



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
**UNOFFICIAL COPY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397  
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

217/524-3300

September 19, 2017

CERTIFIED MAIL

7014 2120 0002 3285 4074

1045 Washington, LLC  
Attn: Mr. Michael Levine  
1101 West Monroe Street, Suite 200  
Chicago, Illinois 60607



Doc# 1727845051 Fee \$52.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 10/05/2017 02:33 PM PG: 1 OF 8

Re: 0316285172/Cook County  
Chicago/A&A Automotive  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. Levine:

The Remedial Action Completion Report (received August 11, 2017/Log No. 17-65285), as prepared by Pioneer Engineering & 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 that the remediation objectives approved for the site, in accordance with 35 Illinois Administrative Code Part 742, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the Remedial Action Plan (received April 6, 2016/Log No. 16-61898) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.92 acres, is located at 1045 West Washington, 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 August 11, 2017/Log No. 17-65285), is 1045 Washington, 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.

# UNOFFICIAL COPY

## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for Residential and/or 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. 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 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:

- 4) The clean soil barrier, which is comprised of a minimum of three (3) feet of clean soil covering the area shown on the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 5) 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 ingestion of the contaminated media.

#### Institutional Controls:

- 6) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sump(s).

# UNOFFICIAL COPY

- 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) 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.
- 9) 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, Illinois 62794-9276

- 10) 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;

# UNOFFICIAL COPY

- 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.

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

- a) 1045 Washington, 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.

12) 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

# UNOFFICIAL COPY

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 A&A Automotive property.


- 13) 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. Jim Scott  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS #24  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276

- 14) 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 A&A Automotive property, you may contact the Illinois EPA project manager, Joshua K. Rilying at (217) 557-8859.

Sincerely,

*M.C.*  
  
 Gregory W. Dunn, Manager  
 Remedial Project Management Section  
 Division of Remediation Management  
 Bureau of Land

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

cc: Pioneer Engineering & Environmental Services, LLC  
 Attn: Mr. Mark Santangelo  
[MSantangelo@PioneerEES.com](mailto:MSantangelo@PioneerEES.com)

Bureau of Land File  
 Mr. Jim Scott

# UNOFFICIAL COPY

**PREPARED BY:**

Name: Mr. Michael Levine  
1045 Washington, LLC

Address: 1101 West Monroe Street, Suite 200  
Chicago, Illinois 60607

**RETURN TO**

Name: Mr. Michael Levine  
1045 Washington, LLC

Address: 1101 West Monroe Street, Suite 200  
Chicago, Illinois 60607

**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: 0316285172

1045 Washington, LLC, the Remediation Applicant, whose address is 1101 West Monroe Street, Suite 200, Chicago, Illinois 60607 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:

Lots 1, 2 and 7 in Block 49 in Carpenter's Addition to Chicago, a subdivision of the Southeast 1/4 Section 8, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

Lots 1, 2, 3 and the adjoining abrogated private alleys to the North of Lot 3 and to the East of Lots 1, 2 and 3 in subdivision of the West 100 feet of Lot 6 in Block 49 in Carpenter's Addition to Chicago being a subdivision of the Southeast 1/4 Section 8, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 3:

All of Lots 3, 4 and 5, the East 25 feet of Lot 6 and the North 10 feet of the East 25 feet of

# UNOFFICIAL COPY

Lot 9 in Block 49 in Carpenter's Addition to Chicago being a subdivision of the Southeast 1/4 of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 4:

The North 10 feet of the West 100 feet of Lot 9 in Block 49 in Carpenter's Addition to Chicago being a subdivision of the Southeast 1/4 of Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

2. Common Address: 1045 West Washington, Chicago, Illinois 60632
3. Real Estate Tax Index/Parcel Index Number: 17-08-445-007-0000; 17-08-445-010-0000; 17-08-445-013-0000; 17-08-445-022-0000; 17-08-445-023-0000; and 17-08-445-024-0000
4. Remediation Site Owner: 1045 Washington, LLC
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Comprehensive

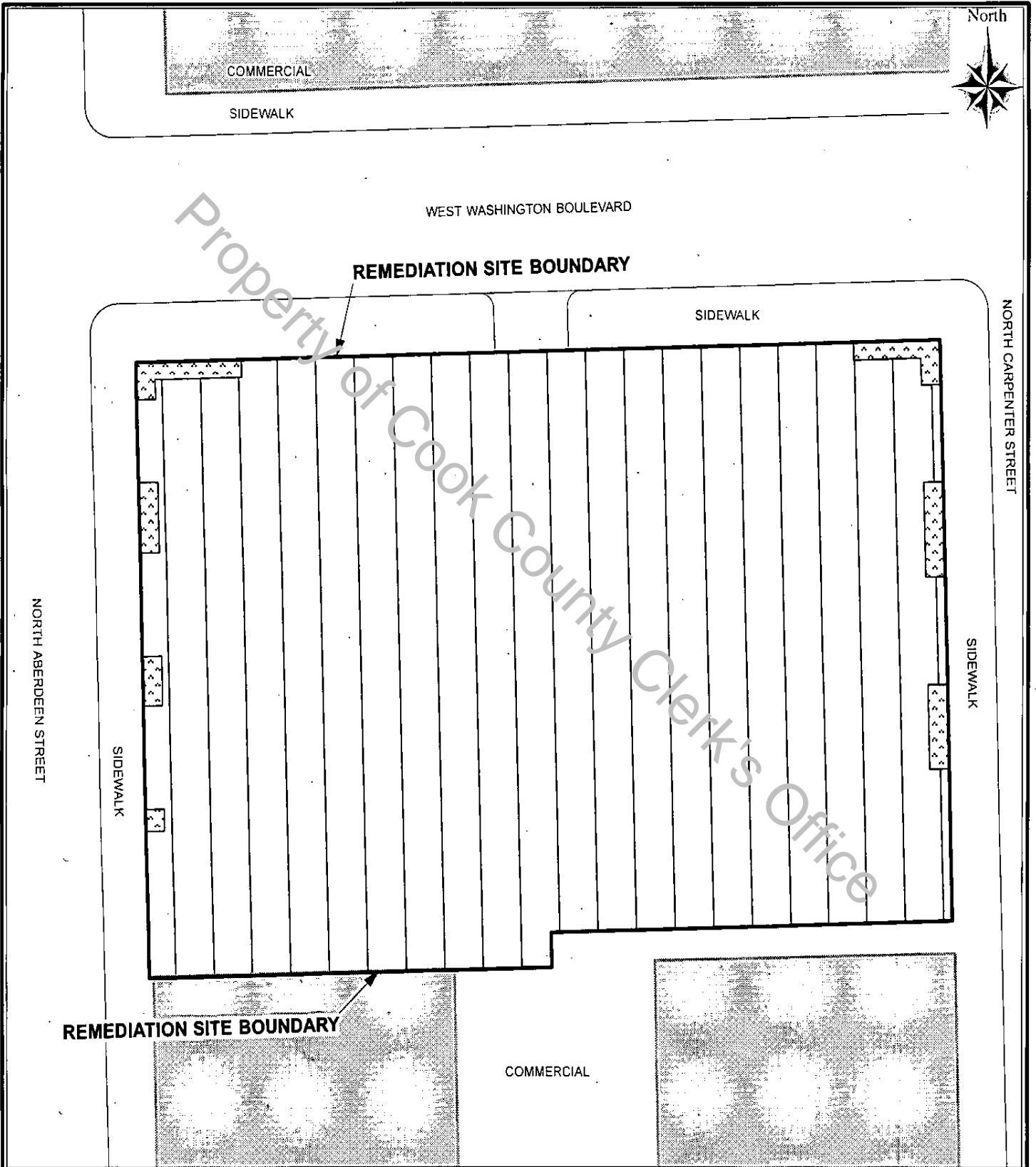
See NFR letter for other terms.

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

Property of Cook County Clerk's Office

# UNOFFICIAL COPY SITE BASE MAP

LPC# 0316285172 - COOK COUNTY  
CHICAGO /A&A AUTOMOBILE SERVICE  
SITE REMEDIATION /TECHNICAL REPORTS



**Legend: Remediation Site Boundary**

Engineered Barrier Area (Entire Site)



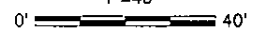
3' Clean Soil Engineered Barrier

Construction Worker Caution Area (Entire Site)



Concrete Cap Barrier

Scale: 1"=40'



Address:  
1045 West Washington Boulevard  
Chicago, IL

Date: September 2017