

UNOFFICIAL COPY

0010256536

2/7/08 38 001 Page 1 of 15
2001-03-30 16:44:23
Cook County Recorder 49.50



PREPARED BY:

Name: Ms. Elizabeth Valery
Exxon Mobil Corporation

Address: 8 East Higgins Road
Elk Grove Village, Illinois 60007

RETURN TO:

Name: Ms. Elizabeth Valery
Exxon Mobil Corporation

Address: Joliet Refinery
P.O. Box 874
Joliet, Illinois 60434

THE ABOVE SPACE FOR RECORDER'S OFFICE

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

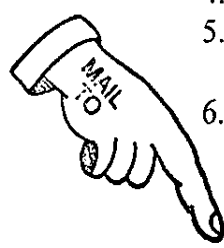
THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANKS ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER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

Illinois EPA Number: 0314405415

LUST Incident Nos.: 861126 & 951378

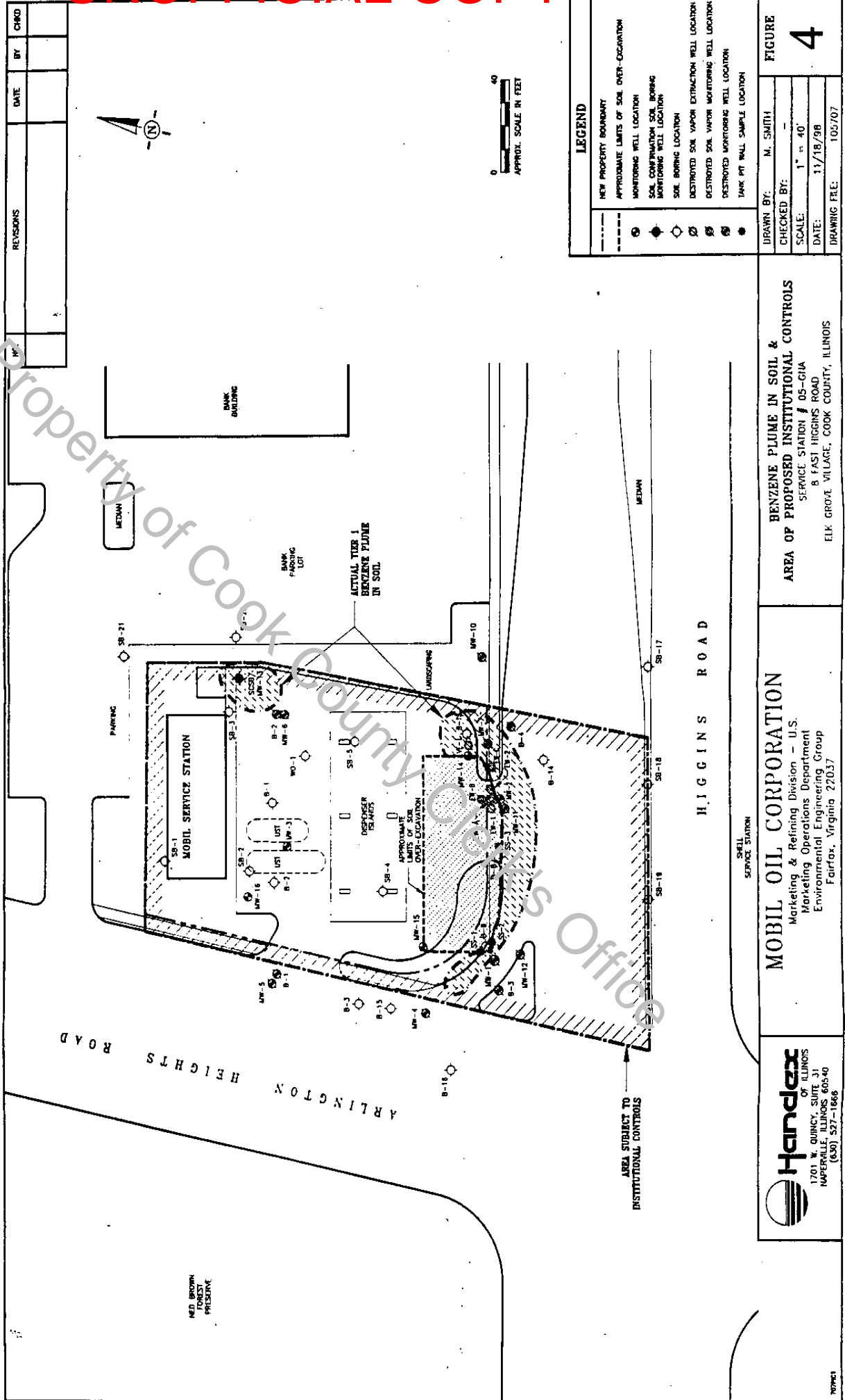
Exxon Mobil Corporation, the owner and operator of the leaking underground storage tanks associated with the above-referenced incident, whose address is Joliet Refinery, P.O. Box 874, Joliet, Illinois, has performed investigative and/or remedial activities for the site identified as follows and depicted on the Site Base Map attached to the No Further Remediation Letter:

1. Legal description or Reference to a Plat Showing the Boundaries: See Legal Description attached to the No Further Remediation Letter
2. Common Address: 8 East Higgins Road, Elk Grove Village, Illinois
3. Real Estate Tax Index/Parcel Index Number: 08-21-401-002
4. Site Owner: Exxon Mobil Corporation
5. Land Use Limitation: The groundwater under the site shall not be used as a potable water supply.
6. See the No Further Remediation Letter for other terms.



Leaking Underground Storage Tank Environmental Notice

HANDEX OF ILLINOIS, INC
ATTN. MICHAEL LAWRENCE
1701 W. QUINCY AVE STE 10
NAPERVILLE, IL. 60540



Property of Cook County Environmental Office

BENZENE PLUME IN SOIL & AREA OF PROPOSED INSTITUTIONAL CONTROLS
 SERVICE STATION # 05-GIA
 8 FAST HIGGINS ROAD
 ELK GROVE VILLAGE, COOK COUNTY, ILLINOIS

MOBIL OIL CORPORATION
 Marketing & Refining Division - U.S.
 Marketing Operations Department
 Environmental Engineering Group
 Fairfax, Virginia 22037

Handex
 OF ILLINOIS
 1701 W. QUINCY, SUITE 31
 MAPERVILLE, ILLINOIS 60540
 (630) 527-1866

LEGEND	
---	NEW PROPERTY BOUNDARY
○	APPROXIMATE LIMITS OF SOIL OVER-OCCUPATION
●	MONITORING WELL LOCATION
◇	SOIL CONCENTRATION SOIL BORING MONITORING WELL LOCATION
○	SOIL BORING LOCATION
○	DESTROYED SOIL VAPOR EXTRACTION WELL LOCATION
○	DESTROYED SOIL VAPOR MONITORING WELL LOCATION
○	DESTROYED MONITORING WELL LOCATION
○	PAVEMENT WALL SAMPLE LOCATION

DRAWN BY:	M. SMITH
CHECKED BY:	
SCALE:	1" = 40'
DATE:	11/18/98
DRAWING FILE:	105/707

FIGURE
4

REVISIONS	DATE	BY	CHKD

RED BROWN FOREST PRESERVE

AREA SUBJECT TO INSTITUTIONAL CONTROLS

HIGGINS ROAD

ARLINGTON HEIGHTS ROAD

BANK BUILDING

MEDIAN

ACTUAL TIER 1 BENZENE PLUME IN SOIL

PARKING

MOBIL SERVICE STATION

DISPENSER ISLANDS

APPROXIMATE LIMITS OF SOIL OVER-OCCUPATION

UNDESIRING

SHELL SERVICE STATION

Construction

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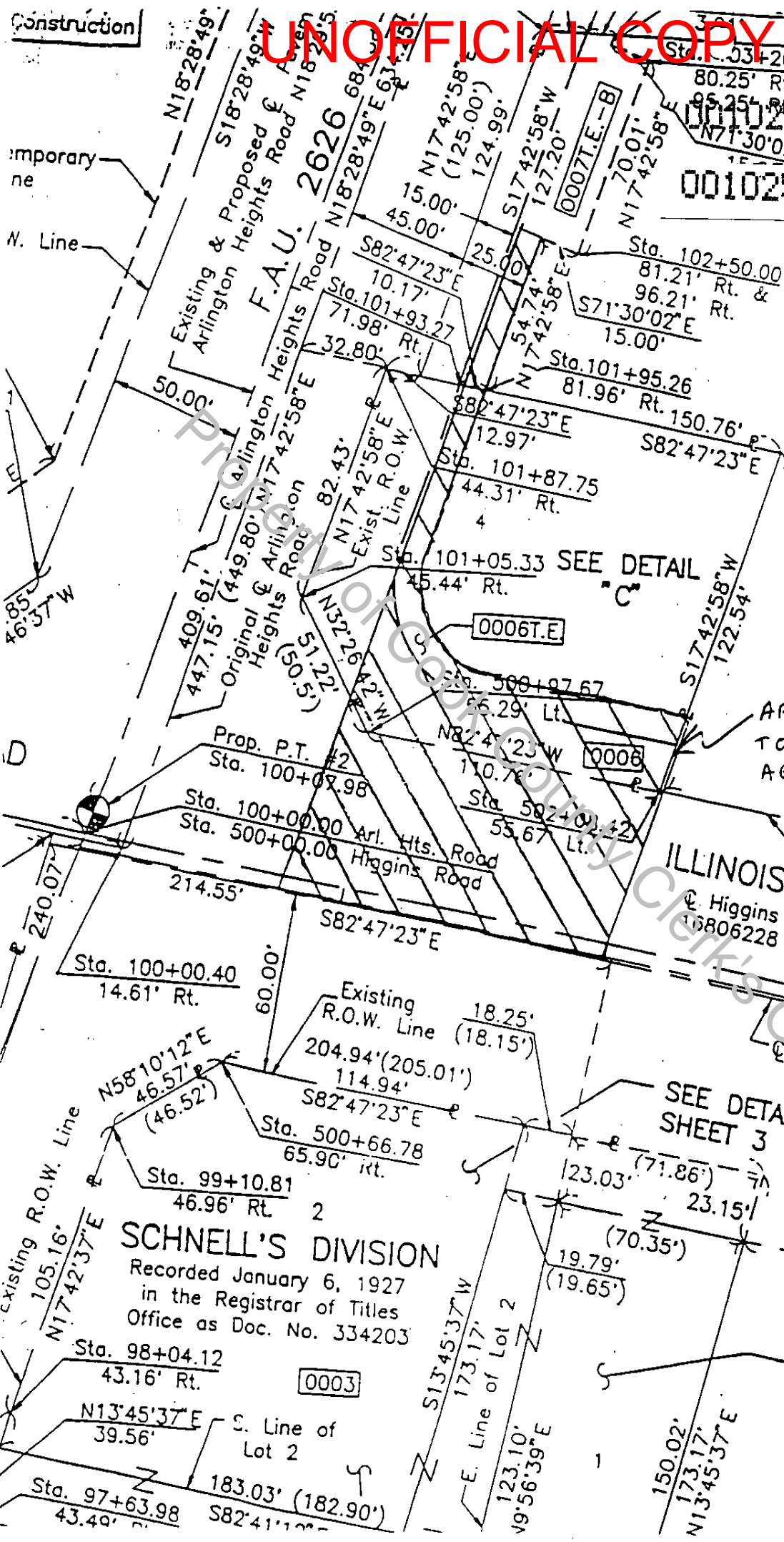
469.49' (469.44') - N

Temporary
Line

Sta. 53+20.00
80.25' Rt. &
95.25' Rt.
N71°30'02"W
0010256536
0010256536

Page 3 of 15

STATION
493+85.00
493+85.00
493+85.00
494+19.25
495+05.00
495+05.00
495+05.00



62

SEE DETAIL
"C"

HIGGINS
SUBDIV
Recorded
TO TACC Registrar of T
AGREEMENT
SEE
RIGI

ILLINOIS ROUTE 72
Existing R.O.W. Line
& Higgins Road According to Doc.
16806228 & Doc. 334203

SEE DETAIL "B"
SHEET 3

SHELL OIL
CONSOLIDATED
Recorded Jun
Document No
FIGURE
3

Guardrail along

Legal Description
Mobil Oil #05-GNA (LPC #0314405415)

Mobil Oil Service Station (05-GNA)
8 East Higgins Road
Elk Grove Village, IL

PARCEL 1

THAT PART OF LOT 4 IN ARTHUR B. SCHARRINGHAUSEN'S RESUBDIVISION OF PARTS OF SECTION 21 AND 22, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 4 (BEING THE INTERSECTION OF THE CENTERLINES OF HIGGINS ROAD AND ARLINGTON HEIGHTS ROAD); THENCE NORTHERLY ALONG THE WESTERLY LINE OF LOT 4 (BEING THE CENTERLINE OF ARLINGTON HEIGHTS ROAD) 1183.56 FEET; THENCE EASTERLY PARALLEL TO THE SOUTHERLY LINE OF LOT 4, 183.56 FEET; THEN SOUTHERLY PARALLEL TO THE WESTERLY LINE OF LOT 4, 183.56 FEET TO THE SOUTHERLY LINE OF LOT 4 (BEING THE CENTERLINE OF HIGGINS ROAD); THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOT 4, 183.56 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART THEREOF TAKEN FOR HIGGINS ROAD AND ARLINGTON HEIGHTS ROAD, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2

PART OF LOT SIXTY TWO (EXCEPT THE SOUTHERLY 27 FEET THEREOF (62) IN HIGGINS ROAD COMMERCIAL SUBDIVISION UNIT NO. 41 BEING A RESUBDIVISION IN SECTION 21, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON SEPTEMBER 11, 1968, AS DOCUMENT NUMBER 2409901.

DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 62, THENCE SOUTH 89 DEGREES 20 MINUTES 15 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 62, 15.81 FEET TO A LINE THAT IS PARALLEL TO AND 15 FEET EAST OF THE WEST LINE OF SAID LOT 62, SAID PARALLEL LINE BEING THE OCCUPIED RIGHT OF WAY LINE; THENCE SOUTH 17 DEGREES 43 MINUTES 48 SECONDS WEST, ALONG SAID PARALLEL LINE, 68.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 82 DEGREES 47 MINUTES 13 SECONDS EAST, 112.54 FEET; THENCE SOUTH 07 DEGREES 12 MINUTES 27 SECONDS WEST, 53.80 FEET; THENCE SOUTH 17 DEGREES 43 MINUTES 48 SECONDS WEST, 4.47 FEET; THENCE NORTH 82 DEGREES 47 MINUTES 23 SECONDS WEST, 122.53 FEET THE LINE THAT IS PARALLEL WITH AND 15 FEET EAST OF THE WEST LINE OF SAID LOT 62; THENCE NORTH 17 DEGREES 43 MINUTES 48 SECONDS EAST, ALONG SAID PARALLEL LINE, 75.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS

ORDINANCE NO. 1538

AN ORDINANCE AMENDING CHAPTER 22A WATER AND SEWER OF THE MUNICIPAL CODE TO PROHIBIT NON-VILLAGE WATER USE AND AMEND THE PENALTIES CONTAINED THEREIN

BE IT ORDAINED by the President and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois as follows:

SECTION 1. That Article 1, General Provisions of Chapter 22A, Water and Sewer of the Municipal Code be and is hereby amended by deleting the present Section 22A112, Penalty, and substituting in its place the following:

22A112. Prohibition of Non-Village Water Use. It shall be unlawful for any person, firm or corporation to construct, install, maintain or utilize a water system or well other than the water supply and water services of the Village. The provisions of this Section shall be applicable to all water usage, including, but not limited to, domestic, commercial and industrial uses and water for outdoor purposes. The provisions of this Section shall not apply to private water systems installed prior to the effective date of this Ordinance, the use of which has been previously approved by the Village.

22A113. Penalty. Any person, firm, or corporation violating any provision of this Article 1 shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

In addition to any penalty which may be imposed herein, any person, firm or corporation violating the provisions of this Article shall be subject to having their water services terminated, suspended or revoked. Notice of the intent by the Village to terminate, suspend or revoke such service shall be given to any such person, firm or corporation at least fifteen (15) days in advance of the date established for termination, and a person so notified shall have an opportunity to request, in writing, a hearing before the Village Manager to show cause as to why his water service shall not be terminated, suspended or revoked. The notice request must be filed with the Village Manager no later than five (5) days from the proposed termination date and thereafter the Village Manager shall schedule a hearing within ten (10) days of the receipt of said notice request. Pending any such hearing, all water use privileges shall remain in full force and effect, subject to compliance with the provisions of this Chapter. The Village Manager shall have the authority during the course of any such hearing to suspend or revoke water service or to impose such sanctions on the water user short of suspension, or revocation, including the collection of unpaid water usage, unpaid water bills, interest due thereon, and such other monetary fines or sanctions which the Village Manager deems in the best interest of the Village for the express purpose of enforcing the provisions of this Article.

SECTION 2. That Section 22A206, 22A706 and 22A904 are hereby amended to read as follows:

Penalty. Any person, firm or corporation violating any provision of this Article shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

VOTES: AYES: 6
NAYS: 0
ABSENT: 0

APPROVED:

Charles J. Zettek
Village President

ATTES:

Patricia S. Smith
Village Clerk

PASSED this 29th day of September, 1982.

APPROVED this 28th day of September, 1982.

PUBLISHED this 6th day of October, 1982.

in the Elk Grove Daily Herald

Property of Cook County Clerk's Office

7-2-8

7-2-10

or other part of the Village's water and sewer facilities. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct. (Ord. 1860, 1-13-87)

2. It shall be unlawful for any person to tamper with, turn on or damage in any manner any fire hydrant located in the Village.

Any person violating the provisions of this subsection B2 shall be subject to a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense. (Ord. 838, 7-9-74)

7-2-9: PRIVATE WATER SUPPLY: It shall be unlawful for any person to construct, install, maintain or utilize a water system or well other than the water supply and water services of the Village. The provisions of this Section shall be applicable to all water usage including, but not limited to, domestic, commercial and industrial uses and water for outdoor purposes. The provisions of this Section shall not apply to private water systems installed prior to the effective date hereof, the use of which has been previously approved by the Village. (Ord. 1838, 9-28-82)

7-2-10: BACKFLOW PREVENTION DEVICES:

A. Backflow Prevention Devices Required: All owners of real property upon which a building has been constructed or is sought to be constructed and tenants thereof are required to install and maintain approved checkvalve or backflow and back-

siphon prevention devices in the following instances:

1. Where the water service main is two inches (2") or greater in size;

2. Commercial and industrial buildings where the building to which the water service is connected uses water in its process including, but not limited to, car washes and washerettes;

3. Where the service is to lawn sprinkler systems;

4. Where the building to which the water connection is made is equipped with a pump taking direct suction from the water service main.

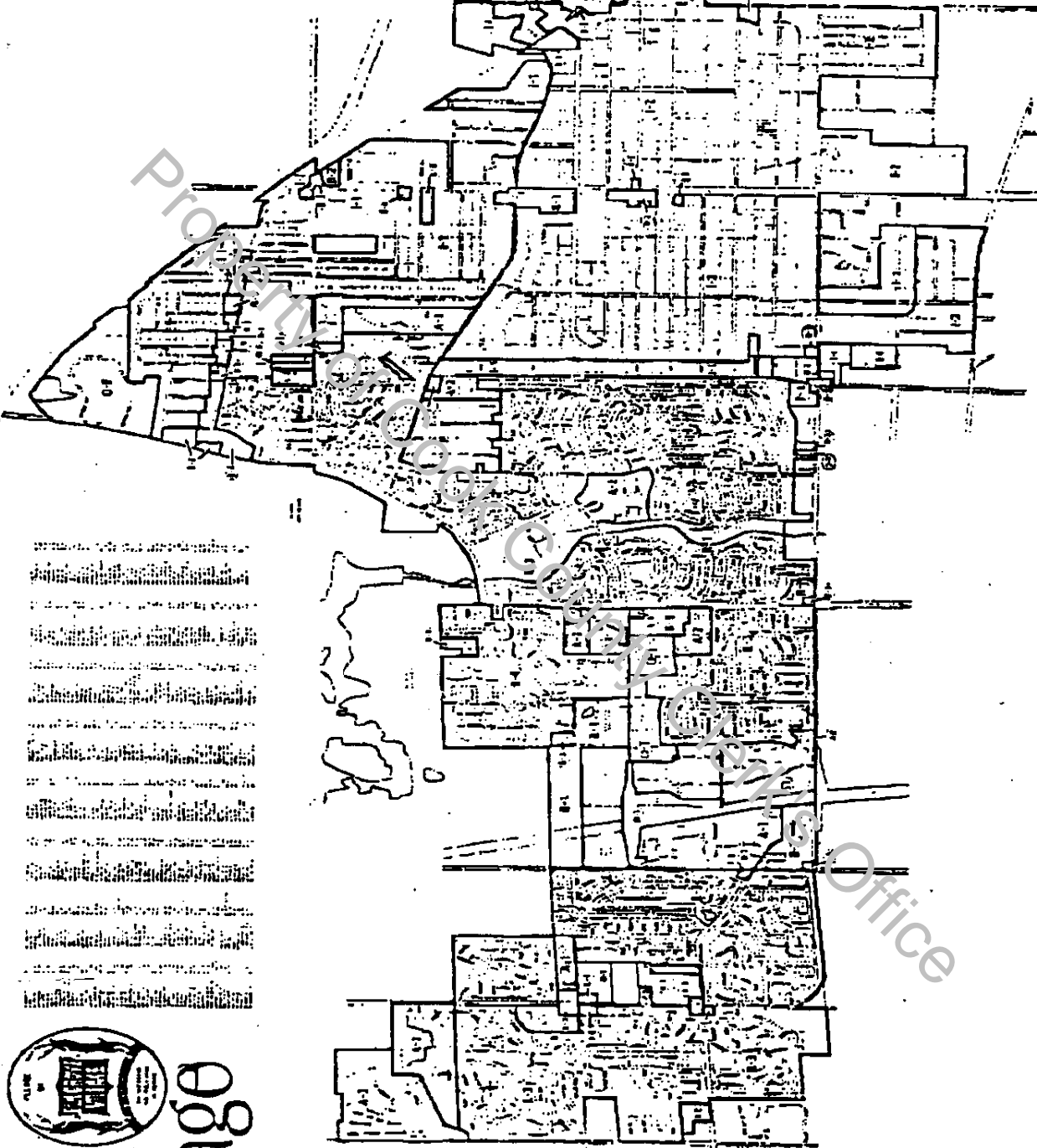
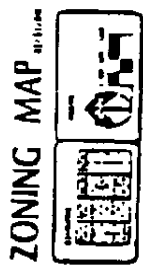
B. Location: The location of all such devices shall be determined by the Department of Public Works. A Model G-8 Hersey Sparring Division Beeco, or equal, is deemed an approved checkvalve or backflow and back-siphon prevention device.

C. Compliance With Provisions: Existing buildings subject to this regulation shall install said device on or before May 1, 1983. No new building shall



LEGEND

- S1 SINGLE FAMILY RESIDENCE DISTRICT
- S2 LOWER DENSITY RESIDENCE DISTRICT
- S3 MEDIUM DENSITY RESIDENCE DISTRICT
- S4 RESIDENCE DISTRICT - ATTACHED (LAW) DEVELOPMENT
- A-1 ANNUAL FAMILY RESIDENCE DISTRICT
- A-2 MULTIFAMILY RESIDENCE DISTRICT
- A-3 MULTIFAMILY RESIDENCE DISTRICT
- R-1 RESIDENTIAL COMMERCIAL DISTRICT (R-100)
- R-2 BUSINESS OFFICE DISTRICT (R-200)
- R-3 BUSINESS OFFICE DISTRICT (R-300)
- R-4 BUSINESS OFFICE DISTRICT (R-400)
- R-5 BUSINESS OFFICE DISTRICT (R-500)
- R-6 BUSINESS OFFICE DISTRICT (R-600)
- R-7 BUSINESS OFFICE DISTRICT (R-700)
- R-8 BUSINESS OFFICE DISTRICT (R-800)
- R-9 BUSINESS OFFICE DISTRICT (R-900)
- R-10 BUSINESS OFFICE DISTRICT (R-1000)
- R-11 BUSINESS OFFICE DISTRICT (R-1100)
- R-12 BUSINESS OFFICE DISTRICT (R-1200)
- R-13 BUSINESS OFFICE DISTRICT (R-1300)
- R-14 BUSINESS OFFICE DISTRICT (R-1400)
- R-15 BUSINESS OFFICE DISTRICT (R-1500)
- R-16 BUSINESS OFFICE DISTRICT (R-1600)
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- R-18 BUSINESS OFFICE DISTRICT (R-1800)
- R-19 BUSINESS OFFICE DISTRICT (R-1900)
- R-20 BUSINESS OFFICE DISTRICT (R-2000)
- R-21 BUSINESS OFFICE DISTRICT (R-2100)
- R-22 BUSINESS OFFICE DISTRICT (R-2200)
- R-23 BUSINESS OFFICE DISTRICT (R-2300)
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- R-25 BUSINESS OFFICE DISTRICT (R-2500)
- R-26 BUSINESS OFFICE DISTRICT (R-2600)
- R-27 BUSINESS OFFICE DISTRICT (R-2700)
- R-28 BUSINESS OFFICE DISTRICT (R-2800)
- R-29 BUSINESS OFFICE DISTRICT (R-2900)
- R-30 BUSINESS OFFICE DISTRICT (R-3000)
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- R-96 BUSINESS OFFICE DISTRICT (R-9600)
- R-97 BUSINESS OFFICE DISTRICT (R-9700)
- R-98 BUSINESS OFFICE DISTRICT (R-9800)
- R-99 BUSINESS OFFICE DISTRICT (R-9900)
- R-100 BUSINESS OFFICE DISTRICT (R-10000)





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

217/782-6762

FEB 06 2001

RECEIVED
FEB 12 2001CERTIFIED MAIL
0001 2087 0705

Ms. Elizabeth Valery
Exxon Mobil Corporation
Joliet Refinery
P.O. Box 874
Joliet, Illinois 60434

Re: LPC #0314405415 -- Cook County
Elk Grove Village/Mobil Oil #05-GNA
8 East Higgins Rd.
LUST Incident Nos. 861126 & 951378
LUST Technical File

Dear Ms. Valery:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Corrective Action Completion Report and Professional Engineer Certification submitted for the above-referenced incidents. The documents were dated November 18, 1998 and October 3, 2000; were received by the Illinois EPA on November 19, 1998 and December 5, 2000, respectively; and were 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 Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 IAC Section 732.300(b)(1) and Section 732.409(b) indicate the remediation objectives set forth in 35 IAC Section 732.408 have been met.

Based upon the certification by Shawn A. Rodeck, 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:

GEORGE H. RYAN, GOVERNOR

Page 2

1. Exxon Mobil Corporation;
2. The owner and operator of the USTs;
3. Any parent corporation or subsidiary of the owner or operator of the USTs;
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 Groundwater Ordinance 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.

Page 3

2. As a result of the release from the underground storage tanks 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. It has been demonstrated that the groundwater under the site meets Class II (General Resource) groundwater criteria, rather than Class I (Potable Resource) groundwater. Groundwater classifications are defined at 35 IAC Part 620, Subpart B.
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: 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.
- Engineering: 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:
 - a) 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.
 - b) Illinois Department of Transportation 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 8 East Higgins Road (the northeast corner of the intersection

of Arlington Heights Road and Higgins Road), Elk Grove Village, Illinois. Specifically, as shown in the attached map, contamination will remain in the right-of-way for Arlington Heights Road and Higgins Road as indicated in the Highway Authority Agreement. The Highway Authority agrees (a) to prohibit the use of 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 Randall Schick of Illinois Department of Transportation at 217/782-3215.

- c) Ordinance No. 1538 adopted by the Village of Elk Grove Village 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 Village of Elk Grove Village 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;

Page 5

- 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 avoidance 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 Ordinance No. 1538 adopted by the Village of Elk Grove Village, 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 avoidance 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:

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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 tanks 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 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.)

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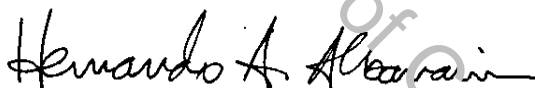
0010256536

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 regarding this correspondence, you may contact the Illinois EPA project manager, Mike Lowder, at 217/785-5734.

Sincerely,



Hernando A. Albarracin
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

^{mtv}
HAA:mtl/861126.wpd

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Maps (2)
Legal Description
Elk Grove Village Ordinance No. 1538 (four pages)

cc: Michael Lawrence, Handex of Illinois, Inc.
Division File

Property of Cook County Clerk's Office