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1999-08-04 11:42:25
Cook County Recorder 33.50

PREPARED BY: ..

Name: Rush- Presbyterian-St. Luke's Medical Center

Address: 1700 W. Van Buren - Suite 050
Chicago, Illinois



99741612

RETURN TO:

Name: Rush Facilities Group
William R. Gran

Address: 1700 W. Van Buren - Suite 050
Chicago, Illinois 60612

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: 0316275150

LUST Incident No.: 981300

Rush Facilities Group, the general contractor for Rush- Presbyterian-St. Luke's Medical Center the owner and operator, whose address is 1700 W. Van Buren - Suite 050 Chicago, Illinois 60612, 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:

Lots 10,11,12,15,16,19,20 and 23 in block 1 in Ashland addition to Chicago in section 18, Township 39 North, range 14 east of the Third principal meridian, in Cook County, Illinois.

2. Common Address: 1736-52 West Ogden Avenue

3. Real Estate Tax Index/Parcel Index Number: 17-18-221-020, 17-18-221-021, 17-18-221-022, 17-18-221-023

4. Site Owner: Rush- Presbyterian-St. Luke's Medical Center

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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

217/524-9140

THOMAS V. SKINNER, DIRECTOR

CERTIFIED MAIL
P344297008

Initial Letter Sent June 17, 1999

Revised Letter Sent July 26, 1999

Rush- Presbyterian-St. Luke's Medical Center
Attn: William R. Gran
1700 W. Van Buren - Suite 050
Chicago, Illinois 60612

Re: LPC #0316275150 -- Cook County
Chicago/ Rush-Presbyterian - St. Luke's Medical Center
1736 - 52 West Ogden Avenue
LUST Incident No. 981300
LUST Technical File

Dear Mr. Gran:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Amended Corrective Action Completion Report(report) submitted for the above-referenced incident. This information was dated April 27, 1999; was received by the Agency May 13, 1999; and was prepared by Aires Consulting Group, Inc.

The initial NFR Letter sent June 17, 1999 contained errors therefore a revised NFR Letter is being sent July 26, 1999.

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 Glen D. Lee, a Registered Professional Engineer of Illinois, and the certification by William R. Gran for Rush Facilities Group, the general contractor for Rush-Presbyterian-St. Luke's Medical Center 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:

Page 2

1. Rush- Presbyterian-St. Luke's Medical Center;
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.

Page 3

- 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

Page 4

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 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 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.)

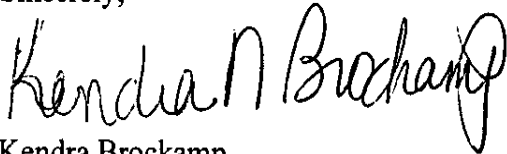
Submit the certified copy of this letter, as recorded, to:

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

Page 5

If you have any questions or need further assistance, please contact the Illinois EPA project manager, James R. Malcom III, at 217/524-9140.

Sincerely,



Kendra Brockamp
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

KB:JM

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Aires Consulting Group, Inc.

Property of Cook County Clerk's Office



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 outlined 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 for 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.