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3178/0117 11 001 Page 1 of 7
2002-04-16 11:50:07
Cook County Recorder 33.50

PREPARED BY:

Name: Equilon Enterprises, LLC

Address: 8401 West 159th Street
Tinley Park, Illinois



0020435287

RETURN TO:

Name: Equilon Enterprises, LLC

Address: 607 Diehl Road, Suite 103
Naperville, Illinois

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: 0314915032

LUST Incident No.: 913750 and 890848

Equilon Enterprises, LLC, the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 607 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:

PARCEL A:

That point of the North $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 23 Township 36 North Range 12 East of the Third Principal Meridian, bounded and described as follows:

Commencing at the Northeast Corner of said Northwest $\frac{1}{4}$; thence Westerly 33.00 feet along the North Line of said Northwest $\frac{1}{4}$ of Section 23 to a point of Intersection with the Northerly extension of the Westerly right of way line of 84th Avenue as per Township dedication, said point being the point of beginning of the following described parcel of land; thence Westerly along said Northerly Line of the Northwest $\frac{1}{4}$ of Section 23, 200.00 feet to a point, thence Southerly along a line perpendicular to the last described course

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Page 2

20435287

200.00 feet to a point; thence Easterly along a line perpendicular to the last described course and parallel to the North Line of the Northwest $\frac{1}{4}$ of Section 23, 200.72 feet to the point of Intersection with the Westerly right of way line of 84th Avenue as per Township dedication; thence Northerly along said Westerly right of way line 200.00 feet to the herein above designated point of beginning in Cook County, Illinois.

PARCEL B:

That Part of the North $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 36 North Range 12 East of the Third Principal Meridian, bounded and described as follows:

Commencing at the Northeast Corner of said Northwest $\frac{1}{4}$; thence Westerly along the North Line of said Northwest $\frac{1}{4}$, 233.00 feet to a point; thence Southerly along a line perpendicular with said North Line of the Northwest $\frac{1}{4}$ 200.00 feet to the point of beginning of the following described parcel of land; thence continuing Southerly on last described course, 163.07 feet to a point of intersection with a point of intersection with the South Line of North 363.07 feet of the North $\frac{1}{2}$ of the East $\frac{1}{2}$ of said Northwest $\frac{1}{4}$; thence East 201.27 feet along last described line to the point of intersection with the Westerly right of way line of 84th Avenue, 163.07 feet to a point of intersection with Line drawn parallel with a said North Line of the Northwest $\frac{1}{4}$ and passing through the herein above designated point of beginning thence Westerly 200.72 feet to the point of beginning in Cook County, Illinois.

2. Common Address: 8401 West 159th Street, Tinley Park, Illinois
3. Real Estate Tax Index/Parcel Index Number: 27-23-101-024 and 27-23-101-009
4. Site Owner: Equilon Enterprises, LLC
5. Land Use Limitation: The groundwater under the site shall not be used as a potable water supply.
6. See the attached No Further Remediation Letter for other terms.

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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

ORIGINALLY ISSUED: August 17, 2000

REVISED: MAR 25 2002

Equilon Enterprises, LLC
Attention: Lisa Schoedel
603 Diehl Road, Suite 103
Naperville, Illinois 60563

Re: LPC #0314915032 -- Cook County
Tinley Park/Shell Oil Co.
8401 West 159th Street
LUST Incident No. 913750 and 890848
LUST Technical File

7099-3400-0014-9625;
2002

Dear Ms. Schoedel:

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 5, 1999; was received by the Illinois EPA October 8, 1999; and was prepared by ERS 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 Part 731 indicate remediation has been successfully completed.

Based upon the certification by Scott Beasley, a Registered Professional Engineer of Illinois, and based upon other information in the Illinois EPA's possession, 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. This Letter shall apply in favor of the following persons:

1. Equilon Enterprises, LLC;

GEORGE H. RYAN, GOVERNOR

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 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:** 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: 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 agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 8401 West 159th Street, Tinley Park, Illinois. Specifically, as shown in the attached map, contamination will remain in the right-of-way for 84th 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

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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:

Kirk Brown
Illinois Department of Transportation
217/785-4574

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 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, Illinois 62794-9276
8. 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;

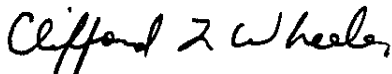
- c) The disturbance or removal of contamination that has been left in place in accordance with the Corrective Action Plan or Completion Report;
- d) The failure to comply with the recording requirements for the Letter;
- e) Obtaining the Letter by fraud or misrepresentation; or
- f) Subsequent discovery 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.

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, Scott McGill, at 217/782-6762.

Sincerely,



Clifford L. Wheeler
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
Division File