

0030329623
5684/0197 54 001 Page 1 of 12
2003-03-10 12:22:50
Cook County Recorder 46.50

PREPARED BY:

Name: Marathon Oil Company

Address: 1195 Rohlwing Rd.
Elk Grove Village, Illinois 60007

0030329623

5684/0197 54 001 Page 1 of 12
2003-03-10 12:22:50
Cook County Recorder 46.50

RETURN TO:

Name: Marathon Ashland Petroleum LLC
Real Estate - Room 1604
Address: 539 South Main Street
Findlay, OH 45840



(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(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: 0314405404

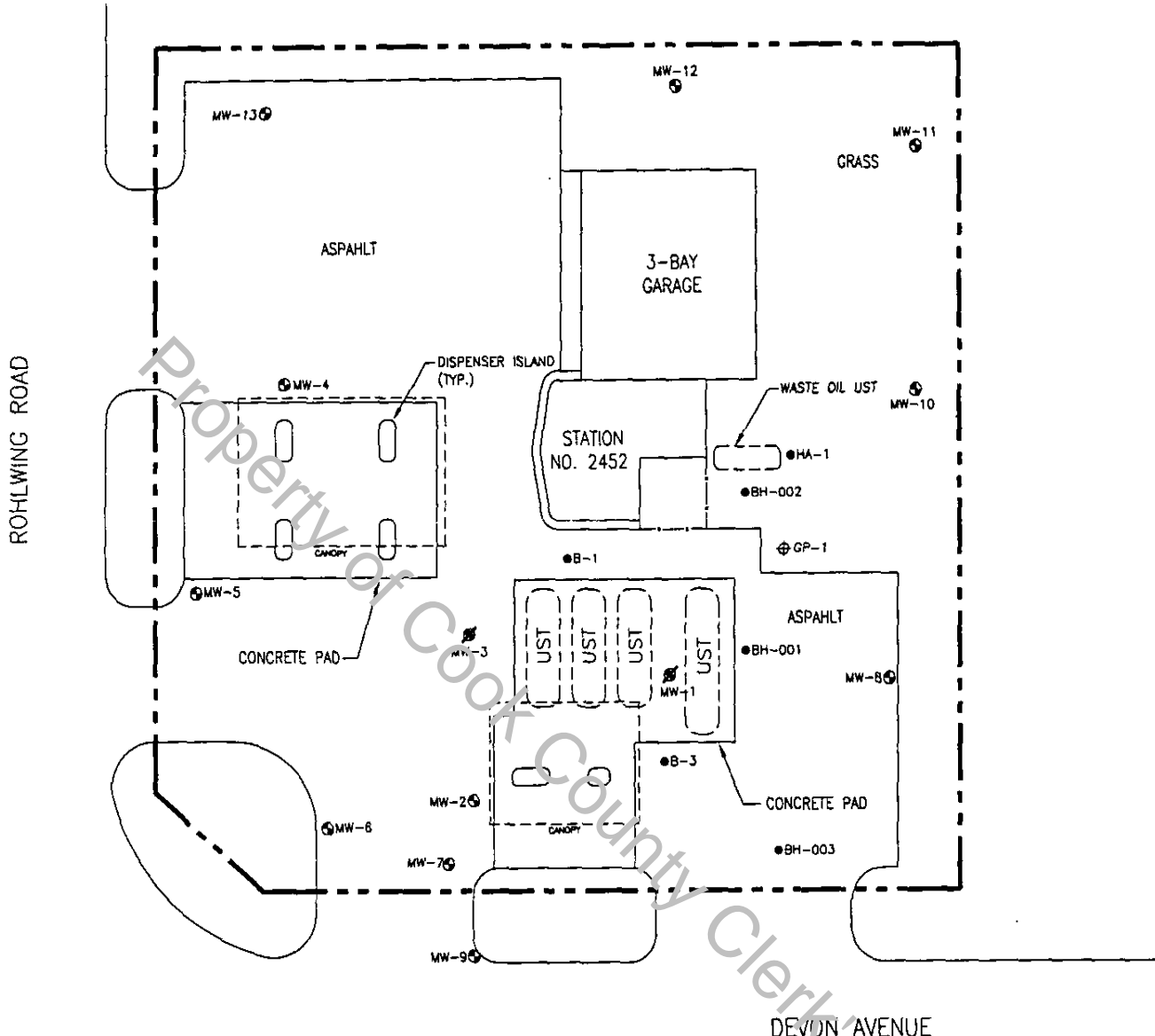
LUST Incident No.: 901789

Marathon Oil Company, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 5000 86th Street Indianapolis, Indiana, 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: Attached
2. Common Address: 1195 Rohlwing Rd., Elk Grove Village, Illinois
3. Real Estate Tax Index/Parcel Index Number: 08-31-400-016-0000
4. Site Owner: Marathon Oil Company
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

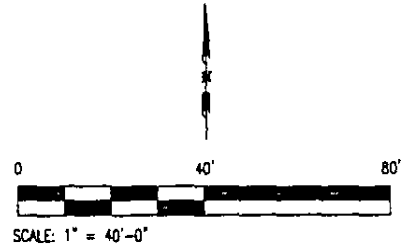
CTB

P-12
m-y



LEGEND

- PROPERTY LINE
- - - WOODEN FENCE
- MONITORING WELL/NUMBER
- ABANDONED MONITORING WELL
- SOIL BORING LOCATION
- ⊕ GEOPROBE LOCATION



User Name : foto
 Copyright © 2002
 path Name : G:\DRAFTING\CLIENTS\Marathon\#2452\02clw185.dwg
 ACAD version : R15
 Date/Time : 15 Jul 2002 10:55am

 35 East Wacker Drive, Suite 1000 Chicago, IL 60601 Tel (312)263-6703 Fax (312)263-7897	Drawing Date 7/08/02	File Name 02C10185.DWG	File Location G:\drafting\clients\Marathon	Drawn BY FS	Checked BY J. HERTEL	Project Manager S. GLENN
	MARATHON STATION #2452 1195 ROHLWING ROAD SITE MAP ELK GROVE VILLAGE, ILLINOIS				Department Manager S. GLENN	Unique Number
					Project Number C1001212.0001	Figure 2

EXHIBIT "A"

**Legal Description of Premises @
1195 Rohlwing Rd. & Devon
Elk Grove Village, IL**

That part of the South 225 feet of the West 225 feet of the Southwest Quarter of Section 31, Township 41 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

EXCEPTING THEREFROM that portion of the premises conveyed to The County of Cook by Warranty Deed dated 7-11-75, more particularly described as follows:

That part of the South 225 feet of the West 225 feet of the Southwest Quarter of Section 31, Township 41 North, Range 11 East of the Third Principal Meridian, bounded and described as follows: Beginning at the intersection of the North right-of-way line of Devon Avenue as shown on Document Number 10779387, Recorded October 29, 1930, with the East right-of-way line of Rohlwing Road, Recorded April 5, 1932 as Document Number 11069335; thence North on said East right-of-way line of Rohlwing Road, 20 feet; thence Southeasterly to a point on the North right-of-way line of Devon Avenue aforesaid, 20 feet East of the point of beginning; thence West on said North right-of-way line to the point of beginning.

HATXB#2452

10-P

ORDINANCE NO. 1538

AN ORDINANCE AMENDING CHAPTER 22A WATER AND SEWER OF THE MUNICIPAL CODE TO PROHIBIT NON-VILLAGE WATER USE AND AMEND THE PENALTIES CONTAINED THEREIN

BE IT ORDAINED by the President and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois as follows:

SECTION 1. That Article 1, General Provisions of Chapter 22A, Water and Sewer of the Municipal Code be and is hereby amended by deleting the present Section 22A112, Penalty, and substituting in its place the following:

22A112. Prohibition of Non-Village Water Use. It shall be unlawful for any person, firm or corporation to construct, install, maintain or utilize a water system or well other than the water supply and water services of the Village. The provisions of this Section shall be applicable to all water usage, including, but not limited to, domestic, commercial and industrial uses and water for outdoor purposes. The provisions of this Section shall not apply to private water systems installed prior to the effective date of this Ordinance, the use of which has been previously approved by the Village.

22A113. Penalty. Any person, firm, or corporation violating any provision of this Article 1 shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

In addition to any penalty which may be imposed herein, any person, firm or corporation violating the provisions of this Article shall be subject to having their water services terminated, suspended or revoked. Notice of the intent by the Village to terminate, suspend or revoke such service shall be given to any such person, firm or corporation at least fifteen (15) days in advance of the date established for termination, and a person so notified shall have an opportunity to request, in writing, a hearing before the Village Manager to show cause as to why his water service shall not be terminated, suspended or revoked. The notice request must be filed with the Village Manager no later than five (5) days from the proposed termination date and thereafter the Village Manager shall schedule a hearing within ten (10) days of the receipt of said notice request. Pending any such hearing, all water use privileges shall remain in full force and effect, subject to compliance with the provisions of this Chapter. The Village Manager shall have the authority during the course of any such hearing to suspend or revoke water service or to impose such sanctions on the water user short of suspension, or revocation, including the collection of unpaid water usage, unpaid water bills, interest due thereon, and such other monetary fines or sanctions which the Village Manager deems in the best interest of the Village for the express purpose of enforcing the provisions of this Article.

SECTION 2. That Section 22A206, 22A706 and 22A904 are hereby amended to read as follows:

Penalty. Any person, firm or corporation violating any provision of this Article shall be subject to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

VOTES: AYES: 6

NAYS: 0

ABSENT: 0

APPROVED:

Charles J. Zettek
Village President

ATTEST:

Patricia S. Smith
Village Clerk

PASSED this 28th day of September, 1982.

APPROVED this 28th day of September, 1982.

PUBLISHED this 6th day of October, 1982,

in the Elk Grove Daily Herald.

Property of Cook County Clerk's Office



Village President
CRAIG B. JOHNSON

Village Clerk
PATRICIA S. SMITH

Village Manager
GARY E. PARRIN

Village Trustees
NANCY J. CZARNIK
BART K. DILL
PATTON L. FEICHTER
SAMUEL J. LISSNER
JAMES P. PETRI
CHRIS PROCHNO

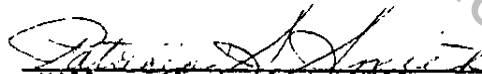
STATE OF ILLINOIS)
)
COUNTIES OF COOK AND DU PAGE) SS

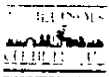
CERTIFICATE OF CLERK

This is to certify that I, Patricia S. Smith, am the Village Clerk of the Village of Elk Grove Village, Cook and DuPage Counties, Illinois, and as such official am the custodian of the records and seal of said Village; and that the attached is a true and correct copy of Ordinance No. 1538, passed by the President and Board of Trustees of said Village at a meeting duly held on the 28th day of September, 1982, which Ordinance No. 1538 was approved by the Village President, all as appears from the official records which are in my custody.

Witness my hand and the official seal of said Village of Elk Grove Village this 25th day of June, 1997.

(SEAL)


Village Clerk of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois





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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 2030 0001 1879 0062

FEB 11 2003

42

Marathon Oil Company
Attn: Mark Ehrman
5000 86th Street
Indianapolis, Indiana 46268

Re: LPC #0314405404 - Cook County
Elk Grove Village/Ron's Elk Grove Service
1195 Rohlwing Rd. #1152
LUST Incident No. 901789
LUST Technical File

Dear Mr. Ehrman:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated August 20, 2002 and was received by the Illinois EPA on August 26, 2002. Citations in this letter are from 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Ill. Adm. Code 731 indicate remediation has been successfully completed.

Based upon the certification by Timothy Scully Granzeier, a Licensed Professional Engineer, 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 Licensed 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 remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. This Letter shall apply in favor of the following parties:

1. Marathon Oil Company, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.

3. 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.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. 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.
8. 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 receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which 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, an accurate and official 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 Ill. Adm. Code 742) rules.
2. As a result of the release from the underground storage tank system(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 No Further Remediation 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

Elk Grove Village Ordinance number 1538 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 Elk Grove Village must receive written notification from the owner or 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 in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- a. The name and address of the unit of local 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;

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- d. A statement that the ordinance restricting the groundwater use was 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 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 a recorded institutional control.

As a part of its corrective action, the leaking underground storage tank site has relied upon Elk Grove Village Ordinance number 1538 that prohibits potable uses of groundwater as defined therein.

- 5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan may, if applicable, 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 Ill. Adm. Code 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:

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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. 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.

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

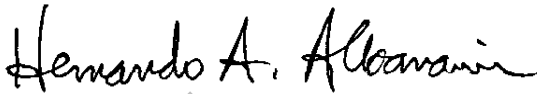
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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Clayton Bloome, at 217/524-1288.

Sincerely,



Hernando A. Albarracin

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

HAA:CTB\

Attachments: Leaking Underground Storage Tank Environmental Notice

Site Base Map

Legal Description

Elk Grove Village Ordinance number 1538

cc: Jim Hertel, ARCADIS

Division File

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