

PREPARED BY:

Name: Equilon Enterprises, LLC  
Attention: John Robbins  
Address: Equilon Enterprises, LLC  
2941 East 81<sup>st</sup> Street  
Chicago, Illinois 60652



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

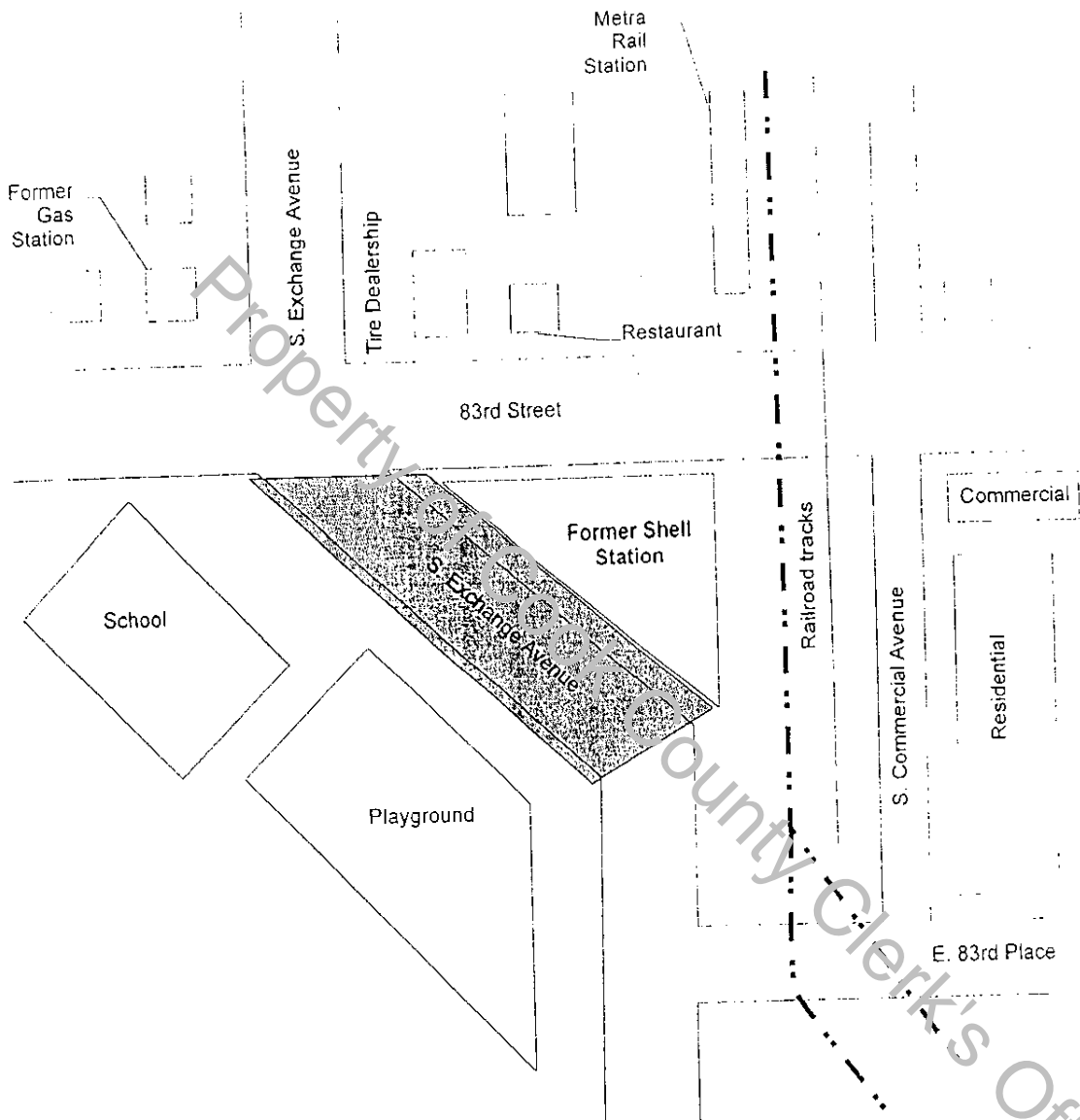
LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE


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.

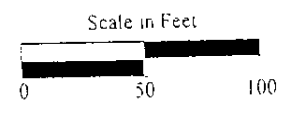
Illinois EPA Number: 0316515046  
LUST Incident No.: 20001055

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, 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: LOTS ONE, TWO, THREE, FOUR, AND FIVE IN BLOCK SIX IN THE CIRCUIT COURT PARTITION OF THE SOUTH EAST QUARTER OF SECTION THIRTY-ONE, TOWNSHIP THIRTY-EIGHT NORTH, RANGE FIFTEEN EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. PLUS ALL THAT PART EAST OF LOT ONE AND TWO TO THE ILLINOIS CENTRAL RAILROAD SOUTH OF 83<sup>RD</sup> STREET AND NORTH OF COMMERCIAL AVENUE, IN COOK COUNTY, ILLINOIS.
2. Common Address: 2941 East 81<sup>st</sup> Street, Chicago, Illinois 60652
3. Real Estate Tax Index/Parcel Index Number: 21-31-403-003
4. Site Owner: Tumara Food Mart, Inc.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.



 Proposed Area for Highway Authority Agreement  
(City of Chicago)



DRAWN BY: WEC  
 DATE: 8/8/98  
 Project No:  
 197-004-006

Figure 1  
 Proposed Area  
 for Highway Authority  
 Agreement

Former Shell Service Station  
 SAP# 136970  
 2941 East 83rd Street  
 Chicago, Illinois



ERS of Illinois, Inc  
 2270 Cornell Avenue  
 Montgomery, Illinois  
 Ph. (630) 896-4090

The following is said ordinance as passed:

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 4. The Municipal Code of the City of Chicago is hereby amended by adding a new Section 11-8-390, as follows:

11-8-390 *Potable Water Wells.*

*For purposes of this section, "potable water" is any water used for human consumption, including but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce*

**RECEIVED**

Division of Legal Counsel

DEC 12 2001

Environmental Protection Agency

**RELEASABLE**

DEC 12 2001

**REVIEWER MM**

**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**

7001-2510-0002-3280-1158

**MAY 17 2002**

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

Re: LPC # 0316515046 -- Cook County  
Chicago/Equilon Enterprises, LLC  
2941 East 81<sup>st</sup> St.  
LUST Incident No. 20001055  
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 January 25, 2002; was received by the Illinois EPA January 30, 2002; 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 Section 732.300(b) 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 Scott A. Beasley, 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.

Please note that a previous No Further Remediation Letter was issued for LUST Incident #870047 at this same location. The terms and conditions included in that letter are still applicable to the subject property.

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;

GEORGE H. RYAN, GOVERNOR

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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. 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

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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.

Highway Authority Agreement

The City of Chicago 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 2941 East 81<sup>st</sup> St., Chicago. Specifically, as shown in the attached map, contamination will remain in the right-of-way for Exchange Avenue 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:

Department of Environment  
Attention: Commissioner  
30 N. LaSalle St., 25<sup>th</sup> Floor  
Chicago, Illinois 60602

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;
- 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.



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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 9276  
Springfield, IL 62794-9276
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