

UNOFFICIAL COPY

0030470743

18/084 31 001 Page 1 of 13
2003-04-08 13:37:17
Cook County Recorder 48.50

PREPARED BY:



Name: Equilon Enterprises, LLC dba Shell Oil Products US
Attn: John Robbins

Address: 8801 West Grand Avenue
River Grove, IL 60171

RETURN TO:

Name: Equilon Enterprises, LLC dba Shell Oil Products US
Attn: John Robbins

Address: 603 Diehl Road, Suite 103
Naperville, IL 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 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: 0312640006

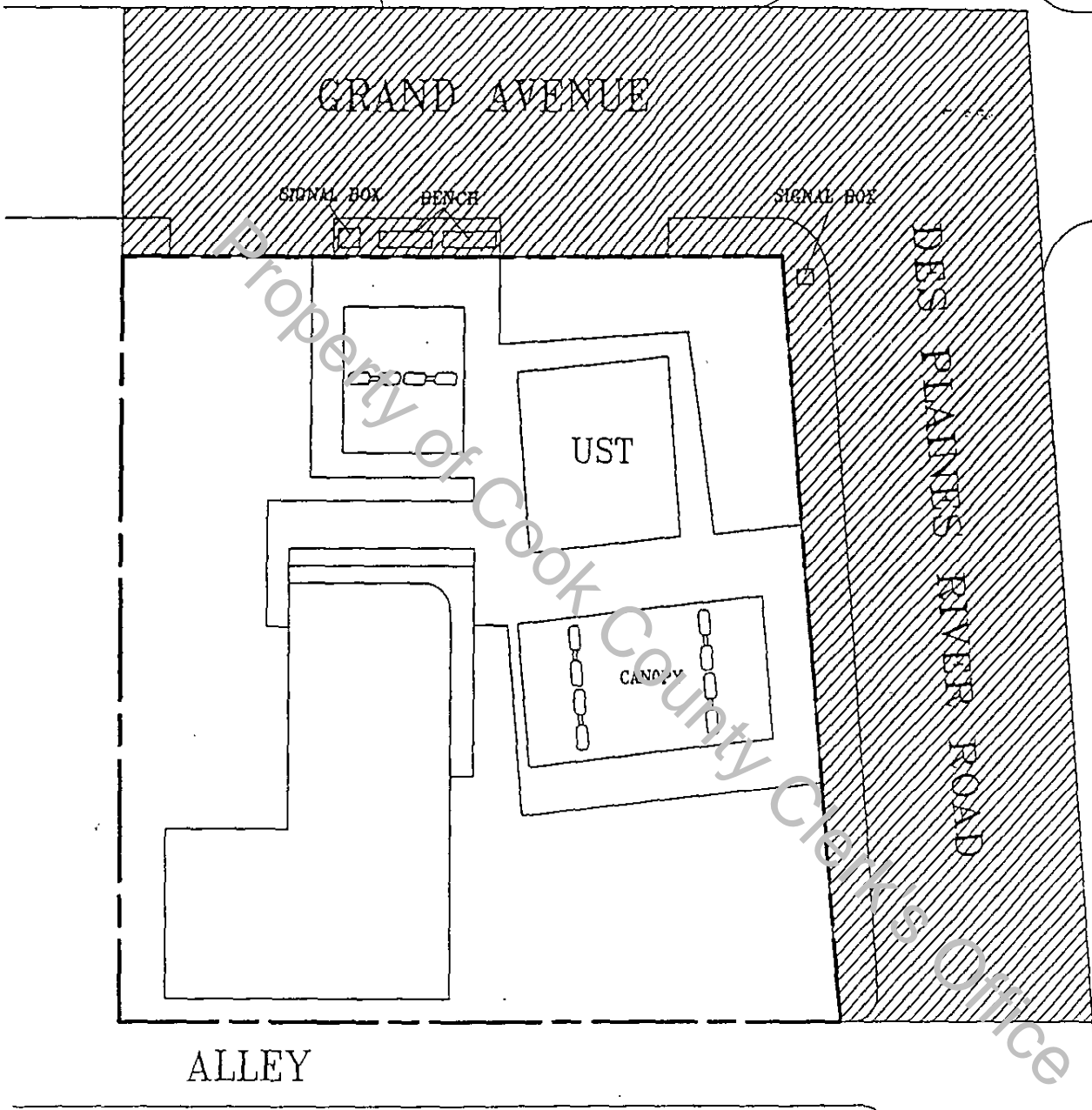
LUST Incident No.: 990382

Equilon Enterprises, LLC dba Shell Oil Products US, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 603 Diehl Road, Suite 103, Naperville, IL 60563, 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: 8801 West Grand Avenue, River Grove, IL 60171
3. Real Estate Tax Index/Parcel Index Number: 12-27-407-041
4. Site Owner: Equilon Enterprises, LLC dba Shell Oil Products US
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

TAH:CC

ESTIMATED EXTENT OF HIGHWAY
AUTHORITY AGREEMENT



LEGEND

DISPENSER

FIGURE 3
ESTIMATED EXTENT OF HIGHWAY
AUTHORITY AGREEMENT

SHELL SERVICE STATION
137162
8801 WEST GRAND AVENUE
RIVER GROVE, ILLINOIS

DRAWN BY: VIN MIROCK	CHECKED BY: PAUL	DATE: 6/14/02	NOT A LEGAL SURVEY, DRAWING BASED ON DOCUMENTATION PROVIDED BY SHELL OIL
-------------------------	---------------------	------------------	---



0030470743 P. 14/18
UNOFFICIAL COPY

EXHIBIT "A"
COOK COUNTY, ILLINOIS

4-43

Tract 152. - 8801 N Grand/River, River Grove, COOK, WIC 212-6690-0204
Tax Parcel # 12-27-407-041

Lots 3, 4, 5 and 6 in Block 8 in Walter C. McIntosh Company's River Park Addition, being a subdivision of part of Fractional Sections 27 and 34, Township 40 North, Range 12 East of the Third Principal Meridian, according to a plat recorded June 15, 1925 as document 8944974, except that part taken or used for streets and highways, in Cook County, Illinois.

ALSO EXCEPTING THEREFROM that part of Lot 6 described as follows: Beginning at the Northeasterly corner of said Lot 6; thence on an assumed bearing of South 18 degrees 56 minutes 56 seconds East along the Easterly line of said Lot 6, also being the Westerly line of River Road, a distance of 30 feet to an Illinois Department of Transportation, Division of Highways survey marker; thence North 36 degrees 44 minutes 26 seconds West a distance of 24.57 feet to an Illinois Department of Transportation, Division of Highways survey marker; thence North 53 degrees 51 minutes 19 seconds West a distance of 24.57 feet to an Illinois Department of Transportation, Division of Highways survey marker; on the Northerly line of said Lot 6 and the Southerly line of Grand Avenue; thence North 70 degrees 21 minutes 19 seconds East along the Northerly line of said Lot 6 and the Southerly line of Grand Avenue a distance of 30.00 feet to the point of beginning, in Cook County, Illinois.)

VILLAGE OF RIVER GROVE

ORDINANCE

NUMBER

1998 - 09

AN ORDINANCE 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

WHEREAS, certain properties in the Village of River Grove have been used over a period of time for commercial and/or industrial purposes; and

WHEREAS, because of said use, concentration of certain chemical constituents in the groundwater beneath the Village may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 of Tier I residential remediation objectives as set forth in 35 Illinois Administrative Code 742 ; and

WHEREAS, the Village desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of River Grove, Cook County, Illinois, in open meeting assembled, that:

SECTION 1: Use of Groundwater As a potable Water Supply Prohibited.

The use or attempted use, as a potable water supply, of groundwater from within the Corporate Limits of the Village of River Grove by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the Village of River Grove.

SECTION 2: Penalties:

Any person convicted of violating the provisions of this Ordinance shall be fined not to exceed \$500.00 for each offense and a separate offense shall be deemed committed on each day that a violation occurs or continues.

0030470743

SECTION 3: Definitions:

Person - Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their representatives.

Potable Water - Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, washing dishes or preparing food.

SECTION 4: Repealer:


All Ordinances or parts of Ordinances in conflict herewith are repealed, in so far as a conflict may in fact exist.

SECTION 5: Severability:


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 6: Effective Date:

This Ordinance shall be published in pamphlet form as of the date of its passage and approval and shall be in full force and effect ten (10) days thereafter, as provided by law.



President

ATTEST: 

Village Clerk

Property of Cook County Clerk's Office

UNOFFICIAL COPY

PRESENTED: September 03, 1998

FIRST READING: September 03, 1998

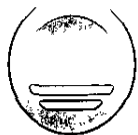
SECOND READING: September 17, 1998

PASSED: September 17, 1998

APPROVED: September 17, 1998

TRUSTEES	PRESENT	ABSENT	AYE	NAY
MAHER	<u>✓</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>
WEINER	<u>✓</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>
CALISTRO	<u>✓</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>
ALLER	<u>✓</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>
MARCHIAFAVA	<u>_____</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
BERNERO	<u>✓</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>

Property of Cook County Clerk's Office



0030470743

UNOFFICIAL COPY

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

7001 2510 0002 5277 9024

MAR 12 2003

Shell Oil Products US
Attn: John Robbins
603 Diehl Road, Suite 103
Naperville, IL 60563

Re: LPC #0312640006 - Cook County
 River Grove/Equilon Enterprises (Shell #137162)
 8801 Grand Avenue
 LUST Incident No. 990382 *Incident # 97083190*
 LUST Technical File

Dear Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report submitted for the above-referenced incident. This information is dated January 31, 2003 and was received by the Illinois EPA on February 5, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

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), (d)(E) of the Act and 35 Ill. Adm. Code 732.409(a)(2) have been satisfied.

Based upon the certification by Shailendra Ganna, a Licensed Professional Engineer, 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 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 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:

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

1. Equilon Enterprises, LLC dba Shell Oil Products USA, 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. This site was classified as High Priority in accordance with Section 57.7(b)(3) of the Act and 35 Ill. Adm. Code 732.304. In accordance with 35 Ill. Adm. Code 732.404(a), the owner or operator has remediated or eliminated each of the criteria that caused the site to be classified as High Priority. The remediation objectives for the above-referenced site 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: 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 Ill. Adm. Code 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 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.

Highway Authority Agreement

Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soil to remain beneath its highway right-of-way adjacent to the site located at 8801 West Grand Avenue, River Grove, IL 60171. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Grand Avenue and Des Plaines River Road, as indicated in the Highway Authority Agreement. The Highway Authority agrees to: (a) prohibit the use of groundwater under the highway right-of-way that is contaminated above Tier 1 groundwater remediation objectives as a potable or other domestic supply of water, and (b) limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 soil 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:

Illinois Department of Transportation

Groundwater Use Ordinance

Ordinance 1998-09 adopted by the Village of River Grove 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:
 - 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 contamination modeling), and the Village of River Grove 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:
 - i. The name and address of the unit of local 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 was 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 a recorded institutional control.
5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan, if applicable, 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 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:

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)) and 35 Ill. Adm. Code 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 system(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

Page 7

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Chris Covert, at 217/785-3943.

Sincerely,



Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

TAH:CC\

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map
Legal Description
Village of River Grove Groundwater Ordinance

c: NESA & Associates, Inc.
Division File

Property of Cook County Clerk's Office