

UNOFFICIAL COPY



PREPARED BY:

Name: John Robbins
Shell Oil Products US

Address: 8259 South State Street
Chicago, IL 60619

Doc#: 0507318142
Eugene "Gene" Moore Fee: \$80.50
Cook County Recorder of Deeds
Date: 03/14/2005 04:25 PM Pg: 1 of 30

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: 0316695036

LUST Incident No.: 990294

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 :

1. Legal Description or Reference to a Plat Showing the Boundaries: See Attached
2. Common Address: 8259 South State Street
3. Real Estate Tax Index/Parcel Index Number: 20-34-118-017-000
4. Site Owner: Shell Oil Products US
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

JDB

Attachment: Legal Description

MAR. 19. 1999 7:12PM

SHELL ENG/COM TEL 630-572-5939

NO. 5137 P. 2/18

UNOFFICIAL COPY**EXHIBIT "A"
COOK COUNTY, ILLINOIS**

4-35

Tract 28. - 8259 S State, 83rd, Chicago, COOK, WIC 212-1543-6904
Tax Parcel # 20-34-118-017-000

Lot 24 in Elmore's 83rd Street Subdivision, being a subdivision of Block 19 in subdivision of the Northwest Quarter of Section 34, Township 38 North, Range 14 East of the Third Principal Meridian, except that part thereof lying southerly of following described line;

Beginning at a point on the West line of Lot 24 in subdivision aforesaid point being 17 feet North of the Southwest corner thereof and extending Easterly to a point on the South line of Lot 16, 15 feet West of the Southeast corner of Lot 16 in subdivision aforesaid, in Cook County, Illinois:

together with all rights, privileges and appurtenances thereunto belonging, all buildings and improvements thereon, and all right, title and interest of Grantor (if any) in and to the alleys, streets and roads adjacent thereto;

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JAMES J. LASKI, CITY CLERK
CITY CLERK'S OFFICE — CITY OF CHICAGO

SPC-1122-14

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of the City of Chicago is hereby amended by adding a new Section 11-8-390, as follows:

11-8-390 Potable Water Wells.

For purposes of this section, "potable water" is any water used for human consumption, including but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce

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11/28/2001

REPORTS OF COMMITTEES

72897

intended for human consumption is grown. No groundwater well, cistern or other groundwater collection device installed after May 14, 1997, may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by a unit of local government pursuant to intergovernmental agreement with the City of Chicago.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

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STATE OF ILLINOIS,-
County of Cook. ss.

I, JAMES J. LASKI, City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office for an amendment of Title 11, Chapter 8 of Municipal Code of Chicago by addition of new Section 390 defining potable water and prohibiting use of certain groundwater collection device to supply any potable water supply system.

I DO FURTHER CERTIFY that the said ordinance was adopted by the City Council of the said City of Chicago on the twenty-eighth (28th) day of November, A.D. 2001 and deposited in my office on the twenty-eighth (28th) day of November, A.D. 2001.

I DO FURTHER CERTIFY that the vote on the question of the adoption of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit:

Yeas 47, Nays 0.

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the adoption thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five (5) days after the adoption of the said ordinance.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

[L.S.]

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this sixth (6th) day of December, A.D. 2001.

James J. Laski
JAMES J. LASKI

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FIGURE 7
INSTITUTIONAL CONTROL MAP

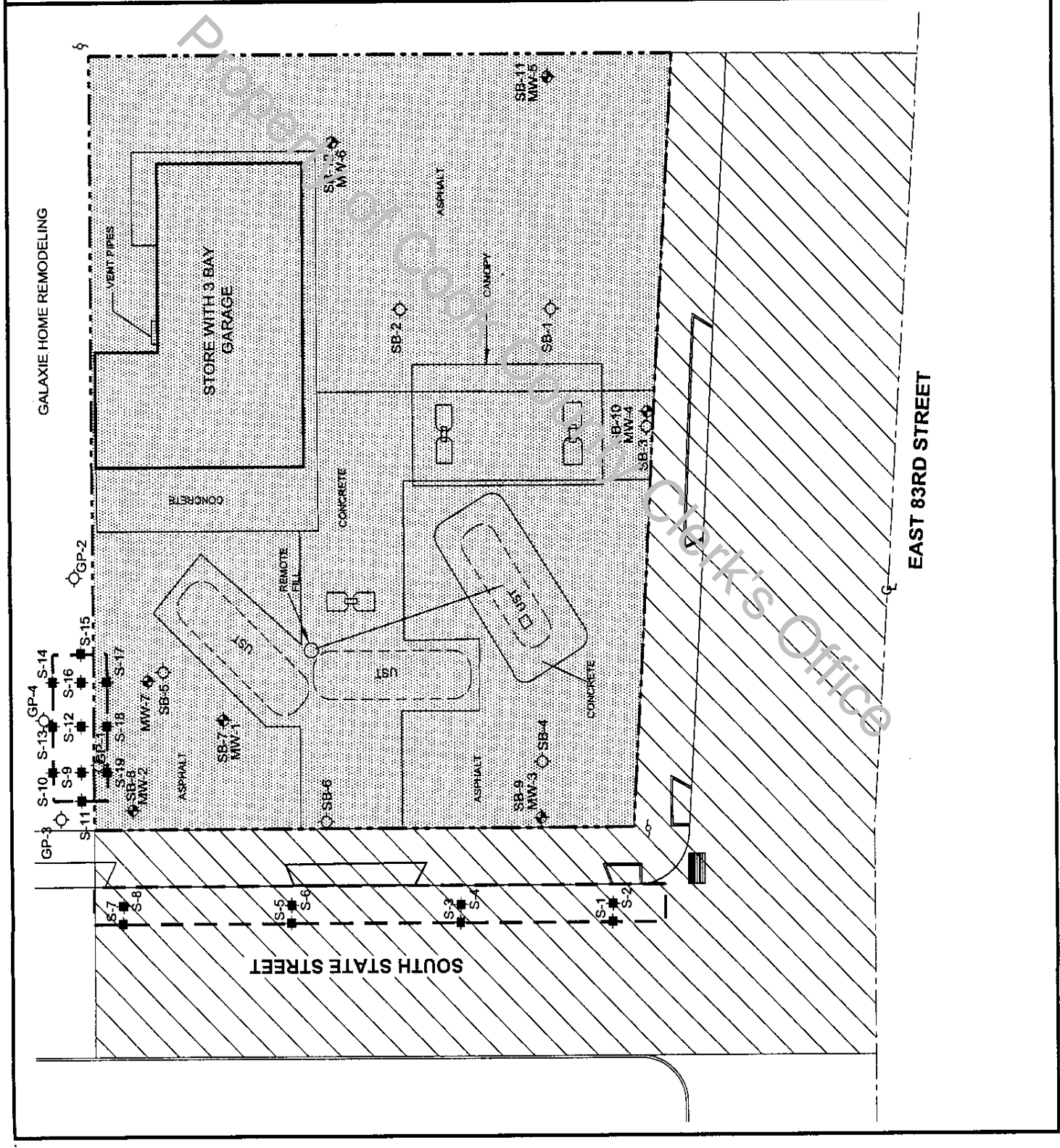
SHELL SERVICE STATION
#136902
8259 S. STATE STREET
CHICAGO, ILLINOIS

DRAWN BY: JRS
DATE: 7/16/04
SCALE: 1"=30'
CAD: INS0704.DWG

REVIEWED BY: PKM
DATE: 7/16/04
REVISED:
PROJECT: 04028

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

NESA & ASSOCIATES, INC.
BURR RIDGE, IL
(630) 230-0929



Clark's Office

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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 1253 3345

RECEIVED

FEB 01 2005

FEB 10 REC'D

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

MIDCONTINENT REGION
 ENVIRONMENTAL
 ENGINEERING

Re: LPC #0316695036 -- Cook County
 Chicago/Equilon Enterprises LLC (Shell Service Station #136902)
 8259 S. State St.
 LUST Incident No. 990294
 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 25, 2004 and was received by the Illinois EPA on November 8, 2004. 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 Shailendra Ganna, 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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Page 2

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 (photocopy attached) 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

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Page 3

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.

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.
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.

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

City of Chicago 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 8259 South

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Page 4

State Street. Specifically, as shown on the attached map, contamination will remain in the right-of-way for South State Street and East 83rd Street, 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:

City of Chicago
Commissioner, Department of Environment
30 N. LaSalle Street, 25th Floor
Chicago, IL 60602

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 modeling) 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 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- a. The name and address of the unit of local government;
- b. The citation of the ordinance used as an institutional control in this Letter;
- c. 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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Page 5

- d. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f. 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.

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 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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Page 7

If you have any questions or need further assistance, please contact the Illinois EPA project manager, John Barrett, at (217) 782-4869.

Sincerely,



Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

TAH:JDB

Attachments: Leaking Underground Storage Tank Environmental Notice
Legal Description
Groundwater Ordinance
Highway Authority Agreement Map

c: NESAs & Associates Inc.
Division File

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Site PIN: 20-34-118-017-00

TIERED APPROACH TO CORRECTIVE ACTION RIGHT-OF-WAY AGREEMENT

This Agreement is entered into this 5TH day of AUGUST, 2002 pursuant to the Environmental Protection Act ("Act"), 35 IL Admin. Code Section 742.1020 and the Municipal Code of the City of Chicago Section 2-30-030 ("Code") by and among Equilon Enterprises, LLC dba Shell Oil Products US ("Owner"), and the City of Chicago ("City"), as follows:

1. This Agreement is not binding on the City until it is executed by a duly authorized representative of the City, and prior to execution, this Agreement constitutes an offer by Owner. The duly authorized representative of Owner have signed this Agreement, and this Agreement is binding upon them, their successors and assigns.
2. Owner stipulates:
 - a. Owner is pursuing corrective action at a Site and in the right-of-way adjacent to the Site located at 825 1/2 South State St. ("Site"). Site is legally described in Attachment A.
 - b. The right-of-way adjacent to the Site, described in Attachment B, is subject to this Agreement and is possibly impacted with contaminants from a release at the Site.
 - c. Attached as Attachment C is a site map showing the known and probable area(s) of contaminant impacted soil and groundwater in the right-of-way where, at the time of this Agreement, contaminants exceed the Tier 1 residential remediation objectives under the Act and 35 Ill. Admin. Code Section 742. Also attached as Attachment D is a table showing the concentration of contaminants in soil and/or groundwater within the area described in Attachment B and showing the applicable Tier 1 soil and groundwater remediation objectives for residential property that are exceeded.
 - d. The corrective action is for a confirmed release of petroleum from an underground storage tank at the Site.
 - e. The Illinois Emergency Management Agency has assigned incident number 990294 to the Site.
 - f. Owner has requested risk-based, site-specific soil and/or groundwater remediation objectives from the Illinois Environmental Protection Agency ("Illinois EPA") under the Act and 35 Ill. Admin. Code Section 742.
 - g. Under 35 Ill. Admin. Code 742.1020, the use of risk-based, site-specific remediation objectives in the right-of-way require this Agreement, in lieu of active remediation of the contaminant-impacted soil and groundwater.

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3. The City stipulates that it holds the right-of-way described in Attachment B in trust for the public and has jurisdiction over the right-of-way.
4. The parties stipulate that:
 - a. This Agreement is intended to meet the requirements of the Illinois Pollution Control Board ("Board") regulations for such Agreements.
 - b. This Agreement shall be recorded by the Owner at its expense along with the Illinois EPA's "No Further Remediation" determination with the Cook County Recorder of Deeds. The Owner will similarly record any attachments, addendums, or alterations to this Agreement. Within thirty (30) days of such recording with the Cook County Recorder of Deeds, the Owner shall provide the City a copy of the Agreement that has been stamped by the Cook County Recorder of Deeds to indicate that it has been recorded with that office.
 - c. This Agreement shall be null and void should the Illinois EPA not approve it, or should it not be recorded along with the Illinois EPA's "No Further Remediation" determination.
5. The City agrees that it will prohibit by ordinance the use of groundwater that is contaminated at levels above Tier 1 residential remediation objectives beneath its right-of-way identified in Attachment B as a potable or other domestic supply of water. This prohibition is ensured in Code Section 11-8-390. The City further agrees that it will limit access to soil as described herein under the right-of-way described in Attachment B that is contaminated from the release at levels above the Tier 1 residential remediation objectives, as provided in Code Section 10-20-100 et seq., and by requiring applicants for a public way work permit in the right-of-way described in Attachment B to consult the City and complete Form No. DOE.ROW.01 (or successor document), Attachment E, before obtaining a permit.
 - a. Where the pavement in the right-of-way is to be considered an engineered barrier, the Owner agrees to reimburse the City for maintenance activities requested by Owner. Except for ordinary maintenance performed on City roadways, the City does not agree to maintain the right-of-way, nor does it guarantee that the right-of-way will continue as a roadway or that the right-of-way will always be maintained as an engineered barrier.
 - b. This agreement does not in any way limit the City's authority to construct, reconstruct, repair or maintain and operate a right-of-way upon the property identified in Attachment B or to allow others to do the same. To that extent, the City reserves the right to identify, investigate, and remove contaminated soil and/or groundwater above Tier 1 residential remediation objectives from the right-of-way identified in

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Attachment B and to dispose of them as it deems appropriate in accordance with applicable environmental regulations so as to avoid causing a further release of the contaminants and to protect human health and the environment. The Owner shall reimburse the actual costs incurred by the City or others in so identifying, investigating, removing, storing, handling or disposing of contaminated soil and/or groundwater, and it shall not be a defense for Owner that those costs were not consistent with or required by Board or United States Environmental Protection Agency regulations, guidelines or policies. Prior to incurring any such costs, and unless there is an urgent reason otherwise, the City shall first give Owner thirty days notice and an opportunity to remove or dispose of contaminated soil and/or groundwater, at Owner's cost, to the extent necessary for the City's work. Such removal and disposal shall be in accordance with all applicable laws and regulations. Failure to give this opportunity to Owner shall not be a defense to a claim for reimbursement or that the work should not have been done. There is a rebuttable presumption that the contamination found in the right-of-way described in Attachment B arose from the release of contaminants at the Site. Should Owner not reimburse the costs identified here, this Agreement shall be null and void in addition to such other remedies as may be available to the City by law.

6. The Owner agrees to indemnify and hold harmless the City, its agents and employees, and other entities using the right-of-way by a permit issued by the City, for all obligations asserted against or costs incurred by them associated with the release of contaminants of concern as described in Attachments C and D.
7. Violation of the terms of this Agreement by Owner, or its successor(s) in interest, may be grounds for voidance of this Agreement as a Highway Authority Agreement.
8. No violation of a permit by a third party shall constitute a breach of this Agreement by the City. Owner also agrees that its personnel, if any, at the Site will exercise due diligence in notifying those accessing contaminated soil in the right-of-way of their rights and responsibilities under this Agreement.
9. Should the City breach this Agreement, Owner's sole remedy is for an action for damages in the Circuit Court of Cook County. Any and all claims for damages against the City, its agents, contractors, employees or its successors in interest or others under permit from the City arising at any time are limited to an aggregate maximum of \$20,000.00. No other breach by the City, its successors in interest or others under permit, of a provision of this Agreement is actionable in either law or equity by Owner against the City or them and Owner hereby releases the City, its agents, contractors, employees and its successors in interest, or others under permit from the City for any cause of action it may have against them, other than as allowed in this paragraph, arising under this Agreement or environmental laws, regulations or common law governing the contaminated soil or groundwater in the right-of-way. Should the City convey, vacate or transfer jurisdiction of that right-of-way, Owner may

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- pursue an action under this Agreement against the successors in interest, other than the City, or any of its departments, or State agency, in a Court of Law.
10. This Agreement is entered into by the City in recognition of laws passed by the General Assembly and regulations adopted by the Board which encourage a tiered-approach to remediating environmental contamination. This Agreement is entered into by the City in the spirit of those laws. Should any provision of this Agreement be determined to exceed the authority of the City, however, this Agreement shall be null and void.
 11. This Agreement (including attachments, addendums, and amendments) shall run with the land and be binding upon all assigns and successors in interest to the Owner of the Site.
 12. The City will limit access to the Site and rights-of-way as follows:
 1. **Normal Access:** The City will limit access to the Site and rights-of-way via the City Department of Transportation or its successor agency, by which persons seeking authorization to perform subsurface work in a City right-of-way will be informed of the nature and extent of the contamination, and will be informed that they should take appropriate steps to ensure the health and safety of people working at the Site and rights-of-way.
 2. **Emergency Access:** The City Board of Underground, the City Department of Buildings, and the Chicago Fire Department or their successor agencies will be notified of the contamination at this Site and adjacent rights-of-way and will be provided with all available environmental data regarding the Site and adjacent rights-of-way. Such information will be provided to utilities in the area.
 13. This Agreement shall continue in effect from the date of the Agreement until contaminant concentrations in the soil and groundwater are subsequently reduced through active remediation or through natural attenuation to Tier 1 residential levels as approved by the Illinois EPA and Board regulations, such that the right-of-way identified in Attachment B is demonstrated to be suitable for unrestricted use and there is no longer a need for this Agreement, and the Illinois EPA has, upon written request to the Illinois EPA and notice to the City, amended the "No Further Remediation" determination for the Site to reflect unencumbered future use of that right-of-way.

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- 14. Written notice and other communications relating to this agreement directed to the City shall be sent to:

Commissioner
 Department of Environment
 30 N. LaSalle Street
 25th Floor
 Chicago, IL 60602

- 15. Written notice and other communications relating to this agreement directed to Owner shall be sent to:

Environmental Engineering
 Shell Oil Products US
 Environmental Engineering
 603 Diehl Road, Suite 103
 Naperville, IL 60563

IN WITNESS WHEREOF, the City of Chicago has caused this Agreement to be signed by its duly authorized representative:

BY: *M. Garcia Jimenez* Date: 8/5/02

IN WITNESS WHEREOF, Owner, Equilon Enterprises, LLC has caused this Agreement to be signed by its duly authorized representative:

BY: *John Roberts* Date: 7/12/02

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ATTACHMENT A

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EXHIBIT "A" COOK COUNTY, ILLINOIS

4-35

Tract 28. - 8259 S State, 83rd, Chicago, COOK, WIC 212-1543-6904
Tax Parcel # 20-34-118-017-000

Lot 24 in Elmore's 83rd Street Subdivisin, being a subdivision of Block 19 in subdivision of the Northwest Quarter of Section 34, Township 38 North, Range 14 East of the Third Principal Meridian, except that part thereof lying Southerly of following described line;

Beginning at a point on the West line of Lot 24 in subdivision aforesaid point being 17 feet North of the Southwest corner thereof and extending Easterly to a point on the South line of Lot 16, 15 feet West of the Southeast corner of Lot 16 in subdivision aforesaid, in Cook County, Illinois:

together with all rights, privileges and appurtenances thereunto belonging, all buildings and improvements thereon, and all right, title and interest of Grantor (if any) in and to the alleys, streets and roads adjacent thereto;

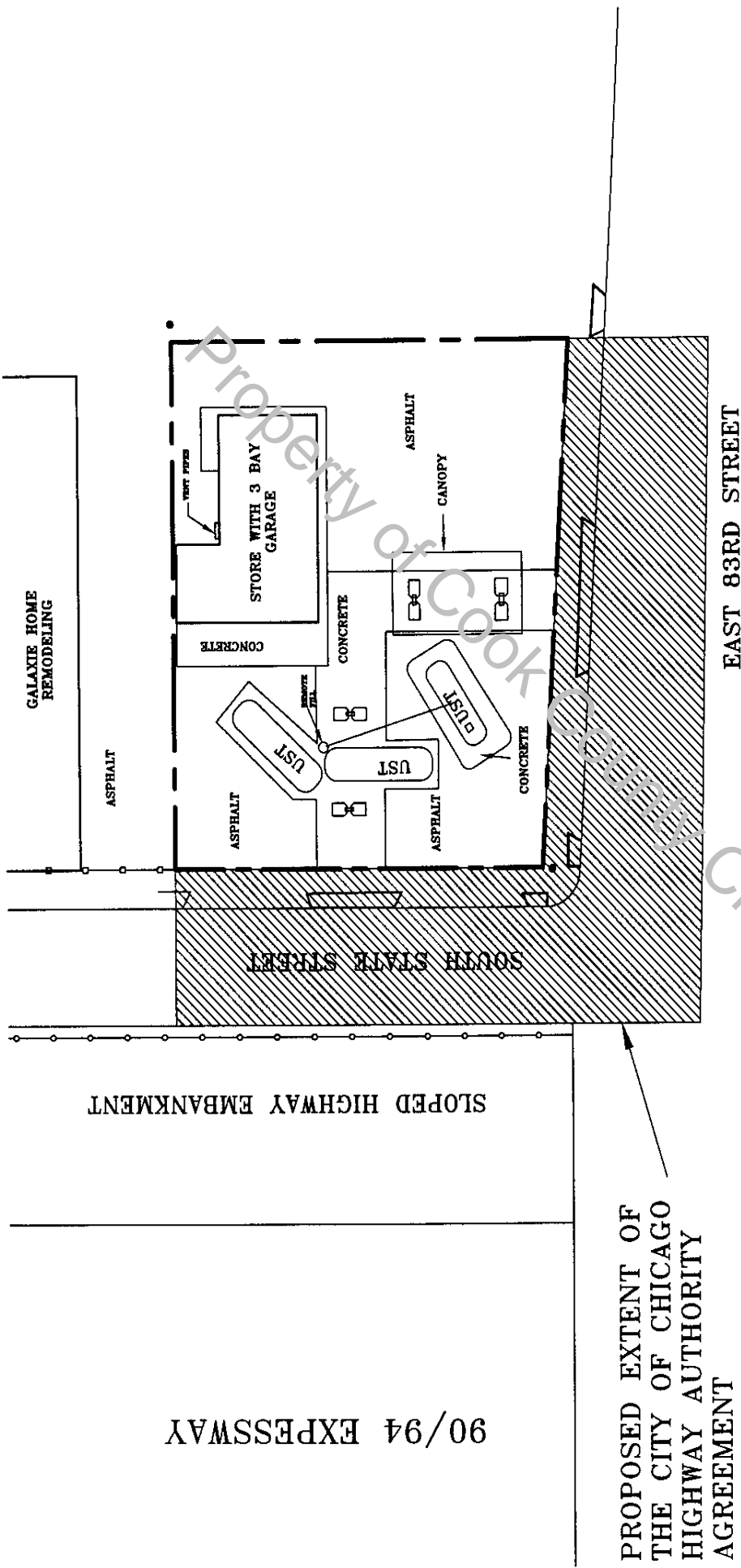
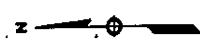
Cook County Clerk's Office

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Property of Cook County Clerk's Office

ATTACHMENT B

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90/94 EXPRESSWAY

PROPOSED EXTENT OF THE CITY OF CHICAGO HIGHWAY AUTHORITY AGREEMENT

EAST 83RD STREET

SLOPED HIGHWAY EMBANKMENT

SOUTH STATE STREET

<p>ATTACHMENT B FIGURE 1 HIGHWAY AUTHORITY AGREEMENT</p> <p>SHELL SERVICE STATION #136902 8259 SOUTH STATE STREET CHICAGO, IL 60619</p> 	<p>LEGEND</p> <p>—○— CHAINLINKED FENCE</p> <p>0 50 SCALE IN FEET</p> <p>NOT A LEGAL SURVEY, DRAWING BASED ON DOCUMENTATION PROVIDED BY SHELL OIL PRODUCTS US</p>
<p>DRAWN BY: KEVIN MIROCK</p> <p>CHECKED BY: PAUL McDONNELL</p> <p>DATE: 6/11/02</p>	<p>PROPERTY OF COOK COUNTY Clerk's Office</p>

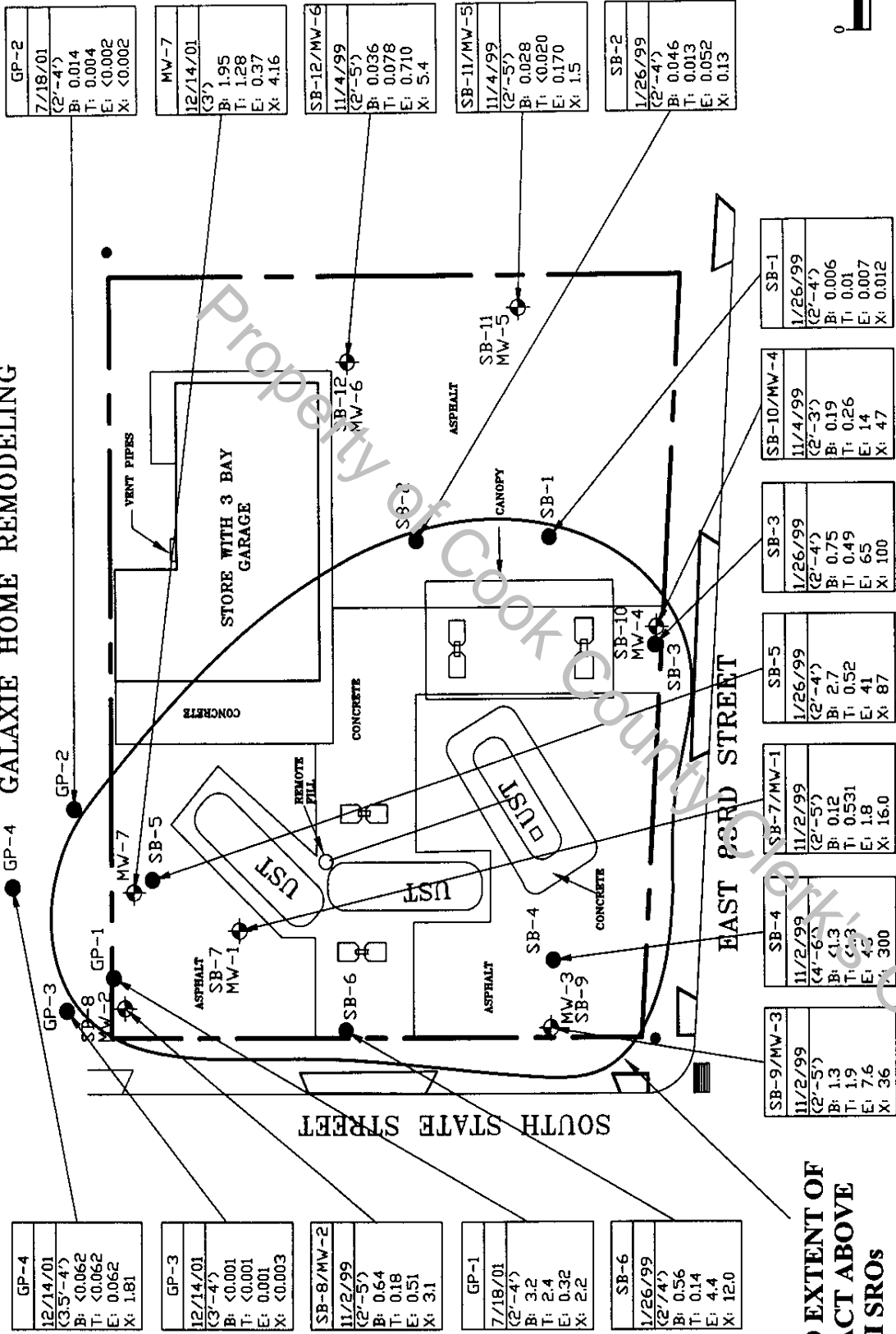
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ATTACHMENT C

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GALAXIE HOME REMODELING



ESTIMATED EXTENT OF SOIL IMPACT ABOVE TIER I SROs

LEGEND

- SOIL BORING OR PROBE
- ◆ MONITORING WELL

ALL UNITS IN PARTS PER MILLION
 B: BENZENE
 T: TOLUENE
 E: ETHYLBENZENE
 X: TOTAL ZYLENES

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

CHECKED BY: PAUL McDONNELL
 DATE: 6/11/02

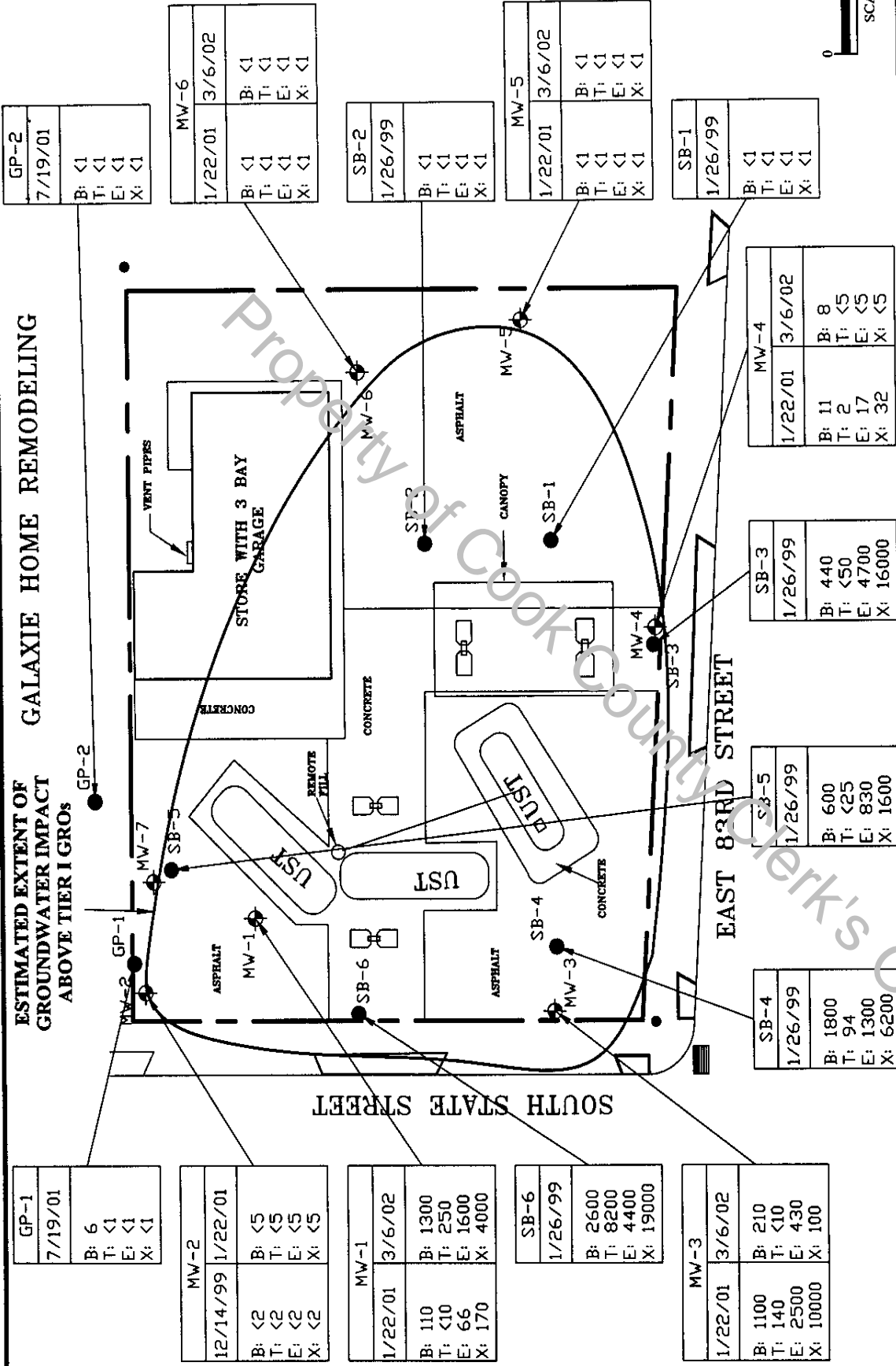
ATTACHMENT C
FIGURE 1
 ESTIMATED AREA EXTENT OF SOIL IMPACT

SHELL SERVICE STATION
 # 136902
 8259 SOUTH STATE STREET
 CHICAGO, IL 60619

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ATTACHMENT C

FIGURE 2

ESTIMATED AREA EXTENT OF GROUNDWATER IMPACT

SHELL SERVICE STATION
136902
8259 SOUTH STATE STREET
CHICAGO, IL 60619



MONITORING WELL

MW-7 NOT SAMPLED
WELL ACCESS OBSTRUCTED

PPM'S IN PARTS PER BILLION

B: BENZENE
T: TOLUENE
E: ETHYLBENZENE
X: TOTAL ZYLENES

DRAWN BY: KEVIN MIROCK	CHECKED BY: PAUL McDONNELL	DATE: 6/11/02	NOT A LEGAL SURVEY, DRAWING BASED ON DOCUMENTATION PROVIDED BY SHELL OIL PRODUCTS US
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ATTACHMENT D

UNOFFICIAL COPY**Attachment D Table 1**

SOIL CONCENTRATIONS
Shell Service Station
8259 South State Street, Chicago, Illinois

Boring #	Date	Depth (Feet)	Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Xylenes (mg/kg)
Tier 1 - SRO - Migration to Class I Groundwater			0.03	12	13	150
Tier 1 - SRO - Inhalation			0.80	650	400	320
Tier 1 - SRO - Ingestion			12	16,000	7,800	160,000
SB-1	1/26/1999	2-4	0.006	0.01	0.007	0.012
SB-2	1/26/1999	2-4	0.046	0.013	0.052	0.13
SB-3	1/26/1999	2-4	0.75	0.49	65	100
SB-4	1/26/1999	4-6	<1.3	<1.3	43	300
SB-5	1/26/1999	2-4	2.7	0.52	41	87
SB-6	1/26/1999	2-4	0.56	0.14	4.4	12
SB-7/MW-1	11/2/1999	2-5	0.12	0.53	1.8	16
SB-8/MW-2	11/2/1999	2-5	0.64	0.18	0.51	3.1
SB-9/MW-3	11/2/1999	2-3	1.3	1.9	7.6	36
SB-10/MW-4	11/4/1999	2-3	0.19	0.26	14	47
SB-11/MW-5	11/4/1999	2-5	0.028	<0.02	0.17	1.5
SB-12/MW-6	11/4/1999	2-5	0.036	0.078	0.71	5.4
GP-1	7/18/2001	2-4	3.2	2.4	0.32	2.2
GP-2	7/18/2001	2-4	0.014	0.004	<0.002	<0.002
GP-3	12/14/2001	3-4	<0.001	<0.001	0.001	<0.003
GP-4	12/14/2001	3.5-4	<0.062	<0.062	0.062	1.81
MW-7	12/14/2001	3	1.95	1.28	0.37	4.16
NS= Not Sampled -- = no criteria established						

UNOFFICIAL COPY**Attachment D Table 2**

GROUNDWATER CONCENTRATIONS
Shell Service Station
8259 South State Street, Chicago, Illinois

MW #	Date	Benzene (ug/L)	Toluene (ug/L)	Ethylbenzene (ug/L)	Xylenes (ug/L)
Tier 1 GRO - Class I Groundwater		5	1,000	700	10,000
SB-1	1/26/1999	<1	<1	<1	<1
SB-2	1/26/1999	<1	<1	<1	<1
SB-3	1/26/1999	440	<50	4700	16000
SB-4	1/26/1999	1800	94	1300	6200
SB-5	1/26/1999	600	<25	830	160
SB-6	1/26/1999	2600	8200	4400	19000
MW-1	12/14/1999	310	97	1500	360
	1/22/2001	110	<10	66	170
	3/6/2002	1300	250	1600	4000
MW-2	12/14/1999	<2	<2	<2	<2
	1/22/2001	<5	<5	<5	<5
MW-3	12/14/1999	880	630	1900	8900
	1/22/2001	1100	140	2500	10000
	3/6/2002	210	<10	430	1000
MW-4	12/14/1999	2	<1	1.8	20
	1/22/2001	11	2	17	32
	3/6/2002	8	<5	<5	<5
MW-5	12/14/1999	<1	<1	<1	<1
	1/22/2001	<1	<1	<1	<1
	3/6/2002	<1	<1	<1	<1
MW-6	12/14/1999	<1	<1	<1	<1
	1/22/2001	<1	<1	<1	<1
	3/6/2002	<1	<1	<1	<1
GP-1	7/19/2001	6	<1	<1	<1
GP-2	7/19/2001	<1	<1	<1	<1
MW-7	3/6/2002	NO SAMPLE-WELL ACCESSS OBSTRUCTED			

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ATTACHMENT E

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City of Chicago
Richard M. Daley, Mayor

Department of Environment

William F. Ab...
Commissioner

Twenty-fifth Floor
30 North LaSalle Street
Chicago, Illinois 60602-2773
(312) 744-7606 (Voice)
(312) 744-6451 (FAX)
(312) 744-3586 (TTY)

<http://www.ci.chi.il.us>

Permit No. _____ Date _____

Site Address _____

**CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT
FORM NO. DOE.ROW.01**

Notice is hereby given that the site you have requested information on is recorded with the City of Chicago Department of Environment as potentially having environmental contamination on the site and adjacent right-of way. This environmental contamination could present a threat to human health and safety in connection with work performed at the site, or in the adjacent right-of-way, if proper safeguards are not employed.

A file containing detailed information regarding the aforementioned environmental contamination is available for review at the Department of Environment at 30 N. LaSalle St., 25th Floor, Chicago, Illinois 60602 during normal business hours (8:30 AM - 4:30 PM, Monday through Friday). Contact Rhamat Begum at (312) 744-3152 for an appointment. This file must be reviewed and the remainder of this form completed before the permit can be issued.

Please complete the following:

I have reviewed and understand the documents, maintained by the Department of Environment, regarding environmental contamination of the site and adjacent right-of-way. Further, I will assure that all work at the subject site and adjacent right-of-way will be performed in a manner that is protective of human health and the environment and in compliance with all applicable local, state, and federal laws, rules, and regulations, especially those pertaining to worker safety and waste management.

Signature _____
Name (print) _____
Company _____
Phone No. _____

Signed by Department of Environment _____
Date _____

Please return this completed form to the City of Chicago Department of Transportation at 30 N. LaSalle St., Room 1101, Chicago, Illinois 60602 during normal business hours (8:30 AM - 4:30 PM, Monday through Friday).



Revised Apr. 5, 2000

