0010180416
5259/0013 39 005 Page 1 of 8
2001-03-08 09:47:45
Cook County Recorder 35.00

PREPARED BY:

Name: Equilon Enterprises, LLC

Address: 8000 West 111th & Roberts Road
Palos Hills, Illinois

COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
ROLLING MEADOWS

RETURN TO:

Name: Equilon Enterprises, LLC
Attention: Lisa Schoedel

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

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: 0312405030
LUST Incident No.: 950867
Equilon Enterprises, LLC, 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: That part of the east 30 acres south of the Calumet Feeder in the southeast quarter of Section 14, Township 37 North, Range 12, East of the Third Principal Meridian, described as follows: Beginning at the southeast corner of Section 14, thence north on the east line of said Section 14, a distance of 250 feet, thence west on a line parallel with the south line of said Section 14, a distance of 200 feet; thence south, on a line parallel with the east line of said Section 14, a distance of 250 feet, to a point on the south line of said Section 14, thence east on the south line of said Section 14, a distance of 200 feet, to the point of beginning. Excepting therefrom the east 50 feet and the south 50 feet of the west 150 feet to be used for highway purposes, all in Cook County, Illinois
2. Common Address: 8000 West 111th & Roberts Road, Palos Hills, Illinois
3. Real Estate Tax Index/Parcel Index Number: 23-14-400-059
4. Site Owner: Equilon Enterprises, LLC
5. Land Use Limitation: The groundwater under the site shall not be used as a potable water supply.
6. See the attached No Further Remediation Letter for other terms.

TAH:DW:jk013251.doc

8 NM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

217/782-6762

THOMAS V. SKINNER, DIRECTOR

CERTIFIED MAIL

0001 2085 6952

FEB 14 2001

Equilon Enterprises, LLC
Attention: Lisa Schoedel
603 Diehl Road – Suite 103
Naperville, Illinois 60563

Re: LPC # 0312405030 -- Cook County
Palos Hills/Shell Oil Company
8000 West 111th & Roberts Road
LUST Incident No. 950867
LUST Technical File

Dear Ms. Schoedel:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Signed Highway Authority Agreement submitted for the above-referenced incident. This information is dated October 2000; was received by the Illinois EPA October 17, 2000; and was prepared by Handex. 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 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 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, LLC;

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. 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. This site was classified as "High Priority" in accordance with Section 57.7(b)(3) of the Act and 35 IAC Section 732.304. In accordance with 35 IAC Section 732.404(a), the owner or operator has remediated or eliminated each of the criteria that caused the site to be classified as High Priority. The remediation objectives for the above-referenced site 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: The groundwater under the site shall not be used as a potable water supply.

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: Prior to commencement of any future excavation and/or construction in or near the contaminated zone on the remediation site, a safety plan for this remediation site is required that is 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 U.S. EPA guidance as provided. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.

   Engineering: The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water. No person shall construct, install, maintain or utilize a potable water supply well. In accordance with Section 3.65 of the Act, "potable" means generally fit for human consumption in accordance with accepted water supply principles and practices.

   A building or asphalt/concrete barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media as well as to impede contaminant migration to the groundwater must remain over the contaminated soils as outlined in the attached Site Base Map. This building or asphalt/concrete barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media and/or to impede contaminant migration to the groundwater.

   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.

   Cook County Highway Department agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater or soils to remain beneath its highway right-of-way adjacent to the site located at 8000 West 111th Street. Specifically, contamination will remain in the right-of-way for 8000 West 111th Street as indicated in the Highway Authority Agreement. The Highway Authority agrees (a) to prohibit the use groundwater under the highway right-of-way that is contaminated above residential Tier 1 remediation objectives from the release as a potable or other domestic supply of water, and

(b) to limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to the Cook County Highway Department at 312/603-1600.

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.

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 voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance 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 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, Donna Wallace, at 217/524-1283.

Sincerely,

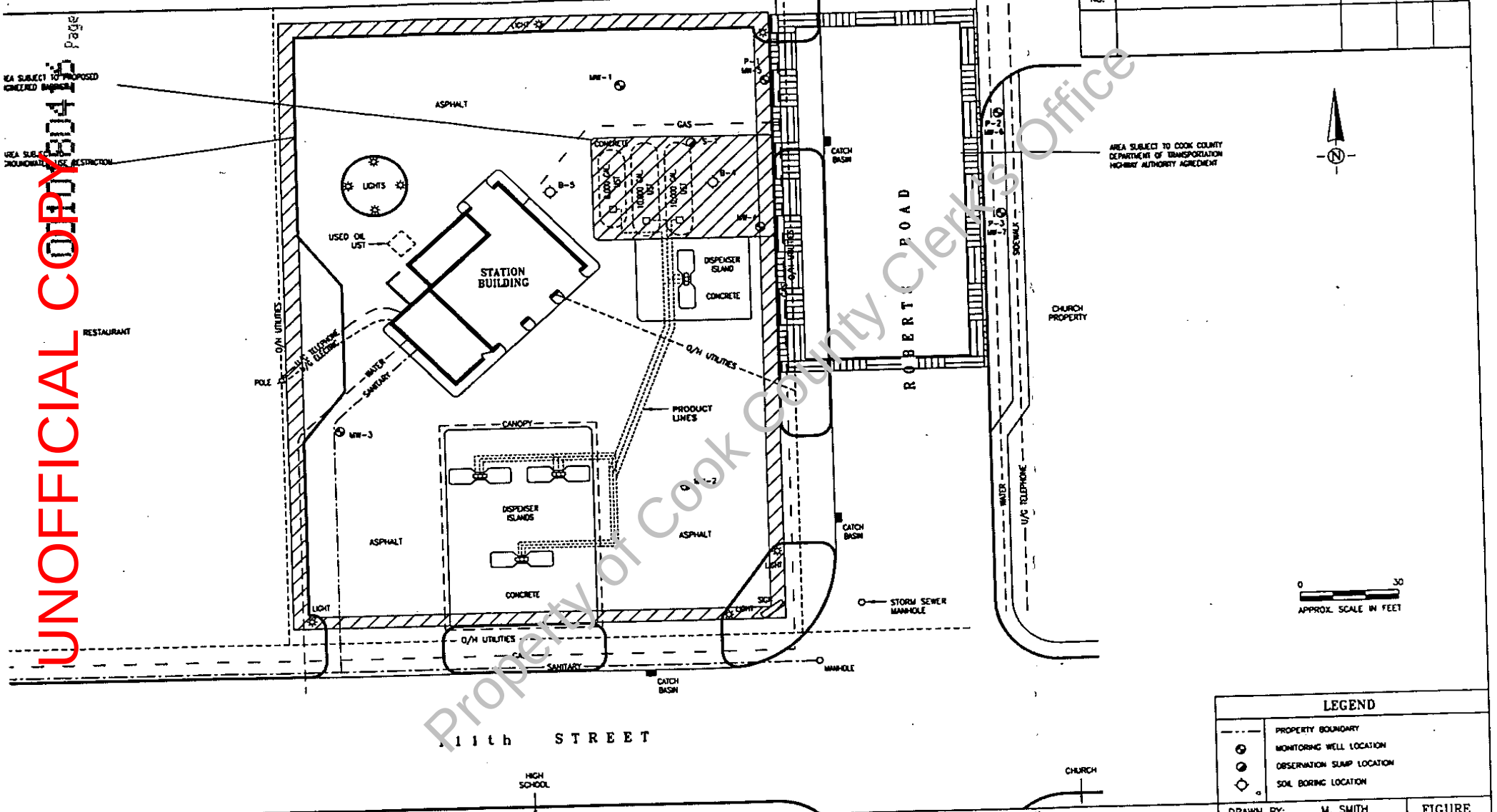
Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

TAH:DW:jk\013251.doc

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Handex
Division File

NO.	REVISIONS	DATE	BY	CHKD



LEGEND

- PROPERTY BOUNDARY
- MONITORING WELL LOCATION
- OBSERVATION SUMP LOCATION
- SOIL BORING LOCATION

Handex OF ILLINOIS
1701 W. QUINCY, SUITE 31
NAPERVILLE, ILLINOIS 60540
(630) 527-1666

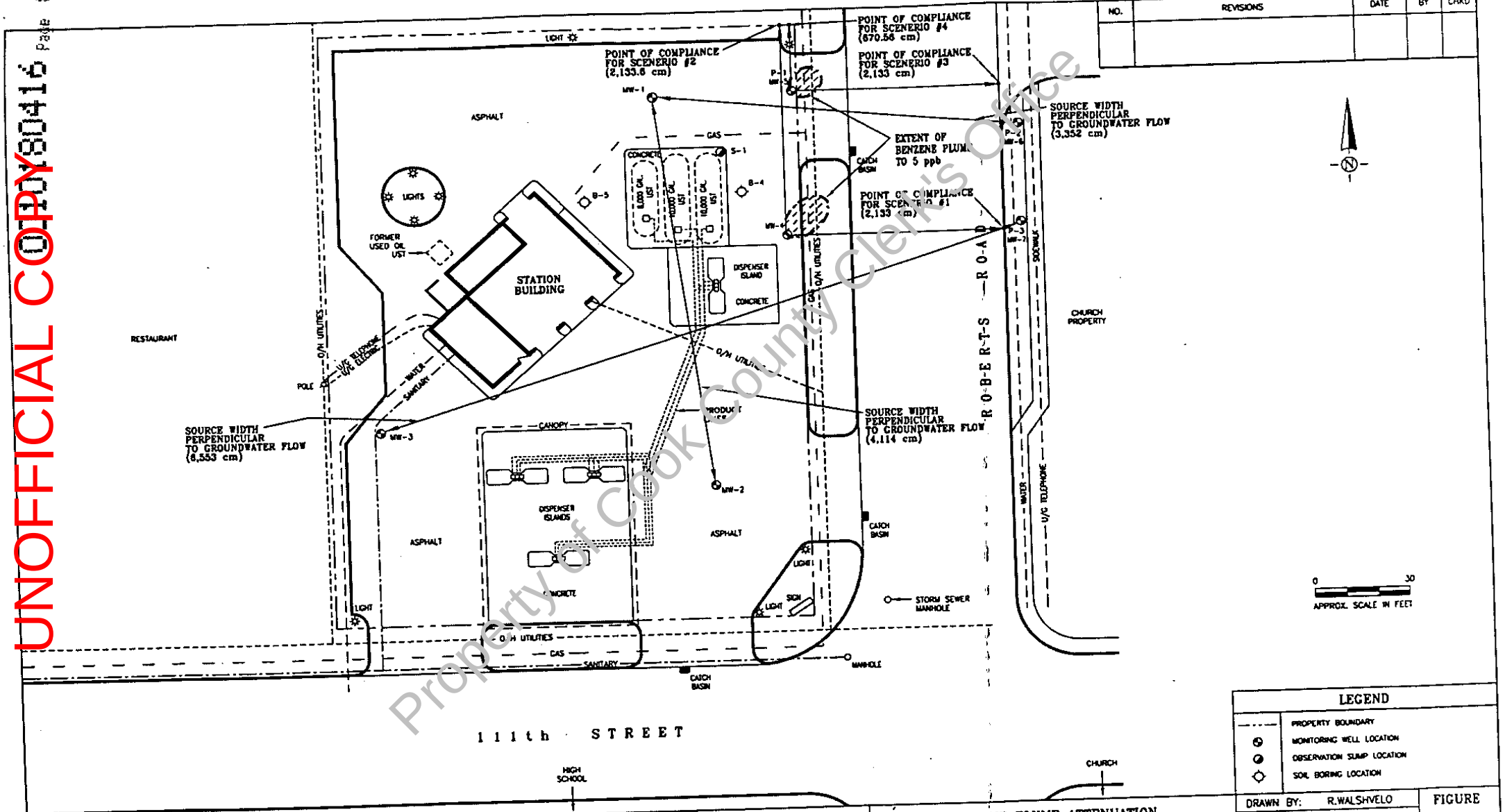
EQUILON ENTERPRISES, L.L.C.
Equiva Services L.L.C.
603 Diehl Road, Suite 103
Naperville, Illinois 60563

ARE SUBJECT TO GROUNDWATER RESTRICTION, ENGINEERED BARRIER AND CCDOT AGREEMENT MAP
SERVICE STATION WIC # 212-6054-0204
8000 WEST 111th STREET
PALOS HILLS, COOK COUNTY, ILLINOIS

DRAWN BY:	M. SMITH
CHECKED BY:	–
SCALE:	1" = 30'
DATE:	9/13/98
DRAWING FILE:	115094

FIGURE 8

NO.	REVISIONS	DATE	BY	CHKD



LEGEND

- PROPERTY BOUNDARY
- MONITORING WELL LOCATION
- OBSERVATION SUMP LOCATION
- SOIL BORING LOCATION

Handex OF ILLINOIS
1701 W. QUINCY, SUITE 31
NAPERVILLE, ILLINOIS 60540
(630) 527-1666

EQUILON ENTERPRISES, L.L.C.

Equiva Services, L.L.C.
603 Diehl Road, Suite 103
Naperville, Illinois 60563

BENZENE PLUME ATTENUATION TO 5 PPB MAP

SERVICE STATION WIC # 212-6054-0204
8000 WEST 111th STREET
PALOS HILLS, COOK COUNTY, ILLINOIS

DRAWN BY:	R.WALSHVELO
CHECKED BY:	-
SCALE:	1" = 30'
DATE:	12/10/99
DRAWING FILE:	115094

FIGURE 7