

# UNOFFICIAL COPY

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4738/0020 90 001 Page 1 of 10  
1999-04-30 10:05:59  
Cook County Recorder 39.50

PREPARED BY:

Name: Gerald Blumberg  
J.J. Properties

Address: 6001 Gross Point Rd.  
Lincolnwood, Illinois



99417331

RETURN TO:

Name: Gerald Blumberg  
J.J. Properties

Address: 6450 North Hamlin Ave.  
Lincolnwood, Illinois 60645

**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: #0312015098

LUST Incident No.: #980748

J.J. Properties, the owner and operator, whose address is 6450 North Hamlin Ave., Lincolnwood, Illinois, has performed investigative and/or remedial activities for the site that can be identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: See Attachment
2. Common Address: 6001 Gross Point Rd., Lincolnwood, Illinois
3. Real Estate Tax Index/Parcel Index Number: 10-20-400-018-0000 and 10-20-303-030-0000
4. Site Owner: J.J. Properties
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)

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ORDER NO.: 1409 007706186 SK

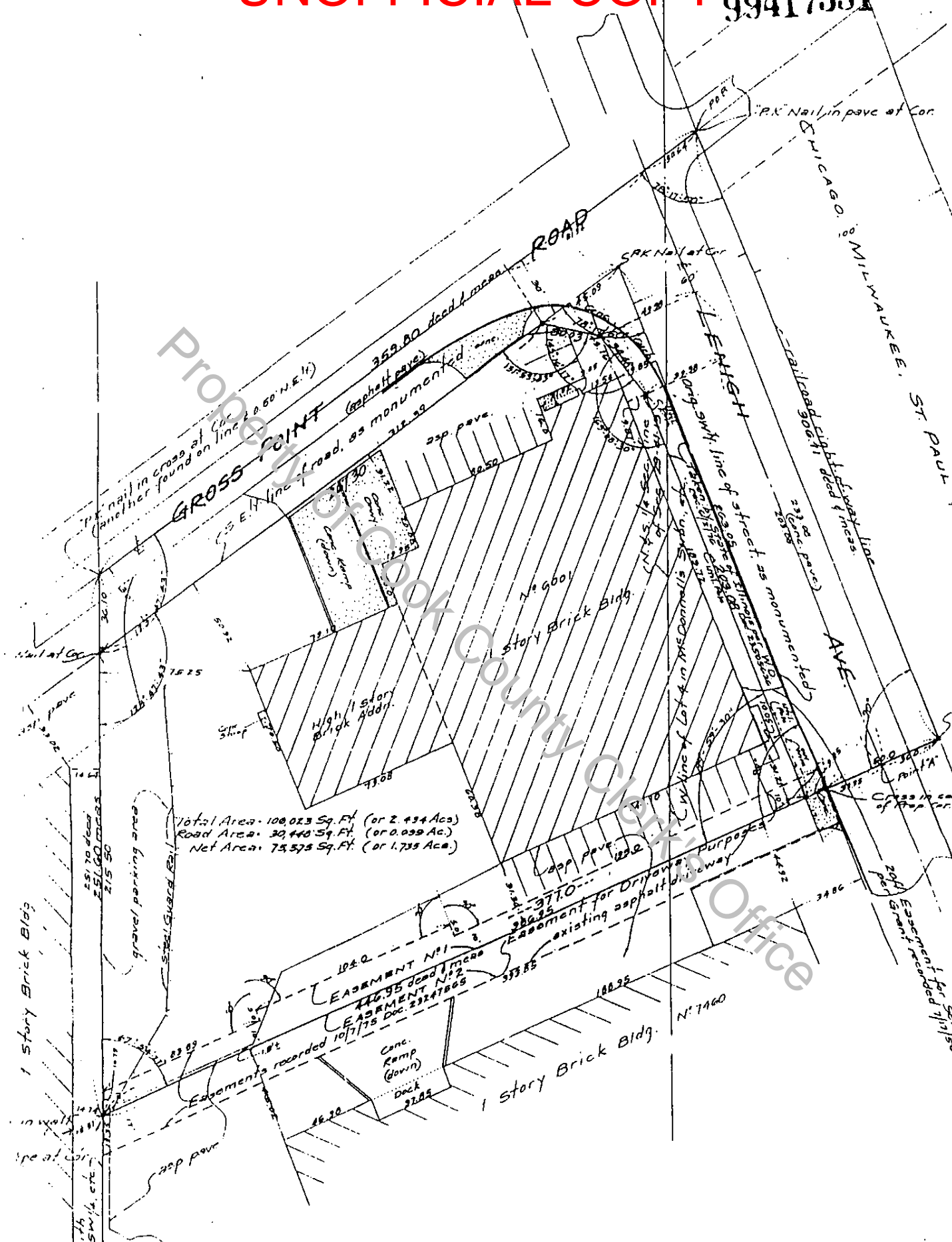
## 5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

## PARCEL 1:

THAT PART OF THE EAST 18.5 ACRES OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTER LINE OF GROSS POINT ROAD AND THAT PART OF LOT 4 IN MC DONNELL'S SUBDIVISION OF THE SOUTH EAST 1/4 IN SECTION 29, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF GROSS POINT ROAD AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 306.11 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID RIGHT OF WAY LINE, A DISTANCE OF 446.95 FEET TO A LINE WHICH IS 330.0 FEET EAST AND PARALLEL TO THE WEST LINE OF THE EAST 18.5 ACRES OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE NORTH ALONG SAID PARALLEL LINE, A DISTANCE OF 251.70 FEET TO THE CENTER LINE OF GROSS POINT ROAD, AS PAVED AND TRAVELLED; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF GROSS POINT ROAD, A DISTANCE OF 359.80 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS, (EXCEPTING THEREFROM THAT PART USED FOR LEHIGH AVENUE AND GROSS POINT ROAD AND ALSO EXCEPTING THEREFROM THAT PART CONVEYED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, AS PER WARRANTY DEED DATED APRIL 19, 1976 AND RECORDED JUNE 2, 1976 AS DOCUMENT NUMBER 23505626) IN COOK COUNTY, ILLINOIS

## PARCEL 2:

EASEMENT FOR DRIVEWAY PURPOSE FOR THE BENEFIT OF PARCEL 1 OVER AND UPON THAT PART OF THE EAST 18.5 ACRES OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTER LINE OF GROSS POINT ROAD AND THAT PART OF LOT 4 IN MCDONNELL'S SUBDIVISION OF THE SOUTH EAST 1/4 OF SECTION 29 AFORESAID; DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF GROSS POINT ROAD AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE SOUTHEASTERLY ON SAID RIGHT-OF-WAY LINE A DISTANCE OF 306.11 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLE TO SAID RIGHT-OF-WAY LINE, A DISTANCE OF 60.0 FEET FOR THE PLACE OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUING SOUTHWESTERLY ON LAST DESCRIBED COURSE EXTENDED, A DISTANCE OF 386.95 FEET TO A LINE WHICH IS 330 FEET EAST OF AND PARALLEL WITH WEST LINE OF EAST 18.5 ACRES OF NORTHEAST 1/4 OF SOUTHWEST 1/4 OF SECTION 29 AFORESAID; THENCE SOUTH ON SAID LINE THAT IS 330 FEET EAST OF AND PARALLEL WITH WEST LINE OF EAST 18.5 ACRES OF THE NORTHEAST 1/4 OF SOUTHWEST 1/4 OF SECTION 29 AFORESAID, A DISTANCE OF 18.35 FEET; THENCE NORTHEASTERLY AND PARALLEL WITH LINE PREVIOUSLY DESCRIBED AS EXTENDING SOUTHWESTERLY AND AT RIGHT ANGLES TO RAILROAD RIGHT-OF-WAY LINE, A DISTANCE OF 393.85 FEET TO A POINT ON A LINE WHICH IS 60.0 FEET SOUTHWESTERLY AND PARALLEL WITH SAID RAILROAD RIGHT-OF-WAY LINE AND 17 FEET SOUTHEASTERLY OF THE PLACE OF BEGINNING, THENCE NORTHWESTERLY ON SAID PARALLEL LINE, A DISTANCE OF 17 FEET TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS



Total Area - 100,023 Sq. Ft. (or 2.434 Acs)  
 Road Area - 30,440 Sq. Ft. (or 0.699 Ac.)  
 Net Area - 75,573 Sq. Ft. (or 1.735 Acs.)

EASEMENT NO. 1  
 44695 dead end  
 EASEMENT NO. 2  
 23247805  
 Easements recorded 10/7/75

**LEGAL DESCRIPTION FOR EASEMENT NUMBER ONE:** An easement for driveway purposes is hereby created over and upon that part East 18.5 acres of the Northeast quarter of the Southwest quarter of Section 29, Township 41 North, Range 13, East of Principal Meridian, lying South of the center line of Gross Point Road and that part of Lot 4 in McDonnell's Subdivision Southeast quarter of Section 29 aforesaid; described as follows: commencing at the point of intersection of the center line of Gross Point Road and the Southwesterly right-of-way line of Chicago, Milwaukee, St. Paul and Pacific Railroad; thence Southwesterly on said right-of-way line, a distance of 306.11 feet; thence Southwesterly at right angles to said right-of-way line, a distance of 60.0 feet for the place of beginning of this description; thence continuing Southwesterly on last described line a distance of 220 feet East of and parallel with West line of East 18.5 acres

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-6762

CERTIFIED MAIL  
P344295706

99417331

APR 12 1999

J.J. Properties  
Attn. Gerald Blumberg  
6450 North Hamlin Ave.  
Lincolnwood, Illinois 60645

Re: LPC #0312015098 - Cook County  
Niles/JJ Properties  
6001 Gross Point Rd.  
LUST Incident No. 980748  
LUST Technical File

Dear Mr. Blumberg:

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 May 23, 1998; was received by the Agency December 30, 1998; and was prepared by Miller Environmental Management, Inc.

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 George P. Meister, a Registered Professional Engineer of Illinois, and the certification by J.J. Properties, the owner and operator of the underground storage tank(s), 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:

1. J.J. Properties;

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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;
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.
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 avoidance 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 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;



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- 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.

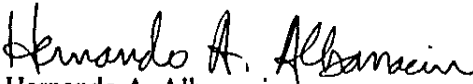
Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) 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

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Clayton Bloome, at 217/524-1288.

Sincerely,

  
Hernando A. Albarracin  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAA:CTB

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description

cc: Mike Miller



State of Illinois

## ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

**RECORDING REQUIREMENTS FOR  
NO FURTHER REMEDIATION LETTERS****Introduction**

The Illinois EPA's Bureau of Land (BOL) issues a No Further Remediation (NFR) Letter at the completion of site remediation activities under the LUST Program and the SRP. The letter signifies that 1) the person conducting remediation has satisfied the respective BOL laws and regulations, and 2) that no further remediation is necessary to protect human health and the environment for the property described in the letter, so long as the site is used in accordance with the terms of the NFR Letter.

**Significance**

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined in the Illinois Environmental Protection Act for the program in question. (See 415 ILCS 5/57.10(d) and 58.10(d)). However, if not properly recorded, the NFR Letter *holds no legal significance for anyone*. Furthermore, if not properly recorded, the Illinois EPA *will take steps to void the NFR letter in accordance with the regulations pertaining to the program under which the remediation was performed*.

**Duty to Record**

The duty to record the NFR Letter is *mandatory*. You *must* submit the letter to the Office of the Recorder or the Registrar of Titles of the county where the site is located *within 45 days after receipt of the letter*. You must record both the cover letter and the NFR Letter. The letter must be recorded in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions of the institutional controls. A certified copy of the letter as recorded must be sent to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the letter voidable.

**For More Information**

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or contact the project manager whom you have been working with in the BOL.





## SW-846 Method 5035: Closed-System Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples

### What is SW-846 Method 5035?

The United States Environmental Protection Agency's (U. S. EPA) "Test Methods for Evaluating Solid Waste" describes procedures to be used in collecting and preserving samples of waste, soil, sediments, and groundwater. Method 5035, referred to as the "Closed-System Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples" was included in SW-846 as part of Final Update III. This update was published in the *Federal Register* on June 13, 1997.

SW-846 Method 5035 identifies the procedures used to collect and prepare soil samples for volatile organic compound (VOC) analysis. The procedures are defined in the method's Subsection 4.5 (Field Sampling Equipment), Section 5.0 (Reagents), and Section 6.0 (Sample Collection, Preservation, and Handling). The soil samples must be preserved with one of two preservatives prior to analysis, either in the field at the time of collection, or in the laboratory within 48 hours of collection. A sodium bisulfate preservative is added to soils anticipated to contain volatile organic compounds (VOCs) at concentrations less than 200 parts per billion (ppb), while a methanol preservative is used for soils anticipated to contain VOCs at concentrations greater than 200 ppb. If the soil samples are to be preserved in the laboratory, the samples must be collected in a Purge-and-Trap Soil Sampler (Model 3720PT) or equivalent, or in an EnCore™ sampler or equivalent, and must then be delivered to the lab for preservation within 48 hours of sample collection.

### Why did U. S. EPA change the method of VOC soil sampling?

Method 5035 more accurately identifies the types and concentrations of volatile organic compounds in soils than the previously used method, which was susceptible to errors due to evaporative losses of volatiles and microbial degradation prior to sample analysis.

### Is SW-846 Method 5035 incorporated into Illinois regulations?

Yes. On June 4, 1998, the Illinois Pollution Control Board adopted amendments to 35 Illinois Administrative Code Part 742: Tiered Approach to Corrective Action Objectives (TACO). As part of the changes to TACO, SW-846 was incorporated by reference to include Update III, which contains Method 5035.

### What remedial programs use Method 5035?

Several of Illinois' remedial programs are incorporating Method 5035.

**Resource Conservation and Recovery Act (RCRA):** SW-846 Method 5035 is required and currently being implemented. Attachment A contained within the RCRA closure guidance will meet the requirements of Method 5035.

**Leaking Underground Storage Tank (LUST):** Sites that report a release on or after June 4, 1998 and are classified as high priority, or for which the owner or operator has elected to conduct corrective action pursuant to Section 732.300(b), 732.400(b), or 732.400(c) must use SW-846 Method 5035 for volatile organic soil sampling. Prior to the LUST site being classified as high priority, the Illinois EPA recommends the use of SW-846 Method 5035. If the LUST release was reported before June 4, 1998, the owner/operator may use either SW-846 Method 5035 or Method 5030 when soil sampling for VOCs.

**Voluntary Site Remediation Program:** The use of SW-846 Method 5035 provides a more reliable and valid result than previous methods. Consequently, the use of this new method is strongly encouraged.

**Will I need new sampling equipment?**

Yes. The necessary soil sampling equipment is identified in Subsection 4.5 of SW-846 Method 5035 and includes: Purge-and-Trap Soil Sampler (Model 3780PT) or equivalent, EnCore™ sampler or equivalent, disposable plastic syringes, portable balance, and balance masses.

**What labs can analyze my soil samples? What analytical methods must my lab use?**

The soil samples can be sent to any laboratory capable of performing complete volatile organic analysis using SW-846 methods and able to follow the procedures identified in Method 5035. Method 5035 may be used in conjunction with any appropriate gas chromatographic procedure including, but not limited to, Methods 8015, 8021, and 8260.

**What happens if the detection limits exceed the remediation objectives established in 35 Illinois Administrative Code Part 742 (TACO)?**

The Illinois EPA recognizes problems may be encountered when preserving soil samples using sodium bisulfate (i.e., certain soils may react vigorously with the acid). In these cases, the methanol preservation technique must be substituted. However, the methanol preservation method may not be able to confirm compliance with remediation objectives established in TACO because methanol preservation is only accurate for soils with VOC contamination greater than 200 parts per billion. The site owner may need to request alternative remediation objectives under a TACO-Tier 3 scenario. Please note: the Illinois EPA will require the laboratory performing the VOC analysis to provide verification that the soil sample did react with sodium bisulfate and methanol preservation had to be used.

**Will the Illinois EPA re-visit sites that were previously closed using the VOC methods/procedures?**

The Illinois EPA will not investigate closed sites (i.e., No Further Remediation Letter, 4(y) letter, etc.) using the previous method or volatile organic soil sampling and analysis, unless additional contaminants are identified that pose a threat to human health and the environment.

**If I have questions, who can I contact at the Illinois EPA?**

The following Illinois EPA representatives are available to answer program-specific questions concerning SW-846 Method 5035:

LUST program - Tom Henninger 217/782-6762

RCRA program - Jim Moore 217/524-3300

Voluntary Site Remediation Program - Contact your assigned Project Manager or Rick Lucas at 217/782-6761.

A paper copy of SW-846 Method 5035 can be obtained through the U.S. Government Printing Office (202)512-1800 or NTIS (703)487-4650.

*The Volatile Organic Compound Sampling for Soils Using SW-846 Method 5035 fact sheet is for general information only and is not intended to replace, interpret, or modify laws, rules, and regulations.*