



Doc#: 0901455093 Fee: \$64.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 01/14/2009 04:03 PM Pg: 1 of 15

PREPARED BY:

Name: Marathon Ashland Petroleum LLC

Address: 10 West Golf Rd.
Des Plaines, Illinois 60016

RETURN TO:

Name: Marathon Ashland Petroleum LLC

Address: 5000 West 86th Street
Indianapolis, Indiana 46268

(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: 0310635215

LUST Incident No.: 901270

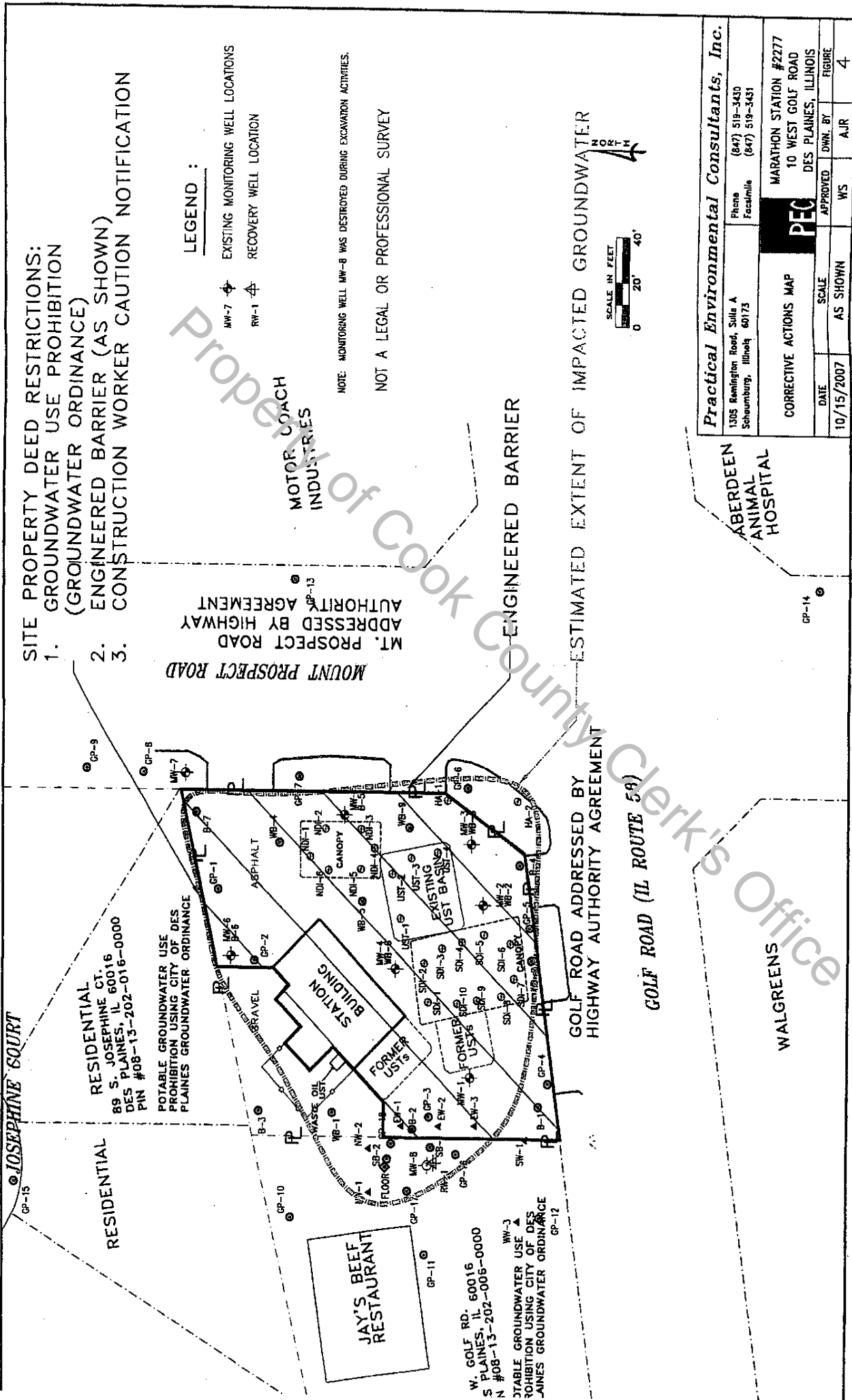
Marathon Ashland Petroleum LLC, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 5000 West 86th Street, Indianapolis, Indiana, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: Attached
2. Common Address: 10 West Golf Rd., Des Plaines, Illinois
3. Real Estate Tax Index/Parcel Index Number: 08-13-202-007-0000
4. Site Owner: Marathon Ashland Petroleum LLC
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.

CTB

15+

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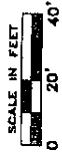
- SITE PROPERTY DEED RESTRICTIONS:**
1. GROUNDWATER USE PROHIBITION (GROUNDWATER ORDINANCE)
 2. ENGINEERED BARRIER (AS SHOWN)
 3. CONSTRUCTION WORKER CAUTION NOTIFICATION

LEGEND :

- MW-7 EXISTING MONITORING WELL LOCATIONS
- RW-1 RECOVERY WELL LOCATION

NOTE: MONITORING WELL MW-8 WAS DESTROYED DURING EXCAVATION ACTIVITIES.

NOT A LEGAL OR PROFESSIONAL SURVEY



ESTIMATED EXTENT OF IMPACTED GROUNDWATER
 HIGHWAY AUTHORITY AGREEMENT

GOLF ROAD (IL ROUTE 59)

Practical Environmental Consultants, Inc.	
1305 Remington Road, Suite A Schaumburg, Illinois 60173	Phone (847) 519-3430 Facsimile (847) 519-3431
CORRECTIVE ACTIONS MAP	PEC MARATHON STATION #2277 10 WEST GOLF ROAD DES PLAINES, ILLINOIS
DATE 10/15/2007	APPROVED WS
SCALE AS SHOWN	DRAWN BY AJR
	FIGURE 4

ABERDEEN ANIMAL HOSPITAL

WALGREENS Office

RESIDENTIAL
 89 S. JOSEPHINE CT.
 DES PLAINES, IL 60016
 PIN #08-13-202-016-0000
 POTABLE GROUNDWATER USE PROHIBITION USING CITY OF DES PLAINES GROUNDWATER ORDINANCE

W. GOLF RD. 60016
 S PLAINES, IL 60016
 PIN #08-13-202-006-0000
 STABLE GROUNDWATER USE PROHIBITION USING CITY OF DES PLAINES GROUNDWATER ORDINANCE

MOUNT PROSPECT ROAD
 ADDRESS BY HIGHWAY AUTHORITY AGREEMENT

MOTOR COACH INDUSTRIES

ENGINEERED BARRIER

JAY'S BEEF RESTAURANT

STATION BUILDING

FORMER USTs

JOSEPHINE COURT

RESIDENTIAL

GP-14

GP-11

MW-3

GP-12

GP-9

GP-8

MW-7

GP-7

GP-1

GP-2

GP-3

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David D. Orr

Clerk of Cook County

COUNTY OF COOK MAP DEPARTMENT

Date: 11-07-2005

THIS CERTIFIES THAT THE PERMANENT REAL ESTATE INDEX NUMBER KNOWN AS:

08 - 13 - 202 - 007 - 0000

BEARS THE FOLLOWING LEGAL DESCRIPTION:

THE WEST 150FT OF THE EAST 200FT OF LOT 1 LYING SOUTHEASTERLY OF A LINE BEING 200FT NORTHWESTERLY FROM AND PARALLEL WITH THE CENTER LINE OF GOLF ROAD AS NOW LAID OUT, EXCEPTING THEREFROM GOLF ROAD, AND EXCEPT A TRIANGLE IN THE SOUTHEAST CORNER MEASURING 28FT ON THE SOUTHERLY LINE AND 28FT ON THE WEST LINE OF MT. PROSPECT ROAD TAKEN FOR HIGHWAY, AND EXCEPT THE PART TAKEN FOR MT. PROSPECT ROAD AS WIDENED PER CASE #67L13163, IN OWNER'S SUBDIVISION OF PART OF SECTION 13 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



Fee: \$5.00

Paul J. [Signature]

Supervisor of Maps and Plats

RECEIVED

OCT 19 2007

IEPA/BOL

NOV 09 2005

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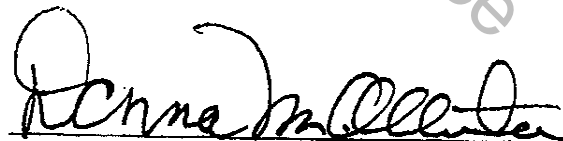
STATE OF ILLINOIS)
)
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, DONNA McALLISTER, do hereby certify that I am the qualified and acting CITY CLERK* of the City of Des Plaines, Cook County, Illinois, AND THAT AS SUCH, I am the officer duly designated by law to keep the minutes, ordinances, resolutions and proceedings of the City Council of the City of Des Plaines.

I further certify that the attached and foregoing copy of ORDINANCE No. 2-07 is a true and correct original of the records of the City of Des Plaines kept by the City and certified pursuant to the provision of 5/8-1203 of the Code of Civil Procedure.

IN WITNESS WHEREOF, I hereunto affix my signature and impress hereon the corporate seal of the said City of Des Plaines, Cook County, Illinois, this 23 day of March, 2007.


DONNA McALLISTER, City Clerk
City of Des Plaines, County of Cook

*Per the provisions of 65 ILCS 5/3.1-20-5 of the Illinois Compiled Statutes (2004)

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CITY OF DES PLAINES

ORDINANCE M- 7 -07

AN ORDINANCE 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 AT 10 WEST GOLF ROAD IN THE CITY OF DES PLAINES.

WHEREAS, certain properties in the City of Des Plaines, 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 under the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City desires to facilitate the redevelopment and productive use of properties that are the source of said chemical constituents while limiting potential threats to human health from groundwater contamination;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, as follows:

SECTION 1: Use of groundwater as a potable water supply prohibited.

[Except for such uses or methods in existence before the effective date of this ordinance.]

The use or attempt to use as a potable water supply groundwater in the area within the corporate limits of the City of Des Plaines as described in Exhibit "A" attached hereto and made a part hereof by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition applies to governmental bodies, including the City of Des Plaines. This prohibition does not apply to any area shown in Exhibit "A" not within the corporate limits of the City of Des Plaines.

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation.

SECTION 3: Definitions.

"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.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, washing dishes, or preparing foods.

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SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance.

SECTION 5: Severability.

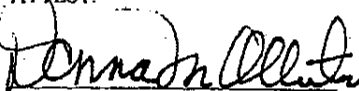
If any provision of this Ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any portion not adjudged invalid.

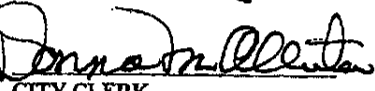
SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form according to law.


PASSED this 19 day of March, 2007.
APPROVED this 22 day of March, 2007.
VOTE: AYES 8 NAYS 0 ABSENT 0



MAYOR

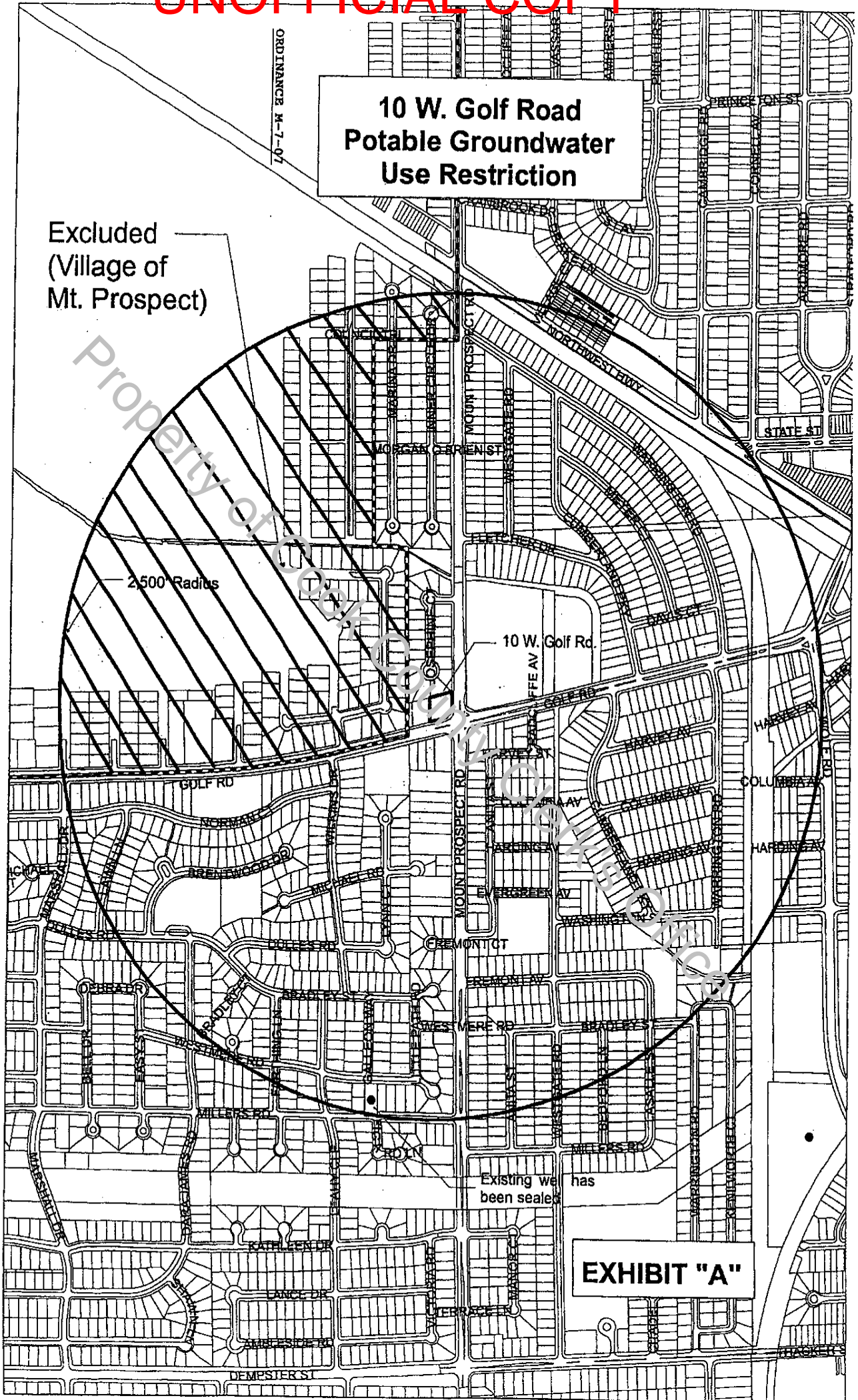
ATTEST:

CITY CLERK

Published in pamphlet form this
22 day of March, 2007.

CITY CLERK

Approved as to form:

Raymond P. Bartel, Assistant City Attorney

mulord\Potable Groundwater 10 W Golf

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**10 W. Golf Road
Potable Groundwater
Use Restriction**

Excluded
(Village of
Mt. Prospect)

2500' Radius

10 W. Golf Rd.

Existing well has
been sealed

EXHIBIT "A"

Property of City of Mount Prospect, IL

ORDINANCE M-7-07

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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

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**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

7007 0220 0000 0153 4454

DEC 11 2007

Marathon Asiland Petroleum LLC
 Attn: Mark Ehrman
 5000 W. 86th Street
 Indianapolis, Indiana 46268-1601

DEC 13 2007

Re: LPC #0310635215 - Cook County
 Des Plaines/Marathon Oil Co.
 10 West Golf Rd.
 LUST Incident No. 901270
 LUST Technical File

Dear Mr. Ehrman:

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 16, 2007 and was received by the Illinois EPA on October 19, 2007. 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 William Schaefer, 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:

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1. Marathon Ashland Petroleum LLC, 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. 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

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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 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 building and concrete/asphalt barrier is to be properly

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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

State of 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 10 West Golf Road. Specifically, as shown on the attached map, contamination will remain in the right-of-way for West Golf Road and Mount Prospect Road, 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:

District 1 – Engineer John P. Kos
201 West Center Court
Schaumburg, Illinois 60196-1096

Groundwater Use Ordinance

Ordinance M-7-07 adopted by the City of Des Plaines 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

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such action has been approved.

- b. Each affected property owner, potentially affected property owner (as identified through contaminant modeling), and the City of Des Plaines 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 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.

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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 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. 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 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;
 - d. The failure to comply with the recording requirements for the Letter;
 - e. Obtaining the Letter by fraud or misrepresentation; or

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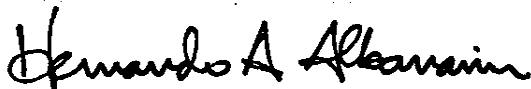
- f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

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, Clayton Bloome, at 217/524-1288.

Sincerely,



Hernando A. Albarracin
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:CTB:C\

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Map
Legal Description
Groundwater Ordinance

cc: William Schaefer, Practical Environmental Consultants
BOL File