

# UNOFFICIAL COPY

## ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

The following information is provided pursuant to the Responsible Property Transfer Act of 1988

For Use By County

Seller: Pace The Suburban Bus Division of the Regional Transportation Authority

Recorder's Office

Buyer: \_\_\_\_\_

County

Document No.: \_\_\_\_\_

Date

Doc. No.

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Rec'd by: \_\_\_\_\_

### I. PROPERTY IDENTIFICATION:

A. Address of property: 5800 West 95th Street Oak Lawn  
Street City or Village Township

Permanent Real Estate Index No.: 24-05-423-006, 24-05-423-007, 24-05-423-010

B. Legal Description: 24-05-423-012, 24-05-423-013, 24-05-423-014, 24-05-423-015  
24-05-423-016, 24-05-423-019

Section 37N Township 13E Range 5

Enter or attach current legal description in this area:

See Exhibit "A" attached hereto and made a part hereof

DEPT-01 RECORDING \$33.00  
T#0012 TRAN 5740 08/09/95 13:34:00  
#9906 JPT \*95-525832  
COOK COUNTY RECORDER

Joseph DiJohn, Executive Director  
PACE SUBURBAN BUS DIVISION

Joseph DiJohn, Executive Director  
PACE SUBURBAN BUS DIVISION

Prepared by: \_\_\_\_\_  
550 Algonquin Road  
Arlington Heights, IL 60005  
address

Return to: \_\_\_\_\_  
550 Algonquin Road  
Arlington Heights, IL 60005  
address

### LIABILITY DISCLOSURE

Transferees and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

#### C. Property Characteristics:

Lot Size 93,698 square feet Acreage 2.151

Check all types of improvement and uses that pertain to the property:

- Apartment building (6 units or less)
- Commercial apartment (over 6 units)
- Store, office, commercial building
- Industrial building
- Farm, with buildings
- Other, specify Bus garage and storage building

### II. NATURE OF TRANSFER:

	Yes	No
A. (1) Is this a transfer by deed or other instrument of conveyance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) A lease exceeding a term of 40 years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) A mortgage or collateral assignment of beneficial interest?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

BOX 333-CTH

74-98-111-DI(MR)

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B. Identify Transferor: Pease the Suburban Bus Division of the Regional Transportation Authority, 550 Algonquin Road, Arlington Heights, Illinois 60005

Name and Current Address of Transferor

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust.

Trust No.

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Joseph DiJohn, Executive Director, 550 Algonquin Road, Arlington Heights, IL 60005

Name, Position of agent and address

Telephone No.

C. Identify Transferee:

Name and Current Address of Transferee

### III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act states:

"Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;

(2) Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance;

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility there is a release or substantial threat of a release of such hazardous substances; and

(4) Any person who accepts or accepted any hazardous substance for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance."

2. Section 4(q) of the Act states:

"The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance. Such notice shall include the identified response action and an opportunity for such person to perform the response action."

3. Section 22.2(k) of the Act states:

"If any person who is liable for a release or substantial threat of release of a hazardous substance fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as result of such failure to take such removal or remedial action. The punitive damage imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law."

4. Section 22.18(a) of the Act states:

"Notwithstanding any other provision or rule of law, except as provided otherwise in subsection (b), the owner or operator, or both, of an underground storage tank shall be liable for all costs of preventive action, corrective action and enforcement action incurred by the State of Illinois as a result of a release or a substantial threat of release of petroleum from an underground storage tank."

5. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

### IV. ENVIRONMENTAL INFORMATION

#### Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances", as defined by the Illinois Environmental Protection Act? This question shall not be applicable for consumer goods stored or handled by a retailer in the same form, approximate amount, concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes X No \_\_\_\_\_

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes \_\_\_\_\_ No X

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3. Has the transferor ever conducted operations on the property which involved the generation, transportation, storage, treatment or disposal of "hazardous or special wastes" as defined by the federal Resource Conservation and Recovery Act and the Illinois Environmental Protection Act?

Yes X No \_\_\_\_\_

4. Are there any of the following specific units (operating or closed) at the property which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

	YES	NO		YES	NO
Landfill	_____	<u>X</u>	Injection Wells	_____	<u>X</u>
Surface Impoundment	_____	<u>X</u>	Wastewater Treatment Units	_____	<u>X</u>
Land Treatment	_____	<u>X</u>	Septic Tanks	_____	<u>X</u>
Waste Pile	_____	<u>X</u>	Transfer Stations	_____	<u>X</u>
Incinerator	_____	<u>X</u>	Waste Recycling Operations	_____	<u>X</u>
Storage Tank (Above Ground) (removed)	<u>X</u>	_____	Waste Treatment Detoxification	_____	<u>X</u>
Storage Tank (Underground)	<u>X</u>	_____	Other Land Disposal Area	_____	<u>X</u>
Container Storage Area	<u>X</u>	_____			

If there are "YES" answers to any of the above items and the transfer is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document. See Exhibit "B," attached hereto and made a part hereof.

5. Has the transferor ever held any of the following in regard to this real property?

- a. Permits for discharges of wastewater to waters of the State. Yes \_\_\_\_\_ No X
- b. Permits for emissions to the atmosphere. Yes \_\_\_\_\_ No X
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes \_\_\_\_\_ No X

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes X No \_\_\_\_\_

7. Has the transferor taken any of the following actions relative to this property?

- a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act. Yes \_\_\_\_\_ No X
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes \_\_\_\_\_ No X
- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes \_\_\_\_\_ No X

8. Has the transferor or any facility on the property or the property been or subject of any of the following State or federal governmental actions?

- a. Written notification regarding known, suspected or alleged contamination on or emanating from the property. Yes X No \_\_\_\_\_
- b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. Yes \_\_\_\_\_ No X
- c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property. Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

9. Environmental Releases During Transferor's Ownership

- a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws? Yes X No \_\_\_\_\_
- b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes X No \_\_\_\_\_
- c. If the answers to questions (a) and (b) are Yes, have any of the following actions or events been associated with a release on the property? <sup>6</sup>

- X Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials
- \_\_\_\_\_ Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials
- X Designation, by the IEPA or the IESDA, of the release as "significant" under the Illinois Chemical Safety Act
- X Sampling and analysis of soils
- X Temporary or more long-term monitoring of groundwater at or near the site
- \_\_\_\_\_ Impaired usage of an on-site or nearby water well because of offensive characteristics of the water
- \_\_\_\_\_ Coping with fumes from subsurface storm drains or inside basements, etc.
- \_\_\_\_\_ Signs of substances leaching out of the ground along the base of slopes or at other low points on or immediately adjacent to the site

10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board? Yes \_\_\_\_\_ No X

11. Is there any explanation needed for clarification of any of the above answers or responses? \_\_\_\_\_

See Exhibit "C," attached hereto and made a part hereof, containing notes 1 through 6. The information set forth in footnotes 1 through 6 is to the knowledge of Page and is not represented to be a complete statement of fact pertaining to any matter.

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**B. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION**

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to or otherwise contracted with for the management of the site or real property:

Name: Suburban Transit System

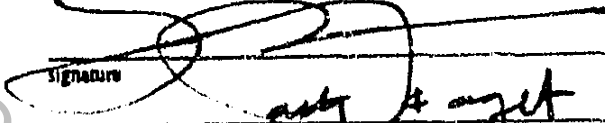
Type of business/ or property usage: The Suburban Transit System operated a public bus transfer station.

2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, other contracts for management or use of the facilities or real property:

	YES	NO		YES	NO
Landfill	_____	X	Injection Wells	_____	X
Surface Impoundment	_____	X	Wastewater Treatment Units	_____	X
Land Treatment	_____	X	Septic Tanks	_____	X
Waste Pile	_____	X	Transfer Stations	_____	X
Inclinerator	_____	X	Waste Recycling Operations	_____	X
Storage Tank (Above Ground) (removed)	X	_____	Waste Treatment Detoxification	_____	X
Storage Tank (Underground)	X	_____	Other Land Disposal Area	X	_____
Container Storage Area	X	_____			

**V. CERTIFICATION**


A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

  
 \_\_\_\_\_  
 signature

\_\_\_\_\_  
 type or print name  
 TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on

\_\_\_\_\_ 8/4 1995 \_\_\_\_\_

  
 \_\_\_\_\_  
 signature  
 David B. Jason, Attorney for Suburban Transit System

\_\_\_\_\_  
 type or print name  
 TRANSFEREE OR TRANSFEREES (or on behalf of Transferee)

C. This form was delivered to me with all elements completed on

\_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
 signature  
 \_\_\_\_\_  
 type or print name  
 LENDER

(Ch. 30, par. 906)

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## EXHIBIT "A"

LOTS 4, 5, 6, 7, 8 AND THE EAST 23 FEET OF LOT 9 IN 95TH STREET ADDITION TO LYNWOOD, BEING A SUBDIVISION IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

THE EAST 23 FEET OF THAT PART OF LOTS 12, 13 AND 14 IN 95TH STREET ADDITION TO LYNWOOD AFORESAID LYING SOUTH OF A LINE PARALLEL TO AND 350 FEET NORTH OF THE SOUTH LINE OF SECTION 5 AFORESAID AND WEST OF THE EAST LINE OF LOT 9 IN 95TH STREET ADDITION TO LYNWOOD AFORESAID EXTENDED NORTH TO A LINE 350 FEET NORTH OF THE SOUTH LINE OF SECTION 5 AFORESAID, IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF LOTS 12, 13 AND 14 IN 95TH STREET ADDITION TO LYNWOOD, AFORESAID LYING SOUTH OF A LINE PARALLEL TO AND 350 FEET NORTH OF THE SOUTH LINE OF SECTION 5 AFORESAID AND EAST OF THE EAST LINE OF LOT 9 IN 95TH STREET ADDITION TO LYNWOOD AFORESAID EXTENDED NORTH TO A LINE 350 FEET NORTH OF THE SOUTH LINE OF SECTION 5 AFORESAID, IN COOK COUNTY, ILLINOIS.

ALSO

LOT 9 (EXCEPT THE EAST 23 FEET THEREOF) AND LOT 10 IN 95TH STREET ADDITION TO LYNWOOD, A SUBDIVISION IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF LOTS 12, 13 AND 14 IN 95TH STREET ADDITION TO LYNWOOD AFORESAID LYING SOUTH OF A LINE PARALLEL TO AND 350 FEET NORTH OF THE SOUTH LINE OF SECTION 5 AND LYING WEST OF A LINE 23 FEET WEST OF THE EAST LINE OF LOT 9 IN 95TH STREET ADDITION TO LYNWOOD AFORESAID EXTENDED TO A LINE 350 FEET NORTH OF THE SOUTH LINE OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

ALSO

THE SOUTHEASTERLY 1/2 OF VACATED JAMES PLACE LYING NORTHWESTERLY OF AND ADJOINING LOTS 12 AND 13 IN 95TH STREET ADDITION TO LYNWOOD AFORESAID AND LYING SOUTH OF A LINE PARALLEL TO AND 350 FEET NORTH OF THE SOUTH LINE OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

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## Exhibit "C"

### Footnotes

#### Note 1:

During the course of its operation of a bus transfer station on the property, Pace stored substances associated with vehicle maintenance, including but not limited to used oil. The stored materials may contain or be characterized as hazardous substances. In addition, before vacating the facility, Pace discovered a 5-gallon container of battery acid that had been stored on the property for many years. The container was disposed of as a hazardous waste off site.

#### Note 2:

In association with its bus maintenance operations on the property, Pace stored diesel fuel and other petroleum products, including, but not limited to used oil.

#### Note 3:

At the time Pace acquired the property in 1983, six underground storage tanks ("USTs") were located on the property. As of the filing of this document, Pace is aware of the existence of only two USTs on the property. Each UST is of a 5,000 gallon capacity and is used to store diesel fuel. In 1988, two 5,000-gallon oil storage USTs and a 500-gallon used oil UST were removed. In 1992, a 10,000-gallon used oil UST was removed. In addition, although Pace did not maintain a discrete container storage area, it did store various containers of chemicals on the property associated with the operation and maintenance of buses.

#### Note 4:

Wastewater from the bus washer that formerly operated on the property was routed to the public water-treatment works.

#### Notes 5 and 6:

There have been two reported incidents on the property involving USTs:

I. In April 1991, waste oil was discovered on the ground outside the 10,000-gallon UST, and an incident report was filed with the Illinois Emergency Services and Disaster Agency. After Pace discovered the waste oil, the UST was emptied and use of the UST was discontinued. (As reported in note 3, this UST was later removed in November 1992.) Approximately 2,000 gallons of oil and water were removed from the UST, fill box, remote pit, well sump, and sewer. In May and June 1991, eight soil borings were drilled and two

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hand-augured soil samples were collected. In March 1992, Pace instituted an IEPA-approved program of groundwater and soil monitoring. When groundwater monitoring wells were drilled in May 1993, no groundwater was encountered. In October 1993, Pace sought reimbursement from the Illinois LUST fund of \$32,360.59; it received \$20,545.57. Most recently, in January 1994, Pace requested IEPA for permission to cease testing groundwater testing because none has been encountered since drilling the wells. IEPA has yet to respond.

II. In November 1991, Pace determined that a release may have occurred from one of the two 5,000-gallon diesel tanks, and an incident report was filed with IEPA. In February 1992, four soil borings were drilled, screened, sampled, and sent for laboratory analysis.

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