

# UNOFFICIAL COPY

PREPARED BY:

Name: Marathon Oil Company  
Address: 1001 Irving Park Road  
Hanover Park, IL 60103



RETURN TO:

Name: Marathon Oil Company  
Attn: Matthew Wright  
Address: 539 South Main St.  
Findlay, OH 45840

Doc#: 0915531048 Fee: \$52.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 06/04/2009 11:21 AM Pg: 1 of 9

(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: 0314485014

LUST Incident No.: 902775

Marathon Oil Company, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 539 South Main St., Findlay, OH 45840, 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: 1001 Irving Park Road, Hanover Park, IL 60103
3. Real Estate Tax Index/Parcel Index Number: 07-31-207-017, 07-31-207-018, and 07-31-207-050
4. Site Owner: R & R Hanover Park Property LLC
5. Land Use Limitation: **The land use shall be industrial/commercial. 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.

HAC:JD

Attachment: Legal Description

Leaking Underground Storage Tank Environmental Notice

**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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

7008 1140 0004 7345 4312

**MAY 28 2009**

Marathon Oil Co.  
 Attn: Matthew Wright  
 539 South Main St  
 Findlay, OH 45840

Re: LPC #0314485014 - Cook County  
 Hanover Park/Marathon Oil Co.  
 1001 Irving Park Rd.  
 LUST Incident No. 902775  
 LUST Technical File

Dear Mr. Wright:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the amended Corrective Action Completion Report and miscellaneous correspondence submitted for the above-referenced incident. This information is dated February 23 & April 28, 2009 and was received by the Illinois EPA on February 25 & April 30, 2009. 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 Richard Bartelt, 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. Marathon Oil Company, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.

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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 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. The groundwater under the site shall not be used as a potable water supply. **It has been demonstrated that the groundwater under the site meets Class II (General Resource) groundwater criteria rather than Class I (Potable Resource) groundwater.** Groundwater classifications are defined at 35 Ill. Adm. Code 620.Subpart B.
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: **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: None.

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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

The 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 1001 Irving Park Road, Hanover Park. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Irving Park Road, as indicated in the Highway Authority Agreement #324. 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:

Department of Transportation  
District 1 Engineer – John P. Kos  
201 West Center Court  
Schaumburg, IL 60196-1096

### Highway Authority Agreement

Village Of Hanover 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 1001 Irving Park Road, Hanover Park. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Orchard Drive, as indicated in the Highway Authority Agreement R-09-04. 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:

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Village of Hanover Park  
Village Attorney  
Village of Hanover Park  
2121 West Lake Street  
Hanover Park, IL 60133

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

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;

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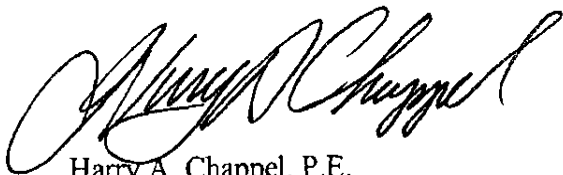
- d. The failure to comply with the recording requirements for the Letter;
- e. Obtaining the Letter by fraud or misrepresentation; or
- f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose 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, Jason Donnelly, at (217) 557-8764.

Sincerely,



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

HAC:JD\902775-NFR.doc

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description  
Figure 7 (HAAs Map)

c: ARCADIS US, Inc., Stephen Vasas  
BOL File

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## Legal Description

Lot Sixteen (except the West Five (5) feet), Lot Seventeen (17) and Lot Eighteen (18), all in Block Thirty (30), in Hanover Highlands Unit No. Four, Village of Hanover Park, Cook County, Illinois, a Subdivision of part of the Northeast Quarter (1/4) of Section Thirty-one (31), and Southeast Quarter (1/4) of Section Thirty (30), Township forty-one (41) North, Range Ten (10) East of the Third Principal Meridian, according to Plat thereof registered in the Office of the Registrar of Title of Cook County, Illinois on December 18, 1964 as Document Number 2187451.

Property of Cook County Clerk's Office



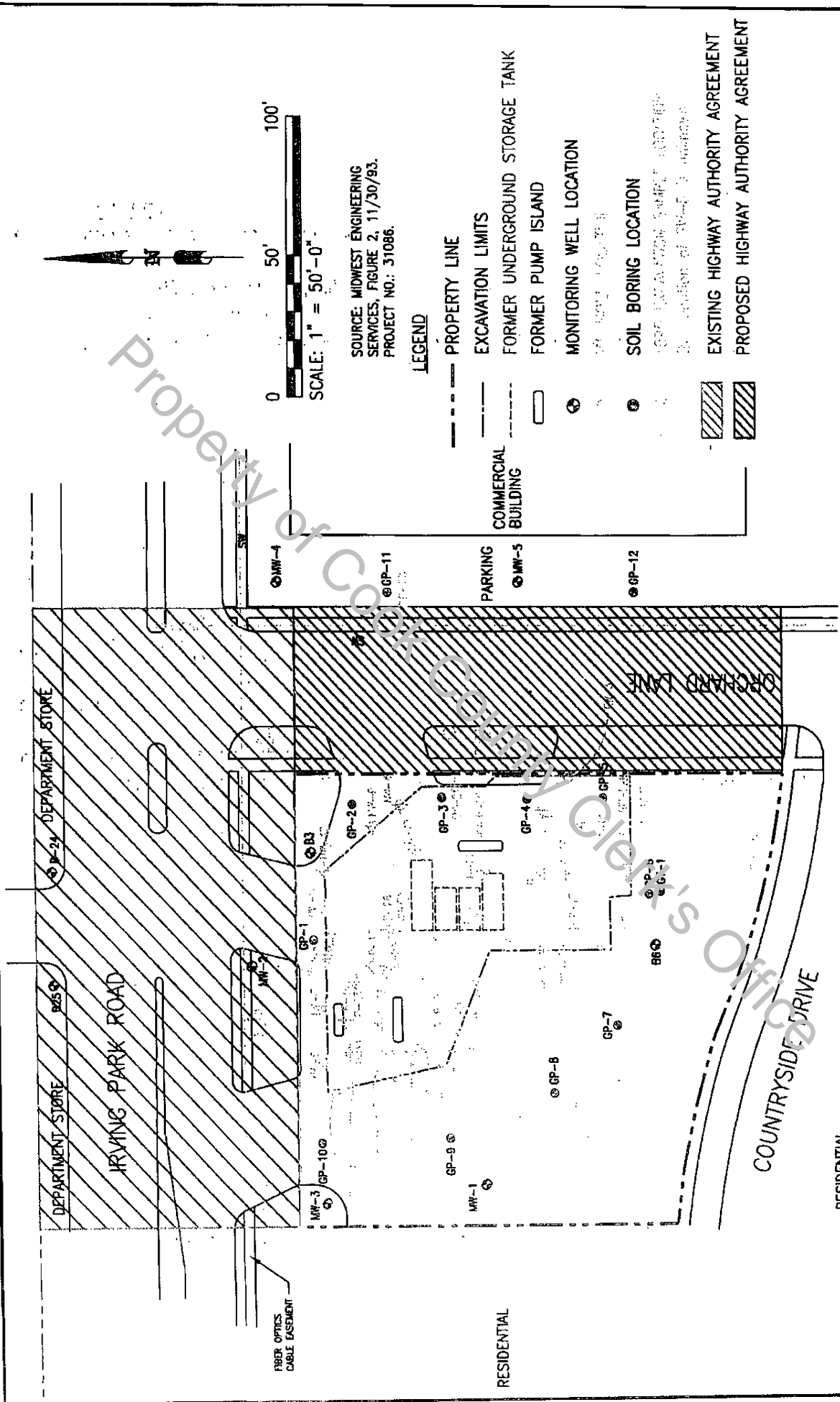
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User Name : svavas Date\Time : Mon, 13 Oct 2008 - 9:21am

Acad Version : R17.0s (LMS Tech)

Path\Name : C:\Enviro\Marathon\Hanover Park\Figures\08C0398.dwg

Acad Version : R17.0s (LMS Tech)



SOURCE: MIDWEST ENGINEERING SERVICES, FIGURE 2, 11/30/93. PROJECT NO.: 31086.

**LEGEND**

- PROPERTY LINE
- - - EXCAVATION LIMITS
- FORMER UNDERGROUND STORAGE TANK
- FORMER PUMP ISLAND
- ⊕ MONITORING WELL LOCATION
- ⊙ SOIL BORING LOCATION
- ⊙ COMMERCIAL BUILDING
- ⊙ PARKING
- ⊙ FIBER OPTICS CABLE EASEMENT
- ⊙ B3
- ⊙ GP-1
- ⊙ GP-2
- ⊙ GP-3
- ⊙ GP-4
- ⊙ GP-5
- ⊙ GP-6
- ⊙ GP-7
- ⊙ GP-8
- ⊙ GP-9
- ⊙ GP-10
- ⊙ GP-11
- ⊙ GP-12
- ⊙ MW-1
- ⊙ MW-2
- ⊙ MW-3
- ⊙ MW-4
- ⊙ MW-5
- ▨ EXISTING HIGHWAY AUTHORITY AGREEMENT
- ▨ PROPOSED HIGHWAY AUTHORITY AGREEMENT

File Name 08C0398.DWG	Drawn By DE	Checked By S. VASAS	Project Manager S. SETLER
Drawing Date 08/11/08	File Location C:\hydrocar\marathon	Project Number C0001100.0008	Unique Number 7
MARATHON OIL COMPANY #2347 100 IRVING PARK ROAD HANOVER PARK, ILLINOIS		HIGHWAY AUTHORITY AGREEMENT MAP	
		Responder Drive, Suite 1000 Hanover Park, IL 60133 (630) 226-7897	