

UNOFFICIAL COPY 98938948

2424/0061 03 001 Page 1 of 7
1998-10-20 09:33:31
Cook County Recorder 33.00

PREPARED BY:

Name: Susan Shelton, General Counsel
Portillo's

Address: 5510-5660 S. Harlem Avenue
Summit, IL



RETURN TO:

Name: Susan Shelton, General Counsel
Portillo's

Address: 1415 W. 22nd Street, Oakbrook, IL 60523

THE ABOVE SPACE FOR RECORDER'S OFFICE

THIS ENVIRONMENTAL NO FURTHER REMEDIATION LETTER MUST BE SUBMITTED BY THE OWNER/OPERATOR, WITHIN 45 DAYS OF ITS RECEIPT, TO THE RECORDER OF DEEDS OF COOK COUNTY IN WHICH THE SITE (AS DESCRIBED BELOW) IS LOCATED.

Illinois EPA Number: 0313075007

IUST Incident No: 980800

Portillo's, the owner and operator, whose address is 1415 W. 22nd Street, Oakbrook, IL, has performed investigative and/or remedial activities for the site that can be identified by the following and depicted on the attached Site Base Map:

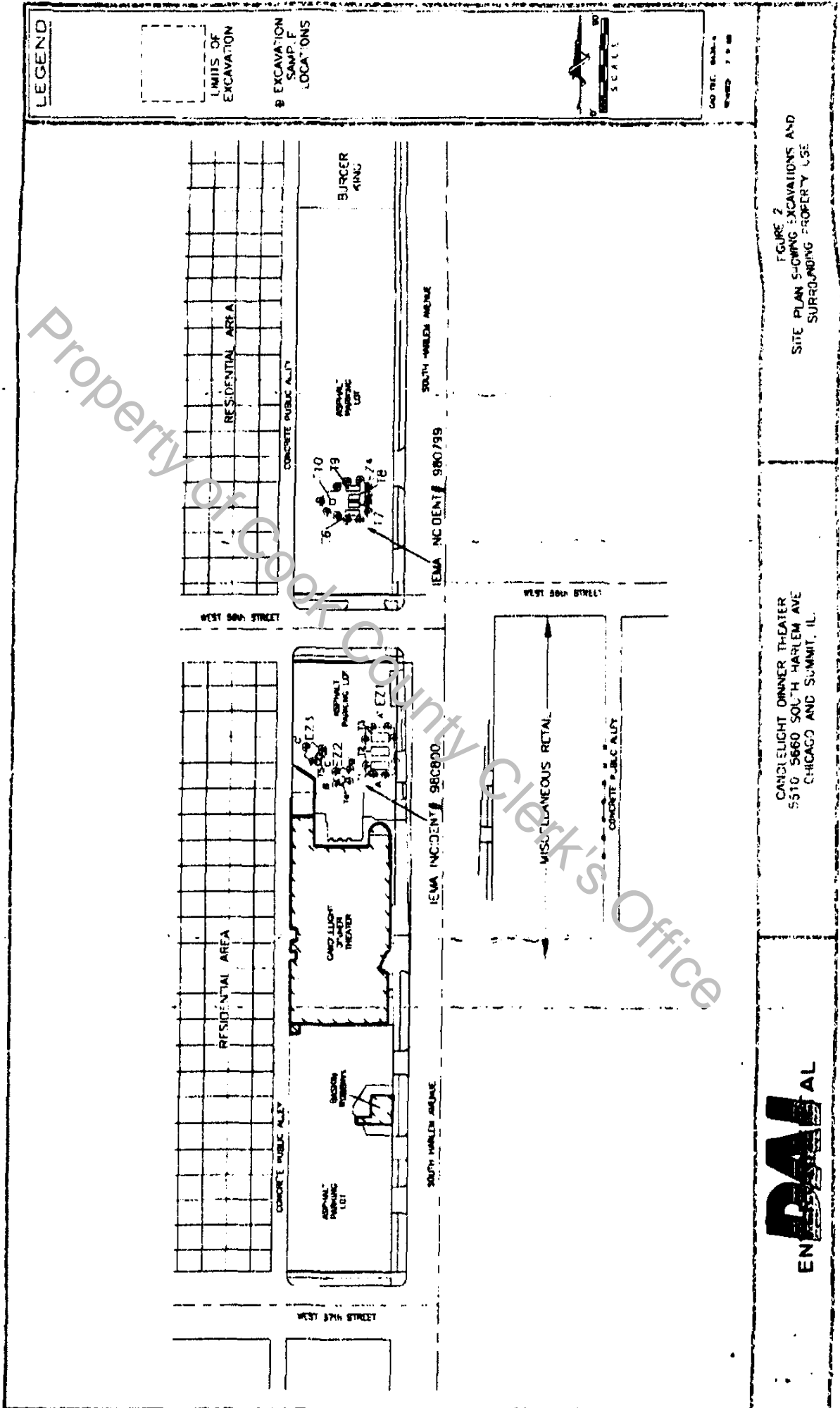
1. Legal description or Reference to a Plat Showing the Boundaries: Lots 1-7 inclusive except the east 17 feet thereof in Block 4 in Harlem and Archer Avenue Subdivision, a Subdivision of Lot 1 in Canal Trustee's Subdivision, being a Subdivision of the North 1/2 of the N.E. 1/4 of Section 13, Township 38 North, Range 12 East of the Third Principal Meridian in Cook County
2. Common Address: 5510-5660 S. Harlem Avenue, Summit, IL
3. Real Estate Tax Index/Parcel Index Number: 18-13-214-056
4. Site Owner: Portillo's
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

Leaking Underground Storage Tank Environmental Notice

BOX 333-CTI

7757330 a/b

7



Property of Cook County Clerk's Office



UNOFFICIAL COPY

98938948



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1921 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 Mary A. Gade, Director

217/782-6762

CERTIFIED MAIL

September 3, 1998

P344310118

Portillo's Hot Dog's Inc.
Susan Shelton, General Counsel
1415 W. 22nd Street
Oakbrook, IL 60523

Re: LPC #0313075007 -- Cook County
Summit/Candlelight Dinner-Portillo's
5510-5660 S. Harlem Avenue
LUST Incident No 980800
LUST Technical File

Dear Ms. Shelton:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the 45-Day Corrective Action Completion Report submitted for the above-referenced incident. This information was dated July 21, 1998; was received by the Agency July 29, 1998; and was prepared by DAI Environmental.

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Illinois Administrative Code Section 732.300(b)(1) and Section 732.409(b) indicate that the remediation objectives set forth in 35 Illinois Administrative Code Section 732.408 have been met.

Based upon the certification by Richard J. Vamos, Ph.D., P.E., a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Environment Protection Act ("Act") (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter ("Letter"), based on the certification of the Registered Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the occurrence has been completed; and (3) no further remediation concerning the occurrence is necessary for the protection of human health, safety and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following persons:

UNOFFICIAL COPY

98938948

1. Portillo's Hot Dogs, Inc.;
2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);
4. Any co-owner or co-operator, either by joint-tenancy, right of survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued;
5. Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable; objectives for the above-referenced site described in the Leaking Underground Storage Tank Environmental Notice of this Letter were not established because the site is classified as "Low Priority" as identified in Section 57.7(b)
6. Any mortgagee or trustee of a deed of trust of the owner of the site or any assignee, transferee, or any successor-in-interest of the owner of the site;
7. Any successor-in-interest of such owner or operator;
8. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest; or
9. Any heir or devisee of such owner or operator.

This Letter, including all attachments, must be filed within 45 days of its receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the County where the above-referenced site is located. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable County in accordance with Illinois law so that it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Titles of the applicable county, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice attached to this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site described in the Leaking Underground Storage Tank Environmental Notice of this Letter were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (TACO, 35 Illinois Administrative Code Part 742) rules.

UNOFFICIAL COPY

98938948

2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used in a manner inconsistent with the following land use limitation: There are no land use limitations.
3. The land use limitation 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. Preventive: None

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the site described in the attached Leaking Underground Storage Tank Environmental Notice.
5. Failure to establish, operate, and maintain controls in full compliance with the Environmental Protection Act, applicable regulations, and the approved corrective action plan may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater that is removed, excavated, or disturbed from the above-referenced site must be handled in accordance with all applicable laws and regulations.
7. Further information regarding this site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
Attention: Freedom of Information Act Officer
Bureau of Land - #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the

UNOFFICIAL COPY

98938948

owner or operator at the last known address. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the avoidance of this Letter include, but shall not be limited to:

- a) Any violation of institutional controls or industrial/commercial 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 Corrective Action Plan or Completion Report;
- d) The failure to comply with the recording requirements for the Letter;
- e) Obtaining the Letter by fraud or misrepresentation; or
- 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.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

Submit the certified copy of this letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

UNOFFICIAL COPY

98938948

- If you have any questions or need further assistance, please contact the Illinois EPA project manager. Jennifer Rossi at 217-782-9285.

Sincerely,

Clifford L. Wheeler

Clifford L. Wheeler
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Richard J. Varnos, DA

Property of Cook County Clerk's Office