

# UNOFFICIAL COPY



PREPARED BY:

Name: Shell Oil Products US  
Attention: John Robbins

Address: 7900 South Cicero Avenue  
Burbank, Illinois

Doc#: 1217439075 Fee: \$82.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 06/22/2012 11:59 AM Pg: 1 of 23

RETURN TO:

Name: Shell Oil Products US  
Attention: John Robbins

Address: 1511 North Convent 700-293  
Bourbonnais, Illinois 60914

(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 No.: 0310355014

Leaking UST Incident No.: 890913M

Shell Oil Company US, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 1511 North Convent 700-293, Bourbonnais, Illinois 60914, 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: 7900 South Cicero Avenue, Burbank, Illinois
3. Real Estate Tax Index/Parcel Index Number: 19-33-200-004
4. Site Owner: True North Energy, LLC
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

DW

Attached: Legal Description

Leaking Underground Storage Tank Environmental Notice

COPIES OF THIS DOCUMENT ARE NOT ORIGINAL SIGNATURES.

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## CERTIFICATE

I, the undersigned DO HEREBY CERTIFY that I am the duly qualified and acting City Clerk of the City of Burbank, Cook County, Illinois and as such, I am the keeper of the records and files and am custodian of the seal of said City

I DO FURTHER CERTIFY that the attached is a complete, true and correct copy of Revised Ordinance No. 32-11-10 entitled

Ordinance No. 32-11-10 Adding Section 7-619, Use of Well Water Water Prohibited to Chapter 7, Health, Article XV11, Sanitary Sewer, Water and Storm Water Drain, of the Burbank Municipal Code

duly passed by a majority of the City Council, then holding office, at its regular meeting held on December 15, 2010 approved by the Mayor on said date and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official seal, signature and the corporate seal this 15th of May 2012



*Patricia E. Groer*  
City Clerk

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**REVISED**

## ORDINANCE NO. 32-11-10

**AN ORDINANCE ADDING SECTION 7-619, USE OF WELL  
WATER PROHIBITED, TO CHAPTER 7, HEALTH,  
ARTICLE XVII, SANITARY SEWER, WATER AND STORM  
WATER DRAIN, OF THE BURBANK MUNICIPAL CODE**

**HARRY J. KLEIN**  
Mayor

**DAN M. FOY**  
**JAMES GRIDER**  
**JOHN FACELLA, JR.**  
**MITCHELL FIZNARSKI**  
**COLLEEN E. FOLLARD**  
**JASON E. PYLE**  
**BARRY SZYMCAK**  
Aldermen

**PATRICIA E. ROACH**  
City Clerk

**DEAN L. VIVERITO**  
Treasurer

**LOUIS F. CAINKAR, LTD.**  
City Attorney

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## ORDINANCE NO. 32-11-10

### AN ORDINANCE ADDING SECTION 7-619, USE OF WELL WATER PROHIBITED, TO CHAPTER 7, HEALTH, ARTICLE XVII, SANITARY SEWER, WATER AND STORM WATER DRAIN, OF THE BURBANK MUNICIPAL CODE

WHEREAS, certain properties in the City of Burbank, Cook County, Illinois (the "City") 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 beneath 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 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of Burbank, Cook County, Illinois, as follows:

#### Section 1

That Section 7-619, Use of Well Water Prohibited, be added to Chapter 7, Health, Article XVII, Sanitary Sewer, Water and Storm Water Drain, of the Burbank Municipal to read as follows:

#### **Sec. 7-619. Use of well water prohibited.**

(a) 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 from within the corporate limits of the City, as a potable water supply, by the installation or drilling of wells or by any other method, is hereby prohibited. This prohibition expressly includes the City.

(b) No person (including the City and any other unit of government) shall drill a well in order to obtain a potable water supply for use in or outside of the City.

(c) No person shall connect any pipe containing water supplied by the City with water supplied from any well.

(d) For the purpose of this section, the following definitions apply:

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"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 2

The penalty clause contained in Section 1-9 of the Burbank Municipal Code is adopted herein by reference.

## Section 3

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

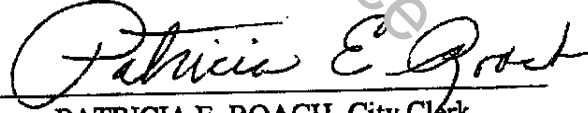
## Section 4

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

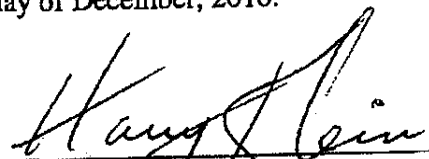
## Section 5

This ordinance shall be in full force and effect immediately upon passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the City Clerk of the City of Burbank this 15<sup>th</sup> day of December, 2010.

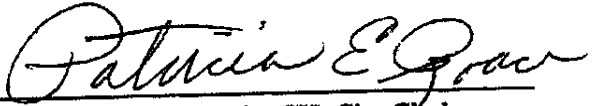
  
PATRICIA E. ROACH, City Clerk

APPROVED by me this 15<sup>th</sup>  
day of December, 2010.

  
HARRY J. KLEIN, Mayor

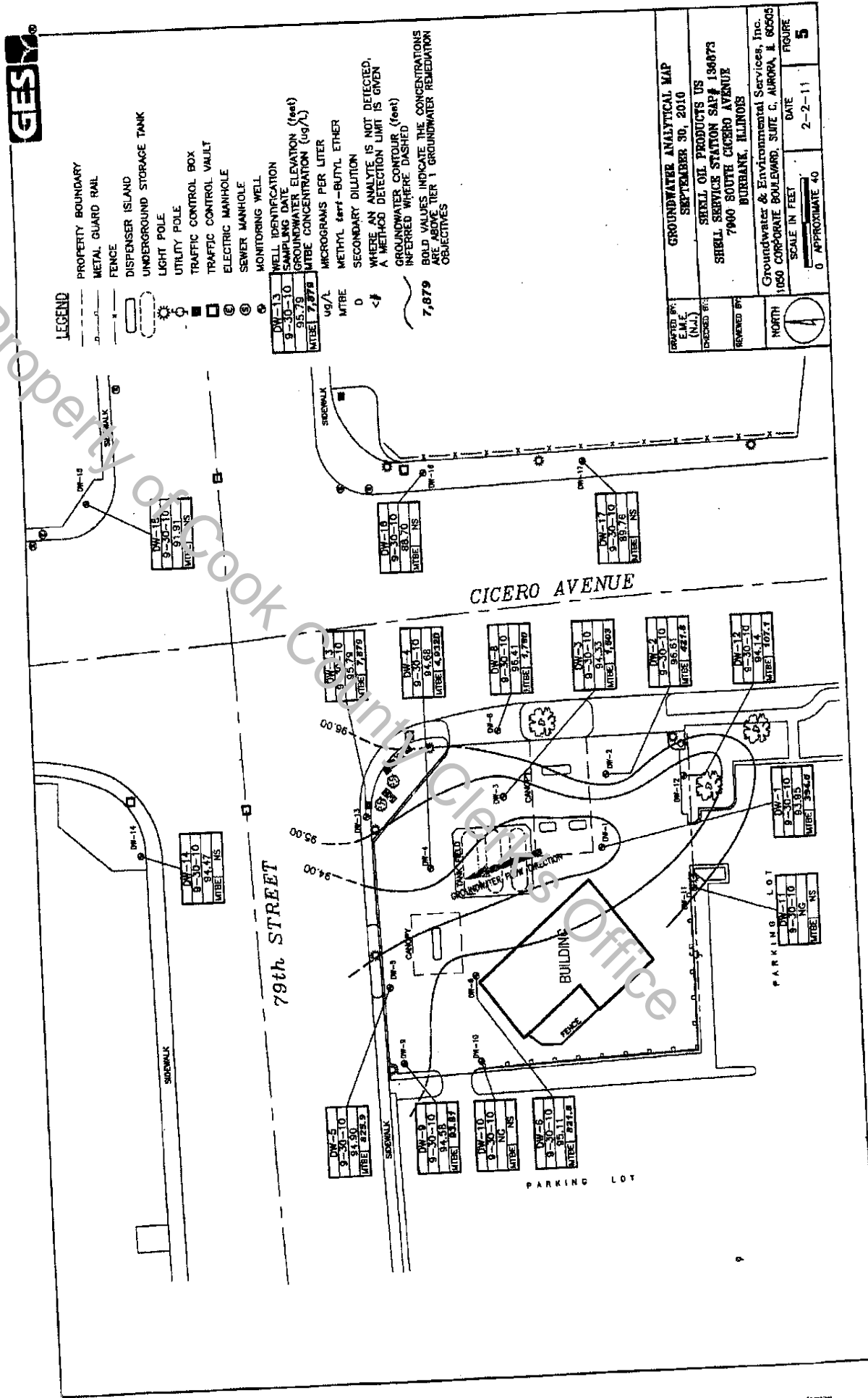
# UNOFFICIAL COPY

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the City of Burbank, in accordance with law, this 15<sup>th</sup> day of December, 2010.

  
\_\_\_\_\_  
PATRICIA E. ROACH, City Clerk

Property of Cook County Clerk's Office

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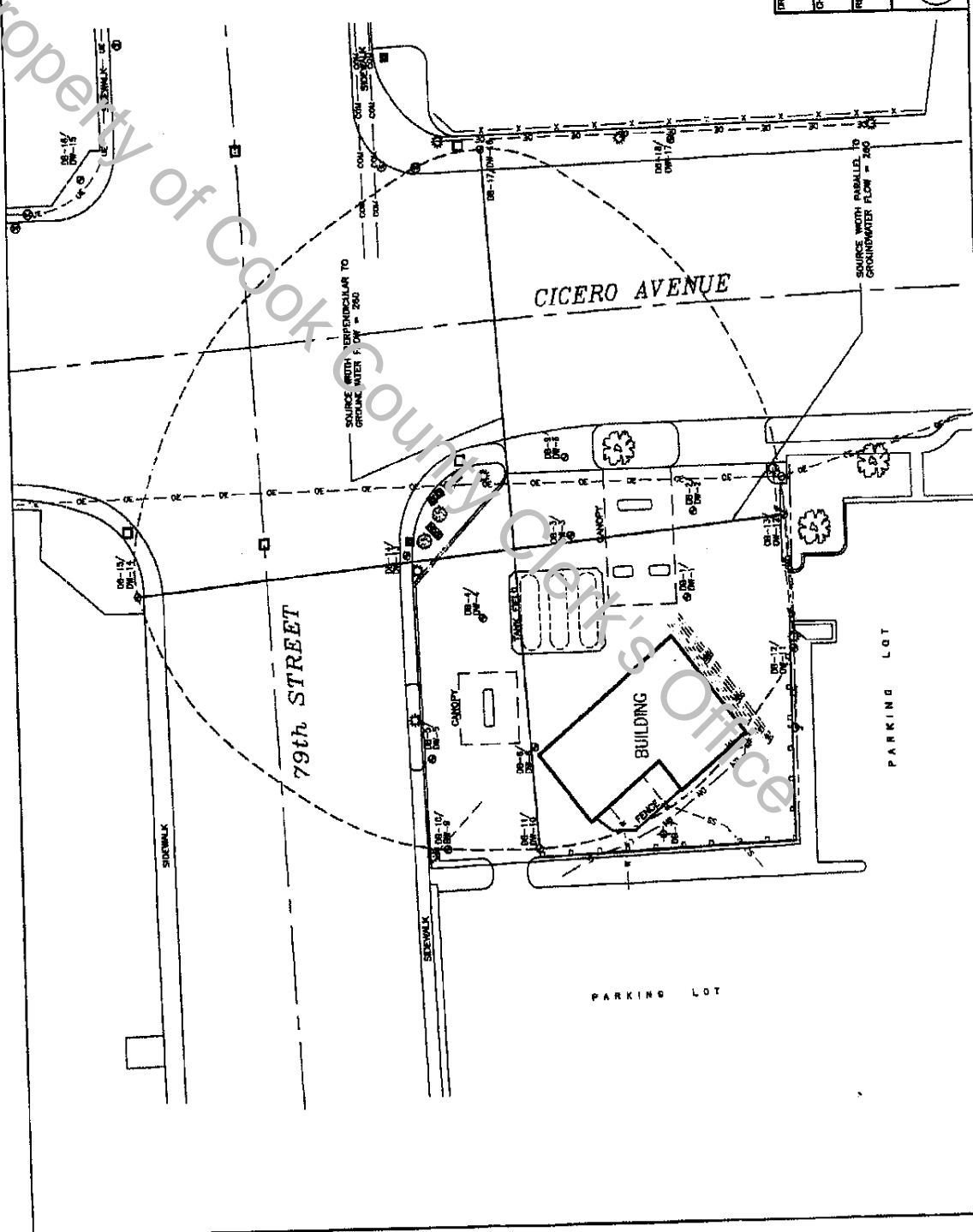
Property of Cook County Health Office

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**LEGEND**

- PROPERTY BOUNDARY
- METAL GUARD RAIL
- FENCE
- DISPENSER ISLAND
- UNDERGROUND STORAGE TANK
- LIGHT POLE
- UTILITY POLE
- TRAFFIC CONTROL BOX
- TRAFFIC CONTROL VAULT
- ELECTRIC MANHOLE
- SEWER MANHOLE
- MONITORING WELL
- SOIL BORING
- AMERITECH COMMUNICATION DUCT
- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND VENT LINE
- EXTENT OF PLUME  
(AREA ~ 1.26 ACRES)



<p>MASS-LIMITING FIXTURE DIMENSIONS MAP</p> <p>SHELL OIL PRODUCTS DS          SHELL SERVICE STATION SAP# 134673          7900 SOUTH CICERO AVENUE          HURBANK, ILLINOIS</p> <p>Groundwater &amp; Environmental Services, Inc.          1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60505</p> <p>SCALE IN FEET: 1" = 40'          APPROXIMATE 40</p> <p>DATE: 2-2-11</p> <p>FIGURE: 9</p>	
<p>DRAWN BY: E.M.E. (N.J.)</p> <p>CHECKED BY:</p> <p>REVIEWED BY:</p>	<p>NORTH</p>

Property of Cook County Clerk's Office





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Table 2

## GROUNDWATER ANALYTICAL DATA -MTBE

Shell Service Station #136873  
7900 S. Cicero Avenue  
Burbank, Illinois

Tier 1 Groundwater Remediation Objectives for the Groundwater Ingestion Exposure Route					MTBE (ug/L)
Class 1 Groundwater Remediation Objectives					70
Sample Location	Sample Date	Referenced Elevation	Depth to Groundwater	Groundwater Elevation	
DW-1	05/19/2008	98.73	9.10	89.63	32
	07/06/2009	98.73	4.63	94.10	368.4
	03/26/2010	98.73	4.02	94.71	451.9
	07/01/2010	98.73	5.11	93.62	225.9
	09/30/2010	98.73	4.78	93.95	394.5
DW-2	05/19/2008	98.02	6.18	91.84	48
	07/06/2009	98.02	1.91	96.11	308.1
	03/26/2010	98.02	1.85	96.17	310.7
	07/01/2010	98.02	0.92	97.10	297.8
	09/30/2010	98.02	1.41	96.61	421.8
DW-3	05/19/2008	98.17	5.84	92.33	72
	07/06/2009	98.17	3.65	94.52	1,275 D
	03/26/2010	98.17	1.83	96.34	1,111
	07/01/2010	98.17	4.04	94.13	1,274
	09/30/2010	98.17	3.84	94.33	1,503
DW-4	05/19/2008	98.06	8.28	89.78	450
	07/06/2009	98.06	2.59	95.47	4,610 D
	03/26/2010	98.06	3.21	94.85	5,433 D
	07/01/2010	98.06	0.74	97.32	2,880 D
	09/30/2010	98.06	3.38	94.68	4,932 D
DW-5	05/19/2008	98.19	10.13	88.06	76
	07/06/2009	98.19	NG	NG	Monitoring Well Destroyed
	03/26/2010	98.19	0.90	97.29	1,427
	07/01/2010	98.19	4.02	94.17	862.9
	09/30/2010	98.19	3.29	94.90	815.9
DW-6	05/19/2008	98.96	6.82	92.14	24
	07/06/2009	98.96	3.59	95.37	635.7
	03/26/2010	98.96	3.73	95.26	417.7
	07/01/2010	98.96	2.42	96.54	430.2
	09/30/2010	98.96	2.85	95.11	831.5
DW-8	07/06/2009	98.96	1.41	97.55	380.4
	03/26/2010	98.96	1.82	97.14	1,688
	07/01/2010	98.96	1.83	97.13	1,113
	09/30/2010	98.96	2.55	96.41	1,780
	03/26/2010	97.39	2.61	94.78	72.24
DW-9	07/01/2010	97.39	2.17	95.22	56.5
	09/30/2010	97.39	2.81	94.58	93.81
	03/26/2010	98.04	2.76	95.21	68.49
	07/01/2010	98.04	3.87	94.17	29.22
DW-10	09/30/2010	98.04	NG	NG	Full of Bentonite
	03/26/2010	98.51	0.55	97.96	55.51
	07/01/2010	98.51	0.60	97.91	<5
DW-11	09/30/2010	98.51	NG	NG	Full of Bentonite
	03/26/2010	97.75	4.15	93.60	46.5
	07/01/2010	97.75	2.51	95.24	79.12
DW-12	09/30/2010	97.75	3.61	94.14	107.1
	03/26/2010	97.18	1.28	95.90	1.12
	07/01/2010	97.18	1.17	96.01	11.85
DW-13	09/30/2010	97.18	1.39	95.79	7.879
	03/26/2010	97.34	2.39	94.95	<5
	07/01/2010	97.34	1.18	96.16	<5
DW-14	09/30/2010	97.34	2.87	94.47	NS
	03/26/2010	97.20	4.80	92.40	<5
	07/01/2010	97.20	4.34	92.86	<5
DW-15	09/30/2010	97.20	5.29	91.91	NS
	03/26/2010	97.33	11.07	86.26	<5
	07/01/2010	97.33	8.90	88.43	<5
DW-16	09/30/2010	97.33	8.63	88.70	NS
	03/26/2010	97.20	10.47	86.73	<5
	07/01/2010	97.20	6.87	90.33	<5
DW-17	09/30/2010	97.20	7.44	89.76	NS

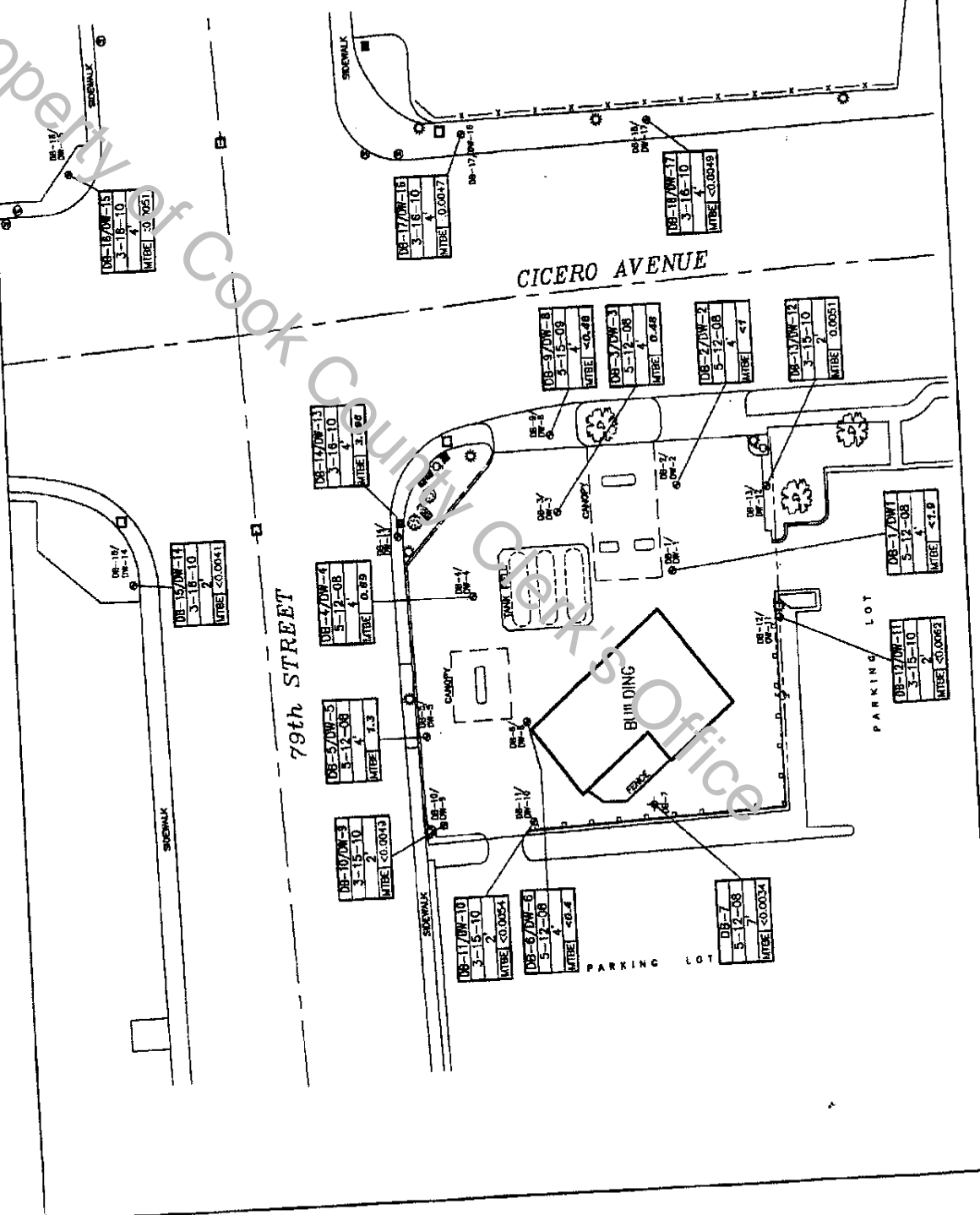
## NOTES:

1. ug/L = micrograms per liter
2. NG = Not Gauged
3. NS = Not Sampled
4. <5 = Not detected above the method detection limit indicated
5. Bold values indicate concentrations above Title 35 IAC Part 742 Tier 1 Groundwater Remediation Objectives for Class 1 groundwater
6. D = the result is from a diluted sample

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- LEGEND**
- PROPERTY BOUNDARY
  - METAL GUARD RAIL
  - FENCE
  - DISPENSER ISLAND
  - UNDERGROUND STORAGE TANK
  - LIGHT POLE
  - UTILITY POLE
  - TRAFFIC CONTROL BOX
  - TRAFFIC CONTROL VAULT
  - ELECTRIC MANHOLE
  - SEWER MANHOLE
  - MONITORING WELL
  - SOIL BORING
  - OS-3 SAMPLE IDENTIFICATION
  - OS-15-08 SAMPLE DATE
  - OS-16-10 SAMPLE DEPTH (feet)
  - OS-16-10 MTBE CONCENTRATION (mg/kg)
  - OS-16-10 MTBE <0.48
  - mg/kg
  - MTBE
  - METHYL TERT-BUTYL ETHER
  - WHERE AN ANALYTE IS NOT DETECTED, A METHOD DETECTION LIMIT IS GIVEN
  - BOLD VALUES INDICATE THE CONCENTRATIONS ARE ABOVE TIER 1 SOIL REMEDIATION OBJECTIVES



SOIL ANALYTICAL DATA MAP	
QUANTITY OF: E.M.E. (N.J.)	SHELL OIL PRODUCTS US SHELL SERVICE STATION SAP# 136873 7900 SOUTH CICERO AVENUE BURNBANK, ILLINOIS
CREATED BY:	Groundwater & Environmental Services, Inc. 1850 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60506
NORTH	DATE 2-7-11
SCALE IN FEET	FIGURE 4
0 APPROXIMATE 40	

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K:\geoproc\10-ChangeOrder\1075 Burnbank Station\1075 Burnbank Station\1075 Burnbank Station\1075 Burnbank Station.dwg 2/7/11 11:17 AM

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Table 1

## SOIL ANALYTICAL DATA - MTBE

Shell Service Station #136873  
7900 S. Cicero Avenue  
Burbank, Illinois

Tier 1 Soil Remediation Objectives for Residential Properties			MTBE (mg/kg)
Ingestion - residential			780
Ingestion - construction worker			2,000
Inhalation - residential			8,800
Inhalation - construction worker			140
Soil Component of Groundwater (Class I)			0.32
Soil Sample Location	Date	Depth (feet)	
DB-1/DW-1	05/12/2008	4	<1.9
DB-2/DW-2	05/12/2008	4	<1
DB-3/DW-3	05/12/2008	4	<b>0.48</b>
DB-4/DW-4	05/12/2008	4	<b>0.69</b>
DB-5/DW-5	05/12/2008	4	1.3
DB-6/DW-6	05/12/2008	4	<0.4
DB-7	05/12/2008	7	<0.0034
DB-9/DW-8	05/15/2009	4	<0.48
DB-9/DW-8	05/15/2009	4	<0.0049
DB-10/DW-9	03/15/2010	2	<0.0054
DB-11/DW10	03/15/2010	2	<0.0062
DB-12/DW-11	03/15/2010	2	<0.0051
DB-13/DW-12	03/15/2010	2	<0.0051
DB-14/DW-13	03/16/2010	4	<b>3.695</b>
DB-14/DW-13	03/16/2010	2	<0.0041
DB-15/DW-14	03/16/2010	2	<0.0051
DB-16/DW-15	03/16/2010	2	<0.0047
DB-17/DW-16	03/16/2010	4	<0.0047
DB-18/DW-17	03/16/2010	4	<0.0049

## NOTES:

1. mg/kg = milligrams per kilogram or parts per million (ppm)
2. <# = Not detected above analytical method detection limit
3. **Bold values** indicate concentrations above Title 35 IAC Part 742 Tier 1 Soil Remediation Objectives

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136 873

Exhibit A  
Legal Description**CHICAGO TITLE INSURANCE COMPANY**

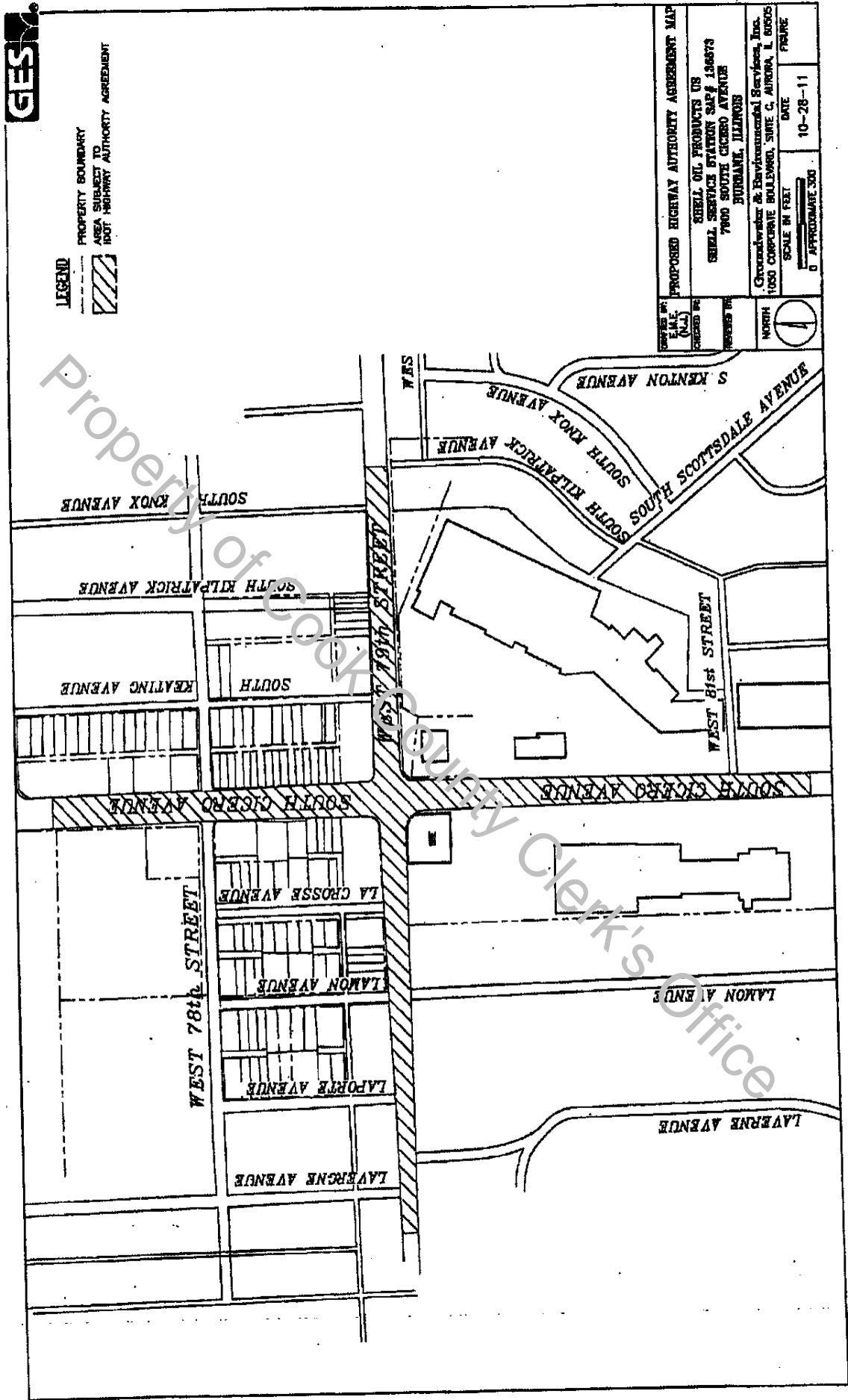
ORDER NUMBER: 1401 .008426056 D1  
 STREET ADDRESS: 7900 S. CICERO AVE  
 CITY: BERBANK COUNTY: COOK  
 TAX NUMBER: 19-33 - 200 - 004

**LEGAL DESCRIPTION:**

THAT PART OF THE EAST 20 ACRES OF THE NORTH 60 ACRES OF THE EAST HALF OF THE NORTH EAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 50.0 FEET SOUTH OF THE NORTH LINE OF SAID NORTH EAST QUARTER AND 228.37 FEET EAST OF THE WEST LINE OF SAID EAST 20 ACRES; THENCE EAST ON A LINE 50.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTH EAST QUARTER TO A POINT 114.0 FEET WEST OF AND MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID NORTH EAST QUARTER, SAID POINT BEING TANGENT TO A CURVE CONCAVE TO THE SOUTH WEST, HAVING A RADIUS OF 50.0 FEET; THENCE SOUTH EASTERLY ALONG SAID CURVE, A DISTANCE OF 78.54 FEET, TO A POINT OF TANGENCY TO SAID CURVE, SAID POINT BEING 64.00 FEET WEST OF MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID NORTH EAST QUARTER, THENCE SOUTH ALONG A LINE 64.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID NORTH EAST QUARTER TO A LINE THAT IS 215.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTH EAST QUARTER, THENCE WEST ON SAID PARALLEL LINE 150.0 FEET, TO A LINE THAT IS 228.37 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID EAST 20 ACRES; THENCE NORTH ON LAST SAID PARALLEL LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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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

### 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>.

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

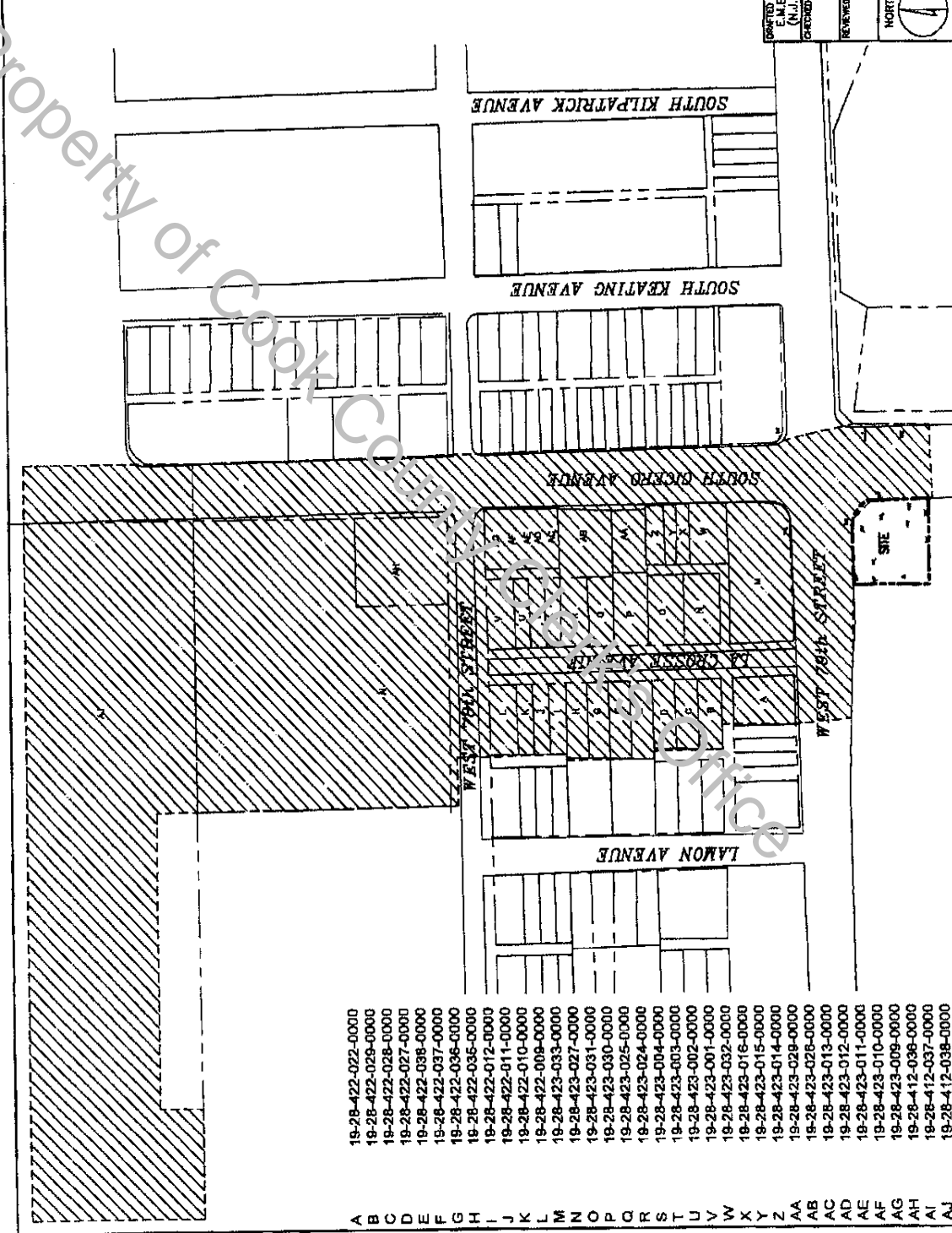
Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000  
Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463  
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800  
Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

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**LEGEND**

PROPERTY BOUNDARY  
 AREA SUBJECT TO  
 CITY OF BURLINGHAM GROUNDWATER USE  
 RESTRICTION NOTIFICATION



- A 19-28-422-022-0000
- B 19-28-422-029-0000
- C 19-28-422-028-0000
- D 19-28-422-027-0000
- E 19-28-422-038-0000
- F 19-28-422-037-0000
- G 19-28-422-036-0000
- H 19-28-422-036-0000
- I 19-28-422-012-0000
- J 19-28-422-011-0000
- K 19-28-422-010-0000
- L 19-28-422-009-0000
- M 19-28-423-033-0000
- N 19-28-423-027-0000
- O 19-28-423-031-0000
- P 19-28-423-030-0000
- Q 19-28-423-025-0000
- R 19-28-423-024-0000
- S 19-28-423-004-0000
- T 19-28-423-003-0000
- U 19-28-423-002-0000
- V 19-28-423-001-0000
- W 19-28-423-032-0000
- X 19-28-423-016-0000
- Y 19-28-423-015-0000
- Z 19-28-423-014-0000
- AA 19-28-423-028-0000
- AB 19-28-423-028-0000
- AC 19-28-423-013-0000
- AD 19-28-423-012-0000
- AE 19-28-423-011-0000
- AF 19-28-423-010-0000
- AG 19-28-423-009-0000
- AH 19-28-412-038-0000
- AI 19-28-412-037-0000
- AJ 19-28-412-038-0000

DRAFTED BY: E.M.C. (N.J.)	CHECKED BY: (N.J.)	REVIEWED BY: (N.J.)	NORTH 	SCALE IN FEET 0 APPROXIMATE 200	DATE 4-4-11	FIGURE 1
GROUNDWATER ORDINANCE NOTIFICATIONS MAP SHELL OIL PRODUCTS US SHELL SERVICE STATION SAF # 134873 7000 SOUTH CICERO AVENUE BURLINGHAM, ILLINOIS Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60505						

Property of Cook County



**UNOFFICIAL COPY****ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

**PAT QUINN, GOVERNOR****JOHN J. KIM, INTERIM DIRECTOR**

217/524-3300

**CERTIFIED MAIL****JUN 12 2012**

7009 2820 0001 7495 0712

Shell Oil Products US  
Attention: John Robbins  
1511 North Convent 700-293  
Bourbonnais, Illinois 60914

Re: LPC # 0310355014 -- Cook County  
Burbank/ Shell Service Station #136873  
7900 South Cicero Avenue  
Leaking UST Incident No. 820913M -- 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 May 23, 2012 and was received by the Illinois EPA on May 24, 2012. 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 David G. Tully, 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

4302 N. Main St., Rockford, IL 61103 (815)987-7760  
595 S. State, Elgin, IL 60123 (847)608-3131  
2125 S. First St., Champaign, IL 61820 (217)278-5800  
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

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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:

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.

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: 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.

### Highway Authority Agreement

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 7900 South Cicero Avenue, Burbank, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for

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79<sup>th</sup> Street and Cicero Avenue as indicated in the Highway Authority Agreement #1353. 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  
 Att: district One Environmental Studies Unit  
 201 West Center Court  
 Schaumburg, Illinois 60196

### Groundwater Use Ordinance

Ordinance 32-11-10 adopted by the city of Burbank 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 Burbank 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:

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- 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.
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 and/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.

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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 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

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Donna Wallace, at 217/ 524-1283.

Sincerely,



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

TAH:DW:dw\

Attachments: Leaking Underground Storage Tank Environmental Notice  
Groundwater Ordinance #32-11-10  
Legal Description  
Base map indicating Highway Authority Agreement area.

c: Groundwater & Environmental Services  
BOL File

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