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PREPARED BY:

Name: Shell Oil Products US
Address: 9545 West Ogden Avenue
Brookfield, Illinois

Doc#: 0525203034 Fee: \$48.50
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 09/09/2005 01:25 PM Pg: 1 of 13

RETURN TO:

Name: Shell Oil Products US
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 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: 0310335046

LUST Incident No.: 941319

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, 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: See Attachment
2. Common Address: 9545 West Ogden Avenue, Brookfield, Illinois
3. Real Estate Tax Index/Parcel Index Number: See Attachment
4. Site Owner: Mr. William Klump & Mrs. Maria Klump, 8705 Lake Ridge Drive, Darien, Illinois 60651
5. Land Use Limitation: The groundwater under the site shall not be used as a potable water supply.
6. See the attached No Further Remediation Letter for other terms.

HAC:MW:mw/941319-4.DOC

Attachments: Site Base Map, Legal Description/Parcel Index Number(s), and Highway Authority Agreement/Engineered Barrier Map(s)

Leaking Underground Storage Tank Environmental Notice

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NURSERY

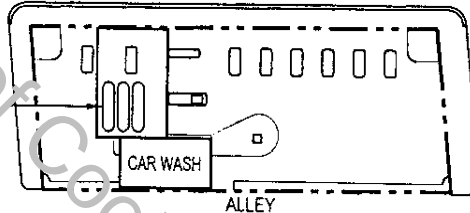
COMMERCIAL AREA

COMMERCIAL AREA

OGDEN AVENUE (ROUTE 34)

FORMER SERVICE STATION

FORMER UST AREA



AIR CONDITIONING SERVICE

SINGLE-FAMILY RESIDENTIAL AREA

SINGLE-FAMILY RESIDENTIAL AREA

SINGLE-FAMILY RESIDENTIAL AREA

EBERLY AVENUE

BLANCHAN AVENUE

LEGEND

--- FORMER SHELL SITE BOUNDARY



SCALE IN FEET

FIGURE 2
LAND USE MAP

FORMER SHELL
SERVICE STATION #128837
9545 W. OGDEN AVENUE
BROOKFIELD, ILLINOIS

DRAWN BY: JRS
DATE: 6/24/03
CAD: 834AW1.DWG

REVIEWED BY: KTS
DATE: 6/24/03
PROJECT: 03005

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

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

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Ginocchio Enterprises, Inc.

Title Searching Services

166 E. Grand Ave.
Fox Lake, IL 60020
Bus. (847) 740-8400
Fax (847) 546-0994

PIN NUMBER AND LEGAL DESCRIPTION

Prepared For
Nesa & Associates, Inc.
7701 S. Grant St.
Burr Ridge, IL 60527

Project File 9545 W. Ogden

Pin No. 18-03-113-001
18-03-113-002
18-03-113-003
18-03-113-004
18-03-113-005
18-03-113-006
18-03-113-007
18-03-113-008
18-03-113-009
18-03-113-010

Legal: Lot's 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Steinback's Add.

Address: 9545 W. Ogden, Brookfield, IL

Owner: Hinsbrook Bank U/T/A #00-049 dated 11/30/00

Taxpayer: Hinsbrook Bank
6262 South Route 83
Willowbrook, IL 60514

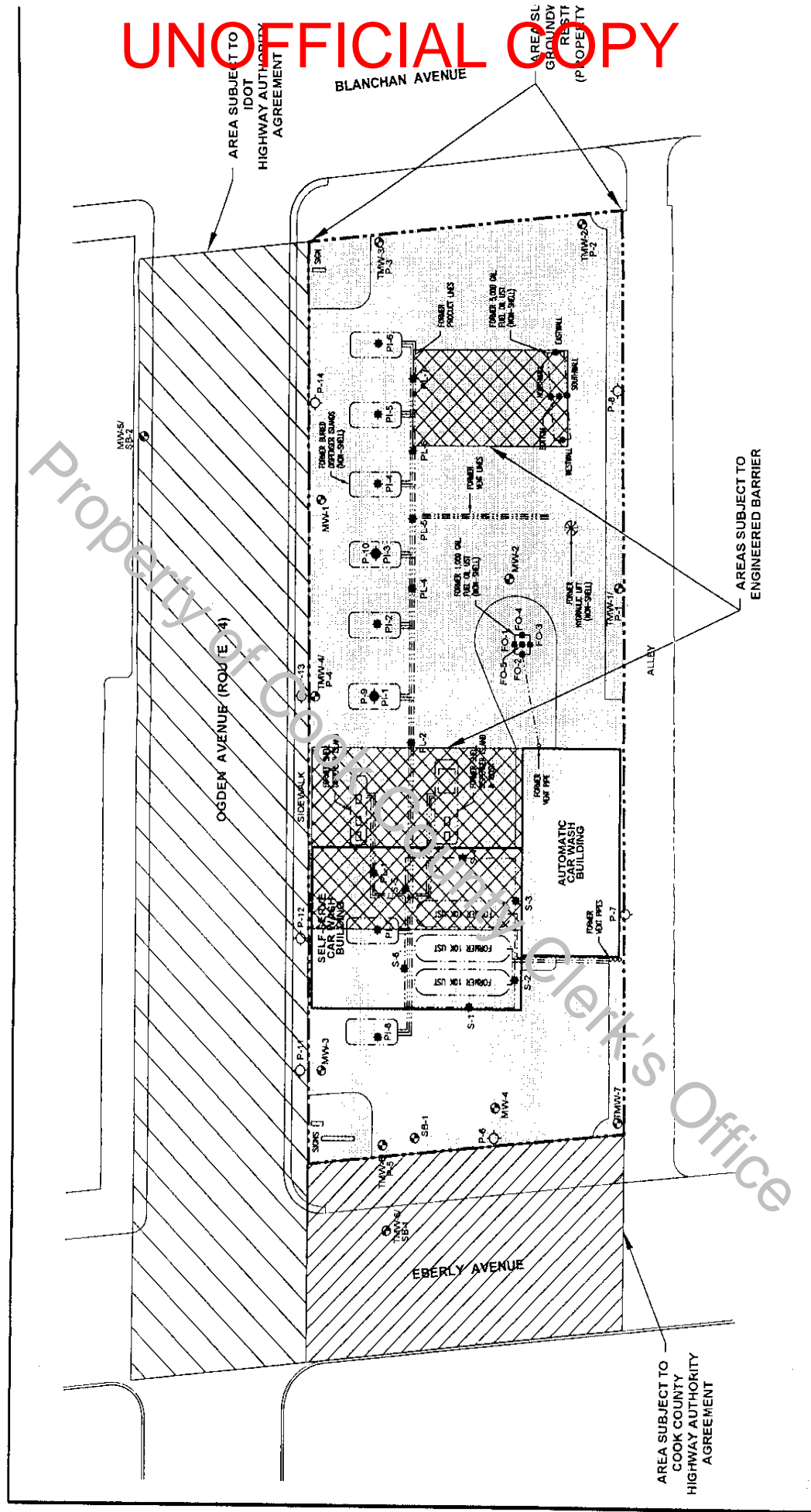
Property of Cook County Clerk's Office

UNOFFICIAL COPY

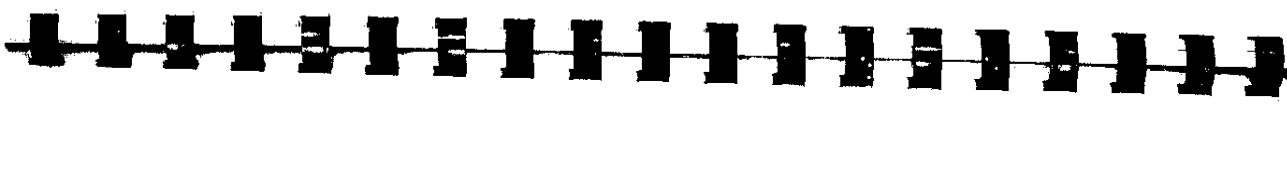
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Steimback's Addition to West Grossdale, being a Subdivision of the North 1096.95 feet of the West 333.4 feet of that part of the West 1/2 of the Northwest 1/4 of Section 3, Township 38 North, Range 12, East of the Third Principal Meridian lying South of Ogden Avenue in Cook County, Illinois.

Property of Cook County Clerk's Office

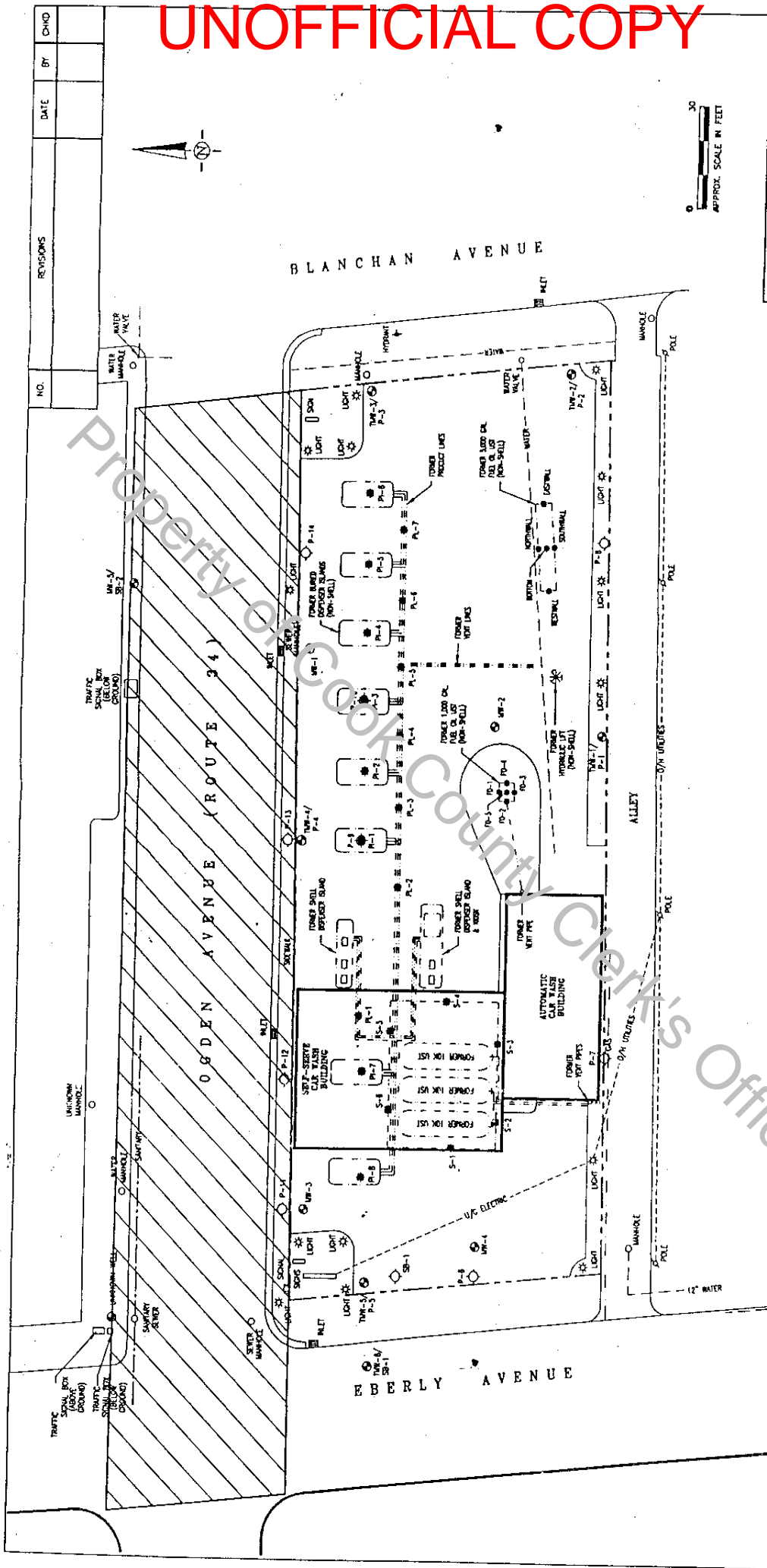
UNOFFICIAL COPY



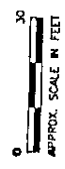
<p>LEGEND</p> <ul style="list-style-type: none"> --- PROPERTY BOUNDARY ○ MONITORING WELL LOCATION ⊙ SOIL BORING LOCATION ● SOIL SAMPLE LOCATION 	<p>AREA SUBJECT TO RESTRICTION</p> <ul style="list-style-type: none"> AREA SUBJECT TO IDOT HIGHWAY RESTRICTION AREA SUBJECT TO ENGINEERED BARRIER AREA SUBJECT TO IDOT HIGHWAY AUTHORITY AGREEMENT AREA SUBJECT TO COOK COUNTY HIGHWAY AUTHORITY AGREEMENT 	<p>FI AREAS INSTITUTIC FOR SERVICE 9545 W. C BROOK</p> <p>DRAWN BY: JRS DATE: 02/24/03 CAD: 3005HAI.DWG</p> <p>REVIEWED BY: KTS DATE: 02/24/03 PROJECT: 03005</p> <p>NOT A LEGAL SURVEY, DOCUMENTATION PROVIDED BY SHELL OIL PRODUCTS U.S. AND FIELD NOTES BY NESA. SURVEYED WELL LOCATIONS ARE APPROXIMATE.</p>
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NO.	REVISIONS	DATE	BY	CHKD



LEGEND	
---	PROPERTY BOUNDARY
○	MONITORING WELL LOCATION
◇	SOIL BORING LOCATION
●	SOIL SAMPLE LOCATION

DRAWN BY:	R. WALSHVELO	FIGURE 3
CHECKED BY:		
SCALE:	1" = 30'	
DATE:	10/11/01	
DRAWING FILE:	107834	

AREA SUBJECT TO IDOT
HIGHWAY AUTHORITY AGREEMENT
FORMER SHELL SERVICE STATION SAP #128837
9545 OGDEN AVENUE
BROOKFIELD, COOK COUNTY, ILLINOIS

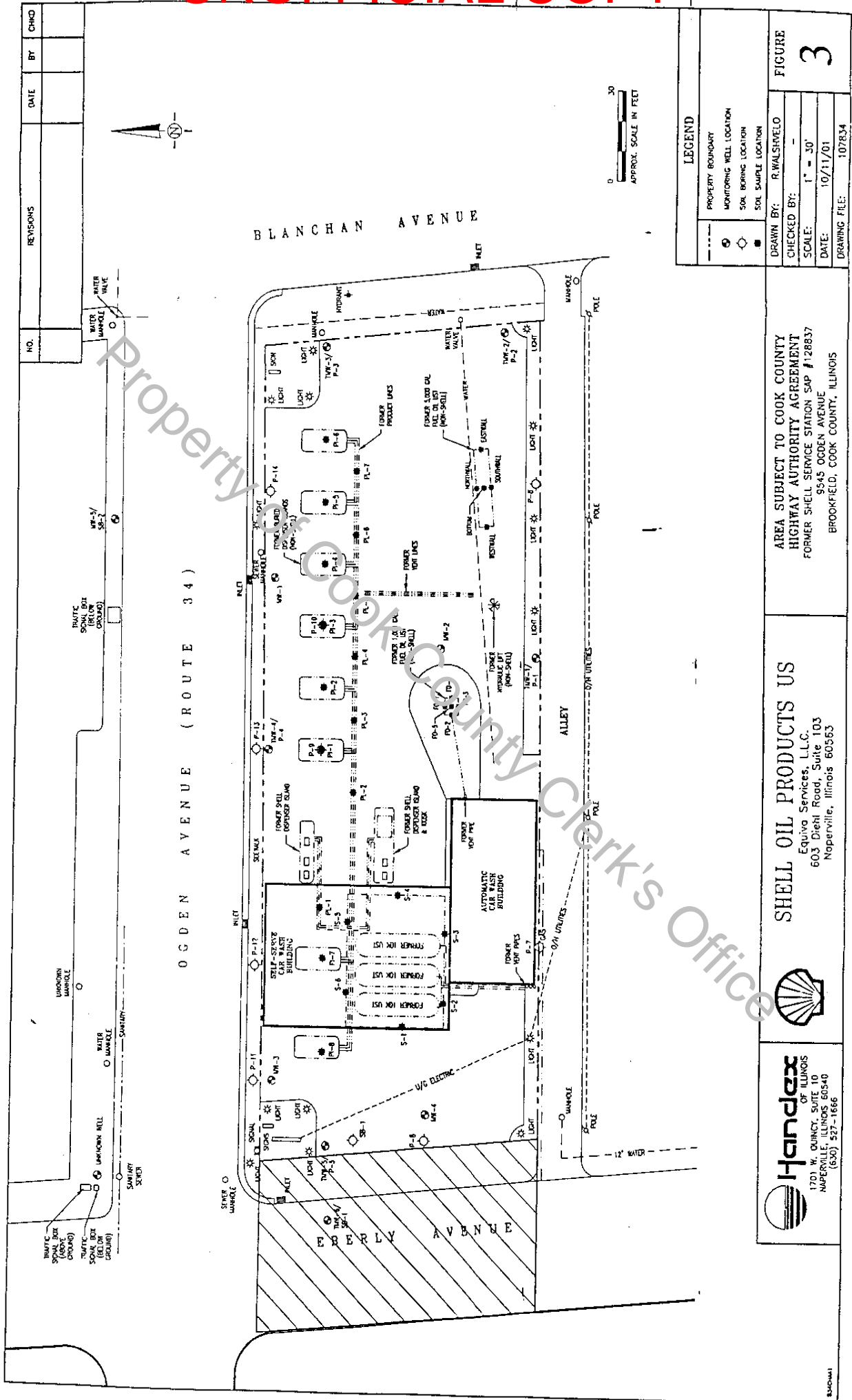
SHELL OIL COMPANY
EQUIVA Services, L.L.C.
603 Diel Road, Suite 103
Naperville, Illinois 60563



Handex
OF ILLINOIS
1701 W. QUINCY, SUITE 10
NAPERVILLE, ILLINOIS 60540
(630) 527-1666

Property of Cook County Clerk's Office

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8/20/01

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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

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1108 9966

JUL 26 2005

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

SAA# 128837

Incident# 97092696

EQ/SHELL Parent

Re: LPC #0310335046 - Cook County
 Brookfield/Shell Station #128837
 9545 West Ogden Avenue
 LUST Incident No. 941319
 LUST Technical File

Dear Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report submitted for the above-referenced incident. This information is dated March 31, 2005 and was received by the Illinois EPA on April 5, 2005. 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

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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:

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. 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 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

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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: The groundwater under the site shall not be used as a potable water supply.
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.

The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water. No person shall construct, install, maintain, or utilize a potable water supply well. In accordance with Section 3.65 of the Act, "potable" means generally fit for human consumption in accordance with accepted water supply principles and practices.

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

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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

IDOT 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 9545 West Ogden Avenue, Brookfield, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Ogden Avenue, Brookfield, Illinois, as indicated in the Highway Authority Agreement #128837. 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 One Engineer, John Kos
210 West Center Court
Schaumburg, Illinois 60196-1096
847/705-4000

Highway Authority Agreement

The County of Cook, Illinois 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 9545 West Ogden Avenue, Brookfield, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Eberly Avenue, as indicated in the Highway Authority Agreement. The Highway Authority agrees to: (a) prohibit the use of groundwater under the highway right-of-way that is contaminated above Tier 1 groundwater remediation objectives as a potable or other domestic supply of water, and (b) limit access to soil 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

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Bureau of Land, FOIA Unit as detailed elsewhere in this Letter. Questions regarding the Highway Authority Agreement should be directed to:

Cook County Bureau of Administration
 Department of Highways, Wally Kos
 69 West Washington Street, 23rd Floor
 Chicago, Illinois 60602
 312/603-1600

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan, if applicable, may result in avoidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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 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;

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- 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Mindy Weller, at 217/782-6762.

Sincerely,



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

HAC:MW:mw\941319-4.DOC

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map
Legal Description/Parcel Index Number(s)
Highway Authority Agreement/Engineered Barrier Map(s)

cc: Jeshua Hansen, NESAs & Associates, Inc.
Division File