

# UNOFFICIAL COPY

PREPARED BY:



Name: Mr. Warren Baker, President  
2222 Elston LLC.

Doc#: 1429418080 Fee: \$68.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 10/21/2014 01:40 PM Pg: 1 of 16

Address: 1156 West Armitage Avenue  
Chicago, Illinois 60614

RETURN TO:

Name: Mr. Warren Baker, President  
2222 Elston LLC.

Address: 1156 West Armitage Avenue  
Chicago, Illinois 60614

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: 0316075192

2222 Elston LLC, the Remediation Applicant, whose address is 1156 West Armitage Avenue, Chicago, Illinois 60614 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: THAT PART OF LOTS 1 TO 4 IN BLOCK 4 IN FULLERTON'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 43 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 1; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF SAID LOTS, 104.32 FEET; THENCE SOUTH 45 DEGREES 01 MINUTES 12 SECONDS WEST 52.25 FEET; THENCE NORTH 46 DEGREES 17 MINUTES 52 SECONDS WEST 81.48 FEET; THENCE SOUTH 45 DEGREES 02 MINUTES 56 SECONDS WEST 7.50 FEET; THENCE NORTH 44 DEGREES 59 MINUTES 01 SECONDS WEST 22.85 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 1; THENCE NORTH 45 DEGREES 00 MINUTES 59 SECONDS EAST ALONG SAID NORTHWESTERLY LINE 61.48 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.
2. Common Address: 2228 North Elston Avenue, Chicago, Illinois

Box 400-CTCC

A 2014 940 2014

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3. Real Estate Tax Index/Parcel Index Number: 14-31-206-006-0000  
14-31-206-007-0000  
14-31-206-008-0000  
14-31-206-009-0000  
14-31-206-010-0000  
14-31-206-011-0000

4. Remediation Site Owner: 2222 Elston LLC

5. Land Use: Industrial/Commercial

6. Site Investigation: Comprehensive

See NFR letter for other terms.

**(Illinois EPA Site Remediation Program Environmental Notice)**

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

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 524-3300

October 9, 2014

*Mail to*

CERTIFIED MAIL

7012 0470 0001 2967 0091

Mr. Warren Baker, President  
2222 Elston, LLC  
1156 West Armitage Avenue  
Chicago, Illinois 60614

Re: 0316075192 /Cook County  
Chicago/Baker Development  
Site Remediation Program Technical Reports  
**No Further Remediation Letter**

Dear Mr. Baker:

The Remedial Action Completion Report Addendum (#2) for VI Building Control Technology (received July 23, 2014/Log Number 14-57156), as prepared by Pioneer Environmental Services, LLC for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates the remediation objectives approved for the site in accordance with 35 Illinois Administrative Code Part 742, including the indoor inhalation pathway, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the Remedial Action Plan (dated July 14, 2010/Log Number 10-45562) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.15 acres, is located at 2228 North Elston 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 (December 9, 2002/Log Number 02-4855), is 2222 Elston 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 of this Letter.

**Box 400-CTCC**

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 10-300, Chicago, IL 60601 (312)814-6026

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The Remediation Site is restricted to industrial/commercial land use.
- 2) 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

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:

- 3) 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 as indicated 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 the engineered barriers as indicated 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.

#### Engineering Controls:

- 4) The asphalt barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.
- 5) The building, as shown on the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

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- 6) No building shall be occupied within the Remediation Site Boundary unless a Building Control Technology (“BCT”) meeting the requirements of 35 Illinois Administrative Code Part 742 Subpart L is operational prior to human occupancy. This BCT must be properly maintained to address the indoor inhalation pathway. If the BCT becomes inoperable, the site owner/operator shall notify building occupants and workers to implement protective measures. Failure to maintain the BCT shall be grounds for voidance of this No Further Remediation letter.
- 7) The existing engineered barrier/cap as shown in the Site Base Map A must remain over polychlorinated biphenyl (PCB) impacted soils. If this engineered barrier/cap is disturbed in any way, groundwater use within the site changes, or if any information becomes available regarding PCB contamination at the site that was not included in the information already submitted to the United States Environmental Protection Agency (USEPA), prior notification must be provided to USEPA. The specific USEPA requirements are identified in the attached January 29, 2010 USEPA letter (received February 3, 2010/Log Number 10-43819) Re: PCB Contamination at 2228 N. Elston, Chicago, Illinois and are to remain in effect after ownership transfer of this property.

## Institutional Controls:

- 8) The City of Chicago agrees through the use of December 13, 2013 Highway Authority Agreement pursuant to the Municipal Code of the City of Chicago Section 2-30-030 to allow contaminated soil and groundwater in the rights of ways adjacent to the site located at 2228 North Elston Avenue, Chicago, Illinois 60614 to remain beneath its highway rights-of-ways. The highway owner also agrees to limit access to the contaminated soil in lieu of active remediation and that the contaminated groundwater shall not be utilized as potable or other domestic supply water.
- 9) The Building Control Technology (“BCT”) consisting of the sub-slab depressurization system, as shown on the attached Site Base Map B, must be in place and operational prior to human occupancy. This BCT must be properly maintained to address the indoor inhalation pathway. If the BCT becomes inoperable, the site owner/operator shall notify building occupants and workers to implement protective measures. Failure to maintain the BCT shall be grounds for voidance of this No Further Remediation letter.
- 10) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:
  - a) The Remediation Applicant shall provide written notification to the City of Chicago 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 Section 11-8-390;

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- 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.
- b) 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.

Ms. P.J. Gebhardt  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, IL 62794-9276

- c) 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;
  - 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 City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
  - iv) Violation of the terms and conditions of this No Further Remediation letter.

## **Other Terms**

- 11) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 2000-0537.

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- 12) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 9 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.
- 13) 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.
- 14) 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
- 15) 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;
  - 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;



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- 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.

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

- a) 2222 Elston 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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17) 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 Baker Development property.

18) 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:

Ms. P.J. Gebhardt  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, IL 62794-9276

19) 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 Baker Development property, you may contact the Illinois EPA project manager, Jim Mergen at 217-524-1659.

Sincerely,



Joyce L. Munnie, 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 including the December 13, 2013 Highway Authority Agreement  
 Property Owner Certification of No Further Remediation Letter under the Site  
 Remediation Program Form  
 Instructions for Filing the NFR Letter  
 January 29, 2010 USEPA Letter (received February 3, 2010/Log Number 10-43819) *Re: PCB Contamination at 2228 N. Elston, Chicago, Illinois*

cc: Mr. Peter Ramanaukas, USEPA, Region V, Corrective Action Section 1,  
 77 West Jackson Blvd, Chicago, Illinois 60604

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Mr. Wayne Smith, P.G., Project Manager, Pioneer Environmental Services, LLC,  
700 North Sacramento Blvd, Suite 101, Chicago, Illinois 60612

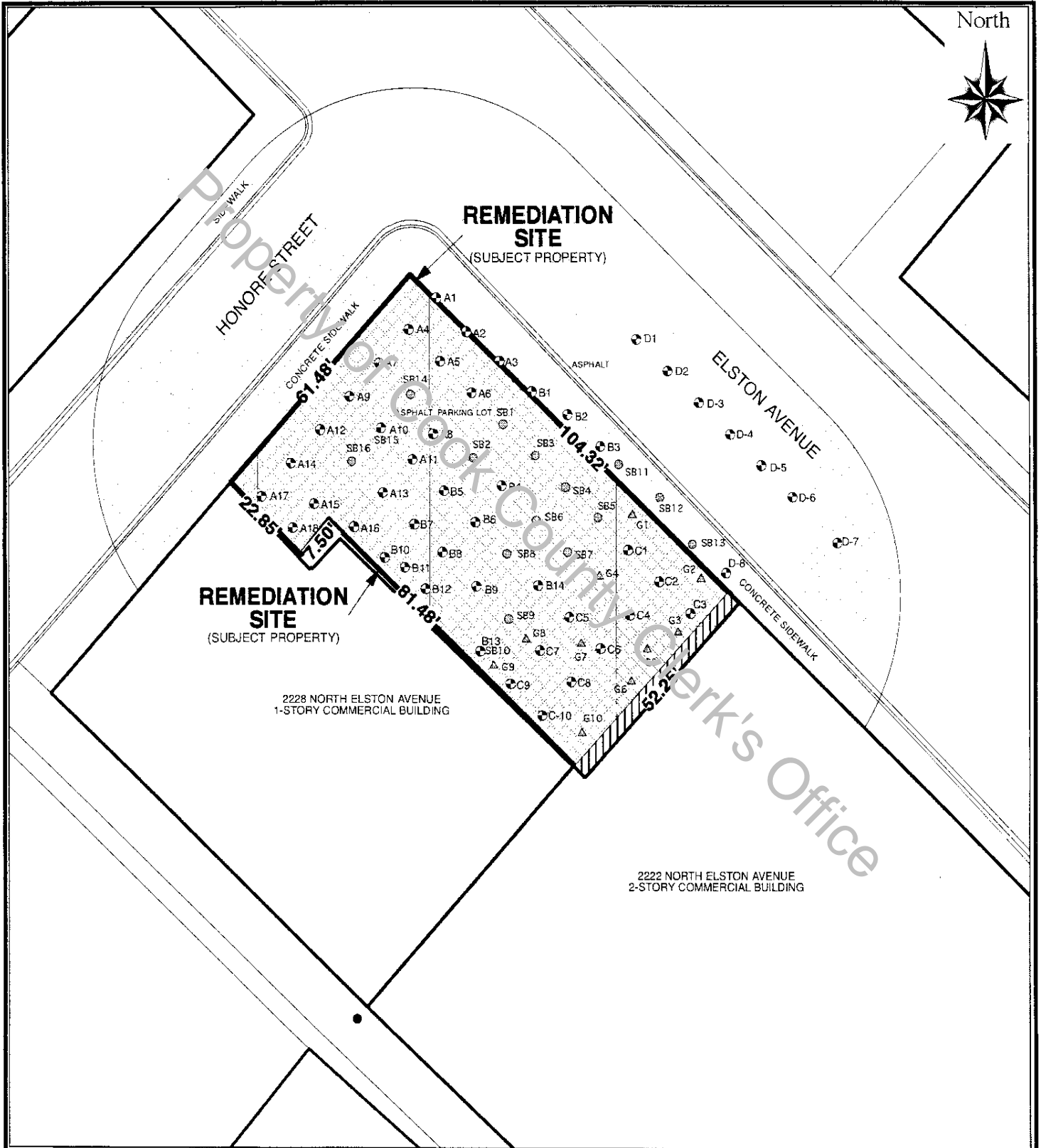
Bureau of Land File  
Ms. P.J. Gebhardt

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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Site Base Map 1 of 3  
 0316075192 /Cook County  
 Chicago/Baker Development  
 Site Remediation Program



Legend:

Remediation Site  
(Subject Property)  
Boundary

Asphalt Engineered Barrier  
& Construction Worker Site  
Safety Plan

Small Storage Building with  
Building Control  
Technology (SSD System)

Area of ROW Subject to HAA  
(12/13/2013)

Scale: 1" = 30'

0' 30'

Address:

2228 North Elston Avenue  
Chicago, IL

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Site Base Map 2 of 3  
 PCB Contaminant Table  
 0316075192 / Cook County  
 Chicago/Baker Development  
 Site Remediation Program

Soil Sample Analytical Results: PCB Exceedances

Sample ID	Date	Depth	Arochlor (mg/kg)					Total
			1016	1242	1248	1254	1260	
A3-Comp	7/1/02		<0.087	8.4	<0.087	<0.17	<0.17	8.4
A5-3-	6/10/02		<0.098	<0.098	9.2	<0.2	<0.2	9.2
B2-2	7/1/02	2	<0.12	310	<0.12	<0.24	<0.24	310
B3-2	7/1/02	2	<0.098	190	<0.098	<0.2	<0.2	190
B4-Comp	7/2/02		<0.095	22	<0.095	<0.19	<0.19	22
C1-10	7/2/02	10	24	68	49	37	0.69	178
C2-11	6/1/02	11	<0.085	<0.085	260	<0.17	<0.17	260
C3-6	6/1/02	6	<0.097	<0.097	1,100	<0.19	<0.19	1,100
C12-Comp	7/3/02		<0.092	3.6	<0.092	<0.18	<0.18	3.6
D3-8.5	6/11/02	8.5	<0.098	52	<0.098	<0.2	<0.2	52
D5-9	6/11/02	9	<0.098	19	<0.098	<0.2	<0.2	19
D6-6	6/11/02	6	<0.098	24	<0.098	<0.2	<0.2	24
D8-3	7/1/02	3	<0.1	270	<0.11	<0.22	<0.22	270
D8-6	7/1/02	6	<0.093	1.4	<0.093	<0.19	<0.19	1.4
SB1	6/14/01	3-5	<0.1	<0.1	2.7	<0.1	<0.1	2.7
SB2	6/14/01	3-5	<0.2	<0.2	4.8	<0.2	<0.2	4.8
SB3	6/14/01	2-4	<2	<2	75	<2	<2	75
SB4	6/14/01	3-5	<0.1	<0.1	2.6	<0.1	<0.1	2.6
SB5	6/14/01	6-8	<0.097	<0.097	1.2	<0.097	<0.097	1.2
SB6	6/14/01	3-5	<1.8	<1.8	20	<1.8	<1.8	20
SB7	6/14/01	4-6	<10	<10	320	<10	<10	320
SB8	6/14/01	2-4	<1.8	<1.8	16	<1.8	<1.8	16
SB9	6/15/01	1-3	<10	<10	100	<10	<10	100
SB10	6/15/01	2-4	<0.98	<0.98	8.5	<0.98	<0.98	8.5
SB11	6/15/01	2-4	<290	<290	3,800	<290	<290	3,800
SB12	6/15/01	2-4	<290	<290	5,100	<290	<290	5,100
SB13	6/15/01	2-4	<290	<290	1,800	<290	<290	1,800
SB15	6/15/01	1-3	<54	<54	68	<54	14	82
SB15 DUP	6/15/01	1-3	<53	<53	110	<53	15	155
SB16	6/15/01	0-2	<50	<50	46	<50	6.7	52.7
G1	8/21/00	10	<0.021	<0.021	590	<0.021	<0.021	590
G2	8/21/00	10	<0.023	<0.023	39	<0.023	<0.023	39
G3	8/21/00	10	<0.022	<0.022	2.3	<0.022	<0.022	2.3
G4	8/21/00	10	<0.019	<0.019	42	<0.019	<0.019	42
G5	8/21/00	10	<0.021	<0.021	2.1	<0.021	<0.021	2.1
G6	8/21/00	10	<0.021	<0.021	3.2	<0.021	<0.021	3.2
G7	8/21/00	10	<0.02	<0.02	2.4	<0.02	<0.02	2.4
G10	8/21/00	10	<0.02	<0.02	1.6	<0.02	<0.02	1.6
<b>1 SRO for Ingestion</b>			<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>
<b>1 SRO for Inhalation</b>			--	--	--	--	--	--
<b>Remediation Objective</b>			<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Notes: Results from January 2003, CSIR/ROR/RAP by MWH and listed in mg/kg (parts per million-ppm)

EPA test method SW846, 8080 & 8081

Shaded cells exceed default Remediation Objectives

<" indicates not detected at stated detection limits

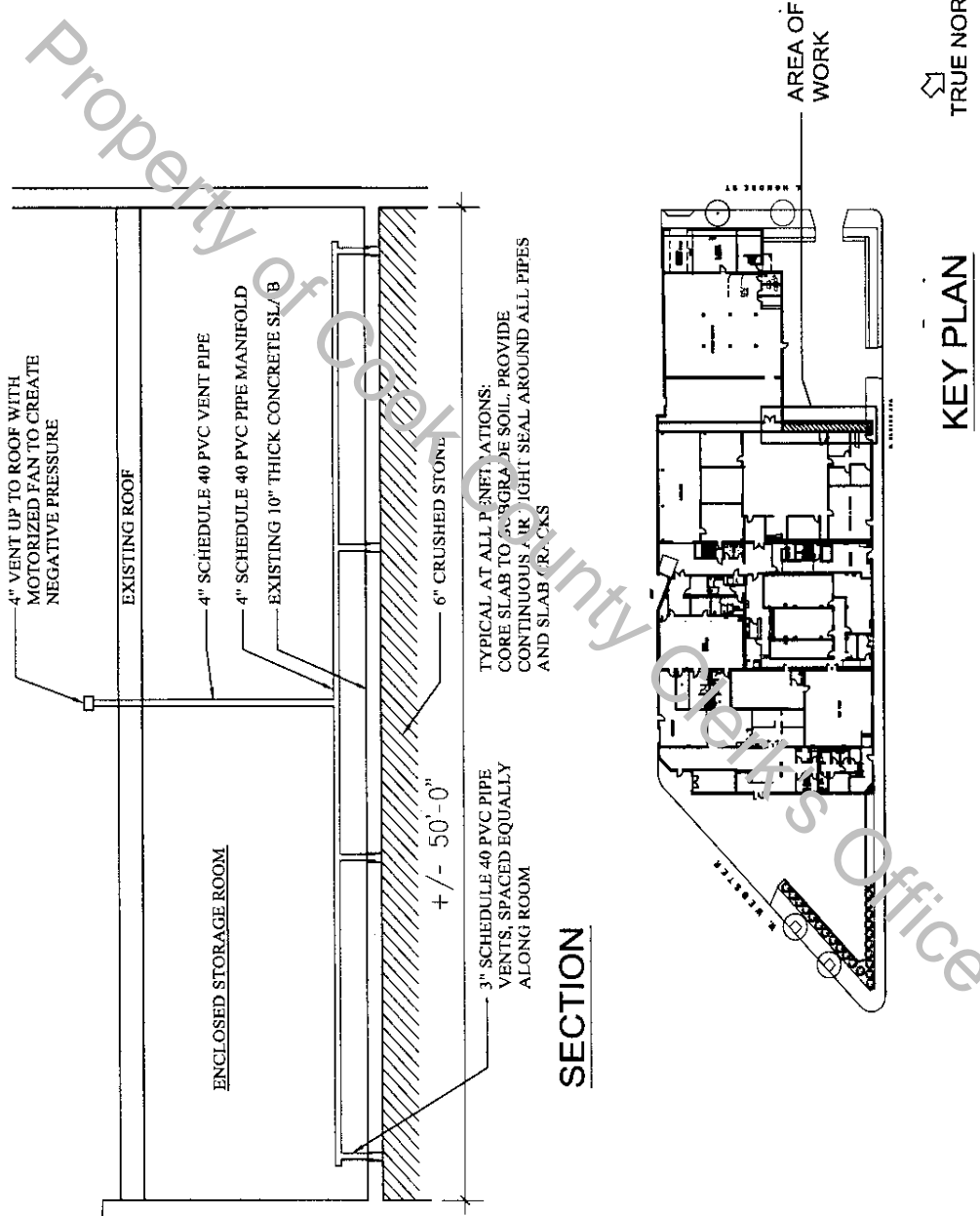
!!! Development of Remediation Objectives for PCBs under Tier 3 must address applicability of 40 CFR 761

\* Pursuant to 35 IAC 742-Tiered Approach to Corrective Action Objectives

The results in this Table identify known detections of PCBs and are intended to assist in development of Worker Safety Plans during future excavation activities. For complete laboratory analytical results, consult the 2003 Comprehensive Site Investigation Report available through a FOIA request to the Illinois EPA for this Remediation Site (LPC# 0316075192).

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## Site Base Map 3 of 3 Sub-Slab Depressurization Building Control Technology 0316075192 /Cook County Chicago/Baker Development Site Remediation Program



VAPOR MITIGATION PLAN  
2228-38 North Elston Avenue Chicago, Illinois 60614

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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>2222 Elston vic to Warren Baker Baker Development Corp.</u>	
Title: <u>President</u>	
Company: _____	
Street Address: <u>1156 W. Armitage Avenue</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60614</u> Phone: <u>312-493-3677</u>	
Site Information	
Site Name: <u>2228 N. Elston</u>	
Site Address: <u>2228 N. Elston Avenue Chicago IL 60614</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60614</u> County: <u>USA</u>	
Illinois inventory identification number: <u>0316075192</u>	
Real Estate Tax Index/Parcel Index No. <u>14-31-206-006-0000, 14-31-206-007-0000, 14-31-206-008-0000, 14-31-206-009-0000, 14-31-206-010-0000, 14-31-206-011-0000</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>[Signature]</u> - <u>President</u>	Date: <u>10-15-14</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>16th</u> day of <u>October</u> , 20 <u>14</u>	
<u>Carol Lynn Whittaker</u> Notary Public	<div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">OFFICIAL SEAL CAROL LYNN WHITTAKER Notary Public - State of Illinois My Commission Expires Jun 23, 2017</p> </div>

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.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
 LU-9J

JAN 29 2010

Warren Baker, President  
 2222 Elston LLC  
 2222 North Elston Avenue  
 Chicago, Illinois 60614

Re: PCB Contamination at 2228 N. Elston, Chicago, Illinois

Dear Mr. Baker:

The United States Environmental Protection Agency (EPA) has completed review and evaluation of the information regarding the Polychlorinated Biphenyl (PCB) contamination at 2228 North Elston Avenue in Chicago, Illinois, which was included in the *Interim Remedial Action Plan* for the site prepared by Pioneer Engineering and Environmental Services, Inc. As the PCB contamination at this address extends from your property onto adjacent City of Chicago property, we are providing a similar letter to the City of Chicago Department of Environment to inform them of the determination EPA has made with respect to these PCB's. We have also discussed the contamination, remediation, and engineering and institutional controls at and around the site with the Illinois Environmental Protection Agency (IEPA).

We accept the information you provided that the original release of the PCBs occurred prior to 1978. In consideration of the following information, and under the Federal PCB regulations at 40 CFR §761.50(b)(3)(i)(A), we have determined that there is no ongoing disposal of PCBs or exposure to PCBs at the site that may present an unreasonable risk of injury to health or the environment and that no further remediation of the PCBs at the site is necessary at this time as:

- the release of PCBs occurred prior to 1978,
- the extent of the PCB contamination is limited in area,
- the remaining PCB contamination is completely covered with a cap made up of the parking lot, sidewalk, and street, at the property that meets the description of caps in the Federal PCB regulations at 40 CFR §761.61(a)(7),
- there is a City of Chicago ordinance restricting the use of groundwater around the site,
- there is no evidence of ongoing releases of PCBs from the site,
- similar determinations are applicable to the PCB contamination next to the site on property managed by the City of Chicago, and
- this determination is consistent with the IEPA's determination for the site.



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This determination may change if any information becomes available that there may be ongoing releases of PCBs at the site. This could occur if any of the above considerations change in any way, such as if the caps are disturbed in any way, or if any information becomes available regarding PCB contamination at the site that was not included in the information already submitted to EPA. If any of the above considerations change in any way, an unreasonable risk may be present, for instance to construction, utility, or maintenance workers, or pedestrians or the public, and the PCB contamination may require further remediation and disposal under the Federal PCB regulations. Therefore, the PCBs should remain capped, the caps should not be disturbed in any way, and the groundwater use restriction around the site should remain in effect at all times. These considerations will remain in effect even upon transfer of ownership of the property.

You should notify EPA prior to any disturbance of the cap (parking lot, sidewalk, street), prior to any change on the use of groundwater at the site, or if any information becomes available regarding PCB contamination at the site that was not included in the information already submitted to EPA, unless all of the PCBs (to 1 ppm) will be removed and disposed of in a landfill with an approval to dispose of PCB waste in accordance with §761.61(b).

For our assurance that the PCBs will remain undisturbed, we request, through this letter, a description of the measures that will be taken to ensure that the PCBs remaining at the site will not be disturbed in any way, including after transfer of ownership of the property. For instance, providing EPA with a copy of a deed notice for the property that records the description of the remaining PCB contamination, locations of caps and/or covers, and the need to notify EPA if the caps or covers are disturbed along with a copy of the ordinance restricting groundwater use, both of which may be prepared in coordination with Illinois EPA and/or the City of Chicago.

If you have any questions, please contact Peter Ramanauskas or my staff at (312) 886-7890 or via email at [ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov).

Sincerely,



Jose Cisneros, Chief  
Remediation and Reuse Branch

Cc: Joe Kelly, Pioneer Environmental  
Suzanne Malec-McKenna, Commissioner, City of Chicago Department of Environment  
Jim Mergen, Illinois EPA