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PREPARED BY:

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9830/0120 16 001 Page 1 of 9
1999-02-23 14:51:53
Cook County Recorder 37.50

Name: Harry Major, Member
Pacesetter Enterprises, LLC

Address: 155 North Michigan Ave.,
Suite 500
Chicago, Illinois 60601

RETURN TO:

Name: Harry Major, Member
Pacesetter Enterprises, LLC

Address: 155 North Michigan Ave.,
Suite 500
Chicago, Illinois 60601

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 Office of the Recorder of Cook County.

Illinois State EPA Number: 0312975032

Harry Major, Member, Pacesetter Enterprises, LLC, the Remediation Applicant, whose address is 155 North Michigan Ave., Chicago, Illinois 60601 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description of the Site is: THAT PART OF LOT "C" IN FIRST ADDITION TO PACESETTER PARK HARRY M. QUINN MEMORIAL SUBDIVISION, BEING A SUBDIVISION THAT PART OF LOT 3 IN TYS GOUWENS SUBDIVISION AND PART OF LOT 14 IN SUBDIVISION OF LOT 4 IN TYS GOUWENS SUBDIVISION ALL IN THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 14 AND PART OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO BEING A SUBDIVISION OF PART OF LOT 2 IN TYS GOUWENS SUBDIVISION IN THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 14 AND PART OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 10, 1957 AS DOCUMENT NO. 17008161 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT "C"; THENCE NORTH 90° WEST ALONG THE NORTH LINE OF OUTLOT "C"; 53.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0° 00' WEST, 25.34 FEET; THENCE NORTH 89° 51' 30" WEST, 136.80 FEET; THENCE SOUTH 0° 08' 30" WEST, 85.00 FEET; THENCE NORTH 89° 51' 30" WEST, 78.20 FEET; THENCE NORTH 0° 08' 30" EAST, 85.00 FEET; THENCE NORTH 89° 51' 30" WEST, 35.00 FEET; THENCE NORTH 0° 00' EAST, 24.92 FEET TO THE NORTH LINE OF SAID OUTLOT "C"; THENCE SOUTH 90° EAST, 250.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS AND CONTAINING 12,904 SQUARE FEET.
2. Common Address: 1000 - 1058 East 162nd Street, South Holland, IL.

(Illinois EPA Site Remediation Program Environmental Notice)

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Page 7

3. Parcel Index Number: 29-14-317-011.
4. Remediation Site Owner: Pacesetter Enterprises, LLC.
5. Land Use Limitation: Industrial/commercial.
6. Site Investigation: Focused

See NFR letter for other terms.

Property of Cook County Clerk's Office

(Illinois EPA Site Remediation Program Environmental Notice)



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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276

217/782-6761

January 28, 1999

344 333 299

Harry Major, Member
Pacesetter Enterprises, LLC
155 North Michigan Ave., Suite 500
Chicago, Illinois 60601

Re: 0312975032 - Cook County
South Holland/Care Cleaners
Site Remediation/Technical Reports

Dear Mr. Major:

The Remedial Action Completion Report (December 16, 1998/Log No. 98-1818) as prepared by Environmental Consulting Group, Inc. for the contamination related to a release from the Care Cleaners tenant space in the Pacesetter Shopping Center property has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with the Remedial Action Plan, February 11, 1998/Log No. 98-227.

The remediation site, consisting of 0.30 acre(s) (12,904 square feet), is located beneath tenant spaces 1040 to 1044 and beneath the alley behind spaces 1026 to 1058 and the east parking lot to within 53.00 feet of the eastern boundary of the property at the Pacesetter Shopping Center at 1000-1058 East 162nd Street, South Holland, Illinois. Pursuant to Section 58.10 of the Illinois Environment Protection Act ("Act") (415 ILCS 5/1 et. seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

This focused No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the remediation site described in the attached Site Remediation Program environmental notice and shown in the attached site base map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the site is utilized in accordance with the terms of this Letter.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:

- a) Regulated substances of concern that have been successfully addressed are detailed in the attached Table A.
2. The remediation site is restricted 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.

Preventive Controls:

At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil beneath the area covered by the engineered barrier, as designated on the attached site base map. Any excavation within the contaminated soil will require implementation of a safety plan 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. Soil excavated below fifteen feet must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

Engineering Controls:

The asphalt barrier as shown in the site base map must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

OTHER TERMS

5. Areas outside of the remediated area (i.e., the asphalt cap remaining over the contaminated soils) shown in the site base map are not subject to any other institutional or engineered barrier controls.
6. Where an institutional control is used to assure long-term protection of human health (as identified under 4 of this Letter), the Remediation Applicant must record a copy of this legal mechanism (e.g., restrictive covenant; deed restriction; negative easement; ordinance adopted and administered by a unit of local government; or agreement between

a property owner and a highway authority) along with this Letter.

7. Where the Remediation Applicant is not the sole owner of the remediation site, the Remediation Applicant shall complete the attached property owner certification of the No Further Remediation Letter under the Site Remediation Program form. This certification by original signature or each property owner, or the authorized agent of the owner(s), of the remediation site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.

8. 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
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

9. 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 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 ILCS 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.
10. Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Harry Major, Member, Pacesetter Enterprises, LLC;
 - 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;
 - 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.
11. This Letter, including all attachments, must be recorded as a single instrument within 45 days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program 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 of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Pacesetter Shopping Center property.

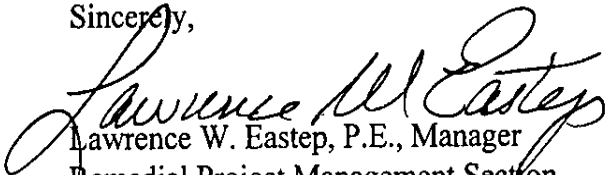
Within 30 days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

12. 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, Marc Cummings at (217) 782-9079.

Sincerely,



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

Attachments: Illinois EPA Site Remediation Program environmental notice
Site base map
Property owner certification of No Further Remediation Letter under the Site
Remediation Program form

cc: David O'Dea, Environmental Consulting Group, Inc.

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SITE BASE MAP
0312975032 - COOK COUNTY

34170314

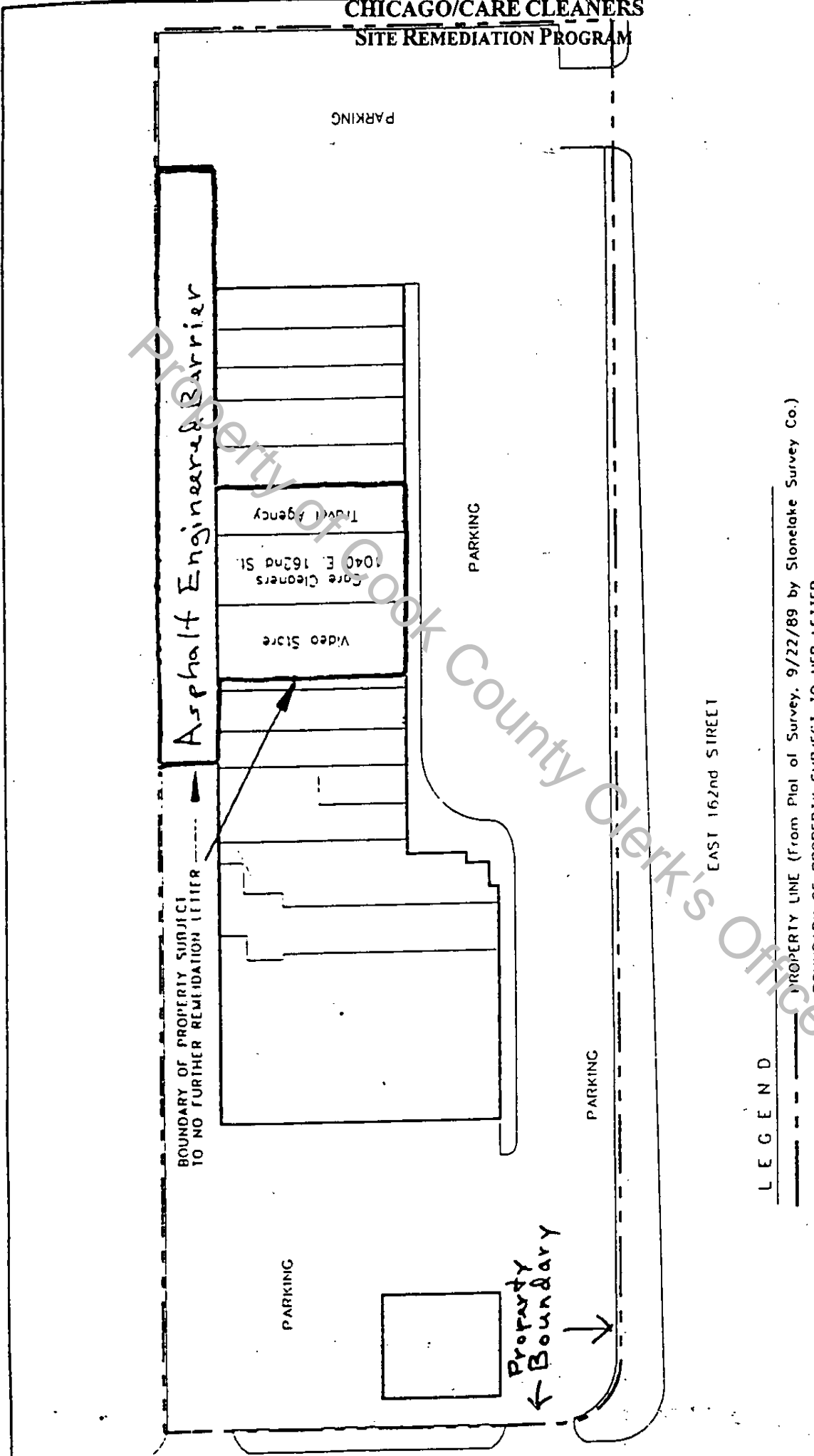
CHICAGO/CARE CLEANERS
SITE REMEDIATION PROGRAM

SITE PLAN

PACESETTER SHOPPING CENTER
1000-1058 EAST 162nd STREET
SOUTH HOLLAND, ILLINOIS

Environmental Consulting Group, Inc.
One First National Plaza, Suite 2505
Chicago, Illinois 60603
Phone: 312-641-6700 Fax: 312-641-2690

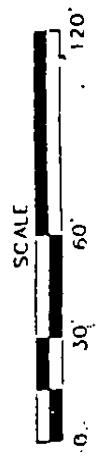
DRAWN BY: RJM DATE: 7/3/98 FILE: E3109-115
REVIEWED BY: DSO CAD: DEEPBOR.DWG



LEGEND

--- PROPERTY LINE (From Plat of Survey, 9/22/89 by Stonelake Survey Co.)

--- BOUNDARY OF PROPERTY SUBJECT TO NFR LETTER



**TABLE A: REGULATED SUBSTANCES OF CONCERN
0313975032 -- COOK COUNTY
CHICAGO/CARE CLEANERS
SITE REMEDIATION PROGRAM**

Volatile Organic Compounds

<u>CAS No.</u>	<u>Compound Name</u>
74-87-3	Chloromethane
74-83-9	Bromomethane
75-01-4	Vinyl Chloride
75-00-3	Chloroethane
75-09-2	Methylene Chloride
67-64-1	Acetone
75-15-0	Carbon Disulfide
75-35-4	1,1-Dichloroethene
75-34-3	1,1-Dichloroethane
540-59-0	1,2-Dichloroethene (total)
67-66-3	Chloroform
107-06-2	1,2-Dichloroethane
78-93-3	2-Butanone
71-55-6	1,1,1-Trichloroethane
56-23-5	Carbon Tetrachloride
75-27-4	Bromodichloromethane
789-87-5	1,2-Dichloropropane
10061-01-5	cis-1,3-Dichloropropene
79-01-6	Trichloroethene
124-48-1	Dibromochloroethane
79-00-5	1,1,2-Trichloroethane
71-43-2	Benzene
10061-02-6	trans-1,3-Dichloropropene
75-25-2	Bromoform
108-10-1	4-Methyl-2-Pentanone
591-78-6	2-Hexanone
127-18-4	Tetrachloroethene
108-88-3	Toluene
79-34-5	1,1,2,2-Tetrachloroethane
108-90-7	Chlorobenzene
100-41-4	Ethylbenzene
100-42-5	Styrene
1330-20-7	Xylenes (total)