**Section 740.620 Duty to Record No Further Remediation Letter**

a) Except as provided in Sections 740.621 and 740.622 of this Part, *the* *RA receiving a No Further Remediation Letter from the Agency pursuant to* Title XVII of the Act and this Subpart F *shall submit the letter,* and, where the RA is not the sole owner of the remediation site, an owner certification in accordance with subsection (d) below, *to the Office of the Recorder or the Registrar of Titles of the county in which the* remediation *site is located within 45 days after receipt of the letter*. [415 ILCS 5/58.8(a)]

1) *The Office of the Recorder or the Registrar of Titles shall accept and record that letter* and, where applicable, the owner certification under subsection (d) below *in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.* [415 ILCS 5/58.8(a)]

2) *In the event that a No Further Remediation Letter issues by operation of law pursuant to* Title XVII of the Act and this Subpart F, *the RA may* record *an affidavit stating that the letter issued by operation of law.* [415 ILCS 5/58.8(d)] Attached to the affidavit shall be the following information:

A) An acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;

B) A description of the location of the remediation site by adequate legal description or by reference to a plat showing its boundaries;

C) The level of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;

D) A statement that the No Further Remediation Letter signifies a release from further responsibilities under the Act in performing the approved remedial action and shall be considered prima facie evidence that the following, as identified in the scope of work and the approved Remedial Action Plan, 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 the No Further Remediation Letter:

i) The remediation site;

ii) Selected recognized environmental conditions and related contaminants of concern at the remediation site; and

iii) A combination of (a)(2)(D)(i) or (a)(2)(D)(ii) above;

E) The prohibition against the use of any remediation site in a manner inconsistent with any property use limitation imposed as a result of such remediation efforts without additional appropriate remedial activities;

F) A description of any preventive, engineering, and institutional controls or monitoring required in the approved Remedial Action Plan and notification that failure to manage the controls or monitoring in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter;

G) The opportunity to request a change in the recorded land use pursuant to Title XVII of the Act and subsection c of this Section;

H) Notification that further information regarding the remediation site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140]; and

I) An owner certification in accordance with subsection (d) below, where applicable.

b) Except as provided in Sections 740.621 and 740.622 of this Part, *a* *No Further Remediation* *Letter* or the affidavit filed under subsection (a)(2) above shall be perfected upon the date of the official recording of the letter or affidavit. An unperfected No Further Remediation Letter is effective only as between the Agency and the Remediation Applicant. The Agency may, pursuant to Section 740.625 of this Part, void a No Further Remediation Letter for failure to perfect in a timely manner in accordance with subsection (a) of this Section. The RA shall obtain and submit to the Agency, within 30 days after recording, a copy of the letter or affidavit and the owner certification under subsection (d) below, where applicable, demonstrating that the recording requirements have been satisfied.

c) *At no time shall any* remediation *site for which a land use limitation has been imposed as a result of remediation activities under Title XVII of the Act be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new* No Further Remediation *Letter obtained and recorded in accordance with* Title XVII of the Act and this Part. [415 ILCS 5/58.8(c)]

d) Where the RA is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or the authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The certification shall be recorded in accordance with this Section, Sections 740.621 and 740.622, as applicable, along with the No Further Remediation Letter or an affidavit under subsection (a)(2) above. The certification shall read as follows:

"I hereby certify that I have reviewed the attached No Further Remediation Letter [or "affidavit" if filed under subsection (a)(2) above], and that I accept the terms and conditions and any land use limitations set forth in the letter [or "affidavit"]."

(Source: Amended at 26 Ill. Reg. 7197, effective April 25, 2002)