



Doc#: 0405718038
Eugene "Gene" Moore Fee: \$56.50
Cook County Recorder of Deeds
Date: 02/26/2004 10:48 AM Pg: 1 of 17

PREPARED BY:

Name: Equilon Enterprises

Address: 9458 South Halsted Street
Chicago, Illinois 60620-2721

RETURN TO:

Name: Equilon Enterprises

Address: 603 Diehl Road
Suite 103
Naperville, Illinois 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 SYSTEMS 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 #: 0316715019

LUST Incident #: 932825

Equilon Enterprises, the owner and / or operator of the leaking underground storage tank systems associated with the above referenced incident, whose address is 603 Diehl Road, Suite 103, Naperville, Illinois, 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: Please refer to Attachment 1.
2. Common Address: 9458 South Halsted Street, Chicago, Illinois, 60620-2721.
3. Real Estate Tax Index / Parcel Index #: 25-05-426-038.
4. Site Owner: 95 Halsted LLC.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

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 1255 0496

JAN 30 2004

Equilon Enterprises
 HSE / Science & Engineering
 Attention: John Robbins
 603 Diehl Road
 Suite 103
 Naperville, Illinois 60563

SAP# 128855

97092715

RE: LPC 0316715019 / Cook County
 Chicago - Shell Service Station 128855; Walgreens
 9458 South Halsted Street
 LUST Incident 932825
 LUST TECHNICAL FILE

Dear Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report & supplemental information submitted for the above referenced incident. This information is dated July 31, 2003, and was received by the Illinois EPA on August 4, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative 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 Illinois Administrative Code 732.409(a)(2) have been satisfied.

Based upon the certification by Patrick Haire, 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

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1. Equilon Enterprises, the owner or operator of the underground storage tank systems.
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 Illinois Administrative Code 732.304. In accordance with 35 Illinois Administrative 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 Illinois Administrative Code 742) rules.

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2. As a result of the release from the underground storage tank systems 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 Illinois Administrative 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 US 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.
- Engineering: A building or 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 or asphalt / concrete barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.
- Institutional:
- a. 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.

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b. Highway Authority Agreement

The Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated soil and / or groundwater to remain beneath its highway right of way adjacent to the site located at 9458 South Halsted Street, Chicago, Illinois, 60620-2721. Specifically, as shown on the attached map, contamination will remain in the right of way for South Halsted Street & West 95th Street, as indicated in the Highway Authority Agreement dated December 20, 1999. 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
District 1 Engineer
201 West Center Court
Schaumburg, Illinois 60196-1096

c. Groundwater Use Ordinance

Section 11-8-390 of the Municipal Code of Chicago 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:

Each affected or potentially affected (as shown through contaminant modelling) property owner and the City of Chicago 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 Illinois Administrative 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;

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- 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:

- i. Modification of the referenced ordinance to allow potable uses of groundwater.
- ii. Approval of a site specific request, such as a variance, to allow use of groundwater at the site.
- iii. Violation of the terms of a recorded institutional control.

As a part of its corrective action, the leaking underground storage tank site has relied upon Section 11-8-390 of the Municipal Code of Chicago that prohibits potable uses of groundwater as defined therein.

- 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 Illinois Administrative 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, Illinois 62794-9276

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8. Pursuant to 35 Illinois Administrative 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 systems 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
Division of Remediation Management
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

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Any questions regarding this letter should be directed to Michael Piggush via phone (217-782-3101), fax (217-524-4193), or e-mail (epa4200@epa.state.il.us).

Sincerely,



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

Attachments (2):

1. Site Information.
2. Leaking Underground Storage Tank Environmental Notice.

cc: Nesa & Associates
Division File

Property of Cook County Clerk's Office

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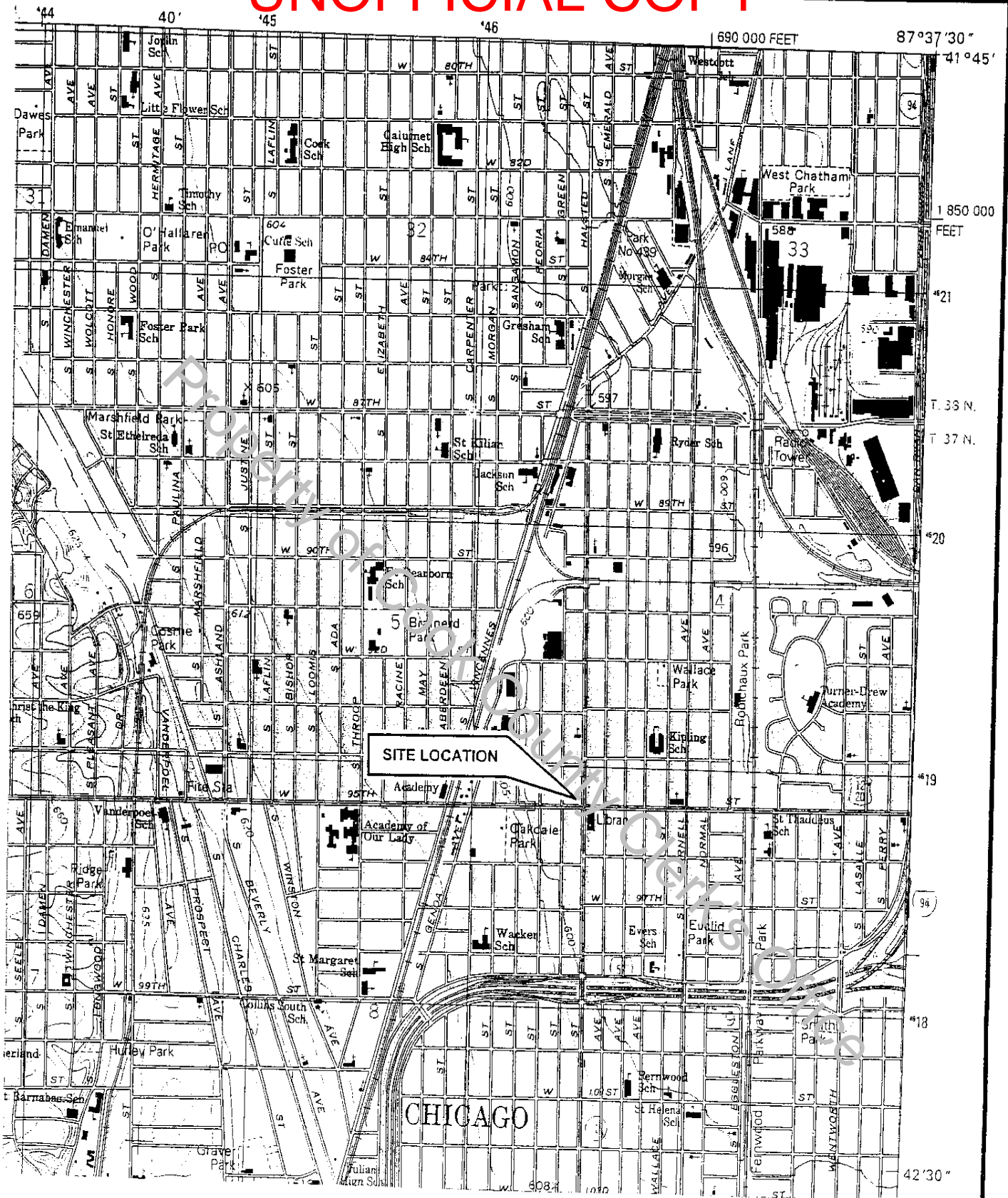


FIGURE 1
SITE LOCATION MAP

FORMER SHELL
 SERVICE STATION #128855
 9458 S. HALSTED ST.
 CHICAGO, ILLINOIS

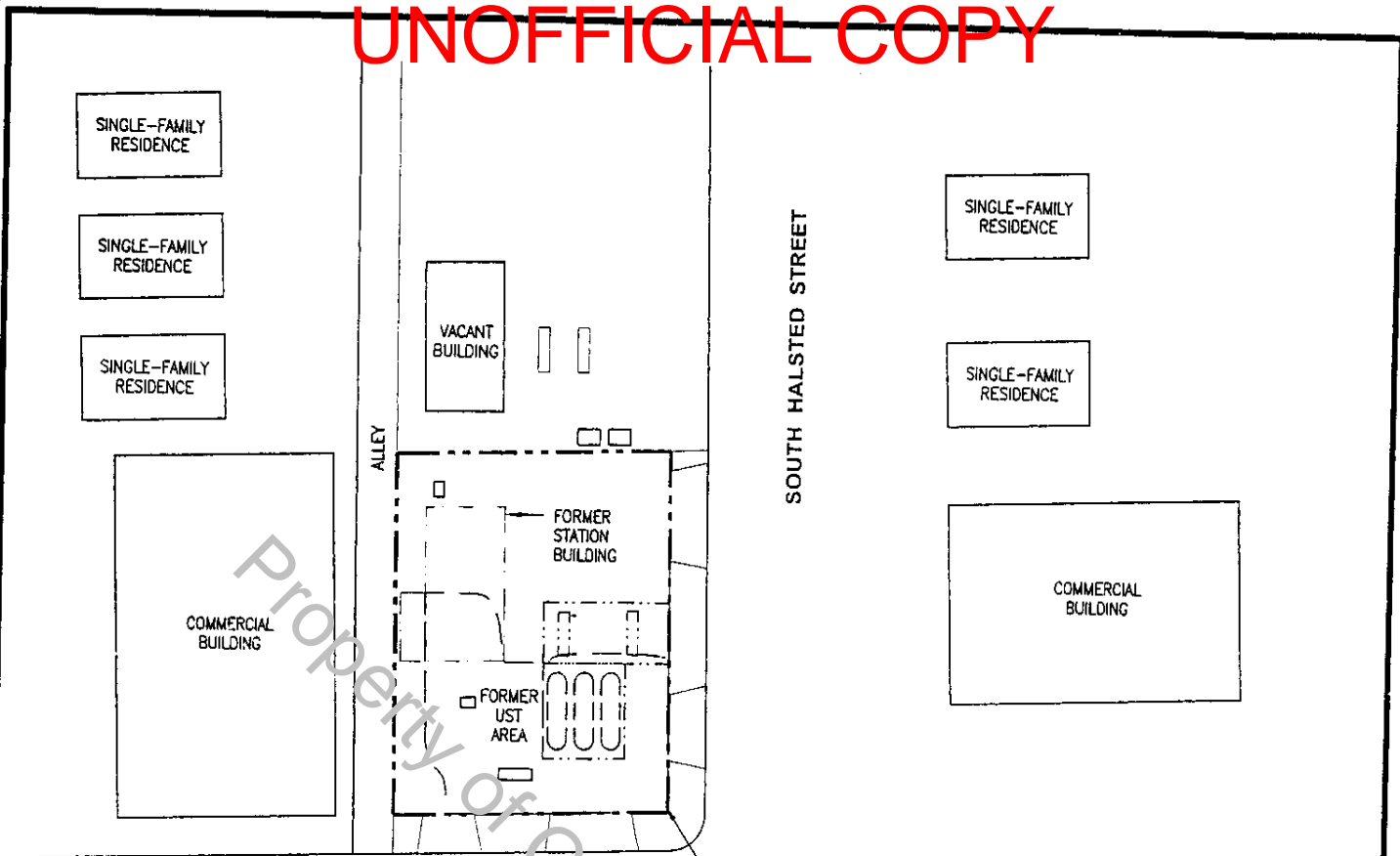
NESA
 BURR RIDGE, IL
 (630) 220-0929

PREPARED BY: JRS
 DATE: 5/20/03
 CAD: SITELOC.DWG

REVIEWED BY: KTS
 DATE: 5/20/03
 PROJECT: 03025

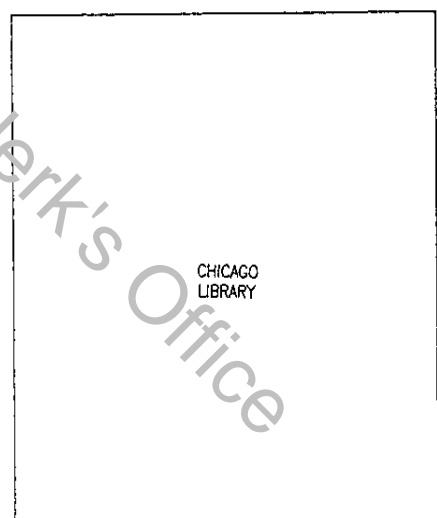
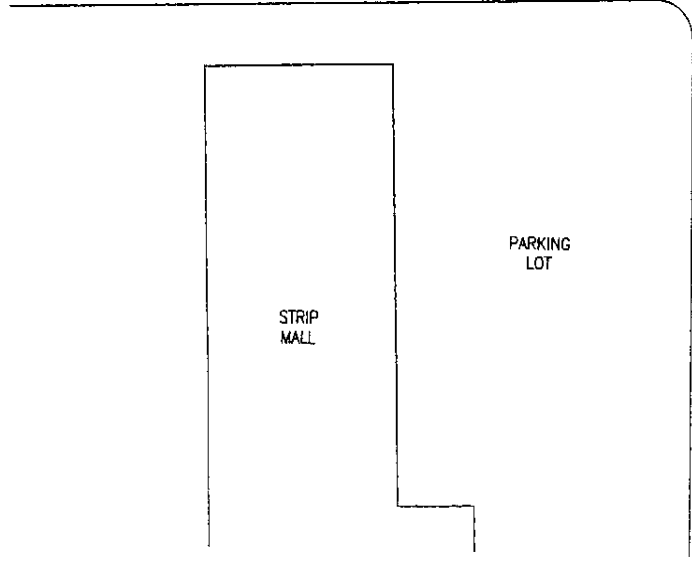
SITE LOCATION ADAPTED FROM THE BLUE ISLAND, IL., 1997 U.S.G.S. QUADRANGLE MAP, S. 5, T.37N., R.14E.

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WEST 95th STREET

FORMER SHELL SITE



**FIGURE 2
LAND USE MAP**

**FORMER SHELL
SERVICE STATION #128855
9458 S. HALSTED ST.
CHICAGO, ILLINOIS**

DRAWN BY: JRS
DATE: 5/19/03
CAD: LANDUSE.DWG

REVIEWED BY: KTS
DATE: 5/19/03
PROJECT: 03025

NOT A LEGAL SURVEY, DRAWING BASED ON DOCUMENTATION PROVIDED BY SHELL OIL PRODUCTS US. AND FIELD NOTES BY NESAS PERSONNEL



NESA

BURR RIDGE, IL
(630) 230-0929

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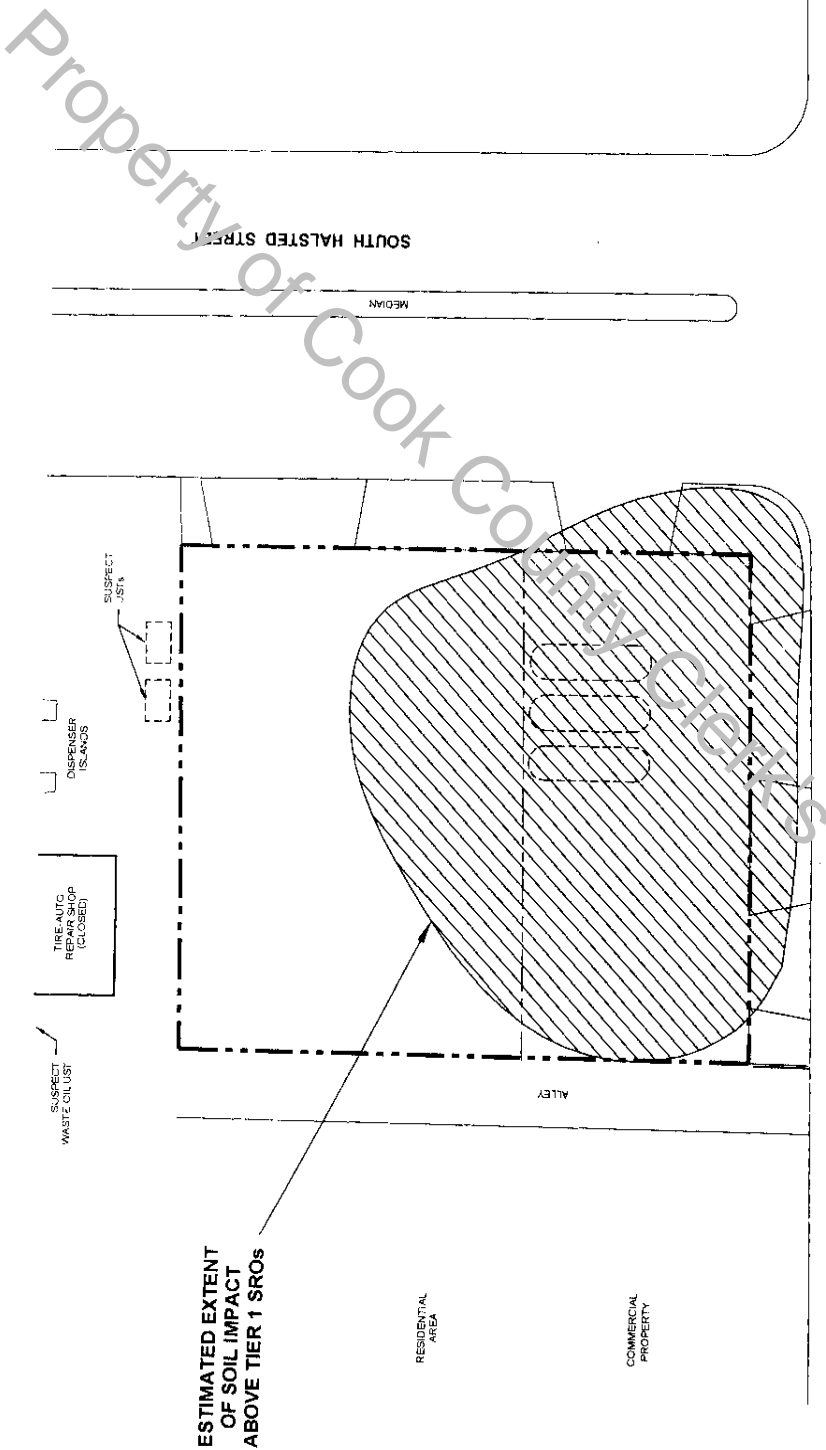
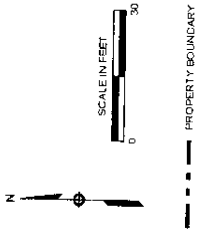


FIGURE 8
ESTIMATED EXTENT
OF SOIL IMPACT

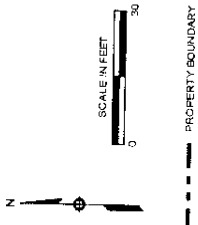
FORMER SHELL
SERVICE STATION #128855
9458 S. HALSTED ST.
CHICAGO, ILLINOIS

DRAWN BY: JRS
DATE: 5/19/03
CAD: EXT/SOLD/IMG
SERVED BY: KTS
DATE: 5/19/03
PROJECT: 00023

NOT A LEGAL SURVEY. DRAWING BASED ON
PROPERTY OWNERS' RECORDS AND FIELD NOTES BY NESA PERSONNEL.



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Property of Cook County Clerk's Office

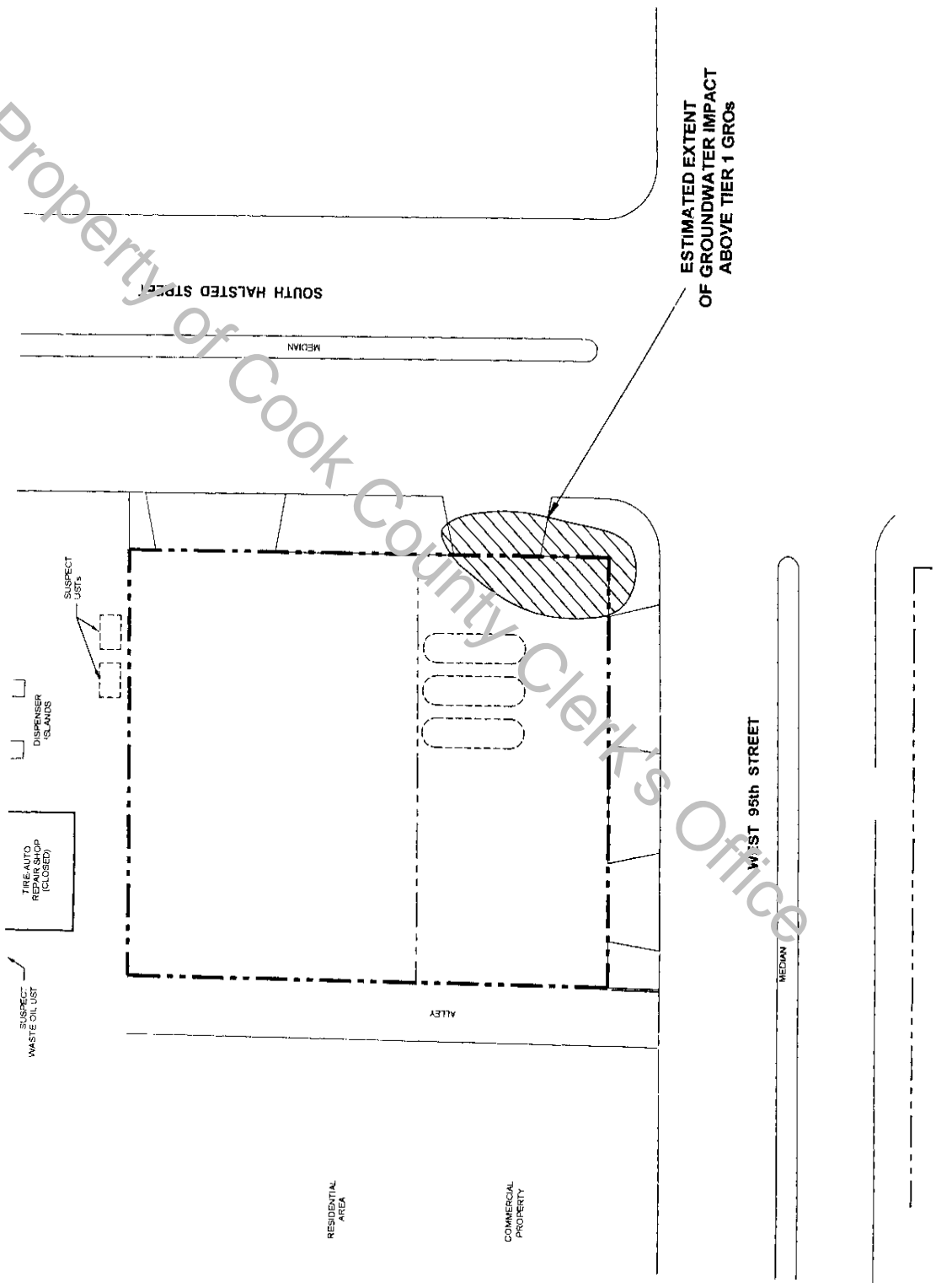


FIGURE 9
ESTIMATED EXTENT OF GROUNDWATER IMPACT

FORMER SHELL
SERVICE STATION #128855
9488 S. HALSTED ST.
CHICAGO, ILLINOIS

DRAWN BY: JRS
DATE: 5/18/00
CAD: EXTOWDMS
PROJECT: 0028

REVIEWED BY: KTS
DATE: 5/18/00
PROJECT: 0028

NOT A LEGAL SURVEY. DRAWING BASED ON DOCUMENTATION PROVIDED BY SHELL OIL PRODUCTS U.S. AND FIELD NOTES BY NESAI PERSONNEL.

NESA
BURR RIDGE, IL
(630) 230-0029

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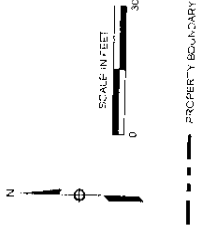


FIGURE 7
AREAS SUBJECT TO
INSTITUTIONAL CONTROLS

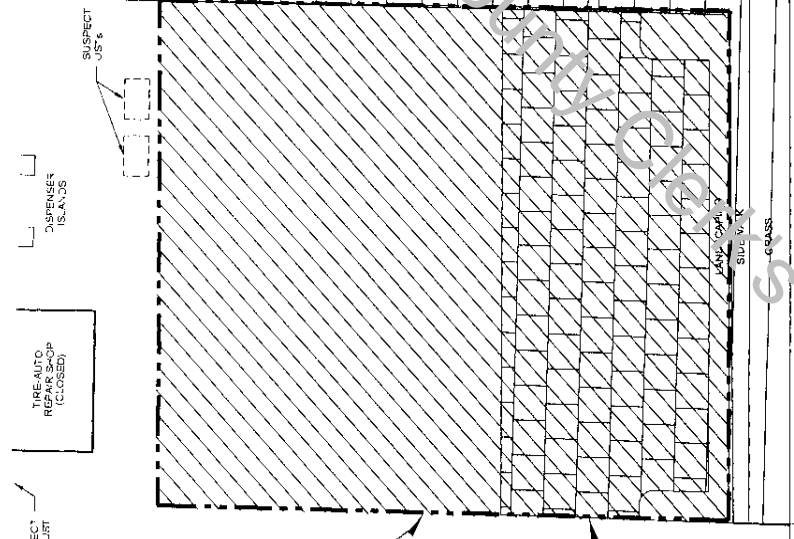
FORMER SHELL
SERVICE STATION #128855
9458 S. HALSTED ST.
CHICAGO, ILLINOIS

DRAWN BY: JKS
DATE: 5/18/03
CAD: INSTCONT.DWG PROJECT: 03025

NOT A LEGAL SURVEY DRAWING BASED ON PRODUCTS DOCUMENTATION PROVIDED BY SURVEYOR. US AND FIELD NOTES BY NESA PERSONNEL.



Property of Cook County Office



AREA SUBJECT TO CITY OF CHICAGO
GROUNDWATER ORDINANCE AND MOU
AND CONSTRUCTION WORKER CAUTION
NOTIFICATION

RESIDENTIAL
AREA

COMMERCIAL
PROPERTY

AREA SUBJECT TO
ENGINEERED BARRIER

AREA SUBJECT TO IDOT
HIGHWAY AUTHORITY
AGREEMENT

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The Agency is authorized to require this information under Section 4 and Title XVI of the Environmental Protection Act (415 ILCS 5/4, 5/57-57.17). Failure to disclose this information may result in the Agency's inability to issue a No Further Remediation letter under Title XVI. Any person who knowingly makes a false material statement or representation in any label, manifest, record, report, permit, or license, or other document filed, maintained or used for the purpose of compliance with Title XVI commits a Class 4 felony. Any second or subsequent offense after conviction hereunder is a Class 3 felony (415 ILCS 5/57.17). This form has been approved by the Forms Management Center.

**Leaking Underground Storage Tank Program
Owner/Operator Property Summary**

RECEIVED**A. Site Identification.**

IEMA Incident #: 932825 IEPA Generator # (10 digit): 0316715019 DEC -8 2003

Site Name: Former Shell Service Station # 128855 **IEPA/BOL**

Site Address (Not a P.O. Box): 9458 South Halsted Street

City: Chicago County: Cook ZIP Code: 60620

LUST Technical File

Engineered barriers, institutional controls and other use restrictions, if any, proposed for this site may not be implemented without approval by the title holder(s) of record for the above-referenced property, or the agent(s) of such person(s). These controls and restrictions will be identified in the No Further Remediation letter, which must be recorded in the chain of title for the property. Failure to maintain these controls is grounds for voidance of the NFR letter.

B. Proposed Institutional Controls and Use Restrictions.

The following controls and restrictions are proposed for the above referenced site:

- Industrial/Commercial land use limitation;
- On-site groundwater restriction prohibiting the use of groundwater beneath the site as a potable water supply;
- An engineered barrier: building, asphalt/concrete, or other _____
- Groundwater Use Restriction Ordinance: with a MOU, without a MOU;
- Construction Worker Caution Notification;
- Other: _____
- None (there are no proposed institutional controls, etc.)

C. Identification of Property Ownership

Indicate which statement below is applicable to this site:

- The title holder of record for the property identified in Section A above is the owner and/or operator of the Underground Storage Tank(s) (complete paragraphs D and F).
- 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).

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The Agency is authorized to require this information under Section 4 and Title XVI of the Environmental Protection Act (415 ILCS 5/4, 5/57-57.17). Failure to disclose this information may result in the Agency's inability to issue a No Further Remediation letter under Title XVI. Any person who knowingly makes a false material statement or representation in any label, manifest, record, report, permit, or license, or other document filed, maintained or used for the purpose of compliance with Title XVI commits a Class 4 felony. Any second or subsequent offense after conviction hereunder is a Class 3 felony (415 ILCS 5/57.17). This form has been approved by the Forms Management Center.

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 titleholder 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: _____ 95 Halsted, LLC c/o Mr. Joe Conzola
 Name of officer or agent: _____ Glenn Taxman, Much Shelist, its attorney
 Mailing Address: _____ 23 Taylortown Road
 City, State, Zip Code: _____ Montville, New Jersey 07043
 Signature: _____ Date: _____ 12/4/03

F. Site Description

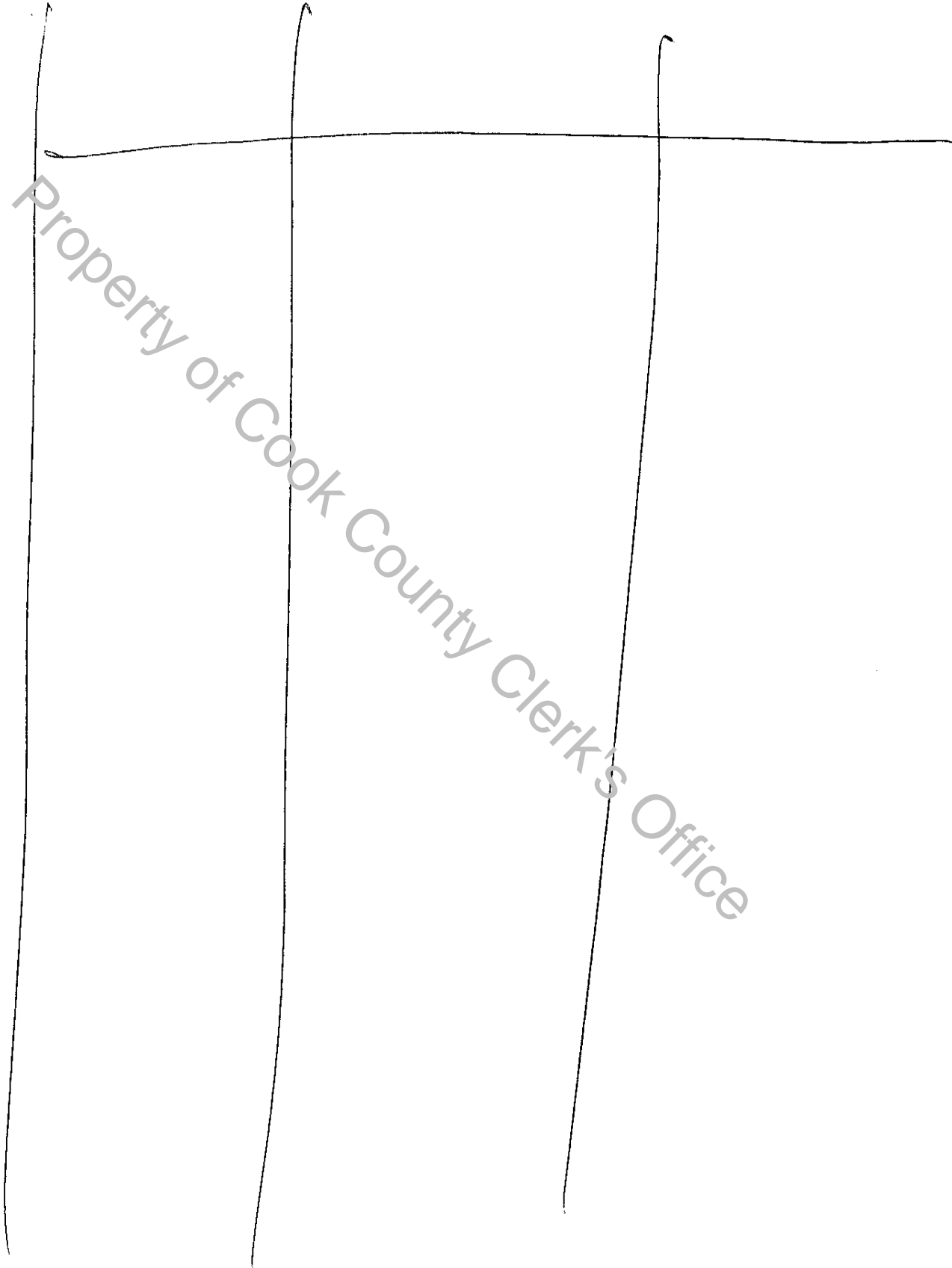
Real Estate Tax/Parcel Index Number: _____ 25-05-426-038

Legal Description of Site (may be provided on a separate sheet): Parcel 3: All of Lot 8 (except that part taken for Street) and that part of Lot 9 lying West of a line 50 feet West of and parallel with the East line of Section 5 and that part of Lot 10 lying North of a line 54 feet North of and parallel with South line of Section 5 and West of a line 50 feet West of and parallel with East line of Section 5 in Block 20 in Welp's Halsted Street Addition to Washington Heights in Section 5, Township 37 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

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ATTACHMENT 2

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE



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ATTACHMENT 1

SITE INFORMATION

