



0325127116

PREPARED BY:

Doc#: 0325127116  
Eugene "Gene" Moore Fee: \$40.50  
Cook County Recorder of Deeds  
Date: 09/08/2003 04:01 PM Pg: 1 of 9

Name: BP Products North America Inc.

Address: 473 Burnham Avenue  
Calumet City, IL 60409

RETURN TO:

Name: Jody Jung  
Jung & Associates, P.C.  
Address: 33 North Dearborn Street  
Suite 1515  
Chicago, Illinois 60602

(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: 0310395062

LUST Incident No.: 913572

BP Products North America Inc., the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 801 Warrenville Road, Lisle, IL 60532, 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 Attached
2. Common Address: 473 Burnham Avenue, Calumet City, IL
3. Real Estate Tax Index/Parcel Index Number: 30-08-108-053
4. Site Owner: Jose A. Garcia and Maria M. Garcia
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  
 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 3150 0000 1224 4029

**AUG 20 2003**

BP Products North America Inc.  
 Attention: David A. Piotrowski  
 801 Warrenville Road  
 Lisle, IL 60532

Re: LPC #0310393062 -- Cook County  
 Calumet City/BP Service Station #6496  
 473 Burnham Avenue  
 LUST Incident No. 913572  
 LUST Technical File

Dear Mr. Piotrowski:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated July 30, 2003 and was received by the Illinois EPA on July 31, 2003. 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 Debra Hagerty, 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. BP Products North America Inc., the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.

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Page 2

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. 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: The groundwater under the site shall not be used as a potable water supply.

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Page 3

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: 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 soil to remain beneath its highway right-of-way adjacent to the site located at 473 Burnham Avenue. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Burnham Avenue and Sibley Boulevard, as indicated in the Highway Authority Agreement. The Highway Authority agrees to: (a) prohibit the use 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:

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Page 4

Illinois Department of Transportation  
District One Engineer – John Kos  
201 West Center Court  
Schaumburg, IL 60196  
847/705-4110

## Environmental Land Use Control

The owner or operator acknowledges and agrees that issuance of this Letter is based upon an agreement by the property owner(s) of the real property located at the common address, 481 Burnham Avenue, Calumet City, IL (Property), through the use of the recorded Environmental Land Use Control (ELUC), to allow contaminated groundwater or soil to remain beneath the Property, as depicted on the attached Site Base Map.

Specifically, the owner(s) of the Property has agreed, for himself/herself and his/her heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property, or the holder of any portion thereof or interest therein, that certain limitations or requirements have been imposed upon the use of the Property in accordance with the terms and conditions of the recorded ELUC. Unless other remedies that may be available are satisfied, a failure to comply with the limitations or requirements of the recorded ELUC may result in voidance of this Letter. The failure to comply with the limitations or requirements of the recorded ELUC may also be grounds for an enforcement action pursuant to Title VII of the Act.

Information regarding the recorded ELUC and/or remediation performed on the Property may be obtained from the Illinois EPA through a written request under the Freedom of Information Act (5 U.S.C. 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this Letter.

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.

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Page 5

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. 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 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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Page 6

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Steve Putrich, at 217/782-6762.

Sincerely,



Michael T. Lowder  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

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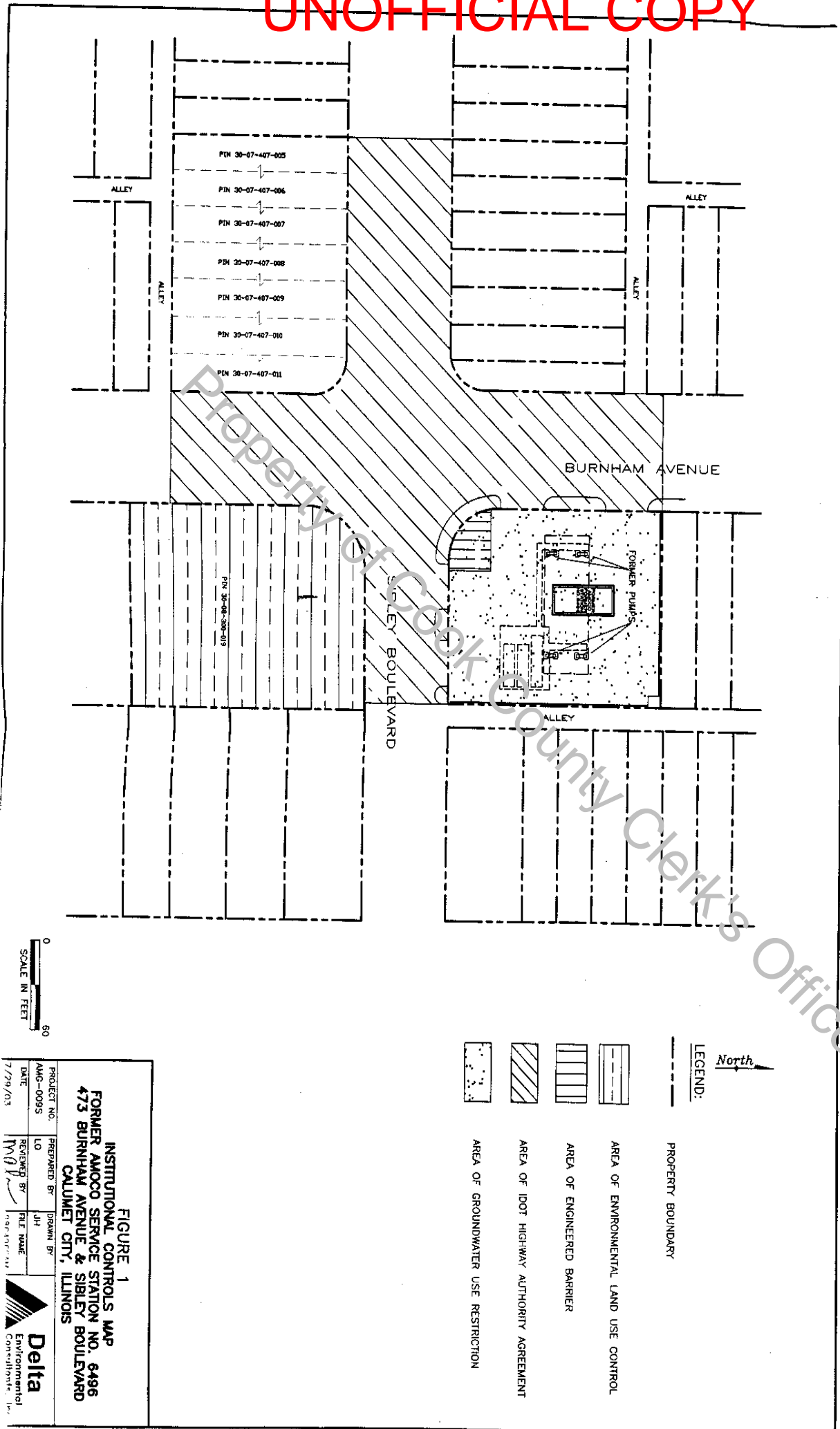
Attachments: Leaking Underground Storage Tank Environmental Notice  
Site Base Map  
Legal Description

c: Delta Environmental Consultants, Inc.  
Division File

PROPERTY OF COOK COUNTY CLERK'S OFFICE








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North

LEGEND:

-  PROPERTY BOUNDARY
-  AREA OF ENVIRONMENTAL LAND USE CONTROL
-  AREA OF ENGINEERED BARRIER
-  AREA OF IDOT HIGHWAY AUTHORITY AGREEMENT
-  AREA OF GROUNDWATER USE RESTRICTION

**FIGURE 1**  
**INSTITUTIONAL CONTROLS MAP**  
**FORMER AMOCO SERVICE STATION NO. 6496**  
**473 BURNHAM AVENUE & SIBLEY BOULEVARD**  
**CALUMET CITY, ILLINOIS**

PROJECT NO. AMG-0095	PREPARED BY LO	DRAWN BY JH
DATE 7/29/03	REVIEWED BY MVA	FILE NAME 94941001.dwg

**Delta**  
 Environmental  
 Consultants, Inc.



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## CHICAGO TITLE INSURANCE COMPANY

400 S. JEFFERSON, CHICAGO, IL 60607

### TRACT INDEX SEARCH

Additional Tax Numbers:

Order No.: 1401 S9539899 SP

#### Legal Description:

LOTS 25, 26, 27, 28, 29 AND 30 IN BLOCK 4 IN FULCHER'S ADDITION TO HAMMOND, SUBDIVISION OF ALL OF THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 LYING SOUTH OF THE MICHIGAN CENTRAL RAILROAD, IN SECTION 8, TOWNSHIP 36 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID LOTS 25 AND 26 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 25; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 00 MINUTES 16 SECONDS WEST ALONG THE WEST LINE OF SAID LOTS 25 AND 26, A DISTANCE OF 40.83 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 58.06 FEET ALONG A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 59 DEGREES 54 MINUTES 44 SECONDS; THENCE SOUTH 59 DEGREES 55 MINUTES 00 SECONDS EAST 91.56 FEET TO THE EAST LINE OF SAID LOT 25; THENCE SOUTH 00 DEGREES 03 MINUTES 32 SECONDS EAST ALONG SAID EAST LINE, 3.89 FEET TO THE SOUTHEAST CORNER OF SAID LOT 25; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT, 128.50 FEET TO THE POINT OF BEGINNING), ALL IN COOK COUNTY, ILLINOIS.

Clerk's Office