

# UNOFFICIAL COPY

PREPARED BY:

Name: John Robbins  
Shell Oil Products US

Address: 10601 S. Cicero Avenue  
Oak Lawn, IL 60453



Doc#: 0629345021 Fee: \$50.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 10/20/2006 11:40 AM Pg: 1 of 14

RETURN TO:

Name: John Robbins  
Shell Oil Products US

Address: 603 Diehl Road, Suite 103  
Naperville, IL 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: 0312225046

LUST Incident No.: 890477, 901896, & 20001947

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, IL 60563, 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: 10601 S. Cicero Ave., Oak Lwan, IL 60453
3. Real Estate Tax Index/Parcel Index Number: 24-15-115-011 & 24-15-115-012
4. Site Owner: Shell Oil Products US
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

JDB

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## EXHIBIT "A" COOK COUNTY, ILLINOIS

Tract 137. - 10601 S Cicero, Oak Lawn, COOK, WIC 212-5778-1100  
Tax Parcel # 24-15-115-011  
24-15-115-012

LOTS 1 AND 2 IN WILLIAM J. MCENERY'S SUBDIVISION OF LOTS 1 AND 2 IN  
BLOCK 5 IN FREDERICK H. BARTLETT'S HIGHWAY ACRES, BEING A SUBDIVISION  
OF THE SOUTH 1/2 OF THE WEST 1/2 OF THE NORTH WEST 1/4 AND THE WEST 1/2  
OF THE SOUTH WEST 1/4 OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 13 EAST  
OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

98616673

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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 8594 8860

**OCT 05 2006**

Shell Oil Products US  
 Attn: John Robbins  
 603 Diehl Road, Suite 103  
 Naperville, IL 60563

**RECEIVED****OCT 16 REC'D**

MIDCONTINENT REGION  
 ENVIRONMENTAL  
 ENGINEERING

Re: LPC #0312225046 - Cook County  
 Oak Lawn/Shell Service Station #116831  
 10601 S. Cicero Avenue  
 Leaking UST Incident No. 890477, 901896, 20001947  
 Leaking UST Technical File

CER # 116831

INCIDENT # 07123255

Dear Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated September 8, 2006 and was received by the Illinois EPA on September 12, 2006. 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 731 indicate remediation has been successfully completed.

Based upon the certification by Jeshua Hansen, 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.

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. Shell Oil Products US, 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 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: 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: 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: A concrete/asphalt barrier 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 concrete/asphalt barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.
- 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 Oak Lawn 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 10601 S. Cicero Avenue, Oak Lawn, Illinois. Specifically, as shown on the attached

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map, contamination will remain in the right-of-way for 106<sup>th</sup> Street and 106<sup>th</sup> Place, as indicated in the Highway Authority Agreement Resolution 06-10-13. The Highway Authority agrees to: (a) prohibit the use 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:

Village of Oak Lawn  
Public Works Director  
9445 S. Raymond Ave.  
Oak Lawn, IL 60453

#### Highway Authority Agreement

Illinois Department of Transportation 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 10601 South Cicero Avenue, Oak Lawn, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Cicero Avenue, as indicated in the Highway Authority Agreement. The Highway Authority agrees to: (a) prohibit the use 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  
201 West Center Court  
Schaumburg, IL 60196-1096

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## Groundwater Use Ordinance

Ordinance 97-9-37 adopted by the Village of Oak Lawn 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 Oak Lawn 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;
  - 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

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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 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.
- 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



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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.

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, John Barrett, at (217) 782-4869.

Sincerely,



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

TAH:JDB

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description  
Map showing Institutional Controls  
Groundwater Ordinance

c: NESA & Associates, Inc.  
BOL File

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**SCALE IN FEET**  
0 30

**LEGEND**

**PROPERTY BOUNDARY**  
 ○ MONITORING WELL LOCATION  
 ○ DESTROYED MONITORING WELL  
 ○ RECOVERY WELL LOCATION  
 ○ SOIL VAPOR EXTRACTION WELL  
 ○ OBSERVATION SUMP LOCATION  
 ○ SOIL BORING LOCATION  
 ● SOIL SAMPLE LOCATION

**SYMBOLS:**  
 SS --- STORM SEWER  
 WL --- WATER LINE  
 GL --- GAS MAIN  
 EL --- OVERHEAD ELECTRICITY  
 UL --- UNDERGROUND UTILITY

**AREA SUBJECT TO OAK LAWN GROUNDWATER ORDINANCE**  
 [Hatched Box]

**AREA SUBJECT TO PROFESSIONAL ENGINEER'S BARRIER**  
 [Hatched Box]

**AREA SUBJECT TO INTERNATIONAL HIGHWAY AUTHORITY AGREEMENT**  
 [Hatched Box]

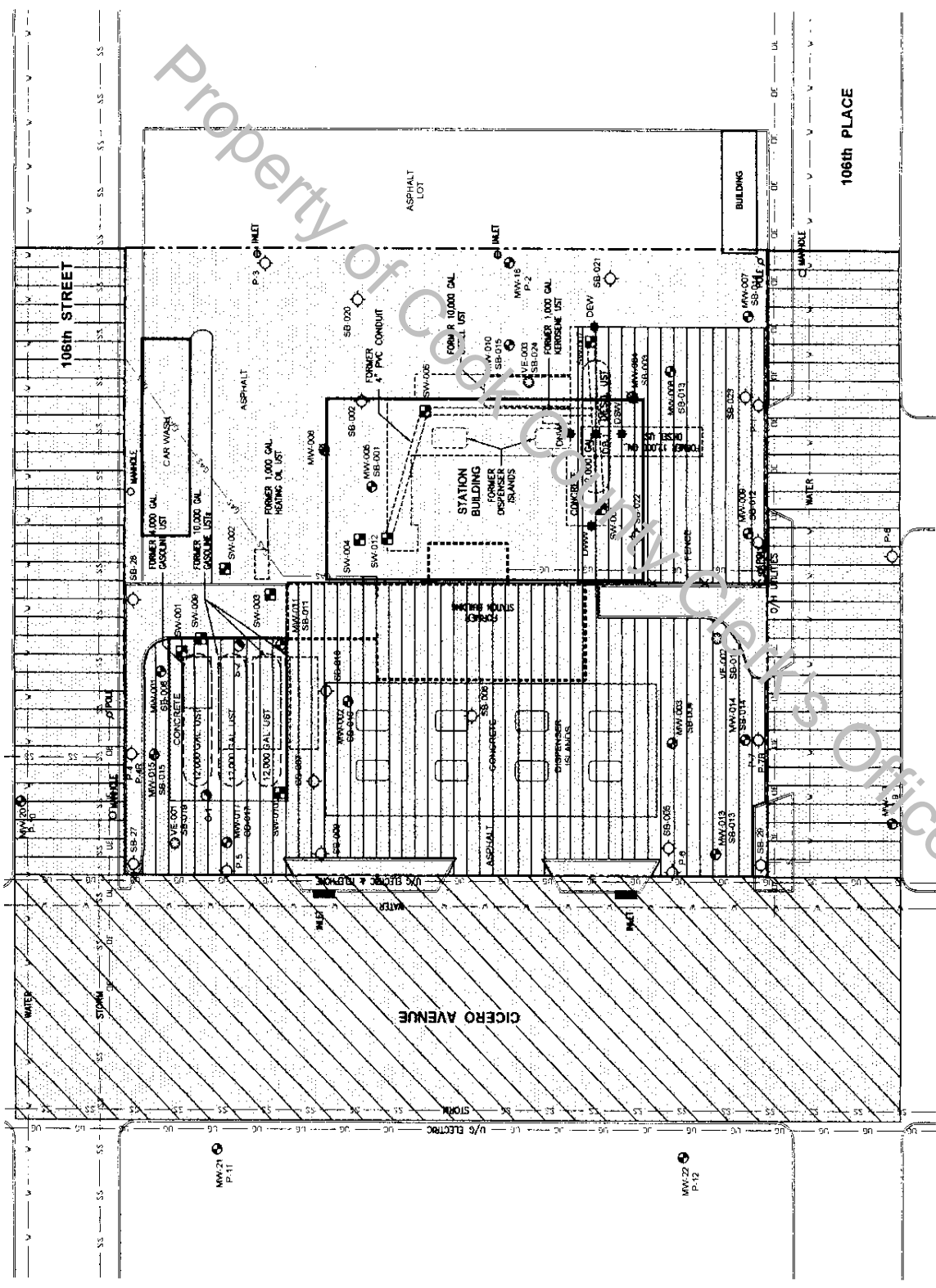
**AREA SUBJECT TO OAK LAWN HIGHWAY AUTHORITY AGREEMENT**  
 [Hatched Box]

**FIGURE 8**  
**AREAS SUBJECT TO INSTITUTIONAL CONTROLS**  
 SHELL SERVICE STATION  
 #116631  
 10601 S. CICERO AVENUE  
 OAK LAWN, ILLINOIS

DRAWN BY SWB  
 DATE 7/19/06  
 CHECKED BY JLS  
 CAL. INSURED DIAG

REVIEWED BY JHT  
 DATE 7/19/06  
 REVISED BY  
 PROJECT 04972

NOT A LEGAL SURVEY DRAWING BASED ON THE ASSUMPTIONS OF ALL PRODUCTS AND FIELD NOTES BY NESAS PERSONNEL. ALL LOCATIONS ARE APPROXIMATE.



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**Municipality: Oak Lawn**  
**County: Cook**  
**LPC Number:**  
**OC: 97070702**

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**UNOFFICIAL COPY**ORDINANCE NO. 97-9-37RECEIVED  
JUN 24 1997  
IEPADLPC

AN ORDINANCE AMENDING TITLE 9, CHAPTER 4, ARTICLE C OF THE OAK LAWN VILLAGE CODE IN REGARD TO 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

BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Lawn, Cook County, Illinois, as follows:

**SECTION 1:** That Title 9, Chapter 4, Article C of the Oak Lawn Village Code is amended by adding a new Section 9-4C-13 thereto which shall read in its entirety as follows:

"9-4C-13: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY; PROHIBITION:

A. Except for such uses or methods as are in existence on or before May 13, 1997, the use of, or attempted use of, groundwater, from within the corporate limits of the Village, as a Potable Water supply, by the installation or drilling of wells or by any other method, is hereby prohibited, including at points of withdrawal by the Village.

B. For purposes of this Section, potable water is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, washing dishes, preparing foods, watering lawns, or watering gardens in which produce intended for human consumption is grown.

C. Any person violating the provisions of this Section shall be subject to a fine of not to exceed \$750.00 for each violation."

**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 adoption approval and publication in pamphlet form as provided by law.

ADOPTED this 13th day of May, 1997, pursuant to a roll call vote as follows:

**RELEASABLE**

DEC 11 2003

REVIEWER MM

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AYES: TRUSTEES JOY, KEANE, ROSENBAUM, STANCIK, STREIT, HOLESHA

NAYS: NONE

ABSENT: NONE

APPROVED by me this 13th day of May, 1997.



VILLAGE PRESIDENT

ATTEST:

  
VILLAGE CLERK

Published by me in pamphlet form this 14th day of  
May, 1997.

  
VILLAGE CLERK

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