



January 22, 1999

Cook County Recorder of Deeds
118 North Clark Street
Chicago, Illinois 60602-1387

RE: Illinois EPA No Further Remediation Letter **THE ABOVE SPACE FOR RECORDER'S OFFICE**
Illinois State EPA Number: 0316295022

Dana Corporation, the Remediation Applicant whose address is 1945 Ohio Street, Lisle, Illinois 60532 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 or Reference to Plat Showing the Boundaries: Parcel 1: The south ¾ (except the south 675 feet of said south ¾) of the west ¼ of the southeast ¼ of Section 17, Township 39 north, Range 13 east, of the Third Principal Meridian, in Cook County, Illinois. Parcel 2: Part of the south 674 feet of the west quarter of the south east ¼ of the southeast ¼ of Section 17, Township 39 north, Range 13 east, of the Third Principal Meridian, lying north of the north line of the 12th Street, and west of the line described as follows: Beginning at a point on the south line of said Section 17, 234 feet east of the west line of the southeast ¼ of the Southeast ¼ of said Section 17; thence north on a line parallel to the west line of said quarter section, 306.25 feet to a point of tangency; thence northwesterly on a curved line convex to the northwest, the radius of which curved line is 313.67, a distance of 158.27 feet to a point of reverse curve; thence northeasterly on a curved line convex to the southeast the radius of which curved line is 453.85 feet, a distance of 69.77 feet to a point of compound curve; thence northeasterly along said compound curve, having a radius of 435.40 feet a distance of 53.25 feet to a point; thence north 07 degrees 46 minutes 07 seconds east, a distance of 101.89 feet (102.00 feet measured) to a point in the north line of the south 674 feet of the southeast ¼ of the south east ¼ of said Section 17 aforesaid, in Cook County, Illinois.
2. Common Address: 5750 West Roosevelt Road, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 16-17-413-006-0000 and 16-17-413-012-0000
4. Remediation Site Owner: Dana Corporation
5. Land Use Limitation: industrial/commercial
6. Site Investigation: Focused

See NFR letter for other terms.

Please stamp the attached copy of this letter and return to:

Stephen Brookover
Dana Corporation
1945 Ohio Street
Lisle, IL 60532-2189

People Finding A Better Way



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1945 Ohio Street
Lisle, IL 60532-2189

People Finding A Better Way



99191278 Page 3 of 18
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

217/782-6761

Certified # 344 333 211

December 21, 1998

Steve Brookover
Dana Corporation
1945 Ohio Street
Lisle, Illinois 60532

Re: 0316295022 -- Cook
Chicago/Victor Products
Site Remediation/Technical Reports

Dear Mr. Steve Brookover:

The documents submitted on March 24, 1998/98-400; June 18, 1998/98-335; October 6, 1998/98-1409; and October 22, 1998/98-1506, as prepared by ERM EnviroClean for Victor Products property, have 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 Investigation and Remediation Objectives Report, Addendum I, Addendum II, and Addendum III shall serve as the approved Remedial Action Completion Report.

The remediation site, consisting of 6.423 acre(s), is located at 5750 West Roosevelt Road, Chicago, 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

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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 construction worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. The specified area of the Property that has the construction worker caution is in the northwest corner of the property. As measured from the northwest corner of the Property line, the specified area is 190 feet long (west to east) and 130 feet wide (north to south), the net area is 0.567 acres. 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 four 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.

Institutional Controls:

No person shall construct, install, maintain, or operate a water system or well at the remediation site. All water supplies and water services for the remediation site must be obtained from a public water supply system. The provisions of the institutional control shall be applicable to all water usage including, but not limited to, domestic, commercial, and industrial uses and water for outdoor purposes.

Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago as amended by Ordinance Number 097990 ("Potable Water Supply Well Ordinance") effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

The Remediation Applicant shall provide written notification to the City of Chicago and to owner(s) of all properties under which groundwater contamination attributable to the remediation site exceeds the objectives approved by the Illinois EPA. The notification shall include:

- a) The name and address of the local unit of government;
- b) The citation of the ordinance used as an institutional control in this Letter.
- c) A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f) A statement as to where more information may be obtained regarding the ordinance.

Written proof of this notification shall be submitted to the Illinois EPA within 45 days from the date of this Letter.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a) Modification of the reference ordinance to allow potable uses of groundwater;

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- b) Approval of a site-specific request, such as a variance, to allow use of groundwater at the site;
- c) Failure to provide written proof to the Illinois EPA within 45 days from the date of this Letter of written notification to the City of Chicago and affected property owner(s) of the intent to use Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago as amended by Ordinance Number 097990 ("Potable Water Supply Well Ordinance") as an institutional control at the remediation site; and
- d) Violation of the terms of an institutional control recorded.

OTHER TERMS

- 5. Pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), all statutory and regulatory corrective action requirements applicable to the occurrence involving LUST Incident Number 890400 have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced LUST incident.
- 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:

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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.

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10. Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Dana Corporation;
 - 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 or Registrar of Cook County. For

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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 or Registrar of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Victor Products property.

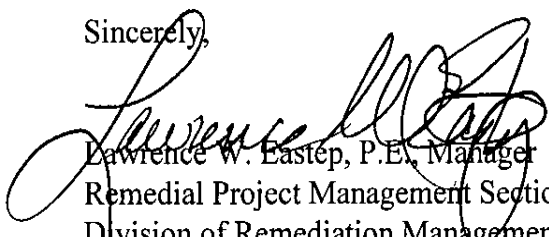
Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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, Jennifer M. Seul at 217/785-9399.

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
Table A: Regulated Substances of Concern

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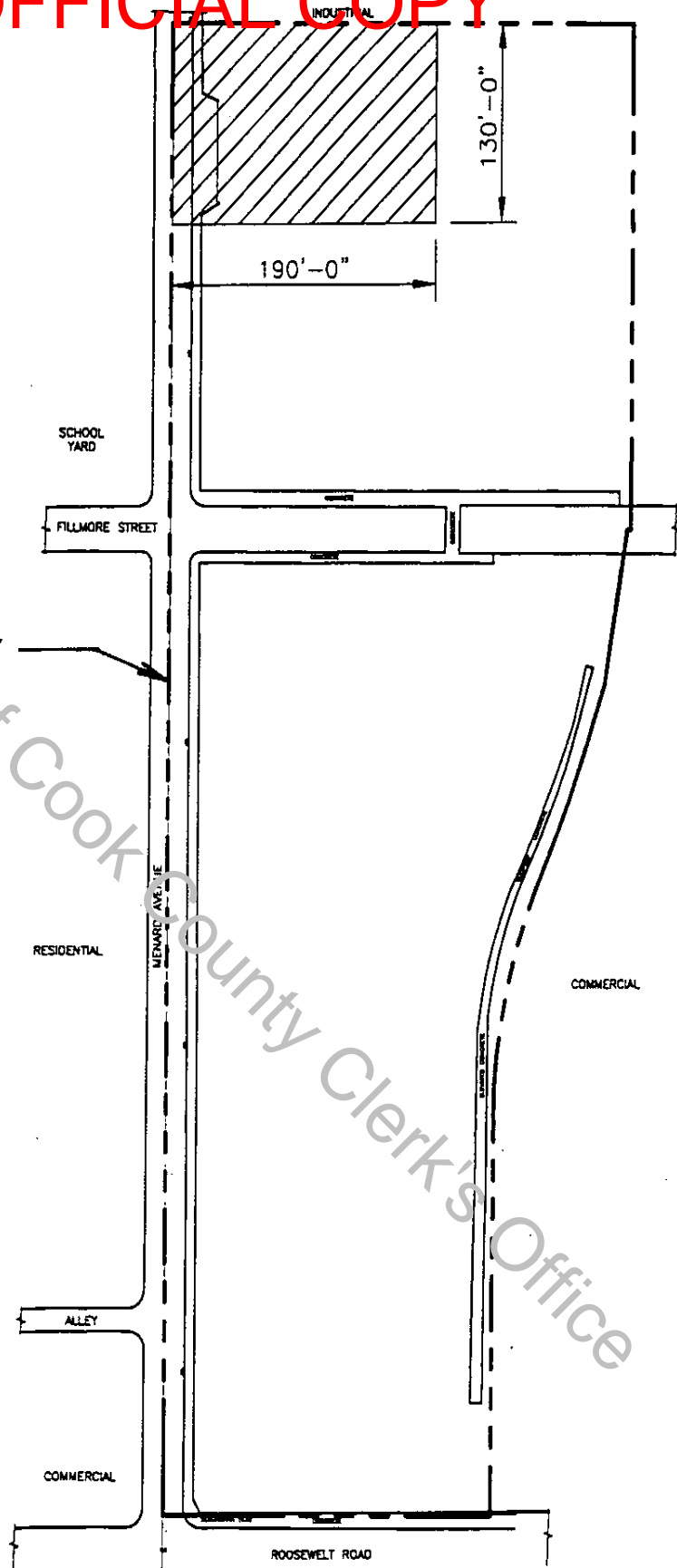
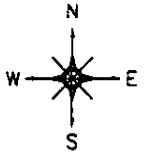
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cc: Ms. Kelly Kennoy
Chicago Department of Environment
25th Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575

Joseph W. Sheahan, CPG
Ground Water Solution, Inc.
2500 Kerry Street
Suite 202
Lansing, MI 48912

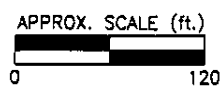
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SITE BASE MAP

VICTOR PRODUCTS, DIVISION OF DANA CORPORATION
CHICAGO, ILLINOIS

SYMBOL LEGEND	
	SITE BOUNDARY
	WORKER CAUTION AREA

ISSUED DECEMBER 11, 1998



**TABLE A: REGULATED SUBSTANCES OF CONCERN
0316295022 -- COOK
CHICAGO/VICTOR PRODUCTS
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	Dibromochloromethane
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)

Semivolatile Organic Compounds

<u>CAS No.</u>	<u>Compound Name</u>
108-95-2	Phenol
111-44-4	bis(2-Chloroethyl)ether
95-57-8	2-Chlorophenol
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
95-48-7	2-Methylphenol
108-60-1	2,2'-oxybis(1-chloropropane)
106-44-5	4-Methylphenol
621-64-7	N-Nitroso-di-n-propylamine
67-72-1	Hexachloroethane
98-95-2	Nitrobenzene
78-59-1	Isophorone
88-75-5	2-Nitrophenol
105-67-9	2,4-Dimethylphenol
111-91-1	bis(2-Chloroethoxy)methane
120-83-2	2,4-Dichlorophenol
120-82-1	1,2,4-Trichlorobenzene
91-20-3	Naphthalene
106-47-8	4-Chloroaniline
87-68-3	Hexachlorobutadiene
59-50-7	4-Chloro-3-methylphenol
91-57-6	2-Methylnaphthalene
77-47-4	Hexachlorocyclopentadiene
88-06-2	2,4,6-Trichlorophenol
95-96-4	2,4,5-Trichlorophenol
91-58-7	2-Chloronaphthalene
88-74-4	2-Nitroaniline
131-11-3	Dimethylphthalate
208-96-8	Acenaphthalene
606-20-2	2,6-Dinitrotoluene
99-09-2	3-Nitroaniline
83-32-9	Acenaphthene
51-28-5	2,4-Dinitrophenol
100-02-7	4-Nitrophenol
132-64-9	Dibenzofuran
121-14-2	2,4-Dinitrotoluene
84-66-2	Diethylphthalate

7005-72-3	4-Chlorophenyl-phenyl ether
86-73-7	Fluorene
100-01-6	4-Nitroaniline
534-52-1	4,6-Dinitro-2-methylphenol
86-30-6	N-Nitrosodiphenylamine
101-55-3	4-Bromophenyl-phenyl ether
118-74-1	Hexachlorobenzene
87-86-5	Pentachlorophenol
85-01-8	Phenanthrene
120-12-7	Anthracene
86-74-8	Carbazole
84-74-2	Di-n-butylphthalate
206-44-0	Fluoranthene
129-00-0	Pyrene
35-68-7	Butylbenzylphthalate
91-94-1	3,3'-Dichlorobenzidine
56-55-3	Benzo(a)anthracene
218-01-9	Chrysene
117-81-7	bis(2-Ethylhexyl)phthalate
117-84-0	Di-n-octylphthalate
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
50-32-8	Benzo(a)pyrene
193-39-5	Indeno(1,2,3-cd)pyrene
53-70-3	Dibenzo(a,h)anthracene
191-24-2	Benzo(g,h,i)perylene

Pesticides and Aroclors

<u>CAS No.</u>	<u>Compound Name</u>
319-84-6	alpha-BHC
319-85-7	beta-BHC
319-86-8	delta-BHC
58-89-9	gamma-BHC
76-44-8	Heptachlor
309-00-2	Aldrin
1024-57-3	Heptachlor epoxide
959-98-8	Endosulfan I
60-57-1	Dieldrin
72-55-9	4,4'-DDE
72-20-8	Endrin

33213-65-9	Endosulfan II
72-54-8	4,4'-DDD
1031-07-8	Endosulfan sulfate
50-29-3	4,4'-DDT
72-43-5	Methoxychlor
53494-70-5	Endrin ketone
7421-93-4	Endrin aldehyde
5103-71-9	alpha-Chlordane
5566-34-7	gamma-Chlordane
8001-35-2	Toxaphene
12674-11-2	Aroclor - 1016
11104-28-2	Aroclor - 1221
11141-16-5	Aroclor - 1232
53469-21-9	Aroclor - 1242
12672-29-6	Aroclor - 1248
11097-69-1	Aroclor - 1254
111096-82-5	Aroclor - 1260

Metals

<u>CAS No.</u>	<u>Compound Name</u>
7429-90-5	Aluminum
7440-36-0	Antimony,
7440-39-3	Barium
7440-41-7	Beryllium
7440-70-2	Calcium
7440-47-3	Chromium
7440-48-4	Cobalt
7439-89-6	Iron
7239-95-4	Magnesium
7439-96-5	Manganese
7439-97-6	Mercury
7440-09-7	Potassium
7782-49-2	Selenium
7440-23-5	Sodium
7440-28-0	Thallium
7440-62-2	Vanadium
7440-66-6	Zinc
57-12-5	Cyanide

COMMITTEE ON ENERGY, ENVIRONMENTAL
PROTECTION AND PUBLIC UTILITIES.

AMENDMENT OF TITLE 11, CHAPTER 8 AND TITLE 2,
CHAPTER 30 OF MUNICIPAL CODE OF CHICAGO BY
ESTABLISHMENT OF DEFINITION OF POTABLE
WATER, REGULATION OF POTABLE WATER
SUPPLY SYSTEM AND EMPOWERMENT OF
COMMISSIONER OF ENVIRONMENT FOR
IMPLEMENTATION OF STATE OF
ILLINOIS SITE REMEDIATION
PROGRAM.

The Committee on Energy, Environmental Protection and Public Utilities
submitted the following report:

CHICAGO, May 14, 1997.

To the President and Members of the City Council:

Your Committee on Energy, Environmental Protection and Public Utilities, having held a meeting on Tuesday, May 13, 1997 and having had under consideration an ordinance signed by The Honorable Richard M. Daley, Mayor, prohibiting installation of new potable water supply wells and allowing the Commissioner of Environmental Protection to enter into agreements to implement the State of Illinois Site Remediation Program, begs leave to report and recommend that Your Honorable Body Pass the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of members of the committee.

Respectfully submitted,

(Signed) VIRGINIA A. RUGAI,
Chairman.

On motion of Alderman Rugai, the said proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Granato, Haithcock, Tillman, Preckwinkle, Holt, Steele, Beavers, Dixon, Shaw, Buchanan, Huels, Frias, Olivo, Burke, Jones, Coleman, Peterson, Murphy, Rugai, Troutman, Evans, Munoz, Zalewski, Chandler, Solis, Burnett, E. Smith, Burrell, Wojcik, Suarez, Gabinski, Austin, Colom, Banks, Giles, Allen, Laurino, O'Connor, Doherty, Natarus, Bernardini, Hansen, Levar, Shiller, Schulter, Moore, Stone -- 47.

Nays -- None.

Alderman Beavers moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 11-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-8-385 and by amending Section 11-8-390 by inserting the language in italics, as follows:

11-8-385 Potable Water Defined.

Potable water is any water used for human consumption, including, but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown.

11-8-390 Prohibited Use Of Secondary Water; Prohibited Installation Of New Potable Water Supply Wells.

No secondary water shall overflow into or be discharged into any surge tank, storage tank, or reservoir, or shall in any way be piped or conveyed into the water supply system of any building, structure, or premises to become a part of or be mixed with the fresh water supply from the mains of the Chicago Waterworks System either inside of the premises or in the water service pipe. Secondary water shall not be piped to or used in any plumbing fixture, or for cooling crushers, rollers, or mixers where foods, candies, liquids or materials are manufactured for human or animal consumption. No connection, tap, or opening shall be made in a water distribution system other than an approved water distribution system which will permit such water being used for drinking.

Wherever the fire-protective equipment in any building, structure or premises has service from the Chicago Waterworks System, no pipe or other conduit which conveys secondary water shall be cross-connected to the fire-protective equipment. All fire-protective equipment connected to the Chicago Waterworks System shall be constructed in such manner that

all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes and other equipment to any drainage pipes or sewers. *No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental agreement with the City of Chicago.*

SECTION 2. Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language in brackets and inserting the language in italics, as follows:

2-30-030 Commissioner -- Powers And Duties Designated.

The commissioner of the environment shall have the following powers and duties:

* * * * *

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs; *and agreements to implement the State of Illinois Site Remediation Program;*

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.