14/2011 11:25 AM Pg: 1 of 12

## 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: 0316615295

Testa Properties, LLC, the Remediation Applicant, whose address is 1501 South Blue Island Avenue, Chicago, IL 60608 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:

PINs: 20-05-400-017 and 20-05-400-018

(PARCEL 1): ALL THAT PART OF SECTION 5, TOWNSHIP 38 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF CHICAGO, STATE OF ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 1023 FEET NORTH OF THE SOUTH LINE AND 123 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SAID SECTION 5 AND RUNNING THENCE EASTERLY ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 999.96 FEET TO A POINT; THENCE SOUTH ON A LINE PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600 FEET TO A POINT; THENCE WEST ON A LINE PARALLEL WITH SOUTH LINE OF SAID SECTION 399.96 FEET TO A POINT; THENCE NORTHWESTERLY ON A CURVED LINE HAVING A RADIUS OF 600 FEET AND CONVEX TO THE SOUTHEAST TO THE POINT OF BEGINNING; EXCEPT THE NORTH 46.84 FEET MEASURED PERPENDICULAR THEREOF AND EXCEPTING THEREFROM THAT PART OF SAID SECTION 5 BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING ON A LINE WHICH IS 1122.96 FEET EAST FROM AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 5, AT A POINT 976.16 FEET NORTH FROM THE SOUTH LINE OF THE EAST HALF OF SECTION 5, RUNNING THENCE SOUTH ALONG SAID PARALLEL LINE, A

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DISTANCE OF 187.71 FEET; THENCE WEST ALONG A LINE WHICH IS 788.45 FEET NORTH FROM AND PARALLEL WITH THE SOUTH LINE OF SAID EAST HALF OF SECTION 5, A DISTANCE OF 51.77 FEET TO THE EAST FACE OF A BRICK WALL OF AN EXISTING 5 STORY BRICK BUILDING; THENCE NORTH ALONG SAID EAST FACE OF BRICK WALL AND ALONG SAID EAST FACE EXTENDED, A DISTANCE OF 187.71 FEET TO ITS INTERSECTION WITH A LINE 973.16 FEET NORTH FROM AND PARALLEL WITH THE SOUTH LINE OF THE EAST HALF OF SECTION 5; THENCE EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 51.49 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

(PARCEL 1-A): AN EASEMENT FOR PASSAGE OF PERSONS, ANIMALS, AND VEHICLES AND TO LAY, CONSTRUCT, MAINTAIN, REPAIR, AND REPLACE UTILITY LINES AND SEWERS OF ALL TYPES AND DESCRIPTIONS OVER, UNDER, AND ACROSS THE FOLLOWING DESCRIBED REAL ESTATE FOR THE BENEFIT OF PARCEL 1 AND CERTAIN OTHER PARCELS DESCRIBED IN EASEMENT AGREEMENT DATED AUGUST 25, 1969, RECORDED AS DOCUMENT 20992913: A PARCEL OF LAND IN LOT 12 IN STOCKYARD SUBDIVISION OF THE EAST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 956.46 FEET NORTH FROM THE SOUTH LINE AND 37.14 FEET EAST FROM THE WEST LINE OF SAID EAST HALF OF SECTION 5 AND RUNNING THENCE NORTHEASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 33.30 FEET TO A POINT WHICH IS 989.69 FEET NORTH FROM THE SOUTH LINE AND 39.45 FEET EAST FROM THE WEST LINE OF SAID EAST HALF OF SECTION 5, THENCE EASTWARDLY ALONG A STRAIGHT LINE A DISTANCE OF 84.32 FEET TO A POINT 995.32 FEET NORTH FROM THE SOUTH LINE OF SAID EAST HALF OF SECTION 5 AND ON THE LINE BETWEEN LOTS 11 AND 13 IN SAID STOCK YARDS SUBDIVISION, (SAID LINE BETWEEN LOTS 11 AND 12 BEING ALSO THE EASTERLY LINE OF THE LANDS OF THE CHICAGO RIVER AND INDIANA RAILROAD COMPANY); THENCE SOUTHWARDLY ALONG THE LINE BETWEEN LOTS 11 AND 12, SAID LINE BEING THE ARC OF A CIRCLE, CONVEX TO THE WEST AND HAVING A RADIUS OF 600 FEET, A DISTANCE OF 33.00 FEET TO A POINT 962.41 FEET NORTH FROM THE SOUTH LINE OF SAID EAST HALF OF SECTION 5 AND THENCE WESTWARDLY ALONG A STRAIGHT LINE A DISTANCE OF 89.00 FEET TO THE POINT OF BEGINNING; IN COOK COUNTY; ILLINOIS.

PIN: 20-05-400-029

A PARCEL OF LAND COMPRISED OF A PART OF LOT 12 IN STOCKYARD SUBDIVISION OF THE EAST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID PARCEL BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF A LINE WHICH IS 423.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 WITH THE EASTERLY LINE OF THE FORMER CONSOLIDATED RAIL CORPORATION RIGHT-OF-WAY, SAID POINT OF INTERSECTION BEING 153.51 FEET, AS MEASURED ALONG SAID PARALLEL LINE, EAST OF INTERSECTION OF SAID PARALLEL LINE WITH THE EASTERLY LINE OF S. RACINE AVENUE, AS SAID S. RACINE AVENUE WAS OPENED PURSUANT TO THE ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF CHICAGO ON MARCH 16, 1968; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE, SAID EASTERLY LINE HAVING AN ASSUMED BEARING OF NORTH 24 DEGREES, 01 MINUTES, 45 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT OF CURVE IN SAID EASTERLY LINE; THENCE CONTINUING NORTHWARDLY ALONG SAID EASTERLY LINE, SAID EASTERLY LINE BEING HERE A CURVED LINE CONVEX SOUTHWESTERLY AND HAVING A RADIUS OF 575.98 FEET, AN ARC DISTANCE OF 168.34 FEET TO A POINT OF REVERSE CURVE

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IN SAID EASTERLY LINE; THENCE CONTINUING NORTHWARDLY ALONG SAID EASTERLY LINE BEING HERE A CURVED LINE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 1,222.00 FEET AND ARC DISTANCE OF 118.15 FEET TO ANOTHER POINT OF REVERSE CURVE; THENCE CONTINUING NORTHWARDLY ALONG SAID EASTERLY LINE BEING HERE A CURVED LINE CONVEX WESTERLY AND HAVING A RADIUS OF 510.07 FEET, AN ARC DISTANCE OF 112.39 FEET; THENCE CONTINUING NORTHWARDLY ALONG SAID EASTERLY LINE, SAID EASTERLY LINE BEING HERE A STRAIGHT LINE HAVING A BEARING OF NORTH 00 DEGREES, 11 MINUTES, 15 SECONDS WEST A DISTANCE OF 1150.06 FEET TO AN INTERSECTION WITH A LINE WHICH IS 976.16 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 5, SAID POINT OF INTERSECTION BEING 46.80 FEET, AS MEASURED ALONG SAID PARALLEL LINE, EAST OF THE INTERSECTION OF SAID PARALLEL LINE WITH SAID EAST LINE OF S. RACINE AVENUE, THENCE SOUTH 89 DEGREES, 53 MINUTES, 45 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 2.65 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF LOT 11 IN SAID STOCKYARD SUBDIVISION; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG SAID WESTERLY LINE OF LOT 11, SAID WESTERLY LINE BEING HERE A CURVED LINE CONVEX TO THE SOUTHWEST AND HAVING A RADIUS OF 600.00 FEET, AN ARC DISTANCE OF 896.68 FEET TO AN INTERSECTION WITH SAID LINE WHICH IS 423.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, SAID POINT OF THE INTERSECTION BEING 399.96 FEET, AS MEASURED ALONG SAID PARALLEL LINE, WEST OF THE SOUTHEAST CORNER OF SAID LOT 11, THENCE NORTH 89 DEGREES, 53 MINUTES, 45 SECONDS WEST ALONG SAID LINE WHICH IS 423.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER, SAID PARALLEL LINE BEING ALSO THE WESTWARD EXTENTION OF THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 125.76 FEET; THENCE NORTH 73 DEGREES, 08 MINUTES, 27 SECONDS WEST A DISTANCE OF 136.24 FEET TO A POINT OF CURVE; THENCE WESTWARDLY AND SOUTHWESTWARDLY ALONG A CURVED LINE CONVEX NORTHERLY AND HAVING A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 36.53 FEET; THENCE SOUTH 64 DEGREES, 59 MINUTES, 35 SECONDS WEST, A DISTANCE OF 86.42 FEET TO AN INTERSECTION WITH SAID LINE WHICH IS 423.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES, 53 MINUTES, 45 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 145.47 FEET TO THE POINT OF BEGINNING.

PIN: 20-05-400-031

A PARCEL OF LAND COMPRISED OF A PART OF LOT 12 IN STOCKYARD SUBDIVISION OF THE EAST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID PARCEL BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF A LINE WHICH IS 423.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 WITH THE EASTERLY LINE OF S. RACINE AVENUE AS SAID S. RACINE AVENUE WAS OPENED PURSUANT TO THE ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF CHICAGO ON MARCH 16, 1968; THENCE NORTHWARDLY ALONG SAID EASTERLY LINE; SAID EASTERLY LINE HAVING AN ASSUMED BEARING OF NORTH 05 DEGREES 41 MINUTES 47 SECONDS EAST, A DISTANCE OF 180.06 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE FORMER CONSOLIDATED RAIL CORPORATION RIGHT OF WAY; THENCE SOUTH 19 DEGREES 51 MINUTES 44 SECONDS EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 157.71 FEET TO A POINT OF CURVE IN SAID WESTERLY LINE; THENCE CONTINUING ALONG SAID WESTERLY LINE, SAID WESTERLY LINE BEING HERE A CURVED LINE, CONVEX SOUTHWESTERLY AND HAVING A RADIUS OF

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639.38 FEET, AN ARC DISTANCE OF 33.28 FEET TO AN INTERSECTION WITH SAID LINE WHICH IS 423.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 53 MINUTES 45 SECONDS WEST ALONG THE LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 83.57 FEET TO THE POINT OF BEGINNING.

PIN: 20-05-400-024

ALL THAT PIECE OR PARCEL OF LAND COMPRISED OF A PART OF LOT 12 IN STOCKYARD SUBDIVISION OF THE EAST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID PARCEL BEING PART OF THE FORMER CONSOLIDATED RAIL CORPORATION RIGHT OF WAY, AND BEING BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF A LINE WHICH IS 976.16 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 5, WITH THE EAST LINE OF S. RACINE AVENUE, AS SAID BY THE CITY COUNCIL OF THE CITY OF CHICAGO ON MARCH 16, 1968; THENCE, SOUTH ALONG SAID EAST LINE, SAID EAST LINE HAVING AN ASSUMED BEARING OF SOUTH 00 DEGREES 06 MINUTES 21 SECONDS EAST, A DISTANCE OF 332.64 FEET TO AN ANGLE POINT IN SAID EAST LINE OF S. RACINE AVENUE; THENCE, SOUTH 05 DEGREES 41 MINUTES 47 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 41.51 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE FORMER CONSOLIDATED RAIL CORPORATION RIGHT OF WAY; THENCE SOUTH 19 DEGREES 51 MINUTES 44 SECONDS EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 157.71 FEET TO A POINT OF CURVE IN SAID WESTERLY LINE; THENCE, CONTINUING ALONG SAID WESTERLY LINE, SAID WESTERLY LINE BEING A CURVED LINE, CONVEX SOUTHWESTERLY AND HAVING A RADIUS OF 639.38 FEET, AN ARC DISTANCE OF 33.28 FEET TO AN INTERSECTION WITH A LINE WHICH IS 423.00 NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 5; THENCE, SOUTH 89 DEGREES 53 MINUTES 45 SECONDS EAST ALONG THE LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 69.94 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID CONSOLIDATED RAIL CORPORATION RIGHT OF WAY; THENCE, NORTH 24 DEGREES 01 MINUTES 45 SECONDS WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 15.32 FEET TO A POINT OF CURVE IN SAID EASTERLY LINE; THENCE, CONTINUING NORTHWARDLY ALONG SAID EASTERLY LINE, SAID EASTERLY LINE BEING HERE A CURVED LINE CONVEX SOUTHWESTERLY AND HAVING A RADIUS OF 575.98 FEET, AN ARC DISTANCE OF 168.34 FEET TO A POINT OF REVERSE CURVE IN SAID EASTERLY LINE; THENCE, CONTINUING NORTHWARDLY ALONG SAID EASTERLY LINE BEING HERE A CURVED LINE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 122.00 FEET, AN ARC DISTANCE OF 118.15 FEET TO ANOTHER POINT OF REVERSE CURVE, THENCE, CONTINUING NORTHWARDLY ALONG SAID EASTERLY LINE, SAID EASTERLY LINE BEING HERE A CURVED LINE CONVEX WESTERLY AND HAVING A RADIUS OF 510.07 FEET, AN ARC DISTANCE OF 112.39 FEET; THENCE, CONTINUING NORTHWARDLY ALONG SAID EASTERLY LINE, SAID EASTERLY LINE BEING HERE A STRAIGHT LINE HAVING A BEARING OF NORTH 00 DEGREES 11 MINUTES 15 SECONDS WEST, A DISTANCE OF 150.06 FEET TO AN INTERSECTION WITH SAID LINE WHICH IS 976.16 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 5; THENCE, NORTH 89 DEGREES 53 MINUTES 45 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 46.80 FEET TO THE POINT OF BEGINNING.

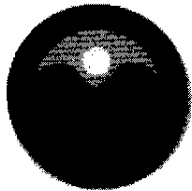
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2. Common Address: 4555 South Racine Avenue, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Numbers: 20-05-400-017, 20-05-400-018  
20-05-400-029, 20-05-400-031  
20-05-400-024
4. Remediation Site Owner: Testa Properties, LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

Property of Cook County Clerk's Office

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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, ILLINOIS 60601 - (312) 814-6026

PAT QUINN, GOVERNOR

LISA BONNETT, INTERIM DIRECTOR

(217) 782-6761

October 13, 2011

CERTIFIED MAIL

7009 3410 0002 3751 4237

Mr. Peter Testa, President  
 Testa Properties, LLC  
 1501 South Blue Island Avenue  
 Chicago, Illinois 60608

Re: 0316615295 /Cook County  
 Chicago /Hammond Warehouse (Testa Parcel 1)  
 Site Remediation Program/Technical Reports  
**No Further Remediation Letter**

Dear Mr. Testa:

The *Remedial Action Completion Report- Addendum* (Dated September 8, 2011/Log Number 11-48690), as prepared by Environmental Group Services, LTD. 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* (September 8, 2011/Log Number 11-48690) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 10.4 acres, is located at 4555 South Racine Avenue, Chicago, 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 October 20, 2008 is Testa Properties, LLC.

This comprehensive 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 and does not require further remediation under the Act if utilized in accordance with the terms and conditions of this Letter.

ROCKFORD - 4302 N. MAIN ST., ROCKFORD, IL 61103 - (815) 987-7760

ELGIN - 595 SOUTH STATE, ELGIN, IL 60123 - (847) 608-3131

CHAMPAIGN - 2125 S. FIRST ST., CHAMPAIGN, IL 61820 - (217) 278-5800

DES PLAINES - 9511 HARRISON ST., DES PLAINES, IL 60016 - (847) 294-4000

PEORIA - 5407 N. UNIVERSITY, ARBOR HALL #113, PEORIA, IL 61614 - (309) 693-5463

MARION - 2309 W. MAIN ST., SUITE 116, MARION, IL 62959 - (618) 993-7200

COLLINSVILLE - 2009 MALL STREET, COLLINSVILLE, IL 62234 - (618) 346-5120

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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.

### Engineering Controls:

- 3) The asphalt barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 4) The clean soil barrier, which is comprised of a minimum of three feet of clean soil/gravel covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This three feet clean soil/gravel barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 5) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 6) The building, as shown in the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.

### Institutional Controls:

- 7) 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

- 8) Pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), all statutory and regulatory corrective action requirements applicable to the occurrence involving Leaking UST Incident No. 2010-0803 have been completed. This letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST Incident.

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- 9) 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 under the engineered barriers shown on the Attached Site Base Map. 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 engineered barriers shown on the Attached Site Base Map 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.
- 10) 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.
- 11) 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  
Post Office Box 19276  
Springfield, IL 62794-9276
- 12) 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 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 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;



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- 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.

13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) Testa Properties, LLC;
- 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 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; 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.

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14) 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.

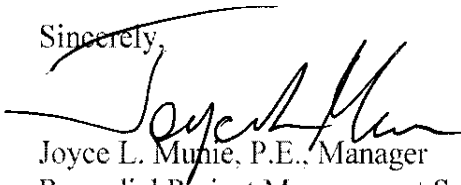
15) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

16) 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.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. Jim Mergen at (217) 524-1639.

Sincerely,



Joyce L. Murnie, 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

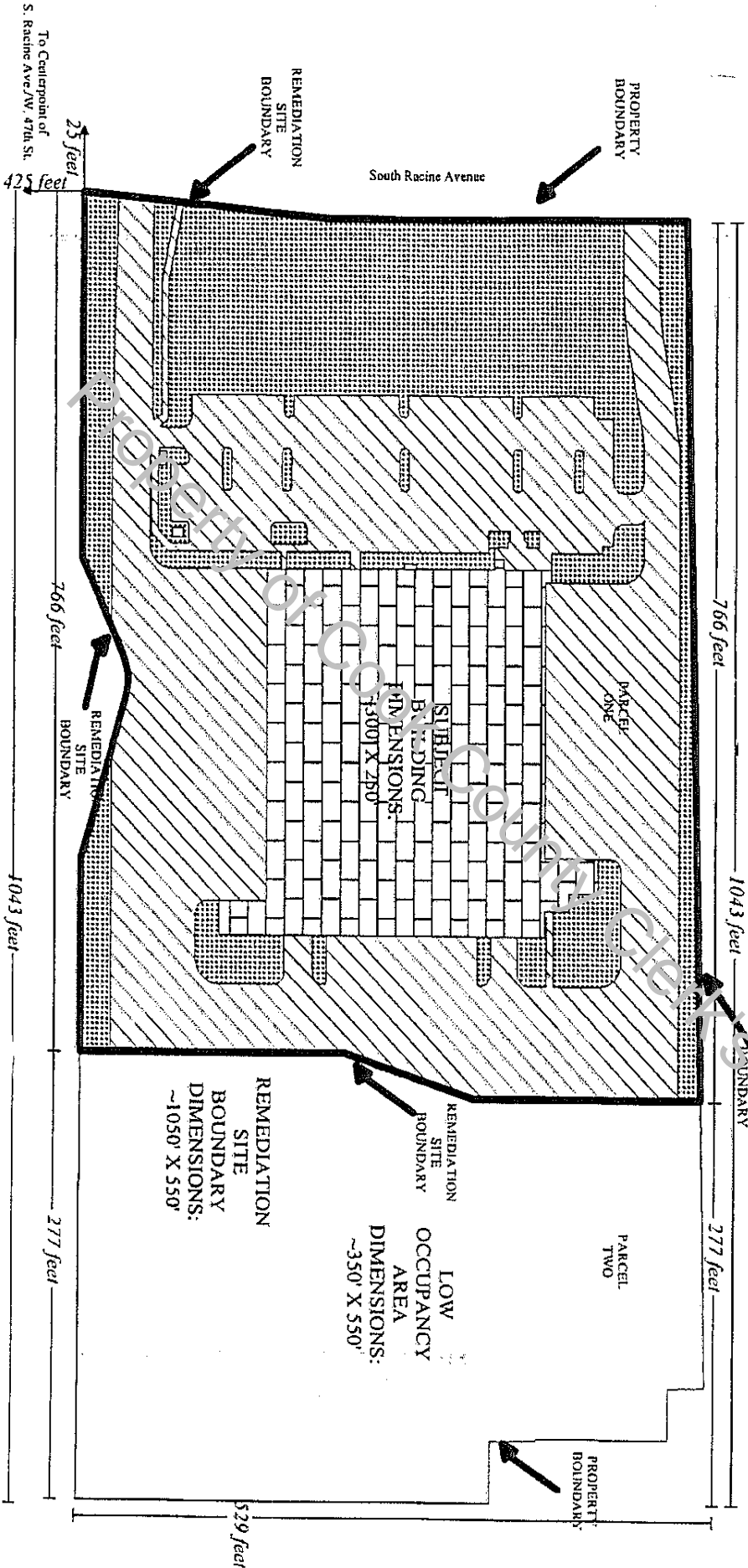
cc: John Molloy  
 Department of Housing and Economic Development Business Development - Industrial  
 121 North LaSalle Street, room 1003  
 Chicago, Illinois 60602

Bill Lennon  
 Environmental Group Services, LTD.  
 Suite 201, 557 West Polk Street  
 Chicago, Illinois 60607

Mike Lowder, BOL/DRM/LUST Section, #24, Illinois EPA

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## Site Base Map 0316615295/Cook Chicago/Hammond Warehouse Site Remediation Program



	Subject Property Boundary
	Engineered Barrier Area (Concrete Building Foundation)
	Engineered Barrier Area (3" Imported Clean Soil)
	Engineered Barrier Area (Asphalt and Concrete Paved Parking/Loading/Driveways)
	Restricted Low-Occupancy Area

N  
0 130  
1" = 130'

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## PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

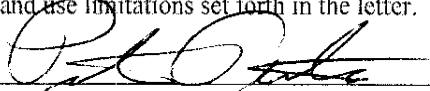

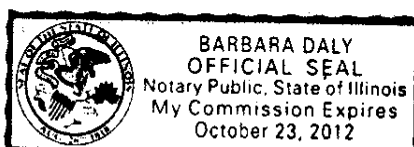
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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>Peter Testa</u>	
Title: <u>President</u>	
Company: <u>Testa Produce Inc</u>	
Street Address: <u>4555 S Racine Ave</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60609</u> Phone: <u>312 226 3237</u>	
Site Information	
Site Name: <u>Chicago Hammond Warehouse   Testa Produce Inc</u>	
Site Address: <u>4555 S Racine Ave</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60609</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>316615295</u>	
Real Estate Tax Index/Parcel Index No. <u>20-05-46-017-018</u>	
<p>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.</p> <p>Owner's Signature: <u></u> Date: <u>12-1-2011</u></p>	
<p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>15</u> day of <u>December</u> 20<u>11</u></p> <p><u></u> Notary Public</p>	
	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 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.