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PREPARED BY:

Name: Chandulal M. Patel
C.M. Patel (Former Clark Gas Station #2054)

Address: 575 West Lake Street
Bartlett, Illinois 60103

Doc#: 0611839065 Fee: \$40.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 04/28/2006 12:01 PM Pg: 1 of 9

RETURN TO:

Name: Chandulal M. Patel
C.M. Patel (Former Clark Gas Station #2054)

Address: 4074 South Archer Avenue
Chicago, Illinois 60632

(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: 0314125036

LUST Incident No.: 20051402

Chandulal M. Patel, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 4074 South Archer Avenue, Chicago, Illinois 60632, 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: Attachment
2. Common Address: 575 West Lake Street, Bartlett, Illinois
3. Real Estate Tax Index/Parcel Index Number: 06-27-403-015-0000
4. Site Owner: Chandulal M. Patel
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

MRT

Leaking Underground Storage Tank Environmental Notice

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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

7004 2510 0001 8590 6013

APR 11 2006

Chandulal M. Patel
 4074 South Archer Avenue
 Chicago, Illinois 60632

Re: LPC # 031/125036 -- Cook County
 Bartlett/C.M. Patel (Former Clark Gas Station #2054)
 575 West Lake Street
 Leaking UST Incident No. 20051402
 Leaking UST Technical File

Dear Chandulal Patel:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-Day Corrective Action Completion Report submitted for the above-referenced incident. This information was dated March 29, 2006 and was received by the Illinois EPA on March 31, 2006. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to Section 57.6 of the Act indicate the remediation objectives have been met.

Based upon the certification by David G. Yacko, 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. Chandulal M. Patel, 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.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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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. 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.

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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.
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 of Avoidance 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;
 - c. The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;

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- 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, Michael Thorsen, at 217.558.0194.

Sincerely,



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

TAH:MRT:mrt\

Attachments: Leaking Underground Storage Tank Environmental Notice
Legal Description

c: Dana S. Rose, Adept Environmental Solutions, Inc.
BOL File

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45-DAY REPORT
 FORMER CLARK GAS STATION #2054
 575 West Lake Street
 Bartlett, Illinois 60103
 LUST Incident # 2005-1402

The surrounding area is primarily commercial property.

Latitude: N 42° 0.288' - Longitude: W 88° 11.236'
 Elevation: 823 Feet (above mean sea level)

The property is legally described as:

THAT PART OF THE SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT INTERSECTION OF THE CENTER LINE OF BARTLETT ROAD AND LAKE STREET (U.S. ROUTE 20); THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID U.S. ROUTE 20, A DISTANCE OF 226.55 FEET; THENCE NORTHEASTERLY PARALLEL WITH THE CENTER LINE OF BARTLETT ROAD, A DISTANCE OF 250.00 FEET; THENCE SOUTHEASTERLY PARALLEL WITH THE CENTER LINE OF U.S. ROUTE 20 TO THE CENTER LINE OF BARTLETT ROAD; THENCE SOUTHWESTERLY ALONG SAID LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

EXCEPT FROM THE ABOVE DESCRIBED PROPERTY THAT PART THEREOF DESCRIBED BELOW CONVEYED BY DEED RECORDED AS DOCUMENT 26683540 FROM CITIES SERVICE COMPANY TO THE PEOPLE OF THE STATE OF ILLINOIS FOR THE USE OF THE DEPARTMENT OF THE TRANSPORTATION DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF U.S. ROUTE 20 WITH THE CENTER LINE OF BARTLETT ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE ON AN ASSUMED BEARING OF NORTH 66 DEGREES 45 MINUTES 00 SECONDS WEST ALONG SAID CENTER LINE OF U.S. ROUTE 20, A DISTANCE OF 226.55 FEET TO THE SOUTHWEST CORNER OF SAID DESCRIBED PROPERTY; THENCE NORTH 12 DEGREES 55 MINUTES 00 SECONDS EAST ALONG THE WESTERLY LINE OF SAID DESCRIBED PROPERTY, A DISTANCE OF 50.84 FEET TO THE NORTHERLY LINE OF SAID U.S. ROUTE 20 AS MONUMENTED AND OCCUPIED; THENCE SOUTH 66 DEGREES 45 MINUTES 00 SECONDS EAST ALONG SAID NORTHERLY LINE OF U.S. ROUTE 20, A DISTANCE OF 170.85 FEET TO A POINT; THENCE NORTH 62 DEGREES 55 MINUTES 44 SECONDS EAST 19.15 FEET TO THE WESTERLY LINE OF BARTLETT ROAD AS MONUMENTED AND OCCUPIED; THENCE NORTH 12 DEGREES 36 MINUTES 36 SECONDS EAST ALONG SAID WESTERLY LINE OF BARTLETT ROAD 184.12 FEET TO THE NORTHERLY LINE OF SAID DESCRIBED PROPERTY; THENCE SOUTH 66 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DESCRIBED PROPERTY 40.70 FEET TO A POINT ON THE CENTER LINE OF BARTLETT ROAD; THENCE SOUTH 12 DEGREES 55 MINUTES 00 SECONDS WEST ALONG SAID CENTER LINE OF BARTLETT ROAD 250.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PROPERTY INDEX NUMBER:

06-27-403-015-0000

Copies of Cook County Assessor documents are included in Appendix A.

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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

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter 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 so long as the site is used in accordance with the terms and conditions of the NFR Letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA *will* take steps to void the NFR Letter in accordance with the regulations.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on the Illinois EPA Web site at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

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Highlights of New Part 734 and Amended Part 732 Regulations

The Illinois Pollution Control Board's new regulations for the Leaking Underground Storage Tank Program (promulgated as Part 734), as well as amendments to the current Part 732 regulations, are effective March 1, 2006. The regulations at 35 Ill. Adm. Code 734 apply to owners or operators of any underground storage tank system used to contain petroleum and for which a release was reported to Illinois Emergency Management Agency on or after June 24, 2002, in accordance with the Office of the State Fire Marshal regulations.

The table below lists highlights of some of the changes, but it in no way encompasses all of the changes. Please visit the Board's Web site at <http://www.ipcb.state.il.us/> for a complete viewing of both sets of regulations.

If you have any questions, please contact the project manager on call in the Leaking Underground Storage Tank Section at 217-782-6762 or toll free 888-299-9533.

Section of 35 Ill. Adm. Code	Comment
732.110 734.135	All plans, budgets, and reports must be certified by a Licensed Professional Engineer (L.P.E.) or Licensed Professional Geologist (L.P.G.)—except that the Corrective Action Corrective Report must be certified by an L.P.E.
732.112 734.145	The Illinois EPA may require notification of field activities.
732.114 734.150	Once each quarter, the Illinois EPA must meet with a L.U.S.T. Advisory Committee, provided there are issues for discussion.
734.140	Tier 2 or 3 remediation objectives may be developed at any time.
732.202(h) 734.210(h)	Sampling requirements during the early action period are prescribed.
732.203 734.215	<p>“Free product” is considered to be one-eighth of an inch in depth as measured in a groundwater monitoring well, or present as a sheen on groundwater in the tank removal excavation or on surface water.</p> <p>The 45-day period begins upon confirmation of the presence of free product—not necessarily correlating with early action. If free product removal activities will continue beyond 45 days, a Free Product Removal Plan (and budget, if applicable) must be submitted.</p>
732.300(b) 734.445	Water supply well survey requirements are prescribed.
732.312	In order to classify a site using Exposure Pathway Exclusion (35 Ill. Adm. Code 732.312), the owner or operator must elect to proceed in accordance with 35 Ill. Adm. Code 734.
732.408 734.410	Five site-specific parameters must be determined and used in Tier 2 calculations for on-site corrective action. Costs to reimburse cleanup to Tier 1 remediation objectives will not be paid.

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Section of 35 Ill. Adm. Code	Comment
734.310	Site investigation may consist of three stages: --Stage 1 --Stage 2 (to complete definition of extent of contamination on-site) --Stage 3 (to define the extent of contamination off-site)
732.601 734.605	Proof of payment of subcontractors must be provided in an application for payment. Applications for payment from the UST Fund must be submitted no longer than one year after No Further Remediation (NFR) Letter issuance.
732.603 734.605	There must be an accounting of all costs.
732.606(kk) 734.630(gg)	Costs incurred after receipt of an NFR Letter are ineligible for payment <u>except</u> costs for MTBE remediation, monitoring well abandonment costs, county recorder fees for NFR Letter recording, costs associated with seeking payment from the UST Fund, and costs associated with remediation to Tier 1 objectives on-site if a court order requires it.
732.606(pp) through (eee) 734.630 (ll) through (bbb)	New ineligible costs including, but not limited to, handling charges charged by persons other than the owner's or operator's primary contractor, costs associated with on-site corrective action to achieve remediation objectives that are more stringent than Tier 2 objectives, and costs associated with groundwater remediation if an approved groundwater ordinance can be used as an institutional control.
732.614 734.665	Owners or operators must maintain records as prescribed and make them available for Illinois EPA audit.
732.Subpart H 734.Subpart H	Amount to be paid from the UST Fund for eligible corrective action activities may be determined in accordance with: --the maximum amounts set forth for each task, --bidding, as prescribed; or --unusual or extraordinary circumstances provisions.
732.870 734.870	On July 1 of each year, the Subpart H maximum payment amounts, Appendix D sample handling and analysis amounts, and Appendix E personnel rates will be adjusted with an inflation factor.
732.APPENDIX D 734.APPENDIX D	Sample handling and analysis maximum amounts
732.APPENDIX E 734.APPENDIX E	Personnel titles and rates