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PREPARED BY:

Name: Tony Scalzo
West Suburban Imports

Address: 801 Circle
Forest Park, IL 60130

RETURN TO:

Name: Tony Scalzo
West Suburban Imports

Address: 1140 Garfield St.
Oak Park, IL 60304

Doc#: 0604554100 Fee: \$48.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 02/14/2006 03:29 PM Pg: 1 of 13

(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: 0310905105

LUST Incident No.: 20011324

West Suburban Imports, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 1140 Garfield St., Oak Park, Illinois, 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: 801 Circle, Forest Park, Illinois
3. Real Estate Tax Index/Parcel Index Number: 15-13-404-003, 15-13-404-071
4. Site Owner: Forest Park Real Estate Partnership
5. Land Use Limitation: The land use shall be industrial/commercial.
6. See the attached No Further Remediation Letter for other terms.

RMM

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Legal Description and P.I.N.
801 Circle Avenue, Forest Park, Illinois

LOTS 1, 2, AND 3, AND THAT PART OF LOT 4 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 1.95 FEET TO THE EXTERIOR FACE OF A ONESTORY BRICK AND STUCCO BUILDING; THENCE NORTHERLY ALONG THE FACE OF SAID ONE STORY BRICK AND STUCCO BUILDING TO A POINT ON THE NORTH LINE OF SAID LOT 4; SAID POINT BEING 2.20 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4; THENCE EAST ON THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 2.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH ON THE EAST LINE OF SAID LOT 4 TO THE POINT OF BEGINNING, ALL IN BLOCK 2 IN ADAM SCHAAP AND W. A. KREIDLER'S ADDITION TO SOUTH OAK PARK, BEING A SUBDIVISION OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.s

15-13-404-003 and 15-13-404-071

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Rec'd CRA

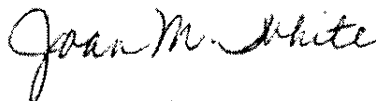
SEP 10 2004

CERTIFICATION

I, Joan M. White, hereby certify that I am the duly appointed and acting Village Clerk of the Village of Forest Park, Cook County, Illinois, and that as such am the keeper of the records and the seal of the Village of Forest Park, Cook County, Illinois; and

I further certify that the Ordinance No. O-31-01 attached hereto is a true, correct, and complete copy of the Ordinance passed by the Council of the Village of Forest Park on August 13th, 2001, and that the original of same is on file in my office and available for public inspection.

Signed:



Joan M. White
Village Clerk

SEAL

CERTIFIED this 9th Day of September, 2004
in the Municipal Building,
517 Desplaines Avenue,
Forest Park, Cook County, Illinois

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ORDINANCE NO. 0-31-01

**AN ORDINANCE AMENDING CHAPTER 28,
ENTITLED 'WATER' OF THE MUNICIPAL CODE OF
THE VILLAGE OF FOREST PARK, COOK COUNTY, ILLINOIS**

WHEREAS, certain properties in the Village of Forest Park, Illinois, Cook County, Illinois have been used over a period of time for commercial/industrial purposes; and

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

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

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Village of Forest Park, Cook County, Illinois, as follows:

SECTION 1: That Chapter 28 of the Municipal Code of the Village of Forest Park entitled 'Water' be amended by adding a new Section 28-11 and 28-12 entitled "Prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method" and "Private Wells" to read as follows:

28-11. Prohibiting the use of groundwater as a potable water supply by the installation of use of potable water supply wells or by any other method.

- A)** The use or attempt to use a potable water supply, groundwater from within the corporate limits of the Village of Forest Park by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the Village of Forest Park.
- B)** Any person violating the provisions of this ordinance shall be subject to a fine of up to five hundred dollars for each violation.
- C)** 'Person' is any 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.

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'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.

28-12 Private Wells.


No person, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision or any other legal entity or their representatives, agents or assigns shall construct, cause to be constructed, operate or maintain a well on any property in the Village where such property abuts, is within one thousand (1000) feet of, or can be serviced by the water system of the Village of Forest Park.

SECTION 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 3: 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 the ordinance as a whole or of any portion not adjudged invalid.

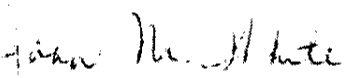
SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the Mayor and Council of the Village of Forest Park, Cook County, Illinois this 13th day of August, 2001.



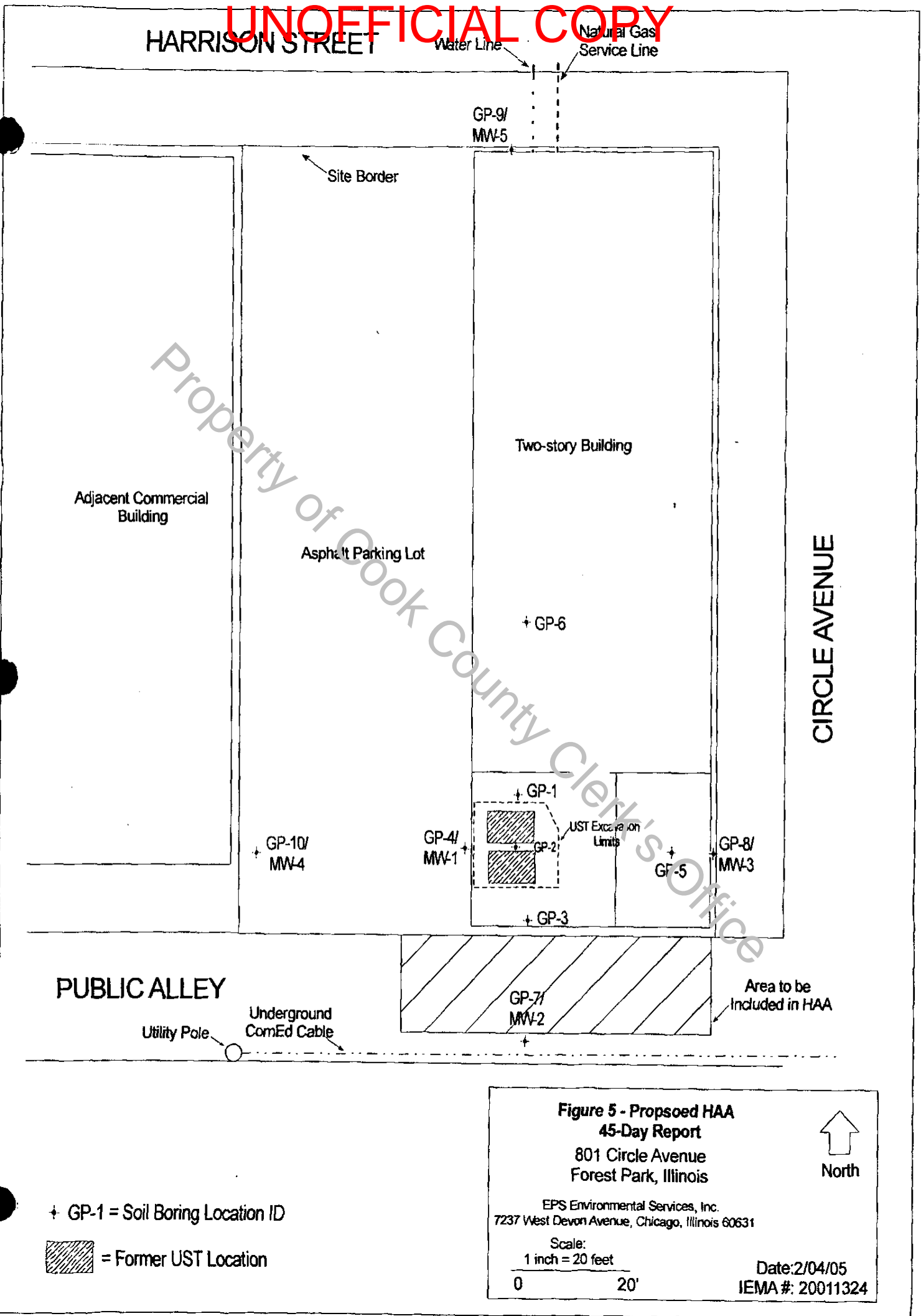
Mayor

ATTEST:



Village Clerk

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Property of Cook County Clerk's Office

PUBLIC ALLEY

CIRCLE AVENUE

Utility Pole
Underground ComEd Cable

**Figure 5 - Proposed HAA
45-Day Report**

801 Circle Avenue
Forest Park, Illinois

EPS Environmental Services, Inc.
7237 West Devon Avenue, Chicago, Illinois 60631

Scale:
1 inch = 20 feet

0 20'

Date: 2/04/05
IEMA #: 20011324

↑
North

+ GP-1 = Soil Boring Location ID

= Former UST Location

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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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

Originally issued: January 18, 2006

7004 2510 0001 8654 1473

Reissued:

FEB 0 8 2006

West Suburban Imports

Attention: Tony Scalzo

1140 Garfield St.

Oak Park, IL 60304

Re: LPC #0310905105 -- Cook County
 Forest Park/ West Suburban Imports
 801 Circle
 LUST Incident No. 20011324
 LUST Technical File

Dear Mr. Scalzo:

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 26, 2005 and was received by the Illinois EPA on October 31, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code). This letter was reissued as a result of an address change.

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.

Based upon the certification by Nicholas J. Cuzzone, a Licensed Professional Engineer, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

1. West Suburban Imports, the owner or operator of the underground storage tank system(s).

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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. The remediation objectives have been established in accordance with an industrial/commercial land use limitation. 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.

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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 land use shall be industrial/commercial.
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

Village of Forest Park 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 801 Circle Avenue. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Public Alley behind 801 Circle 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

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residential Tier I 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:

Michael J. Sturino, Administrator
Village of Forest Park
517 Des Plaines Avenue
Forest Park, IL 60130
(708) 366-2323

Groundwater Use Ordinance

Ordinance 0-31-01 adopted by the Village of Forest Park 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:

- a. The current owner or successor-in-interest of this site who relies on this ordinance as an institutional control shall:
 - 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.
- b. Each affected property owner, potentially affected property owner (as identified through contaminant modeling), and the Village of Forest Park 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:
 - i. The name and address of the unit of local government;
 - ii. The citation of the ordinance used as an institutional control in this Letter;

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- iii. A description of the property 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 was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- v. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- vi. A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- 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.
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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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Robin McCain, at 217/785-6309.

Sincerely,



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

MTL:RMM *EMM*

Attachments: Leaking Underground Storage Tank Environmental Notice
Legal Description
Groundwater Ordinance 6-31-01 for Village of Forest Park
Highway Authority Agreement Site Map, Figure 5, dated 02/04/05

c: Nicholas J. Cuzzone, EPS Environmental
Division File

County of Cook Clerk's Office