

UNOFFICIAL COPY



PREPARED BY:

Name: S.N.A.P. an Illinois Partnership
United Armored Services-Operations 1 Building

Address: 2001 West Cermak Road
Broadview, Illinois 60155

Doc#: 0822429024 Fee: \$52.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 08/11/2008 10:36 AM Pg: 1 of 9

RETURN TO:

Name: S.N.A.P. an Illinois Partnership
Attn; Alex Christopher

Address: 839 Emerald Court
Willowbrook, Illinois 60527

(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: 0310305748

LUST Incident No.: 20000516

S.N.A.P. an Illinois Partnership, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 839 Emerald Court, Willowbrook, 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: 2001 West Cermak Road, Broadview, Illinois 60155
3. Real Estate Tax Index/Parcel Index Number: 15-22-311-003
4. Site Owner: S.N.A.P. an Illinois Partnership
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

sls

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

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>.

UNOFFICIAL COPY

Notice to Owners or Operators of Leaking Underground Storage Tank Sites and to Consultants Submitting Requests on Behalf of Owners or Operators for Payment From the Illinois Underground Storage Tank Fund

Section 57.8 of the Environmental Protection Act states:

“..... An owner or operator may submit a request for partial or final payment regarding a site no more frequently than once every 90 days.”

35 Ill. Adm. Code 732.601 e) and 734.605 e) state:

“Applications for partial or final payment may be submitted no more frequently than once every 90 days.”

Effective August 1, 2008, any request for payment covered under these above provisions that is received by the Agency less than 90 days from the receipt of a previous request for payment at the same site, will be automatically rejected and the owner or operator will be notified of such rejection. Any rejected request for payment must be resubmitted, as a complete package, to the Agency by the owner or operator in accordance with the above stated legislative and regulatory provisions.

Any request for partial or final payment, that contains information which addresses previously denied costs, will be deemed a new request subject to the legislative and regulatory provisions stated above. Such a request may be submitted as part of another request or by itself.

All requests for payments must be either mailed or delivered to the Agency.

(rev. 7/16/08)

UNOFFICIAL COPY

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
 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

JUL 29 2008



CERTIFIED MAIL

007 0220 0000 0040 1399

S.N.A.P. an Illinois Partnership
 Attn: Alex Christopher
 839 Emerald Court
 Willowbrook, Illinois 60527

Re: LPC #0310305748 -- Cook County
 Broadview/ United Armored Services-Operations 1 building
 2001 West Cermak Road
 Leaking UST Incident No. 20000516
 Leaking UST Technical File

Dear Mr. Christopher:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Early Action Completion Report submitted for the above-referenced incident. This information is dated March 28, 2008 and was received by the Illinois EPA on March 31, 2008. Citations in this letter are from the Environmental Protection Act (Act) in effect prior to 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 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 Garth A. Daley, 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:

UNOFFICIAL COPY

Page 2

1. S.N.A.P. an Illinois Partnership, 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. 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.

UNOFFICIAL COPY

Page 3

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.
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:

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

UNOFFICIAL COPY

Page 4

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 Voidance 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

UNOFFICIAL COPY

Page 5

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Shirlene South, at 217/558-0347.

Sincerely,



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

HAC:SLS\

Attachments: Leaking Underground Storage Tank Environmental Notice
Legal Description

c: Conestoga-Rovers & Associates
BOL File

Property of Cook County Clerk's Office

UNOFFICIAL COPY

0010157130

LEGAL DESCRIPTION RIDER

PARCEL ONE

Block 5 (except that part of Block 5 lying Northeasterly and Easterly of the Northeasterly line of the land condemned for widening Addison Creek) and except that part thereof taken for the widening of 22nd Street and except that part of Block 5 described as follows: beginning at the point of intersection of the West line of Stanley Avenue and a line parallel with and 40 feet North East of the following described line, namely, a straight line connecting a point 247.87 feet South of the North line of section 27, Township 39 North, Range 12, East of the Third Principal Meridian, and 73 feet West of the East line of Madison Avenue with a point on the North line of 21st Street equidistant from the West line of Stanley Avenue and The East line of West End Avenue; thence Northwesterly along said parallel line to a point of tangency with the arc of a circle having a radius of 1392.69 feet convex Southwesterly and tangent to a line parallel with and 40 feet Northeasterly of the following described diagonal line (a diagonal line connecting a point 247.87 feet South of the center line of 22nd Street, and on a line parallel with and 73 feet West of the East line of Madison Avenue and a Point midway between the West line of Stanley Avenue and the East line of West End Avenue on the North line of 21st Street), thence North Westerly along above described arc of a circle to the South line of 21st Street; thence West along the South line of 21st Street to an intersection with the arc of a circle convex Southwesterly having a radius of 1472.69 feet concentric with the above described circle; thence Southwesterly along last above described arc of a circle to its point of tangency with a line parallel with and 40 feet Southwesterly of above described diagonal line; thence Southeasterly along the last above described parallel line to the West line of Stanley Avenue; thence North along the West line of Stanley Avenue to the point of beginning) in Mares, White and Company's 22nd Street and 17th Avenue Subdivision of the South East 1/4 of the South West 1/4 of Section 22, Township 39 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

AND

PARCEL TWO

The west half of vacated 20th Avenue lying East of and adjoining to Parcel One aforesaid