



State of Illinois

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ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director
217/782-6761

2200 Churchill Road, Springfield, IL 62794-9276

December 10, 1997

Certified # P 344 290 531

Julius Gilman
Julius Gilman & Associates
7640 Lake Street
Morton Grove, IL 60053

98028834

5186.0037 55.000 1997-01 1. 14.33.77
Cook County, for order 75.56

Re: 0310635106 -- Cook County
Des Plaines/Omni Center (A.K.A. House of Kleen)
Site Remediation/Technical Reports

Dear Mr. Gilman

The "Site Assessment Soil Boring Investigation Report" (dated August 14, 1997 log # 97-1098) and the "Amendment To Site Assessment Soil Boring Report" (dated September 6, 1997 log # 97-1327) as prepared by GSC Environmental Laboratories, Incorporated, for the Omni Center property has been reviewed by the Illinois Environmental Protection Agency (Illinois EPA). The approved remediation objectives at the site are equal to or above the existing levels of regulated substances, and the "Site Assessment Soil Boring Investigation Report" (dated August 14, 1997 log # 97-1098) and the "Amendment To Site Assessment Soil Boring Report" (dated September 6, 1997 log # 97-1327) shall serve as the approved Remedial Action Completion Report.

The remediation site, consisting of 1.704 acre(s), as defined in the Environmental Notice; and is commonly known as 955-967 1/2 South Elmhurst Road, Des Plaines, Illinois. Pursuant to Section 58.10 of the Illinois Environment Protection Act ("Act") (415 ILCS 5/58.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this Comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act in performing the approved remedial action and shall be considered prima facie evidence that the remediation site described in the attached Site Remediation Program ("SRP") Environmental Notice and shown in the attached Site Base Map 1 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.

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CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The recognized environmental conditions, as characterized by the Site Investigation, consist of the following:
 - a) Regulated Substances of Concern that have been successfully addressed are detailed in "Site Assessment Soil Boring Investigation Report" (dated August 14, 1997 log # 97-1098).
2. In accordance with Section 58.8(c) and 58.10(b)(3) of the Act (415 ILCS 5/58.8(c) and 415 ILCS 5/58.10(b)(3), respectively), the remediation site described in the attached SRP Environmental Notice and shown on the attached Site Base Map 1 of this Letter is limited to industrial/commercial uses.
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 following controls are required as part of the approval of the remediation objectives for this site.

A safety plan for this remediation site is recommended that is 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 as provided.

At a minimum, a safety plan should be developed to address possible worker exposure, should any future excavation and construction activities occur within the contaminated soil. The safety plan should be developed and followed as necessary when conditions warrant that excavation/construction activities will occur in the area designated as the "Extent of Previously Remediated Area" in the Site Base Map 2.

A six (6) inch asphalt barrier shown as the designated area in the Site Base Map 2 must

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remain over the contaminated soils. This asphalt cap must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media below the asphalt cap, as well as impede contaminant migration to groundwater.

The asphalt barrier is designated as the "Extent of Previously Remediated Area" on Site Base Map 2. This location is directly east of the unit of the Omni Center occupied by a business known as House of Kleen. This designated area extends east fifteen (15) feet from the northeast corner of the building, then extends to a point forty-one (41) feet east and thirteen (13) feet south of the northeast corner of the building, then extends an additional thirteen (13) feet south, then extends to a point forty-seven (47) feet east and thirty (30) feet south of the northeast corner of the building, then extends twenty-five (25) feet south, then terminates adjacent to the building at a point thirty-nine (39) feet east and sixty-three feet south of the northeast corner of the building.

Any excavation within the soil below the asphalt cap, will require proper safety precautions referenced in this letter. Soil excavated below the asphalt cap shall be returned to the same depth from which it was excavated or properly managed in accordance with applicable state and federal regulations.

No person shall construct, install, maintain, or utilize a water system or well other than the water supply and water services available from the nearest Public Water Supply. The provisions of this institutional control shall be applicable to all water usage including, but not limited to, domestic, commercial, and industrial uses and water for outdoor purposes.

5. Failure to manage the controls in full compliance with the above controls, may result in voidance of this Letter.

OTHER TERMS

6. Areas outside of designated area (i.e., the six (6) inch asphalt cap remaining over the contaminated soils) in the Site Base Map 2 are not subject to engineered barrier controls.
7. 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
Bureau of Land #24
1001 North Grand Avenue East
Springfield, IL 62702

8. 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

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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 this Letter under Sections 58.10(e)(1)-(7) of the Act (415 I.L.C.S 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) If applicable, 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;
 - g) The failure to pay the No Further Remediation Assessment Fee within 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 45 days after receiving a request for payment from the Illinois EPA.
9. Pursuant to Section 58.10(d) of the Act, the No Further Remediation Letter shall apply in favor of the following persons:
- a) Mr. Julius Gilman;
 - 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;

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- 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 of the owner of the remediation site;
 - 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.
10. This Letter, including all attachments, must be recorded as a single instrument within 45 days of receipt with the Office of the Recorder or Registrar of Titles of Cook County. For recording purposes, the SRP 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 or Registrar of Titles of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Omni Center property.

Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Titles of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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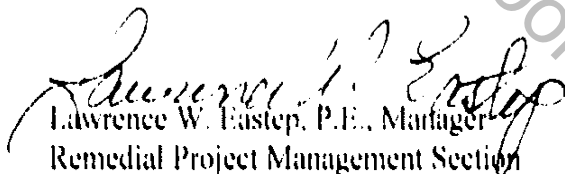
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Mr. Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS Section
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794-9276

11. 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 final billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Tim Murphy at 217/524-4823.

Sincerely,


Lawrence W. Eastep, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Enclosures: SRP Environmental Notice
Site Base Maps 1 & 2
Property owner Certification of NFR Letter

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PREPARED BY:

Name: Mr. Julius Gilman
Julius Gilman & Associates

Address: 7640 Lake Street
Morton Grove, IL 60053

RETURN TO:

Name: Mr. Julius Gilman
Julius Gilman & Associates

Address: 7640 Lake Street
Morton Grove, IL 60053

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 registrar of titles of Cook County.

Illinois State EPA Number: 0310635106

Mr. Julius Gilman, the Remediation Applicant, whose address is 7640 Lake Street Morton Grove, IL 60053 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and which remediation site can be identified by the following:

1. Legal description:

Parcel 1: That part of the west 1/2 of the northwest 1/4 (except the south 34 acres thereof) of Section 24, Township 41 North, Range 11 East of the Third Principal Meridian, described as follows: commencing at the northwest corner of the northwest 1/4 of said Section 24; thence southward along the west line of the northwest 1/4 of said Section 24, south 1 degree 28 minutes 48 seconds east, a distance of 1134.43 feet; thence north 89 degrees 30 minutes 00 seconds east, a distance of 51.71 feet to a point on the easterly line of Elmhurst Road, and being a point of beginning; thence north 89 degrees 30 minutes 00 seconds east, a distance of 233.02 feet; thence south 1 degree 25 minutes 01 seconds east, a distance of 150.00 feet; thence south 89 degrees 30 minutes 00 seconds west, a distance of 233.02 feet to a point on said easterly line of Elmhurst Road; thence northward along said easterly line, north 1 degree 25 minutes 01 seconds west, a distance of 150.00 feet to the point of beginning, in Cook County, Illinois.

Parcel 2: That part of the west 1/2 of the northwest 1/4 (except the south 34 acres thereof) of Section 24, Township 41 North, Range 11 East of the Third Principal Meridian, described as follows: commencing at the northwest corner of the northwest 1/4 of said Section 24, thence southward along the westline of the northwest 1/4 of said Section 24, south 1 degree 28 minutes 48 seconds east, a distance of 1284.43 feet; thence north 89 degrees 30 minutes 00 seconds east, a distance of 51.54 feet to a point of the easterly line of Elmhurst Road, and being a point of beginning; thence north 89 degrees 30 minutes 00 seconds east, a distance of 233.02 feet; thence south 1 degree 25 minutes 01 seconds east, a distance of 167.60 feet; thence south 89 degree 01 minutes 09 seconds west, a distance of 233.00 feet to a point on said easterly line of Elmhurst Road; thence northward along said easterly line, north 1 degree 25 minutes 01 seconds west, a distance of 169.56 feet to the point of beginning, in Cook County, Illinois.

2. Common Address: 955-967 1/2 South Elmhurst Road, Des Plaines, IL 60016.

3. Real Estate Tax Index/Parcel Index Number: 08-24-100-023-0000; 08-24-100-017-0000

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4. Remediation Site Owner: Mr. Julius Gilman
 5. Land Use Limitation: Industrial/Commercial
 6. Site Investigation: Comprehensive
- See NFR letter for other terms.

Property of Cook County Clerk's Office

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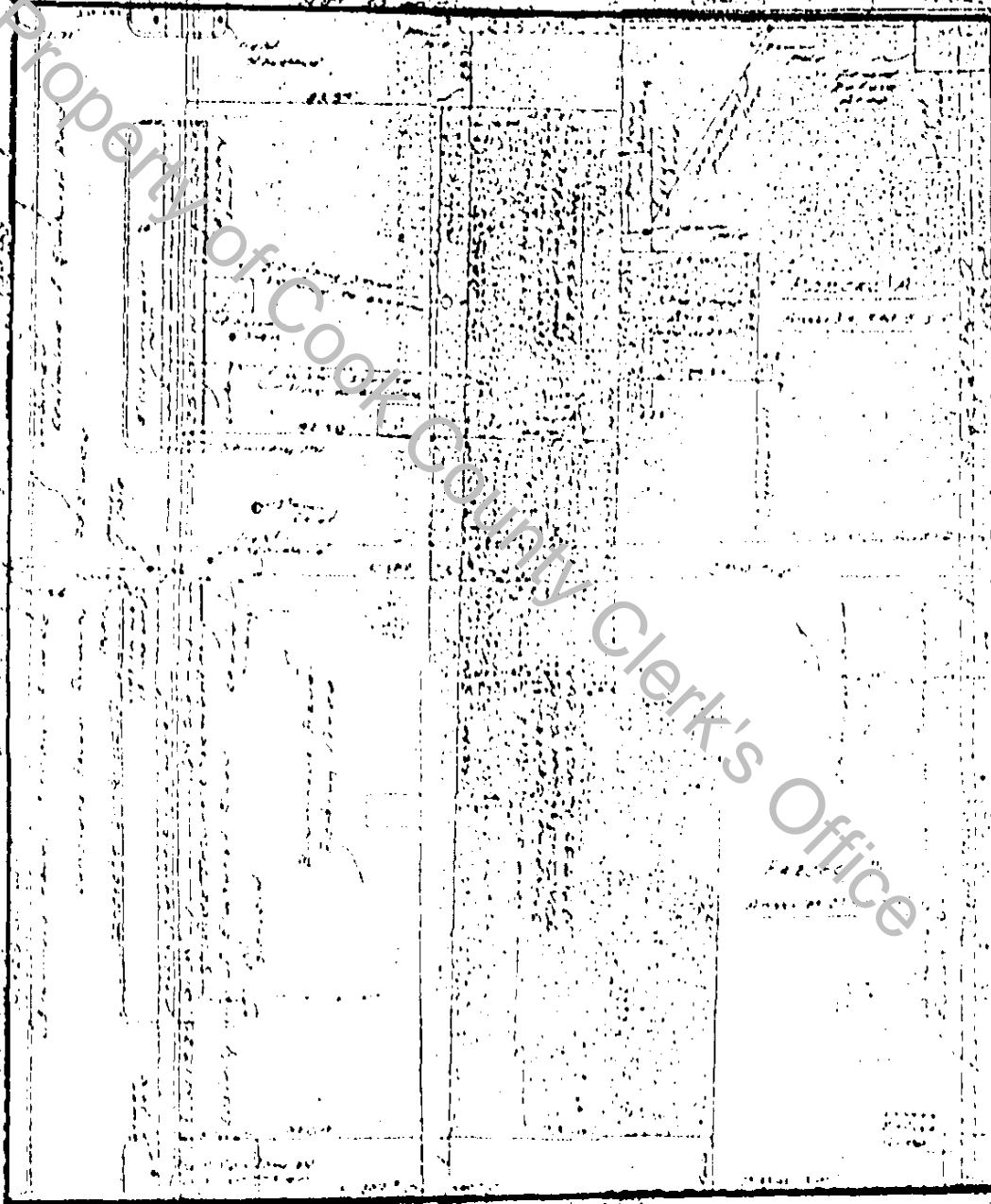
SITE BASE MAP 1

PLAT OF SURVEY

DEMPSTER STREET

ROAD

S. ELMHURST



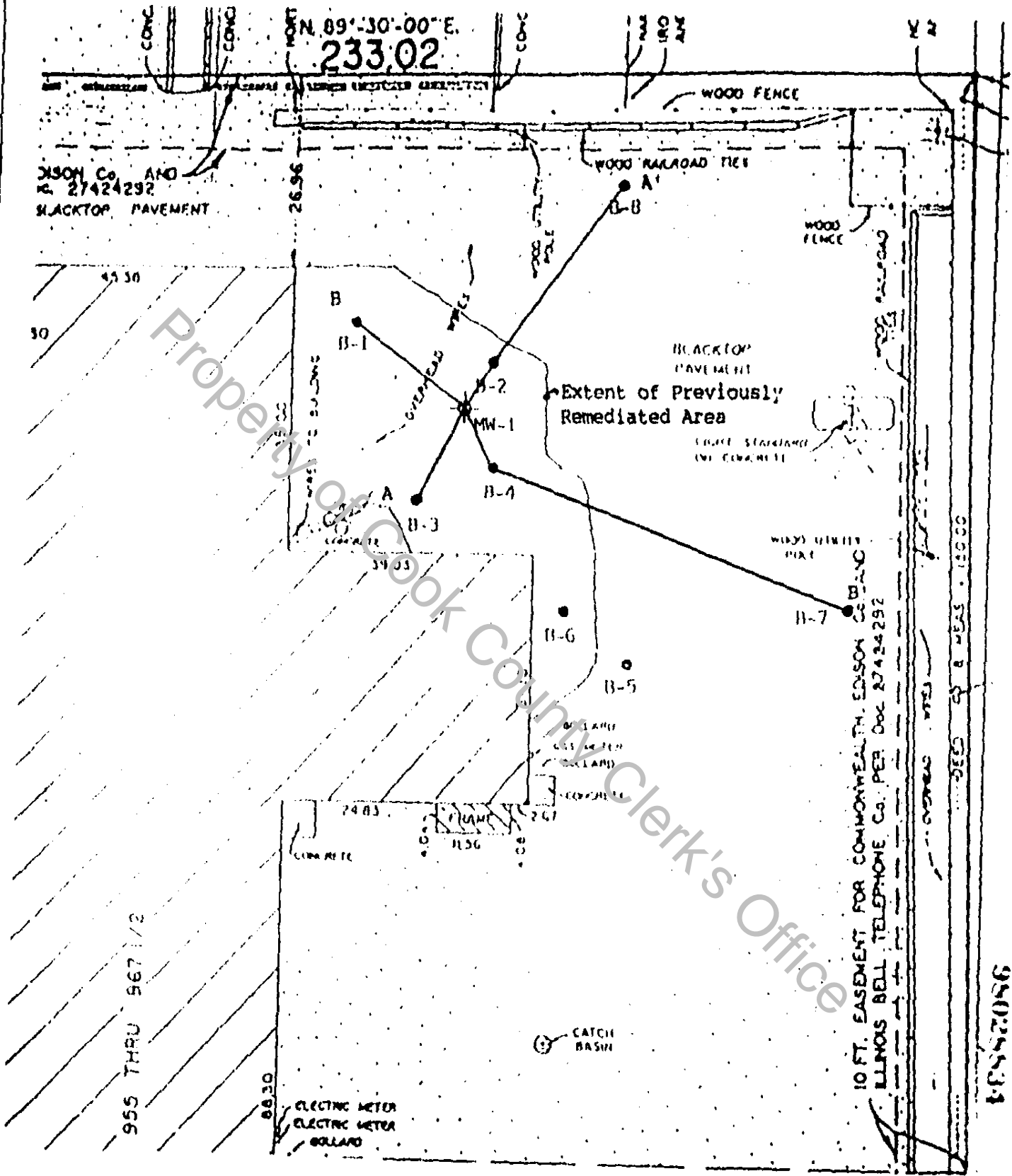
OMNI CENTER (0310635106)

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SITE BASE MAP 2



OMNI CENTER (0310635106)

GSC ENVIRONMENTAL LABORATORIES, INC. 2730A CURTISS STREET DOWNERS GROVE, ILLINOIS 60515	CLIENT: JUDIS GILMAN & ASSOCIATES 7640 LAKE STREET MORTON GROVE, ILLINOIS 60053	PROJECT: SOIL BORING INVESTIGATION SITE REMEDIATION PROGRAM OMNI CENTER 955-967 SOUTH ELMHURST ROAD DES PLAINES, ILLINOIS 011357-1001	SOIL BORING AND MONITORING WELL LOCATIONS  NORTH
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PROPERTY OWNER CERTIFICATION OF NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

If the Remediation Applicant is not the sole owner of the remediation site, 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 I.D. number and real estate tax index/parcel index number. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below.

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:	.....	
Title:	.....	
Company:	.....	
Street Address:	.....	
City:	State:	Zip Code:	Phone:
.....
Site Information			
Site Name:	.....	
Site Address:	.....	
City:	State:	Zip Code:	County:
.....
Illinois Inventory ID Number:	.....	
Real Estate Tax Index/Parcel Index No.:	.....	
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:	.....		Date:
.....			
SUBSCRIBED AND SWORN TO BEFORE ME:			
this _____ day of _____, 19_____			
.....			
Notary Public			

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/8 - 5/12 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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After recording mail to: Ian L Erdos, Esq
Ian L Erdos & Associates
200 West Madison Street
Suite 525
Chicago, IL 60606 412
312/372 9512

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