

File



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

(217) 524-3300

December 19, 2017

American Drapery Cleaners
Attn: Mr. Richard Zell (c/o Mr. Ariel Weissberg)
401 South LaSalle Street, Suite 403
Chicago, Illinois 60605

Re: 0316055033--Cook County
Chicago/American Drapery Cleaners
Site Remediation Program/Technical Reports

RELEASABLE
Reviewer *[Signature]* Date *1-19-18*

Dear Mr. Zell:

The October 26, 2017 *Response Letter and Tier 3 Evaluation* (received October 31, 2017; Log No. 17-65813), as prepared by EPS Environmental Services, Inc. (EPS) for the above-referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency (Illinois EPA). The subject document dated October 26, 2017 has been reviewed in conjunction with the previously submitted August 1, 2017 *Remedial Action Completion Report* (received August 3, 2017; Log No. 17-65219) submitted by EPS. Both referenced documents shall serve as the approved Remedial Action Completion Report.

The subject documents are approved with the following conditions:

1. The Site Base Map should be modified as follows:
 - a. Please adjust the map to show more surrounding areas and identify West Roscoe Street and North Bell Avenue. Each street right-of-way (and public alley) should be depicted using two boundary lines. Also, please identify adjacent land use in general terms (commercial, residential, etc.).
 - b. Please include 'West Roscoe Street' on the map following: "(2239)" & "(2235)" for clarity.
 - c. Please remove the location of SSD Sump Pits from the map & legend.
 - d. On the map, please clearly identify the Building Control Technology (BCT) correlating to the

footprint of the 2235 North Roscoe Street building; identify as "BCT Area".

- e. In regards to the BCT Area, the legend should state:

No building shall be occupied within the Building Control Technology (BCT) Area unless an Illinois EPA-approved BCT is operational prior to human occupancy.

With the exception of the BCT Area, any existing buildings or any future buildings constructed on the Remediation Site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sumps.

The limestone basement walls on the Remediation Site must remain sealed with the approved sealant.

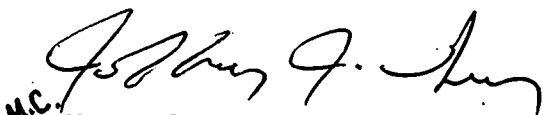
The sumps on the Remediation Site must remain sealed with the approved sealant. The sump covers must be resealed if removed for sump pump inspection, replacement, maintenance or for any other reason.

The BCT Area, sealed limestone basement walls, and the sealed sumps at the Remediation Site must be properly maintained to address the indoor inhalation pathway.

2. A draft No Further Remediation (NFR) letter is attached for your review and comment. Please provide a response to the draft NFR letter within 30 days. Once the Illinois EPA receives in writing any changes or comments to the draft NFR letter and after the applicable comments provided in this letter are satisfied, issuance of the final NFR letter will be recommended.

If you have questions regarding this letter, please contact me at (217) 785-8724.

Sincerely,


M.C. Jeffrey J. Guy, Project Manager
Voluntary Site Remediation Unit
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

cc: Nicholas J. Cuzzone, EPS Environmental Services: NCuzzone@epsenvironmental.com
Christopher Lewis, EPS Environmental Services: clewis@epsenv.com
Bureau of Land File



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

(217) 524-3300

DATE:

CERTIFIED MAIL

American Drapery Cleaners
Attn: Mr. Richard Zell (c/o Mr. Ariel Weissberg)
401 South LaSalle Street, Suite 403
Chicago, Illinois 60605

Re: 0316055033--Cook County
Chicago/American Drapery Cleaners
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Zell:

NOTICE: Remedial actions may not be completed at this remediation site, and this draft No Further Remediation Letter does not release any person from further responsibility for remedial actions at the site in accordance with Section 58.10 of the Act. The terms and conditions contained in this draft No Further Remediation Letter are those proposed for inclusion in a final No Further Remediation Letter that may be issued by the Illinois Environmental Protection Agency. After final remedial actions have been completed and a Remedial Action Completion Report has been submitted or this draft No Further Remediation letter has been approved by the Remediation Applicant, issuance of the final NFR letter will be recommended.

The August 1, 2017 *Remedial Action Completion Report* (received August 3, 2017; Log No. 17-65219) and the October 26, 2017 *Response Letter and Tier 3 Evaluation* (received October 31, 2017; Log No. 17-65813), as prepared by EPS Environmental Services, Inc. for the above-referenced Remediation Site, have been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). The remediation objectives approved for the site, in accordance with 35 Illinois Administrative Code Part 742, are above the existing concentrations of regulated substances and the above-referenced Reports shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 0.13 acres, is located at 2235 West Roscoe Street (aka 2235-2239 West Roscoe Street), Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental 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. The

Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received June 8, 2017; Log No. 17-64866) is American Drapery Cleaners.

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 Illinois EPA 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 characterized by the focused site investigation and successfully addressed, consist of the contaminants of concern identified in the attached Table A.
- 2) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 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

The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Preventive Controls:

There are no preventive controls required.

Engineering Controls:

There are no engineering controls required.

Institutional Controls:

- 4) No building shall be occupied within the area depicted on the attached Site Base Map unless a Building Control Technology ("BCT") meeting the requirements of 35 Illinois Administrative Code Part 742 Subpart L is operational prior to human occupancy. This "BCT Area" must be properly maintained to address the indoor inhalation pathway. If the BCT becomes inoperable, the site owner/operator shall notify building occupants and workers to implement protective measures.

- 5) With the exception of the BCT Area, any existing buildings or any future buildings constructed on the Remediation Site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sump(s).
- 6) The limestone basement walls on the Remediation Site must remain sealed with the approved sealant.
- 7) The sumps on the Remediation Site must remain sealed with the approved sealant. The sump covers must be resealed if removed for sump pump inspection, replacement, maintenance or for any other reason.
- 8) Failure to maintain the BCT Area, sealed limestone basement walls, or the sealed sumps shall be grounds for voidance of this No Further Remediation letter.

Other Terms

- 9) 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 of 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.
- 10) 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
Division of Records Management #16
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
- 11) 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 the 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) 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 forty-five (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 forty-five (45) days after receiving a request for payment from the Illinois EPA.

12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) American Drapery Cleaners;
- 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 thereto;
- 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.
- 13) This letter, including all attachments, must be recorded as a single instrument within forty-five (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 American Drapery Cleaners property.
- 14) Within thirty (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. Jim Scott
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

- 15) 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 billing statement.

If you have any questions regarding the American Drapery Cleaners property, please contact the Illinois EPA project manager, Jeffrey J. Guy at (217) 785-8724.

Sincerely,

Gregory W. Dunn, 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
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Nicholas J. Cuzzone, EPS Environmental Services: NCuzzone@epsenvironmental.com
Christopher Lewis, EPS Environmental Services: clewis@epsenv.com

Bureau of Land File
Mr. Jim Scott

DRAFT

PREPARED BY:

Name: Mr. Richard Zell (c/o Mr. Ariel Weissberg)
American Drapery Cleaners

Address: 401 South LaSalle Street, Suite 403
Chicago, Illinois 60605

RETURN TO:

Name: Mr. Richard Zell (c/o Mr. Ariel Weissberg)
American Drapery Cleaners

Address: 401 South LaSalle Street, Suite 403
Chicago, Illinois 60605

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: 0316055033

American Drapery Cleaners, the Remediation Applicant, whose address is 401 South LaSalle Street, Suite 403, Chicago, Illinois, 60605 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 a Plat Showing the Boundaries:

LOTS 2 AND 3 IN BLOCK 11 IN C.T. YERKE'S SUBDIVISION OF BLOCKS 33 TO 36 INCLUSIVE AND BLOCKS 41 TO 44 INCLUSIVE, ALL IN SUBDIVISION OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE EAST HALF OF THE SOUTHEAST QUARTER THEREOF, IN COOK COUNTY, ILLINOIS.

2. Common Address: 2235 West Roscoe Street (aka 2235-2239 West Roscoe Street),
Chicago, Illinois 60618

3. Real Estate Tax Index/Parcel Index Number: 14-19-318-008-0000 & 14-19-318-009-0000

4. Remediation Site Owner: American Drapery Cleaners

5. Land Use: Residential and/or Industrial/Commercial

6. Site Investigation: Focused

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

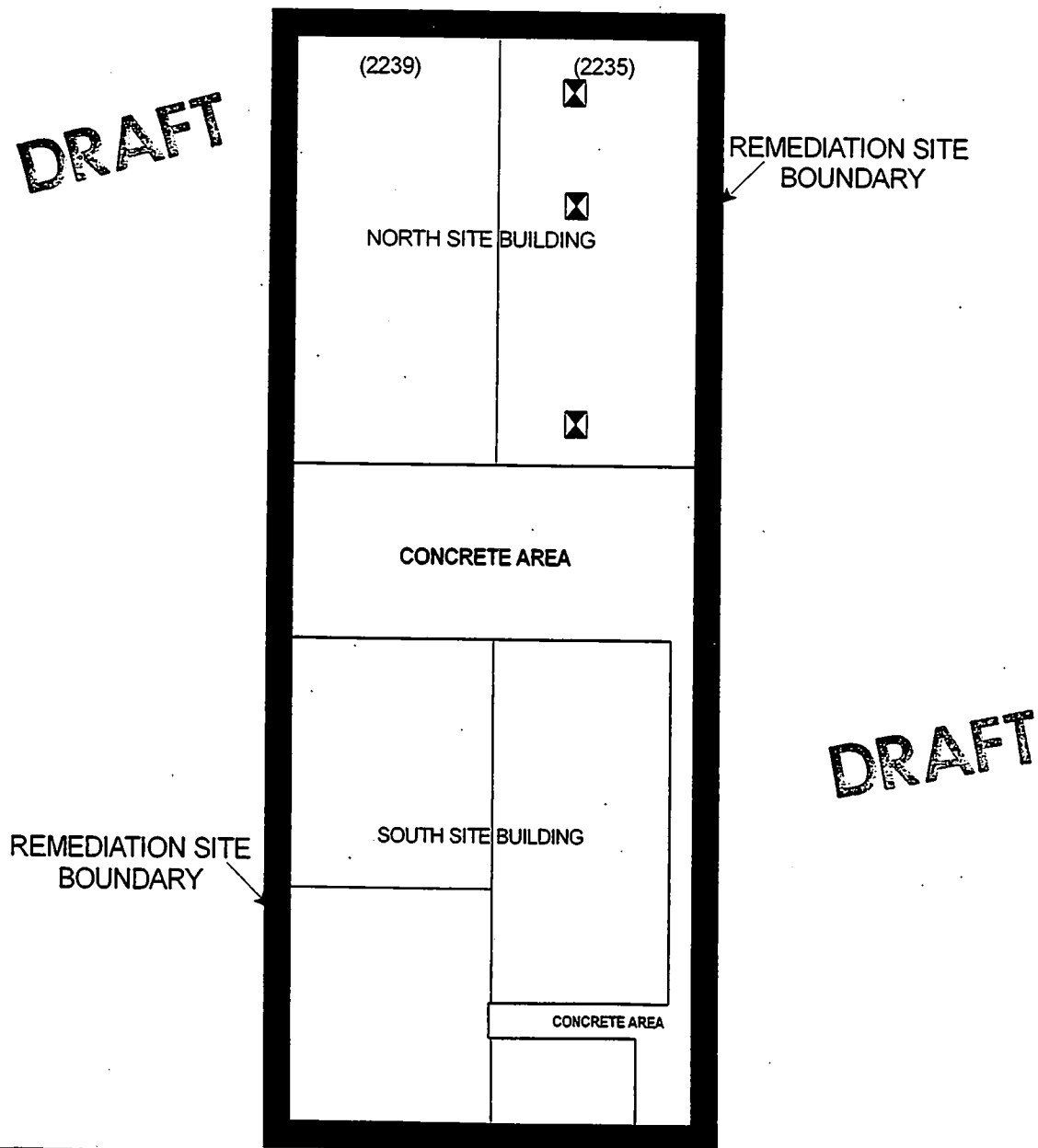
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Site Base Map
LPC#: 0316055033 - Cook County
Chicago/American Drapery Cleaners
Site Remediation Program/Technical Reports




WEST ROSCOE STREET

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PUBLIC ALLEY

 = Location of SSD Sump Pit

Scale:
1 inch = 20 feet
0' 20'

TABLE A: Regulated Substances of Concern

**LPC# 0316055033--Cook County
Chicago/American Drapery Cleaners
Site Remediation Program/Technical Reports**

Volatile Organic Compounds (VOCs)	
CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
540-59-0	1,2-Dichloroethene (total)
156-59-2	cis-1,2-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone
1634-04-4	Methyl tert-butyl ether
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

Semivolatile Organic Compounds (SVOCs)	
CAS No.	Compound Name
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-32-8	Benzo(a)pyrene
111-91-1	bis(2-Chloroethoxy)methane
111-44-4	bis(2-Chloroethyl)ether
117-81-7	bis(2-Ethylhexyl)phthalate
101-55-3	4-Bromophenyl-phenyl ether
85-68-7	Butylbenzylphthalate
86-74-8	Carbazole
106-47-8	4-Chloroaniline
59-50-7	4-Chloro-3-methylphenol
91-58-7	2-Chloronaphthalene
95-57-8	2-Chlorophenol
7005-72-3	4-Chlorophenyl-phenyl ether
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
132-64-9	Dibenzofuran
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
91-94-1	3,3'-Dichlorobenzidine
120-83-2	2,4-Dichlorophenol
84-66-2	Diethylphthalate
105-67-9	2,4-Dimethylphenol
131-11-3	Dimethylphthalate
534-52-1	4,6-Dinitro-2-methylphenol
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
84-74-2	Di-n-butylphthalate
117-84-0	Di-n-octylphthalate
206-44-0	Fluoranthene
86-73-7	Fluorene
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene

67-72-1	Hexachloroethane
193-39-5	Indeno(1,2,3-cd)pyrene
78-59-1	Isophorone
91-57-6	2-Methylnaphthalene
95-48-7	2-Methylphenol
106-44-5	4-Methylphenol
91-20-3	Naphthalene
88-74-4	2-Nitroaniline
99-09-2	3-Nitroaniline
100-01-6	4-Nitroaniline
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
621-64-7	N-Nitroso-di-n-propylamine
86-30-6	N-Nitrosodiphenylamine
108-60-1	2,2'-oxybis(1-chloropropane)
87-86-5	Pentachlorophenol
85-01-8	Phenanthrene
108-95-2	Phenol
129-00-0	Pyrene
120-82-1	1,2,4-Trichlorobenzene
95-96-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol

**PROPERTY OWNER CERTIFICATION OF THE NFR LETTER
UNDER THE SITE REMEDIATION PROGRAM**

Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

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 identification number and real estate tax index/parcel index number.

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 identification 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 _____, 20__
_____ Notary Public

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 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.

Notice to Remediation Applicant

Please follow these instructions when filing the NFR letter with the County Recorder's Office

Instructions for Filing the NFR Letter

The following documents must be filed:

DRAFT

- A. Body of the NFR Letter (contains appropriate terms and conditions, tables, etc.)
 - B. Attachments to NFR letter
 - Illinois EPA Site Remediation Program Environmental Notice (Legal Description and PIN of property)
 - Maps of the site
 - Table A: Regulated Substances of Concern (if applicable.)
 - Property Owner Certification
 - C. A copy of the ordinance, if applicable, used to address groundwater contamination
1. Place the Illinois EPA Site Remediation Program Environmental Notice on top of the NFR prior to giving it to the Recorder.
 2. If you are not the owner (record title holder) of the property on the date of filing of this NFR, you must attach a **completed** owner's certification form signed by the owner of the property at the time of filing (e.g., if the property recently sold, the new owner must sign).
 3. If any of the terms and conditions of the NFR letter references a groundwater ordinance, you must record a copy of the groundwater ordinance with the NFR letter.
 4. If any of the terms and conditions of the NFR letter references a highway agreement, you must record the highway agreement if specifically required by the municipality granting the agreement, the County or the Illinois Department of Transportation.
 5. Within thirty (30) days of this NFR Letter being recorded by the Office of the Recorder of the County in which the property is located, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Jim Scott
Illinois Environmental Protection Agency
Bureau of Land/RPMS
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

6. **Remove this page from the NFR letter, prior to recording.**

If you have any questions call (217) 524-6940 and speak with the "project manager on-call" in the Site Remediation Program.