

UNOFFICIAL COPY



PREPARED BY:

Name: Shell Oil Co. #128891

Address: 1700 Madison Ave.
Maywood, IL 60153

RETURN TO:

Name: Equilon Enterprises LLC
Attn: John Robbins

Address: 603 Diehl Rd., Suite 103
Naperville, IL 60563

Doc#: 0332432187
Eugene "Gene" Moore Fee: \$52.50
Cook County Recorder of Deeds
Date: 11/20/2003 03:18 PM Pg: 1 of 15

(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: 0311835032

LUST Incident No.: 920414

Shell Oil Co. (John Robbins), the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 603 Diehl Rd., Suite 103, Naperville, IL, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: See attached.
2. Common Address: 1700 Madison Ave., Maywood, IL
3. Real Estate Tax Index/Parcel Index Number: 15-15-101-023
4. Site Owner: Newman & Boyer, LTD c/o Double J Reality, LLC
5. Land Use Limitation: The land use shall be industrial/commercial. 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.

HAC:JD

Attachment: Site Base Map
Legal Description

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ORDINANCE NO. CO-99- 30

AN AMENDMENT TO THE ORDINANCE PROHIBITING THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS IN THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS ("VILLAGE") AND AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AGREEMENTS WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("EPA") TO ALLOW FOR THE USE OF THE ORDINANCE AS AN INSTITUTIONAL CONTROL FOR VARIOUS ILLINOIS REMEDIATION PROGRAMS ("POTABLE WATER SUPPLY WELL ORDINANCE")

WHEREAS, 35 Ill. Admin. Code Sec. 742.1015(a) provides that local governments may adopt ordinances as institutional controls for purposes of satisfying the risk-based remediation objectives of the Illinois Site Remediation Program as well as other Illinois remediation programs; and

WHEREAS, the Village will benefit by redevelopment and cleanup initiatives within the Village conducted pursuant to and consistent with the Illinois Site Remediation Program as well as other Illinois remediation programs, including but not limited to the Leaking Underground Storage Tank program, and the Village will also benefit by the limits placed on potential threats to human health from groundwater contamination through the adoption and enforcement of this Potable Water Supply Well Ordinance while facilitating the redevelopment and productive use of properties that may be the source of contamination; and

WHEREAS, it is also in the best interest of the Village to authorize the Village Manager to enter into any Memorandum of Understanding ("MOU") or other agreements with the Illinois EPA necessary to implement the spirit and intent of this Ordinance.

NOW, THEREFORE, be it ordained by the President and the Board of Trustees of the Village of Maywood, Illinois as follows:

Section 1. Incorporation of Recitals. The foregoing recitals to this Resolution are incorporated in this Resolution as if set out in full.

Section 2. Potable Water Defined. Potable water is any water used for human consumption, including, but not limited to water used for drinking, bathing, washing dishes, swimming, preparing foods and watering gardens in which produce intended for human consumption is grown.

Section 3. Prohibited Installation or Use of Potable Water Supply Wells. No groundwater well, cistern or other groundwater collection device may be used as a potable water supply source. Without in any way limiting the generality of this Section, the prohibition contained herein expressly apply to the Village.

Section 4. Penalties. Any person violating this Ordinance shall be subject to a fine of up to \$500. for each violation.

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Section 5. Authority to Enter into MOUs and Related Agreements. The Village Manager shall have the power and duty to enter into Memorandums of Understanding and other agreements or contracts with governmental entities necessary to implement the spirit and intent of this Ordinance.

Section 6. Invalidity of Any Section. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7. Superceder and Effective Date. All resolutions, motions or orders in conflict with this Resolution are repealed to the extent of such conflict, and this Resolution shall be in full force and effect immediately upon its passage by the President and Board of Trustees of the Village and its approval as provided by law.

This ordinance shall be enumerated as Section 8.42 of the Maywood Village Code.

Adopted this 15TH day of NOVEMBER 1999.

AYES: TRUSTEE WOLL, ANDERSON, STEWART, LIGHTFORD

NAYS: NONE

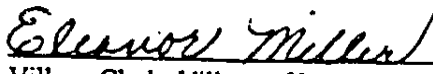
ABSENT: TRUSTEE SHARP, PATT.

Approved this 15TH day of: NOV. 1999.


President, Village of Maywood
Cook County, Illinois

Recorded in Village records: NOV. 1999

ATTEST:


Village Clerk, Village of Maywood
Cook County, Illinois

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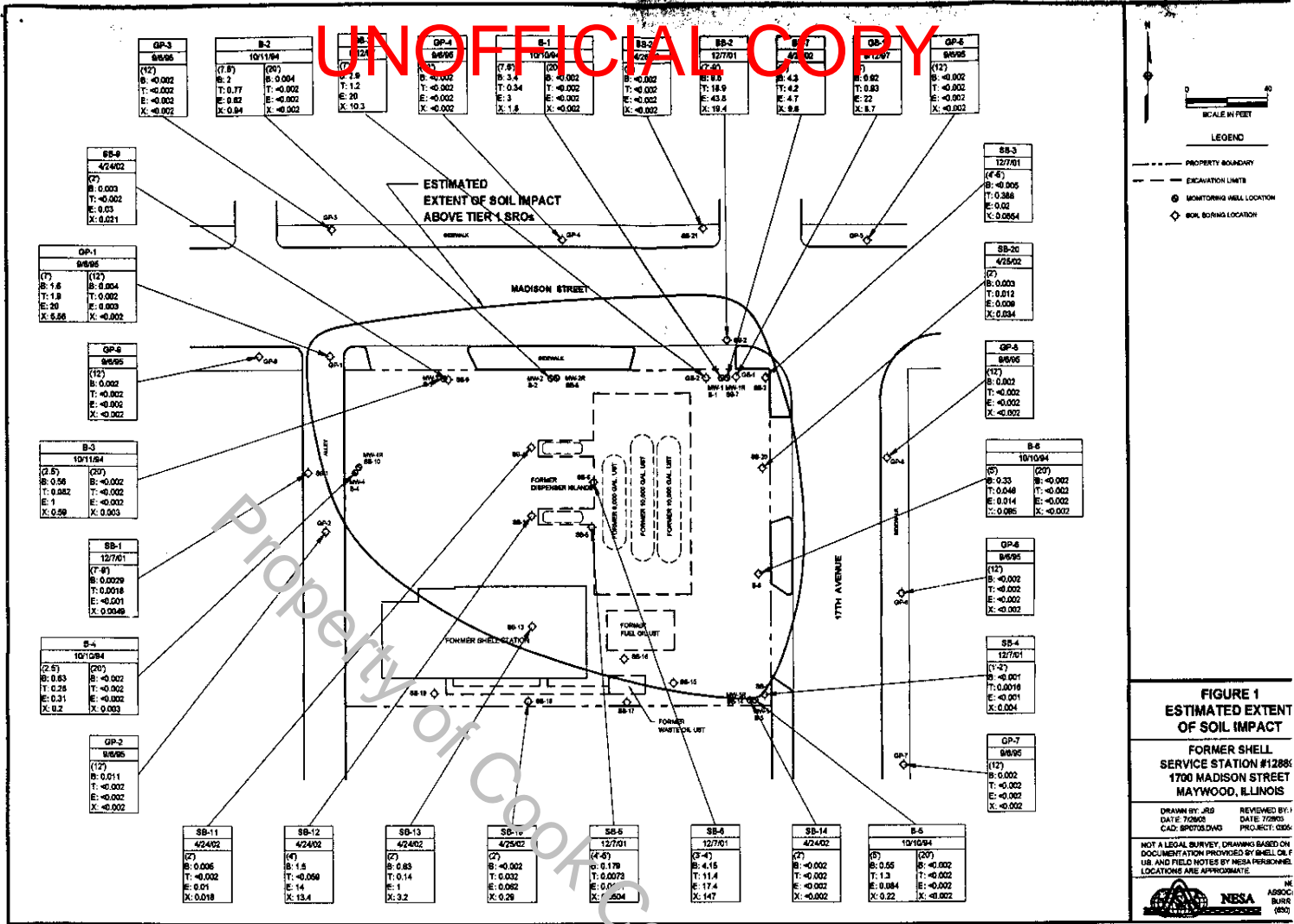


FIGURE 1
ESTIMATED EXTENT OF SOIL IMPACT
FORMER SHELL
SERVICE STATION #1288
1700 MADISON STREET
MAYWOOD, ILLINOIS

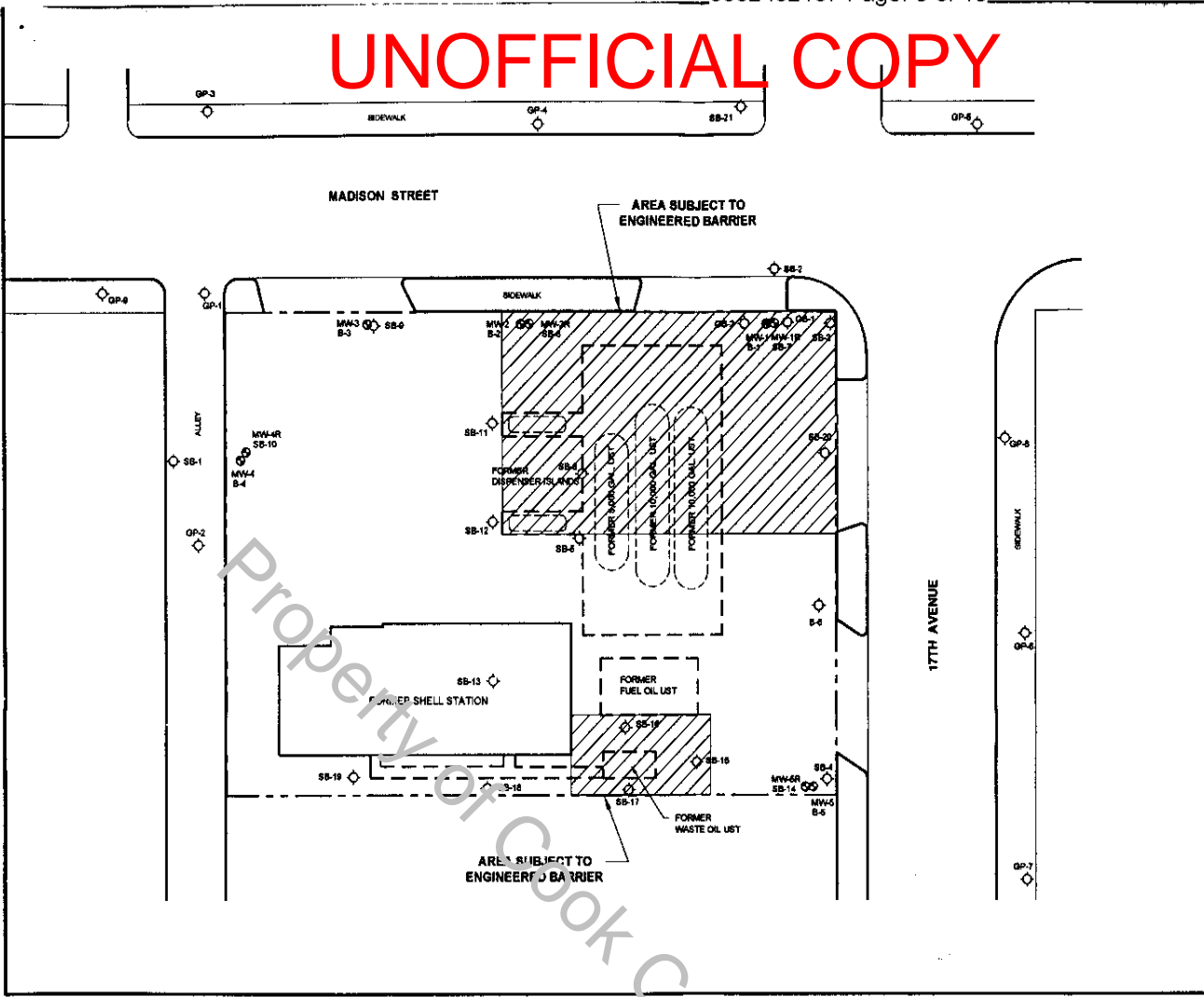
DRAWN BY: JRS REVIEWED BY: JRS
DATE: 7/26/08 DATE: 7/28/08
CAD: SPOT/DND PROJECT: 0006

NOT A LEGAL SURVEY. DRAWING BASED ON DOCUMENTATION PROVIDED BY SHELL OIL FIELD AND FIELD NOTES BY NESA PERSONNEL. LOCATIONS ARE APPROXIMATE.

NESA ASSOCIATES, INC. (NSA) (850)

Property of Cook County Clerk's Office

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N

0 30
SCALE IN FEET

LEGEND

- PROPERTY BOUNDARY
- - - EXCAVATION LIMITS
- MONITORING WELL LOCA
- ◇ SOIL BORING LOCATION

FIGURE 1
AREA SUBJECT TO ENGINEERED BARRIE

FORMER SHELL SERVICE STATION #12881
1700 MADISON STREET
MAYWOOD, ILLINOIS

| | |
|------------------|---------------|
| DRAWN BY: JRS | REVIEWED BY: |
| DATE: 7/26/03 | DATE: 7/26/03 |
| CAD: ENG0305LOWG | PROJECT: 0205 |

NOT A LEGAL SURVEY, DRAWING BASED ON DOCUMENTATION PROVIDED BY SHELL OIL FIELD AND FIELD NOTES BY NESA PERSONNEL. LOCATIONS ARE APPROXIMATE.

NESA
NF ASSOC
BLRR
(830)

Property of Cook County Clerk's Office

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LEGEND

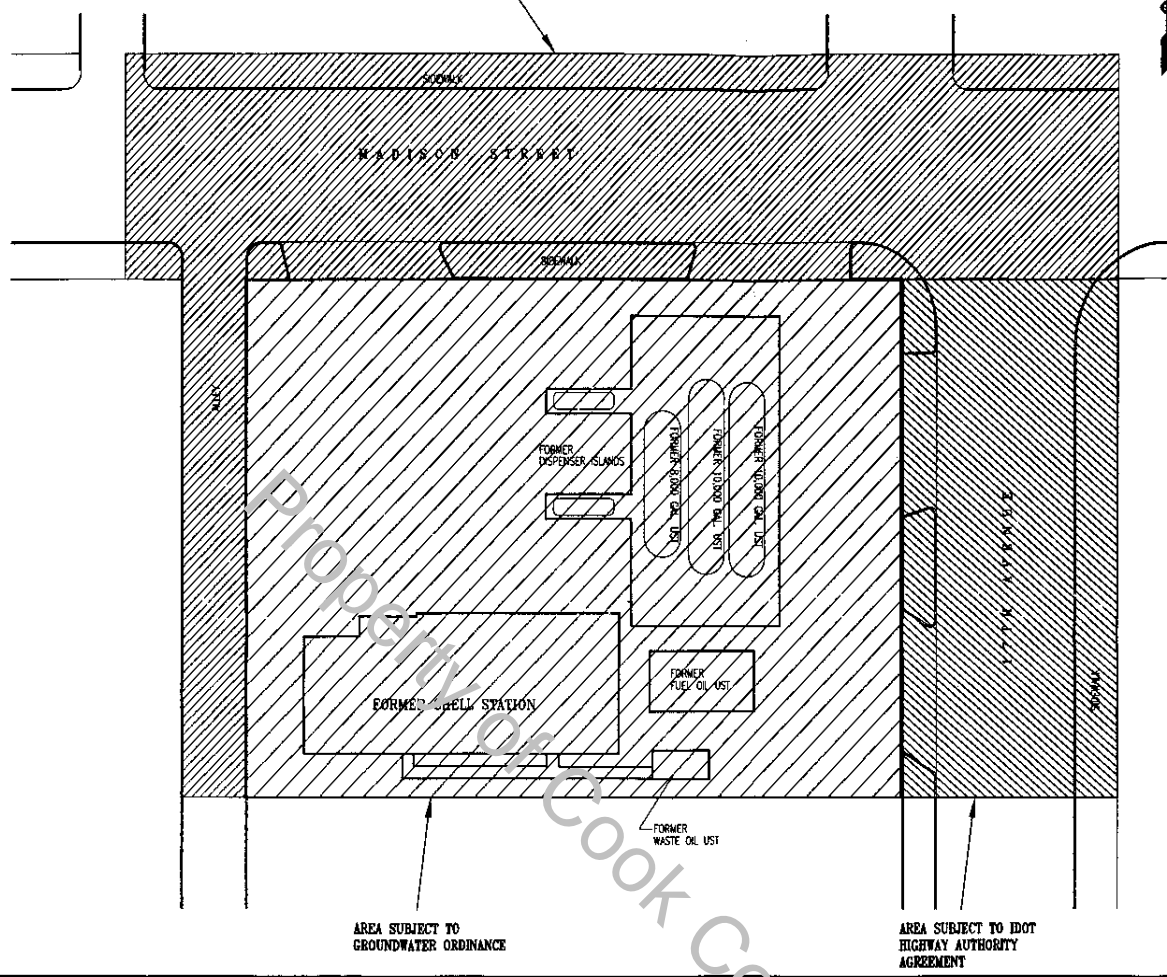
- PROPERTY BOUNDARY
- - - LIMITS OF EXCAVATION



FIGURE 9
AREAS SUBJECT TO HIGHWAY
AUTHORITY AGREEMENTS AND
GROUNDWATER ORDINANCE
FORMER SHELL SERVICE STATION
#128891
1700 MADISON STREET
MAYWOOD, ILLINOIS

| | | |
|--------------------------|---------------------------|------------------|
| DRAWN BY: KEVIN MROCK | CHECKED BY: KIM SOPOCY | DATE: 8/12/02 |
|--------------------------|---------------------------|------------------|

NOT A LEGAL SURVEY, DRAWING BASED ON DOCUMENTATION PROVIDED BY SHELL OIL PRODUCTS US



AREA SUBJECT TO GROUNDWATER ORDINANCE

AREA SUBJECT TO IDOT HIGHWAY AUTHORITY AGREEMENT



PROPERTY OF COOK COUNTY Clerk's Office

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The title holder of record for the property identified in Section A above is not the underground storage tank owner or operator (complete paragraphs E and F).

D. Underground Storage Tank Owner/Operator Declaration

I hereby propose to place the restriction(s) and/or institutional controls identified in Section B above on the property identified in Section A above. I certify that I am the owner and/or operator of the underground storage tank(s) that are or were located at the above referenced property and that I am the title holder of record for the property or the agent of such title holder of record. If the title holder of record is not a natural person, I further certify that, as agent, I have the authority to approve the placement of the proposed institutional controls and restriction(s) on the property.

Name of Property Owner: _____
 Name of Officer or Agent: _____
 Mailing Address: _____
 City, State, ZIP Code: _____
 Signature: _____ Date: _____

E. Property Ownership Declaration

I hereby certify that I have reviewed the attached report and that I accept the terms and conditions set forth therein, including any land use limitations that apply to property I own. I further certify that I have no objection to the recording of a No Further Remediation Letter containing the terms and conditions identified in the Corrective Action Completion Report.

Name of Property Owner: Double J. Realty, LLC
 Name of Officer or Agent: Irving Barr, Manager
 Mailing Address: 2400 W. Devon
 City, State, ZIP Code: Chicago, IL 60659
 Signature: Irving Barr Date: 8/15/03

F. Site Description

Real Estate Tax/Parcel Index Number: 15-15-191-023-0000
 Legal Description of Site (may be provided on a separate sheet): _____
 Lots 1 and 2 in Lynn's Subdivisions of Block 1 (except the West 142 feet thereof) in
 Commissioner's participation of Section 15, Township 39 North, Range 12,
 East of the Third Principal Meridian, in Cook County, IL

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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 1227 0707

NOV 06 2003

Shell Oil Co.
 Attn: John Robbins
 603 Diehl Rd., Suite 103
 Naperville, IL 60553

Re: LPC #0311835032 - Cook County
 Maywood/Shell Oil Co. #128891
 1700 Madison Ave.
 LUST Incident No. 920414
 LUST Technical File

Dear Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Reports submitted for the above-referenced incident. This information is dated October 22, 2002 and January 10 and September 12, 2003, and was received by the Illinois EPA on October 25, 2002 and January 14, and September 15, 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 Shailendra Ganna, 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. Equilon Enterprises LLC (John Robbins), the owner or operator of the underground storage tank system(s).

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Page 2

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 have been established in accordance with an industrial/commercial land use limitation. 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.

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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: The land use shall be industrial/commercial. 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:** Prior to commencement of any future excavation and/or construction in or near the contaminated zone of the remediation site, a safety plan for this remediation site is required that is consistent with National Institute for Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities; Occupational Safety and Health Administration regulations, particularly in 29 CFR 1910 and 1926; state and local regulations; and other U.S. EPA guidance as provided. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.

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.

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Page 4

Engineering: A asphalt/concrete barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media, as well as to impede contaminant migration to the groundwater, must remain over the contaminated soil as outlined in the attached Site Base Map. This asphalt/concrete barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media and/or to impede contaminant migration to the groundwater. **See attached map for barrier locations.**

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 State of 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 1700 Madison Ave. Specifically, as shown on the attached map, contamination will remain in the right-of-way for 17th Ave., 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:

The State of Illinois Department of Transportation
John P. Kos; District One Engineer
201 West Center Court
Schaumburg, IL 60196-1096
(847) 705-4000

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Page 5

Highway Authority Agreement

Village of Maywood 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 1700 Madison Ave. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Madison St. and Alley, as indicated in the Highway Authority Agreement. The Highway Authority agrees to 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:

Village of Maywood
Attn: (or) Freelon
Maywood, IL

Groundwater Use Ordinance

Ordinance NO. CO-99-30 adopted by the Village of Maywood 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 contaminant modeling), and the Village of Maywood 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

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Page 6

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 may, if applicable, result in voidance of this Letter.

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Page 7

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 19275
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.

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Page 8

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, Jason Donnelly, at (217) 557-8764.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAC:JD920414-NFR

Attachments: Leaking Underground Storage Tank Environmental Notice
Village of Maywood Groundwater Ordinance
Site Base Map (Soil Plume)
Site Base Map (Engineered Barriers)
Site Base Map (HAAs)
Legal Description

c: Handex of Illinois, Inc., John Robbins
Division File