



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

September 11, 2017

CERTIFIED MAIL

7014 2120 0002 3285 3862

Johns Manville
 Attn: Mr. Scott Myers
 717 17th Street, 12th Floor
 Denver, Colorado 80202

Re: 0971905397--Lake County
 Waukegan/Johns Manville
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Myers:

The *Remedial Action Completion Report* (received March 7, 2017/Log No. 17-64153), as prepared by AECOM Technical Services, Inc. for the above-referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates that the remediation objectives approved for the site, in accordance with 35 Illinois Administrative Code Part 742 including the indoor inhalation pathway, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the *Remedial Action Plan* (received April 18, 2014/Log No. 14-56423), the *RAP Revision 1 Amendment* (received June 3, 2015/Log No. 15-59625) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 109 acres, is located at 1871 North Pershing Road, Waukegan, 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 August 2, 2017/Log No. 17-65199), is Johns Manville.

This comprehensive 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 and does not require further remediation under the Act if utilized in accordance with the terms of this Letter.

4302 N. Main St., Rockford, IL 61103 (815)987-7760
 595 S. State, Elgin, IL 60123 (847)608-3131
 2125 S. First St., Champaign, IL 61820 (217)278-5800
 2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
 412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022
 2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
 100 W. Randolph, Suite 10-300, Chicago, IL 60601

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is restricted to industrial/commercial land use.
- 2) 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:

- 3) 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. 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 two 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:

- 4) The clean soil barrier, which is comprised of a minimum of three (3) feet of clean sand covering the area shown on the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 5) The clean soil barrier, which is comprised of a minimum of thirty (30) inches of clean sand underlying six (6) inches of a clean clay cap covering the area shown on the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 6) The clean soil alternative engineered barrier, which is comprised of a minimum of two (2) feet of compacted clay covering the area shown on the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

Institutional Controls:

- 7) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sump(s).
- 8) No person shall construct, install, maintain, or operate a 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 this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

Other Terms

- 9) 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 Leaking UST Incident Numbers 891724 and 951826 have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incidents.
- 10) 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.
- 11) 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

- 12) 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.

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

- a) Johns Manville;
- 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.

14) 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 Lake 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 Lake County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Johns Manville property.

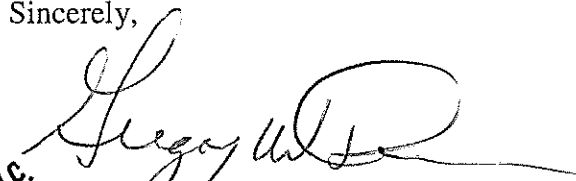
15) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Lake County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

16) 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 Johns Manville property, you may contact the Illinois EPA project manager, James Baldwin at (217) 524-7207.

Sincerely,


NWL M.C. 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
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Tat Ebihara
AECOM Technical Services, Inc.
tat.ebihara@aecom.com

William Bow
AECOM Technical Services, Inc.
William.bow@aecom.com

Ohl, Matthew
U.S. EPA
(ohl.matthew@epa.gov)

Erin Rednour
Erin.Rednour@Illinois.gov

Bureau of Land File
Mr. Jim Scott

PREPARED BY:

Name: Mr. Scott Meyers
Johns Manville

Address: 717 17th Street, 12th Floor
Denver, Colorado 80202

RETURN TO:

Name: Mr. Scott Meyers
Johns Manville

Address: 717 17th Street, 12th Floor
Denver, Colorado 80202

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 Lake County.

Illinois State EPA Number: 0971905397

Johns Manville, the Remediation Applicant, whose address is 717 17th Street, 12th Floor, Denver, Colorado 80202 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:

That part of Section 20, Township 45 North, Range 12 East of the Third Principal Meridian, Lake County, Illinois, more particularly described as follows:

Commencing at the Southwest corner of said Section 10; thence N89°43'46"E 1020.75 feet along the South line of said Section 10, said South line also being the North right-of-way line of Greenwood Avenue to the point of beginning; thence along the Easterly right-of-way of Pershing Road as occupied and monumented the following five courses: N74°39'14"W 283.59 feet, N01°53'18"E 301.04 feet, N01°50'36"W 303.36 feet, N06°41'15"E 101.37 feet and N83°18'45"W 50.03 feet to a line 100 feet Easterly of and parallel with the Easterly right-of-way line of the Chicago Northwestern Railroad Company; thence N06°40'41"E 1796.67 feet along said parallel line; thence N89°45'52"E 345.62 feet; thence S00°00'00"E 392.26 feet; thence N90°00'00"E 217.61 feet; thence 290.81 feet along the arc of a 492.17 foot radius curve to the right, chord bearing N66°30'01"E 286.60 feet; thence N89°52'37"E 562.13 feet; thence 334.11 feet along the arc of a 243.79 foot radius curve to the left, chord bearing S11°53'33"E 308.57 feet; thence S63°54'22"E 380.25 feet; thence 119.92 feet along the arc of a 236.14 foot radius curve to the right, chord bearing S47°17'05"E 118.63 feet; thence 167.34 feet along the arc of a 877.65 foot radius curve to the right, chord bearing S27°23'36"E

167.00 feet; thence S06°43'02"E 137.79 feet; thence S00°50'43"E 135.01 feet; thence S05°19'18"E 101.87 feet; thence S13°30'00"E 354.76 feet; thence S22°20'16"E 126.46 feet; thence S29°24'47"E 46.24 feet; thence S00°00'00"E 60.43 feet; thence N89°24'35"W 126.31 feet; thence S19°59'49"E 62.75 feet; thence S13°31'31"E 34.73 feet; thence S20°56'20"E 155.21 feet; thence S25°49'57"E 102.83 feet; thence S00°01'55"W 242.26 feet; thence S89°43'55"W 100.01 feet; thence S00°20'39"W 80.00 feet to the south line of said Section 10, said South line also being the said North right-of-way line of the Greenwood Avenue; thence S89°43'46"W 1939.14 feet along said Section line to the point of beginning, containing 109.21 acres of land, more or less.

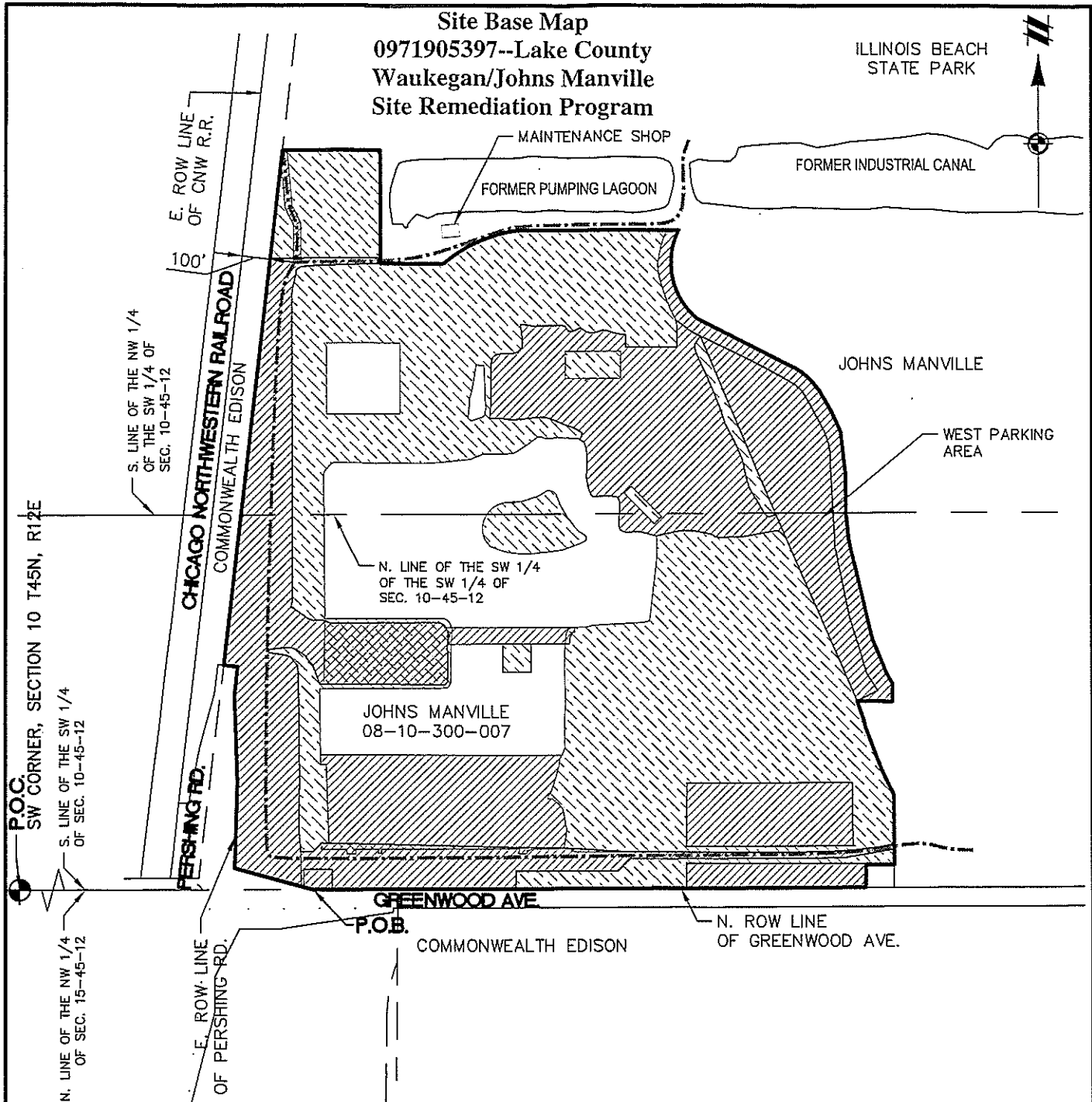
2. Common Address: 1871 North Pershing Road, Waukegan, Illinois 60087
3. Real Estate Tax Index/Parcel Index Number: 08-10-300-007
4. Remediation Site Owner: Johns Manville
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

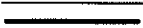
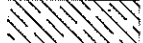



(Illinois EPA Site Remediation Program Environmental Notice)

Site Base Map
0971905397--Lake County
Waukegan/Johns Manville
Site Remediation Program

ILLINOIS BEACH
STATE PARK



LEGEND

-  SRP SITE BOUNDARY (109.21 ACRES +/-)
-  2' COMPACTED CLAY CAP
-  CAP CONSISTING OF 36" OF GEOLOGIC MATERIALS (30" SAND; 6" CLAY) MEETING 36 IAC 742.1105 REQUIREMENTS
-  PIPING PLOVER NESTING AREA CAP 36" OF GEOLOGIC MATERIAL (MEETING 36 IAC 742.1105 REQUIREMENTS)
-  ACCESS ROAD

SCALE: 1" = 500'

DR: KMM
CAD FILE: 13001174EX-007.DWG

PROJECT NO.: 13001174
DATE: 07/11/2017



ATWELL

866.850.4200 www.atwell-group.com
 1245 EAST DIEHL ROAD, SUITE 100
 NAPERVILLE, IL 60563
 DESIGN FIRM #184-005876

**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:

- 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:

P.J. Gebhardt
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.