

UNOFFICIAL COPY



1101849087

PREPARED BY:

Name: Mark Costa
Signature Flight Support

Address: 1126 South Milwaukee Avenue
Wheeling, IL 60090

Doc#: 1101849087 Fee: \$54.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 01/18/2011 03:32 PM Pg: 1 of 10

RETURN TO:

Name: Mark Costa
Signature Flight Support

Address: 1126 South Milwaukee Avenue
Wheeling, IL 60090

(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: 0314977669

Leaking UST Incident No.: 20071356

Signature Flight Support, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 1126 South Milwaukee Avenue, Wheeling, 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: BEGINNING THENCE NORTH ALONG THE CENTER LINE 100 FEET THENCE SOUTH 64° 29' 00" WEST 209.50 FEET THENCE EAST ALONG THE SOUTH LINE OF LOT 1 A DISTANCE OF 232.14 FEET TO THE POINT OF BEGINNING, AND EXCEPT THAT PART COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF LOT 2 AND THE CENTERLINE OF MILWAUKEE AVENUE THENCE SOUTHEASTERLY ALONG THE CENTERLINE 48.50 FEET THENCE SOUTH 64° 29' 00" WEST TO THE SOUTHWESTERLY LINE OF SAID ROAD THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE 178 FEET FOR THE POINT OF BEGINNING THENCE

UNOFFICIAL COPY

Page 2

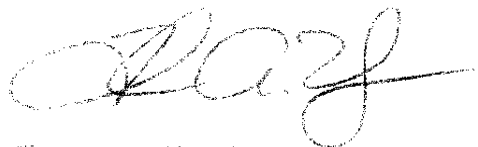
Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of this Letter was based, that pose a threat to human health or the environment.

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
601 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, Steve Jones, at 217/524-1253 or Steve.Jones@Illinois.gov.

Sincerely,



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

\\MSFS\Chl Exec Airport 20071356 CACR Dec 2010.doc

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map

cc: rRM
Village of Wheeling, attn: Dennis Rouleau
BOC File

Property of Cook County Clerk's Office

UNOFFICIAL COPY**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

2021 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

JAN 12 2011

7009 2820 0001 7489 6089

Mr. Mark Costa
Signature Flight Support
1100 South Milwaukee Avenue
Wheeling, Illinois 60009

Re: LPC #0314977699 -- Cook County
Wheeling/Chicago Executive Airport (Signature Flight Support Jet-A USTs)
1126 South Milwaukee Ave.
Leaking UST Incident No. 20071356
Leaking UST Technical File

Dear Mr. Costa:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated December 6, 2010 and was received by the Illinois EPA on December 8, 2010. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, 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 William Butler, 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 4

4. Signature (Flight Support, the owner or operator of the underground storage tank system).
5. Any parent corporation or subsidiary of such owner or operator.
6. 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.
7. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
8. Any mortgagee or trustee of a deed of trust of such owner or operator.
9. Any successor-in-interest of such owner or operator.
10. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication or any civil action, charitable gift, or bequest.
11. Any heir or devisee of such owner or operator.
12. An owner of a parcel of real property to the extent that this Letter applies to the occurrence on that parcel.

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. The groundwater under the site as shown on the attached Site Base Map 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:** The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter and shown on the attached Site Base Map 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.

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: 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.

UNOFFICIAL COPY

Page 7

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.

OTHER TERMS

7. 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 C.
8. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 U.S.C. 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

9. 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

UNOFFICIAL COPY

Page 2

SOUTHEASTERLY AT A RIGHT ANGLE 131.50 FEET THENCE SOUTH 64° 29' 00" WEST 76.50 THENCE NORTHWESTERLY AT A RIGHT ANGLE 131.50 FEET THENCE NORTH 64° 29' 00" EAST 76.50 FEET TO THE POINT OF BEGINNING, AND EXCEPT THAT PART COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF LOT 2 EXTENDED AND THE CENTER LINE OF MILWAUKEE AVENUE THENCE SOUTHEASTERLY ALONG SAID CENTERLINE 48.50 FEET THENCE SOUTH 64° 29' WEST TO THE SOUTHWESTERLY LINE OF SAID ROAD THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE 26 FEET FOR THE POINT OF BEGINNING THENCE SOUTH 64° 29' WEST 155 FEET THENCE SOUTHEASTERLY AT RIGHT ANGLE 29 FEET THENCE SOUTH 64° 29' WEST 56 FEET THENCE SOUTHEASTERLY AT RIGHT ANGLE 34.50 FEET THENCE NORTH 64° 29' EAST 57 FEET THENCE SOUTHEASTERLY AT RIGHT ANGLE 49 FEET THENCE NORTH 64° 29' EAST 155 FEET TO THE SOUTHWESTERLY LINE OF SAID ROAD THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE TO THE POINT OF BEGINNING AND EXCEPT THAT PART COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF LOT 2 EXTENDED EAST AND THE CENTERLINE OF MILWAUKEE AVENUE THENCE SOUTHEASTERLY ALONG SAID CENTERLINE 48.50 FEET THENCE SOUTH 64° 29' WEST TO THE SOUTHWESTERLY LINE OF SAID ROAD THENCE CONTINUING ALONG THE LAST DESCRIBED LINE 178 FEET THENCE SOUTHEASTERLY AT RIGHT ANGLE 176.50 FEET FOR A POINT OF BEGINNING THENCE CONTINUING ALONG THE LAST DESCRIBED LINE 97 FEET THENCE NORTH 64° 29' EAST 90 FEET THENCE NORTHWESTERLY AT RIGHT ANGLE 97 FEET THENCE SOUTH 64° 29' WEST 90 FEET TO THE POINT OF BEGINNING AND EXCEPT THAT PART COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF LOT 2 EXTENDED EAST AND THE CENTERLINE OF MILWAUKEE AVENUE THENCE SOUTHEASTERLY ALONG SAID CENTERLINE 48.50 FEET THENCE SOUTH 64° 29' TO THE SOUTHWESTERLY LINE OF SAID ROAD THENCE CONTINUING ALONG THE LAST DESCRIBED LINE 211 FEET THENCE SOUTHEASTERLY AT RIGHT ANGLE 55 FEET TO THE POINT OF BEGINNING THENCE CONTINUING ALONG THE LAST DESCRIBED LINE 34.50 FEET THENCE NORTH 64° 29' EAST THENCE SOUTHEASTERLY AT RIGHT ANGLE THENCE SOUTH 64° 29' WEST 139 FEET THENCE NORTHWESTERLY AT RIGHT ANGLE 104.50 FEET THENCE NORTH 64° 29' EAST 123 FEET TO THE POINT OF BEGINNING AND EXCEPT THAT PART BEGINNING AT A POINT ON THE NORTH LINE OF PALATINE ROAD 120 FEET WEST OF THE INTERSECTION WITH THE WESTERLY LINE OF MILWAUKEE AVENUE THENCE NORTH 99 FEET THENCE WEST 184.50 FEET THENCE SOUTH 24.50 FEET THENCE WEST 80.50 FEET THENCE SOUTH 24.50 FEET TO THE NORTH LINE OF PALATINE ROAD THENCE EAST ALONG SAID

UNOFFICIAL COPY

10-11-11

LINE 264.50 FEET TO THE POINT OF BEGINNING AND EXCEPT THAT PART OF LOT 2 DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 500 FEET EAST AND 15 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 2 THENCE EAST 269.05 FEET NORTH 161 FEET WEST 260.08 FEET THENCE SOUTH 161 FEET TO THE POINT OF BEGINNING.

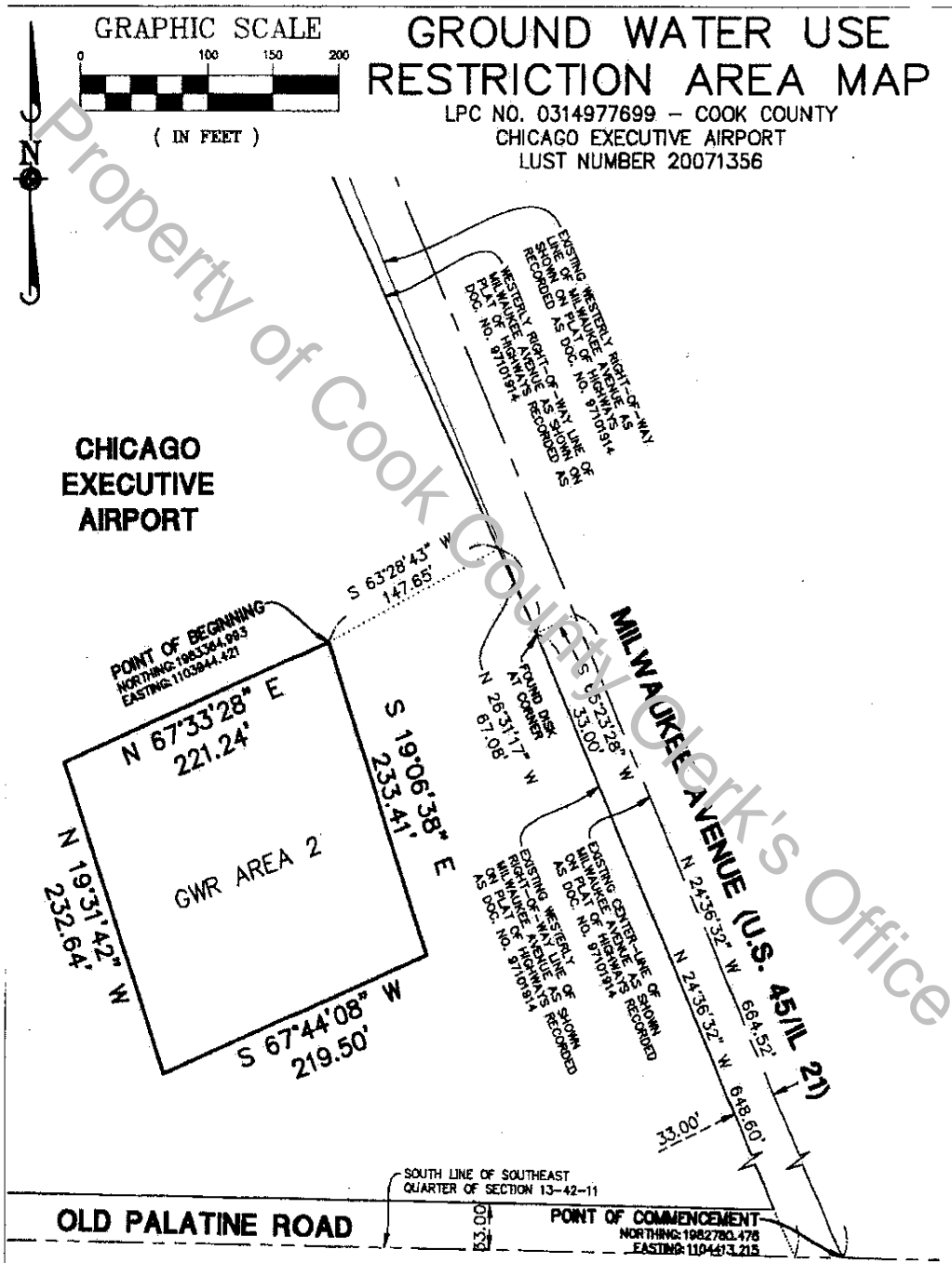
- 7. Common Address: 1126 South Milwaukee Avenue, Wheeling, Illinois
- 8. Real Estate Tax Index/Parcel Index Number: 03-15-409-031
- 9. Site Owner: Village of Wheeling and the City of Prospect Heights
- 3. Land Use Limitation: There are no land use limitations. The groundwater under the site as shown on the attached Site Base Map shall not be used as a potable water supply.
- 6. See the attached No Further Remediation Letter for other terms.

SI Chf Exec Airport 20071366 CACR Dec 2010.doc

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Site Base Map
 LPC #0314977699 -- Cook County
 Chicago Executive Airport (Signature Flight Support)
 Leaking UST Incident No. 20071356
 Area Addressed by Groundwater Use Restriction



UNOFFICIAL COPY

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1101 North Grand Avenue East, P.O. Box 10119, Springfield, Illinois 62709-0119
 Telephone: (217) 243-1000 Fax: (217) 243-1001

www.epa.state.il.us

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. (Sec. 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>.