

UNOFFICIAL COPY

0010968850

6739/0075 15 005 Page 1 of 11

2001-10-18 10:17:22

Cook County Recorder 41.00

PREPARED BY:

Name: Equilon Enterprises LLC
John Robbins



0010968850

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

**COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
ROLLING MEADOWS**

RETURN TO:

Name: 159th & 45 LLC
c/o Location Finders International Inc.
Attn. Joe Bochenski

Address: 533 Ashland Avenue
Chicago, Illinois 60411



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: 0312315058

LUST Incident No.: 891628

Shell Oil Company, 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 60563, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal description or Reference to a Plat Showing the Boundaries: see attached
2. Common Address: 9560 West 159th Street, Orland Park, Illinois
3. Real Estate Tax Index/Parcel Index Number: 27-15-302-013
4. Site Owner: 159th & 45 LLC
c/o Location Finders International Inc. Attn. Joe Bochenski
5. Land Use Limitation: **The groundwater under the site shall not be used as a potable water supply, engineering barrier, and worker caution.**
6. See the attached No Further Remediation Letter for other terms.

Leaking Underground Storage Tank Environmental Notice

11
22
22



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

0004-1555-4999

SEP 19 2001

Equilon Enterprises LLC
Attn. John Robbins
603 Diehl Road, Suite 103
Naperville, Illinois 60563

Re: LPC # 0312315058 -- Cook County
Orland Park / Shell Oil #
9560 West 159th Street
LUST Incident No. 891628
LUST Technical File

Dear Mr. Robbins:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the High Priority Corrective Action Completion Report submitted for the above-referenced incident. This information is dated July 5, 2001; was received by the Illinois EPA July 9, 2001; and was prepared by Handex of Illinois. 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 732.400(c) 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 Richard Coan, a Registered Professional Engineer of Illinois, and the certification by John Robbins, for 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

GEORGE H. RYAN, GOVERNOR

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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. Shell Oil Company;
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. 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

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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.

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 three-foot thick clean soil barrier and polyethylene liner must be maintained within three (3) feet of the land surface to inhibit the ingestion and inhalation of the contaminated media, as outlined in the area of concern on the attached Site Base Map.

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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.

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 9560 West 159th Street, Orland Park. Specifically, as shown in the attached map, contamination will remain in the right-of-way for LaGrange Road and 159th Street 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, (b) to limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 remediation objectives, and (c) to limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 remediation objectives and maintain a three-foot thick clean soil barrier and polyethylene liner within three (3) feet of the land surface to inhibit the ingestion and inhalation of the contaminated media, as outlined in the area of concern on the attached Site Base Map. 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.

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:

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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 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 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.)

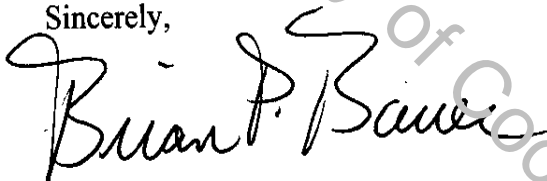
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Submit the certified copy of this letter, as recorded, to:

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 me at 217/782-3335.

Sincerely,



Brian P. Bauer
Acting Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

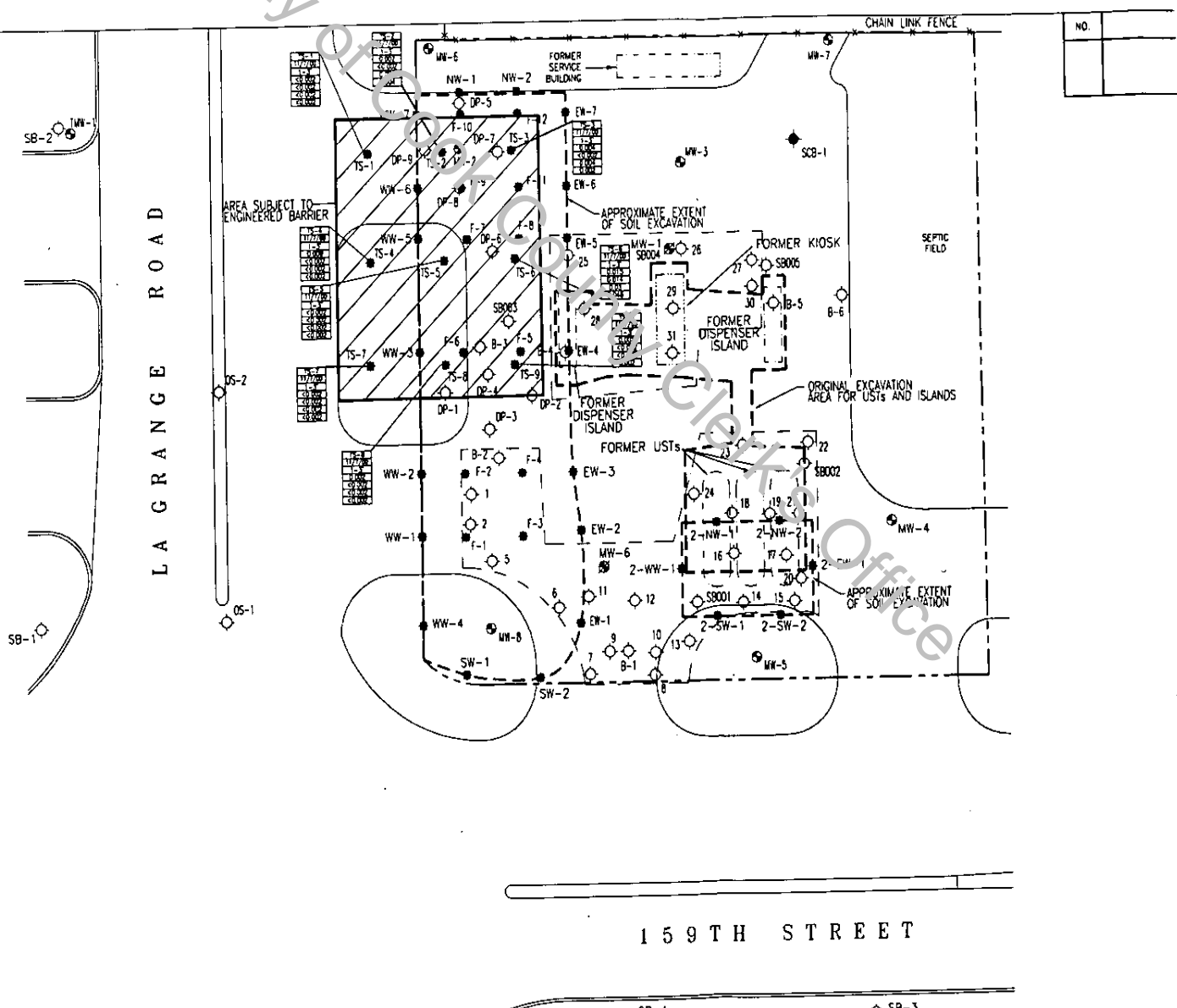
Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map with area subject to engineering barrier
Site Base Map with area subject to Highway Authority Agreement
Site Map with area subject to engineering barrier and Highway Authority Agreement
Legal Description

cc: Division File
Handex of Illinois

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HANDEX FIRM

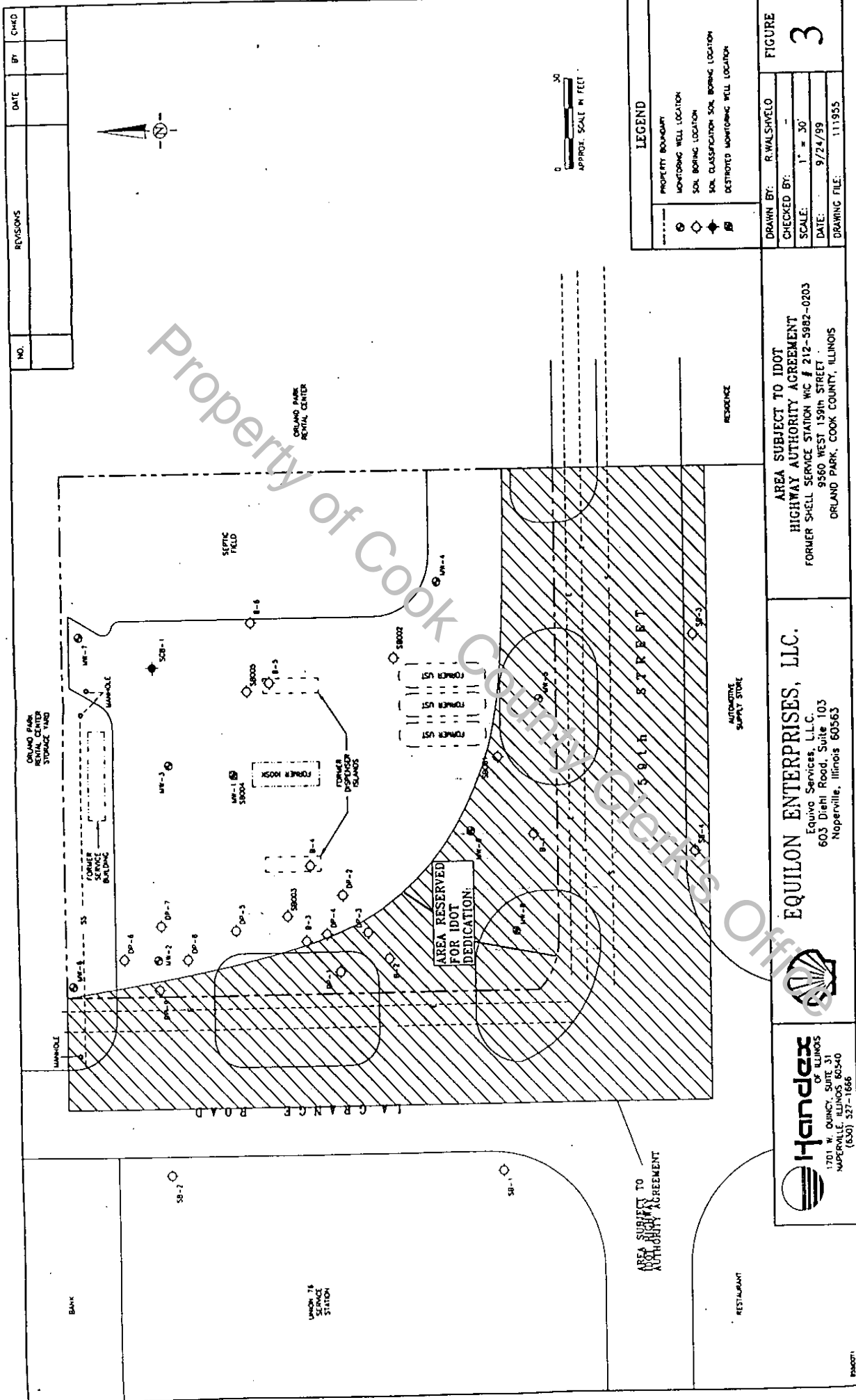


EQUILON ENTERPRISES, L.L.C.
 Equiva Services, L.L.C.
 603 Diehl Road, Suite 103
 Naperville, Illinois 60563

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



AREA SUBJECT TO ENGINEERED BARRIER WITH
 SOIL SAMPLE LOCATIONS AND ANALYTICAL RESULTS
 FORMER SHELL SERVICE STATION WIC # 212-5982-0203
 9560 WEST 159th STREET
 ORLAND PARK, COOK COUNTY, ILLINOIS



Property of Cook County, Illinois

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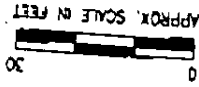


FORMER SHELL STATION
WIC # 212-5982-0203
9560 WEST 159TH STREET
ORLAND PARK, COOK CO., ILLINOIS



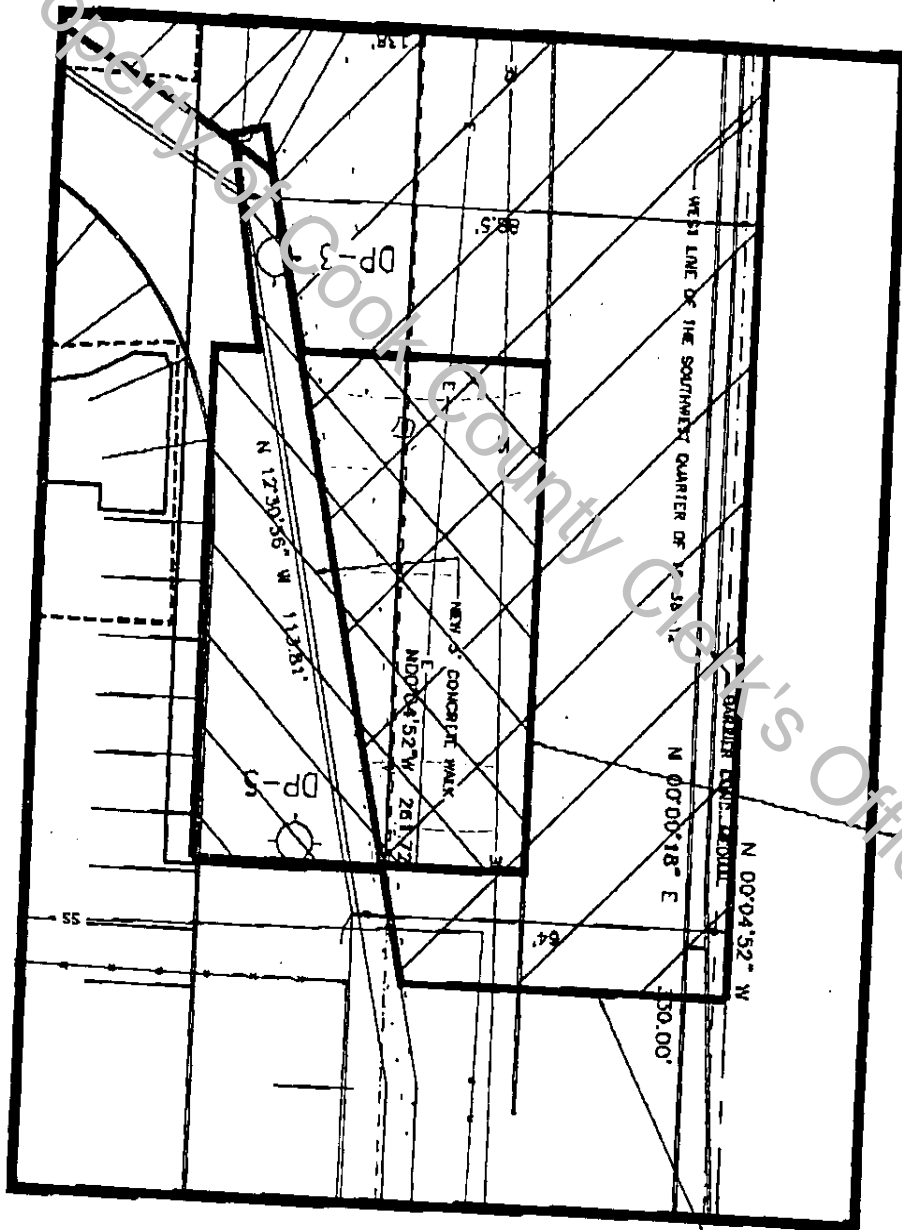
FIGURE 2
SITE MAP

PROJECT:	111955
REVISION:	-
DATE:	3/18/01
DRAWN BY:	R. WALSHWELD



SOIL BORING LOCATION

LEGEND



AREA SUBJECT TO ENGINEERED BARREN

AREA SUBJECT TO IDOT HIGHWAY AUTHORITY AGREEMENT

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0010968850

9560 W. 159th
Orland Park, IL

PROPERTY DESCRIPTION

PARCEL ONE

THE SOUTH 220.00 FEET OF THE WEST 210.00 FEET OF THE SOUTHWEST QUARTER OF SECTION FIFTEEN, TOWNSHIP THIRTY - SIX NORTH, RANGE TWELVE EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PART TAKEN FOR PUBLIC HIGHWAYS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL TWO

TOGETHER WITH AN EASEMENT OVER AND ACROSS THE FOLLOWING DESCRIBED PART OF SELLERS LAND ADJACENT THE PREMISES ON THE EAST:

A TRIANGULAR PARCEL ADJACENT TO THE EAST PROPERTY LINE OF THE ABOVE DESCRIBED PROPERTY COMMENCING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 159th STREET WHICH IS 230.00 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION FIFTEEN, TOWNSHIP THIRTY - SIX NORTH, RANGE TWELVE EAST OF THE THIRD PRINCIPAL MERIDIAN AS MEASURED ALONG THE SAID RIGHT OF WAY LINE; THENCE EAST ALONG THE NORTH RIGHT OF WAY LINE OF 159th STREET A DISTANCE OF 15.00 FEET TO A POINT; THENCE NORTHWESTERLY TO A POINT IN THE EAST LINE OF AFORESAID PARCEL ONE; WHICH POINT IS 60.00 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF 159th STREET, AS MEASURED AT RIGHT ANGLES TO SAID RIGHT OF WAY LINE, A DISTANCE OF 80.85 FEET; THENCE SOUTH TO THE POINT OF BEGINNING, A DISTANCE OF 60.00 FEET ALONG THE EAST PROPERTY LINE OF THE ABOVE DESCRIBED PROPERTY, ALL IN COOK COUNTY, ILLINOIS.

Cook County Clerk's Office