

PREPARED BY:

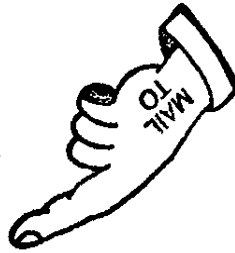
Name: John Robbins
Equilon Enterprises, LLC



Address: 953 West Irving Park Road
Chicago, Illinois

RETURN TO:

Name: John Robbins
Equilon Enterprises, LLC



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: #0316165074
LUST Incident No.: #20001373

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 and depicted on the attached Site Base Map:

1. Legal description or Reference to a Plat Showing the Boundaries: see Legal Attachment
2. Common Address: 953 West Irving Park Road
3. Real Estate Tax Index/Parcel Index Number: see Legal Attachment
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.

UNOFFICIAL COPY

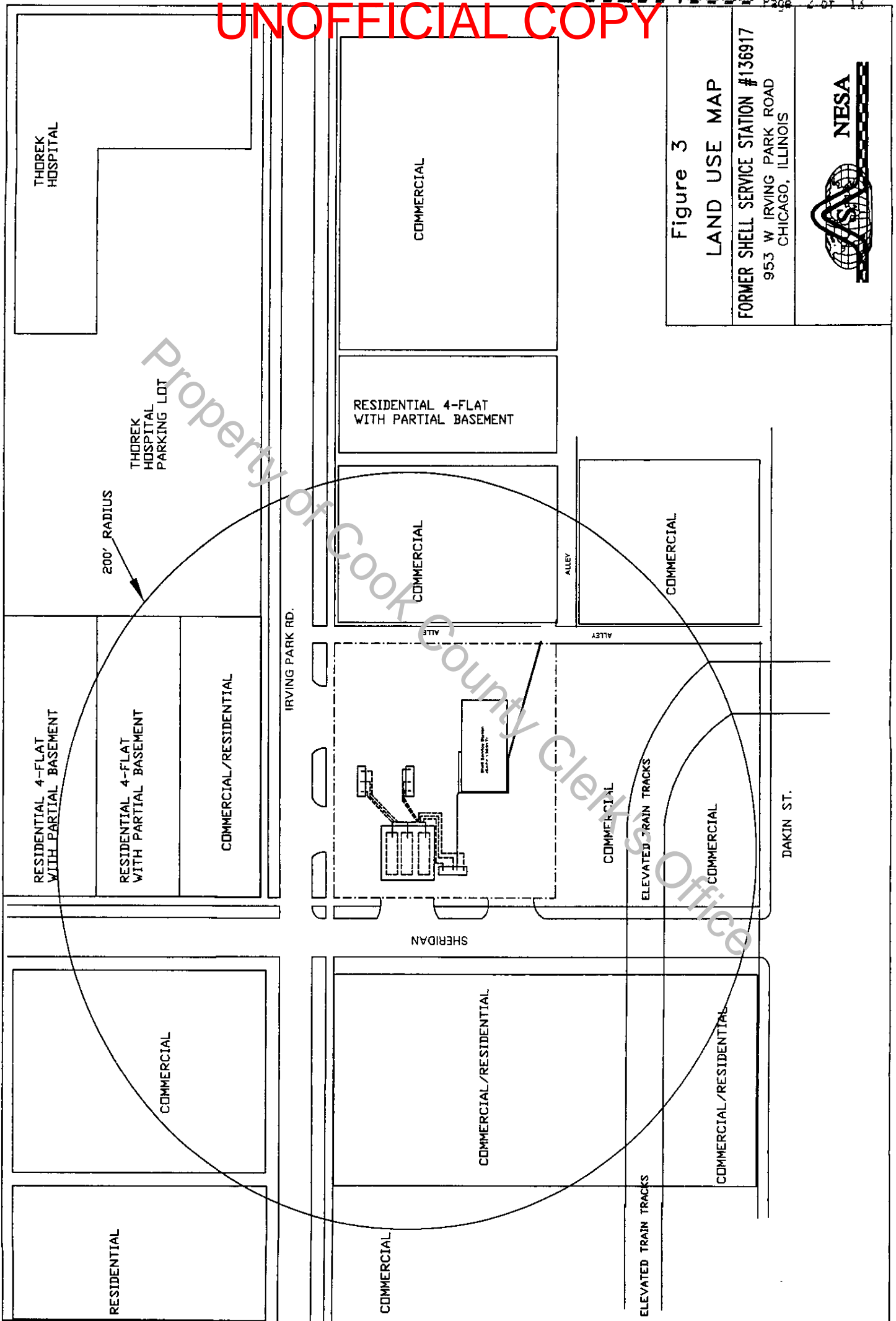
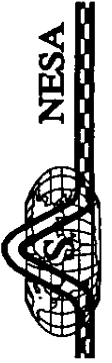


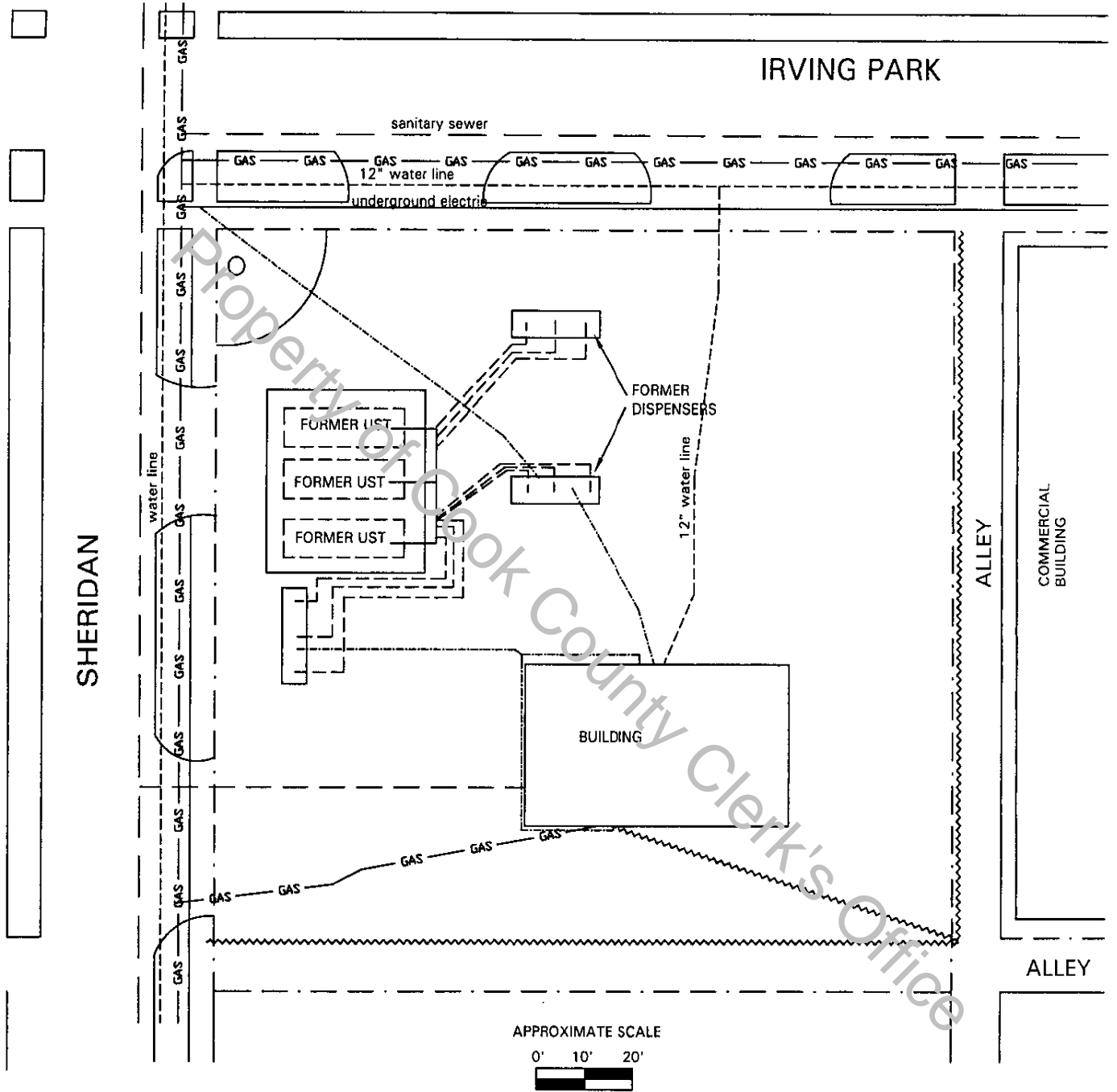
Figure 3

LAND USE MAP

FORMER SHELL SERVICE STATION #136917
953 W IRVING PARK ROAD
CHICAGO, ILLINOIS



UNOFFICIAL COPY



LEGEND








-  PROPERTY BOUNDARY
-  GAS LINE
-  WATER LINE
-  SANITARY SEWER
-  UNDERGROUND ELECTRIC
-  OVERHEAD ELECTRIC AND TELEPHONE
-  LIGHT POLE

Figure 2
BASE MAP

FORMER SHELL SERVICE STATION

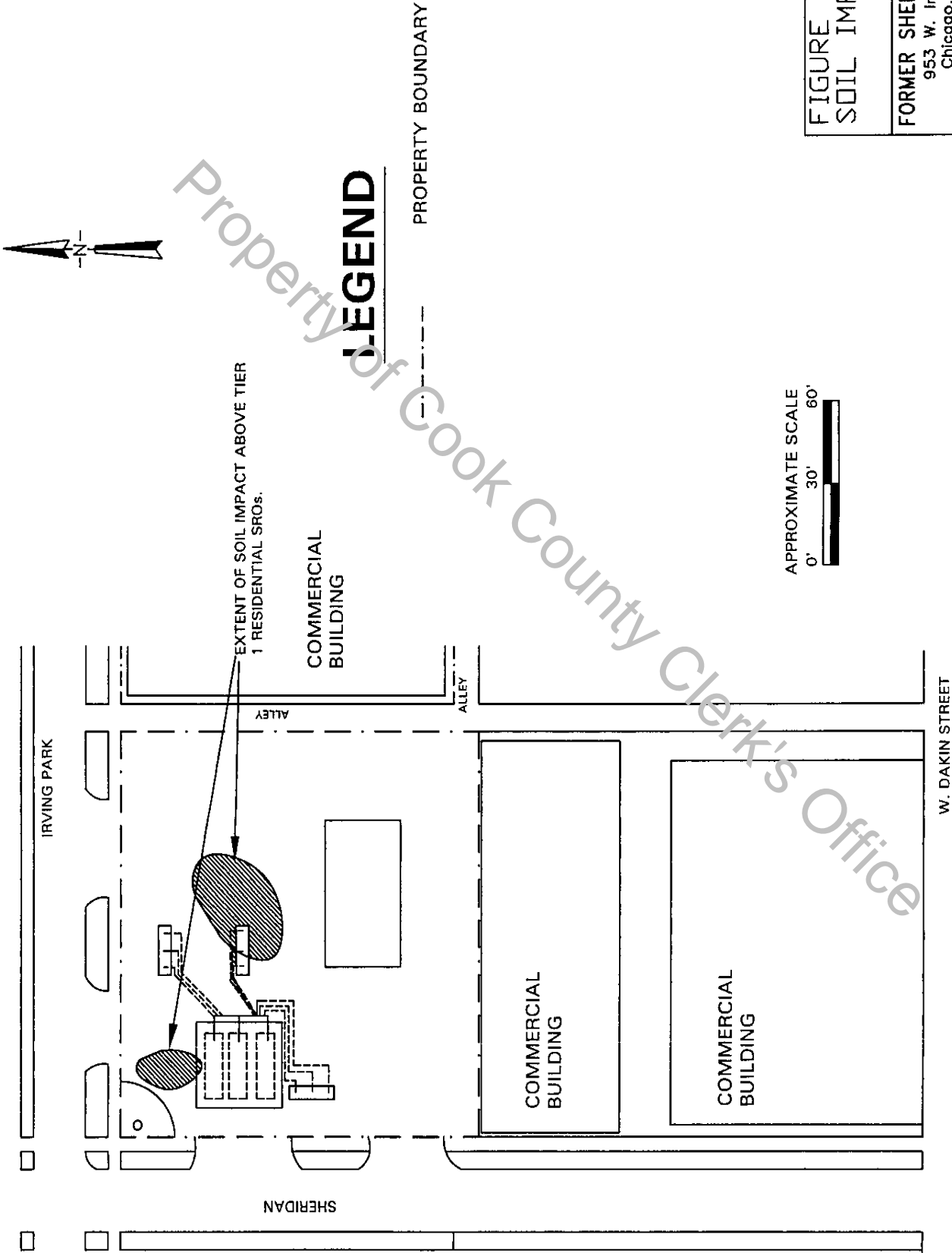
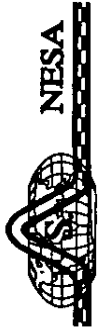
953 W. Irving Park Road
Chicago, Illinois 60613



UNOFFICIAL COPY

FIGURE 9
SOIL IMPACT PLUMES

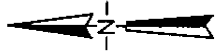
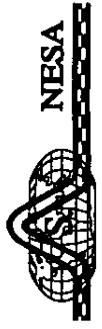
FORMER SHELL SERVICE STATION
953 W. Irving Park Road
Chicago, Illinois 60613



Property of Cook County Clerk's Office

FIGURE 8
GROUNDWATER IMPACT
PLUME

FORMER SHELL SERVICE STATION
953 W. Irving Park Road
Chicago, Illinois 60613



Property of Cook County Clerk's Office

LEGEND

PROPERTY BOUNDARY

APPROXIMATE SCALE
0' 30' 60'

IRVING PARK

COMMERCIAL BUILDING

EXTENT OF CURRENT
GROUNDWATER IMPACT
ABOVE TIER 1
RESIDENTIAL GROs.

ALLEY

ALLEY

POTENTIAL EXTENT OF
GROUNDWATER IMPACT ABOVE
TIER 1 RESIDENTIAL GROs
BASED ON THE CO EQUATION
R26.

COMPLIANCE
POINT 'B'
(MW-7)

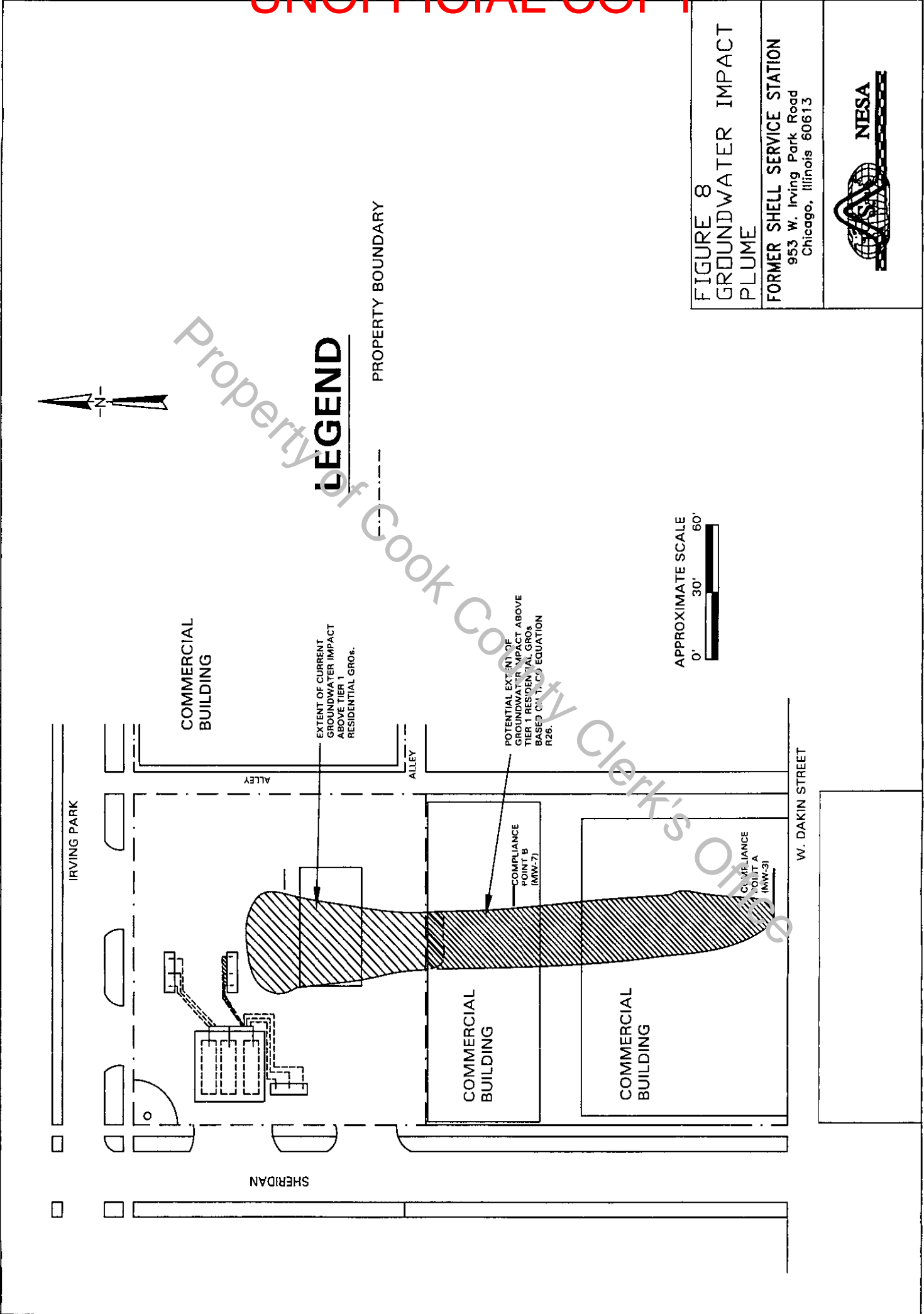
COMMERCIAL
BUILDING

COMMERCIAL
BUILDING

COMPLIANCE
POINT 'A'
(MW-3)

W. DAKIN STREET

SHERIDAN



UNOFFICIAL COPY

0020645360

Page 6 of 13

**EXHIBIT "A"
COOK COUNTY, ILLINOIS**Tract 42. - 953 W Irving Park/ Sheridan, Chicago, COOK, WIC 212-1544-2803

Tax Parcel # 14-20-202-001

14-20-202-002

Parcel 1

Lots 4 and 5 in Block 1 in Subdivision of the West Half of Block 2 in Laflin Smith, Dyer's Subdivision of the North East quarter of Section 20, Township 40 North, Range 14, East of the Third Principal Meridian (except the 1.28 acres in the North East corner thereof) in Cook County, Illinois.

Parcel 2

Lot 6 (except the South 25 feet thereof) in Block 1 in Aldrich's Subdivision of the West 1/2 of Block 2 in Laflin, Smith and Dyer's Subdivision of the Northeast 1/4 of Section 20, Township 40 North, Range 14 East of the Third Principal Meridian, (except 1.28 acres in the Northeast corner thereof), in Cook County, Illinois.

together with all hereditaments, easements, rights, privileges and appurtenances thereunto belonging, and all buildings, improvements and personal property thereon and all right, title and interest of Grantor, if any, in and to the alleys, streets, roads, waters and waterways adjacent to said premises;

UNOFFICIAL COPY



City of Chicago
Richard M. Daley, Mayor

Department of Environment

Henry L. Henderson
Commissioner

Twenty-fifth Floor
30 North LaSalle Street
Chicago, Illinois 60602-2574
(312) 744-7606 (Voice)
(312) 744-6451 (FAX)
(312) 744-3586 (TTY)
<http://www.ci.chi.il.us>

July 1, 1997

Mr. Gary P. King
Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
1001 N. Grand Avenue, East
Springfield, IL 62702

RECEIVED

JUL 03 1997

I.E.P.A. / B.O.L.

Re: Chicago Ordinance No. 097990

Dear Mr. King:

Pursuant to 35 Ill. Adm. Code 742.1015(I)(2), Section 11-8-385 and 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, apply to all areas within the corporate limits of the City of Chicago.

Sincerely,

Henry L. Henderson
Commissioner

cc: Mort Ames
Asst. Corp. Counsel



Please Recycle!



UNOFFICIAL COPY



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
7001-2510-0002-3280-0205

MAY 28 2002

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

SAP # 136917
Incident # 97218124

Re: LPC #0316165074 -- Cook County
Chicago / Shell Service Station #136917
953 West Irving Park Road
LUST Incident No. #2001373
LUST Technical File

Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted for the above-referenced incident. This report is dated January 23, 2002; was received by the Illinois EPA January 28, 2002; and was prepared by NESA & Associate, 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 Section 732.312(b) and Section 732.409(b) indicate the remediation objectives set forth in 35 IAC Section 742, Subpart E have been met.

Based upon (a) the certification by Keith Gordon Brown, 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);

cc: Paul McDonnell, NESA 6/3/02
hanva Sawicki, Shell 6/3/02
Natalie Walsh, Walsh Law Office 6/3/02
GEORGE H. RYAN, GOVERNOR

Page 2

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. 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.

- 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.

Groundwater Use Ordinance

Section 11-8-390 of the Municipal Code of Chicago 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:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the City of Chicago 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. Written proof of this notification shall be submitted to the Illinois EPA within 45 days from the date of this Letter. The notification shall include:

- a) The name and address of the local unit of government;
- b) The citation of the ordinance used as an institutional control in this Letter.
- c) A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;

Page 4

- e) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f) 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 reference 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.

As a part of its corrective action, the LUST site has relied upon Section 11-8-390 of the Municipal Code of Chicago that prohibits potable uses of groundwater as defined therein. Proof of notification of affected parties, if any, shall be submitted in accordance with 35 IAC 742.1015(b) and (c) within 45 days of the issuance of this NFR 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 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

Page 5

8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)) and 35 IAC Section 732.704, 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.

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board (Board) pursuant to Section 57.7(c)(4)(D) and Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Page 6

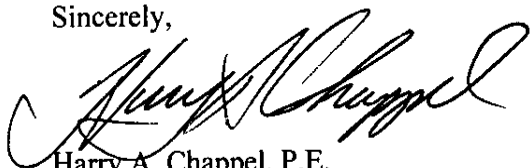
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276
217/782-5544

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, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, the Illinois EPA project manager, Eric Kuhlman, at 217/785-5715/.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:EK:EK\

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Maps (4)
Legal Description
City of Chicago's Groundwater Ordinance

cc: NESAs & Associates, Inc.
Division File