

# UNOFFICIAL COPY



Doc#: 0926844055 Fee: \$64.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 09/25/2009 11:59 AM Pg: 1 of 15

**PREPARED BY:**

Name: Shell Oil Products US  
Address: 900 Talcott Road  
Park Ridge, Illinois 60068

**RETURN TO:**

Name: Shell Oil Products US  
Address: 603 Diehl Road, Suite 103  
Naperville, Illinois 60540

**(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.**

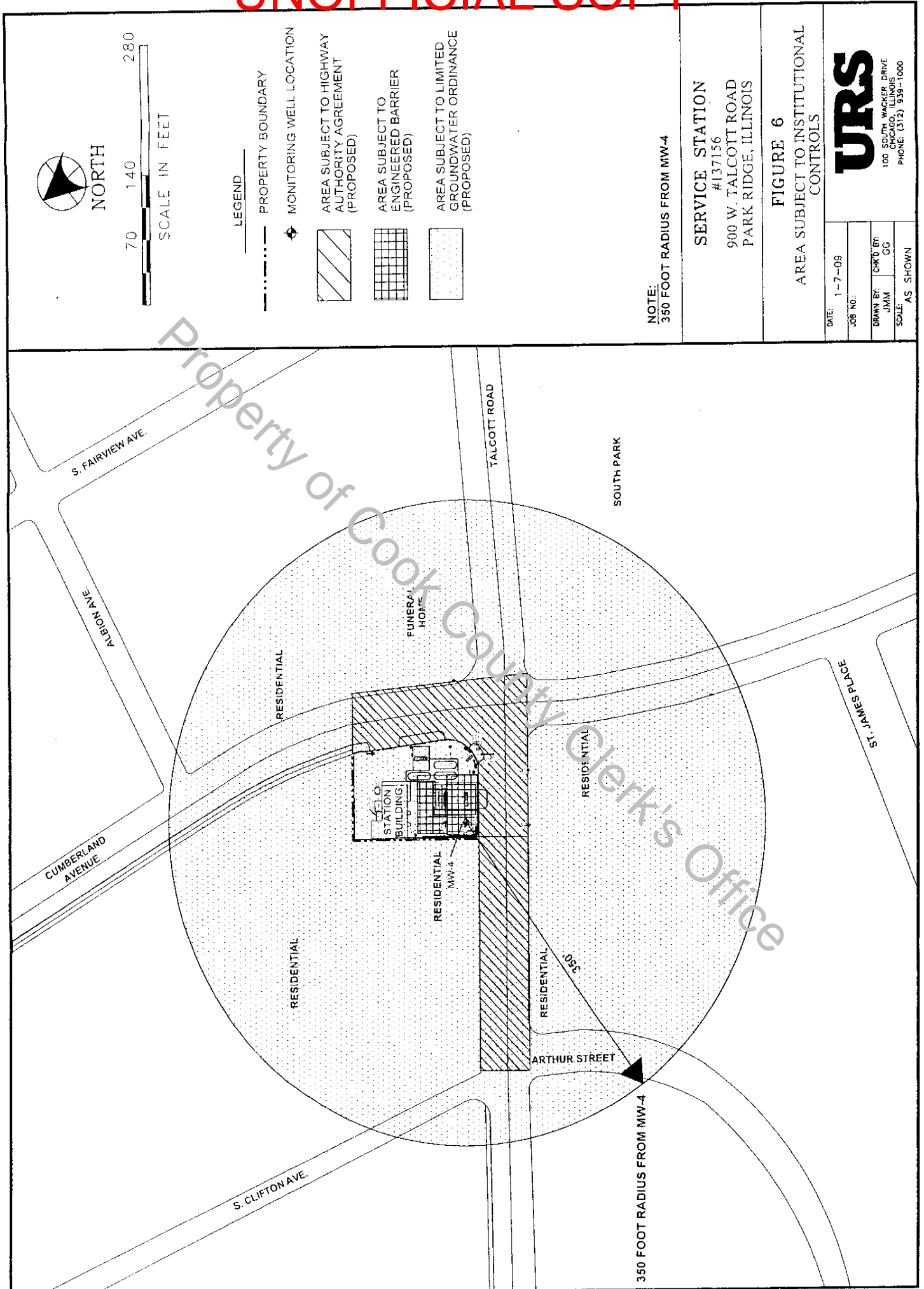
Illinois EPA Number: 0312460015  
Leaking UST Incident No.: 20051292

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, Illinois, 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: 900 Talcott Road, Park Ridge, Illinois
3. Real Estate Tax Index/Parcel Index Number: 09-35-311-058-0000
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.

CTB

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98048626

## EXHIBIT "A" COOK COUNTY, ILLINOIS

Tract 146 - 900 Talcott St/Cumberland Rd. Park Ridge. COOK. WIC 212-6102-0107 (Con't.)

Parcel 2:

Part of the East one-half of the Southwest one quarter of Section 35, Township 41 North, Range 12, East of the Third Principal Meridian beginning at a point in the West line of Cumberland Avenue, Seven Hundred Twenty Seven (727) feet South of the South line of Gillick Street, as measured along the West line of Cumberland Avenue; thence Northwesterly and forming an interior angle of Sixty-Five degrees, Forty-Four minutes (65°-44') with the last mentioned course, a distance of Ninety-Nine (99) feet, more or less to a point in an extension Northeasterly of the Westerly line of premises now owned by Shell Oil Company; thence Southwesterly to the Northwest corner of premises now owned by Shell Oil Company; thence Southeasterly along the Northerly line of premises now owned by Shell Oil Company Ninety-Nine (99) feet, more or less, to the West line of Cumberland Avenue, thence North along the West line of Cumberland Avenue to the point of beginning, except therefrom the North easterly eight feet thereof;

together with all rights, privileges and appurtenances thereunto belonging, and all buildings and improvements thereon.

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ORDINANCE NO. 2009-16

**OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE  
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**

**WHEREAS**, the City of Park Ridge is a home rule unit pursuant to the provisions of Article VII, Section 6 of the Constitution of the State of Illinois; and

**WHEREAS**, the City of Park Ridge has authority and power to regulate for the protection of the public health and welfare; and

**WHEREAS**, the City Council of the City of Park Ridge has found that the property legally described below is located in the City of Park Ridge and has 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 in the vicinity of the said property 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 of Park Ridge desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of the properties that are or may be impacted with the said chemical constituents;

**NOW, THEREFORE, Be It Ordained** by the City Council of the City of Park Ridge, as follows:

**SECTION 1: Use of Groundwater as a Potable Water Supply Prohibited.**

Except for uses or methods in existence before the effective date of this Ordinance, the use or attempt to use as a potable water supply groundwater from within a 2,500 foot radius of the property legally described below by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Park Ridge:

Part of the East one-half of the Southwest one quarter of Section 35, Township 41 North, Range 12, East of the Third Principal Meridian beginning at a point in the West line of Cumberland Avenue, Seven Hundred Twenty Seven (727) feet South of the South line of Gillick Street, as measured along the West line of Cumberland Avenue, thence Northwesterly and forming an interior angle of Sixty-Five degrees, Forty-Four minutes (65°44') with the last mentioned course, a distance of Ninety-Nine (99) feet, more or less to a point in an extension Northeasterly of the Westerly line of premises now owned by Shell Oil Company; thence Southwesterly to the Northwest corner of premises now owned by Shell Oil Company; thence Southeasterly along the Northerly line of premises now owned by Shell Oil Company Ninety-Nine (99) feet, more or less, to the West line of Cumberland Avenue; thence North along the West line of Cumberland Avenue to the point of beginning, except therefrom the North easterly eight feet thereof.

PIN: 09-35-311-058-0000

COMMONLY KNOWN AS: 900 Talcott Road, Park Ridge, Illinois

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SECTION 2: Penalties.

Any person violating the provisions of this Ordinance shall be subject to a fine of up to \$750.00 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, swimming, washing dishes, or preparing foods.

SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this Ordinance are herein 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: Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 7: Pamphlet.

The City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this 2<sup>nd</sup> day of March A.D. 2009.

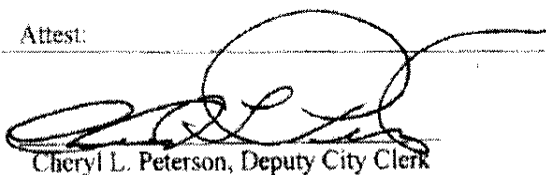
VOTE:	AYES:	Ald. Wsol, Schmidt, DiPietro, Bach, Allegretti, Ryan and Carey
	NAYS:	None
	ABSENT:	None

Approved by me this 2<sup>nd</sup> day of March, A.D. 2009



Howard P. Frimark, Mayor

Attest:

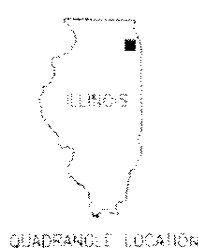
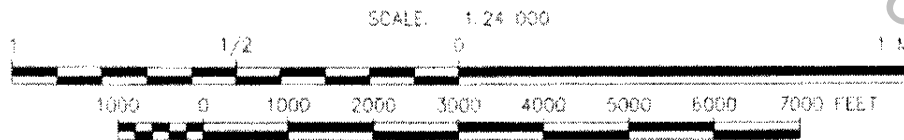
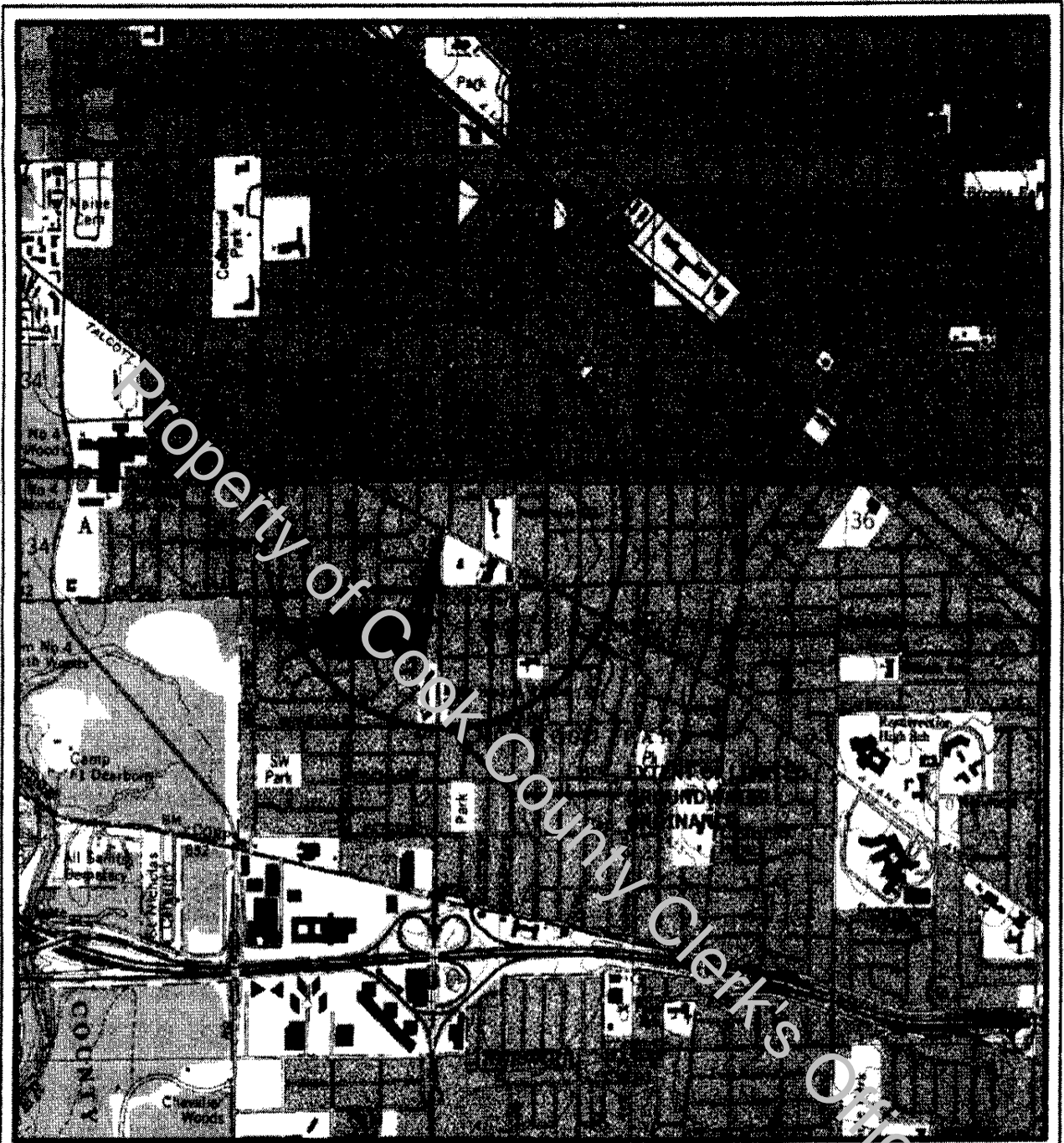


Cheryl L. Peterson, Deputy City Clerk

(Manage:216100\_1



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**MAP REFERENCE:**  
 PORTION OF U.S.G.S. QUADRANGLE MAP  
 7.5 MINUTE SERIES (TOPOGRAPHIC)  
 RIVER FOREST, IL, 1997  
 PARK RIDGE, IL, 1995

**SHELL SERVICE STATION**  
 #137156  
 900 W. TALCOTT ROAD  
 PARK RIDGE, ILLINOIS

**EXTENT OF LIMITED GROUNDWATER ORDINANCE**

DATE: Apr 24, 2009  
 EX: W: 49194776  
 DRAWN BY: JMM  
 CHECKED BY: GG  
 SCALE: AS SHOWN

**URS**

150 SOUTH WACKER DRIVE  
 CHICAGO, ILLINOIS  
 PHONE: (312) 939-1000  
 FAX: (312) 939-4195

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## 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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

7008 1830 0001 4718 3766

AUG 27 2009

Shell Oil Products US  
Attn: John R. Robbins  
603 Diehl Road, Suite 103  
Naperville, Illinois 60540

RECEIVED SEP 01 2009

SAP# 137156

Incident# 97618258

EQ

Closed

Re: LPC # 0312460015 -- Cook County  
Park Ridge/Shell Oil Products US  
900 Talcott  
Leaking UST Incident No. 2005-292 -- NFR Letter  
Leaking UST Technical File

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 was dated July 2, 2009 and was received by the Illinois EPA on July 3, 2009. 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 associated Licensed Professional Engineer Certification submitted pursuant to Section 57.7(b)(5) of the Act and 35 Ill. Adm. Code 734.135(d) indicate corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(b) of the Act have been satisfied.

Based upon the certification by Robin A. Semer, 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

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

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environment. Pursuant to Section 57.10(d) of the Act, 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).
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.
9. An owner of a parcel of real property to the extent that this Letter applies to the occurrence on that parcel.

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.

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## 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.

### 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 the 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.

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## Highway Authority Agreement

Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 900 Talcott Road, Park Ridge, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Talcott Road and Cumberland Avenue as indicated in the Highway Authority Agreement. The Highway Authority agrees to: (a) prohibit the use of 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  
Region One Engineer  
Attn: District One Environmental Studies Unit  
201 West Center Court  
Schaumburg, Illinois 60196-1096

## Groundwater Use Ordinance

Ordinance 2009-16 adopted by the City of Park Ridge 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 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 City of Park



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Ridge 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 avoidance 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, if applicable, may result in avoidance of this Letter.

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## 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 734.720, 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;
  - 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.

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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,



Michael T. Lowder  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

MTL:CTB\

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

c: Stephen W. Bates, URS Corporation  
BOL File