

# UNOFFICIAL COPY

PREPARED BY:

Name: John Argianas, President  
Cumberland and Lawrence, LLC



Address: 2241 West Howard Street  
Chicago, Illinois 60645

Doc#: 1311250000 Fee: \$58.00  
RHSP Fee: \$10.00 Affidavit Fee:  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 04/22/2013 08:30 AM Pg: 1 of 11

RETURN TO:

Name: John Argianas  
Cumberland and Lawrence, LLC

Address: 2241 West Howard Street  
Chicago, Illinois 60645

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: 0312045006

Cumberland and Lawrence, LLC, the Remediation Applicant, whose address is 2241 West Howard Street, Chicago, Illinois 60645 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:

THE SOUTH 181.41 FEET OF THAT PART LYING WEST OF A LINE DRAWN PERPENDICULAR TO THE SOUTH LINE AT A POINT BEING 113.82 FEET EAST OF THE SOUTHWEST CORNER OF THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PART OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID NORTHEAST  $\frac{1}{4}$  OF SECTION 14, SAID POINT BEING 300.00 FEET NORTH OF THE INTERSECTION OF SAID WEST LINE OF THE NORTHEAST  $\frac{1}{4}$  WITH A LINE WHICH IS 31 RODS 15 LINKS NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SAID NORTHWEST  $\frac{1}{4}$  OF NORTHEAST  $\frac{1}{4}$  OF SECTION 14; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHEAST  $\frac{1}{4}$  OF SECTION 14 TO THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG THE NORTH LINE OF SAID NORTHEAST  $\frac{1}{4}$  OF SECTION 14, 783.50 FEET MORE OR LESS, TO THE CENTER LINE OF THATCHER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF THATCHER ROAD TO THE

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POINT OF INTERSECTION WITH A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST ¼ OF SECTION 14, AND WHICH RUNS THROUGH THE POINT OF BEGINNING; THENCE WEST ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING, EXCEPT FROM THE ABOVE DESCRIBED PROPERTY THE NORTH 200 FEET OF THE WEST 200 FEET THEREOF, AND EXCEPT THE WEST 50 FEET THEREOF, AND EXCEPT THE NORTH 50 THEREOF AND EXCEPT THE SOUTHERLY 76 FEET OF THE EASTERLY 221 FEET THEREOF, ALL IN COOK COUNTY, ILLINOIS.

2. Common Address: 8345 West Lawrence Avenue, Norridge, Illinois
3. Real Estate Tax Index/Parcel Index Number: 12-14-200-076-0000, 12-14-200-083-0000, 12-14-084-0000
4. Remediation Site Owner: Cumberland and Lawrence, LLC
5. Land Use: Residential and/or 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)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 524-3300

April 16, 2013

CERTIFIED MAIL

7012 0470 0001 2998 2101

John Argianas, President  
Cumberland and Lawrence, LLC  
2241 West Howard Street  
Chicago, Illinois 60645

Re: 0312045006/Cook/County  
Norridge/Magic Touch Cleaners  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. Argianas:

The October 31, 2012 *Remedial Action Completion Report* (received November 9, 2012; Log No. 12-52278) and the January 7, 2013 response document (received January 31, 2013; Log No. 13-52909), as prepared by Environmental Group Services, Ltd. for the above referenced Remediation Site, have been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). These Reports demonstrate the approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances and that the remedial action was completed in accordance with the April 16, 2012 *Soil Treatment Pilot Study* (received April 25, 2012; Log No. 12-50629) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 0.45 acres, is located at 8345 West Lawrence Avenue, Norridge, 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 January 12, 2000; Log No. 00/161), is Cumberland and Lawrence, LLC.

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 of this Letter.

4302 N. Main St., Rockford, IL 61103 (815)987-7760  
595 S. State, Elgin, IL 60123 (847)608-3131  
2125 S. First St., Champaign, IL 61820 (217)278-5800  
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions characterized by the focused site investigation and successfully addressed, consist of the contaminants of concern detailed in the attached Table A.
- 2) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 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 the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

#### Preventive Controls:

- 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. Soil excavated below the ground surface 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.

#### Engineering Controls:

- 6) The concrete cap barrier, as shown on 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 inhalation and ingestion of the contaminated media.

#### Institutional Controls:

- 7) Ordinance No. 1256, adopted by the Village of Norridge on May 27, 1999, effectively prohibits the installation and use of potable water supply wells in the Village of Norridge. This ordinance provides an acceptable institutional control under the following conditions:
  - a) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:

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- i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
  - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
- b) The Remediation Applicant shall provide written notification to the Village of Norridge and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
- i) The name and address of the local unit of government;
  - ii) The citation of Ordinance No. 1256;
  - iii) A description of the property for which the owner is 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 has been 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.
- c) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to:
- Mr. Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276
- d) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced 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 Remediation Site or at the affected properties;

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- iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the Village of Norridge and affected property owner(s) of the intent to use Ordinance No. 1256 as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter.

## Other Terms

- 8) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 7 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 9) 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.
- 10) 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  
 Division of Records Management #16  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, IL 62794-9276
- 11) 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 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;

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- 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.
- 12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Cumberland and Lawrence, 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

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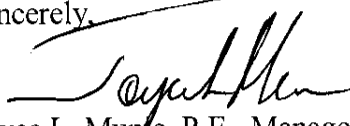
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 13) 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 Magic Touch Cleaners property.
- 14) 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:

Mr. Robert E. O'Hara  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, IL 62794-9276

- 15) 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 the Magic Touch Cleaners property, you may contact the Illinois EPA project manager, Jeffrey J. Guy at (217) 558-6601.

Sincerely,



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

Attachments: Illinois EPA Site Remediation Program Environmental Notice  
 Site Base Map  
 Table A: Regulated Substances of Concern  
 Property Owner Certification of No Further Remediation Letter under the Site  
 Remediation Program Form  
 Instructions for Filing the NFR Letter



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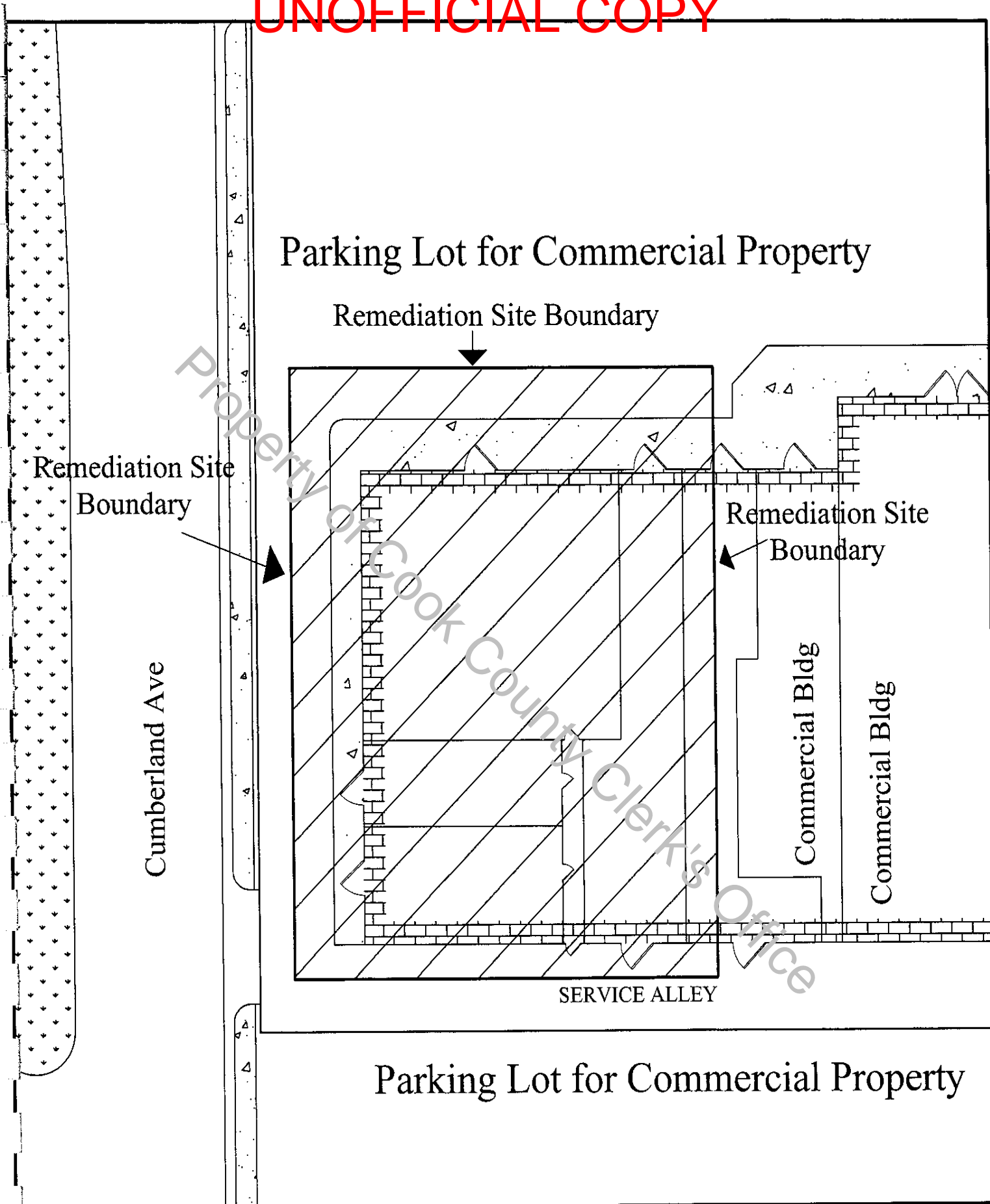
cc: Mary Cappellini  
Environmental Group Services, Ltd.  
557 West Polk Street, Suite 201  
Chicago, Illinois 60607

Bureau of Land File  
Mr. Robert O'Hara

Commissioner, Urban Management and Brownfields Redevelopment Division  
Department of Fleet and Facility Management  
30 North LaSalle Street, Suite 200  
Chicago, Illinois 60602-2575

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**Map Legend:**  
 Engineered Concrete Barrier - Excludes Residential Ingestion and Residential Inhalation Exposure Pathways. Site Safety Plan Implemented.

**Address:**  
 8345 West Lawrence Avenue, Norridge, Illinois

**Project Name:**  
 Site Base Map  
 0312045006/Cook County  
 Norridge/Magic Touch Cleaners  
 Site Remediation Program/Technical Reports

N

**GRAPHIC SCALE**  
 0 17.6 35.3  
 1 inch = 35.3 feet

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**TABLE A: Regulated Substances of Concern**

**0312045006/Cook County  
Norridge/Magic Touch Cleaners  
Site Remediation Program**

Volatile Organic Compounds (VOCs)	
CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
156-59-2	cis-1,2-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-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 tert-butyl ether (MTBE)
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
108-05-4	Vinyl acetate
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)