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COOK COUNTY

RECORDER

EUGENE "GENE" MOORE  
ROLLING MEADOWS

7642/0010 15 005 Page 1 of 11

2002-02-25 08:32:36

Cook County Recorder

41.00

PREPARED BY:

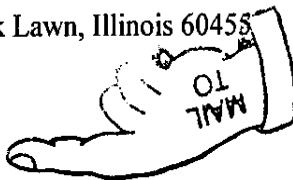
Name: Equilon Enterprises, LLC.  
Attention: John Robbins



Address: 6801 West 95<sup>th</sup> Street, Oak Lawn, Illinois 60455

RETURN TO:

Name: Equilon Enterprises, LLC.  
Attention: John Robbins



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: 0312225071

LUST Incident No.: 990427

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: attached
2. Common Address: 6801 West 95<sup>th</sup> Street, Oak Lawn, Illinois
3. Real Estate Tax Index/Parcel Index Number: 24-07-116-021
4. Site Owner: Equilon Enterprises, LLC.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

11  
N  
N  
B

EXHIBIT "A"

COOK COUNTY, ILLINOIS

Tract 136. - 6801 W 95th, Oak Lawn, COOK, WIC 212-5778-0706  
Tax Parcel # 24-07-116-021

Parcel 1

Lots 9 and 10 in Block 21 in Bartlett's 95th Street Homesites First Addition  
Subdivision of Section 7, Township 37 North, Range 13 East of the Third Principal  
Meridian in Cook County, Illinois;

Parcel 2

Lot 8 in Block 21 in Robert Bartlett's 95th Street Homesites First  
Addition, being a Subdivision in Section 7, Township 37 North,  
Range 13 East of the Third Principal Meridian, according to plat  
thereof recorded October 16, 1939 as Document 12383314 in Cook  
County, Illinois.

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RECEIVED  
JUN 24 1997  
IEPADLPC

ORDINANCE NO. 97-9-37

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 4, ARTICLE C OF THE OAK LAWN VILLAGE CODE IN REGARD TO PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Lawn, Cook County, Illinois, as follows:

**SECTION 1:** That Title 9, Chapter 4, Article C of the Oak Lawn Village Code is amended by adding a new Section 9-4C-13 thereto which shall read in its entirety as follows:

**"9-4C-13: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY; PROHIBITION:**

A. Except for such uses or methods as are in existence on or before May 13, 1997, the use of, or attempted use of, groundwater, from within the corporate limits of the Village, as a Potable Water supply, by the installation or drilling of wells or by any other method, is hereby prohibited, including at points of withdrawal by the Village.

B. For purposes of this Section, potable water is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, washing dishes, preparing foods, watering lawns, or watering gardens in which produce intended for human consumption is grown.

C. Any person violating the provisions of this Section shall be subject to a fine of not to exceed \$750.00 for each violation."

**SECTION 2:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance.

**SECTION 3:** If any provision of this Ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any portion not adjudged invalid.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 13th day of May, 1997, pursuant to a roll call vote as follows:

**AYES:** TRUSTEES JOY, KEANE, ROSENBAUM, STANCIK, STREIT, HOLESHA

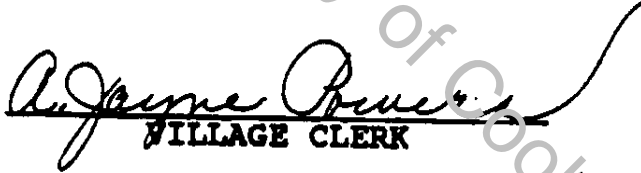
**NAYS:** NONE

**ABSENT:** NONE

**APPROVED** by me this 13th day of May, 1997.

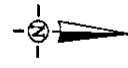
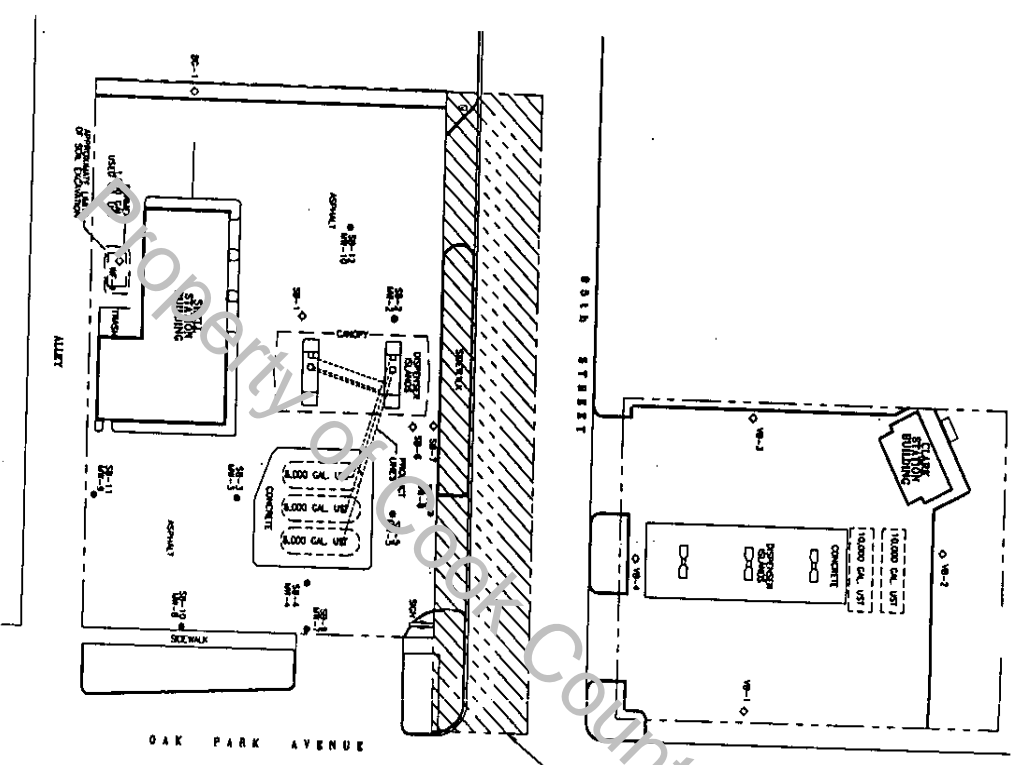
  
\_\_\_\_\_  
VILLAGE PRESIDENT

**ATTEST:**

  
\_\_\_\_\_  
VILLAGE CLERK

Published by me in pamphlet form this 14th day of May, 1997.

  
\_\_\_\_\_  
VILLAGE CLERK



NO.	REVISIONS	DATE	BY	CHGD
1				

**LEGEND**

- PROPERTY BOUNDARY
- MONITORING WELL LOCATION
- SON BORING LOCATION

DRAWN BY:	R. WALSHAELO	FIGURE	9
CHECKED BY:			
SCALE:	1" = 40'		
DATE:	5/26/00		
DRAWING FILE:	112849		

**Handex**  
OF ILLINOIS  
1701 W. QUINCY SUITE 1100S  
NAPERVILLE, ILLINOIS 60540  
(630) 527-1566

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

**AREA SUBJECT TO IDOT  
HIGHWAY AUTHORITY AGREEMENT**  
SHELL SERVICE STATION SAP #137138  
6801 WEST 95th STREET  
OAK LAWN, COOK COUNTY, ILLINOIS



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

JAN 14 2002

7099-3400-0014-9525-1762

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

Re: LPC # 0312225071 – Cook County  
Oak Lawn/Equilon Enterprises LLC  
6801 West 95<sup>th</sup> Street  
LUST Incident No. 990427  
LUST Technical file

Dear Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above referenced incident. This information is dated October 12, 2001; was received by the Illinois EPA October 19, 2001; and was 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 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);

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. 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.
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. 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: 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.

Highway Authority Agreement

The Illinois Department of Transportation (IDOT) 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 6801 West 95<sup>th</sup> Street, Oak Lawn, Illinois. Specifically, as shown in the attached map, contamination will remain in the right-of-way for 95<sup>th</sup> 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:

District One Engineer  
Attention: John P. Kos  
201 West Center Court  
Schaumburg, Illinois 60196-1096

Groundwater Use Ordinance

Ordinance 97-9-37 adopted by the Village of Oak Lawn 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:

- a) The current owner or successor in interest of this site who relies on this ordinance as an institutional control shall:

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Page 4

- i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this remediation site; and
  - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
- b) Each affected property owner, potentially affected property owner (as identified through contaminant modeling) and the Village of Oak Lawn 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 within 45 days from the date of this Letter. The notification shall include:
- i) The name and address of the local unit of government;
  - ii) The citation of the ordinance used as an institutional control in this Letter;
  - iii) A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
  - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
  - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
  - vi) A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a) Modification of the referenced 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.
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.

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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 under 35 IAC Subtitle G.
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

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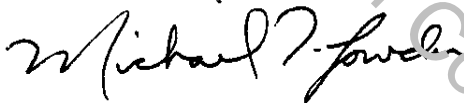
initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

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

Illinois Environmental Protection Agency  
Bureau of Land - #24  
LUST Section  
1071 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, Mohammed Zillur Rahman at 217/782-6762.

Sincerely,



Michael T. Lowder  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description of the Site  
Site Map  
Village of Oak Lawn Groundwater Use Ordinance

cc: Handex of Illinois, Inc.  
Division File

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