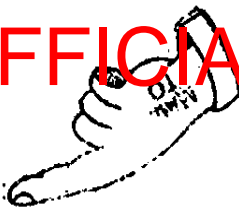


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1575/0098 02 001 Page 1 of 6
2000-02-28 15:57:09
Cook County Recorder 31.50

PREPARED BY (AND MAIL TO):



Name: Practical Environmental Consultants, Inc.

Address: 919 North Plum Grove Rd., Ste. H
Schaumburg, Illinois 60173

RETURN TO:

Name: Daniel Strubel

Address: Speedway SuperAmerica LLC
P.O. Box 1500
Springfield, OH 45501

THE ABOVE SPACE FOR RECORDER'S OFFICE

THIS ENVIRONMENTAL NO FURTHER REMEDIATION LETTER MUST BE SUBMITTED BY THE OWNER/OPERATOR, WITHIN 45 DAYS OF ITS RECEIPT, TO THE RECORDER OF DEEDS OF COOK COUNTY IN WHICH THE SITE (AS DESCRIBED BELOW) IS LOCATED.

Illinois EPA Number: 0310635183

LUST Incident No.: 960384

Speedway SuperAmerica LLC, the owner and operator, whose address is Speedway SuperAmerica LLC, P.O. Box 1500, Springfield, OH 45501 has performed investigative and/or remedial activities for the site that can be identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries:
PARCEL I: That part of the W 1/2 of the E 2/3 of the NW 1/4 of the NW 1/4, Sec. 32, T41N, R12E, of the Third Principal Meridian, lying Northeasterly of the following described tract of land: Beginning at a point on the W line of the W 1/2 of the E 2/3 of the NW 1/4 of the NW 1/4, Sec. 32, said point being 97.2 feet S of a cross in the pavement in the NWC of W 1/2 of the E 2/3 of the NW 1/4 of the NW 1/4 of said Sec. 32; thence S 265.8 ft. along W line of the W 1/2 of the E 2/3 of the NW 1/4 of the NW 1/4, Sec. 32; thence Southeasterly 470.7 ft. along a line making a left deflection of 70°07'00" with the previously described course to the E line of the W 1/2 of E 2/3 of NW 1/4 of the NW 1/4, Sec. 32; thence N 265.8 ft. along said E line which makes a left deflection of 109°50'30", with the last described course; thence Northwesterly 470.9 ft. to place of beginning (excepting therefrom that part thereof lying North of the following described line: Commencing at a point on the N line of NW 1/4, Sec. 32, which is

Leaking Underground Storage Tank Environmental Notice

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201.8 ft. E of NWC, Sec. 32; thence Southeasterly along a line which forms an angle of $22^{\circ}14'$, measured Southeasterly from said North line of NW $\frac{1}{4}$, Sec. 32, to point distant 60 ft. South, measured at right angles, from said N line of NW $\frac{1}{4}$, Sec. 32, said point being the point of beginning of the line herein being described; thence Northeasterly in a straight line a distance of 537.04 ft. to a point in the W line of E $\frac{1}{3}$ of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Sec. 32, distant 50 ft. S, measured at right angles, from said N line of NW $\frac{1}{4}$, Sec. 32.

PARCEL II: That part of the West One Third ($\frac{1}{3}^{\text{rd}}$) of the Northwest Quarter ($\frac{1}{4}$) of Section 32, Township 41 North, Range 12 East, of the Third Principal Meridian, lying Northeasterly of the following described line: Commencing at a steel plate at the Northwest corner of said Section 32; thence East 201.8 feet along the North line of said Section 32, to the point of beginning of the line herein being described; thence Southeasterly 256.7 feet along a line making a right deflection of $22^{\circ}14'00''$ with the last described course to the East line of the West Third ($\frac{1}{3}^{\text{rd}}$) of the Northwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$) of said Section 32.

2. Common Address: 885 East Touhy Avenue, Des Plaines, Illinois
3. Real Estate Tax Index/Parcel Index Number: 09-32-100-006 & 09-32-100-008
4. Site Owner: Daniel Strubel, Speedway SuperAmerica LLC
5. Land Use Limitation: There are no land use limitations
6. See the attached No Further Remediation Letter for other terms.

TAH:JH:jk\003384.WPD



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

P344.340078

FEB - 2 2000

Speedway Super America LLC
Attention: Scott Hiser
101 Jerrico (LJS-4)
Lexington, Kentucky 40509

Re: LPC #0310635163 -- Cook County
Des Plaines/Super America #4250
885 East Touhy Avenue
LUST Incident No. 960384
LUST Technical File

Dear Mr. Hiser:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Site Classification Completion Report submitted for the above-referenced incident. This information was dated October 22, 1999; was received by the Agency October 25, 1999; and was prepared by Practical Environmental Consultants.

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

Based upon the certification by Michael Kiefer, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Environmental Protection Act ("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. Speedway/Super America 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);

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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, including all attachments, 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 that it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Titles of the applicable county, 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 attached to 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 described in the Leaking Underground Storage Tank Environmental Notice of this Letter were not established because the site is classified as "No Further Action" as identified in Section 57.7(b)(2) of the Environmental Protection Act and 35 Illinois Administrative Code Section 732.302(a).
2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the site 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

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- 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 site described in the attached Leaking Underground Storage Tank Environmental Notice.

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

OTHER TERMS

- 6. Any contaminated soil or groundwater that is removed, excavated, or disturbed from the above-referenced site must be handled in accordance with all applicable laws and regulations.
- 7. Further information regarding this 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 current title holder and to the owner or operator at the last known address. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of this cause. 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;

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- 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.

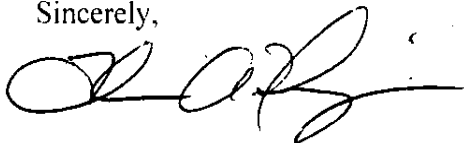
Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) 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, Jay Hamilton, at 217/524-4333.

Sincerely,



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

TAH:JH:jk\003383.WPD

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: William Schaefer, Practical Environmental Consultants
 Division File