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03/27/001 39 005 Page 1 of 7
2001-04-30 13:31:10
Cook County Recorder 33.50

PREPARED BY:

Name: S & S Petroleum Products **COOK COUNTY**
Attention: Bill Anest **RECORDER**



Address: 400 South Curren Road **EUGENE "GENE" MOORE**
Grayslake, Illinois 60030 **ROLLING MEADOWS**

RETURN TO:

Name: Clark Oil & Refining
Attention: Maureen Turman



Address: 800 Roosevelt Road, Building E, Suite 200
Glen Ellyn, Illinois 60137

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: 0314125036
LUST Incident No.: 980065

Clark Oil & Refining, the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 800 Roosevelt Road, Glen Ellyn, 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 SOUTH EAST ¼ OF THE SOUTH EAST ¼ OF SECTION 27, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF BARTLETT ROAD AND LAKE STREET (U.S. ROUTE 20); THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID U.S. ROUTE 20, A DISTANCE OF 226.55 FEET; THENCE NORTHEASTERLY PARALLEL WITH THE CENTER LINE OF BARTLETT ROAD, A DISTANCE OF 250 FEET; THENCE SOUTHEASTERLY PARALLEL WITH THE CENTER LINE OF U.S. ROUTE 20 THE CENTER LINE OF BARTLETT ROAD; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

EXCEPT FROM THE ABOVE DESCRIBED PROPERTY THAT PART THEREOF DESCRIBED BELOW CONVEYED BY DEED RECORDED AS DOCUMENT 26683540 FROM CITIES SERVICE COMPANY TO THE PEOPLE OF THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF THE TRANSPORTATION DESCRIBED AS FOLLOWS:

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BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF U.S. ROUTE 20 WITH THE CENTER LINE OF BARTLETT ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE ON AN ASSUMED BEARING OF NORTH 66 DEGREES 45 MINUTES 00 SECONDS WEST ALONG SAID CENTER LINE OF U.S. ROUTE 20, A DISTANCE OF 226.55 FEET TO THE SOUTHWEST CORNER OF SAID DESCRIBED PROPERTY; THENCE NORTH 12 DEGREES 55 MINUTES 00 SECONDS EAST ALONG THE WESTERLY LINE OF SAID DESCRIBED PROPERTY, A DISTANCE OF 50.84 FEET TO THE NORTHERLY LINE OF SAID U.S. ROUTE 20 AS MONUMENTED AND OCCUPIED; THENCE SOUTH 66 DEGREES 45 MINUTES 00 SECONDS EAST ALONG SAID NORTHERLY LINE OF U.S. ROUTE 20, A DISTANCE OF 170.85 FEET TO A POINT; THENCE NORTH 62 DEGREES 55 MINUTES 44 SECONDS EAST 19.15 FEET TO THE WESTERLY LINE OF BARTLETT ROAD AS MONUMENTED AND OCCUPIED; THENCE NORTH 12 DEGREES 36 MINUTES 28 SECONDS EAST ALONG SAID WESTERLY LINE OF BARTLETT ROAD 184.12 FEET TO THE NORTHERLY LINE OF SAID DESCRIBED PROPERTY; THENCE SOUTH 66 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DESCRIBED PROPERTY 40.70 FEET TO A POINT ON THE CENTER LINE OF BARTLETT ROAD; THENCE SOUTH 12 DEGREES 55 MINUTES 00 SECONDS WEST ALONG SAID CENTER LINE OF BARTLETT ROAD 250.80 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

2. Common Address: 575 Lake Street, Bartlett, Illinois
3. Real Estate Tax Index/Parcel Index Number: 06-27-403-015-0000
4. Site Owner: S & S Petroleum Products
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

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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.

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;

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- 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

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Attachments: Leaking Underground Storage Tank Environmental Notice

cc: ERS of Illinois
 S & S Petroleum Products
 Division File

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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

APR 24 2001

Clark Oil & Refining
Attention: Maureen Turman
800 Roosevelt Road, Building E, Suite 200
Glen Ellyn, Illinois 60137

Re: LPC # 031423036 -- Cook County
Bartlett/Clark Station #2054
575 Lake Street
LUST Incident No. 930065
LUST Technical File

Dear Ms. Turman:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Real Estate form submitted for the above-referenced incident. This information is dated March 9, 2001; was received by the Illinois EPA March 15, 2001; and was prepared by ERS of Illinois. Citations in this letter are from the Environmental Protection Act ("Act") and 35 Illinois Administrative Code ("35 IAC").

The Site Classification Completion Report and associated Professional Engineer Certification indicate this site is classified as "No Further Action" as identified in Section 57.7(b)(2) of the Act and 35 IAC Section 732.302(a).

Based upon the certification by Scott A. Beasley, P.E., a Registered Professional Engineer of Illinois, and the certification by Michelle Salvatore, the owner 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 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. Clark Oil & Refining;
2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);

GEORGE H. RYAN, GOVERNOR

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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. Remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were not established because the site is classified as "Low Priority" as identified in Section 57.7(b)(4) of the Act and 35 IAC Section 732.303(a).
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.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois EPA's Bureau of Land (BOL) issues a No Further Remediation (NFR) Letter at the completion of site remediation activities under the LUST Program and the SRP. The letter signifies that 1) the person conducting remediation has satisfied the respective BOL laws and regulations, and 2) that no further remediation is necessary to protect human health and the environment for the property described in the letter, so long as the site is used in accordance with the terms of the NFR letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined in the Illinois Environmental Protection Act for the program in question. (See 415 ILCS 5/57.10(d) and 58.10(d)). However, if not properly recorded, the NFR Letter *holds no legal significance for anyone*. Furthermore, if not properly recorded, the Illinois EPA will take steps to void the NFR letter in accordance with the regulations pertaining to the program under which the remediation was performed.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the letter and environmental notice to the Office of the Recorder or the Registrar of Titles of the county where the site is located *within 45 days after receipt of the letter*. You must record both the NFR Letter and the Environmental Notice. Both must be recorded in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions of the institutional controls. A certified copy of the letter and environmental notice as recorded must be sent to the Illinois EPA. Failure to record the NFR Letter and environmental notice in accordance with the regulations will make the letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on our Agency's website directly at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

GEORGE H. RYAN, GOVERNOR