

UNOFFICIAL COPY

0010152375

5/9/03 19 005 Page 1 of 11  
2001-02-26 12:53:44  
Cook County Recorder 41.00



PREPARED BY:

Name: Equilon Enterprises, L.L.C.

Address: 1600 South Central Avenue  
Cicero, Illinois

RETURN TO:

Name: Equilon Enterprises, L.L.C.

Address: 603 Diehl Road, Suite 103  
Naperville, Illinois 60563



COOK COUNTY  
RECORDER  
EUGENE "GENE" MOORE  
ROLLING MEADOWS

THE ABOVE SPACE FOR RECORDER'S OFFICE

**LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE**

**THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.**

Illinois EPA Number: 0310515264

LUST Incident No.: 990428

Equilon Enterprises, L.L.C., the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 603 Diehl Road, Suite 103, Naperville, Illinois, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal description or Reference to a Plat Showing the Boundaries: See Exhibit "A"
2. Common Address: 1600 South Central Avenue, Cicero, Illinois
3. Real Estate Tax Index/Parcel Index Number: 16-20-408-045 & 16-20-408-049
4. Site Owner: Equilon Enterprises, L.L.C.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

Leaking Underground Storage Tank Environmental Notice

11  
2/11  
8



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-6762

CERTIFIED MAIL

Handwritten: 0001 2085 9212

Original Date: December 26, 2000  
Corrected Date: January 30, 2001  
Corrected Date: February 8, 2001

Equilon Enterprises, L.L.C.  
Attention: Lisa Schoedel  
603 Diehl Road, Suite 103  
Naperville, Illinois 60563

FFR 1 & 2001

Re: LPC #0310515264 -- Cook County  
Cicero/Shell Service Station #126992  
1600 South Central Avenue  
LUST Incident No. 990428  
LUST Technical File

Dear Ms. Schoedel:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the High Priority Corrective Action Report submitted for the above-referenced incident. This information is dated August 11, 2000; was received by the Illinois EPA August 28, 2000; and was prepared by Handex of Illinois, Inc. Citations in this letter are from the Environmental Protection Act ("Act") and 35 Illinois Administrative Code ("35 IAC").

The High Priority Corrective Action Completion Report and associated Professional Engineer Certification indicate corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(c)(1)(E) of the Act and 35 IAC Section 732.409(a)(2) have been satisfied.

Based upon the certification by Richard Coan, a Registered Professional Engineer of Illinois, and the certification by Equilon Enterprises, L.L.C., the owner and operator of the underground storage tank(s), and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter ("Letter"), based on the certification of the Registered Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the occurrence has been completed; and (3) no further remediation concerning the

GEORGE H. RYAN, GOVERNOR

Page 2

occurrence is necessary for the protection of human health, safety and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following persons:

1. Equilon Enterprises, L.L.C.;
2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);
4. Any co-owner or co-operator, either by joint-tenancy, right of survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued;
5. Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable;
6. Any mortgagee or trustee of a deed of trust of the owner of the site or any assignee, transferee, or any successor-in-interest of the owner of the site;
7. Any successor-in-interest of such owner or operator;
8. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest; or
9. Any heir or devisee of such owner or operator.

This Letter, and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of its receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the County where the above-referenced site is located. In addition, the Town of Cicero Groundwater Ordinance #140-97 must be filed as an attachment of this letter with the Office of the Recorder or Registrar of Titles of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable County in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 IAC Part 742) rules.
2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: There are no land use limitations.
3. The land use limitation 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. Preventive: None.
- Engineering: None.
- Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this letter.

The Town of Cicero Groundwater Ordinance #140-97 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:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the City of Cicero must receive written notification from the owner/operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be

submitted to the Illinois EPA within 45 days from the date of this Letter. 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.

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;
- b) Approval of a site-specific request, such as a variance, to allow use of groundwater at the site;
- c) Violation of the terms of an institutional control recorded.

As a part of its corrective action, the LUST site has relied upon the Town of Cicero Groundwater Ordinance #140-97, prohibiting potable uses of groundwater as defined therein. Proof of notification of affected parties, if any, shall be submitted in accordance with 35 IAC 742.1015(b) and (c) within 45 days of the issuance of this NFR Letter.

- 5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan may result in voidance of this Letter.

Page 5

OTHER TERMS

6. Any contaminated soil or groundwater removed, or excavated from, or disturbed at the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attention: Freedom of Information Act Officer  
Bureau of Land - #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(s) associated with the above referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance of this Letter include, but shall not be limited to:
  - a) Any violation of institutional controls or industrial/commercial 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 Corrective Action Plan or Completion Report;
  - d) The failure to comply with the recording requirements for the Letter;
  - e) Obtaining the Letter by fraud or misrepresentation; or
  - 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.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board ("Board") to contest the decision of the

Page 6

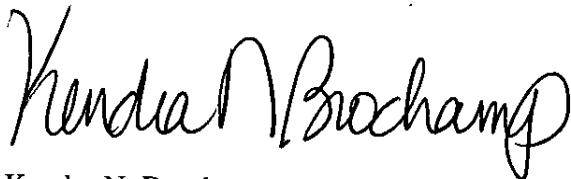
Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

Submit the certified copy of this letter, as recorded, to:

Illinois Environmental Protection Agency  
Bureau of Land #24  
LUST Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Mindy Sanders, at 217/782-6702

Sincerely,



Kendra N. Brockamp  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation  
Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: John Robbins, Handex of Illinois, Inc.  
Division File

Property of Cook County Clerk's Office



RECEIVED  
JUL 28 2000

**THE TOWN OF CICERO**

STATE OF ILLINOIS  
4937 WEST 25th STREET  
CICERO, ILLINOIS 60804

MARYLIN COLPO  
OFFICE OF THE TOWN CLERK

(708) 656-3600, Ext. 200  
FAX: (708) 656-5801

July 26, 2000

CERTIFICATION

I, Marilyn Colpo, duly elected Town Clerk of the Town Cicero, hereby certify that the attached Ordinance # 140-97, is a true & correct copy, adopted at a meeting of the President and Board of Trustees of the Town of Cicero held October 28, 1997.

Marilyn Colpo  
MARYLIN COLPO, TOWN CLERK

Property of Cook County Clerk's Office



**AN AMENDED ORDINANCE PROHIBITING THE USE OF GROUND WATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

WHEREAS, certain properties in the Town of Cicero, Illinois, have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentration of certain chemical constituents in the groundwater beneath the Town may exceed Class I groundwater quality standards for potable resource ground water as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Town of Cicero desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productivity of properties that are the source of said chemical constituents.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE TOWN OF CICERO, ILLINOIS:

**Section One. Use of groundwater as a potable water supply prohibited.**

~~Except as otherwise provided in this Code of Ordinances,~~ the use or attempt to use as a potable water supply groundwater from within the corporate limits of the Town of Cicero by the installation or drilling of wells or by any other method is hereby prohibited. This provision shall not apply to use of groundwater by the Town of Cicero.

**Section Two. Penalties.**

Any person violating the provisions of this ordinance shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) for each violation.

**Section Three. Definitions.**

“Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

“Potable water” is any water used for human or domestic consumption, including, but not limited to, water used for drinking.

This ordinance is applicable everywhere within the corporate limits of the Town of Cicero.

Section Four. Effective Date.

This ordinance shall take effect upon its passage and approval.

Betty Loren-Maltese  
Betty Loren-Maltese, President - Town of Cicero

ATTEST:

Marilyn Colpo  
Marilyn Colpo, Town Clerk

Date of Passage: 10-28-97

Date of Publication: \_\_\_\_\_

Copy: Bulletin Bd  
Water  
Mun Code  
Legal

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

MAR 19 1999 7:07PM

SHELL ENG/COM REL 630-572-5939

NO. 5136 P. 10

0010152375

Page 11 of 11

## EXHIBIT "A" COOK COUNTY, ILLINOIS

Tract 89. - 1600 S Central/ 16th, Cicero, COOK, WIC 212-1574-0503

Tax Parcel # 16-20-408-045

16-20-408-049

The South 100 feet of the North 133 feet of the West  
100 feet of the East 133 feet of the Southeast 1/4 of  
Section 20, Township 39 North, Range 13, East of the  
Third Principal Meridian;

-also-

Lot 10 of Kubiak's Subdivision of South 200 feet of  
North 233 feet of the Northeast 1/4 of the Northeast 1/4  
of the Northeast 1/4 of the Southeast 1/4 of Section 20,  
Township 39 North, Range 13, East of the Third Principal  
Meridian, except streets heretofore dedicated and except  
the North 133 feet of East 133 feet of said Southeast  
1/4 in Cook County, Illinois;

together with all easements, rights, privileges and appurtenances  
thereto, all buildings, land improvements and personal property  
thereon, and all of Grantor's right, title and interest (if any)  
in all public ways adjoining the Premises;