

# UNOFFICIAL COPY

PREPARED BY:

Name: Thomas Kenney

Address: 6040 West 111<sup>th</sup> Street  
Chicago Ridge, IL 60658



RETURN TO:

Name: Thomas Kenney

Address: 12461 South Mansfield  
Alsip, IL 60803

Doc#: 0522246150  
Eugene "Gene" Moore Fee: \$44.00  
Cook County Recorder of Deeds  
Date: 08/10/2005 11:14 AM Pg: 1 of 11

(THE ABOVE SPACE FOR RECORDER'S OFFICE) 12

## 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: 0310485063

LUST Incident No.: 20002406

Thomas Kenney, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 12461 South Mansfield, Alsip, Illinois 60803, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: Lot 23 in Aulwurm's Subdivision of the East ½ of the Southwest ¼ of Section 17, Township 37 North, Range 13 East of the Third Principal Meridian in Cook County, IL.
2. Common Address: 6040 West 11<sup>th</sup> Street, Chicago Ridge, IL 60658
3. Real Estate Tax Index/Parcel Index Number: 24-17-309-003
4. Site Owner: Thomas Kenney
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

217/782-6762

**CERTIFIED MAIL**7002 3150 0000 1108 8297

Originally Issued: May 17, 2005

Revised:

**JUL 08 2005**

Thomas Kenney  
12641 South Mansfield  
Alsip, IL 60803

Re: LPC #0310485063 -- Cook County  
Chicago Ridge/Kenney Thomas  
6040 West 111<sup>th</sup> Street  
LUST Incident No. 20002406  
LUST Technical File

Dear Mr. Kenney:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated April 20, 2005 and was received by the Illinois EPA on April 22, 2005. Citations in this letter are from 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Ill. Adm. Code 732.300(b) and 732.409(b) indicate the remediation objectives set forth in 35 Ill. Adm. Code 732.408 have been met.

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 Barry Sink, a Licensed Professional Engineer, and based upon other information in the Illinois EPA's possession, your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

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Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. This Letter shall apply in favor of the following parties:

1. Thomas Kenney, 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.

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## CONDITIONS AND TERMS OF APPROVAL

### LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.
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: None.

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.

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## Groundwater Use Ordinance

Chicago ridge Mun. Code: ch. 90, Div. 2, Sec 90-57 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 Ridge 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;
- 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.

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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 Chicago Ridge Mun. Code: ch.90, Div.2, Sec 90-57 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 may, if applicable, 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.

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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, IL 62794-9276

8. Should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
- a. Any violation of institutional controls or industrial/commercial land use restrictions;
  - b. The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
  - c. The disturbance or removal of contamination that has been left in place in accordance with the Corrective Action Plan or Completion Report;
  - d. The failure to comply with the recording requirements for the Letter;
  - e. Obtaining the Letter by fraud or misrepresentation; or
  - f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

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Submit an accurate and official copy of this Letter, as recorded, to:

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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Scott Rothering, at 217-785-1858.

Sincerely,

*Clifford L. Wheeler*

Clifford L. Wheeler  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

CLW:SRR\0310485063

Attachments: Leaking Underground Storage Tank Environmental Notice  
Groundwater Ordinance #01-09-06

c: United Science Industries  
Division File



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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

ORDINANCE NO. 01-09-06

**VILLAGE OF CHICAGO RIDGE**

**AN ORDINANCE AMENDING SECTION 90-57 OF  
DIVISION 2 OF CHAPTER 90 OF THE REVISED  
MUNICIPAL CODE OF THE VILLAGE OF CHICAGO  
RIDGE, COOK COUNTY, ILLINOIS.**

*BE IT ORDAINED* by the President and Board of Trustees of the Village of Chicago Ridge, Cook County, Illinois, as follows:

SECTION 1. That Section 90-57 of Division 2 of Chapter 90 of the Revised Municipal Code of the Village of Chicago Ridge shall be amended to read as follows:

**Section 90-57 Mandatory Connection; Use of Water Wells.**

**(A) Definitions.** For the purpose of this section, unless the context requires otherwise, the following terms shall be construed as herein defined:

(1) "Plumbing system" shall mean the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation, lawn sprinkler systems, from the source of private water supply on the premises or from a main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five (5) feet beyond the foundation walls.

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(2) "Potable water" shall mean water which meets the requirements of applicable state law and regulations for drinking, culinary, and domestic purposes.

(3) "Public water supply" shall mean all mains, pipes and structures through which water is obtained and distributed to the public by the Village of Chicago Ridge, including any wells and well structures, intakes, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use.

(B) **Use of Public Water System Required.** All residences, buildings and other structures located within the corporate limits of the Village of Chicago Ridge that have a plumbing system installed on the premises and which provides potable water through such system shall be properly connected to either the Village's public water supply system.

(C) **Private Wells Prohibited.**

(1) It shall be unlawful to drill or install any well for the purpose of securing water for use in any residence, building or structure within the Village.

(2) It shall be unlawful to use water in a plumbing system from any well drilled, dug or installed in violation of the provisions of this Ordinance.

**SECTION 2.** That if any section, paragraph, clause, phrase or part of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this ordinance, and the application of these provisions to any persons or circumstances shall not be affected thereby.

**SECTION 3.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

**SECTION 4.** That this ordinance shall be in full force and effect from and

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after its passage as provided by law.

SECTION 5. That this ordinance is authorized to be published in pamphlet form.

PASSED and APPROVED this 18<sup>th</sup> day of Sept., 2001.

VILLAGE OF CHICAGO RIDGE

By: Eugene L. Siegel  
Eugene L. Siegel  
President

ATTEST:

Charles E. Tokar  
Charles E. Tokar, Village Clerk

AYES:

NAYS:

Murray Leche  
David Hudson  
James J. Fenwick  
Quanta Brooks  
Ronald Brant

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