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PREPARED BY:

Name: John Robbins
Shell Oil Products US

Address: 401 West Madison Street
Oak Park, IL 60302

Doc#: 0403648034
Eugene "Gene" Moore Fee: \$50.00
Cook County Recorder of Deeds
Date: 02/05/2004 10:20 AM Pg: 1 of 14

RETURN TO:

Name: John Robbins
Shell Oil Products US

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: 0312250004

LUST Incident No.: 893131 and 960933

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: Lot 1 in Block 1 in Subdivision of Blocks 1 and 2 in S.T. Gunderson and Sons Addition of Oak Park being a Subdivision of Section 18, Township 39 North, Range 13 East of the third Principal Meridian (except west one half of the southwest quarter) in Cook County, Illinois, together with all easements, rights, privileges and appurtenances thereto, all buildings, land improvements and personal property thereon and all Grantor's right, title, and interest (if any) in all public ways adjoining the premises.
2. Common Address: 401 West Madison Street, Oak Park, IL 60302
3. Real Estate Tax Index/Parcel Index Number: 16-18-207-013
4. Site Owner: Shell Oil Products US
5. Land Use Limitation: There are no land use limitations.

Leaking Underground Storage Tank Environmental Notice

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6. See the attached No Further Remediation Letter for other terms.

Property of Cook County Clerk's Office

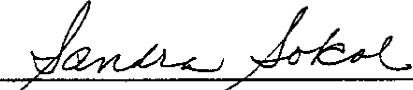
**COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
MAYWOOD OFFICE**

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CLERK'S CERTIFICATE

I, Sandra Sokol, Village Clerk of the Village of Oak Park, in the County of Cook and the State of Illinois, do hereby certify that ORDINANCE #2001-0-107 entitled 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 was adopted by the Village Board of Trustees on December 3, 2001 and approved by the Village President on December 3, 2001. The ORDINANCE is available for public inspection in the Office of the Village Clerk.

IN WITNESS WHEREOF I have set my hand and affixed the seal of said Village of Oak Park this 6th day of November, 2002.



SANDRA SOKOL
Village Clerk

(seal)

UNOFFICIAL COPY**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, various properties throughout the Village of Oak Park, Illinois have been used over a period of time for commercial/industrial purposes or are near properties which have been so used; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the Village of Oak Park 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 of Oak Park (hereinafter "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 Oak Park, County of Cook, State of Illinois as follows:

SECTION ONE: ADOPTION OF FINDINGS.

The findings set forth hereinabove are incorporated herein and are made apart hereof.

SECTION TWO: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED.

The use or attempt to use as a potable water supply, groundwater from within the corporate limits of the Village of Oak Park, by the installation or drilling of wells or by

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any other method is hereby prohibited, including at points of withdrawal by the Village of Oak Park.

SECTION THREE: VILLAGE PROHIBITION.

Except for the provisions contained in Section Four, all restrictions contained in this Ordinance shall be binding upon the Village of Oak Park, Illinois.

SECTION FOUR: PENALTIES.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation.

SECTION FIVE: DEFINITIONS.

"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 foods.

SECTION SIX: REPEALER.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION SEVEN: 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.

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SECTION EIGHT: EFFECTIVE DATE.

THIS ORDINANCE shall be in full force and effect from and after its passage, approval and publication as required by law.

ADOPTED this 3rd day of December, 2001, pursuant to a roll call vote

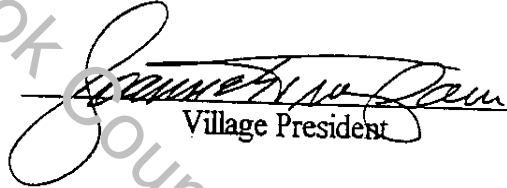
as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

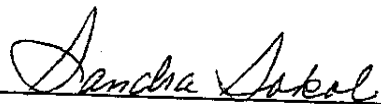
NAYS: None

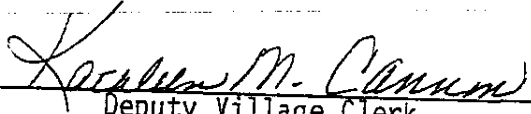
ABSENT: None

APPROVED by me this 3rd day of December, 2001.

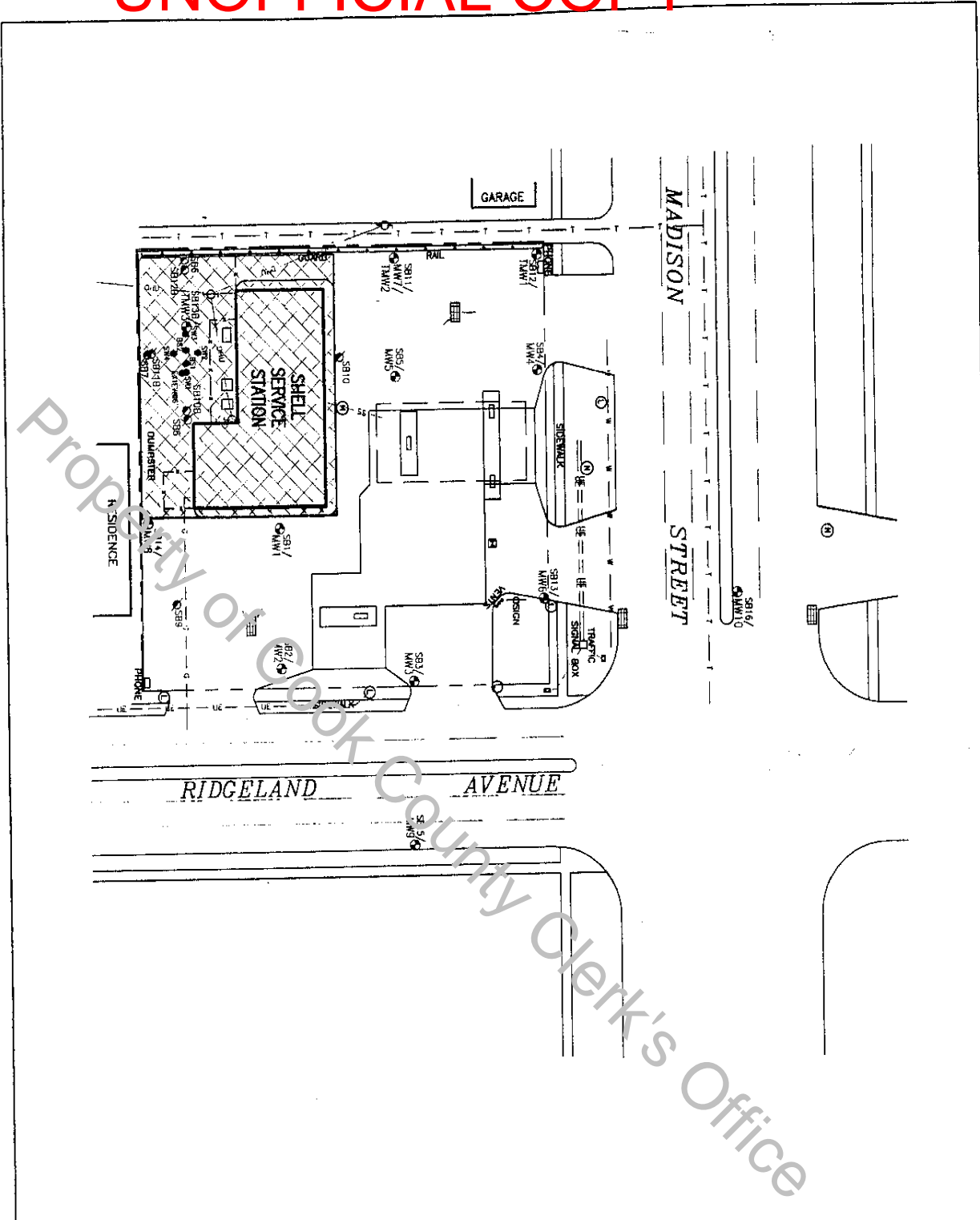

Village President

ATTEST:


Village Clerk

BY: 
Deputy Village Clerk

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- LEGEND**
- ▨ CATCH BASIN
 - ⊕ UTILITY MANHOLE
 - ⊙ LIGHT POLE
 - ⊙ DISPENSER ISLAND
 - ⊙ MONITORING WELL
 - X- FENCE
 - SS- UNDERGROUND SANITARY SEWER
 - W- UNDERGROUND WATER LINE
 - G- UNDERGROUND GAS LINE
 - T- UNDERGROUND TELEPHONE
 - UE- UNDERGROUND ELECTRIC
 - OH- OVERHEAD UTILITIES
 - SOIL BORING
 - SOIL SAMPLE
 - ▨ PROPOSED AREA SUBJECT TO ENGINEERED BARRIER

GRANTED BY: J.S.M. (WALL)	PROPOSED ENGINEERED BARRIER		
CHECKED BY:	SHELL OIL PRODUCTS US SERVICE STATION SAP# 137142 401 WEST MADISON STREET OAK PARK, ILLINOIS		
REVIEWED BY:	Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60504		
NORTH	SCALE IN FEET	DATE	FIGURE
0	30	1-19-03	3



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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 1255 0212

JAN 24 2004

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

137142

98997184

Re: LPC #0312250004 -- Cook County
 Oak Park / Shell Oil Products US
 401 West Madison Street
 LUST Incident No. 893131 and 960933
 LUST Technical File

Dear Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated October 20, 2003 and was received by the Illinois EPA on October 30, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 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 732.300(b), 732.409(b) and 731. indicate the remediation objectives set forth in 35 Ill. Adm. Code 732.408 have been met.

Based upon the certification by David G. Tully, 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

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environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

1. Shell Oil Products US, 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.

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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: A building and asphalt/concrete barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media must remain over the contaminated soil as outlined in the attached Site Base Map. This building and asphalt/concrete barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

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 401 West Madison Street. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Ridgeland 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

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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
District One Engineer – John Kos
201 West Center Court
Schaumburg, IL 60196-1096
847/7054110

Groundwater Use Ordinance

Ordinance 2001-0-107 adopted by the Village of Oak Park 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 Oak Park 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;

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- 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 avoidance 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 avoidance 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. 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;
 - 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:

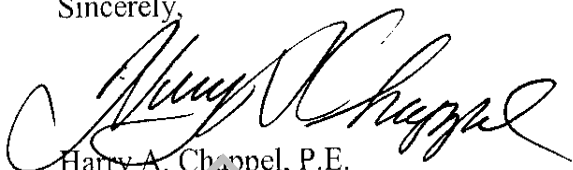
Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Carol Hawbaker, at 217/782-5713.

Sincerely,



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

HAC:CLH

Attachments: Leaking Underground Storage Tank Environmental Notice
Village of Oak Park Groundwater Ordinance
Engineered Barrier Site Base Map

c: Groundwater & Environmental Services, Inc.
Division File

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