

UNOFFICIAL COPY

PREPARED BY:

Name: Mr. Harold Primack
BP Products North America, Inc.

Address: 28100 Torch Parkway, 2-S
Warrenville, IL 60555



Doc#: 0522132114
Eugene "Gene" Moore Fee: \$52.50
Cook County Recorder of Deeds
Date: 08/09/2005 03:04 PM Pg: 1 of 15

RETURN TO:

Name: Mr. Harold Primack
BP Products North America, Inc.

Address: 28100 Torch Parkway, 2-S
Warrenville, IL 60555

THE ABOVE SPACE FOR RECORDER'S OFFICE

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0310965179

BP Products North America, Inc., the Remediation Applicant, whose address is 28100 Torch Parkway, 2-S, Warrenville, IL 60555 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries:
LOTS 38, 39, 40 AND 41 (EXCEPT THE WEST 17 FEET THEREOF) IN BLOCK 58 IN THIRD ADDITION TO FRANKLIN PARK SUBDIVISION OF SECTIONS 21 AND 23 IN TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
2. Common Address: 3301 North Mannheim Road, Franklin Park, IL
3. Real Estate Tax Index/Parcel Index Number: 12-21-314-031, 12-21-314-032, 12-21-314-033
4. Remediation Site Owner: 4447 Associates, a Utah General Partnership
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

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

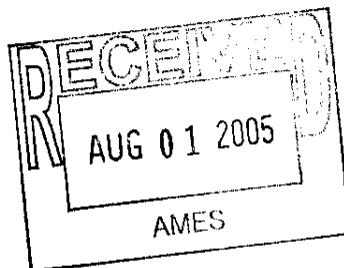
(217) 782-6761

July 27, 2005

CERTIFIED MAIL

7004 2510 0001 8651 9281

Mr. Harold Primack
 BP Products North America, Inc.
 28100 Torch Parkway, 2-S
 Warrenville, IL 60555



Re: 0310965179/Cook
 Franklin Park/Jiffy Lube ^{S.S.} - 03604
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Primack:

The *Focused Site Investigation, Remedial Objectives Report, Remedial Action Plan and Remedial Action Completion Report* (September 4, 2003/03-16748), as prepared by Delta Environmental Consultants, Inc. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 0.25 acres, is located at 3301 North Mannheim Road, Franklin Park, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form received September 4, 2003 is BP Products North America, Inc.

This focused No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms and conditions of this Letter.

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The land use 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.
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is restricted to Industrial/Commercial land use.
- 3) The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:
 - a) Regulated substances of concern that have been successfully addressed are detailed in the attached Table A.

Preventive Controls:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated must be returned to the same depth from which it was excavated or properly managed or disposed of in accordance with applicable state and federal regulations.

Engineering Controls:

- 5) The building or an asphalt/concrete barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This building or asphalt/concrete barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.

Institutional Controls:

- 6) Ordinance Number 9899 VC 15 adopted October 5, 1998 by the Village of Franklin Park effectively prohibits the installation and use of potable water supply wells in the Village. This ordinance provides an acceptable institutional control under the following conditions:
 - a) Where a groundwater ordinance is used to assure long-term protection of human health the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
 - b) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:

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- 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.
- c) The Remediation Applicant shall provide written notification to the Village of Franklin Park and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
 - i) The name and address of the local unit of government;
 - ii) The citation of Ordinance 9899 VC 15;
 - iii) A description of the property for which the owner is 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 has been 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.
- d) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date of this Letter to.

Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

- e) 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 Remediation Site or at the affected properties;
 - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date of this Letter of written notification to the Village of Franklin Park and affected property owner(s) of the intent to use Ordinance Number 9899 VC 15 as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter

UNOFFICIAL COPYOther Terms

7) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.

8) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
 Attn: Freedom of Information Act Officer
 Bureau of Land-#24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

9) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current titleholder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:

- a) Any violation of institutional controls or the designated 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 Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
- d) The failure to comply with the recording requirements for this Letter;
- e) Obtaining the Letter by fraud or misrepresentation;
- 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;
- g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
- h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.

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10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) BP Products North America, Inc.;
- b) The owner and operator of the Remediation Site;
- c) Any parent corporation or subsidiary of the owner of the Remediation Site;
- d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
- e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
- f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
- g) Any successor-in-interest of the owner of the Remediation Site;
- h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
- i) Any heir or devisee of the owner of the Remediation Site;
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.

11) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Remediation Site.

12) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

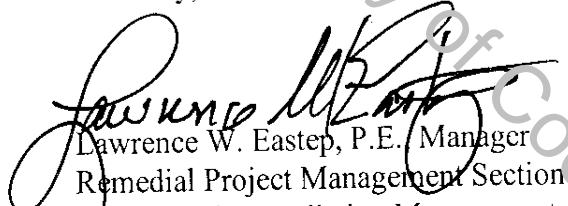
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Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

13) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. Andrew Catlin at (217) 524-3290.

Sincerely,


 Lawrence W. Eastep, P.E. Manager
 Remedial Project Management Section
 Division of Remediation Management
 Bureau of Land

Attachments(2): Property Owner Certification of No Further Remediation Letter under the
 Site Remediation Program Form
 Notice to Remediation Applicant

cc: Joseph P. Halama
 Delta Environmental Consultants, Inc.
 1717 Park Street, Suite 150
 Naperville, IL 60563

Nelson Christianson & Helsten
 4447 Associates, a Utah General Partnership
 Attn: Bruce J. Nelson
 68 South Main Street, #600
 Salt Lake City, Utah 84101

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bcc: Records Unit
Bob O'Hara
John Sherrill
Rick Lucas

Property of Cook County Clerk's Office

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SITE REMEDIATION PROGRAM
TABLE A: REGULATED SUBSTANCES OF CONCERN
0310965179/Jiffy Lube

BTEX Indicator Contaminants

CAS No.	Chemical Name
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylene (totals)

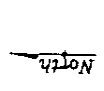
Semi-volatile Organic Compounds

CAS No.	Chemical Name
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
191-24-2	Benzo(g,h,i)perylene
207-08-9	Benzo(k)fluoranthene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-20-3	Naphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene

Metals

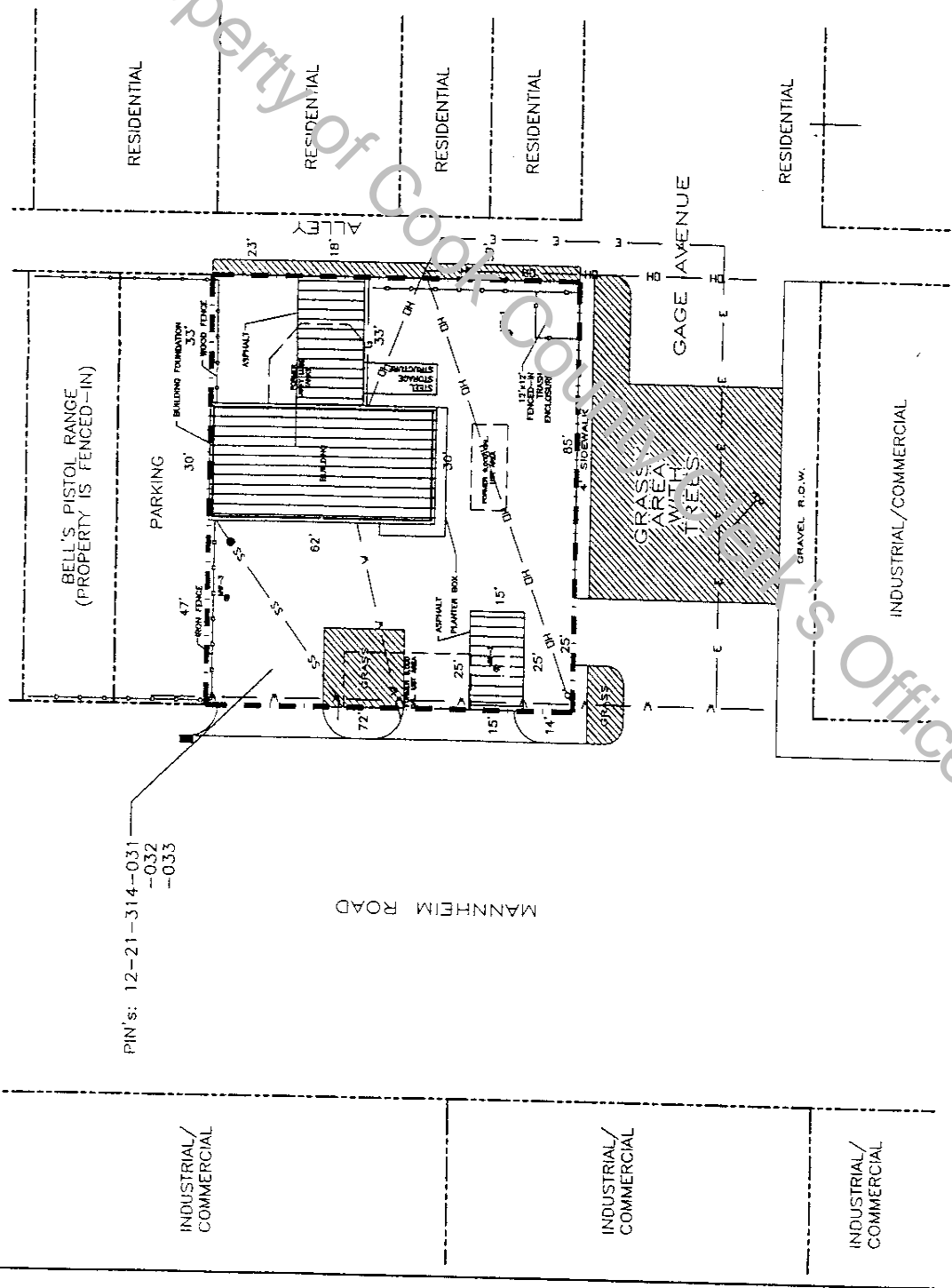
CAS No.	Chemical Name
7439-92-1	Lead

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LEGEND:

- REMEDIATION SITE BOUNDARY
- PROPERTY BOUNDARIES
- MONITORING WELL (DELTA)
- AREA OF ENGINEERED BARRIER



PIN'S: 12-21-314--031
 --032
 --033



FIGURE 1
REMEDIATION SITE BASE MAP
FORMER AMOCO SERVICE STATION NO. 00604
3301 NORTH MANHEIM
FRANKLIN PARK, ILLINOIS

PROJECT NO. AMG DBGN	PREPARED BY JH	DRAWN BY SPA
DATE 7/9/05	REVIEWED BY	FILE NAME AMG09GN

Delta
 Environmental
 Consultants, Inc.

Site Base Map
 0310965179/Cook County
 Franklin Park/Jiffy Lube
 Site Remediation Program

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PROPERTY OWNER CERTIFICATION OF NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

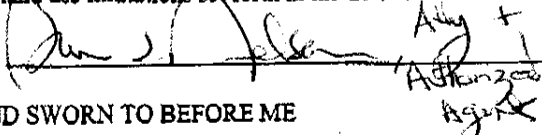
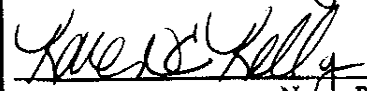
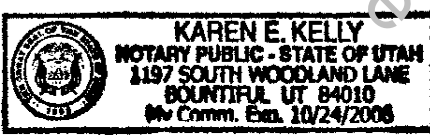
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not the RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, Zip code, county, Illinois Inventory I.D. number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of a least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public Agency, the head of the Agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached No Further Remediation letter.

Property Owner Information	
Owner's Name:	4447 Associates, A Utah General Partnership
Title:	Attn. Bruce J. Nelson, Agent
Company:	Nelson Christensen & Helsten
Street Address:	68 South Main Street #600
City:	Salt Lake City
State:	Utah
Zip Code:	84101
Phone:	(801) 531-8400
Site Information	
Site Name:	Jiffy Lube
Site Address:	3301 North Mannheim Road
City:	Franklin Park
State:	IL
Zip Code:	60131
County:	Cook
Illinois Inventory ID Number:	0310965179
Real Estate Tax Index/Parcel Index No.	12-21-314-031, 12-21-314-032, 12-21-314-033
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the Letter.	
Owner's Signature:	 Bruce J. Nelson Authorized Agent
Date:	8/31/05
SUBSCRIBED AND SWORN TO BEFORE ME	
This <u>3rd</u> day of <u>August 2005</u>	
	
Notary Public	
 KAREN E. KELLY NOTARY PUBLIC - STATE OF UTAH 1197 SOUTH WOODLAND LANE BOUNTIFUL, UT 84010 My Comm. Exp. 10/24/2006	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulation promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7 (a) of the Environmental Protection Act, applicable Rules and Regulation of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

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VILLAGE OF FRANKLIN PARK)

COUNTY OF COOK)

STATE OF ILLINOIS)

CERTIFICATE

I, **DEBRA FIORITO**, being the duly elected and qualified Village Clerk of the Village of Franklin Park, Cook County, Illinois, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance Number 9899 VC 15 entitled "AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION AND/OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD," passed and approved by the Board of Trustees of the Village of Franklin Park in regular session on the 5th of October, 1998 and on file in my custody.

WITNESS MY HAND and the Corporate seal of said Village of Franklin Park this 21st day of October, 1998.



Debra Fiorito
Village Clerk

SEAL

RECEIVED
OCT 22 1998
IEPA/BOL

RELEASABLE

DEC 10 2003

REVIEWER MM

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ORDINANCE NO. 9899 VC 15

**AN ORDINANCE PROHIBITING THE USE OF
GROUNDWATER AS A POTABLE WATER SUPPLY
BY THE INSTALLATION AND/OR USE OF POTABLE
WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

WHEREAS, certain properties located in the Village of Franklin Park, Cook County, Illinois, have been used from time to time for commercial and/or industrial purposes; and

WHEREAS, because of said use concentrations of certain chemical constituents in the groundwater beneath the Village of Franklin Park may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 Residential Remediation Objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village of Franklin Park desires to limit potential threats to human health from groundwater contamination while at the same time facilitating the redevelopment and productive use of properties that are the source of said chemical constituents; and

WHEREAS, the corporate authorities of the Village of Franklin Park previously, on December 16, 1996, passed an amendment to the Village of Franklin Park Village Code incorporating Section 7-8A-8 to provide regulations and restrictions on the use of water from wells and known as Ordinance No. 9697 VC 18; and

WHEREAS, the corporate authorities of the Village of Franklin Park, on February 2, 1998, further amended Section 7-8A-8 of the Village Code of the Village of Franklin Park by the passage of Ordinance No. 9798 VC 29 to further define "potable water"; and

WHEREAS, it has become necessary to further amend Section 7-8A-8 of the Village Code in order to satisfy the requirement of the Illinois Environmental Protection Agency with respect to the use of groundwater as potable water supply; and

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WHEREAS, it has been determined and found by the corporate authorities of the Village of Franklin Park that it is in the best interest of the Village and the public that it serves to further amend Section 7-8A-8 of the Village Code of the Village of Franklin Park as suggested by the Illinois Environmental Protection Agency.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Franklin Park, Cook County, Illinois as follows:

Section 1. That the foregoing recital clauses to this Ordinance are hereby adopted as the findings of the corporate authorities of the Village of Franklin Park and are incorporated herein by specific reference.

Section 2. That Article A, "Permit for Water Connection and Use", of Chapter 8, "Water Systems", of Title 7, "Public Works", of the Village Code of the Village of Franklin Park as amended is hereby further amended to read as follows:

A) Use of Groundwater as a Potable Water Supply Prohibited. The use or attempted use, by any person, as a potable water supply groundwater from within the Village of Franklin Park, Cook County, Illinois, by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the Village of Franklin Park.

B) Definitions: As used herein "Person" shall be defined as an 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.

As used herein "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.

C) That any person violating the provisions of this section shall be fined in an amount not to exceed Seven Hundred Fifty (\$750.00) Dollars.

Section 3. That any ordinance or portion of any ordinance in conflict with the provisions of this ordinance is hereby repealed solely to the extent of such conflict.

Section 4. 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 this ordinance as a whole or any portion hereof not adjudged invalid.

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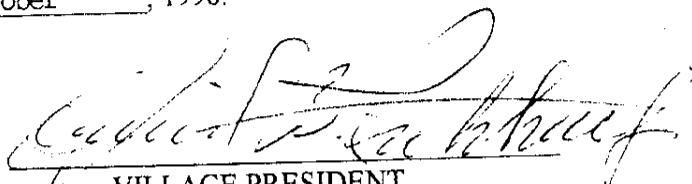
Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner as provided by law.

PASSED this 5th day of October, 1998.

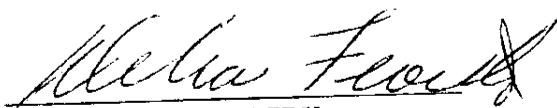
AYES 4 NAYS 0 ABSENT 0

- Mr. Rossino
- Mr. Ferron
- Mr. Neuzil
- Mr. Bellendir

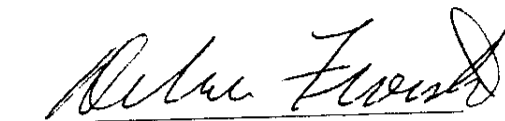
APPROVED by me this 5th day of October, 1998.


 VILLAGE PRESIDENT

ATTEST:


 VILLAGE CLERK

Published in Pamphlet form this 5th day of October, 1998, by Order of the Corporate Authorities of the Village of Franklin Park.


 VILLAGE CLERK