

UNOFFICIAL COPY



Doc#: 0329631071
Eugene "Gene" Moore Fee: \$40.50
Cook County Recorder of Deeds
Date: 10/23/2003 10:30 AM Pg: 1 of 9

PREPARED BY:

Name: Go-Tane Service Station
Attention: E.V. Silveri
Address: 6335 West Dempster
Morton Grove Illinois 60053

RETURN TO:

Name: Go-Tane Service Stations, Inc.
E.V. Silveri
Address: 501 West North Avenue
Melrose Park, Illinois 60160

(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: 0311955101

LUST Incident No.: 942274

Go-Tane Service Stations, Inc., the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 501 West North Avenue, Melrose Park, 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 1, 2, 3, 4 AND 5 ALL IN LUMPP'S SUBDIVISION OF THE NORTH 366.17 FEET OF LOT 3 IN HENNING'S SUBDIVISION OF LOTS 42 AND 43 TOGETHER WITH THE NORTH 16 FEET OF LOT 44 IN COUNTY CLERK'S DIVISION OF SECTION 20 AND THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THEREFROM THE NORTH 100.17 FEET OF THE EAST 85 FEET OF SAID LOT 5 IN HENNING'S SUBDIVISION) IN COOK COUNTY, ILLINOIS.
2. Common Address: 6335 West Dempster, Morton Grove Illinois 60053
3. Real Estate Tax Index/Parcel Index Number: 10-20-100-026-0000
4. Site Owner: Go-Tane Service Stations, Inc.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

Leaking Underground Storage Tank Environmental Notice

UNOFFICIAL COPY

Page 2

1. Go-Tane Service Stations, Inc., 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.

UNOFFICIAL COPY

Page 3

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. 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

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 6335 West Dempster, Morton Grove, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Dempster Avenue, 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:

UNOFFICIAL COPY

Page 4

District One Engineer
Attention: John P. Kos
201 West Center Court
Schaumburg, Illinois 60196-1096
Phone: 847/705-4000

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 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;

UNOFFICIAL COPY

Page 5

- 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

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

Sincerely,



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

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map
Morton Grove Ordinance 01-44

cc: David Kay / Laicon, Inc.
Division File

UNOFFICIAL COPY**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1224 7129

SEP 25 2003

Go-Tane Service Stations
 Attention: Gene Silveri
 501 West North Avenue
 Melrose Park, Illinois 60160

Re: LPC #0311955101 -- Cook County
 Morton Grove / Go-Tane Service Stations
 6335 West Dempster
 LUST Incident No. 942274
 LUST Technical File

Dear Mr. Silveri:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated February 5, 2003, and was received by the Illinois EPA on March 10, 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)(1)(E) of the Act and 35 Ill. Adm. Code 732.409(a)(2) have been satisfied.

Based upon the certification by David S. Kay, 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 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. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

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

UNOFFICIAL COPY



FOREST PRESERVE DISTRICT OF COOK COUNTY

DEMPSTER AVENUE

8" Water Main

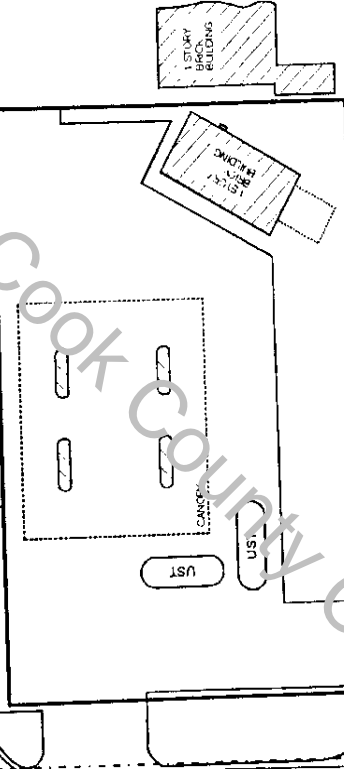
36" Combustion Sewer Main

Amphibious Filter Cells Duct

12" Sanitary Sewer Main

2" Gas Main

PUBLIC ALLEYWAY



ENVIRONMENTAL ENGINEERS	LAUCON, INC.	WESTCHESTER, ILLINOIS
CLIENT	6335 W. DEMPSTER AVE. MORTON GROVE, ILLINOIS	
TITLE	PROPOSED HIGHWAY AGREEMENT	
DRAWN	BLK	PROJECT G20127
LOCATION MAP	DATE 07/31/02	FIGURE 3

Property of Cook County Clerk's Office

UNOFFICIAL COPY

ORDINANCE 01-44

AN ORDINANCE AMENDING TITLE 7 CHAPTER 4, ENTITLED, "WATER REGULATIONS", TO ADD A NEW PARAGRAPH 9C ENTITLED, "USE OF GROUNDWATER PROHIBITED"

WHEREAS, the Village of Morton Grove (VILLAGE), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, certain properties in the VILLAGE have been used over a period of time for commercial and industrial purposes; and

WHEREAS, because of said use, concentrations 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 or 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 possible chemical constituents in groundwater beneath the VILLAGE; and

WHEREAS, Municipal Code Sections 7-4-10, "Cross-Connection Control", and Section 10-3-2, "Plumbing Regulations - Amendments", currently require that all potable water used within the VILLAGE be supplied by the VILLAGE; and

WHEREAS, the VILLAGE currently purchases potable water from the City of Chicago and has no intention of using groundwater as a potable water source however, the IEPA has suggested that a section be added to the Municipal Code to clarify that no water from other sources (ground wells) will be allowed for potable use within the Corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance as though fully set forth therein thereby making the findings as hereinabove set forth.

SECTION 2: Title 7, entitled, "STREETS AND PUBLIC PROPERTY", of the Municipal Code is hereby amended to add a new Title 7, Chapter 4, section 9, subsection C, entitled, "Use of Groundwater as a Potable Water Supply Prohibited", to read as follows:

7-4-9: PROHIBITED USES, ACTIONS

- C: Use Of Groundwater as a Potable Water Supply Prohibited: Except for such uses or methods in existence prior to September 10, 2001, the use or attempt to use by any person, including the Village of Morton Grove, as a potable water supply groundwater from any location within the corporate limits of the Village by the installation or drilling of wells or by any other method is hereby prohibited.

UNOFFICIAL COPY

For use in this subsection, the following terms shall be defined as noted:

"Person" is 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 legal representatives, agents, or assigns.

"potable water" is any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes, or preparing food.

"groundwater" is any underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure (35 II Adm Code 742.200.)

SECTION 3: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 10th day of September 2001.

Trustee DiMaria Aye

Trustee Gomberg Aye

Trustee Karp Aye

Trustee Liston Aye

Trustee Moll Aye

Trustee Weiss Aye

APPROVED by me this 10th day of September 2001.

Daniel D. Scanlon
 Daniel D. Scanlon, Village President
 Village of Morton Grove
 Cook County, Illinois

APPROVED and filed in my Office this 11th day of September 2001.

Marilyn Sneider
 Marilyn Sneider, Acting Village Clerk
 Village of Morton Grove
 Cook County, Illinois